

**PROCEEDINGS**  
**of the**  
**BOARD OF SUPERVISORS**  
**of the**  
**COUNTY OF MONTGOMERY**  
**2008**



**PROCEEDINGS  
of the  
BOARD OF SUPERVISORS  
of the  
COUNTY OF MONTGOMERY  
FOR THE YEAR 2008**

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VITO L. GRECO, Chairman  
KIMBERLY SANBORN, Clerk  
CHERYL A. REESE, Interim Clerk

Compiled and arranged by the Clerk by Order of the Board





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## 2008 BOARD OF SUPERVISORS

### CITY OF AMSTERDAM

First Ward .....	Vito L. Greco
Second Ward .....	Barbara Johnson
Third Ward .....	Ronald J. Barone, Sr.
Fourth Ward .....	David J. Dybas
Fifth Ward .....	Karl Baia

### TOWN OF

Amsterdam .....	Thomas P. DiMezza
Canajoharie .....	Robert F. McMahon
Charleston .....	Shayne T. Walters
Florida .....	William E. Strevy
Glen .....	John B. Thomas
Minden .....	Thomas L. Quackenbush
Mohawk .....	Edward Paton
Palatine .....	Seids Jonker
Root .....	John W. Thayer
St. Johnsville .....	Dominick Stagliano



BOARD OF SUPERVISORS, CHAIRMAN.....	Vito L. Greco
BOARD OF SUPERVISORS, CLERK OF THE BOARD.....	Kimberly Sanborn
BOARD OF SUPERVISORS, INTERIM CLERK OF THE BOARD.....	Cheryl A. Reese
ATTORNEY.....	Douglas E. Landon
AUDITOR.....	Marco Zumbolo
BOARD OF ELECTIONS.....	Joan M. Grainer/Democrat, Lyn A. May/Republican
CLERK'S OFFICE.....	Helen A. Bartone
COMMISSIONER OF JURORS.....	Victoria P. Sollecito
CORNELL COOPERATIVE EXTENSION FMC.....	Marilyn J. Smith
CORONERS.....	Joseph M. Riley III, Susan L. Quackenbush
DATA PROCESSING/PRINTING.....	Deborah L. Bain
DISTRICT ATTORNEY.....	James E. Conboy
ECONOMIC OPPORTUNITY AND DEVELOPMENT.....	Kenneth F. Rose
EMERGENCY MANAGEMENT AND FIRE SERVICE.....	Gary Nestle
HISTORY & ARCHIVES.....	Kelly A. Farquhar
HUMAN RESOURCES.....	Richard E. Baia
MENTAL HEALTH.....	Jim Gumaer
PROBATION.....	Lucille Sitterly
PUBLIC DEFENDER.....	William Martuscello
PUBLIC HEALTH.....	Kim Conboy
PUBLIC WORKS.....	Paul H. Clayburn
PURCHASING.....	Scott Surento
REAL PROPERTY TAX SERVICE.....	Florence A. Stanton
SAFETY OFFICER.....	Richard Przestrzelski
SHERIFF.....	Michael J. Amato
SOCIAL SERVICES.....	William M. Cranker
TREASURER.....	Shawn J. Bowerman
VETERANS SERVICE AGENCY.....	William E. Mullarkey/Daniel Roth
WEIGHTS AND MEASURES.....	Nicholas M. Bartosik
YOUTH BUREAU/STOP-DWI /ALTERNATIVE COMMUNITY SERVICES.....	Jennifer W. Petteys





PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
ORGANIZATIONAL MEETING  
10:30 AM, January 1, 2008

CALL TO ORDER

The Organizational Meeting for 2008 was called to order at 10:30 am by outgoing Chairman Thomas Di Mezza.

SALUTE TO THE FLAG

Outgoing Chairman Di Mezza led the Salute to the Flag.

ROLL CALL

Roll call indicated that the following Supervisors were present: Quackenbush, Jonker, Dybas, McMahon, Thomas, Strevy, Greco, Johnson, Walters, Thayer, Barone, Bai a, Paton and Di Mezza. Supervisor Stagliano was absent.

OTHER

County Clerk Helen Bartone administered the oath of office to the present Supervisors.

SELECTION OF A TEMPORARY CHAIRMAN

Supervisor Bob McMahon was nominated Temporary Chairman (per Resolution #1).

SELECTION OF PERMANENT CHAIRMAN

Supervisor Vito "Butch" Greco was nominated Permanent Chairman (per Resolution #2).

NEW BUSINESS

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**RESOLUTION NO. 1 of 2008**

**DATED:** January 1, 2008

RESOLUTION SELECTING TEMPORARY CHAIRMAN FOR 2008 ORGANIZATIONAL MEETING OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS

Resolution by Supervisor: Full Board

Seconded by Supervisor:

RESOLVED, that Supervisor \_\_\_\_\_ is hereby selected temporary Chairman of the 2008 Organizational Meeting of the Montgomery County Board of Supervisors.

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor DiMezza to insert the name "Robert McMahon" in the RESOLVED clause, passed with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 2 of 2008**

**DATED:** January 1, 2008

RESOLUTION ELECTING CHAIRMAN OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS FOR THE YEAR 2008

Resolution by Supervisor: Full Board

Seconded by Supervisor:

RESOLVED, that Supervisor \_\_\_\_\_ hereby is elected Chairman of the Montgomery County Board

of Supervisors for the year 2008, and

FURTHER RESOLVED, that the annual salary of said Chairman hereby is fixed in the amount of \$15,000.00, and

FURTHER RESOLVED, that said Chairman shall exercise the authority bestowed upon the office by applicable State Laws and Local Law No. 3 of 1983.

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Barone, Sr. to insert the name "Vito 'Butch' Greco" in the RESOLVED clause, passed with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Newly elected Chairman Vito "Butch" Greco thanked the Board for their support and confidence in his Chairmanship. He thanked outgoing Chairman Thomas DiMezza for his leadership in 2007.

He stated that goals for 2008 include promoting inter-county shared services and running the county like a business.

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**RESOLUTION NO. 3 of 2008**

**DATED:** January 1, 2008

**RESOLUTION ELECTING VICE-CHAIRMAN OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS FOR THE YEAR 2008**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Jonker

RESOLVED, that Supervisor \_\_\_\_\_ hereby is elected Vice-Chairman of the Montgomery County Board of Supervisors for the year 2008, and

FURTHER RESOLVED, that the annual salary of said Vice-Chairman hereby is fixed in the amount of \$10,000.00, and

FURTHER RESOLVED, that said Vice-Chairman shall exercise the authority granted to the Chairman of the Board in the Chairman's absence.

MOTION TO AMEND by Supervisor DiMezza, seconded by Supervisor Baia, to insert the name "Barbara Johnson" in the RESOLVED clause, passed with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 4 of 2008**

**DATED:** January 1, 2008

**\*\*See Appendix for Resolution Attachment\*\***

**RESOLUTION ADOPTING RULES OF PROCEDURE OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS**

Resolution by Supervisor: Jonker

Seconded by Supervisor: McMahon

RESOLVED, that the Rules of Procedure, attached hereto, hereby are adopted by the Montgomery County Board of Supervisors for 2008, or until amended by Resolution.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 5 of 2008**

**DATED:** January 1, 2008

**RESOLUTION DESIGNATING NEWSPAPERS TO PUBLISH COUNTY MATTERS FOR 2008**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Quackenbush

WHEREAS, Section 214, Subdivision 2 of the County Law requires that the Board of Supervisors shall annually designate newspapers for the publication of all local laws, legal notices, advertisements for bids and other matters required by law to be published.

RESOLVED, that the Montgomery County Board of Supervisors hereby designates the following newspapers, for the above purpose, for 2008:

The Recorder

Courier-Standard Enterprise

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 6 of 2008**

**DATED:** January 1, 2008

RESOLUTION DESIGNATING DEPOSITORIES FOR COUNTY FUNDS IN THE NAME OF THE COUNTY TREASURER DURING 2008 AND FIXING MAXIMUM AMOUNTS WHICH MAY BE KEPT ON DEPOSIT THEREIN AT ANY ONE TIME

Resolution by Supervisor: Dybas

Seconded by Supervisor: Quackenbush

WHEREAS, according to Section 212 of the County Law, the Board of Supervisors shall designate the banks, bankers or banking associates for deposit of all County funds received by the County Treasurer heretofore according to law, and

WHEREAS, the Board of Supervisors, in accordance with said section, shall likewise specify the name of each so designated and the maximum amount which may be kept on deposit therein at any one time in the name of said County Treasurer,

RESOLVED, that pursuant to Section 212 of the County Law, the following banks are hereby designated by the Montgomery County Board of Supervisors as depositories for the deposit of all County funds by the County Treasurer of this County and deposited in the name of said County Treasurer for the year 2008, namely:

NBT BANK, FONDA BRANCH, FONDA, NY

BANK OF AMERICA, AMSTERDAM BRANCH, AMSTERDAM, NY

KEY BANK, N. A. , AMSTERDAM BRANCH, AMSTERDAM, NY

JP MORGAN CHASE, 12 CORPORATE WOODS BLVD. , ALBANY, NY

CITIZENS BANK, 833 BROADWAY, ALBANY, NY

, and

FURTHER RESOLVED, that the maximum amount County funds which may be kept on deposit in said depositories at any one time in the name of the County Treasurer be and the same hereby is fixed and determined as follows:

NBT BANK, FONDA BRANCH, FONDA, NY - \$20,000,000.00

BANK OF AMERICA, AMSTERDAM BRANCH, AMSTERDAM, NY - \$20,000,000.000

KEY BANK, N. A. , AMSTERDAM BRANCH, AMSTERDAM, NY - \$10,000,000.00

JP MORGAN CHASE, 12 CORPORATE WOODS BLVD. , ALBANY, NY - \$12,500,000.00

CITIZENS BANK, 833 BROADWAY, ALBANY, NY - \$10,000,000.00

, and

FURTHER RESOLVED, that each of said depositories shall give good and sufficient collateral as prescribed by law, as security for the amount so deposited in said depository, the amount thereof

to be at least equal to the amount hereby authorized to be deposited by said banks on behalf of the County Treasurer shall also be approved as to the amount by the County Treasurer, and

FURTHER RESOLVED, that such designated depositories may execute their own undertaking and deposit on behalf of the County Treasurer outstanding unmatured bonds or other obligation of the United States of America, the State of New York or of any County, Town, City, Village or School District in the State of New York, to the amount on deposit, less the amount certified by the depositories as covered by insurance under the Federal Depositor Insurance Act as pursuant to provisions of Section 212, Subdivision 6 of the County Law of the State of New York, subject to the approval of said County Attorney and said County Treasurer.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 7 of 2008**

**DATED:** January 1, 2008

**RESOLUTION APPOINTING COUNTY ATTORNEY**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

RESOLVED, that \_\_\_\_\_ of \_\_\_\_\_ hereby is appointed County Attorney for the County of Montgomery for a term commencing on January 1, 2008 and ending on December 31, 2009, at an annual base salary of \$52,100, and

FURTHER RESOLVED, that the duties of said County Attorney shall include the following:

1. To act as the legal advisor to the Board of Supervisors and to every officer whose compensation is paid from County funds, in all matters involving an official act of a civil nature;

2. To prosecute and defend all actions and proceedings brought by the County or against the County, the Board of Supervisors or any officer whose compensation is paid from County funds, for any official act;

3. To approve all proposed resolutions, local laws, agreements, contracts, policies and other documents as to legality and being in proper form prior to their being adopted by the Board of Supervisors;

4. To perform such other related duties as may be prescribed by law or directed by the Board of Supervisors or the Chairman of the Board.

MOTION TO AMEND by Supervisor Full Board to insert the name "Doug Landon of Amsterdam, NY" in the RESOLVED clause, passed with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 8 of 2008**

**DATED:** January 1, 2008

**RESOLUTION REAPPOINTING COUNTY AUDITOR**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

RESOLVED, that Marco Zumbolo of Amsterdam, NY, hereby is appointed County Auditor, at an annual base salary of \$28,393 for a term commencing on January 1, 2008 and ending on December 31, 2009, and

FURTHER RESOLVED, that said County Auditor shall perform such duties as authorized by Section 600 of County Law, and

FURTHER RESOLVED, that said County Auditor shall be authorized and empowered to appoint one Deputy Auditor.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 9 of 2008**

**DATED:** January 1, 2008

**RESOLUTION REAPPOINTING COUNTY PURCHASING AGENT**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

RESOLVED, that Scott Surento of Amsterdam, NY, hereby is appointed Purchasing Agent, at an annual base salary of \$39,750 for a term commencing on January 1, 2008 and ending on December 31, 2009, and

FURTHER RESOLVED, that said Purchasing Agent shall perform such duties as authorized by Section 625 of County Law, and

FURTHER RESOLVED, that said Purchasing Agent shall be authorized and empowered to appoint one Deputy Purchasing Agent.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 10 of 2008**

**DATED:** January 1, 2008

**RESOLUTION APPOINTING MONTGOMERY COUNTY BUDGET OFFICER - 2008**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, Article 7, Section 351 of County Law provides that the "Budget Officer" shall mean the Chief Fiscal Officer of Montgomery County, and

WHEREAS, said Chief Fiscal Officer of Montgomery County is the County Treasurer,

RESOLVED, that \_\_\_\_\_ is hereby appointed Montgomery County Budget Officer for a term beginning January 1, 2008 and ending on December 31, 2008, and

FURTHER RESOLVED, that said Budget Officer shall be compensated the amount of \$10,000, and

FURTHER RESOLVED, that said Budget Officer is hereby permitted to appoint a Deputy Budget Officer who shall be compensated \$2,000 for assistance in performing the duties of Budget Officer.

MOTION TO AMEND by Supervisor Full Board to insert the name "Shawn Bowerman" in the RESOLVED clause, passed with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 11 of 2008**

**DATED:** January 1, 2008

**RESOLUTION EXPRESSING APPRECIATION FOR THE SERVICES OF THE 2007 CHAIRMAN AND VICE CHAIRMAN OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, many difficult and important matters have come before the Montgomery County Board of Supervisors during the past year, and

WHEREAS, Chairman of the Board, Thomas P. DiMezza and Vice-Chairman of the Board, Vito L. Greco have presided over said matters in a judicious manner, providing for the successful conduct of business of this Board, and

WHEREAS, the Board of Supervisors desires to express its appreciation for the work of the Chairman and Vice-Chairman of the Board during 2007,

RESOLVED, that the Montgomery County Board of Supervisors hereby expresses its appreciation to Supervisor Thomas P. DiMezza and Supervisor Vito L. Greco for their invaluable services as Chairman and Vice-Chairman of the Board during 2007.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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## OTHER2

The Full Board nominated Supervisor Tom DiMezza as Minority Leader.

The Full Board nominated Supervisor Robert McMahon as Majority Leader.

Chairman Greco disseminated a document to all present Supervisors outlining an Organizational Chart and the Committee assignments. There were no objections.

Chairman Greco stated that refreshments will be served in the hall following the Organizational Meeting.

## ADJOURNMENT

MOTION TO ADJOURN by Supervisor Thomas, seconded by Supervisor Jonker, passed with Aye(1772). Supervisor Stagliano was absent.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
6:00 PM, January 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 6:00 PM.

Roll call indicated Committee members present were Supervisors Barone, Johnson, McMahon, Quackenbush and Thomas. Absent was Supervisor Walters.

Additional Supervisors present were Supervisors Greco, Paton, Strevy, Dybas, Thayer, Jonker and Baia. Absent was Supervisor Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Establishing Grade and Salary Schedule - Director of Data Processing
2. Resolution Establishing the Base Salary of Various County Officials and Adjusting the 2008 Operating Budget Accordingly
3. Other

Item #1: Chairman Greco clarified the Resolution.

This Resolution, previously sponsored and seconded by Supervisors Greco and Johnson, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #2: Chairman DiMezza asked that this and all other add-on Resolutions be tabled until the new grading ("step") system is in place, with further consideration at the February Personnel Committee meeting. He stated that he will be sending the Supervisors updated information as it becomes available, for their consideration.

Supervisors Greco and Barone made a motion and seconded, respectively, to table the Resolution, but since this Resolution had no second sponsorship, it was withdrawn.

Supervisor Quackenbush stated that the County is still going to move ahead with an evaluation system at some point.

Supervisor Walters entered Chamber at 6:05 PM.

Supervisor Thomas stated that the County should continue to move forward quickly on this issue.

Item #3, Other: There were no other discussion items.

Supervisors McMahon and Barone made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 6:10 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
6:30 PM, January 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 6:30 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy and Thayer. Absent was Supervisor Stagliano.

Additional Supervisors present were Johnson, Greco, McMahon, Barone, Thomas, Jonker, Bai a and Di Mezza.

Items on the agenda, at this time, are as follows:

1. Resolution Appointing MOSA Board Representatives
2. Resolution Appointing Member of Montgomery County Sanitary Sewer District # 1 Board of Directors
3. Other

Item #1: Supervisors Quackenbush and Strevy spoke in support of Supervisor John Thayer of Root filling the Resolution's first listed vacancy. There were no objections.

Chairman Walters stated that the second nominee's name will be announced at the Full Board meeting.

The Resolution was sponsored and seconded by Supervisors Quackenbush and Dybas, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #2: George Capece will fill the vacancy per Committee discussion and recommendation.

The Resolution was sponsored and seconded by Supervisors Quackenbush and Johnson, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #3, Other: There were no additional discussion items.

Motion was made and seconded by Supervisors Dybas and Quackenbush, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 6:32 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
6:40 PM, January 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 6:40 PM.

Roll call indicated Committee members present included Supervisors Di Mezza, Dybas, McMahon, Strevy, Thomas and Walters.

Additionally present were Supervisors Quackenbush, Greco, Paton, Thayer, Barone, Jonker, and Baia. Absent was Supervisor Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Appointing Members - Economic Development Advisory Committee - Agriculture
2. Resolution Appointing Member - Board of Directors - Cornell Cooperative Extension of Fulton and Montgomery Counties
3. Resolution Appointing Supervisor - Montgomery County Records Management Advisory Board
4. Resolution Appointing Members - Montgomery County Soil and Water Conservation District Board of Directors
5. Resolution Appointing Members - Fulton - Montgomery - Schoharie Workforce Development Board
6. Resolution Appointing Members - Montgomery County Occupancy Tax Advisory Board
7. Other

Item #1: Supervisors Quackenbush and Greco spoke in support of adding Debbie Auspelmyer from the Montgomery County Chamber of Commerce to fill one vacancy. There were no objections.

Chairman Johnson asked that nominees for the Agribusiness vacancy be presented prior to the Full Board meeting.

Supervisors McMahon and Dybas made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #2: Supervisors Johnson and Dybas spoke in support of adding the name "David Dybas" to the RESOLVED clause. There were no objections.

Supervisors Quackenbush and Jonker made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #3: Supervisors Dybas and Greco made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #4: Supervisors Greco and Walters made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #5: Supervisor Johnson stated that there are no nominees currently for the vacant positions.

Supervisors Strevy and Thomas made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #6: County Attorney Doug Landon stated that the law indicates that the County Treasurer needs to serve on this Board, and the name "Shawn Bowerman" should be added to the last WHEREAS clause. There were no objections.

Supervisors Dybas and Thomas made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #7, Other: Supervisor McMahon stated that DEC is considering banning all open burning in towns of any size. It's an imposition of state laws on farmers rights, and needs to be watched closely.

Supervisors Dybas and DiMezza made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 6:47 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
6:50 PM, January 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 6:50 PM.

Roll call indicated Committee members present included Supervisors Bai a, Dybas, Jonker, Paton, Strevy and Thomas.

Additional Supervisors present were Quackenbush, Johnson, Greco, McMahon, Thayer, Walters and DiMezza. Absent was Supervisor Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - Lawrence W. Eaton - Public Health Preparedness Coordinator (Public Health)
2. Resolution Authorizing Chairman to Sign Agreement - Clinical Affiliate for Students - Albany College of Pharmacy (Public Health)
3. Resolution Amending 2008 Operating Budget - Carry Over Grant Funds - Bioterrorism (Public Health)
4. Resolution Amending 2008 Operating Budget - Carry Over Grant Funds - Lead Poisoning Prevention Grant (Public Health)
5. Resolution Amending 2008 Operating Budget - Carry Over Grant Funds - Immunization Action Plan Grant (Public Health)
6. Resolution Appointing Members - Community Services Board (Mental Health)
7. Other

Item #1: Public Health Director Kim Conboy clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors Strevy and Quackenbush, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #2: The Resolution was sponsored and seconded by Supervisors Strevy and Bai a, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #3: The Resolution was sponsored and seconded by Supervisors Strevy and Paton, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #4: The Resolution was sponsored and seconded by Supervisors DiMezza and Bai a, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #5: The Resolution was sponsored and seconded by Supervisors Jonker and Bai a, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #6: Chairman Barone stated that if there are no new nominees for membership, the current members will continue to serve.

The Resolution was sponsored and seconded by Supervisors Strevy and Dybas, respectively, and moved to the Full Board with a positive recommendation with no objection.

Item #7, Other: There were no other discussion items.

Motion was made and seconded by Supervisors Dybas and Jonker, respectively, to adjourn the Committee meeting.

Chairman Barone adjourned the Health & Human Services Committee meeting at 6:52 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - EDUCATION/GOVERNMENT  
7:00 PM, January 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman McMahon presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Baia, Johnson, Jonker, Paton and Thayer. Absent was Supervisor Stagliano.

Additional Supervisors present were Supervisors Quackenbush, Greco, Strevy, Dybas, Barone, Walters, Thomas, and DiMezza.

Items on the agenda, at this time, are as follows:

1. Resolution Appointing Region IV Fish and Wildlife Management Board Members
2. Resolution Appointing Region IV Forest Practice Board Members
3. Resolution Authorizing Chairman to Sign Grant Agreement - NYS Board of Elections - 2007-2008 Voting Access for Individuals with Disabilities (Board of Elections)
4. Other

Item #1: Supervisors Jonker and Baia made a motion and seconded, respectively, to sponsor the Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Item #2: Supervisors Paton and Johnson made a motion and seconded, respectively, to sponsor the Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Item #3: Supervisors Dybas and Paton made a motion and seconded, respectively, to sponsor the Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Item #4, Other: Add-on RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY JURY BOARD.

The add-on Resolution, sponsored by Supervisors Greco and Strevy, respectively, was moved to the full Board with a positive recommendation. There were no objections to inserting the name "Ed Paton" in the RESOLVED clause.

Item #5, Other: Supervisor Walters stated that he received a call from his local Tax Assessor saying that the Fonda-Fultonville School District is petitioning the Office of Real Property regarding the Towns of Mohawk, Glen and Charleston, in order to change their equalization rate.

Item #6, Other: Add-on RESOLUTION ESTABLISHING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW #1 OF 2008 - A LOCAL LAW ESTABLISHING 2008 SALARIES OF VARIOUS COUNTY OFFICIALS.

Supervisor DiMezza recommended holding the Public Hearing on Tuesday, February 22, 2008 at 6:55 PM. There were no objections.

Chairman Greco asked County Attorney Doug Landon to confirm the salary figures prior to this month's full Board meeting.

Supervisors Johnson and Strevy made a motion and seconded, respectively, to sponsor the add-on Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Motion was made and seconded by Supervisors Paton and Johnson, respectively, to adjourn the Committee meeting.

Chairman McMahon adjourned the Education/Government Committee meeting at 7:11 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:10 PM, January 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:11 PM.

Roll call indicated Committee members present included Supervisors Barone, DiMezza, Jonker, Quackenbush, Strevy and Thayer.

Additional Supervisors present were Quackenbush, Johnson, Paton, McMahon, Walters, Jonker and Baia. Absent were Supervisors Stagliano and Dybas.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - 2008 Annual Alternatives to Incarceration Performance-Based Service Plan (Youth Bureau/ACSD)
2. Resolution Appointing Members - Montgomery County Fire Advisory Board (Emergency Management)
3. Resolution Reappointing Montgomery County EMS Coordinator
4. Resolution Appointing Members - Montgomery County Arson Advisory Board
5. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Barone and Strevy, respectively. The Resolution was moved to the full Board with no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Thayer and Jonker, respectively. The Resolution was moved to the full Board with no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Quackenbush and Barone, respectively. The Resolution was moved to the full Board with no objections.

Item #4: The Resolution was sponsored and seconded by Supervisors Thayer and Strevy, respectively. The Resolution was moved to the full Board with no objections.

Item #5, Other: Add-on RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY TRAFFIC SAFETY BOARD.

Chairman Thomas stated that Eileen Broyles (Director, Office of the Aging) is retiring, and recommends nominating Cliff Balder for the position. There were no objections.

The Resolution was sponsored and seconded by Supervisors Barone and Greco, respectively. The Resolution was moved to the full Board with no objections.

Motion was made and seconded by Supervisors DiMezza and Strevy, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:14 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
 SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
 COMMITTEE MEETING - INTERGOVERNMENTAL SERVICES  
 10:00 AM, January 12, 2008

COMMITTEE MEETING DISCUSSION

Attendees:

Barbara Johnson, 2nd Ward Supervisor, City of Amsterdam  
 Kim Brumley, Greater Amsterdam School District  
 Karl Baia, 5th Ward Supervisor, City of Amsterdam  
 Tom DiMezza, Town of Amsterdam Supervisor  
 Ron Barone, 3rd Ward Supervisor, City of Amsterdam  
 Vito Greco, Chairman of the Board of Supervisors  
 Tom Quackenbush, Town of Minden Supervisor  
 Marco Zumbolo, County Auditor  
 Robert McMahon, Town of Canajoharie Supervisor  
 Paul Clayburn, Commissioner of Public Works  
 Warren Busseno  
 Marty Natoli, Mayor of Hagsman  
 David Dybas, 4th Ward Supervisor, City of Amsterdam  
 William Chircio  
 William Strevy, Town of Florida Supervisor  
 Ann Thane, Mayor of Amsterdam  
 William Wills, 4th Ward Alderman, City of Amsterdam  
 Richard Leggiere, 5th Ward Alderman, City of Amsterdam  
 Ray Halgas

Meeting opened at 10:00 a.m. by Barbara Johnson and Kim Brumley.

Summary of the meeting:

Engineering services: Doesn't seem to be much interest at this time in sharing an engineer. Not viewed as having universal appeal to the various municipalities. Low priority to the majority of those that could utilize such a service. Possible sharing in the future on an on need basis. What did come out of the discussion is that the City Engineer only spends 5% of time working on engineering projects, 95% of the time doing supervision and other. The majority contracts out to Engineering firms when services are needed.

Asbestos Abatement/Demolition Team: Much progress has been made with this concept. High priority is to identify employees at the county and city to train. The training will be held in Schenectady with a cost of approximately \$6,000.00. Public perception is key to the success of the program. Clearly define and outline who will be paying for what when buildings are taken down by the team. This program is slated to be performed in the Fall and Winter due to the busy season of the Public Works employees. An agreement is available outlining who will be responsible for what and will be made available to everyone for their review and input. The time frame for training the identified employees is slated for March 2008.

Suggested shared service discussion meeting:

Discussion items centered on the need to identify types of projects that has a universal appeal to all municipalities. Also to keep everyone better informed and aware of the resources that are available.

Hub information site – coordinate at County level. - better communication needed. Stop reinventing the wheel: projects and processes already exist-needs to be reviewed and acted upon. Heavy equipment, Highway departments, group contracts such as recycling, supplies, and planning to name a few. Include on this menu services that are already available such as data processing, purchasing and health insurance. Market this and encourage inclusion to all. Discuss further for a way to implement once the website is up a running also who will maintain.

When scheduling the next meeting include in the mailing all village and town clerks. Emphasize this committee is for every municipality in Montgomery County.

Requested that if attendees have any suggestions or comments to please forward them to the committee chairs for future discussions.

Summary Follow Up:

HUB

Engineering Services – evaluate need and direction

Asbestos Abatement/Demolition Team – train employees and prioritize sites

Communication

-Send minutes out including the village and town clerks.

Meetings will be held monthly and will notify everyone of next meeting in February.

Meeting ended at 11:30 a.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
BOARD OF SUPERVISORS OFFICE, MONTGOMERY COUNTY ANNEX BLDG, 20 PARK ST. FONDA, NY  
COMMITTEE MEETING - NEEDS ASSESSMENT  
9:30 AM, January 15, 2008

COMMITTEE MEETING DISCUSSION

Items on the agenda, at this time, are as follows:

1. Discussion regarding prospective bidders - Montgomery County Building Project
2. Other

\*\*\*It is likely that a majority of this meeting will be conducted in Executive Session.\*\*\*

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, January 15, 2008

COMMITTEE MEETING DISCUSSION

Supervisor Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM in Chairman Greco's absence.

Roll call indicated Committee members present are Supervisors Baia, Barone, DiMezza, Dybas, Johnson and McMahon.

Additional Supervisors present were Greco, Paton, Strevy, Thayer, and Thomas. Absent were Supervisors Stagliano, Jonker and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Establishing Public Hearing - Local Law #2 OF 2008 - a Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Town of Florida (Treasurer)
2. Resolution Delegating Erroneous Assessment Correction Approval Authority to County Auditor
3. Resolution Authorizing Chairman to Sign Agreements - Services Approved by the 2008 Operating Budget (Social Services)
4. Resolution Authorizing Chairman to Sign Agreement - Youth Engagement Services - FMS PIC and Amending 2008 Operating Budget (Social Services)
5. Resolution Authorizing Chairman to Sign Agreement - 2007-2008 Agricultural And Farmland Protection Implementation Grant Award and Designating the Department of Economic Development and Planning As Grant Administrator
6. Resolution Authorizing Chairman to Sign Agreement - Administrative and Staff Support Services Agreement - Montgomery County Industrial Development Agency (Economic Development)
7. Resolution Amending 2008 Operating Budget - Section 5311 Capital Project Grant (Board of Supervisors)
8. Resolution Amending 2008 Operating Budget - Montgomery County Bus Transportation System (Board of Supervisors)
9. Resolution Approving 2008 Capital Projects - Fulton Montgomery Community College
10. Resolution Adopting Montgomery County Safety Policy Mission Statement
11. Resolution Adopting Montgomery County Lockout/Tagout Energy Control Program Procedures
12. Other

Item #1: County Attorney Doug Landon stated that no money needs to change hands regarding this property.

Supervisors DiMezza and Strevy made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #2: Supervisors Dybas and McMahon made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #3: Supervisors Barone and Baia made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #4: Social Services Director William Cranker clarified the Resolution.

Supervisors Barone and Johnson made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #5: Supervisors Johnson and Strevy made a motion and seconded, respectively, to sponsor the

Resolution and move it to the full Board with a positive recommendation. There were no objections.  
Supervisor Jonker entered Chamber at 7:05 PM.

Item #6: Economic Development and Planning Director Ken Rose clarified the Resolution.

Supervisors Baia and Dybas made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #7: Supervisors Dybas and Jonker made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #8: Director Rose stated that the contract with Brown Bus is still being finalized.

Supervisors Quackenbush and DiMezza made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #9: Supervisor McMahon clarified the Resolution.

Treasurer Shawn Bowerman stated that he recommends the County bond the projects.

Supervisors McMahon, Jonker and DiMezza spoke in support of bonding. There were no objections.

Supervisors McMahon and DiMezza made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #10: Supervisors DiMezza and Baia previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #11: Supervisors Barone and Jonker previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #12, Other: Chairman Quackenbush stated that the Safety Officer Resolutions have previously been entertained in the Finance Committee, per the previously adopted Risk Management Policy. He stated that it makes more sense for the Safety Officer's Resolutions to be entertained in the Public Safety Committee. If so, said Policy would need to be changed, specifically a Resolution amending the previous Resolution adopting said Policy.

Chairman Greco stated that Mang has been contacted and it is the general consensus that future Resolutions should go through the Public Safety Committee.

Item #13, Other: Chairman Quackenbush disseminated and summarized a 2-page document titled "Finance Committee Fiscal Year 2009 Budget Process Timeline".

Treasurer Bowerman disseminated a 2-page document titled "2009 County Budget Development Process". He stated that his timeline is more directed toward the Departments and creation of the actual budget.

Supervisor Strevy recommended that tax cap numbers, projections of use of Fund Balance and total assessed value of the County be included in the historical data collection.

Chairman Quackenbush stated that if any Supervisors wish to see any additional information collected in the historical data that they email Treasurer Bowerman.

Item #14, Other: Chairman Greco stated that additional tax information and breakdown has appeared on tax bills, thanks to Treasurer Bowerman and Real Property Director Flo Stanton.

Item #15, Other: Chairman Quackenbush asked the Chairs of the various Committees to please work diligently with their department heads so that the Resolutions come before the Committees in a timely manner.

Item #16, Other: Director Rose stated that a negatively charged flyer was mailed to taxpayers regarding the Beech Nut Project, and he presented to the Supervisors a 2-page "Beech Nut Nutrition - Project Update" fact sheet to help them answer questions that their constituents might have. He summarized the document, which included information on the project cost and incentives, benefits and a copy of the PILOT.

Supervisor DiMezza expressed his displeasure over the mailing, which he called "propaganda". He spoke in support of the Beech Nut Project because of the positive economic impact.

Supervisor McMahon recommended a press release from Director Rose to correct any public misconceptions about the project.

Supervisor Johnson spoke in support of communicating to the taxpayers regarding Beech Nut.

Director Rose stated that Beech Nut has their own Public Relations firm, and urged caution against getting into a public debate regarding Beech Nut.

Supervisor Jonker stated that since the County financially supports educational growth (FMCC), it cannot stifle economic development which provides jobs for those graduating students.

As a side note, Director Rose stated that the City of Amsterdam received a RESTORE NY grant, as did the Village of St. Johnsville. He also stated that a medical supply company will be moving into St. Johnsville, providing numerous jobs to local people.

Supervisors Thomas and Jonker made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:14 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
TRAINING ROOM #105A, MONTGOMERY COUNTY ANNEX BLDG, 20 PARK STREET, FONDA, NY  
COMMITTEE MEETING - LABOR MANAGEMENT  
7:00 PM, January 16, 2008

COMMITTEE MEETING DISCUSSION

Items on the agenda, at this time, are as follows:

1. Employee Evaluations
2. Grievances - Sheriff's Dept.
3. Non-Bargaining Salary Review
4. Other

\*\*\*It is likely that a majority of this meeting will be conducted in Executive Session.\*\*\*

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
ROOM 214, MONTGOMERY COUNTY ANNEX BLDG, 20 PARK STREET, FONDA, NY  
COMMITTEE MEETING - NEEDS ASSESSMENT  
9:00 AM, January 18, 2008

COMMITTEE MEETING DISCUSSION

Items on the agenda, at this time, are as follows:

1. Discussion regarding prospective bidders - Montgomery County Building Project
2. Other

\*\*\*It is likely that a majority of this meeting will be conducted in Executive Session.\*\*\*

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
TOWN OF FLORIDA OFFICE BUILDING, 214 FT. HUNTER RD., AMSTERDAM, NY  
PUBLIC HEARING  
7:45 PM, January 21, 2008

PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - BEECHNUT NUTRITION CORPORATION  
PUBLIC HEARING DISCUSSION

Town of Florida Supervisor Bill Strevy called the Public Hearing to order at 7:45 p.m. at the Town of Florida Office Building.

There were no other Supervisors present.

The following notice was read:

PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Montgomery will hold public hearings. Said public hearings will take place at the Town of Florida Office Building located at 214 Fort Hunter Road, Amsterdam, New York the 21st day of January 2008 at 7:45 p.m. and at the Montgomery County Office Building, Supervisors Chambers, 64 Broadway, Fonda, New York the 21st day of January 2008 at 6:50 p.m. regarding the proposed use of Community Development Block Grant funds.

The purpose of the Economic Development Program's Community Development Block Grant Application is to fund eligible economic development activities.

The Board of Supervisors has directed that the Economic Development Program's Community Development Block Grant Application address needs related to Economic Development and job creation and retention activities, consisting of a single year commitment in the amount of \$750,000.

The Board of Supervisors is considering applying for funding related to the Beechnut project located on State Highway 5S in the Town of Florida. This project will result in the retention of 356 full time jobs in New York State and the creation of at least 135 new full time jobs within three years of project approval in Montgomery County.

Citizens will be afforded an opportunity to review and comment upon program objectives, consolidated and abbreviated plans and the application, prior to submission.

FURTHER NOTICE is hereby given that copies of said documents are available at the Office of the Montgomery County Department of Economic Development and Planning, Old County Court House, Park Street, Fonda, New York, where they may be inspected or procured by any interested person during business hours.

By order of the Board of Supervisors,

Kim Sanborn  
Clerk of the Board  
Dated: December 26, 2007

Supervisor Strevy asked whether anyone from the public wished to speak. No one spoke.

Supervisor Strevy adjourned the public hearing at 7:48 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:50 PM, January 22, 2008

PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - BEECHNUT NUTRITION CORPORATION  
PUBLIC HEARING DISCUSSION

Chairman Vi to Greco called the Public Hearing to order at 6:50 p.m.

Present were Supervisors Quackenbush, Johnson, Paton, McMahon, Strevy, Dybas, Thayer, Barone, Thomas, Bai a and Di Mezza.

Absent were Supervisors Jonker, Walters and Stagliano.

The following notice was read:

PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Montgomery will hold public hearings. Said public hearings will take place at the Town of Florida Office Building located at 214 Fort Hunter Road, Amsterdam, New York the 21st day of January 2007 at 7:45 p.m. and at the Montgomery County Office Building, Supervisors Chambers, 64 Broadway, Fonda, New York the 22nd day of January 2007 at 6:50 p.m. regarding the proposed use of Community Development Block Grant funds.

The purpose of the Economic Development Program's Community Development Block Grant Application is to fund eligible economic development activities.

The Board of Supervisors has directed that the Economic Development Program's Community Development Block Grant Application address needs related to Economic Development and job creation and retention activities, consisting of a single year commitment in the amount of \$750,000.

The Board of Supervisors is considering applying for funding related to the Beechnut project located on State Highway 5S in the Town of Florida. This project will result in the retention of 356 full time jobs in New York State and the creation of at least 135 new full time jobs within three years of project approval in Montgomery County.

Citizens will be afforded an opportunity to review and comment upon program objectives, consolidated and abbreviated plans and the application, prior to submission.

FURTHER NOTICE is hereby given that copies of said documents are available at the Office of the Montgomery County Department of Economic Development and Planning, Old County Court House, Park Street, Fonda, New York, where they may be inspected or procured by any interested person during business hours.

By order of the Board of Supervisors,

Kim Sanborn  
Clerk of the Board  
Dated: December 26, 2007

Chairman Greco asked whether anyone from the public wished to speak.

Mark Zwalski, Town of Florida resident and representing the Empire State Regional Counsel Carpenters Local 370 spoke, asking that the prevailing rate be attached with this project. He stated that he would like to see NYS contractors and workforce at this jobsite, also.

Jeff Stark, Amsterdam resident and spokesperson for the International Union of Brotherhood of Painters and Allied Trades and VP of the Area Labor Federations. He spoke in support of the Beechnut Project, but is concerned over what will be done for Canajoharie during this loss. He also stated that there has been no commitment made by unionized Beechnut to make those new jobs union-based. He cautioned that Beechnut could be poised to sign a neutrality agreement. He also stated that he would like to see experienced NYS contractors and workforce at this jobsite.

Supervisor Jonker entered Chamber at 6:56 PM.

Debbie Sanders, Ft. Plain resident gave a brief history of Beechnut in Canajoharie. She stated that her multi-generational family has worked for Beechnut in Canajoharie, and implored Beechnut to retain their Canajoharie ties.

Canajoharie resident Steve Bulers inquired why Beechnut was leaving Canajoharie in the first place when there is plenty of room for expansion on this hill near the High School, and that the loss to Canajoharie will be staggering, citing the raising of taxes.

There were no other comments.

Chairman Greco adjourned the public hearing at 7:03 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, January 22, 2008

CALL TO ORDER

Chairman Vi to Greco called the Regular Meeting of the Montgomery County Board of Supervisors for January 22, 2008 to order at 7:04 PM.

SALUTE TO THE FLAG

Supervisor Baia led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, Johnson, Greco, Paton, McMahon, Strevy, Dybas, Thayer, Barone, Walters, Thomas, Jonker, Baia and DiMezza were present. Supervisor Stagliano was absent.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if anyone wished to speak.

Evelyn Lindley, Town of Root resident, stated that in today's economy, she's concerned about the additional spending within the County, particularly the salary increases and a pursuing a new office building.

There were no other speakers.

Chairman Greco adjourned Public Comment at 7:06 PM.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (Dec. 22, 2007 - Jan. 15, 2008) by Supervisor Quackenbush, seconded by Supervisor Barone, Sr., passed with Aye(1772). Supervisor Stagliano was absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Dybas, seconded by Supervisor Quackenbush, passed with Aye(1772). Supervisor Stagliano was absent.

MOTION TO AMEND THE AGENDA

MOTION TO AMEND AGENDA by Supervisor McMahon, seconded by Supervisor Dybas to add newly numbered Resolution 48 to the list of Resolutions and entertaining it at the beginning of the NEW BUSINESS section, and to also entertain Resolution 35 immediately after Resolution 48, passed with Aye(1772). Supervisor Stagliano was absent.

(Clerk's note: Resolution 48, titled "RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - UNION CONTRACT - EDUCATION SUPPORT PERSONNEL (ESP) CLERICAL UNIT (FMCC)", did not go through Committee.)

UNFINISHED BUSINESS

A. RESOLUTION 341 OF 2007 - RESOLUTION APPOINTING MONTGOMERY COUNTY ETHICS BOARD MEMBER

Regarding Resolution 341, Supervisor Barone stated that Anthony Centi of Amsterdam is replacing Bob Sitterly. There were no objections.

**RESOLUTION NO. 341 of 2007**

**DATED:** December 22, 2007

RESOLUTION APPOINTING MONTGOMERY COUNTY ETHICS BOARD MEMBER

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Strevy

WHEREAS, Resolution 140 of 2007 appointed the first members of the Ethics Advisory Board in accordance with Local Law #1 of 2007, and

WHEREAS, in said resolution, the Chairman of the Board of Supervisors recommended and the Board of Supervisors approved the following appointment:

Robert F. Sitterly of 277 Main St., Ft. Plain registered in the Conservative political party, whose appointment shall end on December 31, 2007

, and

WHEREAS, It is required by the Montgomery County Ethics Law - Part B, Section 201, #5 - within thirty (30) days after the effective date of this local law, and no later than December 31 each year thereafter, the Chair of the Board of Supervisors, with the advice and consent of the Board of Supervisors shall appoint the members of the Ethics Board. , and

WHEREAS, the Chairman of the Board has recommended the following for appointment to the Montgomery County Ethics Board:

Robert F. Sitterly of 277 Main St., Ft. Plain registered in the Conservative political party, whose appointment shall end on December 31, 2010.

