

THIRD REGULAR SESSION

Johnstown, NY

March 13, 2023

Roll Call – Quorum Present

Supervisors: Argotsinger, Blackmon, Born, Bowman, Bradt, Breh, Callery, Fagan, Fogarty, Goderie, Greene, Groff, Horton, Kinowski, Lauria, Potter, Wilson, Young

TOTAL: Present: 18 Absent: 2 (Supervisors Howard and Van Genderen)

Chairman Horton called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the Flag.

Chairman Horton asked for a moment of silence in honor of Nora Groff, Supervisor James Groff's wife.

PUBLIC SPEAKERS

Adam Levine, Associate Professor of Health Policy and management Bloomberg School of Public Health, Johns Hopkins University: Mr. Levine stated that in partnership with NYSAC there is a new initiative to connect research and policy at the county level. He noted that he is traveling to counties throughout Upstate New York and focusing on any child and family-related policy. Mr. Levine stated that he will be sending individual emails to Supervisors, if requested can produce a research brief and this is fully funded.

COMMUNICATIONS

1. Letter from 114th District Assemblyman Matthew Simpson, dated February 27, 2023
Subj: Acknowledging receipt of Resolution 93 of 2023: Resolution Requesting a Waiver from Voting Law Requirement Regarding the Location of the Early Voting Polling Site in Fulton County
2. Letter from 114th District Assemblyman Matthew Simpson, dated February 27, 2023
Subj: Acknowledging receipt of Resolution 100 of 2023: Resolution Urging the NYS Independent Redistricting Commission to Maintain Fulton County Boundaries in any Assembly Redistricting Plan
3. Letter from 114th District Assemblyman Matthew Simpson, dated February 27, 2023
Subj: Acknowledging receipt of Resolution 101 of 2023: Resolution Demanding that the State of New York Continue to Pass-through Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage (eFMAP) Funds to Counties
4. Memorandum from Fulton County Industrial Development Agency Executive Director James Mraz dated February 27, 2023
Subj: C.G. Roxane's Payment in Lieu of Tax Agreement (PILOT)

REPORTS

- A. Fulton County Soil and Water Conservation District Annual Report 2022
- B. Fulton County Department of Solid Waste Annual Report 2022

LATE COMMUNICATION

L-1 Letter from Governor Hochul dated March 7, 2023

Subj: Thanking the Board of Supervisors for its efforts and collaboration with other industry leaders on the National Broadband Map

REPORTS OF SPECIAL COMMITTEES

Fish and Wildlife Board: Supervisor Bowman stated that a meeting is scheduled for two (2) weeks from now.

Soil and Water Conservation District Board: Supervisor Goderie stated that the Board is waiting for the weather to break so spring projects can begin.

CHAIRMAN'S REPORT

Chairman Horton stated that his term as chairman is already 25 percent over. He stated that his conversations with everyone have been remarkable.

Chairman Horton noted that he attended the 2023 NYSAC Training Conference and there was a lot of information and vendors. He stated that the comradery between the different county supervisors was the best thing.

Chairman Horton stated that Administrative Officer Jon Stead has provided the supervisors with the concerns from the NYSAC Conference. Chairman Horton stated a concern is the eFMAP funding interruption that will impact 1.6 million in Medicaid for Fulton County. He noted that the Resolution passed unanimously to send the Governor a letter of objection to this proposal and it would be sent with an in-person courier. Another concern was about the new energy policy, as it was presented had objections to several issues. Chairman Horton stated that another concern was regarding taking excess funds and giving them back to the property owners. He noted that he has signed a letter objecting this and sent it to Assemblyman Smullen and Senator Walczyk to have our voices heard. Chairman Horton discussed the new housing initiative and how the state is making exemptions to local zoning.

Supervisor Groff presented the Proclamation recognizing Donald Holdridge for his Commendable Assistance in securing a wanted felon to Sheriff Giardino. Sheriff Giardino stated that Mr. Holdridge could not make it today; however, he was asked to accept it on his behalf.

PROCLAMATIONS

RECOGNIZING DONALD HOLDRIDGE FOR HIS COMMENDABLE ASSISTANCE IN SECURING A WANTED FELON

WHEREAS, on Friday, November 4, 2022, Mr. Donald Holdridge witnessed a Fulton County Deputy Sheriff apprehending an individual along the highway in the Town of Stratford; and

WHEREAS, Mr. Holdridge observed the individual resisting arrest and rendered assistance to the Deputy Sheriff; and

WHEREAS, Donald's assistance in securing the individual resulted in the arrest of a felon with a Fugitive Warrant out of Texas; and

WHEREAS, the Sheriff has complimented Mr. Holdridge for this citizen engagement that helped complete said arrest; now, therefore be it

RESOLVED, That the Board of Supervisors hereby recognizes Donald Holdridge for his quick action and aid in assisting law enforcement; and, be it further

RESOLVED, That the Board hereby offers its sincerest gratitude to Mr. Donald Holdridge for his exemplary assistance in the aforementioned matter.