RESOLVED, that the Montgomery County Board of Supervisors hereby confirms said appointment, and

FURTHER RESOLVED, that said member of the Ethics Board shall, within fifteen (15) days of the date of his or her appointment, file with the Clerk of the Board of Supervisors a financial disclosure statement as adopted by the Board of Supervisors, and

FURTHER RESOLVED, the said member of the Ethics Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

MOTION TO TABLE by Supervisor Strevy, seconded by Supervisor Dybas, passed with Aye(1706). Supervisors Cechnicki and Stagliano were absent. (12/22/2007)

MOTION TO REMOVE FROM TABLE by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor DiMezza to strike in the second and fourth WHEREAS clauses "Robert F. Sitterly of 277 Main St., Ft. Plain" and insert "Anthony Centi of Tremont Ave., Amsterdam" , passed with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

## NEW BUSINESS

A. Resolutions

B. Other

**RESOLUTION NO. 48 of 2008**  
**DATED:** January 22, 2008

**\*\*See Appendix for Resolution Attachment\*\***

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - UNION CONTRACT - EDUCATION SUPPORT PERSONNEL (ESP) CLERICAL UNIT (FMCC)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Quackenbush

WHEREAS, During the 2006-07 and 2007-2008 Academic Year, representatives from Fulton-Montgomery Community College Administration, the Fulton County Board of Supervisors, the Montgomery County Board of Supervisors, and the FMCC Board of Trustees, and members of the Education Support Personnel (ESP) Clerical Unit were involved in contract negotiations, and

WHEREAS, after several months of discussion and mediation, the two negotiating teams came to a four-year agreement between the College and ESP, and

WHEREAS, the FMCC Board of Trustees has accepted and ratified modifications to the agreement between Fulton-Montgomery Community College and the ESP, and

WHEREAS, The FMCC Board recommends that the Fulton County and Montgomery County Boards of Supervisors ratify these modifications as well,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a Memorandum of Agreement between the Education Support Personnel (ESP) Clerical Unit, Fulton-Montgomery Community College, Fulton County and Montgomery County, as attached hereto and made a part hereof, and

FURTHER RESOLVED, that this Resolution is contingent upon adoption of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 35 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - FULTON-MONTGOMERY COMMUNITY COLLEGE**

Resolution by Supervisor: McMahan

Seconded by Supervisor: Di Mezza

WHEREAS, it is necessary for Montgomery County to approve the 2008 Capital Projects at Fulton-Montgomery Community College with a corresponding approved budget amount so that proper funding is in place from all resources,

WHEREAS, the Master Steering Plan Committee has recommended implementation of certain projects at Fulton-Montgomery Community College for 2008, and

WHEREAS, said 2008 Capital Projects are required to be endorsed and approved by each contributing County with corresponding budget amounts so that proper funding is in place from all resource and said projects can be implemented,

RESOLVED, that the Montgomery County Board of Supervisors hereby adopts the following list of Capital Projects at Fulton Montgomery Community College for the year 2008:

**Library Building Water Infiltration Project**

Total Cost: \$ 164,968  
SUNY Share: \$ 82,484  
Each County: \$ 41,242

**College Union Water Infiltration Project**

Total Cost: \$ 163,680  
SUNY Share: \$ 81,840  
Each County: \$ 40,920

**Classroom Building Renovation Project: Phase I**

Total Cost: \$2,330,000  
SUNY Share: \$1,165,000  
Each County: \$ 582,500

**Classroom Building Renovation Project: Phase II Design**

Total Cost: \$ 200,000  
SUNY Share: \$ 100,000  
Each County: \$ 50,000

**Total 2008 Capital Project**

Total Cost: \$2,858,648  
SUNY Share: \$1,429,324  
Each County: \$ 714,662

, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to arrange for the preparation of appropriate legislation authorizing bonding to fund said Capital Project.

RESOLUTION ADOPTED with Aye(1636). Supervisor Dybas voted Nay. Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

(Clerk's note: Regarding Resolution 12, there was no name to insert in the next to last paragraph of the Resolution, so the paragraph was stricken in amendment.)

**RESOLUTION NO. 12 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MOSA BOARD REPRESENTATIVES**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Dybas

WHEREAS, Section 2041-b(1) of Public Authorities Law constitutes the Montgomery-Otsego-Schoharie Solid Waste Management Authority as a Public Benefit Corporation consisting of members appointed by participating Counties, and

WHEREAS, said Law further states that three members from the County of Montgomery shall be appointed by the Chairman of the Board of Supervisors and confirmed by the Board of Supervisors for a four-year term, all whom shall be residents of the County and at least one whom shall be a resident of the City of Amsterdam, and

WHEREAS, said Board currently consists of the following members:

William Strevy - Term expires 12/31/2007  
Olga Podmajersky - Term expires 12/31/2009  
Daniel Baker - Term expires 12/31/2010

WHEREAS, due to William Strevy's term expiring 12/31/2007 and Daniel Baker's resignation effective 12/31/2007, two openings exist on the board, and

WHEREAS, the Chairman of the Board of Supervisors has appointed the following:

John Thayer of Root as a Montgomery County Representative to the Board of the Montgomery-Otsego-Schoharie Solid Waste Authority for a four-year term ending December 31, 2011, and

\_\_\_\_\_ of \_\_\_\_\_ as a Montgomery County Representative to the Board of the Montgomery-Otsego-Schoharie Solid Waste Authority to fill an existing vacancy of an unexpired term ending December 31, 2010,

RESOLVED, that the Montgomery County Board of Supervisors hereby confirms said appointment.

MOTION TO AMEND by Supervisor Strevy, seconded by Supervisor Quackenbush to strike the next to last paragraph, passed with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

RESOLUTION ADOPTED with Aye(1636). Supervisor Dybas voted Nay. Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 13 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBER OF MONTGOMERY COUNTY SANITARY SEWER DISTRICT # 1 BOARD OF DIRECTORS**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Johnson

WHEREAS, Resolution 109 of 1998 states that the Montgomery County Sanitary Sewer District Board shall consist of seven (7) members comprised of the current Supervisors of the Towns of Canajoharie, Minden, and Palatine and the current Mayors of the Villages of Fort Plain, Nelliston and Palatine Bridge and one member-at-large, to be appointed by the Board of Supervisors, for a one-year term commencing on January 1, 2008 and ending on December 31, 2008.

RESOLVED, that George Capece hereby is appointed as the "at-large" member of the Board of Directors of the Montgomery County Sanitary Sewer District No. 1 for a one-year term ending on December 31, 2008.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO.** 14 of 2008

**DATED:** January 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - SECTION 5311 CAPITAL PROJECT GRANT (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Jonker

WHEREAS, by Resolution 89 of 2006, the Board of Supervisors authorized acceptance of grant funds from the New York State Department of Transportation for the purchase of one thirty foot bus - estimated cost of \$105,000 to be utilized by Brown's Coach, the County's Third Part Provider of its Mass Transportation Program, and

WHEREAS, said funds were appropriated in the 2006 Operating Budget and the unexpended balance was carried forward in the 2007 Operating Budget by Resolution 26 of 2007,

WHEREAS, the unexpended balance from 2007 should be carried forward in the 2008 Operating Budget,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUES:**

A-01-3-4589	Federal Aid - Other Transportation - Bus	\$ 84,000
A-01-3-3589	State Aid - Transportation	\$ 10,500
A-01-3-1789	Other Transportation Income	\$ 10,500

**INCREASE APPROPRIATIONS:**

A-01-4-5630-00-2230	Bus Operations - Motor Vehicle Equipment	\$105,000
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RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO.** 15 of 2008

**DATED:** January 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - MONTGOMERY COUNTY BUS TRANSPORTATION SYSTEM (ECONOMIC DEVELOPMENT/PLANNING)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Di Mezza

WHEREAS, by Resolution 218 of 2007 the Montgomery County Board of Supervisors established a County Bus System that will serve the transportation needs of the citizens of Montgomery County, and

WHEREAS, Resolution 40 of 2007 authorized the Chairman of the Board of Supervisors to execute a Jobs - Access and Reverse Commute Grant (JARC) with the New York State Department of Transportation (NYSDOT) who is also willing to provide significant funding through the State Operating Assistance Program (STOA) and Federal Section 5311 Program to assist with the operations of a Countywide Bus Transportation System and funding through the NYS Capital Purchase Grant Program is also available for assistance with the purchase of County-owned buses to run such a system,

WHEREAS, said funds for program were appropriated in the 2007 Operating Budget, yet were not expended as of December 31, 2007, and

WHEREAS, it is necessary to carry forward said funding in the 2008 Operating Budget to bring said project to fruition,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget to provide for grant funding and necessary matching funds to allow for operation of said bus system and the purchase 2 County-owned buses as follows:

## INCREASE REVENUES:

A-01-3-3594	State Aid - Transportation	\$146,636
A-01-3-4589	Federal Aid - Other Transportation	\$144,000
A-599	Appropriated Fund Balance	\$ 82,461
		-----
		\$373,097

## ADD &amp; INCREASE APPROPRIATIONS:

A-01-4-5630-00-4404	County Transportation System	\$243,097
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## INCREASE APPROPRIATIONS:

A-01-4-5630-00-2230	Motor Vehicle Equipment	\$130,000
		-----
		\$373,097

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 16 of 2008****DATED:** January 22, 2008

## RESOLUTION AUTHORIZING CHAIRMAN TO SIGN ADMINISTRATIVE AND STAFF SUPPORT SERVICES AGREEMENT - MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECONOMIC DEVELOPMENT)

Resolution by Supervisor: Bai a

Seconded by Supervisor: Dybas

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement for provision of administrative and staff support services to the Montgomery County Industrial Development Agency, and

FURTHER RESOLVED, that said agreement shall be for a period commencing on January 1, 2008 and ending on December 31, 2008.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 17 of 2008****DATED:** January 22, 2008

## RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - 2007-2008 AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT AWARD AND DESIGNATING THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING AS GRANT ADMINISTRATOR

Resolution by Supervisor: Johnson

Seconded by Supervisor: Strevy

WHEREAS, the State of New York Department of Agriculture and Markets requested proposals for State Financial Assistance payments for farmland protection implementation projects, and

WHEREAS, Montgomery County has adopted an agricultural and farmland protection plan in December 1999, and

WHEREAS, a recommendation of this plan is for the County to support farmland protection and to explore ways to match state funds in grant applications to purchase development rights on existing farmland for preservation purposes, and

WHEREAS, Montgomery County sponsored the grant application and the Keitzmann Farm has been awarded \$958,837 to purchase the property's development rights, and

WHEREAS, the New York State Department of Agriculture and Markets Agriculture has requested Montgomery County identify an authorized representative to execute a contract and administer all related fiscal matters;

RESOLVED, the Board of Supervisors authorizes the Department of Economic Development and Planning to act on behalf of the County as the authorized representative in administering and executing the grant award, and

FURTHER RESOLVED that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign and submit all required documents, agreements and subsequent reporting materials for funding under this grant award.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 18, Supervisor Strevy stated that Elma Phillips would like to serve on the Committee as the Agribusiness Rep. There were no objections.

**RESOLUTION NO. 18 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBERS - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - AGRICULTURE**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Dybas

WHEREAS, by Resolution 54 of 2004 the Board of Supervisors re-established a special advisory committee to develop and oversee implementation of programs to promote and market Montgomery County agricultural opportunities, and

WHEREAS, said committee provides general direction to any groups responsible for county-sponsored programs related to agricultural economic development, and

WHEREAS, said committee's membership is to be appointed by the Board of Supervisors, with membership to include:

Active Farmer  
Agribusiness  
Montgomery County Supervisor  
Farm Bureau Representative  
Chamber of Commerce Representative  
Farm Service Agency Representative  
Economic Opportunity and Development/Planning Representative  
Cornell Cooperative Extension Association Board Representative  
Agricultural and Farmland Protection Board Representative

, and

WHEREAS, the Active Farmer, the Agribusiness and the Supervisor shall be designated by the Board of Supervisors, while other proposed representatives shall be nominated by the respective entities, subject to the approval of the Board of Supervisors, and

WHEREAS, all members of said advisory committee serve at the pleasure of the Board of Supervisors, and

WHEREAS, said advisory committee is to tender written quarterly reports to the Chairman of the Board of Supervisors, and

WHEREAS, the Board currently consists of the following:

Sue Keith - Active Farmer  
Vacant - Agribusiness  
Sieds Jonker - Montgomery County Supervisor  
Russ Kelly - Farm Bureau Representative  
Vacant - Chamber of Commerce Representative  
Andrew Michaels - Farm Service Agency Representative  
Ken Rose - Economic Development/Planning Representative  
Marilyn Smith - Cornell Cooperative Ext. Assoc. Board Rep.  
Bob Harris - Agricultural and Farmland Protection Board Rep.

RESOLVED, the following are hereby appointed as members of the Economic Development Advisory Committee - Agriculture:

Vacant - Agribusiness  
Deborah Auspelmyer - Chamber of Commerce Representative

MOTION TO AMEND by Supervisor Strevy, seconded by Supervisor Dybas by striking the name "Vacant" and inserting "Elma Phillips" in the RESOLVED clause, passed with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

RESOLUTION ADOPTED with Aye(1657). Supervisor Jonker abstained. Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 19 of 2008****DATED:** January 22, 2008**RESOLUTION APPOINTING MEMBER - BOARD OF DIRECTORS - CORNELL COOPERATIVE EXTENSION OF FULTON AND MONTGOMERY COUNTIES**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Jonker

WHEREAS, Article V, Section 3B of the Constitution and Bylaws of the Cornell Cooperative Extension of Fulton and Montgomery Counties states that the Montgomery County Board of Supervisors shall appoint one Supervisor a one-year term to serve as a Director on the Association Board of Directors,

RESOLVED, that Supervisor David Dybas is hereby appointed as a Director on the Board of Directors of the Cooperative Extension Association of Fulton and Montgomery Counties for a term beginning on January 1, 2008 and ending on December 31, 2008.

RESOLUTION ADOPTED with Aye(1636). Supervisor Dybas abstained. Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

---

**RESOLUTION NO. 20 of 2008****DATED:** January 22, 2008**RESOLUTION APPOINTING SUPERVISOR - MONTGOMERY COUNTY RECORDS MANAGEMENT ADVISORY BOARD**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Greco

WHEREAS, Resolution 138 of 2004 established the Montgomery County Records Management Advisory Board, and

WHEREAS, the duties of said Board include providing advising the Records Management Officer on the development of the Records Management Program; Review the performance of the Program on a continual basis and propose changes and improvements; Review retention periods proposed by the Records Management Officer for records not covered by the State Education department schedules; provide advice on the appraisal of records for archival value; Review all requests for disposition of records and grant final approval before disposition takes place; and actively support the Records Management Program and promote it among all the departments and agencies of County Government and the local community, and

WHEREAS, said Board shall be composed of the County Treasurer, County Clerk, County Historian/Records Management Officer, Director of Data Processing, Director of Economic Opportunity and Development/Planning, three Montgomery County residents, to be appointed by the Records Management Officer and a member of the Board of Supervisors to be designated each January, (or their designee),

RESOLVED, that Supervisor John Thomas is hereby appointed to serve on the Montgomery County Records Management Advisory Board for a term to expire on December 31, 2008.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 21 of 2008****DATED:** January 22, 2008**RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

Resolution by Supervisor: Greco

Seconded by Supervisor: Walters

WHEREAS, Article 2, Section 6(1)a of the Soil & Water Conservation Law states that when a County



has been declared a Soil & Water Conservation District, a board of directors consisting of five members shall be appointed by the County Board of Supervisors, and

WHEREAS, said Board of Directors shall consist of two members of the County board, two persons whom shall be practical farmers and one member-at-large, and

WHEREAS, of the two persons being practical farmers one shall be appointed by the county grange and one from the county farm bureau, and

WHEREAS, the Board of Directors currently consists of the following:

Scott Ryan	Practical Farmer (Grange)	- Term expires 12/31/09
Brian Holloway	Practical Farmer (Farm Bureau)	- Term expires 12/31/09
Richard Kennedy	Member at Large	- Term expires 12/31/09
Brian Cechnicki	Board of Supervisors	- Term expires 12/31/07
Ed Paton	Board of Supervisors	- Term expires 12/31/07

, and

RESOLVED, that the following are hereby appointed to fill the two expired terms of the Board of Supervisors representatives:

William Strevy	Board of Supervisors - Term expires 12/31/09
Ed Paton	Board of Supervisors - Term expires 12/31/09

RESOLUTION ADOPTED with Aye(1522). Supervisors Strevy and Paton abstained. Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

(Clerk's note regarding Resolution 22: There were no names to insert into the blanks of the Resolution.)

#### **RESOLUTION NO. 22 of 2008**

**DATED:** January 22, 2008

#### **RESOLUTION APPOINTING MEMBERS - FULTON - MONTGOMERY - SCHOHARIE WORKFORCE DEVELOPMENT BOARD**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Thomas

WHEREAS, Resolution 263 of 2007 authorizes Montgomery County to enter into a formal Chief Local Elected Officials Agreement with Fulton County and Schoharie County for the creation of the Fulton-Montgomery-Schoharie Workforce Development Board, and

WHEREAS, said agreement requires that each County maintain five public sector appointments and six private sector appointments as listed under the Workforce Investment Act, Section 117, and

WHEREAS, Montgomery County's public sector appointments include the Department of Labor, Organized Labor, Vocational Rehabilitation, and two Community-Based Organizations, and

WHEREAS, the Board which currently consists of the following:

Appointment	Representing	Term
Pat Baia	Private Sector Appointment	11/22/05 - 11/22/08
Tom Pasquarelli	Private Sector Appointment	11/22/05 - 11/22/08
Terry Suits	Private Sector Appointment	11/22/05 - 11/22/08
	Private Sector Appointment	XXXXXXXX - 11/22/08
Gary Donadio	Private Sector Appointment	05/23/06 - 11/22/08
	Private Sector Appointment	XXXXXXXX - 11/22/08
Bob Hoefs	Public Sector Appointment	11/22/05 - 11/22/08
Dustin Swanger	Public Sector Appointment	04/24/07 - 11/22/08
Robert Palmatier	Public Sector Appointment	11/22/05 - 11/22/08
Ramon Rodriguez	Public Sector Appointment	11/22/05 - 11/22/08
Kristine Pennick	Public Sector Appointment	06/27/06 - 11/22/08

, and

WHEREAS, the Workforce Development Executive Director has received resignation from Kristine Pennick, who represents a Public Sector Appointment,

RESOLVED, that the Montgomery County Board of Supervisors hereby appointments the following

individuals to the Fulton-Montgomery-Schoharie Workforce Development Board:

Appointing	Representing	Term
Julia Caro	Public Sector Appointment	04/24/07 - 11/22/08
_____	Private Sector Appointment	XXXXXXXX - 11/22/08
_____	Private Sector Appointment	XXXXXXXX - 11/22/08

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

(Clerk's note regarding Resolution 23: At this time there is no name to insert into the last WHEREAS clause.)

**RESOLUTION NO. 23 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBERS TO THE MONTGOMERY COUNTY OCCUPANCY TAX ADVISORY BOARD**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Thomas

WHEREAS, Local Law No. 2 of 1990 created a Montgomery County Occupancy Tax Advisory Board, which shall be comprised of seven members appointed by the Board of Supervisors on the recommendation of the Chairman of the Board of Supervisors, and

WHEREAS, said Law calls for four appointments to be made by the majority party and three appointments to be made by the minority party, and

WHEREAS, said Law further states that the Chairman of the Board, or his designee, shall serve as an ex-officio member, and

WHEREAS, said Law calls for the Board of Supervisors to ensure that three members will represent the lodging facility industry and

WHEREAS, said Local Law was amended by Local Law No. 2 of 2005 creating terms of such appointments as follows:

The Members of said Advisory Board shall serve three-year terms as follows:

Three of such members, of which one member shall be a representative of an organization of the lodging facility industry, shall serve terms the cycles of which shall coincide with starting on January 1, 2005 and every third year thereafter;

Two of such members, of which one member shall be a representative of an organization of the lodging facility industry, shall serve terms the cycles of which shall coincide with starting on January 1, 2006 and every third year thereafter;

Two of such members, of which one member shall be a representative of an organization of the lodging facility industry, shall serve terms the cycles of which shall coincide with starting on January 1, 2007 and every third year thereafter.

WHEREAS, said Board currently consists of the following members:

William Hisert	- Term expires 12/31/07
Shawn Bowerman	- Term expires 12/31/07
Alex Chaucer	- Term expires 12/31/08
Ann Thane	- Term expires 12/31/08
Eric Trahan	- Term expires 12/31/08
Ron Hezel	- Term expires 12/31/09
Susan Phemister	- Term expires 12/31/09

WHEREAS, the Chairman of the Board of Supervisors has recommended that the following be appointed to fill the two expired appointments:

Shawn Bowerman	- Term to expire 12/31/10
_____	- Term to expire 12/31/10

RESOLVED, that the Montgomery County Board of Supervisors hereby confirms said appointment.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 24 of 2008**

**DATED:** January 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - LAWRENCE W. EATON -PUBLIC HEALTH PREPAREDNESS COORDINATOR (PUBLIC HEALTH)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Quackenbush

WHEREAS, the Public Health Department has received a Public Health Preparedness Grant, and

WHEREAS, the Public Health Director has determined the need to contract with a consultant to Coordinate Public Health Emergency Preparedness and Response responsibilities, activities and duties in the event of a natural or man-made disaster, and

WHEREAS, the cost of such consultant shall be funded utilizing Health Research Inc annually approved budgeted Public Health Emergency Preparedness and Response grant funds, and

RESOLVED, that the Public Health Director shall hire Lawrence W. Eaton as a consultant at an hourly rate not to exceed \$35.00/hour and not exceeding the maximum total budgeted for the use of a consultant in the respective grant year approved by Health Research Inc, and

FURTHER RESOLVED, that the Public Health Director will determine the need to contract with a consultant on an annual basis and request renewal of said contract with an approved consultant on an annual basis as Public Health Emergency Preparedness and Response grant funds are made available, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign said contract.

FURTHER RESOLVED, that this agreement may be renewed without further action of the Board of Supervisors contingent upon the terms therein remain substantially the same.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 25 of 2008**

**DATED:** January 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CLINICAL AFFILIATE FOR STUDENTS - ALBANY COLLEGE OF PHARMACY (PUBLIC HEALTH)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Bai a

WHEREAS, the Public Health Director has recommended entering into an agreement to serve as a Clinical Affiliate for students enrolled in the Albany College of Pharmacy (ACP), and

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with the Albany College of Pharmacy (ACP) to be a Clinical Affiliate for students enrolled at Albany College of Pharmacy (ACP).

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 26 of 2008**

**DATED:** January 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - CARRY OVER GRANT FUNDS - BIOTERRORISM (PUBLIC HEALTH)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

WHEREAS, the Board of Supervisors authorized acceptance of the 2006-07 Preparedness and Response to Bioterrorism Grant funds for the period commencing August 31, 2007 and ending August 30, 2008, and

WHEREAS, said funds were appropriated in the 2007 Operating Budget and the unexpended balance should be carried forward in the 2008 Operating Budget,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

INCREASE:

Revenue: A-16-3-3401-06 Public Health Grant \$ 62,688.80

Appropriations:

A-16-4-4010-06	Public Health Grant	
.2250	Technical Equipment	\$ 6,000.00
.2259	Computer Equipment	\$ 3,500.00
.4408	Office Supplies	\$ 2,765.00
.4411	Telephone Expense	\$ 2,996.68
.4425	Maintenance Agreements	\$ 3,765.93
.4431	Professional Services	\$ 26,000.00
.4438	Misc. Supporting Svc.	\$ 5,726.16
.4445	Medical Supplies	\$ 2,500.00
.4446	Food Supplies	\$ 1,985.03
.4449	Special Supplies & Materials	\$ 1,000.00
.4459	Computer Software	\$ 1,000.00
.4470	Travel Related Exp.	\$ 500.00
.4471	Mileage Expense	\$ 500.00
.4491	Legal Notice & Adver.	\$ 1,450.00
.4526	Education Programs	\$ 3,000.00

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 27 of 2008**

**DATED:** January 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - CARRY OVER GRANT FUNDS - LEAD POISONING PREVENTION GRANT (PUBLIC HEALTH)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Bai a

WHEREAS, the Board of Supervisors authorized acceptance of the Lead Poisoning and Prevention Grant funds for the period commencing April 1, 2007 and ending March 31, 2008, and

WHEREAS, said funds were appropriated in the 2007 Operating Budget and the unexpended balance should be carried forward in the 2008 Operating Budget,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

INCREASE REVENUE:

A-16-3-3401-05 Public Health Grant \$ 1186.00

Appropriations: A-16-4-4010-05 Public Health Grant

.4408	Office Supplies	\$ 300.00
.4436	Medical Fees	\$ 181.00
.4445	Medical Supplies	\$ 100.00
.4526	Education Programs	\$ 605.00

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 28 of 2008**

**DATED:** January 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - CARRY OVER GRANT FUNDS - IMMUNIZATION ACTION PLAN GRANT (PUBLIC HEALTH)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Bai a

WHEREAS, the Board of Supervisors authorized acceptance of the Immunization Action Plan Grant funds for the period commencing April 1, 2007 and ending March 31, 2008, and

WHEREAS, said funds were appropriated in the 2007 Operating Budget and the unexpended balance should be carried forward in the 2008 Operating Budget,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE:**

Revenue:	A-16-3-3401-03	Public Heal th Grant	\$	1046.88
Appropriations:	A-16-4-4010-03	Public Heal th Grant		
		.4408 Office Supplies	\$	100.00
		.4445 Medical Supplies	\$	545.00
		.4470 Travel Related Expense	\$	151.88
		.4471 Mileage Expense	\$	250.00

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 29 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBERS COMMUNITY SERVICE BOARD (MENTAL HEALTH)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Dybas

WHEREAS, Section 41.11 of Mental Hygiene Law provides for the appointment of members by the Board of Supervisors to the Local Community Service Board,

WHEREAS, said Board currently consists of the following members:

Joan S. Conboy	Term Expires - 12/31/2007
Jan Tucci	Term Expires - 12/31/2007
Richard Allen	Term Expires - 12/31/2007
Holly Dargush	Term Expires - 12/31/2007
Kim Jordan	Term Expires - 12/31/2007
Patricia Goodspeed	Term Expires - 12/31/2007
Letah Graff	Term Expires - 12/31/2007
Donald Adamowski	Term Expires - 12/31/2007
Jackson Douglas	Term Expires - 12/31/2008
Lucille Sitterly	Term Expires - 12/31/2008
Jeff Smith	Term Expires - 12/31/2008
William Cranker	Term Expires - 12/31/2008
James Clauson	Term Expires - 12/31/2010

WHEREAS, currently several vacancies exist due to expired terms,

RESOLVED, the following appointments are hereby made to the Montgomery County Community Services Board for a four-year term from January 1, 2008 - December 31, 2011:

Patricia Goodspeed  
Donald Adamowski

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 30 of 2008****DATED:** January 22, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - YOUTH ENGAGEMENT SERVICES PROGRAM - FMS PIC AND AMENDING 2008 OPERATING BUDGET (SOCIAL SERVICES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Johnson

WHEREAS, the New York State Office of Temporary and Disability Assistance allocated \$100,000 funding to Montgomery County Department of Social Services in 2006 to support the development of partnership with a community-based organization for the provision of services to at-risk in-school and out-of-school youth, and

WHEREAS, New York State has extended the deadline to expend the balance of funds until June 30, 2008, and

WHEREAS, the Commissioner of Social Services has made recommendation that the County enter into an agreement with Fulton, Montgomery and Schoharie Counties Private Industry Council, Inc. for the provision of said youth services,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign appropriate documents related to the contracting of services with the Fulton, Montgomery and Schoharie Counties Private Industry Council, Inc. for the provision of a youth engagement services program in the amount not to exceed \$19,555.00, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE:****REVENUE**

A-18-3-4610-00	Federal Aid DSS Admin.	\$19,555
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**APPROPRIATIONS**

A-18-4-6010-00.4462	DSS Administration - TANF Services	\$19,555
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RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 31 of 2008****DATED:** January 22, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS SERVICES APPROVED BY 2008 SOCIAL SERVICES OPERATING BUDGET**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, the Commissioner of Social Services, upon the approval of budgeted items in the 2008 Operating Budget, desires to enter into agreements with various contractors to provide needed services, and

WHEREAS, the Commissioner of Social Services has made recommendations to enter into such agreements upon approval of funding by the Board of Supervisors,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval of the County Attorney, is hereby authorized and directed to sign agreements for services funded in the 2008 Operating Budget with the following providers:

Amsterdam Memorial Health Care System  
(Employability Physicals for Public Assistance Clients)

Berkshire Farm Center and Services for Youth  
(Stepping Stones Program - Intensive Crisis Intervention and Support  
Services to Avert Placement or Detention)

Catholic Charities of Montgomery County  
(Court-Ordered Supervised Visitations)

Catholic Charities of Montgomery County  
(Non-Residential Domestic Violence 24-Hour Hotline Service)

Catholic Charities of Montgomery County  
(In-School PINS Prevention (Fresh Start) Preventive PINS/Detention Program)

Catholic Charities of Montgomery County  
(Domestic Violence Assessment and Counseling)

Catholic Charities of Montgomery County  
(Non-Residential Special Needs Domestic Violence – For Cases with Acute Mental Health Issues – Physical and Psychological Disabilities)

Catholic Charities of Montgomery County  
(Intensive Case Management for Public Assistance Long-Term Recipients)

Cornell Cooperative Extension of Fulton & Montgomery Counties  
(Food Stamp Nutrition Education Program)

Employment Resources  
(Food Stamp Employees to Seek Employment)

Employment Resources  
(Employment Case Management – Job Referrals, Job Development and Worksite Development)

Fonda-Fultonville School District  
(Preventive Services)

Hispanic Outreach Services  
(Translation/Interpretation Services)

Lab Corp/Laboratory Corporation of America  
(Paternity Testing)

Mary O'Conner, Ph.D.  
(Sexual Abuse Services)

Montgomery County Data Processing Department  
(Systems Support Services)

Montgomery County Sheriff's Department  
(Security Guard – To Provide Security at County Office Building)

Montgomery Transitional Services, Inc.  
(Highland Road Community Residence)

Rev. Bonnie M. Orth  
(Managed Care Services)

St. Mary's Hospital at Amsterdam  
(Drug and Alcohol Core Assessment and Training, Abuse Screening, Additional Related Drug and Alcohol Counseling/Vocational Counseling)

St. Mary's Hospital at Amsterdam  
(One – 1 – Clinical Social Worker – Assessment and Treatment Plan for Children)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 32 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING REGION IV FISH AND WILDLIFE MANAGEMENT BOARD MEMBERS**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Barone, Sr.

WHEREAS, Article 11, Section 501(4)a of Environmental Conservation Law requires a regional fish and wildlife management board to be appointed for Region IV and shall include three members from Montgomery County, and

WHEREAS, said Law further states that said appointments will be made by the Chairman of the Board of Supervisors with the approval of the Board of Supervisors, and

WHEREAS, appointments shall be for two-year terms which shall consist of one member, who shall be a member of the Board of Supervisors, one member who shall represent the landowners of the County and one member who shall represent the sportsmen of the County, and

WHEREAS, the Board currently consists of the following:

Supervisor Shayne T. Walters representing the Legislative Appointment for a term ending on December 31, 2007.

Supervisor John B. Thomas representing the Alternate Legislative Appointment for a term ending on December 31, 2007.

Paul Orzolek of Charleston representing the Sportsman Appointment for a term ending on December 31, 2007.

Jamie Carter of St. Johnsville representing the Alternate Sportsman Appointment for a term ending on December 31, 2007.

Mike Marshall of Town of Amsterdam representing the Landowner Appointment for a term ending on December 31, 2008.

Miles Frasier of Town of Palatine representing the Alternate Landowner Appointment for a term ending on December 31, 2008.

, and

WHEREAS, for those appointments expiring on December 31, 2007, the Chairman of the Board of Supervisors has reappointed the following as members of the Region IV Fish and Wildlife Management Board:

Supervisor Shayne T. Walters representing the Legislative Appointment for a term ending on December 31, 2009.

Supervisor John B. Thomas representing the Alternate Legislative Appointment for a term ending on December 31, 2009.

Paul Orzolek of Charleston representing the Sportsman Appointment for a term ending on December 31, 2009.

Jamie Carter of St. Johnsville representing the Alternate Sportsman Appointment for a term ending on December 31, 2009.

RESOLVED, that the Montgomery County Board of Supervisors hereby confirms said appointments.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 33 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING REGION IV FOREST PRACTICE BOARD MEMBERS**

Resolution by Supervisor: Paton

Seconded by Supervisor: Johnson

WHEREAS, Section 9-0705 of the NYS Environmental Conservation Law requires the establishment of a regional forest practice board for Region IV and shall include not less than three (3) members, but no more than five (5) members from Montgomery County, and

WHEREAS, said Law further states that members shall be appointed by the Chairman of the Board of Supervisors with the approval of the Board of Supervisors, and

WHEREAS, at least two-thirds of said appointments shall be individual owners or representatives of corporate owners of forest or woodland in the County and one member may be a member of the Board of Supervisors, and

WHEREAS, currently, the Board consists of the following:



Shayne Walters of Charleston representing the Legislative Appointment for a term ending on December 31, 2007.

Miles Frasier of Palatine Bridge, representing Forest or Farm Woodland Owners for a term beginning on January 1, 2007 through December 31, 2008

Ed Young of Ft. Plain, representing Forest or Farm Woodland Owners for a term beginning on January 1, 2007 through December 31, 2008

WHEREAS, the Chairman of the Board of Supervisors has reappointed the following to the Region IV Forest Practice Board:

Shayne Walters of Charleston representing the Legislative Appointment for a term ending on December 31, 2009.

RESOLVED, that the Montgomery County Board of Supervisors hereby confirms said appointments.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 34 of 2008**

**DATED:** January 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS BOARD OF ELECTIONS - 2007-2008 VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES (BOARD OF ELECTIONS)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Paton

WHEREAS, in 2007 the Board of Elections was awarded grant funds in the amount of \$6,811 for polling place access improvements and has since been notified of an additional \$1,734 for the 2007-2008 State Fiscal Year,

RESOLVED, that the Board of Supervisors hereby approves acceptance of the NYS Board of Elections funding in the amount of \$1,734 for polling place access improvements, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign all contracts related to said funding, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 operating budget as follows:

Increase Revenue:

A-11-3-3089	State Aid	\$ 1,734
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Increase Appropriation:

A-11-4-1450-00-4449	Miscellaneous Support Services	\$ 1,734
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RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 36 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY JURY BOARD**

Resolution by Supervisor: Greco

Seconded by Supervisor: Strevy

WHEREAS, Section 503a(1) of the Judiciary Law provides for the appointment of a member of the Board of Supervisors to the County Jury Board, and

WHEREAS, said appointment shall be designated by the Board of Supervisors,

RESOLVED, that Supervisor Ed Paton hereby is appointed to serve on the Montgomery County Jury

Board for a term beginning on January 1, 2008 and ending on December 31, 2009.

RESOLUTION ADOPTED with Aye(1625). Supervisor Paton abstained. Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 37 of 2008**

**DATED:** January 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - 2008 ANNUAL ALTERNATIVES TO INCARCERATION PERFORMANCE - BASED SERVICE PLAN (YOUTH BUREAU/ALTERNATIVE COMMUNITY SERVICES DEPARTMENT)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, the Youth Bureau/Alternative Community Service Director has requested that the County enter into an agreement with the New York State Department of Probation and Correctional Alternatives, and

WHEREAS, the Montgomery County Criminal Justice Coordinating Council recommends acceptance of said proposal, and

WHEREAS, said agreement will enable the County to receive grant funds in the maximum amount of Twenty-two thousand six hundred twenty nine dollars (\$22,629), now therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors hereby is authorized and directed, following review and approval by the County Attorney, to sign an agreement for the period commencing on January 1, 2008 and ending on December 31, 2008, and

FURTHER RESOLVED that upon notification of the award of said grant funds, the Chairman of the Board of Supervisors is hereby authorized and directed to execute any and all grant documents on behalf of the County.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 38 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY FIRE ADVISORY BOARD (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Jonker

WHEREAS, Article 5 Section 225-A of County Law provides for appointment of members of the County Fire Advisory Board by the Board of Supervisors,

FURTHER RESOLVED, that the following are hereby appointed as members of the Montgomery County Fire Advisory Board for a one-year term and these terms shall take effect immediately and continue through December 31, 2008.

Frank Nestle	100 Lafayette Street, Palatine Bridge	REPRESENTING
Daniel Carter	340 Mohawk Drive, Tribes Hill	Canajoharie
Mike Beyer	132 Poplar Drive, Amsterdam	Tribes Hill
Richard DePasquale	321 Locust Avenue, Amsterdam	Cranesville
Phil Bradt	2053 Burtonsville Road, Esperance	Amsterdam
David Ramsey	742 Corbin Hill Road, Sprakers	Burtonsville
Timothy Healey	11 Putnam Road, Fonda	Charleston
Richard Sager	6 Horseshoe Drive, Johnstown	Fonda
David P Bouck	113 STHWY 80, Fort Plain	Fort Johnson
James Whipple	49 Prospect Street, Fultonville	Fort Plain
Dale Furman	405 Ingersoll Road, Fultonville	Fultonville
Nicholas M. Bartosik	32 Hagaman Avenue, Hagaman	Glen
Sherman Rockwell	1070 STHWY 163, Fort Plain	Hagaman
Charles Gray	1249 STHWY 334	South Minden
Keith Rackowski	292 Fort Hunter Road, Amsterdam	Town of Mohawk
		Florida

Raymond Tylutki	P0 Box 187, Fort Hunter	Fort Hunter
Scott Bobar	110 Lynk Street, Sprakers	Rural Grove
John Prime	1234 Latimer Hill, Canajoharie	Ames
Jeffrey Swartz	24 Kingsbury Avenue, St. Johnsville	St. Johnsville
James Suidy	60 McNeir Avenue, Amsterdam	Member at Large

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 39 of 2008**

**DATED:** January 22, 2008

**RESOLUTION REAPPOINTING MONTGOMERY COUNTY EMS COORDINATOR**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Barone, Sr.

WHEREAS, by Resolution 78 of 2006 and in accordance with NYS County Law 223-b, the Montgomery County Board of Supervisors established the position of EMS Coordinator, and

WHEREAS, said appointment is made at the recommendation of the Emergency Management Director for a two-year term,

WHEREAS, this is a volunteer position, with no pay, which answers to the Emergency Management Director,

FURTHER RESOLVED, that Carrie Newkirk is hereby reappointed EMS Coordinator for a term to expire on December 31, 2009, and

FURTHER RESOLVED, that said Coordinator will act in accordance with NYS County Law 223-b and be responsible for the appointment of his/her deputies.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 40 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY ARSON ADVISORY BOARD**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Strevy

WHEREAS, Resolution 51 of 1980 created the Montgomery County Arson Advisory Board which shall consist of ten members who shall be appointed for a two-year term by the Board of Supervisors,

RESOLVED, that the following are hereby appointed as members of the Montgomery County Arson Advisory Board:

Daniel Carter	340 Mohawk Drive,	Tribes Hill
Michael Amato	Sheriff's Office,	Fultonville
James E. Conboy	P. O. Box 1500,	Fonda
David Bouck	113 StHwy 80,	Fort Plain
Michael Beyer	132 Poplar Drive,	Amsterdam
Larry Intelisano	124 Auser Road,	Esperance
David Lis	2658 Rt. 67,	Amsterdam
Gary Nestle	33 Reed St.	Canajoharie
Inv. Izzy Torro	NYSP, 3003 St Hwy 5S	Fultonville
George King	167 Queen Anne St.	Amsterdam

, and

FURTHER RESOLVED, said appointments shall be for a two-year term ending on December 31, 2009

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 41, STOP DWI Coordinator Jennifer Petteys stated that Eileen Broyles has retired as Director of the Office of the Aging but would like to continue to serve on the Traffic Safety Board as a constituent. There were no objections.

She also stated that the new Director of the Office of the Aging is not interested in serving on the Board at this time.

**RESOLUTION NO. 41 of 2008**

**DATED:** January 22, 2008

**RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY TRAFFIC SAFETY BOARD**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Greco

WHEREAS, Article 43, Section 1673, of NYS Vehicle and Traffic Law, regulates the membership of the Montgomery County Traffic Safety Board, and

WHEREAS, the law states that the members of the Traffic Safety Board be appointed by the Board of Supervisors as the governing body of this County, and

WHEREAS, if the appointed member is unable to attend any meeting, they will be allowed to appoint a designee to attend on their behalf, but will not change the original members appointment status, and

WHEREAS, the current Board consists of:

POSITION	NAME	TERM EXPIRATION
Sheriff	Michael J. Amato	12/31/08
Chief of Police, City of Amsterdam	Thomas V.N. Brownell	12/31/07
Lieutenant, Montgomery County Sheriff's Office	Burton Wilson	12/31/08
Traffic Safety Deputy, Montgomery County Sheriff's Office	Raymond Walczynski	12/31/07
Stop-DWI Coordinator	Jennifer Petteys	12/31/08
Director, Montgomery County Office for the Aging	Eileen Broyles	12/31/07
Alcoholism and Substance Abuse Council of Hamilton, Fulton & Montgomery Counties	Margaret Clark	12/31/08
Montgomery County Public Health	Suzanne Wells	12/31/07
County Board of Supervisors,	John B. Thomas	12/31/08
Chair of Public Safety Committee		
Alcoholism and Substance Abuse Council of Hamilton, Fulton and Montgomery Counties	Betsy Reksc	12/31/07
Chief of Police, Village of Canajoharie	William Beevers	12/31/08
Captain, New York State Police	William Sprague	12/31/07
TRIO Program Director, Fulton-Montgomery Community College	Jean Karutis	12/31/08
Commissioner, Montgomery County Dept. of Public Works	Paul Clayburn	12/31/07
Constituent, Town of Amsterdam	Richard Furman	12/31/09
Constituent, City of Amsterdam	Evelyn Bianchi	12/31/09
Constituent, City of Amsterdam	John Bianchi	12/31/09
Constituent, Town of Palatine	Miles Frasier	12/31/09

and,

WHEREAS, there are currently several terms that have expired that are in need of appointment,

RESOLVED, that the following appointments along with their corresponding terms to be served on the Montgomery County Traffic Safety Board shall be as follows:

POSITION	NAME	TERM EXPIRATION
Chief of Police, City of Amsterdam	Thomas V.N. Brownell	12/31/10
Traffic Safety Deputy, Montgomery County Sheriff's Office	Raymond Walczynski	12/31/10

Director, Montgomery County Office for the Aging	Cliff Balder	12/31/10
Montgomery County Public Health	Suzanne Wells	12/31/10
Hamilton, Fulton and Montgomery Prevention Council	Betsy Reksc	12/31/10
Captain, New York State Police	John W. McCarthy	12/31/10
Commissioner, Montgomery County Dept. of Public Works	Paul Clayburn	12/31/10

MOTION TO AMEND by Supervisor Thayer, seconded by Supervisor Barone, Sr. as follows:

to strike "Director, Montgomery County Office for the Aging Cliff Balder 12/31/10" in the RESOLVED clause, and replace with "Constituent, Town of Amsterdam Eileen Broyles 12/31/10", passed with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 42 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** January 22, 2008

**RESOLUTION ADOPTING POLICY - MONTGOMERY COUNTY LOCKOUT/TAGOUT ENERGY CONTROL PROGRAM PROCEDURE**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, the Safety Officer has recommended adoption of a Lockout/Tagout Energy Control Program Procedure to comply with the US Department of Labor, Occupational Safety and Health Administration (OSHA) Standards,

RESOLVED, the Montgomery County Board of hereby adopts the Lockout/Tagout Energy Control Program Procedure Policy, as attached hereto.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 43 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** January 22, 2008

**RESOLUTION ADOPTING MONTGOMERY COUNTY SAFETY POLICY MISSION STATEMENT**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Bai a

WHEREAS, the Safety Officer has recommended adoption of a Safety Policy Mission Statement to provide a safe and healthful environment for employee and public, protecting the public and preserving Montgomery County assets and property,

RESOLVED, the Montgomery County Board of hereby adopts the Safety Policy Mission Statement, as attached hereto.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 44 of 2008**

**DATED:** January 22, 2008

**RESOLUTION ESTABLISHING GRADE AND SALARY SCHEDULE - DIRECTOR OF DATA PROCESSING**

Resolution by Supervisor: Greco

Seconded by Supervisor: Johnson

WHEREAS, by Resolution 362 of 2007, the Board of Supervisors established a grade and salary schedule for non-bargaining employees which put the Director of Data Processing in Group C at a base salary range between \$55,000 and \$65,000, and

WHEREAS, by Resolution 363 of 2007, the Director of Data Processing was increased to the maximum of Grade C on said schedule at a base salary of \$65,000,

WHEREAS, it has been recommended that said position remain at a base salary of \$65,000 but be moved up on said grade and salary schedule to Group B with a salary range of \$65,000 - \$75,000, which would put this position at the minimum of that range,

RESOLVED, that Director of Data Processing is hereby placed in the Montgomery County Grade and Salary Schedule for Non-Bargaining Employees, adopted by Resolution 362 of 2007, in Group B at a salary range of \$65,000 - \$75,000.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 45 of 2008**

**DATED:** January 22, 2008

**RESOLUTION ESTABLISHING PUBLIC HEARING ON INTRODUCTORY LOCAL LAW #1 OF 2008 - A LOCAL LAW ESTABLISHING 2008 SALARIES OF VARIOUS COUNTY OFFICIALS**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Strevy

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. 1 of 2008 - A Local Law Establishing the 2008 Salaries of Various County Officials,

RESOLVED, that Introductory Local Law No. 1 of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration following the holding of a public hearing as follows:

"A Local Law Establishing the 2008 Salaries of Various County Officials"

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

SECTION 1. The annual salaries, including longevity, sums opposite the office and designation of such County Officials to wit:

Title	Salary
Sheriff	\$67,750
Public Works Commissioner	\$67,750
Social Services Commissioner	\$68,000

Section 2. This Local Law is subject to a permissive referendum, and will be submitted to a vote of qualified electors of the County of Montgomery, if, within 45 days after the date of which it was so adopted, there is filed with the Clerk of the Montgomery County Board of Supervisors a petition protesting against this Local Law, signed and authenticated as required by Section 24 of Municipal Home Rule Law, by qualified electors of Montgomery County registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for Governor at the last gubernatorial election held in said County.

FURTHER RESOLVED, that said public hearing shall be held Tuesday, Feb. 26 at 6:55 PM, in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 46 of 2008**

**DATED:** January 22, 2008

RESOLUTION ESTABLISHING PUBLIC HEARING - LOCAL LAW #2 OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR A COUNTY PURPOSE - TOWN OF FLORIDA (TREASURER)

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Strevy

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. 2 of 2008, a local law authorizing the private sale of county-owned property, not needed for a county purpose.

RESOLVED, that Introductory Local Law No. 2 of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration, following the holding of a public hearing, as follows:

Introductory Local Law No. 2 of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Town of Florida

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

SECTION 1. The Board of Supervisors of the County of Montgomery has determined that County-owned real property parcels, known as SBL's 117.9-1-7 and 117.9-1-39, located in the Town of Florida are no longer necessary for public use.

SECTION 2. The Board of Supervisors of the County of Montgomery hereby authorizes the conveyance of all the right, title and interest of the County in and to said real properties to Town of Florida, and

FURTHER RESOLVED, that said public hearing shall be held Tuesday, February 26, 2008 at 6:50 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 47 of 2008**

**DATED:** January 22, 2008

RESOLUTION DELEGATING ERRONEOUS ASSESSMENT CORRECTION APPROVAL AUTHORITY TO COUNTY AUDITOR

Resolution by Supervisor: Dybas

Seconded by Supervisor: McMahon

WHEREAS, the Board of Supervisors is authorized by Chapter 515 of the Laws of 1997, to annually delegate to the County Auditor, the power to approve correction of the tax roll and tax bills, where said correction does not exceed \$2,500, and to cover tax refunds, in an amount less than \$2,500, and

WHEREAS, the Real Property Tax Director maintains responsibility for investigating each Erroneous Assessment application and for making recommendations regarding said applications, and

WHEREAS, the Board of Supervisors retains authority to determine action regarding all instances in which said Director recommends application denial,

RESOLVED, that the Board of Supervisors hereby delegates authority to the County Auditor to handle Erroneous Assessments for 2008, per provisions of Sections 554 and 556 of the Real Property Tax Law, and

FURTHER RESOLVED, that said Auditor shall submit a monthly report, setting forth all corrections and/or refunds processed, to the Board of Supervisors.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (1/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

ADJOURNMENT

MOTION TO ADJOURN by Supervisor Barone, Sr., seconded by Supervisor DiMezza, passed with Aye(1772). Supervisor Stagliano was absent.

Chairman Greco adjourned the meeting at 7:30 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:00 PM, February 5, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors DiMezza, Dybas, McMahon, Strevy and Thomas. Absent was Supervisor Walters.

Additionally present were Supervisors Quackenbush, Thayer, Barone, Jonker, and Baia. Absent were Supervisors Greco, Paton and Stagliano.

Items on the agenda, at this time, are as follows:

1. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - REVISED EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY AND COMPLAINT PROCESSING PROCEDURES (FMS WORKFORCE DEVELOPMENT BOARD)
2. RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN GRANT APPLICATION AND ESTABLISHING REQUIRED PUBLIC HEARINGS - GOVERNOR'S OFFICE FOR SMALL CITIES - POWER PALLET, INC. (ECONOMIC DEVELOPMENT AND PLANNING)
3. RESOLUTION DESIGNATING CERTIFYING OFFICIAL FOR NATIONAL ENVIRONMENTAL POLICY ACT REVIEW PROCESS-POWER PALLET, INC. (ECONOMIC DEVELOPMENT AND PLANNING)
4. RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY PLANNING BOARD (ECONOMIC DEVELOPMENT AND PLANNING)
5. DISCUSSION REGARDING AGRICULTURE AND FARMLAND PROTECTION IMPLEMENTATION GRANT APPLICATIONS
6. OTHER

Item #1: Supervisors Dybas and Quackenbush made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #2: Supervisors DiMezza and Baia made a motion and seconded, respectively, to sponsor the Resolution.

The Committee agreed that one Public Hearing would be held just prior to the March 25th Full Board meeting, and the second would be announced in the near future by Chairman DiMezza, as it will be held in the Town of Amsterdam.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #3: Supervisors DiMezza and Thomas made a motion and seconded, respectively, to sponsor and move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #4: Supervisors McMahon and Baia made a motion and seconded, respectively, to sponsor and move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #5: Director Rose stated that farmers throughout the County are inquiring about the Farmland Protection grant program. He outlined the criteria needed and disseminated a pre-application form to all present Supervisors. He stated the applications will be ready for the public in April.

Supervisor Paton entered Chamber at 7:08 PM.

Item #6, Other: EOD Director Ken Rose disseminated an info sheet/route map on "MAX", the County-wide bus system, which has a February 18th launch date. He stated that the route has some flexibility if, for example, a group of Amish will want a regular pick-up or delivery at another time/location. He also stated that bus stop signs will be eventually implemented.

Treasurer Shawn Bowerman clarified how the bus ticket fees will be tracked.

Item #7, Other: Supervisor Dybas referenced an article in the newspaper praising the City of Amsterdam for their negotiations with Beechnut. He stated that the negotiations are actually happening between NYS Economic Development and Beechnut.

Item #8, Other: Supervisor DiMezza stated that the to-be-demolished mill on Pioneer Street needs

help. He stated that a \$225,000 grant has been received to help remove hazardous material and contamination, but the Town of Amsterdam will still be hit with a big bill to demolish it (around \$175,000). He stated that he feels that the County should help with the demolition costs, as it formerly owned the building.

Supervisor Dybas stated that the Intergovernmental /Shared Services Committee should be involved in this project.

Several Supervisors spoke in support of supporting the project.

Supervisors McMahon and Dybas made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 7:20 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - EDUCATION/GOVERNMENT  
7:05 PM, February 5, 2008

COMMITTEE MEETING DISCUSSION

Chairman McMahon presided over the meeting commencing at 7:21 PM.

Roll call indicated Committee members present included Supervisors Baia, Johnson, Jonker, Paton and Thayer. Absent was Supervisor Stagliano.

Additional Supervisors present were Supervisors Quackenbush, Strevy, Dybas, Barone, Thomas, and DiMezza. Absent were Supervisors Walters and Greco.

Items on the agenda, at this time, are as follows:

1. RESOLUTION AUTHORIZING SOLICITATION OF BIDS - 2007 CAPITAL PROJECT - CLASSROOM BUILDING RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT (FMCC)
2. RESOLUTION AUTHORIZING SOLICITATION OF BIDS - 2008 CAPITAL PROJECT - COLLEGE UNION AND LIBRARY BUILDING WATER INFILTRATION PROJECTS (FMCC)
3. RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS FOR DESIGN PLANS AND SPECIFICATIONS FOR 2009 CAPITAL PROJECT - CLASSROOM BUILDING RENOVATIONS - PHASE II: INTERIOR RENOVATIONS (FMCC)
4. RESOLUTION AWARDING BID - XXX - CONSTRUCTION CONTRACT - CLASSROOM BUILDING RENOVATIONS - PHASE I: MECHANICAL SYSTEM UPGRADES (FMCC)
5. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - PHILLIPS ASSOCIATES - PROJECT ENGINEERING SERVICES - CLASSROOM BUILDING RENOVATIONS - PHASE I: MECHANICAL SYSTEM UPGRADES (FMCC)
6. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - C.T. MALE ASSOCIATES - AIR MONITORING AND LABORATORY SERVICES - CLASSROOM BUILDING RENOVATIONS - PHASE I: MECHANICAL SYSTEM UPGRADES (FMCC)
7. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - EVERGREEN TESTING AND ENVIRONMENTAL SERVICES - CONSTRUCTION INSPECTION SERVICES - CLASSROOM BUILDING RENOVATIONS - PHASE I: MECHANICAL SYSTEM UPGRADES (FMCC)
8. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - KEN FUELLEMAN - CLERK OF THE WORKS - CLASSROOM BUILDING RENOVATIONS - PHASE I: MECHANICAL SYSTEM UPGRADES (FMCC)
9. Other

Chairman McMahon spoke in support of forwarding any resolutions authorizing the spending of money to the Finance Committee. There were no objections.

Item #1: Supervisors Dybas and Paton made a motion and seconded, respectively, to sponsor the Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Item #2: Supervisors Strevy and Johnson made a motion and seconded, respectively, to sponsor the Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Item #3: Supervisors Baia and Jonker made a motion and seconded, respectively, to sponsor the Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Item #4: Supervisors Baia and Jonker made a motion and seconded, respectively, to sponsor the Resolution and was moved to the next Finance Committee with a positive recommendation. There were no objections.

Item #5: Supervisors Thomas and Baia made a motion and seconded, respectively, to sponsor the Resolution and was moved to the next Finance Committee with a positive recommendation. There were no objections.

Supervisor Stagliano entered Chamber at 7:24 PM.

Item #6: Supervisors Quackenbush and Johnson made a motion and seconded, respectively, to sponsor the Resolution and was moved to the next Finance Committee with a positive recommendation. There were no objections.

Item #7: Supervisors Strevy and Paton made a motion and seconded, respectively, to sponsor the Resolution and was moved to the next Finance Committee with a positive recommendation. There were no objections.

Item #8: Chairman McMahon clarified the Resolution.

Supervisors Johnson and Baia made a motion and seconded, respectively, to sponsor the Resolution and was moved to the next Finance Committee with a positive recommendation. There were no objections.

Motion was made and seconded by Supervisors Thomas and Strevy, respectively, to adjourn the Committee meeting.

Chairman McMahon adjourned the Education/Government Committee meeting at 7:26 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:10 PM, February 5, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:27 PM.

Roll call indicated Committee members present included Supervisors Barone, DiMezza, Jonker, Quackenbush, Strevy and Thayer.

Additional Supervisors present were Johnson, Paton, McMahon, Stagliano, Dybas and Baia. Absent were Supervisors Greco and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Reappointing Members - Montgomery County EMS Advisory Board (Emergency Management)
2. Resolution Appointing Members - Montgomery County Criminal Justice Coordinating Council (Youth Bureau/Alternative Community Service)
3. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Dybas and Johnson, respectively. The Resolution was moved to the full Board with no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Quackenbush and Strevy, respectively. The Resolution was moved to the full Board with no objections.

Item #3, Other: Chairman Thomas stated that Sheriff Mike Amato has submitted a Resolution to amend the 2008 Sheriff's budget per Resolution 188 of 2007, to finish purchasing needed supplies as outlined in the "Operation Safe Child Grant" grant, with the following line changes:

(Increase Revenue Line) A-15-3-3389 State Aid - Public Safety \$1,002.42  
(Increase Appropriations) A-15-4-3110-004449 Special Supply & Material \$1,002.42.

The draft Resolution was sponsored and seconded by Supervisors Dybas and Jonker, respectively. The Resolution was moved to the next Finance Committee with no objections.

Item #4, Other: Chairman Thomas stated that Undersheriff Jeff Smith has submitted a draft Resolution asking their budget be amended by adding \$10,342.50 for the Dept. of Justice Bullet Proof Vest Program grant, which is a 50/50 match, to be amended as follows:

to add \$10,342.50 into the Revenue line #4389 Other Public Safety, and increase the following Appropriation lines:

A-15-4-3110-00 Line .4447 \$5,171.25  
A-15-4-3150-00 Line .4447 \$5,171.25.

The draft Resolution was sponsored and seconded by Supervisors Johnson and Barone, respectively. The Resolution was moved to the next Finance Committee with no objections.

Item #5, Other: Chairman Thomas stated that Undersheriff Jeff Smith would like to discuss changing the Supervisory structure within the Sheriff's Patrol Division by creating two Corporal positions from two existing Deputy Sheriff's position.

Chairman Thomas stated that this is a discussion item for the next Personnel Committee. There were no objections.

Item #6, Other: Chairman Thomas stated that Undersheriff Jeff Smith has submitted a draft Resolution asking that the Board of Supervisors accept a grant from the Div. Of Criminal Justice Services for \$35,568.00 for Live Scan equipment with zero match funds. He stated that the paperwork for this grant will not commence until sometime after 4/1/2008.

The draft Resolution was sponsored and seconded by Supervisors DiMezza and Johnson, respectively. The Resolution was moved to the next Finance Committee with no objections.

Item #7, Other: Chairman Thomas presented a draft Resolution opposing the proposal for lawyer magistrates.

Justice Avery from Canajoharie, who is also the President of the Montgomery County Magistrate Association, spoke in support of the Resolution, which opposes the idea that Justices need to be

lawyers.

After discussion, the Committee moved the draft Resolution to the full Board with a position recommendation, Supervisors Barone and DiMezza sponsoring, respectively. The Board of Supervisors also agreed to take into consideration to present similar Resolutions to their respective Towns, Villages and City.

Motion was made and seconded by Supervisors DiMezza and Barone, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:42 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - LABOR MANAGEMENT  
8:30 AM, February 9, 2008

COMMITTEE MEETING DISCUSSION

Items on the agenda, at this time, are as follows:

1. Non-Bargaining Salary Schedule
2. Other

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - NEEDS ASSESSMENT  
9:30 AM, February 9, 2008

COMMITTEE MEETING DISCUSSION

Items on the agenda, at this time, are as follows:

1. Presentation - prospective bidders - Montgomery County Building Project
2. Other

\*\*\*It is likely that a majority of this meeting will be conducted in Executive Session.\*\*\*

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
7:00 PM, February 12, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Baia, Dybas, Jonker, Paton, Strevy and Thomas. Absent were Supervisors Jonker and Paton.

Additional Supervisors present were Quackenbush, Johnson, Greco, McMahon, Thayer, Stagliano and DiMezza. Absent was Supervisor Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Enacting an Updated Compulsory Anti-Rabies Vaccination Program for all Dogs, Cats & Domesticated Ferrets within the County of Montgomery
2. Resolution Outlining Procedure for the Updating and Adoption of the Montgomery County Rabies Protocol (Public Health)
3. Resolution for the Establishment of a Lead Agency for the Provision of Enhanced PINS Diversion Services (Social Services)
4. Resolution Establishing a Public Hearing on Introductory Local Law #3 of 2008 - A Local Law which rescinds Local Law #3 OF 2007 and Establishes a Revised Real Property Tax Exemption for Cold War Veterans

(This resolution will be available at committee meeting)

5. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Barone and Thomas, respectively, and moved to the Full Board with a positive recommendation with no objections.

Supervisor Jonker entered Chamber at 7:01 PM.

Item #2: It was noted that Resolution 263 of 1996 would need to be rescinded should this Resolution pass. County Attorney Doug Landon stated that the Resolution can be amended now by a FURTHER RESOLVED clause stating that fact. There were no objections.

The Resolution was sponsored and seconded by Supervisors Barone and Dybas, respectively, and moved to the Full Board with a positive recommendation with no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Barone and Thomas, respectively, and moved to the Full Board with a positive recommendation with no objections.

Item #4: Attorney Doug Landon clarified the bill summary (S06509) that was received from the state, highlighting the changes made at the Senate level.

An updated draft Resolution, unavailable at this time for viewing, was moved to the next Finance Committee for further consideration.

Supervisor Paton entered Chamber at 7:03 PM.

Item #5, Other: Supervisor Baia stated that, according to Division of Budget Spokesman Tom Anderson, the Counties will be paying an extra two percent for Public Assistance as a result of Governor Spitzer's Executive Budget. He also stated this would be an increase of \$86,214 to Montgomery County. He said the Executive Budget also allows Counties to increase documenting fees in the Clerk's Office to make up the difference.

Chairman Barone suggested that Supervisor Baia gather and present the information to the Finance Committee as soon as possible, as he (Chairman Barone) will be meeting with Social Services Commissioner William Cranker in the near future.

Supervisor Walters entered Chamber at 7:09 PM.

Motion was made and seconded by Supervisors Dybas and Thomas, respectively, to adjourn the Committee meeting.

Chairman Barone adjourned the Health & Human Services Committee meeting at 7:11 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:05 PM, February 12, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:12 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy, Stagliano and Thayer.

Additional Supervisors present were Johnson, Greco, McMahon, Barone, Thomas, Jonker, Bai a and Di Mezza.

Items on the agenda, at this time, are as follows:

1. Discussion Item - Asbestos Abatement Training - Demolition Team
2. Resolution Approving 2008 Road Program
3. Resolution Approving 2008 Capital Projects - Bridge Replacement - Lasselville Rd., Pickle Hill Rd., Spring St. (Public Works)
4. Resolution Approving 2008 Capital Projects - Equipment Replacement (Public Works)
5. Resolution Authorizing & Implementing Log City Rd. Realignment
6. Resolution Approving Hot Water Heater Replacement - Public Safety Facility
7. Resolution Approving A-Pod Cell Door Locks, Switches & Guide Upgrade
8. Resolution Approving Roof Replacement - Storage Bldg. - Old Jail Site
9. Resolution Authorizing Sale of County Property - Brush Chipper
10. Resolution Awarding Bridge Replacement Contract - Triumpho Rd., Hessville Rd.
11. Resolution Awarding Bridge Replacement Contract - Pawling St.
12. Resolution Authorizing Distribution of Request for Proposals - Consultant Services (Data Processing)
13. Resolution Establishing Position - Micro-Computer Technician - Sheriff's Office
14. Discussion Regarding Appointing Member - Greater Amsterdam Area Energy Consortium
15. Discussion Regarding Appointing Montgomery County Representative - MOSA
16. Other

Item #1: DPW Commissioner Paul Clayburn described the upcoming 8-hour training for the demolition team.

Supervisor DiMezza spoke in support of the training, as there are a few houses in Amsterdam waiting for the Asbestos abatement. He also spoke in support of negotiating a stipend for the individuals once trained. He stated that the County, holding a contractor's license, may have to pay prevailing wage.

Supervisor Dybas asked how the County can be a contractor or hold a contractor's license.

Supervisor Quackenbush stated that if the County must pay prevailing wage, then the County should bill the related municipality for that cost.

Supervisor Thomas spoke about potential liability and disposal issues of asbestos

Supervisor Jonker stated that he cannot support the training due to cost and other issues that haven't been resolved yet.

Supervisor DiMezza stated that the County should move forward with the training.

Supervisor Baia stated that perhaps a cost analysis should be done to explore any cost-saving measures.

Supervisor McMahon and Greco spoke in support of the training.

Supervisor Stagliano stated that Commissioner Clayburn should be involved in the training, also.

Supervisor DiMezza stated that as a Department Head, Commissioner Clayburn can delegate who goes to the training. He stated that he would like to support a Resolution authorizing the training and providing funding. Supervisor Baia stated his second. The Resolution was moved to the Full Board with no recommendation.

Item #2: The Resolution was sponsored and seconded by Supervisors Quackenbush and Strevy, respectively, and moved to the Full Board with a positive recommendation.

Supervisor Dybas asked that Treasurer Shawn Bowerman be prepared at any time to provide information such as the monetary effect of certain Resolutions to the taxpayers. There were no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Quackenbush and Thayer, respectively, and moved to the Full Board with a positive recommendation.

Item #4: The Resolution was sponsored and seconded by Supervisors Quackenbush and Johnson, respectively, and moved to the Full Board with a positive recommendation.

Item #5: Commissioner Clayburn clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors Quackenbush and Thayer, respectively, and moved to the next Finance Committee meeting with a positive recommendation.

Item #6: The Resolution was sponsored and seconded by Supervisors Dybas and Paton, respectively, and moved to the next Finance Committee meeting with a positive recommendation.

Item #7: Supervisor McMahon spoke in support of lumping the three maintenance projects together and bonding them together.

The Resolution was sponsored and seconded by Supervisors Strevy and Baia, respectively, and moved to the next Finance Committee meeting with a positive recommendation.

Item #8: The Resolution was sponsored and seconded by Supervisors Johnson and Quackenbush, respectively, and moved to the next Finance Committee meeting with a positive recommendation.

Item #9: The Resolution was sponsored and seconded by Supervisors Strevy and Quackenbush, respectively, and moved to the Full Board with a positive recommendation.

Item #10: The Resolution was sponsored and seconded by Supervisors Johnson and Baia, respectively, and moved to the Full Board with a positive recommendation.

Item #11: The Resolution was sponsored and seconded by Supervisors DiMezza and Thayer, respectively, and moved to the Full Board with a positive recommendation.

Item #12: Data Processing Director Deb Bain clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors McMahon and Thayer, respectively.

Supervisor DiMezza recommended buying the computers more often and perhaps at a cheaper rate, by going with a different vendor.

Chairman Greco recommended exploring less expensive options.

Supervisor Stagliano made a motion to table the Resolution. There was no second.

Chairman Walters recommended allowing Director Bain make the vendor options.

The Resolution was moved to the Full Board with no recommendation.

Item #13: Director Bain spoke in support of the Resolution.

The Resolution was sponsored and seconded by Supervisors Baia and Quackenbush, respectively.

Supervisor DiMezza questioned the need for a full-time Computer Technician just for the Sheriff's Dept. He stated that the Technician should be employed by Data Processing and moved to Sheriff's Dept. as needed.

Undersheriff Jeff Smith stated that the main computer issues are software and the Firewalls, and that the Sheriff's office really doesn't need a full-time Technician.

Chairman Greco stated that, six weeks into the year, the Board is already amending the budget.

The Resolution was moved to the Full Board with no recommendation.

Item #14: Supervisor DiMezza stated that he's willing to continue being the County representative, or that Chairman Greco could replace him as Chairman. Chairman Greco did not object.

A draft Resolution (appointing Chairman of the Board of Supervisors Vito Greco for a period from 1/1/08 - 12/31/08) was sponsored and seconded by Supervisors Dybas and Thayer, respectively, and moved to the Full Board with a positive recommendation.

Item #15: Supervisor Johnson stated that she will be talking with two potential MOSA board members, and will keep the Board of Supervisors informed.

Item #16, Other: Chairman Walters stated that the County Bus opens for business on Monday, Feb. 18th, and encourages everyone to hop a ride that day to show their support.

Motion was made and seconded by Supervisors Dybas and Johnson, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 8:28 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:10 PM, February 12, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 8:30 PM.

Roll call indicated Committee members present were Supervisors Barone, Johnson, McMahon, Quackenbush, Thomas and Walters.

Additional Supervisors present were Supervisors Greco, Paton, Strevy, Thayer, Jonker and Bai a. Absent were Supervisors Dybas and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Adopting Introductory Local Law No. 1 of 2008 - A Local Law Establishing 2008 Salaries of Various County Officials
2. Discussion regarding the establishment of Corporal positions in the Sheriff's Office
3. Other

Item #1: This Resolution, sponsored and seconded by Supervisors Walters and Bai a, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #2: Undersheriff Jeff Smith spoke in support of replacing two Deputy Sheriff positions with two Corporal positions. He stated there will be no budget change.

A draft Resolution authorizing said change was sponsored and seconded by Supervisors Bai a and Jonker, respectively, and moved to the full Board with a positive recommendation. There were no objections.

Item #3, Other: Supervisor Quackenbush stated that a Resolution will be needed rescinding the previously adopted salary and grade Resolution, since a new Resolution will be adopted. Attorney Doug Landon stated that the wording for the rescinding action can be a part of the new Resolution.

Chairman DiMezza stated that, for the record, the new Salary schedule will be forthcoming at next week's Finance Committee.

Supervisors Barone and Johnson made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 8:33 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, February 19, 2008

COMMITTEE MEETING DISCUSSION

Supervisor Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Baia, Barone, DiMezza, Dybas and McMahon. Supervisor Johnson was absent.

Additional Supervisors present were Greco and Thomas. Absent were Supervisors Strevy, Thayer, Stagliano, Jonker, Paton and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Adopting Introductory Local Law #2 OF 2008 - a Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Town of Florida (Treasurer)
2. Resolution Correcting 2008 Town and County Tax Rolls - Various Parcels
3. Discussion Regarding NYS ORPS Centralized Property Tax Administration Program
4. Resolution Authorizing Petty Cash Fund Increase (Weights & Measures)
5. Resolution Authorizing Chairman to Sign Grant Agreement - Department of Justice - Bullet Proof Vest Program (Sheriff)
6. Resolution Authorizing Chairman to Sign Grant Agreement - NYS DCJS - Live Scan Equipment (Sheriff)
7. Resolution Amending 2008 Operating Budget - Operation Safe Child Grant (Sheriff)
8. Resolution Authorizing Chairman to Sign Agreement - Phillips Associates - Construction Phase Services - Classroom Building Renovation - Phase I Mechanical System Upgrade Project (FMCC)
9. Resolution Authorizing Chairman to Sign Agreement - C.T. Male Associates - Asbestos Abatement Project Monitoring Services - 2008 Capital Project - Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project (FMCC)
10. Resolution Authorizing Chairman to Sign Agreement - Evergreen Testing - Special Inspection Services - 2008 Capital Project - Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project (FMCC)
11. Resolution Authorizing Chairman to Sign Agreement - Clerk of the Works - Ken Fuelleman - Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project (FMCC)
12. Resolution Authorizing Chairman to Sign Various Agreements - Construction Contracts - Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project (FMCC)
13. Resolution Revising Non-Bargaining Personnel Policy
14. Resolution Authorizing Chairman to Sign Amended Agreement - 2006-2007 Snowmobile Trails Grant-in-Aid Program & Mohawk Valley Snowmobile Clubs, Inc. (Economic Development)
15. Resolution Authorizing Chairman to Sign Agreement - 2007-2008 Snowmobile Trails Grant-in-Aid Program & Mohawk Valley Snowmobile Clubs, Inc. (Economic Development)
16. Discussion Regarding Revolving Loan Fund Application - Perrone Leather, LLC (Economic Development)
17. Other

Item #1 (LL#2): Supervisors Greco and Barone made a motion and seconded, respectively, to sponsor

the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #2 (TAX ROLLS): Supervisors Dybas and Barone made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #3 (TAX ADMIN PROGRAM): Director of Real Property Florence Stanton stated that two add-on Resolutions go along with this discussion. She introduced Dave Williams, ORPS representative.

Mr. Williams explained to the present Supervisors the assessment grant available.

Supervisors Johnson and Paton entered Chamber at 7:02 PM.

Mr. Williams talked about assessing procedures/models utilized throughout different Counties of NY. He suggested Montgomery County partake in a study to examine the different models that would best work in the County. He stated that grant money totaling \$50,000 is available (\$25,000 will be advanced to the County to prepare a study for the implementation of a program of County assessing for all municipalities within said County, and \$25,000 upon receipt by ORPS of the study in addition to a copy of the minutes of the Board of Supervisor's meeting indicating that the plan was received by said Board). He recommended seriously considering the grant, and applying for the grant by March 3, 2008.

Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT APPLICATION - CENTRAL PROPERTY TAX ADMINISTRATION PROGRAM - COUNTY ASSESSING INITIATIVE (REAL PROPERTY) was entertained at this time. Supervisors Greco and Dybas made a motion and seconded, respectively, to sponsor the add-on Resolution.

Supervisor McMahon was adamant about stating that we should use caution when dealing with the State. He said he plans to make a motion to table the Resolutions until further serious consideration can be made.

Mr. Williams introduced Susan Savage (NYS ORPS) also clarified the grant opportunity. She said the grant focuses on sharing services, not reassessment.

Supervisor DiMezza stated that he'd rather see what other Counties do before Montgomery County makes a move. He stated that the Town of Amsterdam's equalization rate is fine at 10%. He stated that it would cost the taxpayers \$1,000,000 to reassess the County.

Mr. Williams stated that all other states have a standard level of assessment that all communities must attain, and that the NY state does not.

Chairman Greco stated that assessment rates and equalization rates are all over the place. He spoke in support of applying for the grant for the feasibility study.

Chairman Quackenbush recommended moving the Resolutions to the full Board with no recommendation.

Supervisor McMahon made a motion to table. There was no second.

The Resolution was moved to the full Board with a no recommendation. Supervisor McMahon objected.

Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT APPLICATION - CENTRAL PROPERTY TAX ADMINISTRATION PROGRAM - COUNTY TAX COLLECTION INFORMATION (TREASURER") was entertained.

Mr. Williams clarified the Resolution, which was sponsored by Supervisors Greco and Dybas, respectively. He stated that for the tax collection initiative, \$25,000 would be advanced to the County to prepare a study for the implementation of a county-level database. Said database would state the taxable status, tax and payment history of every real property parcel in the County. He stated that the study must include an implementation plan for managing the data collected.

He also stated that up to an additional \$25,000 would be provided to help defray the cost of implementation of said database. He said that the County would receive a certain fee per parcel upon implementation. He stated that the grant would need to be applied for by March 3rd also.

County Treasurer Shawn Bowerman spoke in support of the two add-on Resolutions.

Supervisor DiMezza cautioned that several municipalities wouldn't have the money or data connection to support the outcome of the study.

The Resolution was moved to the Full Board with a positive recommendation.

Item #4 (PETTY CASH): Supervisors Barone and Johnson made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #5 (BULLET PROOF VESTS): Add-on RESOLUTION AMENDING 2008 OPERATING BUDGET - DEPT. OF JUSTICE BULLET PROOF VEST PROGRAM GRANT (SHERIFF) replaces presented Resolution, per Undersheriff Jeff



Smith.

Supervisors Johnson and Barone made a motion and seconded, respectively, to sponsor the Resolution.

He stated that there will still be a cost the County of 50%, but it's already included in the Sheriff's budget. He also stated that there is no contract to sign. He said the grant funds extend year to year until the money is used up.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #6 (LIVE SCAN): Supervisors DiMezza and Jonker made a motion and seconded, respectively, to sponsor the Resolution.

Undersheriff Jeff Smith clarified the Resolution, stating that it's a 100% grant from the state of NY and there are no match funds. He said there will be funds needed to keep the equipment up and running in the 2009 budget.

He stated that he will be soon meeting with the State and Data Processing, to discuss implementation of the equipment.

He stated that this equipment would bring the Sheriff's office up to the current levels of most law enforcement agencies on several levels.

Treasurer Bowerman stated that line item figures aren't available at this time yet.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #7 (SAFE CHILD): Supervisors Dybas and Jonker made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #8 (PHILLIPS ASSOC): Supervisors McMahon and Johnson made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor Baia stated that he would like to reinstitute a joint Fulton-Montgomery County Budget Committee to review such Resolutions and issues.

Supervisor McMahon stated that scheduling repairs is an issue as there is a small window of opportunity when school isn't in session.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #9 (CT MALE): Supervisors McMahon and Johnson made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Treasurer Bowerman stated that a bonding Resolution will be presented next month.

Supervisor McMahon stated that this was probably the low bid, but he'll check and get back to the Board on that.

Item #10 (EVERGREEN TESTING): Supervisors Johnson and McMahon made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #11 (KEN FUELLEMAN): Supervisors McMahon and DiMezza made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #12 (CONSTRUCTION CONTRACTS): Supervisors McMahon and Baia made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #13 (PERSONNEL POLICY): Supervisors DiMezza and Barone made a motion and seconded, respectively, to sponsor the Resolution.

Personnel Officer Rich Baia clarified a couple of changes in the Dept. Head Performance Appraisal Form.

Supervisor DiMezza clarified the Resolution. He stated that the groups are similar to the groups in the seven county study. He stated that no one will get a step increase or a step in grade until their evaluation is complete.

He stated that yes, there are salaries that are out of line, but this is a good starting point.

Chairman Greco spoke in support of the study and the Resolution.

Supervisor Dybas stated that the language in the study indicates that cost of living raises are automatic, and not based on performance, and he doesn't support that.

Chairman Quackenbush stated that the step program is different and above and beyond.

Supervisor Dybas stated that he sees a double-bonus for longevity, which he won't support also.

Supervisor DiMezza stated that one is for time-in-grade (time spent in that specific position), the other for time-in-service (years of service).

Chairman Greco stated that the Department Heads he's spoke to are thrilled with the new evaluation system.

Supervisor Thomas stated that at least one person he knows is making more now than indicated in the chart's "2008 Base Salary w/increment" column.

Supervisor DiMezza stated that longevity is not added into this chart.

Chairman Quackenbush stated that per County Attorney Doug Landon, this Resolution should add to the RESOLVED clause "to replace the policy implemented as a result of the adoption of Resolution 443 of 2006", for clarification. There were no objections.

Personnel Officer Baia stated that, as noted on page two of the evaluation form, there is a five member evaluation committee. He also stated that the September evaluations are for 2009 increases and it would go before the Budget Officer in October. He stated that in March, the numbers will be presented to the Budget Officer following evaluations.

Chairman DiMezza stated that the cost for implementing this system is \$61,100.

Chairman Quackenbush stated that there are a few positions listed that receive salary reimbursements from outside sources, so the figure could be less than \$61,100.

The Resolution was to the full Board with a positive recommendation. There were no objections.

Item #14 (2006-2007 SNOWMOBILE GRANT): Treasurer Bowerman clarified the Resolution.

Supervisors DiMezza and McMahon made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #15 (2007-2008 SNOWMOBILE GRANT): Supervisors Barone and Baia made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #16 (formerly item #17, Other): Add-on RESOLUTION AUTHORIZING IMPLEMENTATION/FUNDING OF STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT TO FULLY FUND LOCAL SHARE OF FEDERAL/STATE-AID ELIGIBLE/INELIGIBLE COSTS & APPROPRIATING FUNDS THEREOF - LOG CITY RD (CO RD #17). Supervisors Baia and Thomas made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #17: Add-on RESOLUTION APPROVING 2008 CAPITAL PROJECTS - HOT WATER HEATER - PUBLIC SAFETY FACILITY (PUBLIC WORKS). Supervisors Dybas and Paton made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #18: Add-on RESOLUTION APPROVING 2008 CAPITAL PROJECTS - PUBLIC SAFETY FACILITY, A-POD, CELL DOOR LOCKS, SWITCHES AND GUIDE UPGRADE. Supervisors Strevy and Baia made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #19: Add-on RESOLUTION APPROVING 2008 CAPITAL PROJECTS - ROOF REPLACEMENT - STORAGE BUILDING - OLD JAIL SITE. Supervisors Johnson and Quackenbush made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #20, Other: Supervisor DiMezza would like the Board to be made aware of a tax situation. He stated that there is a business in the Town of Amsterdam that has exorbitant tax bills that are unpaid. The business would like to enter into a contract with the County to assist with the tax bills, as there is some money coming in from the state.

Supervisor McMahon stated that a supporting Resolution would be a good-faith message to the business owners.

Supervisor Dybas stated that Attorney Doug Landon could draft a universal contract for situations such as this.

When queried, Supervisor DiMezza stated that the business in question is the Windmill Restaurant.

Item #21 (formerly item #16, "Discussion Regarding Revolving Loan Fund Application - Perrone Leather, LLC (Economic Development)": Pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor Quackenbush and Dybas, respectively, to enter into Executive Session to discuss the financial history of a corporation. Executive Session commenced at 8:27 PM.

Motion to adjourn the Executive Session at 8:51 PM was made and seconded by Supervisors Barone and Dybas, respectively.

Executive Session was adjourned at 8:51 PM.

As a result of Executive Session, EOD Director Ken Rose will be submitting a draft Resolution in support of the application, sponsored and seconded by Supervisors Barone and Baia, respectively.

Supervisors DiMezza and Dybas made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:52 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
MONTGOMERY COUNTY ANNEX BUILDING, ROOM 214, 20 PARK STREET, FONDA, NY  
COMMITTEE MEETING - INTERGOVERNMENTAL SERVICES  
7:30 AM, February 22, 2008

COMMITTEE MEETING DISCUSSION

Attendees:

Barbara Johnson, 2nd Ward Supervisor, City of Amsterdam  
Kim Brumley, Greater Amsterdam School District  
Karl Baia, 5th Ward Supervisor, City of Amsterdam  
Vito Greco, Chairman of the Board  
Paul Clayburn, Commissioner of Public Works  
Richard Baia, Personnel Officer  
Deb Bain, Director of Data Processing  
John Thomas, Town of Glen Supervisor  
Shayne Walters, Town of Charleston Supervisor  
Pat Baia  
Fred Qui st  
Heather Reynicke, City Comptroller  
Scott Surento, Purchasing Director

Meeting opened at 7:30 a.m. by Barbara Johnson and Kim Brumley.

Summary of the meeting:

Hub information site: Ongoing process-establishing link among city, towns, villages and county -zoning, planning boards, Golf commission, ALDA, etc.

Engineering services: not feasible-may revisit in the future-lack of interest for a county wide engineer. The City of Amsterdam is examining the issue as to whether a full time engineer is needed.

Asbestos Abatement/Demolition Team: moving forward. County has identified six employees to be trained in March. Waiting to hear from FMCC to send employees for training. Also discussed were shared services grants that pay for services. Even though the deadline to apply for a grant has passed, other means of funding are being looked into. City is still looking to join the county team. City will be looking to fund training for their employees.

Communication: through working together, sending minutes and networking with one another-ongoing process.

Civil Service: chance to save money for city and school district-no cost to county to take over Civil Service - feasible for Montgomery County able to handle Civil Service for the city. May start in September 2008.

Personnel: Not an item to be addressed yet-will look at HR a year from now to review.

Software Program: shared standardize computer software among the Towns, Villages, City, and County. One program to serve entire county. Discussion about New York State reports may not be feasible. The possibility of a shared software program will be reviewed. City indicated funding grant available to study software needs assessment. Request will be made to the City to include Deborah Bain as part of the City committee.

Other: Amsterdam offer exemption to new and existing home improvements - looking for the county and school. Will be included on the county's March agenda-tax incentive for entire county - promote Economic Development.

Meeting ended at 9:00 a.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:50 PM, February 26, 2008

INTRODUCTORY LOCAL LAW NO. 2 OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR A COUNTY PURPOSE - TOWN OF FLORIDA

PUBLIC HEARING DISCUSSION

Chairman Greco called the Public Hearing to order at 6:50 p.m. in the Supervisors' Chambers.

The following notice was read:

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of the County of Montgomery will meet in the Supervisors' Chambers, County Office Building, Route 30A (Broadway), Fonda, New York at 6:50 p.m. on Tuesday, February 26, 2008 for the purpose of holding a public hearing on a Local Law entitled "Introductory Local Law No. 2 of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Town of Florida".

FURTHER NOTICE is hereby given that a copy of said Local Law is available at the Montgomery County Board of Supervisors Office, 20 Park Street, Fonda, New York where it may be inspected or procured by any interested persons during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board  
DATED: January 23, 2008

Chairman Greco asked whether anyone from the public wished to speak.

No one spoke.

Chairman Greco adjourned the public hearing at 6:54 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:55 PM, February 26, 2008

INTRODUCTORY LOCAL LAW NO. 1 OF 2008 - A LOCAL LAW ESTABLISHING 2008 SALARIES OF VARIOUS COUNTY OFFICIALS

PUBLIC HEARING DISCUSSION

Chairman Greco called the Public Hearing to order at 6:55 p.m. in the Supervisors' Chambers.

The following notice was read:

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of the County of Montgomery will meet in the Supervisors' Chambers, County Office Building, Route 30A (Broadway), Fonda, New York at 6:55 p.m. on Tuesday, February 26, 2008 for the purpose of holding a public hearing on a Local Law entitled "Introductory Local Law No. 1 of 2008 - A Local Law establishing 2008 salaries of various county officials".

FURTHER NOTICE is hereby given that a copy of said Local Law is available at the Montgomery County Board of Supervisors Office, 20 Park Street, Fonda, New York where it may be inspected or procured by any interested persons during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board  
DATED: January 23, 2008

Chairman Greco asked whether anyone from the public wished to speak.

No one spoke.

Chairman Greco adjourned the public hearing at 6:58 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, February 26, 2008

CALL TO ORDER

Chairman Vi to Greco called the Regular Meeting of the Montgomery County Board of Supervisors for February 26, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor Baia led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, Johnson, Greco, Strevy, Stagliano, Dybas, Thayer, Thomas, Jonker, Baia and DiMezza were present. Supervisors Paton, McMahon, Barone and Walters were absent.

PRIVILEGE OF THE FLOOR

A. Proclamations

Lee Broyles - Montgomery County Office for the Aging

Newly retired Director Broyles thanked Supervisor Barbara Johnson and the Board of Supervisors for honoring her several decades of service with the Office of the Aging.

B. Moment of Silence -

In honor of  
Richard Healy  
Former Montgomery County  
Deputy Administrator/Clerk of the Board

C. Public Comment

Randall Hogue, Canajoharie resident, disseminated a three-page letter to the present Board members stating the MCIDA's apparent violation of several General Municipal Laws in regards to the County's dealings with Beech-Nut.

Jim Reggis, representing Bast Hatfield, stated that he wants to make sure that everyone had received a packet after they had previously made a presentation. He also wanted to state that during that meeting, someone had stated that the process wasn't a true "apples to apples" comparison, and that's why they submitted another application that has a truer comparison. He said that they are happy to address any questions concerning the application.

There were no other speakers.

Chairman Greco adjourned Public Comment at 7:10 PM.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (Jan. 22 - Feb. 19, 2008, excluding Jan. 22 Full Board Meeting minutes, which were unavailable) by Supervisor Quackenbush, seconded by Supervisor Strevy, passed with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Dybas, seconded by Supervisor DiMezza, passed with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent.

UNFINISHED BUSINESS

NEW BUSINESS

A. Resolutions

B. Other

**RESOLUTION NO. 49 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - REVISED EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY AND COMPLAINT PROCESSING PROCEDURES (FMS WORKFORCE DEVELOPMENT BOARD)

Resolution by Supervisor: Dybas

Seconded by Supervisor: Quackenbush

WHEREAS, New York State Department of Labor (NYSDOL) has revised the Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures, and

WHEREAS, said revised policy and procedures requires joint adoption by the NYSDOL and the Local Workforce Investment Area,

RESOLVED, that the Chairman of the Board, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement approving the "Revised" Equal Opportunity and Nondiscrimination Policy and Complaint Processing Procedures established by the New York State Department of Labor.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 50 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN GRANT APPLICATION AND ESTABLISHING REQUIRED PUBLIC HEARINGS - GOVERNOR'S OFFICE FOR SMALL CITIES - POWER PALLET, INC. (ECONOMIC DEVELOPMENT AND PLANNING)

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Bai a

WHEREAS, Montgomery County on behalf of the Town of Amsterdam and Power Pallet, Inc. is eligible to apply for funding for economic development purposes through the Governor's Office for Small Cities Community Development Block Grant Program, and

WHEREAS, Montgomery County has prioritized economic development and job creation provisions which will result in a direct and positive impact to low and moderate income persons, and

WHEREAS, Montgomery County has supplied a request for funding on behalf of the Town of Amsterdam and Power Pallet, Inc., under the terms set forth in the Governor's Office for Small Cities Community Development Block Grant Program, and

RESOLVED that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign and submit all required application and subsequent reporting materials for funding under the Governor's Office for Small Cities Community Development Block Grant program, and

FURTHER RESOLVED, program requirements include the provision to hold two public hearings, the first of which shall be held at the Town of Amsterdam Office Building located at 283 Manny's Corners Road, Amsterdam, New York on the \_\_\_\_ day of \_\_\_\_\_ 2008 at \_\_\_\_\_ a.m./p.m.; the second, which shall be held in the Board of Supervisors Chamber at the Montgomery County Office Building, 64 Broadway, Fonda, New York on the 25th day of March, 2008 at 6:50 p.m.