DECLARING WEEK OF APRIL 23-29 OF 2023 AS "CRIME VICTIMS RIGHTS WEEK IN FULTON COUNTY"

WHEREAS, in 1982, the President's Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims; and

WHEREAS, this commemorative week celebrates the energy, perseverance and commitment that launched the victims' rights movement, inspired its progress, and continues to advance the cause of justice for crime victims; and

WHEREAS, crime can leave a lasting impact on any person, regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status; and

WHEREAS, incorporating communities' existing experts and trusted sources of support into efforts to fully serve survivors will develop a criminal justice system response that is truly accessible and appropriate for all victims of crime; and

WHEREAS, engaging a broader array of healthcare providers, community leaders, faith organizations, educators and businesses can provide new links between victims and services that improve their safety, healing, and access to justice; and

WHEREAS, honoring the rights of victims, including the rights to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds their trust in the criminal justice and social service systems; now, therefore be it

RESOLVED, That the Board of Supervisors hereby expresses its dedication to strengthening victims and survivors in the aftermath of crime and building resilience in our communities, and offers its appreciation to all those community members, criminal justice professionals and provider agencies working for a better future for all victims and survivors; now, therefore be it

RESOLVED, That the Board of Supervisors hereby proclaims April 23-29 “*Crime Victims Rights Week in Fulton County*”.

RESOLUTIONS (TITLES ATTACHED)

Administrative Officer Jon Stead requested a moment of silence in remembrance of Ms. Sylvia Parker, former Town of Mayfield Supervisor.

Mr. Stead noted that Supervisor Howard is not in attendance at today’s Board meeting. He asked Supervisor Argotsinger to sponsor the Finance Resolutions on behalf of the Committee. Supervisor Argotsinger agreed.

No. 116 (Resolution Authorizing a Contract with Former Gloversville Chief of Police Anthony Clay for Implementation Services for the Domestic Terrorism Preparedness Plan: Phase 2): Supervisor Lauria stated that Mr. Clay will be an asset to the Department.

No. 117 (Resolution Opposing Governor Hochul’s Proposed Ban on Fossil Fuel Heating Equipment and Appliances): Supervisor Young stated that the goal of moving off Fossil Fuel is a good one; however, it will be expensive. Supervisor Born agreed. Supervisor Fagan stated that this will not work in this area.

No. 120 (Resolution Amending Resolution 156 of 2022 that Awarded Bid for a Bulldozer for use in the Solid Waste Department to Delete Trade-In Provision (2022 Capital Plan) and Reappropriating 2022 Funds therefore): Chairman Horton stated that he had received a letter from the Solid Waste Director regarding this and if anyone would like a copy to let him know.

No. 122 (Resolution Appointing Jay Pierz to the Fulton County Planning Board): Supervisor Lauria noted that it will be nice to have that end of the County represented on the Planning Board.

No. 124 (Resolution Authorizing and Approving Settlement Agreements to an Action Relating to the Opioid Crisis (Walgreens, CVS and Walmart): Mr. Stead noted that the County Attorney was briefed last month regarding this.

No. 125 (Resolution Objecting to Governor Hochul’s proposed Changes to the In Rem Tax Foreclosure Process): Supervisor Fagan stated that this is going to reward individuals who do not pay their taxes. Mr. Stead stated that the County will be on the front end of this process and

will have to find out who has loans on properties, upending the whole process. He noted that this has nothing to do with the New York State Budget and was just slid in with the Budget Legislation. That is the concern with the process. Mr. Stead stated that it will take effect this fall, and no one will be prepared to implement it. County Attorney Jason Brott noted that this is one of the biggest projects done out of the County Attorney and Treasurers Offices. Mr. Stead stated that if this were to pass the County would avoid the foreclosure on the small properties and they would remain unpaid, leading to more abandoned properties. Supervisor Lauria stated that this would be a “slap in the face” for the tax payers that pay on time. Supervisor Young agreed.

No. 127 (Resolution Authorizing a Special Inflation Adjustment to County Government Employee Salary Schedules): Supervisor Young stated that this is a very good effort for the County to reward our hard-working work force for sticking through the COVID-19 Pandemic and the difficulty with filling positions. Supervisor Born stated that the Social Services Department have gone above and beyond. She stated that the Social Services Department is one of the County’s most outstanding departments.

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 Resolution 1.

ADJOURNMENT

Upon a motion by Supervisor Callery seconded by Supervisor Greene and unanimously carried, the Board adjourned at 1:48 p.m.

Certified by:

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

Resolution No. 104

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION IN MEMORY OF FORMER SUPERVISOR SYLVIA PARKER

WHEREAS, former Supervisor Ms. Sylvia Gilbert Parker, passed away on Monday, February 6, 2023; and

WHEREAS, the people of Fulton County and the Town of Mayfield were saddened by the loss of a good friend, mentor and patron in public service; and

WHEREAS, Ms. Gilbert Parker served the people of Fulton County as a member of this Board of Supervisors from January 1, 1992 through December 31, 1993; and

WHEREAS, Sylvia graduated from the Mayfield School District and received her degree from Cortland State College, working for the Mayfield School District as a health teacher and cheerleading coach; now, therefore be it

RESOLVED, That the Board of Supervisors hereby joins with all the people of Fulton County to express its gratitude to Sylvia Gilbert Parker for her dedicated public service; and, be it further

RESOLVED, That the Board of Supervisors hereby conveys its expression of deepest sympathy to her entire family, including her sister Susan and all of her nieces and nephews; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the Gilbert Parker family and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by SILENT STANDING and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 105

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION TO THE NYS OFFICE OF COMMUNITY RENEWAL IN SUPPORT OF A HOUSING REHABILITATION PROJECT ON BEHALF OF THE FULTON COUNTY COMMUNITY HERITAGE CORPORATION AND SETTING DATE OF A PUBLIC HEARING REGARDING SAID APPLICATION

WHEREAS, Fulton County Community Heritage Corporation is planning upgrades including HVAC, roof replacement and other life-safety, energy conservation and quality of life equipment at its Petoff Garden Apartments senior housing facility; and