MOTION TO AMEND by Supervisor Di Mezza, seconded by Supervisor Greco, to strike in the FURTHER RESOLVED clause "\_\_\_\_ day of \_\_\_\_\_ 2008 at \_\_\_\_\_ a.m./p.m." and insert "19th day of March, 2008 at 6:55 PM" passed with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors



**RESOLUTION NO. 51 of 2008****DATED:** February 26, 2008**RESOLUTION DESIGNATING CERTIFYING OFFICIAL FOR NATIONAL ENVIRONMENTAL POLICY ACT REVIEW PROCESS-POWER PALLET, INC. (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Thomas

WHEREAS, the County of Montgomery on behalf of the Town of Amsterdam and Power Pallet, Inc. is the recipient of federal funds through the Governor's Office for Small Cities, and

WHEREAS, said funds will be used for working capital and to purchase machinery and equipment for the Power Pallet, Inc. facility located in the Town of Amsterdam, and

WHEREAS, it is required that an appropriate entity be responsible for assuring compliance with the National Environmental Policy Act (NEPA), and

WHEREAS, the County must designate a Certifying Official for said process,

RESOLVED, that the Chairman of the Montgomery County Board of Supervisors is appointed the Certifying Official responsible for all activities associated with the NEPA review process.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 52, Supervisors Quackenbush and Johnson questioned if there would be a conflict of interest since Crystal works in the Office of Economic Development.

County Attorney Doug Landon stated that there is no legal prohibition that he knows of, but under the circumstances, there may be a conflict situation.

Supervisors Dybas and Strevy spoke in support of the appointee.

**RESOLUTION NO. 52 of 2008****DATED:** February 26, 2008**RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY PLANNING BOARD (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Bai a

WHEREAS, per Local Law No. 1 of 1987 the Chairman of the Board of Supervisors has authorization to appoint individuals to serve on the County Planning Board with the advice and consent of the Montgomery County Board of Supervisors, and

WHEREAS, the current planning board consists of the following:

Appointee	Representing	Term Expiration
Gerard Koller	1st Ward	06/30/08
Robert DiCaprio	2nd Ward	06/30/09
Robert L. Mead	3rd Ward	06/30/09
Philip Lyford	4th Ward	06/30/08
Karl Bai a	5th Ward	06/30/10
Phil Arnold	Town of Amsterdam	06/30/08
Wayne Heiser	Town of Canajoharie	06/30/10
Jack Fritz	Town of Charleston	06/30/08
Scott McKay	Town of Florida	06/30/10
John Thomas	Town of Glen	06/30/09
Keith MacGregor	Town of Minden	06/30/10
Anthony Bruno	Town of Mohawk	06/30/10
Leon Ingalls	Town of Palatine	06/30/09
John Lyker	Town of Root	06/30/10
Salvatore "Sam" Giarrizzo	Town of St. Johnsville	06/30/09

, and

WHEREAS, there are vacancies on said board due to the resignations of Philip Lyford, Karl Bai a, Wayne Heiser and Leon Ingalls, and

RESOLVED the Chairman of the Board of Supervisors is hereby authorized to appoint, with the advice and consent of the Montgomery County Board of Supervisors, the following individual to the Montgomery County Planning Board to fill said vacancies:

Appointee	Representing	Term Expires
xxxxx	4th Ward	06/30/08

Andy Reed 37 Broadway Ext. Amsterdam, NY 12010	5th Ward	06/30/10
--	----------	----------

Di ane Tresidder	Town of Canajoharie	06/30/10
xxxxx	Town of Palatine	06/30/09

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Strevy to strike the first "xxxxx" and insert the following in it's place in the RESOLVED clause:

"Crystal Ricciuti  
23 Catherine Street  
Amsterdam",

passed with Aye(1095). Supervisors Johnson and Quackenbush voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

RESOLUTION ADOPTED with Aye(1095). Supervisors Johnson and Quackenbush voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

#### **RESOLUTION NO. 53 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDED AGREEMENTS - 2006-2007 SNOWMOBILE TRAILS GRANT-IN-AID PROGRAM AND MOHAWK VALLEY SNOWMOBILE CLUBS, INC. (ECONOMIC DEVELOPMENT AND PLANNING)

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: McMahon

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has awarded Montgomery County \$ 41,125.00 from the 2006-2007 Snowmobile Trails Grant-In-Aid Program, based upon an application submitted in cooperation with the Mohawk Valley Snowmobile clubs, Inc., and

WHEREAS, an accounting error in the 2006-2007 Trails Grant-In-Aid award for \$3,000 has been accepted by the New York State Office of Parks, Recreation and Historic Preservation to the Mohawk Valley Snowmobile Club, Inc., making the overall award \$44,125.00.

RESOLVED, that the Chairman of the Board of Supervisors, following the review and approval by the County Attorney, hereby is authorized and directed to execute documents accepting the revised grant award in the amount of \$3,000.00 for the 2006-2007 Snowmobile Trails Grant from the Office of Parks, Recreation and Historic Preservation, and

FURTHER RESOLVED, that said Chairman also is authorized and directed to execute an amended agreement, between the County and the Mohawk Valley Snowmobile Clubs, Inc., provided for said organization to conduct snowmobile trail development and maintenance consistent with grant program requirements.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

#### **RESOLUTION NO. 54 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - 2007-2008 SNOWMOBILE TRAILS GRANT-IN-AID PROGRAM AND MOHAWK VALLEY SNOWMOBILE CLUBS, INC. (ECONOMIC DEVELOPMENT AND PLANNING)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has awarded Montgomery County \$ 50,120.00 from the 2007-2008 Snowmobile Trails Grant-In-Aid Program, based upon an application submitted in cooperation with the Mohawk Valley Snowmobile clubs, Inc.

RESOLVED, that the Chairman of the Board of Supervisors, following the review and approval by the County Attorney, hereby is authorized and directed to execute documents accepting the 2007-2008 Snowmobile Trails Grant from the Office of Parks, Recreation and Historic Preservation, and

FURTHER RESOLVED, that said Chairman also is authorized and directed to execute an agreement, upon review and approval of the County Attorney, between the County and the Mohawk Valley Snowmobile Clubs, Inc., provided for said organization to conduct snowmobile trail development and maintenance consistent with grant program requirements.

MOTION TO AMEND by Supervisor Johnson, seconded by Supervisor Strevy to strike in the WHEREAS clause "\$50,120.00" and insert "\$48,850.00" in its place, passed with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 55, Supervisor Dybas said that the Resolution is unclear on the statement of monthly payments, and that "ballooning" could occur.

Attorney Landon said that, logically, the 84 monthly installments would be equal, except for the last, however, he has no objection to adding the word "equal" following the number "84" in the second FURTHER RESOLVED clause.

(Clerk's note: This "equal" wording was treated as a typo and inserted with no objection.)

**RESOLUTION NO. 55 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVOLVING LOAN FUND AGREEMENT - PERRONE LEATHER, LLC. (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, Montgomery County administers an Economic Development Program for the purpose of creating and retaining jobs, and

WHEREAS, the Montgomery County Industrial Development Agency (MCIDA) has reviewed and recommended approval of a business loan application from Perrone Leather, LLC, and

WHEREAS, said applicant has requested a loan from the Economic Development Program for the purposes of purchasing machinery and equipment, and

WHEREAS, said applicant has agreed to retain 111 full time employees and create an additional 26 full time employees over the next three years in conjunction with receiving said loan,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement, and any other legal documents necessary to process an economic development loan, in a principal amount not to exceed \$315,000 to Perrone Leather, LLC., and

FURTHER RESOLVED, that the proceeds shall come from Montgomery County's Program Income Account, and

FURTHER RESOLVED, that said loan shall be payable in not more than 84 equal monthly installments, with interest of prime minus three (at the time of closing), and

FURTHER RESOLVED, that, at the time of closing, a sum of \$1,500 shall be deducted, to allow for closing fees for the County Attorney.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon

Kimberly Sanborn

County Attorney

Clerk, Board of Supervisors

**RESOLUTION NO. 56 of 2008****DATED:** February 26, 2008**RESOLUTION AUTHORIZING SOLICITATION OF BIDS - 2007 CAPITAL PROJECT - CLASSROOM BUILDING RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Paton

WHEREAS, Resolution 447 of 2006 authorized an agreement with Steven E. Smith, PE for engineering services to design plans and bid specifications for the Classroom Building Radiological Technology Renovation Project, a 2007 approved Capital Project at Fulton-Montgomery Community College, and

WHEREAS, final design plans and bid specifications for said project are complete and authorization is being sought from Fulton and Montgomery Counties to have said project go out to bid,

RESOLVED, that in conjunction with the Fulton County Board of Supervisors, the Fulton County Purchasing Agent is hereby authorized and directed to advertise for sealed bids from Contractors for the Classroom Building Radiological Technology Renovation Project, and

FURTHER RESOLVED, that the Montgomery County Board of Supervisors, in conjunction with the Fulton County Board of Supervisors hereby reserves the right to reject any and all bids, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors**RESOLUTION NO. 57 of 2008****DATED:** February 26, 2008**RESOLUTION AUTHORIZING SOLICITATION OF BIDS - 2008 CAPITAL PROJECTS - COLLEGE UNION AND LIBRARY BUILDING WATER INFILTRATION PROJECTS (FMCC)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Johnson

WHEREAS, Resolution 35 of 2008 authorized 2008 Capital Projects at Fulton-Montgomery Community College which included the Library Building Water Infiltration Project and the College Union Bookstore Water Infiltration Project, and

WHEREAS, Resolution 297 of 2007 authorized an agreement with Stephen E. Smith for design plans and specifications related to said projects,

WHEREAS, final design plans and bid specifications for said projects are complete and authorization is being sought from Fulton and Montgomery Counties to have said project go out to bid,

RESOLVED, that in conjunction with the Fulton County Board of Supervisors, the Fulton County Purchasing Agent is hereby authorized and directed to advertise for sealed bids from contractors for the Library Building Water Infiltration Project and the College Union Bookstore Water Infiltration Project, and

FURTHER RESOLVED, that the Montgomery County Board of Supervisors, in conjunction with the Fulton County Board of Supervisors, reserves the right to reject any and all bids, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 58 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS (RFP) FOR ARCHITECTURAL/ENGINEERING SERVICES FOR CLASSROOM BUILDING RENOVATIONS PROJECT: PHASE II - INTERIOR RENOVATIONS (FMCC)

Resolution by Supervisor: Bai a

Seconded by Supervisor: Jonker

WHEREAS, Fulton-Montgomery Community College has identified a Capital Project for their Classroom Building which has two phases, the first being a Mechanical Systems Upgrade and the second being Interior Renovations, and

WHEREAS, Resolution 35 of 2008 authorized the 2008 Capital Projects at Fulton-Montgomery Community College, which included Phase I Renovations - Mechanical Systems Upgrades to the Classroom Building and also Design Work for Phase II - Interior Renovations to the Classroom Building, and

WHEREAS, it is necessary to distribute a Request for Proposals to send to engineering firms to prepare design plans and bid specifications for said project,

RESOLVED, the Montgomery County Board of Supervisors hereby authorizes and approves solicitation of proposals for engineering and design services for the Classroom Building Renovations - Phase II - Interior Renovations Project at Fulton-Montgomery Community College, and

FURTHER RESOLVED, that such solicitation shall be accomplished through the Fulton County Purchasing Department, and

FURTHER RESOLVED, that the Board of Supervisors reserves the right to reject any or all proposals, and

FURTHER RESOLVED, that this Resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 59 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - PHILLIPS ASSOCIATES - CONSTRUCTION PHASE SERVICES - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEM UPGRADE PROJECT (FMCC)

Resolution by Supervisor: McMahon

Seconded by Supervisor: Johnson

WHEREAS, Resolution 240 of 2007 and Resolution 35 of 2008 approved the FMCC Classroom Building Renovation Project - Phase I - Mechanical Systems Upgrades for 2008, and

WHEREAS, Resolution 241 of 2007 authorized a contract with Phillips Associates to prepare design plans and bid specifications for said project, and

WHEREAS, Phillips Associates has submitted a proposal to Fulton and Montgomery Counties to provide engineering services during the construction phase of the project,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Phillips Associates, of Saratoga, NY, for Construction Phase Services for the Classroom Building Renovation Project - Phase I Mechanical System Upgrades at a cost not to exceed \$43,000 (\$10,750 Montgomery County Share), and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1254). Supervisor Dybas voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 60 of 2008****DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - C.T. MALE ASSOCIATES - ASBESTOS ABATEMENT PROJECT MONITORING SERVICES - 2008 CAPITAL PROJECT - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEMS UPGRADES (FMCC)

Resolution by Supervisor: McMahon

Seconded by Supervisor: Johnson

WHEREAS, Resolution 35 of 2008 authorized the 2008 Capital Projects at FMCC which included the Classroom Building Renovations - Phase I - Mechanical Systems Upgrades Project, and

WHEREAS, New York State requires owners to provide and perform project monitoring services as part of asbestos abatement projects, and

WHEREAS, said capital project includes significant asbestos abatement work, and

WHEREAS, Phillips Associates, hired by Resolution 241 of 2007 to prepare design plans and bid specifications for said project, subcontracted with C.T. Male to prepare the plans and specifications related to the asbestos abatement work,

WHEREAS, C.T. Male Associates has provided a proposal for said monitoring services,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with C.T. Male Associates for Asbestos Abatement Project Monitoring Services for the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College at a cost not to exceed \$30,000 (\$7,500 Montgomery County share), and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1170). Supervisors Dybas and Thomas voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 61 of 2008****DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - EVERGREEN TESTING - SPECIAL INSPECTION SERVICES - 2008 CAPITAL PROJECT - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEMS UPGRADE PROJECT (FMCC)

Resolution by Supervisor: Johnson

Seconded by Supervisor: McMahon

WHEREAS, Resolution 35 of 2008 approved the 2008 Capital Project identified as the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College, and

WHEREAS, Section 1704 of the Building Code of New York State requires owners to provide inspections of certain construction work to ensure compliance with the Code, and

WHEREAS, said 2008 Capital Project involves work that the Code requires Fulton and Montgomery Counties to provide inspections done by qualified individuals or firms including reinforced concrete, masonry and sprayed-on fireproofing, and

WHEREAS, as a result of an RFP, two firms responded to provide said inspection services,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Evergreen Testing for special inspection services on the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 62 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CLERK OF THE WORKS - KEN FUELLEMAN - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEMS UPGRADE PROJECT (FMCC)

Resolution by Supervisor: McMahon

Seconded by Supervisor: Di Mezza

WHEREAS, Resolution 35 of 2008 identified the 2008 Capital Projects at Fulton-Montgomery Community College which included the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project, and

WHEREAS, Resolution 343 of 2007 authorized the advertisement for a Clerk of the Works on said project, and

WHEREAS, advertisements were placed, resumes were received, a committee of representatives from Fulton and Montgomery Counties, FMCC and Phillips Associates have conducted interviews and a recommendation has been made,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Ken Fuelleman, of Mayfield, NY, for Clerk of the Works Services on the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College, at a cost not to exceed \$35 per hour, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1254). Supervisor Dybas voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 63 of 2008**

**DATED:** February 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN VARIOUS AGREEMENTS - CONSTRUCTION CONTRACTS - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEMS UPGRADE PROJECT (FMCC)

Resolution by Supervisor: McMahon

Seconded by Supervisor: Bai a

WHEREAS, Resolution 35 of 2008 identified 2008 Capital Projects at Fulton-Montgomery Community College which included the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project, and

WHEREAS, Resolution 342 of 2007 authorized the solicitation of bids for construction contracts on said project, and

WHEREAS, bids have been received and reviewed and recommendation has been made,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign agreements with the following Contractors for Construction Services on the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College:

Contract GC-1 - General Contractor:

Dutch Valley Contracting	
Base Bid	\$189,000
Alt. 2	\$ 10,500
Alt. 5	\$ 6,200
	-----
Total	\$205,700

Contract AA-2 - Asbestos Abatement:  
Four Strong Buildings, Inc.

Base Bid	\$243,000
Alt. 2	\$ 0
	-----
Total	\$243,000

Contract M-3 - HVAC:  
WJV Mechanical, Inc.

Base Bid	\$729,000
Alt. 1	\$ 31,029
Alt. 2	\$ 43,250
Alt. 3	\$ 56,600
	-----
Total	\$860,479

Contract TC-4 - Temperature Control:  
Trane U.S., Inc.

Base Bid	\$325,000
Alt. 2	\$ 11,025
	-----
Total	\$336,025

Contract E-5 - Electrical:  
Flex Electrical Constructors, Inc.

Base Bid	\$127,000
Alt. 1	NO BID*
Alt. 2	\$ 8,000
Alt. 4	\$ 15,000
	-----
Total	\$150,000

\*\*Firm did not include bid for this alternate, but has agreed to accept this alternate at no additional cost.

Total Contracts:

Base Bid	\$1,613,600
Alt. 1	\$ 31,029
Alt. 2	\$ 72,775
Alt. 3	\$ 56,600
Alt. 4	\$ 15,000
Alt. 5	\$ 150,000
	-----
Total	\$1,795,204

(Montgomery County Share - \$ 448,801)

, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1254). Supervisor Dybas voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO.** 64 of 2008

**DATED:** February 5, 2008

RESOLUTION OPPOSING THE PROPOSAL FOR LAWYER MAGISTRATES

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, a proposal is being circulated at the state level to mandate that all elected judges must be lawyers, and

WHEREAS, if allowed to be implemented, this would represent just another instance of state



employees denigrating our traditional role of home rule and,

WHEREAS, history does not support the expectation that lawyer judges offer better performance, and

WHEREAS, history shows exactly the opposite, and

WHEREAS, across the state our elected magistrates are poorly paid officials who deserve our respect, our support and appreciation for their tireless efforts, and

RESOLVED, the Montgomery County Board of Supervisors hereby strongly urges our elected representatives to terminate this unwelcome intrusion on a smooth running local function, and

FURTHER RESOLVED, we encourage our elected representatives to take strong action to keep our judicial branch of government from trying also to be legislators.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 65 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AUTHORIZING PETTY CASH FUND INCREASE (WEIGHTS & MEASURES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Johnson

WHEREAS, the Director of Weights & Measures has requested a petty cash fund increase from \$50.00 to \$100.00,

RESOLVED, that the County Treasurer hereby is authorized and directed to transfer \$50.00 to the Director of Weights and Measures to increase said Director's Petty Cash Fund to \$100.00, as is permissible under Section 371 of County Law.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 66 of 2008**

**DATED:** February 26, 2008

**RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL (YOUTH BUREAU/ALTERNATIVE COMMUNITY SERVICES DEPARTMENT)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Strevy

WHEREAS, Article 13-A, Section 261, of NYS Executive Law calls for certain appointments to be made to the Montgomery County Criminal Justice Coordinating Council, and

WHEREAS, additional members beyond the specified appointments within the Executive Law are encouraged, and

WHEREAS, the Council currently consists of the following:

POSITION	NAME
County Court Judge	Honorable Felix J. Catena
Town Court Judge	Honorable Raymond Mars Town of Florida
Town Court Judge	Honorable Herbert Menge Town of Amsterdam
Town Court Judge	Honorable John A. Brookman Town of Glen
Town Court Judge	Honorable Francis E. Avery

	Town/Village of Canajoharie
Town Court Judge	Honorable Jean Walters Town of Charleston
District Attorney	James E. Conboy
Legal Services Representative	William F. Martuscello Public Defender
Member of County Board of Supervisors or Chairperson of Public Safety Committee	John B. Thomas
Director of Probation	Lucille Sitterly
Chief Administrative Officer	Thomas L. Quackenbush
Representative of local police agencies	Jeff Smith, Undersheriff
ATI Representative	Jennifer Petteys, Youth Bureau/ACSD Director
Ex-Offender	Alecia Meyers
Crime Victim	Jean Karutis
Director of Community Services	James Gumaer

NYS Certified Alcohol and/or Substance Abuse Treatment Provider	Judy Devost, Director of "The Lighthouse" Treatment Program for Women
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(Additional Members)

Corrections Administrator	Michael T. Franko
Executive Director, Foundation of St. Mary's Hospital	Al Turo
Vice-Chairman Board of Supervisors	Thomas P. DiMezza
Director, Hamilton, Fulton and Montgomery Prevention Council	Ann Rhodes

, and

WHEREAS, it is recommended that the Board be updated by resolution to reflect the people who are currently in each legislative position that is represented on the Criminal Justice Coordinating Council and also to provide for a new appointment representing an ex-offender,

RESOLVED, that the appointments to the Montgomery County Criminal Justice Coordinating Council shall be as follows:

POSITION	NAME
Chief Administrative Officer	Vito L. Greco
Ex-Offender	Cynthia Miller
(Additional Member)	
Vice-Chairperson Board of Supervisors	Barbara Johnson

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 67 of 2008****DATED:** February 26, 2008**RESOLUTION REAPPOINTING MEMBERS - MONTGOMERY COUNTY EMS ADVISORY BOARD**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Johnson

WHEREAS, Resolution 184 of 2007 established a seven-member Montgomery County EMS Advisory Board to better reflect the needs of the EMS organizations and the Community, and

WHEREAS, said board was established in accordance with NYS County Law S223-b, whose duties shall include:

- cooperation with appropriate state agencies in relation to such programs for EMS training, EMS-related activities and mutual aid;
- to act as an advisory body to the Board of Supervisors and to the Montgomery County EMS coordinator;
- participation in such programs for EMS training, EMS-related activities and mutual aid and mutual aid programs in cases of emergencies in which the services of EMS providers would be used;
- to perform such other duties as may be prescribed in relation to EMS training, EMS-related activities and mutual aid in cases of emergencies in which the services of EMS providers would be used, and

WHEREAS, the Montgomery County Emergency Management Officer acts as a liaison officer between the Board of Supervisors and said advisory board and the EMS providers in the county and the officers and governing boards or bodies thereof, and

WHEREAS, there are seven appointments to said Board which consists of the following representation, for a period of three years:

- 1 individual representing the EMS Coordinator,
- 1 individual representing the County Sheriff's Dept - E911 Coordinator,
- 1 individual representing St. Mary's Hospital, and

for a period of two years:

- 1 individual representing Public Health,
- 1 individual representing the fire services in the County, and

for a period of one year:

- 1 individual representing the medvac air lift services,
- 1 individual representing the ambulance agencies in the County,
- and,

WHEREAS, the current Board is as follows:

Appointee	Representing	Term Expires
Carrie Newkirk	EMS Coordinator	12/31/09
Twila Dopp	Sheriff's Department - E911 Coord.	12/31/09
Robert Quist	St. Mary's Hospital	12/31/09
Jodi Abbott	Public Health Educator	12/31/08
Al Nadler	All Fire Departments	12/31/08
Shannon Martin	LifeNet Air Services	12/31/07
Jarod Gilston	All Ambulance Services	12/31/07

and,

WHEREAS, it is necessary to make reappoint for those positions that have expired,

RESOLVED, that the following are hereby reappointed to the Montgomery County EMS Advisory Board:

Appointee	Representing	Term Expires
Shannon Martin	LifeNet Air Services	12/31/10
Jarod Gilston	All Ambulance Services	12/31/10

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglass Landon

Kimberly Sanborn

County Attorney

Clerk, Board of Supervisors

**RESOLUTION NO. 68 of 2008****DATED:** February 26, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - DEPARTMENT OF JUSTICE BULLET PROOF VEST PROGRAM GRANT (SHERIFF)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Barone, Sr.

WHEREAS, Montgomery County has been informed by the Department of Justice that their Bullet Proof Vest Program will reimburse the County for 50% of the cost of bullet proof vests purchased, and

WHEREAS, the Sheriff's Department has budgeted \$10,342.50 in the 2008 Operating Budget to purchase bullet proof vests for its employees, and

WHEREAS, the Sheriff wishes to utilize said program to maximize that quantity of vests to be purchased,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

A-15-3-4389                      Federal Aid - Other Public Safety    \$10,342.50

**INCREASE APPROPRIATIONS:**

A-15-4-3110-00-4447    Clothing and Uniforms                      \$ 5,171.25  
 A-15-4-3150-00-4447    Clothing and Uniforms                      \$ 5,171.25

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
 County Attorney

Kimberly Sanborn  
 Clerk, Board of Supervisors

Supervisor DiMezza stated that he would like to table Resolution 69, as he believes that the Sheriff would rather have four Sergeants (one per platoon) instead of what's indicated here, and that more discussion is need with the Sheriff's Dept.

(Clerk's note: Following roll call, the Resolution was tabled.)

**RESOLUTION NO. 69 of 2008****DATED:** February 12, 2008**RESOLUTION ESTABLISHING POSITIONS - CORPORAL (SHERIFF)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Jonker

WHEREAS, the Sheriff has recommended that the title of Deputy Sheriff Corporal be established in the Sheriff's Department, and

WHEREAS, it is the intention to eliminate the current position of Sergeant to provide for the upgrade of two Deputy Sheriff's to the new Corporal position,

RESOLVED, that the Montgomery County Board of Supervisors hereby authorizes the establishment of the title - Deputy Sheriff Corporal in the Sheriff's Department at a grade 18B and a base salary of \$39,270, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a Memorandum of Understanding with the Deputy Sheriff's Union to provide for the establishment of said title, and

FURTHER RESOLVED, that two positions of Deputy Sheriff are hereby upgraded to the new Deputy Sheriff Corporal title, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

TRANSFER FROM:

A-15-4-3110-00-1110(436)	Deputy Sheriff	\$32,896
A-15-4-3110-00-1110(1116)	Deputy Sheriff	\$32,590
A-15-4-3110-00-1110(507)	Sergeant	\$ 2,076

ADD AND TRANSFER TO:

A-15-4-3110-00-1110(464)	Deputy Sheriff Corporal	\$33,813
A-15-4-3110-00-1110(465)	Deputy Sheriff Corporal	\$33,648

MOTION TO TABLE by Supervisor Di Mezza, seconded by Supervisor Strevy, passed with Aye(1232). Supervisor Quackenbush voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 70 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AND AMENDING 2008 OPERATING BUDGET - NYS DCJS LIVE SCAN EQUIPMENT GRANT (SHERIFF)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Jonker

WHEREAS, Montgomery County has been awarded a grant from the NYS Division of Criminal Justice Services in the amount of \$35,568 for Live Scan Equipment to be purchased by the Sheriff's Department, and

WHEREAS, said grant requires no matching funds from the County,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a grant agreement with NYS Division of Criminal Justice Services for \$35,568 for the purchase of Live Scan Equipment for the Sheriff's Office.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 71 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - OPERATION CHILD SAFE GRANT (SHERIFF)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Jonker

WHEREAS, Resolution 188 of 2007 authorized the Chairman of the Board of Supervisors to sign a grant agreement with NYS Division of Criminal Justice to be utilized for the purchase of computer equipment and software to participate in NYS's Operation Safe Child Program, and

WHEREAS, said funding was not completely spent in the 2007 Budget and needs to be carried forward to the 2008 Operating Budget,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-15-3-3389	State Aid - Public Safety	\$1,002.42
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**INCREASE APPROPRIATIONS:**

A-15-4-3110-00-4449	Special Supply and Material	\$1,002.42
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RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 72 of 2008****DATED:** February 26, 2008**RESOLUTION ENACTING AN UPDATED COMPULSORY ANTI-RABIES VACCINATION PROGRAM FOR ALL DOGS, CATS & DOMESTICATED FERRETS WITHIN THE COUNTY OF MONTGOMERY**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Thomas

WHEREAS, the Public Health Director has identified the need for updating the County's current Compulsory Anti-Rabies Vaccination Program, and

WHEREAS, the transmission of the disease known as rabies among terrestrial animals within the State of New York has reached epidemic proportions, and whereas said disease continues to be confirmed in a terrestrial animal species within the County of Montgomery, and

WHEREAS, it is the opinion of the Board of Supervisors that the spread of such disease from wild terrestrial animals to dogs, cats and domestic ferrets poses a significant health risk to the people of the County, and that an updated Compulsory Anti-Rabies Vaccination Program for all dogs, cats, and domesticated ferrets within the County will greatly reduce such risk, and

RESOLVED, that the Montgomery County Board of Supervisors hereby enacts an updated Compulsory Anti-Rabies Vaccination Program for all dogs, cats, and domesticated ferrets within the County of Montgomery as follows:

**Compulsory Vaccination**

1. Every dog, cat and domesticated ferret shall be actively immunized against rabies in accordance with regulations promulgated by the commissioner. Every dog, cat and domesticated ferret shall have all initial vaccinations administered no later than four months after birth. Every dog, cat and domesticated ferret shall have a second vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. The veterinarian immunizing or supervising any person authorized by law to immunize such animal shall provide the owner with a certificate of immunization consistent with the requirements of section one hundred nine of the agriculture and markets law. The veterinarian immunizing or supervising any person authorized by law to immunize such animal shall provide any public health official with the certificate of immunization in any case involving a dog, cat or domesticated ferret which has been or may have been exposed to rabies or in any case of possible exposure of a person or another animal to rabies.

2. Subdivision one of this section shall not apply to any feral animal or any dog, cat or domesticated ferret:

(a) that is transported through the state and remains in the state fifteen days or fewer;

(b) confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals;

(c) for which vaccination against rabies would adversely affect the animal's health, as determined by a licensed veterinarian; or

(d) confined for the purposes of research to the premises of a college or other educational or research institution.

3. (a) Every veterinarian providing treatment to a dog, cat or domesticated ferret shall verify, in accordance with standards established by the commissioner, if such animal is actively immunized against rabies or is exempt under subdivision two of this section. If active immunization or exemption cannot be verified, the veterinarian shall immunize the animal at the owner's request.

(b) If the animal is exempt from the provisions of subdivision one of this section, pursuant to paragraph

(c) of subdivision two of this section, the veterinarian shall provide the owner of the dog, cat or domesticated ferret with a certified statement verifying that the animal is exempt from immunization because the immunization would adversely affect the health of the animal, and verifying the nature and duration of such exemption. The certified statement shall be in a form prescribed by the commissioner and shall be consistent with the requirements of section one hundred nine of the agriculture and markets law. Medical exemptions are to be renewed on an annual basis.

4. Proof of rabies immunization is to be shown by the owner to any police officer, rabies response agent, or health department representative requesting the same. Proof shall consist of the written statement provided by the veterinarians as set forth in subdivision one of this section or subdivision three (b). If the owner of a dog, cat or domesticated ferret is unable to

show proof, and the animal has potentially exposed a person to rabies, the police officer, rabies response agent or health department representative shall, at the owner's expense, cause the animal to be confined and observed for ten (10) days, as described in Title IV of the state health law or he may, subject to the approval of the owner, if known, or if its ownership cannot be readily determined, cause the animal to be destroyed immediately and have the animal or the animal's head submitted to a laboratory for examination. Should the confined animal develop signs of rabies within the ten (10) day period, it shall be destroyed under the direction of a health department representative and submitted to laboratory for examination.

5. The owning of a dog, cat or domesticated ferret by any person in violation of subdivision one of this section shall constitute a violation, and shall be subject to a fine in accordance with all applicable law(s).

6. The provisions of this resolution shall take effect upon adoption of this resolution.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 73 of 2008**

**DATED:** February 26, 2008

**RESOLUTION OUTLINING PROCEDURE FOR THE UPDATING AND ADOPTION OF THE MONTGOMERY COUNTY RABIES PROTOCOL**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, the Public Health Director has identified the need for updating the Montgomery County Rabies Protocol which was adopted by Resolution 263 of 1996, and

WHEREAS, the Montgomery County Public Health Department is the designated lead agency in Rabies prevention and control, and

WHEREAS, said adopted Rabies Protocol, which has been approved by the New York State Department of Health, is the official document for Rabies prevention and control, and

WHEREAS, said adopted Rabies Protocol must be revised and updated as directed by the New York State Department of Health, as described in Title IV sec. 2144 of the state health law, and

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign appropriate documents confirming adoption of all New York State Department of Health approved revisions and updates to said adopted Rabies Protocol.

FURTHER RESOLVED, that Resolution 263 of 1996 be rescinded upon adoption of this Resolution.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 74 of 2008**

**DATED:** February 26, 2008

**RESOLUTION FOR THE ESTABLISHMENT OF A LEAD AGENCY FOR THE PROVISION OF ENHANCED PINS DIVERSION SERVICES (SOCIAL SERVICES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Thomas

WHEREAS, as of April 1, 2005, each county and the City of New York was required to provide enhanced diversion services to youth at risk of becoming the subject of a Person In Need of Supervision (PINS) petition and their families (FCA 712 and 735(a)), and

WHEREAS, each county and the City of New York was required to designate either the Local Social Services district or Probation Department as the "lead agency" for the provision of enhanced PINS diversion services, and

WHEREAS, the Probation Department in Montgomery County had historically been the primary provider

of PINS services and had been designated the "lead agency" since 2005, and

WHEREAS, State Preventive funding for the provision of PINS Diversion services is provided through the Office of Child and Family Services, and this funding is managed by the local Department of Social Services, and

WHEREAS, the Department of Social Services is the recipient of Preventive funds for the provision of this service, and

WHEREAS, the Probation Department will continue to work in collaboration with the local Social Services Department in the provision of enhanced PINS diversion services,

RESOLVED, that the Board of Supervisors approves the establishment of the Montgomery Department of Social Services as the lead agency for the provision of PINS diversion services.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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Supervisor Quackenbush recommended paying for the position stated in Resolution 75 from Contingency.

Supervisors Strevy and Jonker stated that there is no one present to clarify where the money should come from, so the Resolution shouldn't be passed at this time.

Supervisor Dybas made a motion to pay for the position from Appropriated Fund Balance, which Supervisor Thomas seconded.

(Clerk's note: Due to the lack of presence of the Sheriff or County Treasurer to clarify where the funds would be transferred from, Resolution 75 failed upon final vote.)

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**RESOLUTION NO. 75 of 2008**

**DATED:** February 26, 2008

**RESOLUTION ESTABLISHING POSITION - MICRO-COMPUTER TECHNICIAN - SHERIFF'S OFFICE (DATA PROCESSING)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Quackenbush

WHEREAS, the duties and expertise needed to maintain NYS mandated systems in the Sheriff's Office have grown tremendously in the past two years, and

WHEREAS, the Director of Data Processing does not have enough staff to maintain these systems,

RESOLVED, that the position of Micro-Computer Technician Position be established with salary grade H at \$32,359 per the salary schedule as outlined in the existing CSEA contractual agreement, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

Transfer from:

\_\_\_\_\_

Transfer to:

A-14-4-1680-00.1110(671) Micro-Computer Technician \$32,359

MOTION TO TABLE by Supervisor Strevy, seconded by Supervisor Jonker, was defeated with Aye(516). Supervisors Dybas, Strevy, Jonker, Thayer and Stagliano voted Aye. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Thomas to insert "A-599 Appropriated Fund Balance \$32,359" under "Transfer from", passed with Aye(1171). Supervisor DiMezza voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

RESOLUTION DEFEATED with Aye(874). Supervisors Greco, Johnson, Bai a, DiMezza, Thomas and Quackenbush voted Aye. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon

Kimberly Sanborn



County Attorney

Clerk, Board of Supervisors

**RESOLUTION NO. 76 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** February 26, 2008

**RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS - CONSULTANT SERVICES (DATA PROCESSING)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Thayer

WHEREAS, to realize cost savings based on quantity discounts, the Data Processing Dept. groups multiple County departmental orders into one or more bulk orders per year, and

WHEREAS, said PC's take approximately 8 hours to build, and

WHEREAS, Data Processing Dept. on-staff technicians are not available to complete multiple builds in a timely fashion due to other daily duties and unforeseen emergencies, and

WHEREAS, the Director of Data Processing has recommended that the County seek proposals for a consultant agreement to handle building of said PC's,

RESOLVED, that the Purchasing Agent, in cooperation with the Data Processing Dept., is hereby authorized and directed to solicit proposals for consultant services to build PC's as outlined in the attached RFP.

RESOLUTION ADOPTED with Aye(991). Supervisors DiMezza, Thomas and Stagliano voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor Strevy stated that, regarding Resolution 77, negotiations with the Union should commence.

Supervisor Dybas stated that prevailing wage would need to be paid, and this has a zero value to the city of Amsterdam.

Supervisor Baia stated that in Fulton County, the municipality simply gives the County the property and ownership, thereby circumventing prevailing wage.

Supervisor Dybas stated that if Montgomery County is willing to take over foreclosure, that language should be in the Resolution.

Supervisor Jonker stated that this opens up discussion above and beyond the Resolution.

Supervisor Quackenbush stated that he supports the training.

Supervisor Thomas stated that the County shouldn't be in this business in the first place.

**RESOLUTION NO. 77 of 2008**

**DATED:** February 12, 2008

**RESOLUTION AUTHORIZING ASBESTOS ABATEMENT TRAINING VARIOUS COUNTY EMPLOYEES (PUBLIC WORKS)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Baia

WHEREAS, the Board of Supervisors has expressed an interest in the creation of a County-wide Demolition Team, and

WHEREAS, in order to facilitate such an initiative, the Commissioner of DPW recommends that certain individuals within the Department of Public Works be trained in the area of asbestos abatement, and

WHEREAS, the Commissioner has determined that there is a suitable training program available through Fulton-Montgomery Community College,

RESOLVED, the Montgomery County Board of Supervisors does hereby approve training for nine (9) Montgomery County DPW Employees (2 Supervisors, 6 Worker/Handlers and 1 Inspector) in asbestos abatement training provided by Fulton Montgomery Community College's Business and Industry Center at a cost not to exceed \$6,675, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

\$6,675

TRANSFER TO:

A-12-4-1620-00-4493 Educ & Training \$6,675

MOTION TO TABLE by Supervisor DiMezza, seconded by Supervisor Strevy, passed with Aye(1179). Supervisors Jonker and Stagliano voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 78, Supervisor Dybas stated that if the County approves tonight's road and bridges Resolutions (bonding equaling \$4.6M), the impact to the taxpayers will be approximately 1.5 - 2%, which will be outside the tax cap. He stated that he supports repairs, but doesn't support burdening the taxpayers further.

Supervisor DiMezza spoke in support of repairs, and stated that funding has been withheld or put off long enough by previous administration, and now is the time to act on these resolutions in a positive way.

**RESOLUTION NO. 78 of 2008**

**DATED:** February 26, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - ROAD RESURFACING (PUBLIC WORKS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Strevy

WHEREAS, the Commissioner of Public Works has recommended resurfacing various County roads;

RESOLVED, that the Board of Supervisors hereby approves the resurfacing of various County roads as 2008 Capital Projects, at a cost not to exceed \$1,180,000.00; and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to arrange for preparation of appropriate legislation authorizing bonding to fund said Capital Projects.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 79 of 2008**

**DATED:** February 26, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - BRIDGE REPLACEMENT (PUBLIC WORKS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Thayer

WHEREAS, the Commissioner of Public Works has recommended that three bridge replacement projects be undertaken during 2008;

RESOLVED, that the Board of Supervisors hereby approves the replacement of Lasselville Road, B.I.N. 3309660, in the Town of St. Johnsville; Pickle Hill Road, B.I.N. 3309580, in the Town of Minden; and Spring Street, B.I.N. 3309680, in the Town of Minden; as Capital Projects at a cost not to exceed \$2,112,500.00. and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to arrange for preparation of appropriate legislation authorizing bonding to fund said Capital Projects.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 80 of 2008**

**DATED:** February 26, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - EQUIPMENT REPLACEMENT (PUBLIC WORKS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Johnson

WHEREAS, the Commissioner of Public Works has recommended the replacement of various equipment;

RESOLVED, that the Board of Supervisors hereby approves the replacement of various equipment as a 2008 Capital Project, at a cost not to exceed \$531,500.00; and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to arrange for preparation of appropriate legislation authorizing bonding to fund said Capital Project.

RESOLUTION ADOPTED with Aye(1158). Supervisors Dybas and Stagliano voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 81 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTY - WOODCHUCK BRUSH CHIPPER (PUBLIC WORKS)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Quackenbush

WHEREAS, the Public Works Commissioner has determined that certain equipment no longer is needed by the County, and

WHEREAS, said Commissioner recommends acceptance of an offer to purchase said equipment, pursuant to provisions of the Highway Law,

RESOLVED, that the Board of Supervisors hereby authorizes the sale of a Woodchuck Brush Chipper to the Town of Mohawk for the sum of \$1,500.00.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 82 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AWARDING BRIDGE REPLACEMENT CONTRACT - TRIUMPHO ROAD, B.I.N 3309670 & HESSVILLE ROAD, B.I.N. 3309520**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Bai a

WHEREAS, the Commissioner of Public Works has recommended that a contract be awarded to the low bidder on a bridge replacement project,

RESOLVED, that the Board of Supervisors hereby awards a contract to Bell Construction Co., Inc, of Poland, NY for the bridge replacement project as follows:

Triumpho Road, B.I.N. 3309670  
Hessville Road, B.I.N. 3309520

, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a contract with Bell Construction Co., Inc, of Poland, NY, and

FURTHER RESOLVED, that said contract shall provide for payment in an amount not to exceed \$823,100.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 83 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AWARDDING BRIDGE REPLACEMENT CONTRACT - PAWLING STREET, B.I.N. 3310230 (PUBLIC WORKS)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Thomas

WHEREAS, the Commissioner of Public Works has recommended that a contract be awarded to the low bidder on a bridge replacement project,

RESOLVED, that the Board of Supervisors hereby awards a contract to Delaney Construction Corp., of Gloversville, NY for the bridge replacement project as follows:

Pawling Street, B.I.N. 3310230

, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a contract with Delaney Construction Corp., of Gloversville, NY, and

FURTHER RESOLVED, that said contract shall provide for payment in an amount not to exceed \$685,116.60.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 84 of 2008**

**DATED:** February 26, 2008

**RESOLUTION AUTHORIZING IMPLEMENTATION/FUNDING OF STATE 'MARCHISELLI' PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT TO FULLY FUND LOCAL SHARE OF FEDERAL/STATE-AID ELIGIBLE/INELIGIBLE COSTS & APPROPRIATING FUNDS THEREFORE - LOG CITY RD (CO RD #17)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Thomas

WHEREAS, a Project for the highway reconstruction of Route 30: Amsterdam North City Line to Voorhees Road, Town of Amsterdam, Montgomery County, Town of Perth, Fulton County (Log City Road Portion), P.I.N. 2044.61 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Montgomery desires to advance the Project by making a commitment of 100% of the non-federal share of the total project costs for the Project or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement;

RESOLVED, that the Board of Supervisors hereby approves the Project;

RESOLVED, that the Board of Supervisors hereby authorizes the County of Montgomery to pay in the first instance the full non-federal share of the cost of the Project or portions thereof;

RESOLVED, that the sum of \$227,800 is hereby appropriated as part of the 2008 Road Program, and made available to cover the cost of participation in the above phase of the Project;

RESOLVED, that in the event the non-federal share of the costs of the project exceed the amount appropriated above, the Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Department thereof, and it is further

RESOLVED, that the Commissioner of the Department of Public Works of the County of Montgomery be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement

requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Montgomery with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 85 of 2008**

**DATED:** February 26, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - HOT WATER HEATER- PUBLIC SAFETY FACILITY (PUBLIC WORKS)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Paton

WHEREAS, the Commissioner of Public Works has recommended replacing the second hot water heater at the Public Safety Facility;

RESOLVED, that the Board of Supervisors hereby approves the Hot Water Heater Replacement as a 2008 Capital Project, at a cost not to exceed \$67,500.00;

FURTHER RESOLVED, that the Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE:**

A-599	Appropriated Fund Balance	\$67,500
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**INCREASE APPROPRIATIONS:**

A-06-4-9900-00-9950	Transfer to Cap. Proj.	\$67,500
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RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 86 of 2008**

**DATED:** February 26, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - PUBLIC SAFETY FACILITY, A-POD, CELL DOOR LOCKS, SWITCHES AND GUIDE UPGRADE**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Bai a

WHEREAS, the Commissioner of Public Works has recommended upgrading A-Pod's cell door locks, switches and guides;

RESOLVED, that the Board of Supervisors hereby approves upgrading A-Pod's cell door locks, switches and guides as a 2008 Capital Project, at a cost not to exceed \$28,000.00;

FURTHER RESOLVED, that the Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE:**

A-599	Appropriated Fund Balance	\$28,000
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## INCREASE APPROPRIATIONS:

A-06-4-9900-00-9950      Transfer to Cap. Proj.      \$28,000

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 87 of 2008**

**DATED:** February 26, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - ROOF REPLACEMENT - STORAGE BUILDING - OLD JAIL SITE**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Quackenbush

WHEREAS, the Commissioner of Public Works has recommended a Roof Replacement Project for the storage building on the old jail site;

RESOLVED, that the Board of Supervisors hereby approves the Storage Building Roof Replacement as a 2008 Capital Project, at a cost not to exceed \$26,200.00;

FURTHER RESOLVED, that the Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

## INCREASE:

A-599      Appropriated Fund Balance      \$26,200

## INCREASE APPROPRIATIONS:

A-06-4-9900-00-9950      Transfer to Cap. Proj.      \$26,200

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 88 of 2008**

**DATED:** February 12, 2008

**RESOLUTION APPOINTING MEMBER - GREATER AMSTERDAM AREA COOPERATIVE ENERGY COMMISSION**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Thayer

WHEREAS, the Intermunicipal Agreement of the Greater Amsterdam Area Cooperative Energy Commission states that the Montgomery County Board of Supervisors shall appoint a County representative to a one-year term to serve as a Director on the Energy Commission,

RESOLVED, that Chairman of the Board of Supervisors Vito Greco is hereby appointed as a Director on the Greater Amsterdam Area Cooperative Energy Commission for a term beginning on January 1, 2008 and ending on December 31, 2008.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 89, Supervisor Johnson stated that there is a typo in group E, as the "County Historian" title should read "County Historian/Records Management Officer". There were no objections to this typo, which will be treated as such.

Supervisor Quackenbush clarified the changes made since the lastly submitted salary chart.

Supervisor Thomas stated that there are some other inequities that he wants the Personnel Committee to address as some point in the near future.

Supervisor DiMezza stated that issues will be addressed, but now is the time to pass the Resolution.

**RESOLUTION NO. 89 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** February 26, 2008

**RESOLUTION REVISING THE NON-BARGAINING PERSONNEL POLICY**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Board of Supervisors revised the Non-Bargaining Personnel Policy by the adoption of Resolution 443 of 2006, and

WHEREAS, it has been recommended by the Labor/Management Negotiation Committee that certain revisions be made to the Non-Bargaining Policy, which are:

1. A Non-Bargaining Salary Schedule with rules that pertain to said Schedule.
2. A Non-Bargaining Department Head Employee Evaluation Form.

WHEREAS, all Non-Bargaining employees will be evaluated once a year, the first two (2) weeks of September and this evaluation will determine if they receive an increment, and

WHEREAS, for fiscal year 2008 increments will be effective March 31, 2008, and to receive an increment the Non-Bargaining employee must have a satisfactory evaluation, and

RESOLVED, that the Board of Supervisors hereby adopts the attached non-bargaining salary schedule and rules contained therein, and the attached Non-Bargaining Department Head Employee Evaluation Form to be made part of the existing Non-Bargaining Personnel Policy.

RESOLUTION ADOPTED with Aye(1294). Supervisor Stagliano voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 90 of 2008**

**DATED:** February 26, 2008

**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW NO. 1 OF 2008 - A LOCAL LAW ESTABLISHING 2008 SALARIES OF VARIOUS COUNTY OFFICIALS**

Resolution by Supervisor: Walters

Seconded by Supervisor: Bai a

WHEREAS, on January 22, 2008 a proposed Local Law for the County of Montgomery County entitled "A Local Law Establishing 2008 Salaries of Various County Officials" was presented to the Board of Supervisors for consideration, and

WHEREAS, on January 22, 2008 Resolution 45 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 26th day of February, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held,

RESOLVED, that Introductory Local Law No. 1 of 2008 entitled "A Local Law Establishing 2008 Salaries of Various County Officials" hereby is adopted and is incorporated as follows:

"A Local Law Establishing the 2008 Salaries of Various County Officials"

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

SECTION 1. The annual salaries, including longevity, sums opposite the office and designation of such County Officials to wit:

Title	Salary
Sheriff	\$67,750
Public Works Commissioner	\$67,750
Social Services Commissioner	\$68,000

Section 2. This Local Law is subject to a permissive referendum, and will be submitted to a vote

of qualified electors of the County of Montgomery, if, within 45 days after the date of which it was so adopted, there is filed with the Clerk of the Montgomery County Board of Supervisors a petition protesting against this Local Law, signed and authenticated as required by Section 24 of Municipal Home Rule Law, by qualified electors of Montgomery County registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for Governor at the last gubernatorial election held in said County.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 91 of 2008**

**DATED:** February 26, 2008

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW NO. 2 OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR A COUNTY PURPOSE - TOWN OF FLORIDA (TREASURER)

Resolution by Supervisor: Greco

Seconded by Supervisor: Barone, Sr.

WHEREAS, on January 22, 2008 a proposed Local Law for the County of Montgomery, entitled: "A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose" (Town of Florida) was presented to the Board of Supervisors for consideration, and

WHEREAS, on January 22, 2008 Resolution No. 46 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 26th day of February 2008, at the time and place appointed,

WHEREAS, said public hearing has been held,

RESOLVED, that said Local Law, known as Introductory Local Law No. 2 of 2008, entitled: "A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose" (Town of Florida) hereby is adopted and is incorporated as follows:

Introductory Local Law No. 2 of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Town of Florida

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

SECTION 1. The Board of Supervisors of the County of Montgomery has determined that County-owned real property parcels, known as SBL's 117.9-1-7 and 117.9-1-39, located in the Town of Florida are no longer necessary for public use.

SECTION 2. The Board of Supervisors of the County of Montgomery hereby authorizes the conveyance of all the right, title and interest of the County in and to said real properties to Town of Florida, and

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

(Adopted as Local Law No. 1)

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors



**RESOLUTION NO. 92 of 2008**

**DATED:** February 26, 2008

**RESOLUTION CORRECTING 2008 TOWN AND COUNTY TAX ROLLS - VARIOUS PARCELS (REAL PROPERTY TAX SERVICE)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Barone, Sr.

WHEREAS, various property owners have filed Applications for Corrected Tax Roll, pursuant to Section 554 of the Real Property Tax Law, with the Real Property Tax Director, alleging errors on the 2008 Tax Roll, and

WHEREAS, said Director has investigated and filed a report, pursuant to said statute, confirming existence of said,

RESOLVED, that the 2008 Tax Roll hereby is ordered corrected, as follows:

APPLICANT:	SBL:	CORRECTION:
National Grid Real Estate Tax Dept 300 Erie Blvd W Bldg D-G Syracuse, NY 13202	861.20-5-1.-100 City of Amsterdam	Per NYS Board of Office of Real Property Services - the assessment should be \$9,318,599
Marjorie A Moschetti Toni Kay Oliverio 128 Otsego St Canajoharie, NY 13317	63.17-2-26 Village of Canajoharie	Remove partial village relevy.
DJF Motorsports 275 Old Trail Rd Fonda, NY 12068	20.-1-10.12 Town of Mohawk	Apply a Business Investment Exemption of \$50,000.

and

FURTHER RESOLVED, that the tax levying body hereby is authorized and directed to approve said applications by making notations on the original applications and duplicates, and by entering the correct extension of taxes, and

FURTHER RESOLVED, that said County Director also is authorized and directed to make an order setting forth the corrected taxes, and directing the officer having jurisdiction over tax roll to correct the rolls, and to affix the orders and approved applications to the tax rolls and the warrants, per Section 554 of the Real Property Tax Law, such annexed applications and warrants becoming a part of such tax rolls, and

FURTHER RESOLVED, that said County Director shall immediately submit, to the officers having jurisdiction over the tax roll, and above order, all approved applications, and

FURTHER RESOLVED, that said County Director shall mail Notices of Approval of Application to the applicants and the County Auditor shall submit a monthly report, setting forth all corrections and/or refunds processed, to the Board of Supervisors, and

FURTHER RESOLVED, that, provided the applications were filed pursuant to Paragraph 7A of Section 554 of the Real Property Tax Law, each applicant shall have eight days, from the date of the mailing of the Notice of Approval, to pay such corrected taxes, without interest, and

FURTHER RESOLVED, that the said officers having charge of the tax rolls hereby are ordered and directed to immediately collect corrected tax, and

FURTHER RESOLVED, that said Treasurer is directed to charge any taxes deleted from the current rolls, by this resolution, wherever appropriate, against the account of the respective property-taxing jurisdiction for inclusion in the next ensuing tax levy, and

FURTHER RESOLVED, that said Treasurer is directed to notify, prior to May 1, 2008 the appropriate districts that any relevy cancelled by this resolution will not be returned.

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 93 of 2008****DATED:** February 26, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT APPLICATION - CENTRAL PROPERTY TAX ADMINISTRATION PROGRAM - COUNTY ASSESSING INITIATIVE (REAL PROPERTY)**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, the Real Property Tax Director has made recommendation that the County prepare a letter to New York State Office of Real Property Services (NYS ORPS) for a Centralized Property Tax Administration Program Grant, and

WHEREAS, said grant program will provide funding of \$25,000 for a study to be conducted on the implementation of County Coordinated Assessing for all municipalities within Montgomery County, and

WHEREAS, an additional \$25,000 will be awarded upon receipt by NYS ORPS of a copy of the minutes of the County Board of Supervisors meeting that indicates that the plan has been received by the Board of Supervisors,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an application letter for the New York State Office of Real Property Services Centralized Property Tax Administration Program - County Assessing Initiative.

RESOLUTION ADOPTED with Aye(1294). Supervisor Stagliano voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors**RESOLUTION NO. 94 of 2008****DATED:** February 26, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT APPLICATION - CENTRAL PROPERTY TAX ADMINISTRATION PROGRAM - COUNTY TAX COLLECTION INFORMATION (TREASURER)**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, the County Treasurer recommends that the County prepare an application letter to New York State Office of Real Property Tax Service (NYS ORPS) for a Centralized Property Tax Administration Grant, and

WHEREAS, said grant program will provide funding of \$25,000 for a study for the implementation of a county-level database which provides taxable status information, as well as tax and payment history of every real property in the County, and

WHEREAS, up to an additional \$25,000 would be provided to defray the cost of the implementation upon submission to NYS ORPS of an executed contract between the County and a technology contractor,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an application letter for the New York State Office of Real Property Services Centralized Property Tax Administration Program - County Tax Collection Information Initiative

RESOLUTION ADOPTED with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors**ADJOURNMENT**

MOTION TO ADJOURN by Supervisor Dybas, seconded by Supervisor DiMezza, passed with Aye(1390). Supervisors Barone, Sr., McMahon, Walters and Paton were absent.

Chairman Greco adjourned the meeting at 8:21 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:00 PM, March 4, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:07 PM.

Roll call indicated Committee members present included Supervisors DiMezza, Jonker, Quackenbush, Strevy and Thayer. Absent was Supervisor Barone.

Additional Supervisors present were Greco, Paton, McMahon, Dybas, Walters and Baia. Absent were Supervisors Johnson and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution for the Establishment of Payment for the Administration of Random Alcohol/Drug Testing (Probation)
2. Discussion regarding Security Cameras - Montgomery County Public Safety Facility
3. Discussion regarding the Establishment of Sergeant's Position - Sheriff's Office
4. Other

Item #1 (formerly item #4, Other): Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - FBI ANTENNA SITE LICENSE RENEWAL - OAK RIDGE SITE (SHERIFF). The Resolution was sponsored and seconded by Supervisors DiMezza and Walters, respectively. The Resolution was moved to the full Board with no objections.

Item #2 (formerly item #1, "Resolution for the Establishment of Payment for the Administration of Random Alcohol/Drug Testing (Probation)": County Attorney Doug Landon, when questioned by Supervisor Dybas, stated that he will meet with Probation Director Lucille Sitterly on the legality of payment.

The Resolution was sponsored and seconded by Supervisors Thayer and DiMezza, respectively. The Resolution was moved to the full Board with no objections.

Item #3 (formerly item #2, "Discussion regarding Security Cameras - Montgomery County Public Safety Facility"): Sheriff Mike Amato stated that the current cameras are breaking down and the current system is unusable. He also stated that LINSTAR submitted a three-phased proposal for repair/replacements. He disseminated a multi-page document to present Supervisors, which is LINSTAR's proposal for a CCTV system at the jail.

Chairman DiMezza stated that he would like the County to pursue an RFP via the Purchaser's office, to be eventually added to the Capital plan. No one objected.

Item #4 (formerly item #3, "Discussion regarding the Establishment of Sergeant's Position - Sheriff's Office"): Supervisor DiMezza spoke in support of having a Sergeant in every platoon.

Chairman Thomas stated that a new Resolution will be written showing the transfer of the funds between positions, and forward to the Finance Committee for the March 18 meeting. The Resolution will be sponsored and seconded by Supervisors Quackenbush and Thomas, respectively.

Item #5, Other: On the request of Sheriff Amato, pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor DiMezza and Quackenbush, respectively, to enter into Executive Session to discuss the employment history of a particular individual. Executive Session commenced at 7:19 PM.

Sheriff Amato and Undersheriff Jeff Smith were present.

Motion to adjourn the Executive Session at 7:36 PM was made and seconded by Supervisors DiMezza and Walters, respectively.

Executive Session was adjourned at 7:36 PM.

As a result of Executive Session, no action was taken.

Motion was made and seconded by Supervisors DiMezza and Jonker, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:38 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - EDUCATION/GOVERNMENT  
7:05 PM, March 4, 2008

COMMITTEE MEETING DISCUSSION

Chairman McMahon presided over the meeting commencing at 7:37 PM.

Roll call indicated Committee members present included Supervisors Bai a, Jonker, Paton and Thayer. Absent were Supervisors Johnson and Stagliano.

Additional Supervisors present were Supervisors Quackenbush, Greco, Strevy, Dybas, Walters, Thomas and DiMezza. Absent was Supervisor Barone.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Closeout of Contract - FPI Mechanical, Inc. - Steam System Upgrades/MEP Project (FMCC)
2. Discussion regarding Voting Machines - Board of Elections
3. Other

Item #1: Supervisors Thayer and Jonker made a motion and seconded, respectively, to sponsor the Resolution and was moved to the full Board with a positive recommendation. There were no objections.

Item #2: Election Commissioners Joan Grainer and Lyn May disseminated two multi-page documents to all present Supervisors titled "Update on the Progress of the Montgomery County Board of Elections in Relation to HAVA", and "ImageCast Ballot Marker Operator Manual PLAN B".

Lyn stated that 52 counties in New York have decided to purchase the same machine (ImageCast Ballot Marker), to be delivered in April or May. In Spring, the vendor will come demonstrate a unit to the Board, if desired.

Lyn stated that 30 machines have been ordered at this time, in the interest of consolidating the 33 current polling places down to 27 polling places, at a cost savings of around \$35,000 dollars.

They also stated that training costs can be shared with Schoharie County.

Lyn described how the new machines will work in detail. Several Supervisors expressed their displeasure with the complicated new machines, but realize that their hands are tied as the decision-making process was completely out of the County's hands.

They also expressed concern about the long lines that could occur while constituents are waiting to vote, due to the new machines and the condensing of polling places.

Item #3, Other: There were no other discussion items.

Motion was made and seconded by Supervisors DiMezza and Jonker, respectively, to adjourn the Committee meeting.

Chairman McMahon adjourned the Education/Government Committee meeting at 7:53 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:10 PM, March 4, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the meeting commencing at 7:55 PM in Chairman Johnson's absence.

Roll call indicated Committee members present included Supervisors DiMezza, Dybas, McMahon, Strevy, Walters and Thomas.

Additionally present were Supervisors Paton, Thayer, Jonker and Baia. Absent were Supervisors Quackenbush, Barone and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Appointing Member - Fulton-Montgomery-Schoharie Workforce Development Board
2. Discussion Regarding Agriculture Environmental Management Program - Montgomery County Soil and Water Conservation District
3. Other

Item #1: Supervisors DiMezza and Baia made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #2: District Manager Corey Nellis disseminated two documents outlining recent activities of MCSWCD, including contracts received, grant activities and a budget comparison between 1998 and 2007.

He also submitted a bill to the County for reimbursement for hiring Randall Implement to repair the borrowed state pump three times, for a total of \$678.20.

Supervisors Strevy and DiMezza made a motion and seconded, respectively, to sponsor a draft Resolution paying the bill to the Finance Committee. There were no objections.

(Clerk's note: Chairman Greco stated that the bill could be paid from Contingency Fund.)

Supervisor Paton spoke in support of the efforts of the MCSWCD.

Item #3, Other: There were no other discussion items.

Supervisors DiMezza and Baia made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Greco adjourned the Agriculture, Planning & Development Committee meeting at 8:13 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
CHAIRMAN'S OFFICE, MONTGOMERY COUNTY ANNEX BUILDING, 20 PARK STREET, FONDA, NY  
COMMITTEE MEETING - NEEDS ASSESSMENT  
1:00 PM, March 11, 2008

COMMITTEE MEETING DISCUSSION

Items on the agenda, at this time, are as follows:

1. Discussion Regarding Montgomery County Building Project
2. Other

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:00 PM, March 11, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:02 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy and Thayer. Absent was Supervisor Stagliano.

Additional Supervisors present were Thomas, Jonker and Baia. Absent were Supervisors Johnson, Greco, McMahon, Barone and DiMezza.

Items on the agenda, at this time, are as follows:

1. Resolution Awarding Bid No. 01-08 - Various Materials (Public Works)
2. Resolution Awarding Bridge Rehabilitation Contract - Bridge Street - Bin No. 3309640 (Public Works)
3. Resolution Awarding Bid 05-08 - Tandem Roller (Public Works)
4. Discussion regarding position reclassification (Public Works)
5. Discussion regarding Animal Abuse Task Force
6. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Dybas and Paton, respectively, and moved to the Full Board with a positive recommendation.

Item #2: The Resolution was sponsored and seconded by Supervisors Quackenbush and Thayer, respectively, and moved to the Full Board with a positive recommendation.

Chairman Walters stated that the missing numbers will be filled in at the Full Board meeting.

Item #3: DPW Commissioner Paul Clayburn clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors Strevy and Paton, respectively, and moved to the Full Board with a positive recommendation.

Chairman Walters stated that the missing numbers will be filled in at the Full Board meeting.

Item #4: Chairman Walters stated that Personnel Officer Rich Baia is unavailable at this time and this agenda item will not be entertained.

Item #5: Chairman Walters stated that animal cruelty cases can be confusing when numerous agencies are involved and inter-agency communication is an issue. He cited a recent abuse case in the town of Charleston. He spoke in support of Rensselaer County's Task Force, and stated that several local officers are currently attending related training.

Supervisor Strevy cited an previous animal cruelty case that occurred in the Town of Florida.

Chairman Walters stated that a Charleston resident will be present at the Full Board meeting to speak in support of creating a task force. He then asked the Committee for their input on how to create such a task force.

Supervisor Dybas supported the idea of a task force, and spoke in support of the Montgomery County SPCA's continued efforts to identify and prevent animal cruelty.

Supervisor Quackenbush cited an injured, abandoned animal case in the town of Minden, and spoke in support of forming a Task Force as soon as possible.

Supervisor Dybas also stated that perhaps some funds can be set aside to care for animals who have been abandoned and needs medical care.

Supervisor Thomas stated that there are already animal advocacy groups in place who can assist with identifying potential cruelty cases.

Supervisor Jonker stated that the NAIS (National Animal Identification System), if utilized properly by animal owners, could help identify abandoned farm animals.

Supervisor Strevy suggested that this County take the next step by strengthening the currently lacking Ag and Market animal cruelty laws by creating our own laws.

Chairman Walters stated that more information must be gathered and discussion could continue under this Committee or in the Agricultural Planning and Development Committee.

Supervisor Jonker wondered who would be financially responsible for the boarding and/or medical care of animals that have been seized, should the owner be unable or unwilling to pay.

County Attorney Doug Landon was then directed by the Committee to further explore the issue, to determine if any other similar Task Forces exist in the state, and to report back to the Committee. He stated that he will contact sources such as NYSAC and Cornell Research and he will also check on potential liability issues.

Chairman Walters asked that Jan Bever, resident of Charleston, be allowed to address the Committee at this time. There were no objections.

Ms. Bever stated that she has several hundred signatures on petitions requesting that the Task Force be formulated. She also stated that she's been working since August to stop a particularly offensive puppy mill in Charleston, and acknowledged that situations like this must be dealt with quickly.

Supervisor Thomas stated that the Board speak to the Magistrates Association and Town Justices on this issue.

Item #6, Other: There were no other discussion items.

Motion was made and seconded by Supervisors Thomas and Quackenbush, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 7:50 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, March 18, 2008

COMMITTEE MEETING DISCUSSION

Supervisor Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Johnson, Baia, Barone, DiMezza, Dybas and McMahon.

Additional Supervisors present were Thomas, Strevy, Thayer, Stagliano, Jonker and Paton. Absent were Supervisors Greco and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Grant Agreement - Governor's Office for Small Cities CDBG Program - Beechnut Nutrition (Economic Development and Planning)
2. Resolution Authorizing the Chairman to Sign Grant Agreement - Governor's Office for Small Cities CDBG Program - Power Pallet, Inc. (Economic Development and Planning)
3. Resolution Amending 2008 Operating Budget - NYS Snowmobile Trails Grant (Economic Development and Planning)
4. Resolution Authorizing Chairman to Sign Agreement - Empire Zone Administrative Services (Economic Development and Planning)
5. Discussion Regarding Beechnut Nutrition PILOT
6. Resolution Establishing a Public Hearing - Introductory Local Law #3 of 2008 - A Local Law which Increases Mortgage Tax in Montgomery County
7. Resolution Amending 2008 Operating Budget - Full-Time Non-Bargaining Employees Step Program (Personnel)
8. Resolution Establishing a Public Hearing - Introductory Local Law #4 of 2008 - A Local Law which Establishes the Salaries of Various Elected and Appointed Officials
9. Bond Resolution-Montgomery County NY-3/25/08-Authorizing Replacement of Various Bridges within County, Estimated Aggregate Cost Thereof-\$2,112,500; Appropriating Said Amount & Authorizing Issuance of \$2,112,500 Serial Bonds to Finance Said Cost
10. Bond Resolution of Montgomery County NY - 3/25/08 - Authorizing Various County Improvements; Estimated Aggregate Cost Thereof - \$632,500; Appropriating Said Amount & Authorizing Issuance of \$632,500 Serial Bonds to Finance Said Cost
11. Bond Resolution of Montgomery County NY - 3/25/08 - Authorizing Replacement of Various Vehicles & Equipment; Estimated Aggregate Cost Thereof - \$531,500; Appropriating Said Amount Therefore & Authorizing Issuance of \$531,500 Bonds to Finance Said Cost
12. Bond Resolution of Montgomery County - 3/25/08 - Authorizing Resurfacing of Various County Roads; Estimated Aggregate Cost - \$1,180,000; Appropriating Said Amount & Authorizing the Issuance of \$1,180,000 Serial Bonds of County to Finance Said Cost
13. Resolution Endorsing the NYS Property Taxpayers Protection Act
14. Resolution Requesting Montgomery County's Legislative Representatives to Introduce Legislation which would provide for a new section in Real Property Tax Law Allowing for a Residential Investment Exemption in Montgomery County
15. Resolution Urging the State Legislature to Oppose the Proposed Shift of 100 Percent of the Cost of Juvenile Detention Facilities to Counties (Social Services)

16. Resolution Urging the State Legislature to Oppose the Proposed Shift of the State's Historic Share of Public Assistance to Counties (Social Services)
17. Resolution Amending 2008 Operating Budget - Montgomery County Soil and Water Conservation District (Board of Supervisors)
18. Resolution Establishing Position and Amending 2008 Operating Budget Sergeant's Position (Sheriff's Office)
19. Resolution Amending 2008 Operating Budget - NYS Homeland Security Grant (Sheriff's Office)
20. Resolution Correcting 2008 Town and County Tax Rolls - Various Parcels (Real Property)
21. Review of Montgomery County Procurement Policy and Resolution Amending as necessary
22. Resolution Appointing Member - Montgomery County Fire Advisory Board
23. Resolution Approving a Proposal from Pinstripes, LLC and Authorizing an Agreement with Pinstripes, LLC Regarding a Site for the New County Municipal Office Building
24. Other

Supervisor Thomas announced that Sheriff Amato was elected the President of the NYS Sheriff's Association. Congratulations were offered by everyone.

Chairman Quackenbush requested that agenda item #23 be moved forward at this time, and there are add-on Resolutions to be entertained. There were no objections.

Supervisor Jonker announced that Veteran's Director William Mullarkey is resigning, and he'd like to sponsor a Resolution to advertise the position. Supervisor McMahon seconded.

Chairman Quackenbush stated that this discussion should occur as an "other" agenda item, to be entertained shortly. There were no objections.

Item #1 (formerly item #23, "Resolution Approving a Proposal from Pinstripes, LLC and Authorizing an Agreement with Pinstripes, LLC Regarding a Site for the New County Municipal Office Building"): Supervisors DiMezza and Johnson had previously made a motion and seconded, respectively, to sponsor the Resolution.

Chairman Quackenbush stated that a Committee Meeting of the Whole will occur this coming Thursday to discuss the issue, and he suggested moving the Resolution to the Full Board with no recommendation. There were no objections.

Supervisor Walters entered Chamber at 7:05 PM.

Item # 2 (formerly #24, Other): Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS HOMELAND SECURITY AND AMENDING 2008 OPERATING BUDGET (SHERIFF).

Supervisors McMahon and Dybas made a motion and seconded, respectively, to sponsor the add-on Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #3 (formerly item #25, "Other"): Supervisor Jonker stated that the Director of Veteran's Services is resigning March 28, 2008.

Supervisor Barone objected to advertising for the position, stating that there may be some restructuring within the department. When polled, the Committee chose to advertise for the position.

Item #4 (formerly item #1, "Resolution Authorizing Chairman to Sign Grant Agreement - Governor's Office for Small Cities CDBG Program - Beechnut Nutrition (Economic Development and Planning)": Supervisors McMahon and Dybas made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #5 (formerly item #2, "Resolution Authorizing the Chairman to Sign Grant Agreement - Governor's Office for Small Cities CDBG Program - Power Pallet, Inc. (Economic Development and Planning)": Supervisors DiMezza and Johnson made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #6 (formerly item #3, "Resolution Amending 2008 Operating Budget - NYS Snowmobile Trails Grant (Economic Development and Planning)": Supervisors Strevy and Barone made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive

recommendation. There were no objections.

Item #7 (formerly item #4, "Resolution Authorizing Chairman to Sign Agreement – Empire Zone Administrative Services (Economic Development and Planning)": Supervisors Johnson and Barone made a motion and seconded, respectively, to sponsor the Resolution.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #8 (formerly item #5, "Discussion Regarding Beechnut Nutrition PILOT"): Chairman Quackenbush asked that this item be moved to the end of the meeting as there may be an Executive Session. There were no objections.

When queried by Supervisor Dybas, EOD Director Ken Rose stated that the water issue has been resolved.

Item #9 (formerly item #6, "Resolution Establishing a Public Hearing - Introductory Local Law #3 of 2008 - A Local Law which Increases Mortgage Tax in Montgomery County"): Supervisors DiMezza and Quackenbush made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor McMahon stated that he does not support a Resolution that penalizes new homeowners.

Supervisor Dybas stated that this Resolution should be considered at budget time, not now.

Supervisor DiMezza stated that there is a deadline and the tax increase must be put in place as soon as possible.

The Resolution was moved to the full Board with no recommendation.

(Clerk's note: The Public Hearing will be held April 22 at 6:55 PM in Chamber.)

Item #10 (formerly item #7, "Resolution Amending 2008 Operating Budget - Full-Time Non-Bargaining Employees Step Program (Personnel)": Personnel Officer Rich Baia disseminated to all present Supervisors a replacement draft Resolution and a salary chart. He clarified the need for the new Resolution and related salary chart, specifically that four positions had to be removed from the Resolution because of lack of longevity.

Supervisors DiMezza and Quackenbush made a motion and seconded, respectively, to sponsor the new draft Resolution (titled "RESOLUTION AMENDING 2008 OPERATING BUDGET FOR FULL-TIME, NON-BARGAINING EMPLOYEES") and move it to the full Board with a positive recommendation. There were no objections.

Chairman Greco entered Chamber at 7:35 PM.

Item #11 (formerly item #8, "Resolution Establishing a Public Hearing - Introductory Local Law #4 of 2008 - A Local Law which Establishes the Salaries of Various Elected and Appointed Officials"): Supervisors DiMezza and Barone made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor DiMezza clarified the Resolution. Personnel Director Baia stated that the Sheriff salary is listed incorrectly, and should be changed to "\$74,639".

Supervisor Dybas asked, in the interest of legal notice publication, that the salary figures be broken down to list base, longevity and step, along with the total.

Officer Baia stated that he will break the figures down to be added as an attachment to the Resolution, also indicating that the figures commence April 1st.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

(Clerk's note: The Public Hearing will be held April 22 at 6:50 PM in Chamber.)

Item #12 (formerly item #9, "Bond Resolution-Montgomery County NY-3/25/08-Authorizing Replacement of Various Bridges within County, Estimated Aggregate Cost Thereof - \$2,112,500; Appropriating Said Amount & Authorizing Issuance of \$2,112,500 Serial Bonds to Finance Said Cost": Supervisors Walters and McMahon made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #13 (formerly item #10, "Bond Resolution of Montgomery County NY - 3/25/08 - Authorizing Various County Improvements; Estimated Aggregate Cost Thereof - \$632,500; Appropriating Said Amount & Authorizing Issuance of \$632,500 Serial Bonds to Finance Said Cost"): Supervisors Strevy and Walters made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #14 (formerly item #11, "Bond Resolution of Montgomery County NY - 3/25/08 - Authorizing Replacement of Various Vehicles & Equipment; Estimated Aggregate Cost Thereof - \$531,500; Appropriating Said Amount Therefore & Authorizing Issuance of \$531,500 Bonds to Finance Said Cost"): Supervisors Walters and Johnson made a motion and seconded, respectively, to sponsor the

Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #15 (formerly item #12, "Bond Resolution of Montgomery County - 3/25/08 - Authorizing Resurfacing of Various County Roads; Estimated Aggregate Cost - \$1,180,000; Appropriating Said Amount & Authorizing the Issuance of \$1,180,000 Serial Bonds of County to Finance Said Cost"): Supervisors Dybas and Baia made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #16 (formerly item #13, "Resolution Endorsing the NYS Property Taxpayers Protection Act"): Supervisors Greco and Baia made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor Dybas stated that he supports the spirit of the Resolution, but the wording isn't clear.

Chairman Quackenbush proposed adding the words "of the previous budgeted year" after the word "percent" in the fourth WHEREAS clause.

Supervisor McMahon objected, stated that we shouldn't change legislation.

Supervisor Baia stated that the wording wouldn't change the spirit of the legislation.

Supervisor DiMezza observed that every property owner also votes on school budgets, and this legislation should also reflect state spending.

The Resolution was moved to the full Board with a positive recommendation.

Item #17 (formerly item #14, "Resolution Requesting Montgomery County's Legislative Representatives to Introduce Legislation which would provide for a new section in Real Property Tax Law Allowing for a Residential Investment Exemption in Montgomery County": Supervisors Greco and Johnson made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor McMahon stated that he doesn't support the Resolution, cautioning that we'd be relying heavily on the Assessors cooperation.

Chairman Greco stated, when queried by Chairman Quackenbush, stated that the exemption is for new construction only, not additions or remodeling.

Supervisor Walters objected against the exemption, as the taxes would have to be offset otherwise.

Supervisor Strevy stated that he supports the Resolution if it will spur development.

Chairman Quackenbush stated that more clarification is needed as the Resolution isn't specific enough.

Chairman Greco stated that he will meet with Administrative Aide Jacki Meola and Real Property Director Flo Stanton to get clarification on the Resolution, and will report back to the Board next week for the Full Board Meeting.

The Resolution was moved to the full Board with no recommendation, pending forthcoming clarification.

Item #18 (formerly item # 15, "Resolution Urging the State Legislature to Oppose the Proposed Shift of 100 Percent of the Cost of Juvenile Detention Facilities to Counties (Social Services)": Supervisors DiMezza and Dybas made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #19 (formerly item # 16, "Resolution Urging the State Legislature to Oppose the Proposed Shift of the State's Historic Share of Public Assistance to Counties (Social Services)": Supervisors Barone and Baia made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #20 (formerly item #17, "Resolution Amending 2008 Operating Budget - Montgomery County Soil and Water Conservation District (Board of Supervisors): The Resolution, previously sponsored and seconded by Supervisors Strevy and DiMezza, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #21 (formerly item #18, "Resolution Establishing Position and Amending 2008 Operating Budget Sergeant's Position (Sheriff's Office)": Supervisors DiMezza and Thomas made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #22 (formerly item #19, "Resolution Amending 2008 Operating Budget - NYS Homeland Security Grant (Sheriff's Office)": Supervisors Dybas and McMahon made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #23 (formerly item #20, "Resolution Correcting 2008 Town and County Tax Rolls - Various Parcels (Real Property)": Supervisors Dybas and Strevy made a motion and seconded, respectively,

to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #24 (formerly item #21, "Review of Montgomery County Procurement Policy and Resolution Amending as necessary"): A draft Resolution titled "RESOLUTION ADOPTING A REVISED MONTGOMERY COUNTY PROCUREMENT POLICY" was presented.

Supervisors Dybas and Quackenbush made a motion and seconded, respectively, to sponsor the Resolution.

Purchasing Officer Scott Surento reviewed and clarified the changes to the policy.

Chairman Quackenbush suggested adding to the FURTHER RESOLVED clause that the policy replaces all prior Resolutions regarding the policy. There were no objections.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #25 (formerly item #22, "Resolution Appointing Member - Montgomery County Fire Advisory Board"): Supervisors Strevy and Jonker made a motion and seconded, respectively, to sponsor the Resolution and move it to the full Board with a positive recommendation. There were no objections.

Item #26, Other: Supervisors Barone and Strevy made a motion and seconded, respectively, to sponsor an add-on draft Resolution ("RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AND AMENDING 2008 OPERATING BUDGET - LONG TERM CARE POINT OF ENTRY PROGRAM (SOCIAL SERVICES)") that was inadvertently left off of the agenda. The Resolution was put forth by Social Services Director William Cranker. The Resolution was not available for the Committee to read, but Director Cranker explained it.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #27, Other (formerly item #5, "Discussion Regarding Beechnut Nutrition PILOT"): EOD Director Ken Rose stated that the permits are coming together and it's time to discuss the structure of the PILOT agreement.

Attorney Joe Scott, Council to the County IDA, presented the options available to the Board; the Local Law (titled "A LOCAL LAW AUTHORIZING THE MAKING OF GRANTS AND LOANS BY MONTGOMERY COUNTY, NEW YORK TO MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY" and related Resolution (titled "RESOLUTION AUTHORIZING AND CONSENTING TO THE EXECUTION OF A PAYMENT IN LIEU OF TAX ASSIGNMENT AGREEMENT RELATING TO THE BEECH-NUT NUTRITION CORPORATION PROJECT").

Supervisor DiMezza stated that he supports scheduling a Public Hearing for a new Local Law for April 22 at 6:45 PM. He made a motion to sponsor a draft Resolution, with Supervisor Bai a seconding. There were no objections.

(Clerk's note: Director Rose will be writing the Public Hearing Resolution.)

County Attorney Doug Landon stated that in the April 15th Finance Committee meeting the payment Resolution can be entertained. There were no objections.

Pursuant to Section 105 (e,h) of NYS Open Meeting Law, the motion was made and seconded by Supervisor Quackenbush and Barone, respectively, to enter into Executive Session to discuss contract negotiations and acquisition of real property. Executive Session commenced at 8:21 PM.

Motion to adjourn the Executive Session at 8:39 PM was made and seconded by Supervisors Dybas and Barone, respectively.

Executive Session was adjourned at 8:39 PM.

As a result of Executive Session, no action was taken.

Supervisors Dybas and Barone made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:39 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
TOWN OF AMSTERDAM MUNICIPAL BLDG, 283 MANNY'S CORNERS RD, AMSTERDAM, NY  
PUBLIC HEARING  
6:55 PM, March 19, 2008

PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - POWER PALLET, INC.

PUBLIC HEARING DISCUSSION

Town of Amsterdam Supervisor Thomas DiMezza called the Public Hearing to order at 6:55 p.m.

Supervisor DiMezza asked whether anyone from the public wished to speak.

William S. Grzyb, 415 Lepper Road, Fort Johnson asked Supervisor DiMezza to elaborate on the project. Supervisor DiMezza read the notice as follows:

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Montgomery will hold public hearings. Said public hearings will take place at the Town of Amsterdam Office Building located at 283 Manny's Corners Road, Amsterdam, New York the 19th day of March 2008 at 6:55 p.m. and at the Board of Supervisors Chamber at the Montgomery County Office Building, 64 Broadway, Fonda, New York the 25th day of March 2008 at 6:50 p.m. regarding the proposed use of Community Development Block Grant funds.

The purpose of the Economic Development Program's Community Development Block Grant Application is to fund eligible economic development activities.

The Board of Supervisors has directed that the Economic Development Program's Community Development Block Grant Application address needs related to Economic Development and job creation and retention activities, consisting of a single year commitment in the amount of \$503,500.

The Board of Supervisors is considering applying for funding related to the Power Pallet project located on 4715 State Highway 30 in the Town of Amsterdam. This project will result in the retention of 120 full time jobs in New York State and the creation of at least 65 new full time jobs within three years of project approval in Montgomery County.

Citizens will be afforded an opportunity to review and comment upon program objectives, consolidated and abbreviated plans and the application, prior to submission.

FURTHER NOTICE is hereby given that copies of said documents are available at the Office of the Montgomery County Department of Economic Development and Planning, Old County Court House, 9 Park Street, Fonda, New York, where they may be inspected or procured by any interested person during business hours.

By order of the Board of Supervisors of Montgomery County.

There were no other comments.

Supervisor DiMezza adjourned the public hearing at 6:57 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE OF THE WHOLE  
6:30 PM, March 20, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the meeting commencing at 6:30 PM.

Roll call indicated that Supervisors Johnson, Paton, McMahon, Strevy, Stagliano, Dybas, Barone, Walters, Thomas, Jonker and DiMezza.

Absent were Supervisors Quackenbush, Thayer and Baia.

Items on the agenda, at this time, are as follows:

1. Discussion Regarding New County Municipal Building

Item #1: Chairman Greco stated the purpose of the meeting. He stated he'd like Supervisor DiMezza give a quick overview and also asked that Treasurer Shawn Bowerman make a statement on the monetary figures.

Supervisor DiMezza stated that the new building discussion has been in the works for twelve years or so. He stated that everyone is aware of the working, parking and space conditions at the Courthouse, Broadway Building, and the Annex Building.

Supervisor Thayer entered Chamber at 6:38 PM.

Supervisor DiMezza stated that RFP's were received, and spoke in support of Pinstripes LLC. He stated that a 65,000 sq. ft. building without storage may be adequate.

Treasurer Bowerman explained the monetary figures listed in the New County Building three-page spreadsheet.

Supervisor Baia entered Chamber at 6:41 PM.

Treasurer Bowerman stated that the related Resolution's ("RESOLUTION APPROVING A PROPOSAL FROM PINSTripES, LLC AND AUTHORIZING AN AGREEMENT WITH PINSTripES, LLC REGARDING A SITE FOR THE NEW COUNTY MUNICIPAL OFFICE BUILDING") figure of \$1,111,230 may actually be a lot less.

Supervisor Barone stated that bonding will require 2/3 vote, so a sound majority is needed. He stated that there are still a lot of questions that need answering, include if the Board wants to move forward.

Supervisor Johnson stated that tonight is the night to lay questions and concerns on the table; to be either in favor of moving forward with the project or not.

Chairman Greco stated reminded the Board that this a non-voting meeting, and the purpose is to answer questions.

Supervisor McMahon stated that there is a need for a consensus, so we know where everyone stands.

Supervisor Thayer stated that he's concerned with paying the lease payment with increased fees and taxes. He stated he's not for increasing taxes in the County, due to the trend in the economy, and doesn't feel that the taxpayers are prepared for increases.

Chairman Greco stated that different options are being looked at.

Supervisor Thayer stated that if we tell the taxpayers we're not raising fees and taxes, yet the building is up, then we'll have to tell them the fees and taxes are going up.

Supervisor DiMezza spoke in support of the Mortgage Tax. He stated that only eleven counties out of sixty-seven have a lower Mortgage Tax than we do.

He also spoke in support of better working conditions for the County employees, specifically Social Services and the workers in the Annex Building. He stated that increasing the sales tax is a better option, too.

When queried by Supervisor Barone, Supervisor DiMezza stated that this is the time to move the Mortgage Tax forward due to the impending sunset date.

Supervisor McMahon stated that the new building will not create any new jobs, and there will be an impact on the Community that is left behind. He stated that he will not support the new building at this time. He also stated that he doesn't believe his 4000 constituents would support the new

project.

Supervisor DiMezza stated that he doesn't believe there would be a financial impact to any of the local restaurants/stores because the employees do not leave the (Broadway) building as they only get a 30-minute lunch.

Supervisor Thayer stated that he believes the financial issues are much bigger, as the educated population are leaving the state due to lack of quality of life.

Supervisor Johnson stated that, compared to Fulton County, we are lacking, and the new building is not only for the employees but for everyone.

Supervisor Paton stated that Fulton County had a new building built for Social Services that was leased, which was a mistake, as it had to be bought because the lease was unaffordable.

He also expressed his concern with the lowering revenues in his Township. He stated that the fund balance will be gone, and taxes will have to be doubled to compensate.

Supervisor Thomas stated his concern of the fiscal well-being of the County, and the lack of population growth. He also stated his concern of putting the building in an Industrial Park which was built to attract new business, not shift business.

He also stated that the local mini-mart businesses will suffer when the employees leave, due to the information received from the local managers.

He stated that perhaps an option would be to build a building for Social Services near the new jail or old jail. He stated that he's not convinced that building a new County building is the right thing to do at this time.

When queried by Supervisor Dybas, Joe Nicola a representative of Pinstripes, LLC stated that the company, owned by Don Laduque, was established in 1998 and owns property in Schenectady and Albany. He spoke in support of growth in Montgomery County and stated that they will be buying the Glen View Park whether the Board chooses to develop there or not.

Supervisor Dybas stated that nothing precludes the LLC from selling the property they acquired, and that we as a leasee might be faced with the need to renegotiate the lease. He stated that he doesn't support leasing.

Supervisor Walters stated that he has always supported looking at the Glen Park for expansion. He outlined how the County buildings have expanded and changed over the years.

He also stated that unpredictable utility costs are not included in the Resolution figures.

He also stated that there is property around the Annex building that is available for continued growth, such as building a multi-story building where the old jail used to be and parking options for the now-abandoned trailer park. He said that no matter what, he would like to see at least 14 out of 15 Supervisors support this project.

He said that he's always supported the idea of a new building, but there are still questions left unanswered about other options. Regarding a new building, he said that we are putting the burden of the cost of the building that we don't own on taxpayers that aren't even born yet.

Supervisor Strevy stated that to put a Resolution spending several million dollars over several years to pay for a building we don't own is ridiculous.

Treasurer Bowerman stated that the new building would be valued between \$8-12M.

Supervisor DiMezza stated that so much false information has been given out to the public and he doesn't see where this is going anywhere good.

Chairman Greco stated that the figures on the three-page spreadsheet are estimates only, not hard facts.

Supervisor Walters stated that the RFP was originally an lease/option to buy or buy, but the RFP is no longer written like that.

Supervisor Dybas stated that the Needs Committee should also explore renovation options or building something new for Social Services.