WHEREAS, the Committee on Economic Development and Environment has reviewed and endorsed serving as applicant for said “Fulton County Community Heritage Corporation” upgrades because it will be in the best interests of seniors in the community and to promote development within Fulton County’s Vail Mills Primary Development Area; and

WHEREAS, the Community Heritage Corporation has committed to contracting for grant administration services for the CDBG grant application at no cost to the County of Fulton; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts responsibility to act as Applicant/Recipient for a Consolidated Funding Application for a NYS Housing and Community Renewal grant; Fulton County Community Heritage Corporation being the sub-recipient for said grant; and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign the grant application to NYS Office of Housing and Community Renewal for existing infrastructure upgrades to the Petoff Gardens Apartments in the amount of \$1,000,000.00; and to execute any grant acceptance documentation if said grant is received; and, be it further

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, April 10, 2023 at 1:45 p.m. for the purpose of holding a public hearing regarding application to the NYS Office of Community Renewal to Operate a Fulton County Community Development Block Grant Program; and, be it further

RESOLVED, that this Resolution is contingent upon there being no cost to the County of Fulton for said project and that any costs incurred for the County’s administration of the grant process shall be billable to the Fulton County Community Heritage Corporation and paid promptly by that organization; and, be it further

Resolution No. 105 (Continued)

RESOLVED, That certified copies of this Resolution for forwarded to the County Treasurer, Fulton County Community Heritage Corporation, NYS Housing and Community Renewal, Town of Mayfield, Fulton County Office for Aging Montgomery Regional Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 106

Supervisor BLACKMON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF 2022-2023 NEW YORK STATE CHILD PASSENGER SAFETY INCENTIVE GRANT (PUBLIC HEALTH DEPARTMENT)

WHEREAS, the NYS Department of Health has awarded \$5,261.00 in grant funds through the New York State Child Passenger Safety Incentive Grant to the Public Health Department to promote child passenger safety; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the NYS Governor's Traffic Safety Committee for a 2022-2023 Child Passenger Safety Incentive Grant, in an amount of \$5,261.00, for the period October 1, 2022 through September 30, 2023; said agreement subject to the approval of the County Attorney; and, be it further

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

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 107

Supervisor BLACKMON offered the following Resolution and moved its adoption:

**RESOLUTION REVISING THE SLIDING FEE SCALE FOR LEAD TESTING CLINICS
AND IMMUNIZATION CLINICS IN THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, the Federal government has increased the established “Poverty Levels” by regulation; and

WHEREAS, said mandated changes require corresponding alterations to the Sliding Fee Scales for Lead Testing and Immunization Clinics; now, therefore be it

RESOLVED, That effective January 19, 2023, the sliding fee scale for Lead Testing Clinics be revised in accordance with the newly revised poverty levels and schedules on file in the Public Health Department and Board of Supervisors' Office; and, be it further

RESOLVED, That all other sliding fee scale for lead testing clinics heretofore established be rendered null and void; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which may further the purport of this Resolution.

Seconded by Supervisor FOGARTY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 108

Supervisor BLACKMON offered the following Resolution and moved its adoption:

RESOLUTION WAIVING THE “60-MILE RADIUS RULE” FOR DEPARTMENT OF
SOCIAL SERVICES EMPLOYEES ATTENDING CERTAIN MANDATED CHILD
PROTECTIVE SERVICES TRAINING COURSES DURING 2023

WHEREAS, Resolution 188 of 1992 established a 60-mile radius minimum for overnight conferences for all employees of the County of Fulton; and

WHEREAS, the Social Services Commissioner has requested a waiver of said rule for Caseworkers to attend the 32-day Foundations and CPS Response training held at the OCFS training site in Rensselaer, NY; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Human Services, the “60-mile radius rule” as identified in Resolution 188 of 1992, be and hereby, is waived to allow the Department of Social Services’ Caseworkers to attend the 32-day Foundations and CPS Response training held at the OCFS training site in Rensselaer, NY; and, be it further

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

Seconded by Supervisor BOWMAN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 109

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION WAIVING RESIDENCY RULE FOR HIRE OF CERTAIN
POSITIONS WITHIN FULTON COUNTY

WHEREAS, certain Department Heads and the Personnel Director are experiencing difficulty in filling certain positions with Fulton County; and

WHEREAS, the Personnel Director recommends that applicants who are not residents of Fulton County be considered for the following positions:

Community Health Nurse
Personnel Clerk

and

WHEREAS, after careful review of the hiring procedure utilized, the Committee on Personnel recommends waiving the County's "Residency Rule" to hire an out-of-county resident from a contiguous county for Community Health Nurse and Personnel Clerk; now, therefore be it

RESOLVED, That the County "Residency Rule" be and hereby is waived for hire of the following positions effective immediately through the next exam holding:

Contiguous Counties:
Community Health Nurse
Personnel Clerk

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, All Department Heads, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 110

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

RESOLUTION AUTHORIZING EXTENSION OF 2020-2022 “COUNSEL AT FIRST APPEARANCE” (CAFA) 317 GRANT FROM THE NYS OFFICE OF INDIGENT LEGAL SERVICES FOR 2023 (PUBLIC DEFENDER)

WHEREAS, Resolution 275 of 2021 authorized the acceptance of the Indigent Legal Services (ILS) Contract CAFA 317 for a three-year period in the amount of \$634,920.00; and

WHEREAS, the New York State Office of Indigent Legal Services has extended said grant period for the 2020-2022 Indigent Legal Services Grant until December 31, 2023; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract extension with the New York State Office of Indigent Legal Services for the period January 1, 2023 through December 31, 2023, for said New York State Indigent Legal Services (ILS) Contract CAFA 317; all other terms and aspects of said contract shall remain in full force and effect; and, be it further

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

Seconded by Supervisor YOUNG and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 111

Supervisors GROFF and ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION ESTABLISHING THE SURVEILLANCE AND INTELLIGENCE UPGRADE PROJECT (2023 CAPITAL PLAN)

WHEREAS, the 2023 Capital Plan identifies a Surveillance and Intelligence Upgrade Project (2023 Capital Plan) for the District Attorney’s Office in the total amount of \$90,000.00; and

WHEREAS, in order to commence progress on said project, it is necessary to establish the appropriate District Attorney accounts; now, therefore be it

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

From: A.1000.9950-9000.1000-EXP-Other-Unrestricted
To: H.1165.3097-2100.0975-EXP-Surveillance & Intelligence Upgrade Project (NEW)
Sum: \$90,000.00

and, be it further

RESOLVED, That the District Attorney be authorized to purchase equipment for distribution at approximate costs as follows:

<u>Item</u>	<u>Cost</u>
(2) Stationary Surveillance ALPRS	\$32,081.00
(3) Mobile ALPRS	\$54,281.00
Miscellaneous Expenses (antennas, installation equipment wires, etc.)	<u>\$ 3,638.00</u>
Total	\$90,000.00

and, be it further

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

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 112

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

RESOLUTION WAIVING THE START RATE FOR THE CONFIDENTIAL SECRETARY TO THE DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY'S OFFICE

WHEREAS, a recently-hired Confidential Secretary has nineteen years experience as a private secretary to the newly elected District Attorney; and

WHEREAS, the District Attorney has requested that the Start Rate (\$49,838.00) for said Confidential Secretary be waived; and

WHEREAS, the Committees on Public Safety, Personnel and Finance recommend that the Board of Supervisors waive the Start Rate for said Confidential Secretary position based upon experience; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety, Personnel and Finance, the Personnel Director be and hereby is directed to pay said Confidential Secretary the permanent One-year Rate (\$58,633.00) as identified in the 2023 Non-Union Salary Schedule, in this instance only, effective March 13, 2023; and, be it further

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

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

Seconded by Supervisor WILSON and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 113

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING STOP-DWI PLAN FOR 2023

RESOLVED, That the 2023 Annual STOP-DWI Plan be and hereby is approved for submission to the NYS Department of Motor Vehicles, Office of Transportation Safety, in accordance with the 2023 Adopted Budget for the County of Fulton; and, be it further

RESOLVED, That the Chairman of the Fulton County Board of Supervisors and the STOP-DWI Coordinator be and hereby are authorized and directed to do each and every other thing necessary to submit such Plan to the NYS Office of Transportation Safety for its review; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, STOP-DWI Coordinator, District Attorney, Traffic Safety Board, NYS Department of Motor Vehicles' Office of Transportation Safety and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 114

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

RESOLUTION SETTING THE DATE OF A PUBLIC HEARING REGARDING LOCAL LAW "A" OF 2023 TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on March 13, 2023, a proposed local law entitled, LOCAL LAW "A" OF 2023 TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law "A" of 2023 by the Fulton County Board of Supervisors, on April 10, 2023 at 2:00 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and 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, Real Property Tax Services Director, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

**COUNTY OF FULTON, NEW YORK
LOCAL LAW NO. "A" OF 2023**

**A LOCAL LAW TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR
VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO
SECTION 466-A OF THE REAL PROPERTY TAX LAW**

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

SECTION 1. LEGISLATIVE INTENT.

Volunteer fire and ambulance members provide our communities with valuable emergency and lifesaving services. Members spend countless hours and their own personal finances for the betterment of their services and their community.

In addition, by volunteering these persons keep local property taxes at a heavily reduced rate compared to areas with paid members. The Board of Supervisors finds it appropriate to recognize these volunteers for the countless hours they spend on behalf of the community as well as to provide a benefit and incentive for future volunteer service. This exemption only applies to the County portion of a property tax bill.

SECTION 2. AUTHORITY.

- (a) Pursuant to New York State Real Property Tax Section 466-a, the County of Fulton shall offer a real property tax exemption for real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service or such enrolled member and spouse residing in said county.

SECTION 3. ELIGIBILITY.

- (a) Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the county if:
 - 1) the applicant resides in the city, town, or village which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service;
 - 2) the property is the primary residence of the applicant;
 - 3) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
 - 4) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance

service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service; and

- 5) the applicant has served at least five (5) years with the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service.
- (b) Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than twenty (20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the county.
- (c) Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty may continue an exemption or reinstate a pre-existing exemption claimed under these statutes by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:
- 1) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty; and
 - 2) such deceased volunteer had been an enrolled member for at least five (5) years; and
 - 3) such deceased volunteer had been receiving the exemption prior to his or her death.
- (d) Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers may continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:
- 1) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
 - 2) such deceased volunteer had been an enrolled member for at least twenty (20) years; and
 - 3) such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

SECTION 4. EXEMPTION.

- (a) Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service or such enrolled member

and spouse residing in said county and meet the eligibility requirements in Section 3 of this Article shall be exempt from taxation of ten percent of the assessed value of such property for county purposes.

- (b) If the volunteer has claimed a credit on their New York State income taxes pursuant to Tax Law §606(e-1), no exemption may be granted.