Supervisor Jonker stated that if the RFP was lease with option to buy, would a simple majority pass that or would it take 2/3 vote? County Attorney stated that 2/3 vote is needed for bonding only.

Supervisor Walters stated that no matter what happens to the Resolution next week, Needs Assessment will not stop, but will still proceed and looking at options.

Supervisor Stagliano stated that in 2004, the Board found the current buildings and workforce

inefficient, so a method was developed to look at a single building with parking garage that would fit. He said that no one objected to needing a new building and that we've lost site tonight. He said the missing link is how to pay for the project, so we are incapable of making a knowledgeable decision.

Supervisor Barone stated that he recommends tabling the Resolution next week and let it go back to the Committee for more study on issues such as location options.

Supervisor Stagliano spoke in support of the Glen Park location.

Supervisors DiMezza and Barone made a motion and seconded, respectively, to adjourn the Committee of the Whole Meeting. There were no objections.

Chairman Greco adjourned the Meeting at 7:57 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:50 PM, March 25, 2008

PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - POWER PALLET, INC.

PUBLIC HEARING DISCUSSION

Chairman Vi to Greco called the Public Hearing to order at 6:50 p.m.

Present were Supervisors Quackenbush, Johnson, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Thomas, Jonker, Baia and DiMezza.

Absent was Supervisor Walters.

The following notice was read:

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Montgomery will hold public hearings. Said public hearings will take place at the Town of Amsterdam Office Building located at 283 Manny's Corners Road, Amsterdam, New York the 19th day of March 2008 at 6:55 p.m. and at the Board of Supervisors Chamber at the Montgomery County Office Building, 64 Broadway, Fonda, New York the 25th day of March 2008 at 6:50 p.m. regarding the proposed use of Community Development Block Grant funds.

The purpose of the Economic Development Program's Community Development Block Grant Application is to fund eligible economic development activities.

The Board of Supervisors has directed that the Economic Development Program's Community Development Block Grant Application address needs related to Economic Development and job creation and retention activities, consisting of a single year commitment in the amount of \$503,500.

The Board of Supervisors is considering applying for funding related to the Power Pallet project located on 4715 State Highway 30 in the Town of Amsterdam. This project will result in the retention of 120 full time jobs in New York State and the creation of at least 65 new full time jobs within three years of project approval in Montgomery County.

Citizens will be afforded an opportunity to review and comment upon program objectives, consolidated and abbreviated plans and the application, prior to submission.

FURTHER NOTICE is hereby given that copies of said documents are available at the Office of the Montgomery County Department of Economic Development and Planning, Old County Court House, 9 Park Street, Fonda, New York, where they may be inspected or procured by any interested person during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board  
DATED: February 27, 2008

Chairman Greco asked whether anyone from the public wished to speak.

There were no other comments.

Chairman Greco adjourned the public hearing at 6:59 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, March 25, 2008

CALL TO ORDER

Chairman Vi to Greco called the Regular Meeting of the Montgomery County Board of Supervisors for March 25, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor Barone led the Salute to the Flag.

MOMENT OF SILENCE

Supervisor Quackenbush asked for a moment of silence to honor recently deceased former Village of Ft. Plain Mayor Albert Nalli.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, Johnson, Greco, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Walters, Thomas, Jonker, Bai a and DiMezza were present.

MOTION TO AMEND THE AGENDA

MOTION TO AMEND AGENDA by Supervisor Quackenbush, seconded by Supervisor Strevy to insert add-on "RESOLUTION APPOINTING JAIL PHYSICIAN AND ESTABLISHING A PART TIME PRIMARY HEALTH CARE NURSE POSITION AT THE MONTGOMERY COUNTY PUBLIC SAFETY FACILITY", and "RESOLUTION APPOINTING MOSA BOARD REPRESENTATIVE", to be entertained at the end of NEW BUSINESS, passed with Aye(1868).

PRIVILEGE OF THE FLOOR

- A. Presentation - Gina DaBierre-Gibbs - Montgomery County Chamber of Commerce Tourism Director - Quarterly Report

Ms. DaBierre-Gibbs gave an update on local events, projects and status of tourism in the Mohawk Valley, as well as national advertising in national magazines and newspapers. She disseminated a multi-page document to all Supervisors outlining her quarterly report.

- B. Public Comment

Chairman Greco asked if anyone wished to speak.

Brett Phetteplace from Judith Ann Realty spoke in support of the 10 year tax abatement to improve development and housing. He stated that the County will see long-term advantage and gains.

William Grzyb from Ft. Johnson stated that he opposes borrowing \$4.5M. He stated that the County has been overtaxing the taxpayers as follows:

Year	Revenue	Expendature	Difference (Overtaxation)
2003	\$61.4M	\$60.3M	\$1.1M
2004	\$66.6M	\$62.7M	\$3.8M
2005	\$68.3M	\$62.4M	\$5.9M
2006	\$69.4M	\$65.7M	\$3.6M

This amounts to a total of approx. \$14.6M (about \$3.6M per year), and he doesn't feel that borrowing money is necessary. He stated that the County should give a relief to the taxpayers of the County by knocking \$5M from the Levy next year.

Mark Hoffman from Mohawk, a 20 year Montgomery County employee, adamantly opposes the construction of a new building, stating that the existing buildings can be repaired or modified. He commended the Supervisors that were against the proposal, and that leasing could be a financial nightmare.

Kathy Carpenter from Mohawk, retired County employee Violet Fallone, and Nancy Landgon of Glen also opposed the new building, stating that rehabilitation of existing buildings should take place, and to keep the County Seat in Fonda for economic purposes.

Veterans Fred Cox, Raymond and Karen LaGrange, and Greg Morris stated that there is a problem

within the Veteran's Department regarding transportation of Veterans, and would like the Supervisors to address it as soon as possible. Another concern was the use of social security numbers to check on appointments and possibly obtain additional information, which could potentially violate HIPAA law.

City of Amsterdam resident Andrew Idotti stated that he supports real property tax assessment reduction and encouraging new technological growth in the area.

There were no other speakers.

Chairman Greco adjourned Public Comment at 7:31 PM.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (Jan. 22 [Full Board Meeting minutes], Feb. 26 - Mar. 18, 2008) by Supervisor Strevy, seconded by Supervisor Dybas, passed with Aye(1868).

#### APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Quackenbush, seconded by Supervisor Jonker, passed with Aye(1868).

#### UNFINISHED BUSINESS

Tabled Resolutions:

Resolution 69 of 2008  
RESOLUTION ESTABLISHING POSITIONS - CORPORAL (SHERIFF)

Resolution 77 of 2008  
RESOLUTION AUTHORIZING ASBESTOS ABATEMENT TRAINING VARIOUS COUNTY  
EMPLOYEES (PUBLIC WORKS)

Regarding Resolution 69, no one made a motion to remove the Resolution from the table. Therefore, the Resolution died.

#### **RESOLUTION NO. 69 of 2008**

**DATED:** February 12, 2008

#### RESOLUTION ESTABLISHING POSITIONS - CORPORAL (SHERIFF)

Resolution by Supervisor: Bai a

Seconded by Supervisor: Jonker

WHEREAS, the Sheriff has recommended that the title of Deputy Sheriff Corporal be established in the Sheriff's Department, and

WHEREAS, it is the intention to eliminate the current position of Sergeant to provide for the upgrade of two Deputy Sheriff's to the new Corporal position,

RESOLVED, that the Montgomery County Board of Supervisors hereby authorizes the establishment of the title - Deputy Sheriff Corporal in the Sheriff's Department at a grade 18B and a base salary of \$39,270, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a Memorandum of Understanding with the Deputy Sheriff's Union to provide for the establishment of said title, and

FURTHER RESOLVED, that two positions of Deputy Sheriff are hereby upgraded to the new Deputy Sheriff Corporal title, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

#### TRANSFER FROM:

A-15-4-3110-00-1110(436)	Deputy Sheriff	\$32,896
A-15-4-3110-00-1110(1116)	Deputy Sheriff	\$32,590
A-15-4-3110-00-1110(507)	Sergeant	\$ 2,076

#### ADD AND TRANSFER TO:

A-15-4-3110-00-1110(464)	Deputy Sheriff Corporal	\$33,813
A-15-4-3110-00-1110(465)	Deputy Sheriff Corporal	\$33,648

MOTION TO TABLE by Supervisor DiMezza, seconded by Supervisor Strevy, passed with Aye(1232). Supervisor Quackenbush voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

THERE WAS NO MOTION TO REMOVE FROM TABLE, THEREFORE, THE RESOLUTION DIED. (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 77, Supervisor DiMezza spoke in support of the training. He stated that the trainer, Jeff Bouchard, will be giving a presentation Thursday evening at the Intergovernmental Committee meeting. He stated that it would cost a reasonable \$30,000 to demolish buildings.

Supervisor Johnson stated that Mr. Bouchard would also be speaking about liability, cost, safety and prevailing wages at the meeting.

Supervisor Quackenbush spoke in support of spending the money for training for the demolition team.

Supervisor Jonker stated that he would like to attend the presentation prior to entertaining this Resolution.

When queried by Supervisor Strevy, DPW Commissioner Paul Clayburn stated that a training schedule hasn't been set up yet.

Supervisor Walters and Barone both spoke in support of the Resolution.

**RESOLUTION NO. 77 of 2008**

**DATED:** February 12, 2008

**RESOLUTION AUTHORIZING ASBESTOS ABATEMENT TRAINING VARIOUS COUNTY EMPLOYEES (PUBLIC WORKS)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Bai a

WHEREAS, the Board of Supervisors has expressed an interest in the creation of a County-wide Demolition Team, and

WHEREAS, in order to facilitate such an initiative, the Commissioner of DPW recommends that certain individuals within the Department of Public Works be trained in the area of asbestos abatement, and

WHEREAS, the Commissioner has determined that there is a suitable training program available through Fulton-Montgomery Community College,

RESOLVED, the Montgomery County Board of Supervisors does hereby approve training for nine (9) Montgomery County DPW Employees (2 Supervisors, 6 Worker/Handlers and 1 Inspector) in asbestos abatement training provided by Fulton Montgomery Community College's Business and Industry Center at a cost not to exceed \$6,675, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

\_\_\_\_\_ \$6,675

TRANSFER TO:

A-12-4-1620-00-4493 Educ & Training \$6,675

MOTION TO TABLE by Supervisor DiMezza, seconded by Supervisor Strevy, passed with Aye(1179). Supervisors Jonker and Stagliano voted Nay. Supervisors Barone, Sr., McMahon, Walters and Paton were absent. (2/26/2008)

MOTION TO REMOVE FROM TABLE by Supervisor DiMezza, seconded by Supervisor Johnson, passed with Aye(1772). Supervisor Stagliano voted Nay. (3/25/2008)

MOTION TO AMEND by Supervisor DiMezza, seconded by Supervisor Baia by striking the underscore in the TRANSFER FROM clause and inserting "A-01-4-1990-00-4400 Contingency Account", passed with Aye(1591). Supervisors Jonker, Thayer and Stagliano voted Nay. (3/25/2008)

RESOLUTION ADOPTED with Aye(1591). Supervisors Jonker, Thayer and Stagliano voted Nay.  
(3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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NEW BUSINESS

A. Resolutions

B. Other

Supervisors DiMezza and Baia exited Chamber at 9:19 PM.

When queried by Supervisor Dybas regarding Mr. William Grzyb's comment, Treasurer Shawn Bowerman stated that the figure of \$14.6M comes from appropriated and unappropriated Fund Balance, and there are more numbers still to be plugged in from 2007. He stated that the year end 2007 figure was estimated at \$13.7M.

Regarding Resolution 95, Supervisor Thomas stated that he has spoken with Probation Director Lucille Sitterly, who stated that typically this is a function of the Court system, so this Resolution is unneeded.

Supervisor Thayer and DiMezza both withdrew their sponsorship, and no one picked it up. The Resolution was Withdrawn.

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**RESOLUTION NO. 95 of 2008**

**DATED:** March 25, 2008

**RESOLUTION FOR THE ESTABLISHMENT OF PAYMENT FOR THE ADMINISTRATION OF RANDOM ALCOHOL/DRUG TESTING (PROBATION)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: DiMezza

WHEREAS, in the normal course of business, the Montgomery County Probation Department conducts random drug and alcohol screens on individuals on Probation supervision, and

WHEREAS, to date, the Probation Dept. has purchased the appropriate supplies for the purpose of administering these tests and this has been budgeted for 2008 at \$2,250 in the Department's appropriations, and

WHEREAS, it is logical that convicted misdemeanants and felons bear the responsibility for their offenses and where drug and alcohol testing is ordered by the Court, assume the cost of this service, and

WHEREAS, the Probation Dept. has traditionally sought out vendors who would provide the best possible prices for the drug/alcohol testing supplies desired and have changed vendors to achieve the best price, and

WHEREAS the Probation Dept. will establish a price list to be reviewed and/or adjusted annually relative to the type of test to be administered and charge those on Probation supervision accordingly, and

WHEREAS all funds collected will be accepted as revenue described in the 2008 budget as "Probation Fees" and will be used to decrease appropriations used to purchase drug/alcohol testing supplies

RESOLVED, that the Board of Supervisors approves the establishment of a policy to allow the Montgomery County Probation Department to charge a fee for the administration of drug and alcohol testing on appropriate individuals under the supervision of the Montgomery County Probation Department.

RESOLUTION WITHDRAWN BY SPONSOR (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 96 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - FBI ANTENNA SITE LICENSE RENEWAL - OAK RIDGE SITE (SHERIFF)**



Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Walters

WHEREAS, by Resolution 225 of 2003 and Resolution 37 of 2004, Montgomery County has entered into a license agreement with the US Department of Justice, Federal Bureau of Investigation for a 10-year Basic Ordering Agreement through September 30, 2013, and

WHEREAS, said agreement authorized the federal agency to maintain certain communications equipment on a County-owned tower, and

WHEREAS, said agreement calls for a renewal on a yearly basis,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a renewal license agreement with the US Department of Justice, Federal Bureau of Investigation, with said license to pay a \$200.00 monthly fee for a one-year period commencing on October 1, 2007 and ending on September 30, 2008.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 97 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS HOMELAND SECURITY AND AMENDING 2008 OPERATING BUDGET (SHERIFF)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Dybas

WHEREAS, the Sheriff has received notification from the NYS Department of Homeland Security of a grant award in the amount of \$80,000 to be utilized for the purchase of updated Pictometry photos of the entire County for its mapping system in the 911 Center and also for the purchase of ballistic vests for the County's SWAT team,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a grant agreement with the NYS Department of Homeland Security for \$80,000 to be utilized for said purposes, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-15-3-3389	State Aid - Public Safety Facility	\$80,000
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**INCREASE APPROPRIATIONS:**

A-15-4-3020-14-4459	Computer Software	\$69,965
A-15-4-3110-00-4447	Clothing and Uniform	\$10,035

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 98 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET- SERGEANT POSITION (SHERIFF'S OFFICE)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Thomas

WHEREAS, it has been recommended that two Deputy Sheriffs be promoted to the rank of Sergeant, and

WHEREAS, there is currently one funded, vacant Sergeant's position in the 2008 Operating Budget and an additional Sergeant's position would need to be funded to provide for said promotion,

RESOLVED, that the Board of Supervisors hereby approves the funding of one Sergeant position in the Sheriff's Office at a base salary of \$40,403 effective March 31, 2008, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-15-4-3110-00-1110(436)	Deputy Sheriff	\$27,330
A-15-4-3110-00-1110(1116)	Deputy Sheriff	\$27,330

TRANSFER TO:

A-15-4-3110-00-1110(507)	Sergeant	\$23,228
A-15-4-3110-00-1110(1418)	Sergeant	\$31,432

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 99 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - NYS HOMELAND SECURITY GRANT (SHERIFF)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: McMahon

WHEREAS, Resolution 90 of 2007 authorized the acceptance of a grant for the Sheriff's Office for \$29,500 from the NYS Homeland Security Department, and

WHEREAS, said funding was not expended in the 2007 Budget year and must be carried forward to the 2008 Operating Budget,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE REVENUE:

A-15-3-3389	Public Safety State Aid	\$29,500
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INCREASE APPROPRIATIONS:

A-15-4-3110-00-2250	Technical Equipment	\$23,853
A-15-4-3110-00-4447	Clothing and Uniforms	\$ 5,647

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 100 of 2008**

**DATED:** March 25, 2008

**RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY FIRE ADVISORY BOARD**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Jonker

WHEREAS, Resolution 38 of 2008 provided for appointments to the Montgomery County Fire Advisory Board through December 31, 2008 as follows:

Frank Nestle	100 Lafayette Street, Palatine Bridge	REPRESENTING
Daniel Carter	340 Mohawk Drive, Tribes Hill	Canajoharie
Mike Beyer	132 Poplar Drive, Amsterdam	Tribes Hill
Richard DePasquale	321 Locust Avenue, Amsterdam	Cranesville
Phil Bradt	2053 Burtonsville Road, Esperance	Amsterdam
David Ramsey	742 Corbin Hill Road, Sprakers	Burtonsville
Timothy Healey	11 Putnam Road, Fonda	Charleston
Richard Sager	6 Horseshoe Drive, Johnstown	Fonda
David P Bouck	113 STHWY 80, Fort Plain	Fort Johnson
James Whipple	49 Prospect Street, Fultonville	Fort Plain
Dale Furman	405 Ingersoll Road, Fultonville	Fultonville
Nicholas M. Bartosik	32 Hagaman Avenue, Hagaman	Glen
Sherman Rockwell	1070 STHWY 163, Fort Plain	Hagaman
		South Minden

Charles Gray	1249 STHWY 334	Town of Mohawk
Keith Rackowski	292 Fort Hunter Road, Amsterdam	Florida
Raymond Tylutki	P0 Box 187, Fort Hunter	Fort Hunter
Scott Bobar	110 Lynk Street, Sprakers	Rural Grove
John Prime	1234 Latimer Hill, Canajoharie	Ames
Jeffrey Swartz	24 Kingsbury Avenue, St. Johnsville	St. Johnsville
James Suidy	60 McNeir Avenue, Amsterdam	Member at Large, and

WHEREAS, Keith Rackowski, representing the Town of Florida, has stepped down from said appointment and the Town of Florida Fire Department has made recommendation for replacement,

RESOLVED, that Pam VanAlstine, 269 Thayer Road, Amsterdam, is hereby appointed to the Montgomery County Fire Advisory Board representing the Town of Florida Fire Department, and

FURTHER RESOLVED, that said appointment shall take effect immediately and continue through December 31, 2008.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 101 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AUTHORIZING CLOSEOUT OF CONTRACT - FPI MECHANICAL, INC. - STEAM SYSTEM UPGRADES/MEP PROJECT (FMCC)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Jonker

WHEREAS, the approved 2007 Capital Projects at FMCC include a project entitled Steam System Upgrades/MEP Project, and

WHEREAS, Resolution 30 of 2007 authorized a contract with Phillips Associates of Saratoga Springs, NY, for engineering design services and bid specifications for said project, and

WHEREAS, advertising was completed and bids were received for said projects and Resolution 169 authorized an agreement with FPI Mechanical, Inc. for a Base Bid at \$248,000, an Alternate Bid for Asbestos Abatement at \$52,850, an Alternate Bid for Replacement of Roof Exhaust Fans on the PE Bldg at \$21,300, and Alternate Bid to Install Condensate Pipe in the Gym \$12,000 and an Alternate Bid to Replace Exhaust Fans in College Union at \$13,400, for a total contract of \$323,550, and

WHEREAS, FPI Mechanical, Inc. has substantially completed all work on this project and Phillips Associates has recommended that pending completion of all punchlist items, a final payment be issued to FPI Mechanical, Inc.,

RESOLVED, that upon the recommendation of Phillips Associates, the Fulton County Treasurer is authorized to close out the contract with FPI Mechanical, Inc. of Cohoes, NY for the FMCC Steam System Upgrades/MEP Project and release all retainage due, contingent upon receipt of written notification from the Fulton County Planning Director that all punchlist items have been completed:

Original Contract Amount	\$323,550.00
Net Change: Change Orders 1 & 2 (+)	\$ 13,445.96
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Final Contract Amount	\$337,005.96
Total Paid to Date	\$320,155.66
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Balance Due	\$ 16,850.30

FURTHER RESOLVED, that this resolution shall be contingent upon passage of a similar resolution by the Fulton County Board of Supervisors

RESOLUTION ADOPTED with Aye(1732). Supervisor Dybas voted Nay. (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 102 of 2008**

**DATED:** March 25, 2008

**RESOLUTION APPOINTING MEMBERS - FULTON-MONTGOMERY-SCHOHARIE WORKFORCE DEVELOPMENT BOARD**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Bai a

WHEREAS, Resolution 263 of 2007 authorizes Montgomery County to enter into a formal Chief Local Elected Officials Agreement with Fulton County and Schoharie County for the creation of the Fulton-Montgomery-Schoharie Workforce Development Board, and

WHEREAS, said agreement requires that each County maintain five public sector appointments and six private sector appointments as listed under the Workforce Investment Act, Section 117, and

WHEREAS, Montgomery County's public sector appointments include the Department of Labor, Organized Labor, Vocational Rehabilitation, and two Community-Based Organizations, and

WHEREAS, the Board which currently consists of the following:

Appointment	Representing	Term
Pat Baia	Private Sector Appointment	11/22/05 - 11/22/08
Tom Pasquarelli	Private Sector Appointment	11/22/05 - 11/22/08
Terry Suits	Private Sector Appointment	11/22/05 - 11/22/08
	Private Sector Appointment	XXXXXXX - 11/22/08
Gary Donadio	Private Sector Appointment	05/23/06 - 11/22/08
	Private Sector Appointment	XXXXXXX - 11/22/08
Bob Hoefs	Public Sector Appointment	11/22/05 - 11/22/08
Dustin Swanger	Public Sector Appointment	04/24/07 - 11/22/08
Robert Palmatier	Public Sector Appointment	11/22/05 - 11/22/08
Ramon Rodriguez	Public Sector Appointment	11/22/05 - 11/22/08
Julia Caro	Public Sector Appointment	01/22/08 - 11/22/08

, and

WHEREAS, there still remains two open vacancies for the private sector appointments, of which one recommendation has been made for appointment,

RESOLVED, that the Montgomery County Board of Supervisors hereby appointments the following individual to the Fulton-Montgomery-Schoharie Workforce Development Board:

Appointing	Representing	Term
Kristin Pasquarelli	Private Sector Appointment	03/25/08 - 11/22/08

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 103 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - MONTGOMERY COUNTY SOIL AND WATER CONSERVATION DISTRICT (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Di Mezza

WHEREAS, the Montgomery County Soil and Water Conservation District has asked for reimbursement for repairs made to a NYS Pump that was used for the 2007 fall drought season,

RESOLVED, that the Montgomery County Board of Supervisors hereby authorizes reimbursement payment to the Montgomery County Soil and Water District in the amount of \$678.20 for said repairs,

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-01-4-1990-00-4400	Contingency Fund	\$677.60
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TRANSFER TO:

A-01-4-8710-00-4576	Soil Conservation District	\$677.60
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RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 104 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - GOVERNOR'S OFFICE FOR SMALL CITIES CDBG PROGRAM - BEECH-NUT NUTRITION (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Dybas

WHEREAS, Montgomery County was awarded \$750,000 from the Governor's Office for Small Cities CDBG Program on behalf of Beechnut Corporation,

WHEREAS, said funds will be used to further economic development activities through the purchase of machinery and equipment, and

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign and submit any and all grant agreements and contracts related to said grant, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign and submit any and all subsequent reporting materials to the Governor's Office for Small Cities, and

FURTHER RESOLVED, that \$16,000 in proceeds will be allocated to the Montgomery County Department of Economic Development and Planning for project administration and program delivery.

INCREASE REVENUE:	FROM:	TO:
CD 24 3 8668 4911 CD/SML CITIES PROG INCOME	\$0	\$750,000

INCREASE APPROPRIATION:	FROM:	TO:
CD 24 4 8686 4511 SMALL CITIES PROGRAMS	\$0	\$750,000

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 105 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN GRANT AGREEMENT - GOVERNOR'S OFFICE FOR SMALL CITIES CDBG PROGRAM - POWER PALLET, INC. (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Johnson

WHEREAS, the County of Montgomery was awarded \$503,500 from the Office for Small Cities CDBG Program on behalf of Power Pallet and the Town of Amsterdam, and

WHEREAS, said funds will be use to further economic development activities through the purchase of machinery and equipment, and

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign and submit any and all grant agreements and contracts related to said grant, and

FURTHER RESOLVED that \$16,000 in proceeds will be allocated to the Montgomery County Department of Economic Development and Planning for project administration and program delivery.

INCREASE REVENUE:	FROM:	TO:
CD 24 3 8668 4911 CD/SML CITIES PROG INCOME	\$750,000	\$1,253,500

INCREASE APPROPRIATION:	FROM:	TO:
CD 24 4 8686 4511 SMALL CITIES PROGRAMS	\$750,000	\$1,253,500

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 106 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - NYS SNOWMOBILE TRAILS GRANT (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

WHEREAS, Resolution 53 of 2008 provided for an additional \$3,000 funding from the NYS Snowmobile Trails Grant for the 2006-2007 program year, and

WHEREAS, Resolution 54 of 2008 accepted funding for the NYS Snowmobile Trails Grant for the 2007-2008 program year that was \$3,850 more than estimated in the 2008 Operating Budget, and

WHEREAS, the 2008 Operating Budget must be adjusted in accordance with both award amounts,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-24-3-3889	State Aid - Other Culture and Recreation	\$6,850
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**INCREASE Appropriations**

A-24-4-7180-00-4572	Recreation Trails	\$6,850
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RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 107 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - EMPIRE ZONE ADMINISTRATIVE SERVICES (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Amsterdam-Florida-Glen Empire Zone Administrative Board is the designated authority to oversee administration of the Empire Zone, and

WHEREAS, the County of Montgomery reaffirms its commitment to revive and stimulate the local economy through the Zone, and

WHEREAS, New York State will match local contributions,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with the Amsterdam-Florida-Glen Empire Zone Administrative Board, and

FURTHER RESOLVED, that said agreement commencing on July 1, 2007 and ending on June 30, 2008, shall provide for a total annual payment of \$10,000 to the City Controller.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 108 of 2008**

**DATED:** March 25, 2008

RESOLUTION AWARDING BID NO. 01-08 - VARIOUS MATERIALS (PUBLIC WORKS)

Resolution by Supervisor: Dybas

Seconded by Supervisor: Paton

WHEREAS, the Purchasing Agent was authorized to solicit bids for various materials for the Department of Public Works, and

WHEREAS, said bids were opened February 26, 2008, and

WHEREAS, the Commissioner of Public Works has reviewed the bid documents and recommended that the awards be made to the lowest responsible bidders meeting specifications,

RESOLVED, that the Board of Supervisors hereby awards Bid No. 01-08, as follows:

A-3 CIRCULAR PIPE & PIPE ARCH & HDPE

Lane Enterprises, Inc.  
825 Route 67  
Ballston Spa, NY 12020

A-3-1 LARGE ARCH PIPE

Lane Enterprises, Inc.  
825 Route 67  
Ballston Spa, NY 12020

A-3-2 LARGE ARCH PIPE

Otsego Iron & Metal Co.  
50 Rose Ave., P.O. Box 339  
Oneonta, NY 13820

A-4 CRUSHED STONE  
(All Bidders – Price/Ton + Haul to Determine Vendor)

Cobleskill Stone Products, Inc.  
P.O. Box 220  
Cobleskill, NY 12043

Santos Construction  
39 Gilliland Ave.  
Amsterdam, NY 12010

Hanson Aggregates  
P.O. Box 513  
Jamesville, NY 13078

Cushing Stone  
725 STHWY 5S  
Amsterdam, NY 12010

Carver Sand & Gravel, LLC  
494 Western Turnpike  
Altamont, NY 12009

Callanan Industries, Inc.  
P.O. Box 15087  
Albany, NY 12212

A-21 TRAFFIC LINE PAINTING

Seneca Pavement Marking, Inc.  
23 Hunters Run  
Horseheads, NY 14845

A-31 FINE GRAVEL and A-32 FOUNDATION COURSE GRAVEL  
(All Bidders – Price/Ton + Haul to Determine Vendor)

Rifenburg Construction  
159 Brick Church Rd.  
Troy, NY 12180-9643

Santos Construction  
39 Gilliland Ave.  
Amsterdam, NY 12010

Maple Ave. Sand & Gravel  
P.O. Box 43  
Johnstown, NY 12095

Carver Sand & Gravel, LLC  
494 Western Turnpike  
Altamont, NY 1200965

A-34, A-35, A-36, A-37, A-38, A-39, A-40 GUIDE RAIL PARTS & ACCESSORIES

Otsego Iron & Metal Co.  
50 Rose Ave., P.O. Box 339  
Oneonta, NY 13820-0339

A-64 IN-PLACE RECYCLE BASE COURSE

Gorman Brothers, Inc.  
Church St., Port of Albany  
Albany, NY 12202

A-65 LIQUID CALCIUM CHLORIDE

Gorman Brothers, Inc.  
Church St., Port of Albany  
Albany, NY 12202

A-67 PNEUMATICALLY PROJECTED CONCRETE

Grout Tech, Inc.  
1350 Route 9  
Gansevoort, NY 12831

A-70 COLD IN-PLACE RECYCLING TYPE I

Gorman Brothers, Inc.  
Church St., Port of Albany  
Albany, NY 12202

A-71 LATEX MODIFIED ASPHALT PAVEMENT COURSE

Gorman Brothers, Inc.  
Church St., Port of Albany  
Albany, NY 12202

A-79 IN-PLACE RECYCLED BASE COURSE WITH CEMENT STABILIZER

Gorman Brothers, Inc.  
Church St., Port of Albany  
Albany, NY 12201

A-80 BITUMINOUS CONCRETE  
(All Bidders – Price/Ton + Haul to Determine Vendor)

Hanson Aggregates  
P.O. Box 513  
Jamesville, NY 13078-0513

Cushing Stone Co., Inc.  
725 STHWY 5S  
Amsterdam, NY 12010

Cobleskill Stone Products, Inc.  
P.O. Box 220  
Cobleskill, NY 12043

Carver Sand & Gravel, LLC  
494 Western Turnpike  
Altamont, NY 12009



Callanan Industries, Inc.  
P.O. Box 15097  
Albany, NY 12212

A-81 COLD PLANING

Callanan Industries, Inc.  
P.O. Box 15097  
Albany, NY 12212

A-82 HOT IN-PLACE ASPHALT RECYCLING

Highway Rehab Corp.  
2258 Route 22  
Brewster, NY 10509

A-88 ABRASIVES FOR SNOW & ICE CONTROL  
(All Bidders - Price/Ton + Haul to Determine Vendor)

Cranesville Aggregate Co., Inc.  
Maple Ave.  
Johnstown, NY 12095

Maple Ave. Sand & Gravel  
P.O. Box 43  
Johnstown, NY 12095

Rifenburg Construction, Inc.  
159 Brick Church Rd.  
Troy, NY 12180

Carver Sand & Gravel, LLC  
494 Western Turnpike  
Altamont, NY 12009

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 109 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AWARING BRIDGE REHABILITATION CONTRACT - BRIDGE STREET - BIN NO. 3309640 (PUBLIC WORKS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Thayer

WHEREAS, the Commissioner of Public Works has recommended that a contract be awarded to the low bidder on a bridge rehabilitation project,

RESOLVED, that the Board of Supervisors hereby awards a contract to \_\_\_\_\_ of \_\_\_\_\_ for the bridge replacement project as follows:

Bridge Street, B.I.N. 3309640

, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a contract with \_\_\_\_\_ of \_\_\_\_\_, and

FURTHER RESOLVED, that said contract shall provide for payment in an amount not to exceed \$\_\_\_\_\_.

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Strevy as follows:

to strike the underscores and insert "Vector Construction of Cicero, NY" in the RESOLVED and FURTHER RESOLVED clauses, and to insert "\$90,080" in the second FURTHER RESOLVED clause,

passed with Aye(1868). (3/25/2008)

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 110 of 2008****DATED:** March 25, 2008**RESOLUTION AWARDING BID 05-08 - TANDEM ROLLER (PUBLIC WORKS)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

WHEREAS, the Purchasing Department was authorized to solicit bids for a tandem roller for the Public Works Department, and

WHEREAS, Said bids were opened on March 18, 2008,

RESOLVED, that the Board of Supervisors hereby awards Bid No. 05-08 to \_\_\_\_\_ of \_\_\_\_\_, in the amount of \$\_\_\_\_\_.

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Dybas to strike in the RESOLVED clause the underscores and insert "Anderson Equipment of Latham, NY" and "\$16,441", passed with Aye(1868). (3/25/2008)

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 111 of 2008****DATED:** March 25, 2008**RESOLUTION URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF THE STATE'S HISTORIC SHARE OF PUBLIC ASSISTANCE TO COUNTIES (SOCIAL SERVICES)**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the Montgomery County Board of Supervisors believes that the 2008-09 Executive Budget has broken a historic, fundamental state/local partnership by proposing to increase the county share of public assistance by two percent, while simultaneously decreasing the state share by two percent; and

WHEREAS, this shift in cost sets a policy from the Governor that mandates local property taxpayers increase their taxes for public assistance, while the State saves itself \$40.5 million per year; and

WHEREAS, since 1938, counties and New York State have equally shared in the cost of public assistance at a 50 percent state, 50 percent local split for this program; and

WHEREAS, the 2008-09 Executive Budget proposes to break this historic state/local fiscal partnership by shifting a portion of the State's cost for the Family Assistance and the Safety Net program; and

WHEREAS, the Governor's proposed budget includes another serious impact to counties by implementing a local share for the cost of carving out two-parent families from the federal work participation rates, by removing the local district hold-harmless provision; and

WHEREAS, this carve-out of the two parent families will save the state approximately \$7.5 million per year, but directly, negatively impact county budgets; and

WHEREAS, the projected impact to the local share cost for Montgomery County for the increase share for public assistance and "two percent carve out" is projected at \$49,265:

RESOLVED, that the Montgomery County Board of Supervisors opposes any policy or fiscal initiative like this proposed increase in the local share for public assistance and "two-parent carve-out" that changes the fundamental promise Governor Paterson made to the counties of New York State about ongoing, historic state and local partnerships; and

FURTHER RESOLVED, that the Montgomery County Board of Supervisors shall forward copies of this Resolution to Governor Paterson, the New York State Legislature and all other deemed necessary and proper.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 112 of 2008**

**DATED:** March 25, 2008

RESOLUTION URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF 100 PERCENT OF THE COST OF JUVENILE DETENTION FACILITIES TO COUNTIES SOCIAL SERVICES)

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the Montgomery County Board of Supervisors strongly opposes the unprecedented 2008-09 Executive Budget proposal that ends the state/local partnership in funding the costs associated with operating local detention facilities by requiring counties to assume 100 percent of the cost; and

WHEREAS, according to the 2008-09 Executive Budget proposal, effective April 1, 2008, counties will assume the full cost of youth placed by Family Court in secure and non-secure detention facilities; and

WHEREAS, currently, the State reimburses counties 50 percent for secure and non-secure detention costs but by shifting the cost completely to counties, the State's estimated savings for this initiative is \$35.4 million; and

WHEREAS, the policy rationale behind this cost-shift is the State's recommendation that counties find alternative, diversion programs for these youth, such as community-based solutions; however, there is no possibility of diversion or other community-based alternatives for a youth who has been placed in a secure detention facility; and

WHEREAS, this is an example of a break in a state/local partnership, where it is projected that the local property taxpayers in Montgomery County will be directly impacted by \$73,602; and

WHEREAS, at the time of this proposal, the State is currently in the process of closing many of their state owned and operated secure detention facilities, which will result in immediate state savings;

RESOLVED, that the Montgomery County Board of Supervisors urges the State Legislature to oppose this policy and fiscal shift of 100 percent of the cost of juvenile detention facilities to counties and to focus on strengthening, not severing, the local/state partnership; and

FURTHER RESOLVED, that the Montgomery County Board of Supervisors shall forward copies of this Resolution to Governor Paterson, the New York State Legislature and all others deemed necessary and proper.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 113 of 2008**

**DATED:** March 25, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AND AMENDING 2008 OPERATION BUDGET - LONG TERM CARE POINT OF ENTRY PROGRAM (SOCIAL SERVICES)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, New York State Office for the Aging allocated \$52,000 funding to Montgomery County for the County's Long Term Care Point of Entry Program for the period October 1, 2006 - September 31, 2007, and

WHEREAS, New York State has extended the deadline to expend the balance of funds from the first extension of December 31, 2007 to March 31, 2008, and

WHEREAS, the Commissioner of Social Services has made recommendation that the county enter into an agreement with Montgomery county Office for the Aging as co-lead for this program,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign appropriate documents related to the

contracting of services with Montgomery County Office for the Aging for their part of the program in the amount not to exceed \$12,573.21 and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE REVENUE:

A-18-3-3610-00	State Aid DSS Admin.	\$12,573
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INCREASE APPROPRIATIONS:

A-18-4-6010-00.4438	DSS Administration – Misc. Supporting Services	\$12,573
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RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 114 of 2008**

**DATED:** March 25, 2008

**RESOLUTION REQUIRING THE ADVERTISEMENT OF A VACANCY FOR THE POSITION OF DIRECTOR IN THE VETERANS SERVICE AGENCY**

Resolution by Supervisor: Jonker

Seconded by Supervisor: McMahon

WHEREAS, there currently is a vacancy in the position of Director of the Veterans Service Agency, and

WHEREAS, it is necessary to advertise for said position as soon as possible to provide continuity to the Department and the Veterans of Montgomery County,

RESOLVED, that the Personnel Director is hereby authorized and directed to advertise immediately for the position of Veterans Service Agency Director.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 115 of 2008**

**DATED:** March 25, 2008

**RESOLUTION CORRECTING 2008 TOWN AND COUNTY TAX ROLLS - VARIOUS PARCELS (REAL PROPERTY)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Strevy

WHEREAS, various property owners have filed Applications for Corrected Tax Roll, pursuant to Section 554 of the Real Property Tax Law, with the Real Property Tax Director, alleging errors on the 2008 Tax Roll, and

WHEREAS, said Director has investigated and filed a report, pursuant to said statute, confirming existence of said,

RESOLVED, that the 2008 Tax Roll hereby is ordered corrected, as follows:

APPLICANT:	SBL:	CORRECTION:
Cayot Realty II, Inc. 48 Benson St W. Haverstraw, NY 10993	35.16-1-2.1 Village of Fonda	Reduce assessment to \$8,900

, and

FURTHER RESOLVED, that the tax levying body hereby is authorized and directed to approve said applications by making notations on the original applications and duplicates, and by entering the correct extension of taxes, and

FURTHER RESOLVED, that said County Director also is authorized and directed to make an order

setting forth the corrected taxes, and directing the officer having jurisdiction over tax roll to correct the rolls, and to affix the orders and approved applications to the tax rolls and the warrants, per Section 554 of the Real Property Tax Law, such annexed applications and warrants becoming a part of such tax rolls, and

FURTHER RESOLVED, that said County Director shall immediately submit, to the officers having jurisdiction over the tax roll, and above order, all approved applications, and

FURTHER RESOLVED, that said County Director shall mail Notices of Approval of Application to the applicants and the County Auditor shall submit a monthly report, setting forth all corrections and/or refunds processed, to the Board of Supervisors, and

FURTHER RESOLVED, that, provided the applications were filed pursuant to Paragraph 7A of Section 554 of the Real Property Tax Law, each applicant shall have eight days, from the date of the mailing of the Notice of Approval, to pay such corrected taxes, without interest, and

FURTHER RESOLVED, that the said officers having charge of the tax rolls hereby are ordered and directed to immediately collect corrected tax, and

FURTHER RESOLVED, that said Treasurer is directed to charge any taxes deleted from the current rolls, by this resolution, wherever appropriate, against the account of the respective property-taxing jurisdiction for inclusion in the next ensuing tax levy, and

FURTHER RESOLVED, that said Treasurer is directed to notify, prior to May 1, 2008 the appropriate districts that any relevy cancelled by this resolution will not be returned.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 116 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** March 25, 2008

**RESOLUTION ADOPTING A REVISED MONTGOMERY COUNTY PROCUREMENT POLICY**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Quackenbush

WHEREAS, The Montgomery County Board of Supervisors had previously adopted Procurement Policies and Procedures to comply with the provisions of the General Municipal Law, Section 104-b; and

WHEREAS, Resolution No. 309 of 2006 revised said Procurement Policy to require the Finance Committee to annually review and make necessary and appropriate recommendations for amendment of the County's Procurement Policies and Procedures,

WHEREAS, said review has occurred and the Finance Committee has made recommended changes,

RESOLVED, that the Montgomery County Board of Supervisors hereby adopts the Montgomery County Procurement Policies and Procedures as attached hereto and made part of this resolution, and

FURTHER RESOLVED, that said revised policy shall be implemented immediately and replaces all prior Resolutions regarding Procurement Policies.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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County Clerk Helen Bartone disseminated a multi-page document to all Supervisors as additional information for Resolution 117. The document included an email from Thomas Clingan from Albany County, NYSACC survey of county mortgage tax rates and amortization schedule on a \$200,000 home.

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**RESOLUTION NO. 117 of 2008**

**DATED:** March 25, 2008

**RESOLUTION ESTABLISHING PUBLIC HEARING - INTRODUCTORY LOCAL LAW #3 OF 2008 - A LOCAL LAW WHICH INCREASES MORTGAGE TAX IN MONTGOMERY COUNTY**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Quackenbush

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. 3 of 2008, "A Local Law Which Increases Mortgage Tax in Montgomery County".

RESOLVED, that Introductory Local Law No. 3 of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration following the holding of a public hearing as follows:

"A Local Law Imposing An Additional Mortgage Tax in Montgomery County"

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

Section 1. For the period commencing June 1, 2008 and ending November 30, 2008, unless further extended by local law of the Board of Supervisors, there is hereby imposed in Montgomery County a tax of Fifty Cents (\$.50) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of Fifty Cents (\$.50) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00).

Section 2. The taxes imposed pursuant to this Local Law shall be administered and collected in the same manner as the taxes imposed under subdivision one of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section, except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference to the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase "within this state" shall be read as "within Montgomery County", unless a different meaning is clearly required.

Section 3. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in the State by within and without Montgomery County, the amount of such tax due and payable to Montgomery County shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law, which concerns real property situated in two or more counties. Where such property is situated both within Montgomery County and without the State, the amount due and payable in Montgomery County shall be determined in the manner prescribed in the second paragraph of such Section 260, which concerns property situated within and without Montgomery County. Where real property is situated within and without Montgomery County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

Section 4. A tax imposed pursuant to this Local Law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 5. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the county of Montgomery during each month upon account of the tax imposed pursuant to this Local Law, after deducting the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this Section or Section 260 of the Tax Law, are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth (10) day of each succeeding month to the Montgomery County Treasurer and after the deduction by such County Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the general fund of the county of Montgomery for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this Local Law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner of Taxation and Finance.

Section 6. The tax imposed pursuant to this Local Law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this Local Law, as required by subdivision two of Section 253-d of the Tax Law. It shall be the duty of such recording officer to indorse upon, each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax indorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 7. This Local Law shall take effect on the first day of a calendar month, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at the Commissioner's office in Albany at least thirty days

prior to the date the local law shall take effect. Certified Copies of this local law shall also be filed with the County Clerk, the Secretary of State and the State Comptroller within five (5) days after the local law is duly enacted.