SECTION 5. APPLICATION FOR EXEMPTION.

- (a) Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board of real property tax services. The owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. Such property must be the primary residence of the volunteer or un-remarried spouse.
- (b) The authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service shall annually certify a list of enrolled members who are in compliance with the enrollment period minimum to the assessor's office, on or before February 1st of each year. This certification must include:
 - (1) Name of the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service; and
 - (2) Signature of person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (3) Name of person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (4) List of volunteers with at least five (5) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (5) List of volunteers with at least twenty (20) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (6) List of volunteers that have died in the line of duty with at least five (5) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
 - (7) List of deceased volunteers with at least twenty (20) years of service in that person authorized by the incorporated volunteer fire company, fire department, incorporated voluntary ambulance service to certify the list; and
- (c) Any applicant or person filing company, department or service certification documentation that is convicted of willfully making any false statement in the application or certification documentation for such exemption shall be subject to the penalties prescribed in the Penal Law.

SECTION 6. SEQRA DETERMINATION.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NYECL Section 0101 et seq., and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c) (26) and (33) of 6 NYCRR, and, accordingly, is of a class of actions which do not have a

significant impact on the environment and no further review is required.” [6 NYCRR Section 617.5(c) (26) and (33) apply to: “(26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment” and “(33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list”]

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this law of the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this law or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Fulton.

SECTION 9. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

Resolution No. 115

Supervisors GROFF and ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DONATION OF SURPLUS RADIO EQUIPMENT TO THE TRYON AMATEUR RADIO CLUB AND THE NYS ASSOCIATION OF FIRE CHIEFS

WHEREAS, Resolution 400 of 2021 authorized amending the 2021 Capital Plan to include a Radio Interoperable Communications Project in the Emergency Management Office; and

WHEREAS, said project included the purchase of new mobile and portable radios and required the decommission of surplus radios; and

WHEREAS, the Civil Defense/ Fire Coordinator recommends that certain mobile and portable radio equipment be donated to the Tryon Amateur Radio Club and NYS Association of Fire Chiefs (Training Division) respectively; now, therefore be it

RESOLVED, That the following be, and hereby is, donated to the Tryon Amateur Radio Club and NYS Association of Fire Chiefs (Training Division) as follows:

<u>Item</u>	<u>Organization</u>
Six (6)-CDM1250 Mobile Radios	Tryon Amateur Radio Club
Six (6)- HT1250 Portable Radios (including chargers and batteries)	Tryon Amateur Radio Club
(12) HT1250 Portable Radios (including chargers and batteries)	NYS Association of Fire Chiefs (Training Division)

and, be it further

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

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Tryon Amateur Radio Club, NYS Association of Fire Chiefs (Training Division), Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 116

Supervisors GROFF and ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH FORMER GLOVERSVILLE CHIEF OF POLICE ANTHONY CLAY FOR IMPLEMENTATION SERVICES FOR THE DOMESTIC TERRORISM PREPAREDNESS PLAN: PHASE 2

WHEREAS, Resolution 368 of 2022 designated the Fulton County Sheriff as Lead Agency for Implementation of a Domestic Terrorism Prevention Plan; and

WHEREAS, Resolution 514 of 2022 approved the Fulton County Domestic Terrorism Prevention Plan; and

WHEREAS, the Sheriff requests a contract with retired Groversville Chief of Police Anthony Clay for Implementation Services related to said Domestic Terrorism Preparedness Plan: Phase 2 including the establishment of local TAM (Threat Assessment and Management) Teams; and

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Chairman of the Board be and hereby is authorized to sign a contract with retired Groversville Chief of Police Anthony Clay for Implementation Services for the Domestic Terrorism Preparedness Plan: Phase 2, effective March 20, 2023 through December 31, 2023 at a rate of \$50.00 per hour, 20 hours per week at a total not-to-exceed amount of \$35,000.00 for the following services:

1. Implementing provisions of the approved Domestic Terrorism Plan for Fulton and Hamilton Counties.
2. Meeting with stakeholders and developing working groups per jurisdiction to establish TAM Teams in jurisdictions as appropriate.
3. Identifying, ordering and distributing appropriate literature to agency partners to obtain the widest impact and visibility of the Task Force's activities.
4. Identify and organize training programs all law enforcement agencies within the county.
5. Work with schools, mental health agencies, substance abuse agencies and other partners to identify training needs to improve and enhance their responses.
6. Periodically review the progress and implementation of Plan objectives and goals and re-direct resources as needed.

and, be it further

Resolution No. 116 (Continued)

RESOLVED, That the 2023 Adopted Budget be and hereby is amended, as follows:

Revenue

Increase A.3110.3110-3389-REV-State Aid-Other Public Safety \$35,000.00

Appropriations

Increase A.3110.3110-4130-EXP-Contractual \$35,000.00

RESOLVED, That said contract is subject to the approval of the County Attorney; 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, County Attorney, Personnel, Sheriff, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 117

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION OPPOSING GOVERNOR HOCHUL’S PROPOSED BAN ON FOSSIL FUEL HEATING EQUIPMENT AND APPLIANCES

WHEREAS, in Governor Hochul’s State of the State Address and her budget proposal, Governor Hochul proposed phasing out the sale of fossil fuel heating equipment and appliances in new residential and commercial buildings by 2025 and 2028 respectively, in addition a similar ban that would prohibit retro-fitting existing buildings with fossil fuel heating equipment by 2030 and 2035; and