, and

FURTHER RESOLVED, that said public hearing shall be held April 22, 2008 at 6:55 PM, in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1325). Supervisors McMahon, Strevy, Thomas, Paton and Thayer voted Nay. (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 118 of 2008**

**DATED:** March 25, 2008

**RESOLUTION ESTABLISHING PUBLIC HEARING - INTRODUCTORY LOCAL LAW #4 OF 2008 - A LOCAL LAW ESTABLISHING THE 2008 SALARIES OF VARIOUS COUNTY OFFICIALS**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. 1 of 2008 - A Local Law Establishing the 2008 Salaries of Various County Officials,

RESOLVED, that Introductory Local Law No. 4 of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration following the holding of a public hearing as follows:

"A Local Law Establishing the 2008 Salaries of Various County Officials"

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

SECTION 1. The annual salaries, including longevity, sums opposite the office and designation of such County Officials to wit:

TITLE	BASE	LONGEVITY	INCREMENT	TOTAL
Sheriff	\$70,000	\$2,750	\$1,889	\$74,639
Commissioner of Social Services	\$65,000	\$3,000	\$ 831	\$68,831
Commissioner of Public Works	\$65,000	\$2,750	\$1,663	\$69,413
County Treasurer	\$58,205	\$1,600	\$ 718	\$60,523
Personnel Officer	\$60,515	\$2,250	\$2,872	\$65,637
County Clerk	\$58,205	\$2,250	\$2,872	\$63,327
Real Property Tax Director	\$48,164	\$2,750	\$1,814	\$52,728
Purchasing Agent	\$39,750	\$1,000	\$ 491	\$41,241
Election Commissioner - Dem.	\$35,207	\$1,350	\$ 491	\$37,048
Election Commissioner - Rep.	\$35,207	\$2,500	\$ 491	\$38,198

Section 2. This Local Law is subject to a permissive referendum, and will be submitted to a vote of qualified electors of the County of Montgomery, if, within 45 days after the date of which it was so adopted, there is filed with the Clerk of the Montgomery County Board of Supervisors a petition protesting against this Local Law, signed and authenticated as required by Section 24 of Municipal Home Rule Law, by qualified electors of Montgomery County registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for Governor at the last gubernatorial election held in said County.

FURTHER RESOLVED, that said public hearing shall be held Tuesday, April 22 at 6:50 PM, in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal

notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 119 of 2008**

**DATED:** March 25, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET FOR FULL-TIME, NON-BARGAINING EMPLOYEES**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Quackenbush

WHEREAS, Resolution no. 89 of 2008 was adopted setting a Non-Bargaining Salary Schedule to be utilized that established grades, minimum salaries, and increments, and

WHEREAS, all non-bargaining full-time employees had to receive an acceptable job performance evaluation in order to be granted an increment.

RESOLVED, that the Board of Supervisors hereby authorizes and directs the County Treasurer to amend the 2008 operating budget as follows:

**TRANSFER FROM:**

A 01 4 1990 00 4400	CONTINGENT ACCOUNT	\$ 44,409
G 26 4 1990 00 4400	CONTINGENT ACCOUNT	\$ 1,815

**TRANSFER TO:**

A 15 4 3110.00 1110( 509)	SHERIFF	\$ 6,889
A 12 4 1490.00 1110( 50)	COMMISSIONER OF PUBLIC WORKS	\$ 1,663
A 18 4 6010.00 1110( 52)	COMMISSIONER OF SOCIAL SERVICE	\$ 831
A 14 4 1680.00 1110( 444)	DIRECTOR OF DATA PROCESSING	\$ 831
A 16 4 4010.00 1110( 32)	PUBLIC HEALTH DIRECTOR	\$ 831
A 08 4 1410.00 1110( 79)	COUNTY CLERK	\$ 2,872
A 06 4 1325.00 1110( 82)	COUNTY TREASURER	\$ 718
A 17 4 4310.00 1110( 302)	DIRECTOR OF COMMUNITY SERVICES	\$ 2,154
A 10 4 1430.00 1110( 858)	PERSONNEL OFFICER	\$ 2,872
A 27 4 3140.00 1110(1252)	PROBATION DIRECTOR II	\$ 718
A 24 4 6430.00 1110( 472)	ECONOMIC OPPORT. & DEV DIRECTOR	\$ 718
A 07 4 1355.00 1110( 616)	DIRECTOR OF REAL PROPERTY TAX	\$ 1,814
A 02 4 3640.00 1110( 202)	DIRECTOR OF EMERGENCY MANAGEMENT	\$ 1,814
A 21 4 7310.00 1110( 161)	YOUTH BUREAU /ACSD DIRECTOR	\$ 1,209
A 22 4 7510.00 1110(1177)	COUNTY HISTORIAN	\$ 982
A 20 4 6610.00 1110( 81)	DIRECTOR OF WEIGHTS & MEASURERS	\$ 1,474
A 31 4 1345.00 1110( 701)	PURCHASING AGENT	\$ 491
A 11 4 1450.00 1110( 681)	ELECTION COMMISSIONER	\$ 491
A 11 4 1450.00 1110( 680)	ELECTION COMMISSIONER	\$ 491
A 17 4 4310.00 1110( 296)	PSYCHIATRIST	\$ 642
A 15 4 3110.00 1110( 419)	UNDERSHERIFF	\$ 567
A 16 4 4010.00 1110( 281)	ASSIST. DIRECTOR OF PUBLIC HEALTH	\$ 567
A 08 4 1410.00 1110( 97)	DEPUTY COUNTY CLERK	\$ 1,965
A 06 4 1325.00 1110( 98)	DEPUTY COUNTY TREASURER	\$ 491
A 18 4 6010.00 1110( 441)	DIRECTOR OF SOCIAL SERVICES	\$ 491
A 18 4 6010.00 1110( 908)	DIRECTOR OF FINANCIAL MANAGEMENT	\$ 2,456
A 16 4 4010.00 1110( 257)	CHILDREN WITH SPECIAL NEEDS COORD	\$ 491
A 10 4 1430.00 1110(1274)	PERSONNEL ASSOCIATE	\$ 982
A 18 4 6010.00 1110( 108)	DIRECTOR OF ELIGIBILITY	\$ 491
A 15 4 3150.00 1110( 470)	CORRECTIONS ADMINISTRATOR	\$ 491
A 24 4 6430.00 1110( 473)	ECONOMIC DEVELOPMENT SPECIALIST	\$ 416
A 25 4 1165.00 1110( 987)	SECRETARY TO DISTRICT ATTORNEY	\$ 1,020
A 15 4 3110.00 1110( 510)	CONFIDENTIAL SECRETARY (SHERIFF)	\$ 1,020
A 28 4 1170.00 1110( 835)	CONFIDENTIAL SECRETARY - PUBLIC DEF	\$ 680
A 10 4 1430.00 1110(1392)	PRINCIPAL ACCT CLK TYPIST-NON-B	\$ 680
A 10 4 1430.00 1110( 709)	HUMAN RESOURCE CLERK	\$ 340
A 01 4 1010.00 1110( 122)	ADMINISTRATIVE AIDE	\$ 378
A 01 4 1010.00 1110( 235)	SR. ACCOUNT CLERK TYPIST-NON BAR	\$ 378
G 26 4 8120.00 1110( 54)	SUPERINTENDENT SSD#1	\$ 605
G 26 4 8120.00 1110( 586)	MAINTENANCE MECHANIC MCSSD #1	\$ 680
G 26 4 8120.00 1110( 119)	LABORATORY TECHNICIAN	\$ 265
G 26 4 8120.00 1110( 392)	LABORER (MCSSD#1)	\$ 265

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)



Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 120, Supervisor Quackenbush stated that he supports moving ahead with either buying, leasing or repairing buildings. He stated that a lot of money was spent on flood damage repair, and that the buildings are antiquated and have been neglected over the years.

Supervisor McMahon stated that he doesn't support the Resolution because the County is not in a positive financial position to take on such a project.

Supervisor DiMezza stated that he feels the public is misinformed about a few things, but nevertheless wants at least a 2/3 vote of support from the Supervisors to continue moving the project forward.

Supervisor Walters admits that this Resolution may not be the avenue to take, and that most of the people he has spoken with would rather the County own then lease a building. He stated that he doesn't want the discussion to end tonight, as storage and financing still needs to be addressed. He stated that the jail bonds will mature in eight years, which would bring some financial release.

Supervisor Baia spoke in support of the Needs Assessment Committee and the importance of addressing the obvious issues and problems.

Supervisor Strevy stated that a consensus group must decide what kind of a structure the new building should be and where it should be. He stated that the Florida Park bond also matures in about eight years.

Supervisor Thomas stated that the Board should look to see what other Counties have done in similar situations.

Supervisors DiMezza and Johnson withdrew their sponsorship of the Resolution. No one picked it up. Therefore, the Resolution was withdrawn.

**RESOLUTION NO. 120 of 2008**

**DATED:** March 25, 2008

**RESOLUTION APPROVING A PROPOSAL FROM PINSTripES, LLC AND AUTHORIZING AN AGREEMENT WITH PINSTripES, LLC REGARDING A SITE FOR THE NEW COUNTY MUNICIPAL OFFICE BUILDING**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Johnson

WHEREAS, by Resolution #235 of 2007, the Montgomery County Board of Supervisors authorized the Chairman of the Board of Supervisors to seek proposals regarding the leasing of a new County Municipal Office Building ("office building"); and

WHEREAS, the Board of Supervisors through the County Purchasing Agent issued a Request for Proposals and on October 30, 2007, two proposals were received for the new office building; and

RESOLVED, by the Montgomery County Board of Supervisors that the proposal relating to the new office building submitted by Pinstripes, LLC be approved; and be it further

RESOLVED, by the Montgomery County Board of Supervisors that the Chairman is hereby authorized to enter into a lease agreement with Pinstripes, LLC providing for the lease by Pinstripes, LLC to Montgomery County of a new office building to be constructed by Pinstripes, LLC and located at Parcel 1 and Parcel 4 of the Glen Canal View Business Park in the Town of Glen, such building not to exceed 91,000 rentable square feet (the "Project") with a thirty (30) year lease term, including options to purchase during the lease years negotiated by the County Attorney, and with an annual base rental rate to be negotiated which shall not exceed \$1,111,230 exclusive of all common area maintenance expenses, all utilities expenses, and all real estate taxes; and be it further

RESOLVED, by the Montgomery County Board of Supervisors that the Chairman is hereby authorized to execute and deliver all such additional agreements, certificates, instruments and documents and to do all such further acts and things as may be necessary or, in the opinion of the County Attorney, desirable and proper to effect the purposes of the resolution and to cause compliance by Montgomery County with all of terms, covenants and provisions of the lease agreement relating to the Project binding upon Montgomery County; and be it further

RESOLVED, that the County Attorney is authorized to approve said agreement as to form and content, and such other agreements relating to the Project as to form and content; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is directed to forward certified copies of this resolution to the appropriate County Officials.

## RESOLUTION WITHDRAWN BY SPONSOR (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 121 of 2008****DATED:** March 25, 2008

BOND RESOLUTION-MONTGOMERY COUNTY NY-3/25/08-AUTHORIZING REPLACEMENT OF VARIOUS BRIDGES WITHIN COUNTY, ESTIMATED AGGREGATE COST THEREOF-\$2,112,500; APPROPRIATING SAID AMOUNT & AUTHORIZING ISSUANCE OF \$2,112,500 SERIAL BONDS TO FINANCE SAID COST

Resolution by Supervisor: Walters

Seconded by Supervisor: McMahon

WHEREAS, the Board of Supervisors has heretofore approved funding the replacement of various bridges within the County, all as more particularly described in Resolution No. 79 of 2008, dated February 26, 2008 (collectively, the "Prior Resolution"); and

WHEREAS, the Board of Supervisors desires to expand upon the Prior Resolution and approve the method of financing the costs of such capital projects;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Supervisors of the County of Montgomery, New York, (by a favorable vote of not less than two-thirds of all of its members), as follows:

**SECTION 1**

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the County hereby authorizes the capital improvements and projects (the "Projects") listed below:

(a) The replacement of three (3) bridges: (Lassellville Road B.I.N. 3309660 in the Town of St. Johnsville; Pickle Hill Road B.I.N. 3309580 in the Town of Minden and Spring Street B.I.N. 3309680 in the Town of Minden (the "BIN Bridges")), the maximum aggregate cost thereof being hereby estimated to be \$2,112,500.00, appropriating said amount therefore and authorizing the issuance of \$2,112,500.00 serial bonds to finance such costs;

**SECTION 2**

It is determined that the period of probable usefulness of the aforesaid specific objects or purposes are as follows:

(a) BIN Bridges – twenty (20) years pursuant to Section 11.00(a)(10) of the Law.

**SECTION 3**

The plan of financing includes the issuance of \$2,112,500.00 serial bonds and the levy of a tax upon all of the real property in the County to pay the principal of and interest on said bonds as the same shall become due and owing.

**SECTION 4**

The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific objects or purposes described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the County intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

**SECTION 5**

The proposed average maturity date of the bonds authorized pursuant to this resolution is expected to exceed five (5) years.

**SECTION 6**

The serial bonds issued to finance the cost of each object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

**SECTION 7**

The County hereby covenants and agrees with the holders from time to time of the serial bonds of the County issued pursuant to this resolution, and any bond anticipation notes of the County issued in anticipation of the sale of said bonds, that the County will duly and faithfully

observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the County, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

#### SECTION 8

Pursuant to Section 617.5(a) of the regulations of the New York State Department of Environmental Conservation, in the event that certain components of the Project set forth in Section 1 of this resolution are subject to the procedures required by the State Environmental Quality Review Act ("SEQRA"), no "action", as the same is referred to in Article 9 of SEQRA and SEQRA regulations, shall be taken and no serial bonds shall be issued until all of the procedures and requirements set forth therein have been completed with respect to such project.

#### SECTION 9

Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

#### SECTION 10

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Supervisors relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the County, the chief fiscal officer of the County. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the County, the chief fiscal officer of said County. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

#### SECTION 11

All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters feasibility consultants, counsel for the County and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

#### SECTION 12

The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any object or purpose for which the County is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

#### SECTION 13

This resolution shall be published in full in the designated official newspapers of the County for such purpose, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Law.

## SECTION 14

The resolution is not subject to a mandatory or permissive referendum pursuant to Section 33.10 of the Law.

## SECTION 15

This resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 122 of 2008**

**DATED:** March 25, 2008

BOND RESOLUTION OF MONTGOMERY COUNTY NY - 3/25/08 - AUTHORIZING VARIOUS COUNTY IMPROVEMENTS; ESTIMATED AGGREGATE COST THEREOF - \$632,500; APPROPRIATING SAID AMOUNT & AUTHORIZING ISSUANCE OF \$632,500 SERIAL BONDS TO FINANCE SAID COST

Resolution by Supervisor: Strevy

Seconded by Supervisor: Walters

WHEREAS, the Board of Supervisors has heretofore approved funding its twenty-five percent (25%) share of the cost of Classroom Building renovations at Fulton-Montgomery Community College, all as more particularly described in Resolution No. 35 of 2008, dated January 22, 2008 (the "Prior Resolution"); and

WHEREAS, the Board of Supervisors desires to expand upon the Prior Resolution and approve the method of financing the cost of such capital project;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Supervisors of the County of Montgomery, New York, (by a favorable vote of not less than two-thirds of all of its members), as follows:

## SECTION 1

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the County hereby authorizes the capital improvement and project (the "Project") listed below:

(a) The County's share of the cost of Classroom Building renovations at Fulton-Montgomery Community College (the "Building Renovations"), the maximum cost thereof being hereby estimated to be twenty-five percent (25%) of \$2,858,648.00, appropriating said amount therefore and authorizing the issuance of \$632,500.00 bonds to finance a portion of such costs; and

## SECTION 2

It is determined that the period of probable usefulness of the aforesaid specific objects or purposes are as follows:

(a) Building Renovations - 20 years pursuant to Section 11.00(a)(12(a)(1) of the Law.

## SECTION 3

The plan of financing includes the issuance of \$632,500.00 bonds and the levy of a tax upon all of the real property in the County to pay the principal of and interest on said bonds as the same shall become due and owing.

## SECTION 4

The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific objects or purposes described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the County intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

## SECTION 5

The proposed average maturity date of the bonds authorized pursuant to this resolution is expected to exceed five (5) years.

## SECTION 6

The bonds issued to finance the cost of each object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

#### SECTION 7

The County hereby covenants and agrees with the holders from time to time of the bonds of the County issued pursuant to this resolution, and any bond anticipation notes of the County issued in anticipation of the sale of said bonds, that the County will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the County, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

#### SECTION 8

Pursuant to Section 617.5(a) of the regulations of the New York State Department of Environmental Conservation, in the event that certain components of the Project set forth in Section 1 of this resolution are subject to the procedures required by the State Environmental Quality Review Act ("SEQRA"), no "action", as the same is referred to in Article 9 of SEQRA and SEQRA regulations, shall be taken and no bonds shall be issued until all of the procedures and requirements set forth therein have been completed with respect to such project.

#### SECTION 9

Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

#### SECTION 10

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Supervisors relative to authorizing bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the County, the chief fiscal officer of the County. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the County, the chief fiscal officer of said County. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

#### SECTION 11

All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters feasibility consultants, counsel for the County and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

#### SECTION 12

The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

(a) Such obligations are authorized for any object or purpose for which the County is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the constitution.

#### SECTION 13

This resolution shall be published in full in the designated official newspapers of the County for such purpose, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Law.

#### SECTION 14

The resolution is not subject to a mandatory or permissive referendum pursuant to Section 33.10 of the Law.

#### SECTION 15

This resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1636). Supervisors Dybas and Stagliano voted Nay. (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

#### **RESOLUTION NO. 123 of 2008**

**DATED:** March 25, 2008

**BOND RESOLUTION OF MONTGOMERY COUNTY NY - 3/25/08 - AUTHORIZING REPLACEMENT OF VARIOUS VEHICLES & EQUIPMENT; ESTIMATED AGGREGATE COST THEREOF - \$531,500; APPROPRIATING SAID AMOUNT THEREFOR & AUTHORIZING ISSUANCE OF \$531,500 BONDS TO FINANCE SAID COST**

Resolution by Supervisor: Walters

Seconded by Supervisor: Johnson

WHEREAS, the Board of Supervisors has heretofore approved funding the replacement of various vehicles and equipment and the acquisition of new vehicles and equipment, all as more particularly described in Resolution No. 80 of 2008 dated February 26, 2008 (the "Prior Resolution"); and

WHEREAS, the Board of Supervisors desires to expand upon the Prior Resolution and approve the method of financing the costs of such capital projects;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Supervisors of the County of Montgomery, New York, (by a favorable vote of not less than two-thirds of all of its members), as follows:

#### SECTION 1

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the County hereby authorizes the capital improvements and projects (the "Projects") listed below:

(a) The cost of acquisition of one (1) International tractor with a fifth wheel (the "Tractor"), the maximum cost thereof being hereby estimated to be \$125,000.00, appropriating said amount therefore and authorizing the issuance of \$125,000.00 bonds to finance such cost;

(b) The cost of acquisition of one (1) Samsung excavator (the "Excavator"), the maximum cost thereof being hereby estimated to be \$365,000.00, appropriating said amount therefore and authorizing the issuance of \$365,000.00 bonds to finance such cost;

(c) The cost of acquisition of one (1) Case forklift (the "Forklift"), the maximum cost thereof being hereby estimated to be \$41,500.00, appropriating said amount therefore and authorizing the issuance of \$41,500.00 bonds to finance such cost;

#### SECTION 2

It is determined that the period of probable usefulness of the aforesaid specific objects or purposes are as follows:

(a) Tractor - 15 years pursuant to Section 11.00(a)(28) of the Law.

(b) Excavator - 15 years pursuant to Section 11.00(a)(28) of the Law.

(c) Forklift - 15 years pursuant to Section 11.00(a)(28) of the Law.

#### SECTION 3

The plan of financing includes the issuance of \$531,500.00 bonds and the levy of a tax upon all

of the real property in the County to pay the principal of and interest on said bonds as the same shall become due and owing.

#### SECTION 4

The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific objects or purposes described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the County intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

#### SECTION 5

The proposed average maturity date of the bonds authorized pursuant to this resolution is expected to exceed five (5) years.

#### SECTION 6

The bonds issued to finance the cost of each object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

#### SECTION 7

The County hereby covenants and agrees with the holders from time to time of the bonds of the County issued pursuant to this resolution, and any bond anticipation notes of the County issued in anticipation of the sale of said bonds, that the County will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the County, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

#### SECTION 8

Pursuant to Section 617.5(a) of the regulations of the New York State Department of Environmental Conservation, in the event that certain components of the Project set forth in Section 1 of this resolution are subject to the procedures required by the State Environmental Quality Review Act ("SEQRA"), no "action", as the same is referred to in Article 9 of SEQRA and SEQRA regulations, shall be taken and no bonds shall be issued until all of the procedures and requirements set forth therein have been completed with respect to such project.

#### SECTION 9

Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

#### SECTION 10

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Supervisors relative to authorizing bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the County, the chief fiscal officer of the County. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the County, the chief fiscal officer of said County. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

## SECTION 11

All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters feasibility consultants, counsel for the County and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

## SECTION 12

The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any object or purpose for which the County is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

## SECTION 13

This resolution shall be published in full in the designated official newspapers of the County for such purpose, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Law.

## SECTION 14

The resolution is not subject to a mandatory or permissive referendum pursuant to Section 33.10 of the Law.

## SECTION 15

This resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 124 of 2008**

**DATED:** March 25, 2008

**BOND RESOLUTION OF MONTGOMERY COUNTY - 3/25/08 - AUTHORIZING RESURFACING OF VARIOUS COUNTY ROADS; ESTIMATED AGGREGATE COST - \$1,180,000; APPROPRIATING SAID AMOUNT & AUTHORIZING THE ISSUANCE OF \$1,180,000 SERIAL BONDS OF COUNTY TO FINANCE SAID COST**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Bai a

WHEREAS, the Board of Supervisors has heretofore approved funding the resurfacing of various County roads, all as more particularly described in Resolution No. 78 of 2008, dated February 26, 2008 (the "Prior Resolution"); and

WHEREAS, the Board of Supervisors desires to expand upon the Prior Resolution and approve the method of financing the cost of such capital project;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Supervisors of the County of Montgomery, New York, (by a favorable vote of not less than two-thirds of all of its members), as follows:

## SECTION 1

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the County hereby authorizes the capital improvements and projects (the "Projects") listed below:

- (a) The cost of the resurfacing of various County roads (the "Road Resurfacing"), the maximum aggregate cost thereof being hereby estimated to be \$1,180,000.00, appropriating said amount therefore and authorizing the issuance of \$1,180,000.00 serial bonds to finance such costs; and

## SECTION 2

It is determined that the period of probable usefulness of the aforesaid specific objects or



purposes are as follows:

- (a) Road Resurfacing - 15 years pursuant to Section 11.00(a)(20) of the Law.

#### SECTION 3

The plan of financing includes the issuance of \$1,180,000.00 serial bonds and the levy of a tax upon all of the real property in the County to pay the principal of and interest on said bonds as the same shall become due and owing.

#### SECTION 4

The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific objects or purposes described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the County intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

#### SECTION 5

The proposed average maturity date of the bonds authorized pursuant to this resolution is expected to exceed five (5) years.

#### SECTION 6

The serial bonds issued to finance the cost of each object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

#### SECTION 7

The County hereby covenants and agrees with the holders from time to time of the serial bonds of the County issued pursuant to this resolution, and any bond anticipation notes of the County issued in anticipation of the sale of said bonds, that the County will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the County, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

#### SECTION 8

Pursuant to Section 617.5(a) of the regulations of the New York State Department of Environmental Conservation, in the event that certain components of the Project set forth in Section 1 of this resolution are subject to the procedures required by the State Environmental Quality Review Act ("SEQRA"), no "action", as the same is referred to in Article 9 of SEQRA and SEQRA regulations, shall be taken and no serial bonds shall be issued until all of the procedures and requirements set forth therein have been completed with respect to such project.

#### SECTION 9

Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

#### SECTION 10

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Supervisors relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the County, the chief fiscal officer of the County. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the County, the chief fiscal officer of said County. In addition to the delegation of powers described above,

the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

#### SECTION 11

All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters feasibility consultants, counsel for the County and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

#### SECTION 12

The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any object or purpose for which the County is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

#### SECTION 13

This resolution shall be published in full in the designated official newspapers of the County for such purpose, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Law.

#### SECTION 14

The resolution is not subject to a mandatory or permissive referendum pursuant to Section 33.10 of the Law.

#### SECTION 15

This resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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Supervisor Dybas stated that he supports the concept of Resolution 125, but wonders what the stated 4% is of.

Supervisor Baia stated that the NYS Legislation has addressed that concern. He stated that he has a copy of Bill # A8775A, and quoted text from the "SUMMARY OF SPECIFIC PROVISIONS", Part A, which states "Beginning with the 2008-2009 school year the amount of taxes levied for school district purposes for any school year may not exceed the amount of taxes levied for the prior school year by four percent, or by the inflation factor, whichever is lower."

He stated that the Resolution could, if necessary, be amended to include the text.

Supervisor McMahon stated that the County shouldn't try to change state Legislation by any amendments to the Resolution.

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#### **RESOLUTION NO. 125 of 2008**

**DATED:** March 25, 2008

#### **RESOLUTION ENDORSING THE NYS PROPERTY TAXPAYERS PROTECTION ACT**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the tremendously high property tax burden on New York families and businesses is the number one issue facing our community today, and the sheer cost of living in New York has forced many residents and businesses to leave, thus slowing the economic engine of the state; and

WHEREAS, young people are finding it difficult to purchase homes, seniors are struggling to

maintain their homes, and businesses are facing immense challenges to create and retain jobs; and

WHEREAS, New Yorkers face the highest property taxes in the nation, and when measured as a percentage of home value, nine of the top 10 property tax rates in the entire country belong to counties in New York; and the State must act now to thwart the detrimental effects that high property taxes are having on local governments; and

WHEREAS, Assembly Minority Conference Members have introduced the "New York State Property Taxpayers Protection Act" (Assembly Bill 8775-A), which puts forth new and innovative ideas for property tax reform that limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; in addition the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling; and

WHEREAS, the "New York State Property Taxpayers Protection Act" will help fix New York's broken property tax system, providing homeowners, businesses and municipalities significant and lasting relief from the crushing burden of skyrocketing property taxes; and now therefore, be it

RESOLVED, that the Montgomery County Board of Supervisors pause in its deliberations to acknowledge New York State's property tax crisis and urge the immediate passage and chaptering of the "New York State Property Taxpayers Protection Act", which will help local governments reinvigorate New York's economy by providing incentives for people and businesses to move and stay here; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to each member of the New York State Legislature.

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Jonker to strike the fourth WHEREAS clause in its entirety and insert the following:

"WHEREAS, Assembly Minority Conference Members have introduced the "New York State Property Taxpayers Protection Act" (Assembly Bill 8775-A), which puts forth new and innovative ideas for property tax reform. Beginning with the 2008-2009 school year the amount of taxes levied for school district purposes for any school year may not exceed the amount of taxes levied for the prior school year by four percent, or by the inflation factor, whichever is lower. In addition the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling; and"

, passed with Aye(1868). (3/25/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano voted Nay. (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding the amendment to Resolution 126, Supervisors Quackenbush and Walters stated their opposition to the amended Resolution, as it doesn't support remodeling, renovations and additions.

Chairman Greco stated that this is an incentive to promote housing, and the Amsterdam Common Council has already passed a similar Resolution.

Supervisor Thayer stated that the City may lose developers if the entire County gives this incentive.

Supervisor McMahon stated that the Resolution encourages subdivisions.

Supervisor Walters stated that this Resolution represents a declining exemption, not an incentive.

Supervisor Stagliano stated that the County is asking the State to pass Legislation, which is a long road to take. He said the ultimate purpose is to lower property taxes in the County.

Supervisor DiMezza stated that he supports the Resolution as written, but not the amendment.

Supervisor Stagliano made a motion to CALL THE QUESTION on the amendment. Supervisor DiMezza seconded the motion.

# **RESOLUTION NO. 126 of 2008**

**DATED:** March 25, 2008

RESOLUTION REQUESTING MONTGOMERY COUNTY'S LEGISLATIVE REPRESENTATIVES TO INTRODUCE LEGISLATION WHICH WOULD PROVIDE FOR A NEW SECTION IN REAL PROPERTY TAX LAW ALLOWING FOR A RESIDENTIAL INVESTMENT EXEMPTION IN MONTGOMERY COUNTY

Resolution by Supervisor: Greco

Seconded by Supervisor: Johnson

WHEREAS, it is advantageous to all Property Taxpayers of Montgomery County to increase the tax base, and

WHEREAS, in an effort to spur new residential construction within Montgomery County to increase the tax base, the Board of Supervisors would like to entice homeowners of potential new residential construction to consider locating to Montgomery County by offering a declining Exemption Schedule on Real Property Tax for a period of 10 years, and

WHEREAS, similar Exemption Schedules have already been provided in NYS Real Property Tax Law for certain cities, towns, and school districts, and

WHEREAS, the Greater Amsterdam School District and the City of Amsterdam have already opted to utilize said exemptions and the County would like to follow suit,

RESOLVED, that the Montgomery County Board of Supervisors hereby calls upon its Legislative Representatives at the State Level to bring forth legislation which would amend the NYS Real Property Tax Law, Article Four, Title Two, Section 485, to provide for similar legislation to that of Section 485-j and 485-l, previously adopted, which allows for a Residential Investment Exemption for certain cities and school districts, respectively.

(3/25/2008)

MOTION TO CALL THE QUESTION by Supervisor Stagliano, seconded by Supervisor DiMezza, passed with Aye(1868). (3/25/2008)

MOTION TO AMEND by Supervisor Greco, seconded by Supervisor Strevey as follows:

to strike the RESOLVED clause and replace with the following:

"RESOLVED, that the Montgomery County Board of Supervisors hereby calls upon its Legislative representatives at the State level to bring forth Legislation which would amend the New York State Real Property Tax Law, Article 4, Title 2, Section 485, to provide for an incentive by means of a decreasing tax exemption for owner-occupied new construction within Montgomery County, and

FURTHER RESOLVED, that such incentive should not include repairs, remodeling, maintenance or additions, and should have an investment value greater than \$70,000."

, was defeated with Aye(648). Supervisors Greco, Johnson, Barone, Sr., Baia and Stagliano voted Aye. Supervisor Dybas abstained. (3/25/2008)

MOTION TO TABLE by Supervisor Walters, seconded by Supervisor Thayer, was defeated with Aye(541). Supervisors Dybas, McMahon, Walters, Paton and Thayer voted Aye. (3/25/2008)

RESOLUTION ADOPTED with Aye(1128). Supervisors McMahon, Walters, Thomas, Paton, Jonker and Thayer voted Nay. Supervisor Dybas abstained. (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

# **RESOLUTION NO. 127 of 2008**

**DATED:** March 25, 2008

RESOLUTION ESTABLISHING PUBLIC HEARING ON INTRODUCTORY LOCAL LAW #5 OF 2008 - A LOCAL LAW WHICH AUTHORIZES THE MAKING OF GRANTS AND LOANS BY MONTGOMERY COUNTY, NY TO THE MONTGOMERY INDUSTRIAL DEVELOPMENT AGENCY

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Baia

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. 5 of 2008, "A Local Law Which Authorizes the Making of Grants and Loans by Montgomery County to the Montgomery County Industrial Development Agency".

RESOLVED, that Introductory Local Law No. 5 of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration following the holding of a public hearing as follows:

"A Local Law Which Authorized the Making of Grants and Loans by Montgomery County, NY to the Montgomery County Industrial Development Agency"

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

Section 1. Intent and Purpose. It is declared to be the intent and purpose of this local law to enable Montgomery County, New York (the "County"), as one of its public, governmental or municipal purposes, to promote, create, develop or expand business, commerce, industry or job opportunities within the corporate limits of Montgomery County in order to benefit the inhabitants thereof.

Section 2. Public Purposes. The County shall have the power to appropriate funds of the County (including but not limited to funds derived by the County from payment in lieu of tax agreements entered into by Montgomery County Industrial Development Agency (the "Agency")) for the purpose of making, and shall have the power to make, advances, loans, gifts, grants, subsidies or contributions to the Agency or the New York Empire State Development Corporation, or its designee (hereinafter referred to as the "State") for any of the following objects or purposes, each of which is found and determined to be a public, governmental or municipal purpose of the County:

(A) construct, reconstruct, alter, improve or otherwise assist various facilities located within the corporate limits of the County in connection with any project undertaken by the Agency to create, improve or expand job or business opportunities or job or business training, or both, for persons within the corporate limits of the County as to whom such opportunities or training are lacking or inadequate;

(B) the planning and effectuation of any program, activity or project undertaken by the Agency to publicize the advantages of the County or the region in which the County is located; and

(C) the establishment, operation, maintenance and promotion by the Agency of foreign trade zones located within the County.

Section 3. Procedure for Authorization. Each advance, loan, gift, grant, subsidy or contribution to be made by the County to the Agency or the State pursuant to this local law shall be conditioned upon approval by the Board of Supervisors of the terms and conditions of an agreement with the Agency or the State for the making of such advance, loan, gift, grant, subsidy or contribution. Such approval shall be evidenced by a resolution adopted by the Board of Supervisors indicating its approval of such terms and conditions.

Section 4. Severability. If any section, clause or provision of this local law or the application thereof to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, clause or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Board of Supervisors hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid section, clause or provision been apparent.

Section 5. Inconsistent Enactments. All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section 6. Effective Date. This local law shall become effective upon the filing thereof in the Office of the Secretary of State of the State of New York, as provided for in the Municipal Home Rule Law.

, and

FURTHER RESOLVED, that said public hearing shall be held April 22, 2008 at 6:45 PM, in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO.** 128 of 2008

**DATED:** March 25, 2008

RESOLUTION APPOINTING JAIL PHYSICIAN AND ESTABLISHING A PART TIME PRIMARY HEALTH CARE NURSE POSITION AT THE MONTGOMERY COUNTY PUBLIC SAFETY FACILITY

Resolution by Supervisor: Thomas

Seconded by Supervisor: Bai a

WHEREAS, Section 501 of NYS Corrections Law calls for the appointment of a jail physician by the board of supervisors of each county, and

WHEREAS, a vacancy currently exists for a jail physician at the Montgomery County Corrections Facility,

RESOLVED, that the Montgomery County Board of Supervisors hereby appoints Dr. Eric G. Klausner, M.D. as Jail Physician at an annual base salary of \$120, and

FURTHER RESOLVED, that said physician will serve at the pleasure of the board, and

FURTHER RESOLVED, that the Montgomery County Board of Supervisors hereby establishes the position of Part-time Primary Health Care Nurse at the Montgomery County Public Safety Facility at an annual base salary of \$48,450, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER all remaining funds with the exception of \$120.00 from A-15-4-3150-00-1120(288) Jail Physician to A-15-4-3150-00-1120(228) Primary Health Care Nurse effective 4/15/08.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 129 of 2008**

**DATED:** March 25, 2008

**RESOLUTION APPOINTING MOSA BOARD REPRESENTATIVE**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Johnson

WHEREAS, Section 2041-b(1) of Public Authorities Law constitutes the Montgomery-Otsego-Schoharie Solid Waste Management Authority as a Public Benefit Corporation consisting of members appointed by participating Counties, and

WHEREAS, said Law further states that three members from the County of Montgomery shall be appointed by the Chairman of the Board of Supervisors and confirmed by the Board of Supervisors for a four-year term, all whom shall be residents of the County and at least one whom shall be a resident of the City of Amsterdam, and

WHEREAS, said Board currently consists of the following members:

Olga Podmajersky - Term expires 12/31/2009  
vacant - Term expires 12/31/2010  
John Thayer - Term expires 12/31/2011

WHEREAS, the Chairman of the Board of Supervisors has appointed the following:

John Mattas of Amsterdam as a Montgomery County Representative to the Board of the Montgomery-Otsego-Schoharie Solid Waste Authority to fill an existing vacancy of an unexpired term ending December 31, 2010,

RESOLVED, that the Montgomery County Board of Supervisors hereby confirms said appointment.

RESOLUTION ADOPTED with Aye(1868). (3/25/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**EXECUTIVE SESSION**

Pursuant to Section 105 (f) of NYS Open Meeting Law,

MOTION TO ENTER EXECUTIVE SESSION was made by Supervisor Quackenbush, seconded by Supervisor Barone, Sr., to discuss the employment history of a particular person, passed with Aye(1868).

Executive Session commenced at 8:48 PM.

MOTION TO EXIT EXECUTIVE SESSION by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1512). Supervisors Bai a and Di Mezza were absent.

Executive Session adjourned at 9:29 PM.

As a result of Executive Session, no action was taken.

#### ADJOURNMENT

MOTION TO ADJOURN by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1512). Supervisors Bai a and Di Mezza were absent.

Chairman Greco adjourned the meeting at 9:29 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - INTERGOVERNMENTAL SERVICES  
6:30 PM, March 27, 2008

## COMMITTEE MEETING DISCUSSION

## Attendees:

Kim Brumley, GASD  
Barbara Johnson, 2nd Ward Supervisor, City of Amsterdam  
Karl Baia, 5th Ward Supervisor, City of Amsterdam  
Vito Greco, Chairman of the Board of Supervisors  
Shayne Walters, Town of Charleston Supervisor  
Pat Baia  
Fred Qui st  
Ed Paton, Town of Mohawk Supervisor  
Dan Roth,  
Richard Leggi ero  
Gerald DeCusatis  
Tom DiMezza, Town of Amsterdam Supervisor  
Dominick Stagliano, Town of St. Johnsville Supervisor  
Dave Dybas, 4th Ward Supervisor, City of Amsterdam  
Tom Quackenbush, Town of Minden Supervisor  
Ken Rose, Economic Development Director  
Jack McDonald  
Seids Jonker, Town of Palatine Supervisor  
John Thayer, Town of Root Supervisor  
Ron Barone, 3rd Ward Supervisor, City of Amsterdam  
William Strevy, Town of Florida Supervisor  
Deb Bain, Data Processing Director  
Scott Surento, Purchasing Director

Meeting opened at 6:30 p.m. by Barbara Johnson and Kim Brumley.

## Summary of the meeting:

## Asbestos Abatement Demolition Team

-Presentation given by Jeff Bouchard, Fulton County Solid Waste Department Director, which included training, preparation, variances, equipment, labor and projects. Questions were asked and answered about prevailing wages, Fulton County's stipend, liability costs (insurance), and amount of paperwork. Mr. Bouchard indicated that business fail if the paperwork isn't properly done. He suggested that if MC had any questions he would be willing to provide any information he had.

## Hub Information Site Update:

-Searchable resolutions, meetings and agendas are now available on the website.  
-Info on HUB – water/sewer update once a year.

## Civil Service:

-Montgomery County Civil Service met with the City of Amsterdam to discuss the county absorbing Amsterdam's Civil Service Commission. A comparison of the commission's rules will be done by Frank Belleville, Jr. of the NYS Department of Civil Service. Mr. Belleville indicated that the process will take approximately one year before the County will be able to assume all duties.

## Software Program:

-Next grant will be in the fall and the county needs to take the lead.

## Water/Sewer Extension:

-Ken Rose gave an update on the Beechnut Project, along with Jack McDonald, from McDonald Engineering.

Next meeting to be announced.

Meeting ended at 8:05 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
SPECIAL MEETING  
7:00 PM, April 1, 2008

CALL TO ORDER

The Special Meeting of the Montgomery County Board of Supervisors for April 1, 2008 was called to order at 7:00 PM by Chairman Greco.

SALUTE TO THE FLAG

Supervisor Paton led the salute to the flag.

ROLL CALL

Roll call indicated that Supervisors Quackenbush, Johnson, Greco, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Walters, Thomas, Jonker and Baia were present. Absent was Supervisor DiMezza.

EXECUTIVE SESSION

Pursuant to Section 105 (f) of NYS Open Meeting Law to discuss the employment history of a particular person, MOTION TO ENTER EXECUTIVE SESSION by Supervisor Strevy, seconded by Supervisor Barone, Sr., passed with Aye(1649). Supervisor DiMezza was absent. Executive Session commenced at 7:01 PM.

MOTION TO EXIT EXECUTIVE SESSION by Supervisor Dybas, seconded by Supervisor Johnson, passed with Aye(1649). Supervisor DiMezza was absent. Executive Session adjourned at 7:15 PM.

As a result of Executive Session, no action was taken.

UNFINISHED BUSINESS

There was no unfinished business.

STATEMENT OF PURPOSE OF MEETING

- A. RESOLUTION APPOINTING PART TIME INTERIM DIRECTOR OF VETERANS SERVICE
- B. OTHER

Supervisor Quackenbush stated that he would like to amend the Resolution to state that Dwight Thompson will serve full-time, and that an additional FURTHER RESOLVED clause read that there would be no change in status of the clerk-typist and van driver until the search for a new Director can be successfully completed and the needs of the department have been fully assessed by said Director.

Supervisor Baia seconded the amendment.

Supervisor Barone stated that the idea of full-time status hasn't been discussed with Dwight, plus the FURTHER RESOLVED clause adds a new factor into the Resolution.

When queried by Chairman Greco, Mr. Thompson stated that he is willing to work in a full-time capacity, with a negotiated salary.

Supervisor Johnson stated that Supervisor Quackenbush's added FURTHER RESOLVED should be discussed in a different forum.

Supervisor Barone stated that an advertisement for the new Director has been placed in the newspaper, and interviews should start by April 10th.

Supervisor Jonker stated that he supports having a full-time interim Director.

Pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor Quackenbush and Strevy, respectively, to enter into Executive Session to discuss the employment history of a particular person. Executive Session commenced at 7:26 PM.

Motion to adjourn the Executive Session at 7:32 PM was made and seconded by Supervisors Dybas and Barone, respectively.

Executive Session was adjourned at 7:32 PM.

As a result of Executive Session, in public forum, a roll call vote was taken on the amendment, which failed.

Supervisors Greco and Walters made a motion and seconded, respectively, to amend the Resolution to state that the interim Director's position will be full time, at a salary of \$875 per week, with the transfer to/from figure to be \$8,750. There were no objections to the amendment except for Supervisor Quackenbush, who stated that he felt the need for stability in the office.

Supervisor Johnson stated that the Board cannot tie the interim Director's hands that way. Several Supervisors concurred.

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**RESOLUTION NO. 130 of 2008**

**DATED:** April 1, 2008

**RESOLUTION APPOINTING PART TIME INTERIM DIRECTOR OF VETERANS SERVICE**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the current Veterans Director has resigned and the Board wishes to fill said position in the interim while a proper search can be conducted for a permanent replacement,

RESOLVED, that Dwight Thompson hereby is appointed Part Time Interim Veterans Director at a salary of \$500 per week and at a minimum of 20 hours per week effective 4/2/08, to serve at the pleasure of the Board, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-19-4-6510-00-1110(912) Dir Veterans Svc Agency	\$5,000
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TRANSFER TO:

A-19-4-6510-00-1130(633) Temporary Employees	\$5,000
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MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Bai a, as follows:

In the RESOLVED CLAUSE, replace "Part Time" with "Full Time",

and insert the following after the FURTHER RESOLVED CLAUSE:

"FURTHER RESOLVED, There shall be no change in status to the positions of full-time Clerk-Typist and full-time Van Driver until the search and hiring of a new full-time Veterans Director has been completed and the newly hired Veterans Director has had the opportunity to assess the needs of the Department.",

was defeated with Aye(527). Supervisors Dybas, Bai a, Quackenbush and Stagliano voted Aye. Supervisor DiMezza was absent. (4/1/2008)

MOTION TO AMEND by Supervisor Greco, seconded by Supervisor Walters, to strike the RESOLVED and FURTHER RESOLVED clauses and insert in their place:

"RESOLVED, that Dwight Thompson hereby is appointed Full Time Interim Veterans Director at a salary of \$875 per week effective 4/2/08, to serve at the pleasure of the Board, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-19-4-6510-00-1110(912) Dir Veterans Svc Agency	\$8,750
--	---------

TRANSFER TO:

A-19-4-6510-00-1130(633) Temporary Employees	\$8,750"
--	----------

passed with Aye(1491). Supervisor Quackenbush voted Nay. Supervisor Di Mezza was absent. (4/1/2008)

RESOLUTION ADOPTED with Aye(1491). Supervisor Quackenbush voted Nay. Supervisor Di Mezza was

absent. (4/1/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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ADJOURNMENT

MOTION TO ADJOURN by Supervisor Walters, seconded by Supervisor Thayer, passed with Aye(1649). Supervisor DiMezza was absent.

Chairman Greco adjourned the Special Meeting at 7:42 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISOR'S CHAMBERS  
COMMITTEE MEETING - PUBLIC SAFETY  
7:05 PM, April 1, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:42 PM.