WHEREAS, this radical proposal will negatively impact our region’s residents, creating unnecessary financial mandates on homeowners and businesses already struggling in upstate New York communities; and

WHEREAS, mandated electrification could cost each homeowner or business \$20,000.00 to \$50,000.00 for system conversion; and

WHEREAS, this proposal, if enacted, will result in economic hardship for communities throughout the state and stress the state’s electrical grid well beyond its capacity; and

WHEREAS, if approved, this heavy-handed mandate will drive more residents and businesses out of the State of New York; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors calls upon the New York State Senate and Assembly to oppose any such legislation to eliminate and/or phase out the sale of fossil fuel heating equipment and appliances; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Hochul, Senator Walczyk, Assemblyman Smullen, Assemblyman Simpson, Assemblywoman Walsh, NYSAC, Fulton Montgomery Regional Chamber of Commerce, Fulton County Center for Regional Growth, County Attorney, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 118

Supervisor WILSON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF
THE SOLID WASTE DEPARTMENT ADMINISTRATIVE BUILDING ADDITION
CONSTRUCTION PROJECT (2023 CAPITAL PLAN)**

WHEREAS, the 2022 Capital Plan included a Building Addition Planning / Design Project in the amount of \$50,000.00 in the Solid Waste Department; and

WHEREAS, Resolution 236 of 2022 awarded a contract to Barton & Loguidice for Design of the Solid Waste Administration Building Addition; and

WHEREAS, the 2023 Capital Plan includes a “Building Addition/Construction Project” for the Solid Waste Administrative Building Addition; and

WHEREAS, engineering work has been completed for said project and the Director of Solid Waste and Committee on Public Works recommend advertising for bids for the construction of the Solid Waste Department Administrative Building Construction Project; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the construction of the Solid Waste Department Administrative Building Construction Project (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, 223 West Main Street, 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 Office Building, 223 West Main Street, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, April 19, 2023, at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor BOWMAN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 119

Supervisor WILSON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PURCHASE OF
DOZER TRACKS FOR USE IN THE SOLID WASTE DEPARTMENT**

WHEREAS, the Solid Waste Director recommends the purchase of Dozer Tracks for two (2) Dozer tracks for use in the Solid Waste Department at an estimated cost of \$30,000.00 each; and

WHEREAS, the Purchasing Agent recommends advertising bid specifications for two (2) Dozer Tracks; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of two (2) Dozer Tracks for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, 223 West Main Street, 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, 223 West Main Street, Room 203, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, April 19, 2023 at 2:00 p.m., at which time and place they will be publicly opened and read; and, be it further

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

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

Seconded by Supervisor FOGARTY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 120

Supervisors WILSON and ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION 156 OF 2022 THAT AWARDED BID FOR A BULLDOZER FOR USE IN THE SOLID WASTE DEPARTMENT TO DELETE TRADE-IN PROVISION (2022 CAPITAL PLAN) AND REAPPROPRIATING 2022 FUNDS THEREFORE

WHEREAS, Resolution 156 of 2022 awarded bid for a Bulldozer for use in the Solid Waste Department for an amount not to exceed \$390,500.00, including the Trade-In of a used 2012 John Deere 850K Bulldozer in the amount of \$62,500.00; and

WHEREAS, said 2012 John Deere 850K Bulldozer required extensive repairs to continue daily landfill operations prior to the delivery of one (1) newly purchased Bulldozer delivered on February 6, 2023; and

WHEREAS, the Solid Waste Director recommends rescinding the trade-in provision of said 2012 John Deere 850K Dozer due to depreciation value based on recent necessary repairs; now, therefore be it

RESOLVED, That the trade-in provision included in Resolution 156 of 2022 awarding bid for a Bulldozer for use in the Solid Waste Department be rescinded; and, be it further

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

From: CL-0898.0878-Landfill Building-Equipment Depreciation Reserve
To: CL-0909-Unreserved Fund Balance
Sum: \$453,000.00

and, be it further

RESOLVED, That the 2023 Adopted Budget be and hereby is amended, as follows:

Revenue		
Increase CL.1000.0511-0511-REV-Appropriated Reserves	\$453,000.00	
Appropriations		
Increase CL.8160.8162-2010.1700-EXP-CL Building-Equipment Depreciation Expense		\$453,000.00

Resolution No. 120 (Continued)

and, be it further

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

Seconded by Supervisor BLACKMON and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 121

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

RESOLUTION AUTHORIZING ACCEPTANCE OF A NYSDOT AVIATION CAPITAL GRANT FOR THE PARALLEL TAXIWAY REHABILITATION PROJECT AT THE FULTON COUNTY AIRPORT (2022 CAPITAL PLAN)

WHEREAS, Resolution 52 of 2022 authorized pre-application to the Federal Aviation Administration (FAA) for the Parallel Taxiway Rehabilitation Project at the Fulton County Airport as part of the 2022 Capital Plan; and

WHEREAS, Fulton County has received a grant from the Federal Aviation Administration (FAA) to pay 90 percent of the allowable costs incurred in accomplishing the following project for the Fulton County Airport:

- Parallel Taxiway Rehabilitation Project – Design and Bidding
- 3-36-0049-027-2022

and

WHEREAS, Fulton County has committed funds for the local share of the project cost and funding shares for project costs are as follows:

Federal Share :	\$116,303.00 (90 percent)
State Share :	6,462.00 (5 percent)
Fulton County :	<u>6,462.00</u> (5 percent)
	\$129,226.00

now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an Agreement with the State of New York for financial assistance for the Parallel Taxiway Rehabilitation Project at the Fulton County Airport including all the necessary documents on behalf of Fulton County; and, be it further

RESOLVED, That a certified copy of this Resolution be filed with the NYS Commissioner of Transportation by attaching it to any necessary documents in connection with the project; and, be it further

Resolution 121 (Continued)

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

Seconded by Supervisor GODERIE and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 122

Supervisor WILSON offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING JAY PIERZ 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 Public Works, Jay Pierz of Stratford, NY, be and hereby is appointed to the Fulton County Planning Board, to serve the balance of the term January 1, 2021 through December 31, 2023 and, be it further

RESOLVED, That Mr. Pierz 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, Jay Pierz, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FOGARTY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 123

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION REQUESTING THE GOVERNOR AND STATE LEGISLATURE TO
AMEND THE VEHICLE TRAFFIC LAW TO ALLOW UTILITY TASK VEHICLES (UTV)
TO BE REGISTERED

WHEREAS, all-terrain side-by-side seating vehicles developed by All-Terrain Vehicle (ATV) manufacturers, referred to as a Utility Task Vehicles (UTV) have become popular and widely used by outdoor recreation enthusiasts; and

WHEREAS, this vehicle is better suited for the elderly, handicapped and less active riders because it allows two people to ride side-by-side; and

WHEREAS, the current Vehicle and Traffic Law allows only ATV's weighing up to 1,000 pounds to be registered and not allow most UTV's to be registered because they weigh more than 1,000 pounds; and

WHEREAS, the ability to register ATV/UTV weighing more than 1,000 pounds and ride them on multiuse trail systems will provide significant economic benefits to local businesses, towns, counties and New York State; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby requests that Governor Hochul and the State Legislature amend the Vehicle Traffic Safety Law to Allow Utility Task Vehicles (UTV) weighing more than 1,000 pounds to be registered; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Kathy Hochul, Senator Mark Walczyk, Assemblyman Robert Smullen, Assemblyman Matthew Simpson, Assemblywoman Mary Beth Walsh, NYSAC, New York State Association of Towns and Villages, Inter-County Legislative Committee of the Adirondacks, Fulton Montgomery Regional Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 124

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING AND APPROVING SETTLEMENT AGREEMENTS TO AN ACTION RELATING TO THE OPIOID CRISIS (WALGREENS, CVS AND WALMART)

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al., under Index No, 400001/2017 in the Supreme Court, Suffolk County regarding the opioid addiction crisis, in which the County of Fulton is named plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants Walgreens, CVS, and Walmart (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others in Suffolk County, all of which contributed to a public health crisis in Fulton County; and

WHEREAS, the Distributors have offered to settle the County of Fulton’s claims against them by paying the sum totaling approximately \$295,705.28 over fourteen (14) years and agreeing to implement injunctive relief under a controlled substance monitoring program; and

WHEREAS, in the opinion of the County Attorney, it is in the best interest of the County of Fulton to resolve this matter with respect to the Distributors without further litigation and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid protracted litigation; now, therefore be it

RESOLVED, that the execution and delivery on behalf of and in the name of the County of Fulton by the Chairman of the Board, or County Attorney, as his designee, of the proposed Agreements is hereby authorized, and the Chairman of the Board, or his designee, is hereby authorized, subject to County Attorney approval, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors; and, be it further

Resolution No. 124 (Continued)

RESOLVED, That in settling said lawsuit against Walgreens, CVS and Walmart, the following payments shall accrue to Fulton County in 2023 with additional installment payments being issued from 2024 through 2037:

Walmart Unrestricted	\$ 34,544.18 (2023)
Walmart Restricted	\$ 34,544.18 (2023)
CVS Unrestricted	\$ 54,645.92 (2023-2032)
CVS Restricted	\$ 54,645.92 (2023-2032)
Walgreens Unrestricted	\$ 58,662.54 (2023-2037)
Walgreens Restricted	<u>\$ 56,662.54 (2023-2037)</u>
Total	\$295,705.28

RESOLVED, That this Board of Supervisors, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this resolution constitutes a Type II Action pursuant to Section 617.5(c)(26) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, and information collections, and the Fulton County Planning Department is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, New York State Association of Counties, Simmons Hanly Conroy, LLC, Director of Community Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 125

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION OBJECTING TO GOVERNOR HOCHUL'S PROPOSED CHANGES TO THE
IN REM TAX FORECLOSURE PROCESS**

WHEREAS, Governor Hochul's NYS Budget proposal for 2023-2024, proposed legislation to completely alter the statutory In Rem Tax Foreclosure process that all municipalities rely on to enforce and collect property taxes; and

WHEREAS, this plan will dramatically alter the formal process that Counties and cities use to collect and enforce property taxes; and

WHEREAS, this proposal will require that any money that is received that exceeds the tax liability amount will be returned to the delinquent owner or owners; and

WHEREAS, said proposal will create an administrative nightmare for county and local governments, including additional costs and no detailed plan for its implementation has been developed; and

WHEREAS, an entire new hierarchy process will have to be developed to find owners, multiple shared owners, inheritors, banks, lienholders etc. to settle payments, answer legal claims and enter dispute resolution proceeding regarding interest, fees and penalties that may exist, among others; and

WHEREAS, currently, overages realized after a tax sale help to offset the many losses that result from sales that do not cover the back taxes on other parcels and offset substantial administrative costs; and

WHEREAS, under the NYS Constitution, counties and local governments depend on the Property Tax as their main source of operating revenue; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby vehemently objects to Governor Hochul's proposed changes to the In Rem Tax Foreclosure process and urges state legislators to reject this poorly thought-out scheme; and, be it further

Resolution No. 125 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Kathy Hochul, Senator Mark Walczyk, Assemblyman Robert Smullen, Assemblyman Matthew Simpson, Assemblywoman Mary Beth Walsh, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GREENE and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 126

Supervisor ARGOTSINGER 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:

Personnel:

1 – 4-Drawer Filing Cabinet (1137)

and, be it further

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

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

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 127

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

RESOLUTION AUTHORIZING A SPECIAL INFLATION ADJUSTMENT TO COUNTY GOVERNMENT EMPLOYEE SALARY SCHEDULES

WHEREAS, the Board of Supervisors appreciates the County government workforce for its dedicated service; and

WHEREAS, the Board of Supervisors has evaluated options to recognize County government employees and to promote employee retention and recruitment during this time of unprecedented national inflation; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Personnel and Finance, the Board of Supervisors hereby directs the Personnel Director to implement a special inflation adjustment to County government employee salary schedules as follows:

1. A unilateral across-the-board salary adjustment increase to all County government employees equal to 2 percent (2%) of each title's base salary, effective April 1, 2023.
2. Said adjustment shall be to all union and non-union titles effective April 1, 2023 with the exception of elected officials, whose salaries are not legally alterable in the middle of their term.
3. The increase shall be considered a special cost-of-living adjustment (COLA) increase independent from any future collective bargaining contract negotiations.

and, be it further

RESOLVED, That the Personnel Director do each and everything 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, All Department Heads, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BREH and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 128

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

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

Treasurer

From: A.1325.1325-1000 – EXP – Payroll
To: A.1325.1325-1100 – EXP – Overtime
Sum: \$5,000.00

Board of Elections

From: A.1450.1450-4210 – EXP – Training and Conferences
To: A.1450.1450-4100 – EXP – Advertising
Sum: \$1,500.00

Sheriff

From: A.3110.3112-1000 – EXP – Payroll	\$2,900.00	
A.3110.3112-4200 – EXP – Miscellaneous	500.00	
To: A.3110.3112-4130 – EXP – Contractual		\$3,400.00

Probation

From: A.3140.3140-4190 – EXP – Lease-Rentals
To: A.3140.3140-2000 – EXP – Equipment – Fixed Asset
Sum: \$1,000.00

Social Services

From: A.6010.6018-1000 – EXP – Payroll
To: A.6010.6018-1100 – EXP – Overtime
Sum: \$3,000.00

Highway

From: DM.5130.5130-4540 – EXP – Vehicle Maintenance
To: DM.5130.5130-2010 – EXP – Capital Expense
Sum: \$4,504.00
(2023 Ford F-150)

and, be it further

Resolution No. 128 (Continued)

RESOLVED, That the 2023 Adopted Budget be and hereby is amended as follows:

Solid Waste

Revenue

Decrease CL.1000.0599-0599 - REV - Appropriated Fund Balance	\$348,686.00
Increase CL.8160.8162-2156 - REV- Sale of Methane	\$395,207.00

Appropriation

Increase CL.8160.8161-4180 - EXP- Renovations	\$ 7,000.00
Increase CL.8160.8162-4929 - EXP- Methane Carbon Credits	39,521.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel, Superintendent of Highways and Facilities, Probation, Board of Elections, Social Services Commissioner, Solid Waste, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)

Resolution No. 129

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION SETTING A PUBLIC HEARING DATE REGARDING THE DRAFT MAP, PLAN AND REPORT FOR PROPOSED FULTON COUNTY SEWER DISTRICT NO. 5: NYS ROUTE 30/30A

WHEREAS, the Fulton County Board of Supervisors has determined that it is in the interest of the residents of Fulton County to establish public sewer services from the City of Gloversville to the Village of Northville; and

WHEREAS, Resolution 31 of 2023 set a public hearing date regarding the draft Map, Plan and Report for proposed Fulton County Sewer District No. 5: NYS Route 30/30A; and

WHEREAS, Resolution 32 of 2023 classified the proposed Fulton County Sewer No. 5: NYS Route 30/30A project as an unlisted action, proposing that the Board of Supervisors serve as Lead Agency and authorizing the Distribution of a Part 1 Environmental Assessment form to involved agencies under SEQRA; and

WHEREAS, said public hearing scheduled for Monday, March 13, 2023 must be rescheduled inasmuch as the required review of the subject Map, Plan and Report has not been completed by involved state agencies; now, therefore be it

RESOLVED, That the public hearing originally scheduled for Monday, March 13, 2023 at 1:30 p.m., be, and hereby is, rescheduled to Monday, April 10, 2023 at 1:30 p.m., in the Board of Supervisors Chambers, Johnstown, NY, to receive public comments on the proposed establishment of Fulton County Sewer District No. 5: NYS Route 30/30A; and, be it further

RESOLVED, That the Administrative Officer/Clerk of the Board of Supervisors be and hereby is directed to give notice of said public hearing on said matters pursuant to and in accordance with Section 254 of the County Law, and that said notice shall be published once in the official newspaper of this County, not less than ten (10) days or more than twenty (20) days prior to date of said public hearing; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Affected Departments, Planning Director, City of Gloversville, City of Johnstown, Village of Mayfield, Gloversville-Johnstown Waste Water Treatment Plant, 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 BOWMAN and adopted by the following vote:

TOTAL: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Howard and Van Genderen)