Roll call indicated Committee members present included Supervisors Barone, Jonker, Quackenbush, Strevy and Thayer. Absent was Supervisor DiMezza.

Additional Supervisors present were Johnson, Greco, Paton, McMahon, Stagliano, Dybas, Walters and Baia.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Rate Increases - Part-Time Deputy Sheriffs and Corrections Officers (Sheriff)
2. Resolution Authorizing Chairman to Sign Agreement - Palatine Associates, LLC - Use of Property - Safety (Traffic Safety Board)
3. Resolution Authorizing Chairman to Sign Agreement - NYS Homeland Security - FY07 State Homeland Security Program (Emergency Management)
4. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Dybas and Barone, respectively. The Resolution was moved to the full Board with no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Jonker and Barone, respectively. The Resolution was moved to the full Board with no objections.

Chairman Greco exited Chamber at 7:43 PM.

Item #3: The Resolution was sponsored and seconded by Supervisors Strevy and Baia, respectively.

Rick Sager, Emergency Management, clarified the Resolution, stating that the pool of money is available for grants from 2007 to 2010, and there is no negative impact to the budget.

The Resolution was moved to the full Board with no objections.

Item #4: There were no other discussion items.

Motion was made and seconded by Supervisors Jonker and Strevy, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:46 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - EDUCATION/GOVERNMENT  
7:10 PM, April 1, 2008

COMMITTEE MEETING DISCUSSION

Chairman McMahon presided over the meeting commencing at 7:47 PM.

Roll call indicated Committee members present included Supervisors Johnson, Stagliano, Bai a, Jonker, Paton and Thayer.

Additional Supervisors present were Supervisors Strevy, Barone, Walters and Thomas. Absent were Supervisors Dybas, Quackenbush, DiMezza and Greco.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreements - Rad/Tech Project (FMCC)
2. Resolution Authorizing Chairman to Sign Agreements - Water Infiltration Projects - College Union and Library Buildings (FMCC)
3. Other

Chairman McMahon stated that due to the lack of numbers and information to insert into the first two Resolutions, he recommended that they be moved to the Finance Committee for further consideration.

Item #1: Supervisors Barone and Jonker made a motion and seconded, respectively, to sponsor the Resolution and it was moved to the Finance Committee with no recommendation. There were no objections.

(Clerk's note: The actual title of the Resolution is "RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - VARIOUS CONSTRUCTION CONTRACTS - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT (FMCC)".)

Item #2: Supervisors Johnson and Paton made a motion and seconded, respectively, to sponsor the Resolution and it was moved to the Finance Committee with no recommendation. There were no objections.

(Clerk's note: The actual title of the Resolution is "RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CONSTRUCTION SERVICES - POLLARD EXCAVATING, INC. - LIBRARY BUILDING & COLLEGE UNION WATER INFILTRATION PROJECTS (FMCC)".)

Item #3, Other: Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - CONSTRUCTION PHASE SERVICES - STEVEN E. SMITH, PE - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT AND LIBRARY BUILDING/COLLEGE UNION WATER INFILTRATION PROJECTS (FMCC). Supervisors Walters and Barone made a motion and seconded, respectively, to sponsor the Resolution and it was moved to the Finance Committee with a positive recommendation. There were no objections.

Chairman McMahon stated that the water infiltration project will need more money than anticipated/budgeted, and some of the pool money may have to be allocated to the infiltration project. He stated that the pool is being underutilized. With a \$1M repair bill plus \$50,000 per year maintenance costs, the pool's future must be carefully considered, and there is an ongoing study.

Motion was made and seconded by Supervisors Barone and McMahon, respectively, to adjourn the Committee meeting.

Chairman McMahon adjourned the Education/Government Committee meeting at 7:51 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
7:00 PM, April 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Bai a, Dybas, Jonker, Strevy and Thomas. Absent was Supervisor Paton.

Additional Supervisors present were Quackenbush, McMahon, Thayer and Walters. Absent were Supervisors Johnson, Greco, Stagliano and DiMezza.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Grant Agreement - Immunization Action Plan Grant and Amending 2008 Operating Budget (Public Health)
2. Resolution Authorizing Chairman to Sign Grant Agreement - Childhood Lead Poisoning Prevention Program Grant (Public Health)
3. Resolution Authorizing Chairman to Sign Agreements - Youth Outreach Programs (Youth Bureau/ACSD)
4. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Barone and Strevy, respectively, and moved to the Full Board with a positive recommendation with no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Barone and Bai a, respectively, and moved to the Full Board with a positive recommendation with no objections.

Supervisor Paton entered Chamber at 7:02 PM.

Item #3: The Resolution was sponsored and seconded by Supervisors Jonker and Bai a, respectively, and moved to the Full Board with a positive recommendation with no objections.

Item #4: Add-on "RESOLUTION APPOINTING VETERANS DIRECTOR".

The Resolution was sponsored and seconded by Supervisors Jonker and Strevy, respectively.

The Resolution was clarified by Chairman Barone. When queried about the missing monetary figure, he stated that the figure will be made available as soon as possible. He also stated that interviews will be taking place during a Committee Meeting of the Whole on Thursday, April 17.

The Resolution was moved to the Full Board with a positive recommendation with no objections.

Motion was made and seconded by Supervisors Dybas and Jonker, respectively, to adjourn the Committee meeting.

Chairman Barone adjourned the Health & Human Services Committee meeting at 7:05 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:05 PM, April 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:06 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy and Thayer. Absent was Supervisor Stagliano.

Additional Supervisors present were McMahon, Jonker and Baia. Absent were Supervisors Johnson, Greco, Barone, Thomas and DiMezza.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - Earth Tech, Inc. - Engineering Services - 2008 Bridge Program (Public Works)
2. Resolution Authorizing Funding - Former County Correctional Facility - Demolition and Amending 2008 Operating Budget
3. Resolution Authorizing Chairman to Sign Agreements - NYS DOT and Third Party Providers - Section 5311 Capital Projects (Board of Supervisors/Economic Development)
4. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Quackenbush and Thayer, respectively, and moved to the Full Board with a positive recommendation. There were no objections.

Item #2: DPW Commissioner Paul Clayburn clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors Paton and Dybas, respectively.

Supervisor Dybas recommended transferring the money from the Fund Balance. There were no objections.

When queried by Supervisor Strevy, Commissioner Clayburn stated that the revenue expected to be received from the sale of scrap metal from the building will be around \$43,000, which the Resolution doesn't reflect.

He also stated that a Resolution will be needed authorizing the resurfacing of the site at some point in the future.

The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Quackenbush and Paton, respectively, and moved to the Full Board with a positive recommendation. There were no objections.

Item #4: There were no other discussion items.

Motion was made and seconded by Supervisors Dybas and Quackenbush, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 7:13 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
 SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
 COMMITTEE MEETING - FINANCE  
 7:00 PM, April 15, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the Finance Committee meeting commencing at 7:00 PM in Chairman Quackenbush's absence.

Roll call indicated Committee members present are Supervisors Johnson, Baia, Barone, Di Mezza and McMahon. Absent was Supervisor Dybas.

Additional Supervisors present were Strevy, Thayer, Stagliano, Jonker, Walters and Paton. Absent was Supervisor Thomas.

Items on the agenda, at this time, are as follows:

1. Resolution Adopting Introductory Local Law #3 of 2008 - a Local Law which Increases Mortgage Tax in Montgomery County
2. Resolution Recommending the State Legislature Amend Such Sections of the New York State Tax Law to Extend the Law which Currently Authorizes the County of Montgomery to Increase Mortgage Recording Tax and Expend the Same in Any Appropriate Manner.
3. Resolution Authorizing Chairman to Sign Agreements - Construction Phase Services - Steven E. Smith, PE - Radiological Technology Renovation Project and Library Building/College Union Water Infiltration Projects (FMCC)
4. Resolution Authorizing Chairman to Sign Agreements - Various Construction Contracts - Radiological Technology Renovation Project (FMCC)
5. Resolution Authorizing Chairman to Sign Agreement - Construction Services - Pollard Excavating, Inc. - Library Building and College Union Water Infiltration Project (FMCC)
6. Resolution Authorizing Chairman to Sign Agreements - Montgomery County Youth Day - 2008 (Youth Bureau/ACSD)
7. Resolution Authorizing Chairman to Sign Grant Agreement - 2007 - 2008 Centralized Property Tax Assessing Program Grant - County Assessing Initiative Award and Amending 2008 Operating Budget (Real Property)
8. Resolution Authorizing Distribution of Request for Proposals - Consulting Services - County Assessing Initiative Award (Real Property)
9. Resolution Authorizing Chairman to Sign Agreement - Fulton-Montgomery Community College - Use of Facilities (Economic Development)
11. Resolution Adopting Introductory Local Law #5 of 2008 - A Local Law which Authorizes the Making of Grants and Loans by Montgomery County, NY to the Montgomery County Industrial Development Agency
12. Resolution Authorizing Chairman to Sign Revolving Loan Fund Agreement - Comfort Inn & Suites of Amsterdam, LLC (Economic Development and Planning)
13. Resolution Authorizing Chairman to Sign Revolving Loan Fund Agreement - Northeast Home Industries, Inc. (Economic Development and Planning)
14. Resolution Authorizing Disbursement of Surplus Dog License Funds (Treasurer)
15. Other

Chairman Greco stated that agenda item #13 will not be entertained tonight.

Item #1: Supervisors Johnson and Jonker made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with no recommendation.

Item #2: Supervisors Johnson and Jonker made a motion and seconded, respectively, to sponsor the



Resolution.

Supervisor DiMezza stated that he was advised by County Clerk Helen Bartone that there is currently a law in another County (possibly Schenectady) that doesn't have a sunset date, and this Resolution should mimic it. He stated that he can check with Helen to see if it is Schenectady County.

When queried by Supervisor Barone, County Attorney Doug Landon stated that it is his understanding that three-year windows are granted. He is unsure if there is legislation that allows for a deviation. If so, the Resolution can be changed, deleting the sunset date.

Supervisor Barone also recommended instead of "5 cents" perhaps a "no more than x %" could be used instead.

Supervisor McMahon stated that last minute changes aren't advisable.

Chairman DiMezza stated that the Resolution should move forward as is for now.

The Resolution was moved to the full Board with no recommendation.

Item #3: Supervisors Walters and Barone previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #4: Supervisors Barone and Jonker previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #5: Supervisors Johnson and Paton previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #6: Supervisors Barone and Thomas made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #7: Supervisors Barone and Baia made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. Supervisor McMahon objected.

Item #8: Supervisors Baia and Johnson made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor McMahon spoke in support of the current equalization rate system, and doesn't support the Resolution.

The Resolution was moved to the full Board with a positive recommendation. Supervisor McMahon objected.

Item #9: Supervisors Strevy and Barone made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #10 (formerly item #11, which was misnumbered on the agenda): Supervisors Johnson and Baia made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor Johnson clarified the Resolution.

Supervisor Stagliano stated that he doesn't think this has to do with Foreign Trade Zone. The Chairman asked that EOD Director Ken Rose clarify when he returns from vacation.

The Resolution was moved to the full Board with no recommendation.

Item #11 (formerly item #12, which was misnumbered on the agenda): Supervisors Baia and DiMezza made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #12 (formerly item #13, which was misnumbered on the agenda): This item was not entertained.

Item #13 (formerly item #14, which was misnumbered on the agenda): Supervisors Baia and Johnson made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #14 Other (formerly item #15, which was misnumbered on the agenda): County Treasurer Shawn Bowerman stated that he will be bringing forth a draft Resolution regarding the dispersement of Mortgage Tax. Supervisors Strevy and Barone made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation.

Item #15, Other: Chairman Greco stated that interviewing for the Director of Veterans position tomorrow night at 6:00 PM at the Committee of the Whole Meeting in Chamber. He stated that five candidates have been chosen to be interviewed.

Supervisors Barone and Baia made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 7:20 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE OF THE WHOLE  
6:00 PM, April 16, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the meeting commencing at 6:00 PM.

Roll call indicated that Supervisors Johnson, Paton, McMahon, Strevy, Thayer, Barone and DiMezza.

Absent were Supervisors Thomas, Jonker, Walters, Stagliano, Dybas and Quackenbush.

Items on the agenda, at this time, are as follows:

1. Interviews - Veterans Director
2. Other

EXECUTIVE SESSION

Item #1: Pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor Barone and Johnson, respectively, to enter into Executive Session to discuss the employment history of particular persons. Executive Session commenced at 6:01 PM.

Also present during Executive Session was Personnel Officer Rich Bai a and Acting Veterans Service Agency Director Dwight Thompson.

Item #2: There were no other discussion items.

Motion to adjourn the Executive Session at 7:24 PM was made and seconded by Supervisors Barone and Thayer, respectively.

Executive Session was adjourned at 7:24 PM.

As a result of Executive Session, a Committee of the Whole meeting has been scheduled for April 29, 2008 at 6:00 PM, to select a full-time Veterans Director.

ADJOURNMENT

Supervisors Barone and Thayer made a motion and seconded, respectively, to adjourn the Committee of the Whole Meeting. There were no objections.

Chairman Greco adjourned the Meeting at 7:24 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:45 PM, April 22, 2008

INTRODUCTORY LOCAL LAW NO. 5 OF 2008 - A LOCAL LAW WHICH AUTHORIZES THE MAKING OF GRANTS AND LOANS BY MONTGOMERY COUNTY, NY TO THE MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PUBLIC HEARING DISCUSSION

Chairman Greco called the Public Hearing to order at 6:45 PM in the Supervisors' Chambers.

Present were Supervisors Quackenbush, Johnson, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Thomas, Jonker and Baia. Absent were Supervisors Walters and DiMezza.

The following notice was read:

NOTICE OF PUBLIC HEARING

INTRODUCTORY LOCAL LAW #5 OF 2008 - "A LOCAL LAW WHICH AUTHORIZES THE MAKING OF GRANTS AND LOANS BY MONTGOMERY COUNTY, NY TO THE MONTGOMERY INDUSTRIAL DEVELOPMENT AGENCY"

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. 5 of 2008, "A Local Law Which Authorizes the Making of Grants and Loans by Montgomery County to the Montgomery County Industrial Development Agency".

NOTICE is giving that the public hearing shall be held April 22, 2008 at 6:45 PM, in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York.

FURTHER NOTICE is hereby given that copies of said Introductory Local Law are available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York where they may be inspected or procured by any interested persons during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board  
Dated: March 26, 2008

Chairman Greco asked whether anyone from the public wished to speak.

Several local union representatives (including Frank Natale, Jeff Stark, Richard Gutowski, Jose Feliciano and Gary Simmonds) spoke regarding their dismay over Beech-nut's use of non-local contractors and workers, even to the point of using non-registered workers. It was stated that Beech-nut, when confronted, will not commit to using any local contractors and workers, and these speakers feel that the Board of Supervisors should take a stand against this practice by their vote.

Supervisor Walters entered Chamber at 6:53 PM.

Edward Mullington from the Town of Mohawk stated that he would like to know how and where the IDA money is spent. He supports more accountability in that area. He also stated that prevailing wage rate among other things should be attached to the taxpayers money. And he stated that other worthy programs need funding, such as construction apprenticeship programs.

There were no other speakers.

Chairman Greco adjourned the public hearing at 6:56 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:50 PM, April 22, 2008

INTRODUCTORY LOCAL LAW NO. 4 OF 2008 - A LOCAL LAW ESTABLISHING 2008 SALARIES OF VARIOUS COUNTY OFFICIALS

PUBLIC HEARING DISCUSSION

Chairman Greco called the Public Hearing to order at 6:57 PM in the Supervisors' Chambers.

Present were Supervisors Quackenbush, Johnson, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Walters, Thomas, Jonker and Bai a. Absent was Supervisor DiMezza.

The following notice was read:

NOTICE OF PUBLIC HEARING

INTRODUCTORY LOCAL LAW NO. 4 of 2008, A LOCAL LAW ESTABLISHING THE 2008 SALARIES OF VARIOUS COUNTY OFFICIALS.

NOTICE IS HERE BY GIVEN, that the Board of Supervisors of the County of Montgomery will meet in the Chambers of the Board of Supervisors, County Office Building, Broadway (Route 30A), Fonda, New York on Tuesday, April 22 at 6:50 PM for the purpose of holding a public hearing on said Introductory Local Law.

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

SECTION 1. The annual salaries, including longevity, sums opposite the office and designation of such County Officials.

Section 2. This Local Law is subject to a permissive referendum, and will be submitted to a vote of qualified electors of the County of Montgomery, if, within 45 days after the date of which it was so adopted, there is filed with the Clerk of the Montgomery County Board of Supervisors a petition protesting against this Local Law, signed and authenticated as required by Section 24 of Municipal Home Rule Law, by qualified electors of Montgomery County registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for Governor at the last gubernatorial election held in said County.

FURTHER NOTICE is hereby given that a complete copy of said Introductory Local Law is available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York where they may be inspected or procured by any interested persons during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board  
Dated: March 26, 2008

Chairman Greco asked whether anyone from the public wished to speak.

No one spoke.

Chairman Greco adjourned the public hearing at 6:59 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:55 PM, April 22, 2008

INTRODUCTORY LOCAL LAW NO. 3 OF 2008 - A LOCAL LAW WHICH INCREASES MORTGAGE TAX IN  
MONTGOMERY COUNTY

PUBLIC HEARING DISCUSSION

Chairman Greco called the Public Hearing to order at 7:00 PM in the Supervisors' Chambers.

Present were Supervisors Quackenbush, Johnson, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Walters, Thomas, Jonker and Bai a. Absent was Supervisor DiMezza.

The following notice was read:

NOTICE OF PUBLIC HEARING

INTRODUCTORY LOCAL LAW NO. 3 OF 2008  
"A LOCAL LAW WHICH INCREASES MORTGAGE TAX IN MONTGOMERY COUNTY"

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of the County of Montgomery will meet in the Chambers of the Board of Supervisors, County Office Building, Broadway (Route 30A), Fonda, New York at 6:50 p.m. on Tuesday, April 22, at 6:55 PM for the purpose of holding a public hearing on said Introductory Local Law.

FURTHER NOTICE is hereby given that copies of said Introductory Local Law are available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York, where it may be examined or procured by any interested person during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board

Chairman Greco asked whether anyone from the public wished to speak.

Robert Purtell, a resident of the Town of Amsterdam and Century 21 Realtor, asked the Board to reconsider increasing the mortgage tax. He stated that the real estate market is poor enough without the added burden, and that most homeowners are having difficulty with the high closing costs.

William Grzyb from Ft. Johnson reiterated the statement he made at the previous Full Board meeting, stating that the County has been overtaxing the taxpayers as follows:

Year	Over taxation
2003	\$1.1M
2004	\$3.8M
2005	\$5.9M
2006	\$3.6M

He stated that Standard & Poore have noted that Montgomery County has a \$16.4M Fund Balance. He stated that the County borrowed \$4.5M so it wouldn't have to dip into the Fund Balance. He also stated that the County has an unemployment rate of 8.6%, compared to the state average of around 4.5%.

There were no other speakers.

Chairman Greco adjourned the public hearing at 7:09 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, April 22, 2008

CALL TO ORDER

Chairman Vi to Greco called the Regular Meeting of the Montgomery County Board of Supervisors for April 22, 2008 to order at 7:09 PM.

SALUTE TO THE FLAG

Supervisor Barone led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, Johnson, Greco, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Walters, Thomas, Jonker and Baia were present. Supervisor DiMezza was absent.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if anyone wished to speak.

There were no other speakers.

Chairman Greco adjourned Public Comment at 7:10 PM.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (March 19 - April 15, 2008) by Supervisor Jonker, seconded by Supervisor Barone, Sr., passed with Aye(1649). Supervisor DiMezza was absent.

MOTION TO AMEND THE AGENDA

MOTION TO AMEND AGENDA by Supervisor Dybas, seconded by Supervisor McMahon to entertain draft Resolution 155 (as CHAIRMAN APPROVED) at the end of new business (titled "RESOLUTION AUTHORIZING CHAIRMAN TO SIGN LETTER REGARDING PROPOSED REVISIONS TO CONSERVATION EASEMENT (ECONOMIC DEVELOPMENT)"), passed with Aye(1649). Supervisor DiMezza was absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1649). Supervisor DiMezza was absent.

UNFINISHED BUSINESS

NEW BUSINESS

A. Resolutions

B. Other

Supervisor Dybas asked Treasurer Shawn Bowerman to provide copies of the A.U.D. (annual update document) for year end 12/31/07 to the Board members. Treasurer Bowerman stated that he will attempt to have copies ready by the next Tuesday's Special Meeting. There were no objections.

**RESOLUTION NO. 131 of 2008**

**DATED:** April 22, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - CONSTRUCTION PHASE SERVICES - STEVEN E. SMITH, PE - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT AND LIBRARY BUILDING/COLLEGE UNION WATER INFILTRATION PROJECTS (FMCC)

Resolution by Supervisor: Wal ters

Seconded by Supervisor: Barone, Sr.

WHEREAS, Resolution 446 of 2006 and Resolution 35 of 2008 approved the Radi ologi cal Technology Renovation Project and the Library Building/College Union Water Infiltration Projects, respectively, and

WHEREAS, Resolution 447 of 2006 and Resolution 297 of 2007 authorized contracts with Stephen E. Smith to prepare design plans and bid specifications for said projects, and

WHEREAS, Steven E. Smith has submitted a proposal to Ful ton and Montgomery Counties to provide engineering services during the construction phase of the projects,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Steven E. Smith, PE, of Gloversville, NY, for Construction Phase Services for the Radi ologi cal Technology Renovation Project at Ful ton Montgomery Community College at a cost not to exceed \$4,300, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Steven E. Smith, PE, of Gloversville, NY, for Construction Phase Services for the Library Building/College Union Water Infiltration Project at Ful ton Montgomery Community College at a cost not to exceed \$4,800, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Ful ton County Board of Supervisors.

RESOLUTION ADOPTED wi th Aye(1649). Supervisor Di Mezza was absent. (4/22/2008)

Dougl as Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 132 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - VARIOUS CONSTRUCTION CONTRACTS - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, Resolution 446 of 2006 approved certain capital projects at Ful ton-Montgomery Community College which included the Classroom Building Radi ologi cal Technology Renovation Project, and

WHEREAS, Resolution 447 of 2006 authorized and agreement with Steven E. Smith, PE for engineering services to design plans and bid specifications for said project, and

WHEREAS, Resolution 56 of 2008 authorized solicitation of bids for said project, and

WHEREAS, Bids have been received and reviewed and a recommendation has been made,

WHEREAS, Implementation of these recommended contracts will create a deficit in project funding of \$31,506 and it has been recommended that monies from the Swimming Pool Repair Project (A 2007 approved Capital Project) be utilized to cover said deficit,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign agreements related to various construction contracts for the Radi ologi cal Technology Renovation Project at Ful ton Montgomery Community College as follows:

Contract 1 - General Construction Dutch Valley General Contracting, Inc.	\$172,940
Contract 2 - Electrical Ful ton County Electrical	\$ 26,500
Contract 3 - HVAC Adirondack Mechanical Corporation	\$ 7,045
	-----
	\$206,485

, and



FURTHER RESOLVED, that deficit funding for said contracts shall be transferred from the 2007 Swimming Pool Repair Project in an amount not to exceed \$31,506, and

FURTHER RESOLVED, that this resolution is contingent upon adoption of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1259). Supervisors Dybas, Quackenbush and Stagliano voted Nay. Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 133 of 2008**

**DATED:** April 22, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CONSTRUCTION SERVICES - POLLARD EXCAVATING, INC. - LIBRARY BUILDING & COLLEGE UNION WATER INFILTRATION PROJECTS (FMCC)

Resolution by Supervisor: Johnson

Seconded by Supervisor: Paton

WHEREAS, Resolution 35 of 2008 authorized 2008 Capital Projects at Fulton-Montgomery Community College which included the Library Building Water Infiltration Project and the College Union Bookstore Water Infiltration Project, and

WHEREAS, Resolution 297 of 2007 authorized an agreement with Steven E. Smith for design plans and specifications related to said projects, and

WHEREAS, Resolution 57 of 2008 authorized solicitation of bids for construction services of said projects, and

WHEREAS, bids have been received and reviewed and recommendation has been made for award, and

WHEREAS, Implementation of these recommended contracts will create a deficit in project funding of \$21,434 and it has been recommended that monies from the Swimming Pool Repair Project (A 2007 approved Capital Project) be utilized to cover said deficit,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Pollard Excavating, Inc. for construction services on the Fulton-Montgomery Community College Library Building and College Union Water Infiltration Projects as follows:

Pollard Excavating, Inc. - Base Bid \$326,000

, and

FURTHER RESOLVED, that deficit funding for said contract shall be transferred from the 2007 Swimming Pool Repair Project in an amount not to exceed \$21,434, and

FURTHER RESOLVED, that this resolution is contingent upon a similar resolution adopted by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1259). Supervisors Dybas, Quackenbush and Stagliano voted Nay. Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 134 of 2008**

**DATED:** April 22, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - PALATINE ASSOCIATES, LLC - USE OF PROPERTY - SAFETY DAY (TRAFFIC SAFETY)

Resolution by Supervisor: Jonker

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Montgomery County Traffic Safety Board will be sponsoring a Safety Day Event on June 7th, 2008, and

WHEREAS, this event is scheduled to take place in the Palatine Price Chopper Plaza, and

WHEREAS, Palatine Associates LLC, a New York limited liability company having its principal office at 5 Southside Drive, Clifton Park, NY ("WINDSOR") is the ground lessee of the land upon which is currently situated the Price Chopper Plaza, and

WHEREAS, the Montgomery County Traffic Safety Board requested WINDSOR to grant a license for space usage in the parking lot of the plaza solely for the purpose of having a Safety Day on June 7, 2008, and

WHEREAS, Montgomery County will provide the certificate of insurance to WINDSOR demonstrating the coverage by the county for the above stated event,

RESOLVED, that the Chairman of the Board of Supervisors hereby is authorized and directed, following review and approval by the County Attorney, to sign an agreement with Palatine Associates, LLC (WINDSOR) for the space usage in the parking lot of the Price Chopper Plaza for the purpose of the Safety Day on June 7, 2008.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 135 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING RATE INCREASES - PART-TIME DEPUTY SHERIFFS AND CORRECTIONS OFFICERS (SHERIFF)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Sheriff has recommended that hourly compensation rates be increased for certain part-time Deputy Sheriffs and Correction Officers,

RESOLVED, that the Board of Supervisors hereby authorizes and directs that compensation for part-time Deputy Sheriffs and Correction Officers shall be as follows:

**CORRECTIONS OFFICERS**

New (Untrained)	- after 6 Months	\$13.75
New (with less than 1 year experience)	- after 6 months	\$13.75
New (with 1 year experience or greater)	- upon start	\$13.75

**ROAD PATROL**

New (Untrained)	- after 6 months	\$14.00
New (with less than 1 year experience)	- after 6 months	\$14.00
New (with 1 year experience or greater)	- upon start	\$14.00

, and

FURTHER RESOLVED, that movement will be based on skill level and Sheriff's approval, and

FURTHER RESOLVED, that said increases shall take effect upon the first full payroll of July 2008.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 136 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NEW YORK OFFICE OF HOMELAND SECURITY - FY07 HOMELAND SECURITY GRANT PROGRAM (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Walters

WHEREAS, the County has been notified of the award of a \$108,000 FY07 State Homeland Security Program (SHSP) grant, and

WHEREAS, the SHSP Program has a no-cost requirement to the County,

RESOLVED, that the Montgomery County Board of Supervisors hereby authorizes the acceptance of a \$108,000 State Homeland Security Grant, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign said grant agreement.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 137 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - IMMUNIZATION ACTION PLAN GRANT AND AMENDING 2008 OPERATING BUDGET (PUBLIC HEALTH)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, Montgomery County has been awarded the Immunization Action Plan Grant funds for the period commencing April 1, 2008 and ending March 31, 2009, and

WHEREAS, Immunization Action Plan Grant funds are currently appropriated in the 2008 operating budget, and

WHEREAS, the New York State Department of Health has increased the total grant funds for the period April 1, 2008 through March 31, 2009 by a total of \$5745.00, and

WHEREAS, the additional grant funds will be utilized to further offset the cost of program salaries, with the portion applicable for the period April 1, 2008 through December 31, 2008 being \$4319.00,

RESOLVED, that the Board of Supervisors hereby authorizes acceptance of the 2008-09 Immunization Action Plan Grant, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the 2008-2009 grant contract, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE:**

**Revenue:**

A-16-3-3401-03	Public Health Grant	\$	4319.00
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**Appropriations:**

A-16-4-4010-03. 1110(352)	Public Health Grant Full Time Employees	\$	4319.00
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**DECREASE:**

**Revenue:**

A-16-3-3401-00	Public Health State Aid	\$	4319.00
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**Appropriations:**

A-16-4-4010-03. 1110(334)	Public Health Grant Full Time Employees	\$	4319.00
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RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 138 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - CHILDHOOD LEAD POISONING**

**PREVENTION PROGRAM GRANT (PUBLIC HEALTH)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, Montgomery County has been awarded the Childhood Lead Poisoning Prevention Program Grant of \$25,000 for the period of April 1, 2008 and ending on March 31, 2009, and

WHEREAS, the Childhood Lead Poisoning and Prevention grant funds are currently appropriated in the in the 2008 operating budget,

RESOLVED, that the Board of Supervisors hereby authorizes acceptance of the 2008-09 Childhood Lead Poisoning Prevention Program Grant, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the 2008-2009 grant contract.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 139 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - YOUTH OUTREACH PROGRAMS (YOUTH BUREAU/ACSD)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Bai a

WHEREAS, the Montgomery County Youth Bureau/ACSD has made available funds through its Outreach Programs, and

WHEREAS, various youth programs have submitted requests for said funds, and

WHEREAS, the Montgomery County Youth Bureau has reviewed said requests,

RESOLVED, the Montgomery county Youth Advisory Board does hereby recommend to the Board of Supervisors the funding of 2008 Outreach Programs as stated below:

PROGRAM	RECOMMENDED FUNDING
Association of American University Women (Sister-to-Sister Summit)	\$ 750.00
Ames Fire Department Explorer Post 206 (Explorer Post 206)	\$ 500.00
Amsterdam High School (After Ball Party)	\$ 500.00
Amsterdam Little League (Cal Ripkin Baseball)	\$ 400.00
Amsterdam YMCA (Summer Day Camp)	\$ 500.00
American Youth Soccer Organization (Canajoharie AYSO)	\$ 400.00
Canajoharie High School (Post Prom Party)	\$ 500.00
Canajoharie-Palatine Bridge-Ames Little League (Little League)	\$ 400.00
Canajoharie Youth Football (Canajoharie Youth Football)	\$ 400.00
Fonda-Fultonville Central School (After Prom Party)	\$ 500.00
Fort Hunter Free Library	\$ 750.00

(Youth Summer Reading Program)

Fort Plain AYSO (Fort Plain Youth Soccer Program)	\$ 400.00
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Fort Plain Biddy Basketball (Fort Plain Biddy Basketball)	\$ 400.00
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Fort Plain Central School (Post Prom Party)	\$ 500.00
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Fort Plain Free Library (Summer Reading Program)	\$ 600.00
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Friends of Visual/Performing Arts (13th Summer Art & Music Program)	\$ 800.00
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Girl Scouts of NENY, Inc. (Girl Fun Days)	\$ 300.00
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HFM Prevention Council (Rite Aid Drug Quiz Show)	\$ 530.00
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HFM Prevention Council (Stop Bullying)	\$ 550.00
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Schoharie River Center (Archeology Field School)	\$ 500.00
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\$ 10,180.00

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 140 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - MONTGOMERY COUNTY YOUTH DAY-2008 (YOUTH BUREAU/ACSD)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Thomas

WHEREAS, the Montgomery County Youth Bureau has been serving youth of Montgomery County since 1978, and

WHEREAS, the Montgomery County Youth Bureau/ACSD will be sponsoring Youth Day-2008 to be held on July 23rd, 2008 to celebrate 30 years of serving youth of Montgomery County, and

WHEREAS, this event is scheduled to take place at the Montgomery County Annex Building and adjoining field/playground area owned by the Village of Fonda, and

WHEREAS, a request was made to the Village of Fonda and permission was granted by the Village of Fonda to use adjoining field/playground area for Youth Day-2008, and

WHEREAS, Montgomery County has provided the certificate of insurance to the Village of Fonda demonstrating the coverage by the county for the above stated event, and

WHEREAS, the Montgomery County Youth Board of Directors has recommended allocations of 2008 Outreach Program funds totaling \$10,180.00 leaving a remaining balance of \$5,820.00, and

WHEREAS, the Montgomery County Youth Board of Directors requests to use the unallocated Outreach Funding balance of \$5,820.00 for expenditures related to the Youth Day-2008 event, and

WHEREAS, the Montgomery County Youth Bureau/ACSD will be seeking outside vendors and exhibitors for Youth Day-2008, and

WHEREAS, agreements and contracts will result from seeking of vendors and exhibitors needing review and signing, now therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors hereby is authorized and directed, following review and approval by the County Attorney, to sign any and all related agreements and

contracts for the purpose of Youth Day-2008 to be held on July 23rd, 2008.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 141 of 2008**

**DATED:** April 22, 2008

**RESOLUTION APPOINTING VETERANS DIRECTOR**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Strevy

WHEREAS, the current Veterans Director has resigned and a temporary director has been put in place in the Veterans Office, and

WHEREAS, the Board of Supervisors wishes to fill said position,

RESOLVED, that \_\_\_\_\_ hereby is appointed Veterans Director at an annual base salary of \$\_\_\_\_\_ effective \_\_\_\_\_ to serve at the pleasure of the Board, and

MOTION TO TABLE by Supervisor Barone, Sr., seconded by Supervisor Johnson, passed with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 142 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT -EARTH TECH, INC. - ENGINEERING SERVICES - 2008 BRIDGE PROGRAM (PUBLIC WORKS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Thayer

WHEREAS, the Board of Supervisors, by adoption of Resolution No. 79 of 2008 has approved the 2008 Bridge Program, including engineering services, and

WHEREAS, the funding for said program was approved, by adoption of Resolution No. 121 of 2008,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with Earth Tech, Inc., of Latham, NY, for provision of engineering services for the 2008 Bridge Program, and

FURTHER RESOLVED, that said services shall be provided at a cost not to exceed \$212,500.00.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 143 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING FUNDING - FORMER COUNTY CORRECTIONAL FACILITY - DEMOLITION AND AMENDING 2008 OPERATING BUDGET**

Resolution by Supervisor: Paton

Seconded by Supervisor: Dybas

WHEREAS, the Board of Supervisors has heretofore approved the demolition of the former County Correctional Facility, as more particularly described in Resolution 228 of 2007 dated August 28, 2007 (the "Prior Resolution"); and

WHEREAS, the Board of Supervisors desires to fund the cost of the demolition project described in the Prior Resolution,

RESOLVED, that the Board of Supervisors hereby approves the funding of the former County

Correctional Facility demolition, the maximum aggregate cost thereof not exceeding \$239,000.00, through budgetary provisions, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A599	Appropriated Fund Balance	\$239,000.00
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TRANSFER TO:

A-06-4-9900-00-9950	Transfer to Cap. Projects	\$239,000.00
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RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 144 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - NYS DOT AND THIRD PARTY PROVIDERS - SECTION 5311 CAPITAL PROJECTS (BOARD OF SUPERVISORS/ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Paton

WHEREAS, Montgomery County has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for projects described as follows:

- 1.) The purchase two buses for the Montgomery County Transportation System established by Resolution 218 of 2007 of the Montgomery County Board of Supervisors
- 2.) The purchase of certain equipment to be utilized by the County's Third Party Provider for both the Montgomery County Transportation System and also the Montgomery County Commuter System

, and

WHEREAS, Montgomery County and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and payment of the Federal and State Shares for the project;

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney is hereby authorized and directed to sign the following:

- 1) Any and all Agreements between Montgomery County and the State of New York for the above named Project;
- 2) Any and all Agreements between Montgomery County and any third party subcontractors necessary to complete the Project;
- 3) Any and all Agreements between Montgomery County and any vendor for the purchase and/or installation of vehicles and/or equipment or facilities

, and

FURTHER RESOLVED, that the Board of Supervisors certifies through this Resolution that the estimated local share of \$18,500 is committed to this Project as follows:

- 1.) By Resolution 15 of 2008, the Board of Supervisors appropriated \$13,000 to be utilized towards the purchase of two buses for the Montgomery County Transportation System
- 2.) The remaining \$5,500 local share shall be provided by the County's Third Party Operator of its Commuter System

, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE APPROPRIATIONS:

A-01-3-1789	Other Transpiration Income	\$ 5,500
A-01-3-3594	State Aid Mass Transportation	\$ 5,500
A-01-3-4589	Federal Aid - Other Transportation - Bus	\$44,000

## ADD &amp; INCREASE APPROPRIATIONS:

A-01-4-5630-00-2235	Auto Maintenance Equipment	\$55,000
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RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors

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Supervisors Johnson and Barone made a motion and seconded to table the Resolution. Upon roll call, the motion failed.

Supervisor Jonker withdrew his second sponsorship of the Resolution and Supervisor Dybas picked it up.

Supervisor McMahon stated that by not tabling the Resolution, the Resolution can be defeated in vote.

Supervisor Jonker stated that his original sponsorship was so that Resolution would not linger in Committee and be forced to come before the Full Board.

(Clerk's note: The Resolution failed upon roll call.)

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**RESOLUTION NO. 145 of 2008****DATED:** April 22, 2008**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW #3 OF 2008 - A LOCAL LAW WHICH INCREASES MORTGAGE TAX IN MONTGOMERY COUNTY**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, on March 25, 2008 a proposed Local Law for the County of Montgomery County entitled " A Local Law which Increases Mortgage Tax in Montgomery County" was presented to the Board of Supervisors for consideration, and

WHEREAS, on March 25, 2008 Resolution 117 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 22nd day of April, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held,

RESOLVED, that Introductory Local Law No. 3 of 2008 entitled " A Local Law which Increase Mortgage Tax in Montgomery County" hereby is adopted and is incorporated as follows:

**A Local Law Imposing An Additional Mortgage Tax in Montgomery County**

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

Section 1. For the period commencing June 1, 2008 and ending November 30, 2008, unless further extended by local law of the Board of Supervisors, there is hereby imposed in Montgomery County a tax of Fifty Cents (\$.50) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of Fifty Cents (\$.50) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00).

Section 2. The taxes imposed pursuant to this Local Law shall be administered and collected in the same manner as the taxes imposed under subdivision one of Section 253 and paragraph (b) of subdivision 1 of Section 255 of the Tax Law. Except as otherwise provided in this section, all the provisions of the Tax Law relating to or applicable to the administration and collection the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section, except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference to the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase "within this state" shall be read as "within Montgomery County", unless a different meaning is clearly required.



Section 3. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in the State by within and without Montgomery County, the amount of such tax due and payable to Montgomery County shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law, which concerns real property situated in two or more counties. Where such property is situated both within Montgomery County and without the State, the amount due and payable in Montgomery County shall be determined in the manner prescribed in the second paragraph of such Section 260, which concerns property situated within and without Montgomery County. Where real property is situated within and without Montgomery County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

Section 4. A tax imposed pursuant to this Local Law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 5. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the county of Montgomery during each month upon account of the tax imposed pursuant to this Local Law, after deducting the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this Section or Section 260 of the Tax Law, are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth (10) day of each succeeding month to the Montgomery County Treasurer and after the deduction by such County Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the general fund of the county of Montgomery for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this Local Law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner of Taxation and Finance.

Section 6. The tax imposed pursuant to this Local Law shall be payable on the recording of each mortgage of real property subject to taxes there under. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded shall collect the tax impose by this Local Law, as required by subdivision two of Section 253-d of the Tax Law. It shall be the duty of such recording officer to indorse upon, each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax indorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 7. This local law shall take effect on the first day of a calendar month, provided a certified copy there of is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at the Commissioner's office in Albany at least thirty days prior to the date the local law shall take effect. Certified Copies of this local law shall also be filed with the County Clerk, the Secretary of State and the State Comptroller within five (5) days after the local law is duly enacted.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

MOTION TO TABLE by Supervisor Johnson, seconded by Supervisor Barone, Sr., was defeated with Aye(276). Supervisors Johnson and Barone, Sr. voted Aye. Supervisor Di Mezza was absent. (4/22/2008)

RESOLUTION DEFEATED with Aye(0). Supervisor Di Mezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Chairman Greco clarified Resolution 146.

After much discussion, several Supervisors stated that they don't support the Resolution.

Supervisor Johnson stated that the County can't be short-sighted, and that we don't know what the future will bring.

(Clerk's note: Upon roll call, the Resolution failed.)

**RESOLUTION NO. 146 of 2008****DATED:** April 22, 2008

RESOLUTION RECOMMENDING THE STATE LEGISLATURE AMEND SUCH SECTIONS OF THE NEW YORK STATE TAX LAW TO EXTEND THE LAW WHICH CURRENTLY AUTHORIZES THE COUNTY OF MONTGOMERY TO INCREASE MORTGAGE RECORDING TAX AND EXPEND SAME IN ANY APPROPRIATE MANNER

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, it has been determined that, in light of the fiscal challenges it is now facing, it is now appropriate to implement the increase of mortgage recording tax for mortgages recorded within Montgomery County, which proceeds shall be utilized for County purposes, and

WHEREAS, the Board of Supervisors has determined that implementation of an additional recording tax of fifty cents for each one hundred dollars of real property secured by a mortgage is appropriate, and

WHEREAS, in order for the County to enact appropriate legislation providing for the additional mortgage tax past November 30, 2008, the New York State Legislature must amend the New York State Tax Law,

RESOLVED, that the Montgomery County Board of Supervisors hereby supports and advocates the introduction and passage of an amendment to the New York State Tax Law, Chapter 355 of the Laws of 2005, to authorize the County of Montgomery to increase said mortgage tax amount by fifty cents for each one hundred dollars of real property secured by a mortgage and further allowing the additional mortgage recording tax to be paid to the Montgomery County Treasurer for deposit in the Montgomery County General Fund to be utilized for County purposes through December 1, 2011.

RESOLUTION DEFEATED with Aye(276). Supervisors Johnson and Barone, Sr. voted Aye. Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor McMahon stated that he doesn't support Resolution 147, and does support using local assessors.

Several other Supervisors stated their lack of support for the Resolution, and feel that local assessors are more beneficial to the taxpayers than would be a county-wide assessor.

Chairman Greco reminded the Supervisors that the Resolution is in support of a study only. He stated that the Resolution will not force a county-wide assessment, which he is in favor of.

Supervisors Dybas and Jonker stated that they welcome the study. Supervisor Jonker stated that consolidation in County government should be welcome.

**RESOLUTION NO. 147 of 2008****DATED:** April 22, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - 2007 - 2008 CENTRALIZED PROPERTY TAX ASSESSING PROGRAM GRANT - COUNTY ASSESSING INITIATIVE AWARD AND AMENDING 2008 OPERATING BUDGET (REAL PROPERTY)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, Montgomery County has received notification of an award from the NYS Office of Real Property in the amount of \$25,000 to be utilized for the preparation of a study to implement a County-wide assessing program, and

WHEREAS, this study must analyze the actions to implement such program, whether through a county assessing unit or county coordinated assessment programs.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a grant agreement with the NYS Office of Real Property for \$25,000 to be utilized for said purposes, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE REVENUE:

A-07-3-3040

Real Property Tax Administration Aid

\$25,000

## INCREASE APPROPRIATIONS:

A-07-4-1355-00-4438    Misc. Support Service    \$25,000

RESOLUTION ADOPTED with Aye(950). Supervisors McMahon, Walters, Strevy, Thomas, Quackenbush, Thayer and Stagliano voted Nay. Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 148 of 2008****\*\*See Appendix for Resolution Attachment\*\*****DATED:** April 22, 2008**RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS - CONSULTANT SERVICES - COUNTY ASSESSING INITIATIVE AWARD (REAL PROPERTY)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Johnson

WHEREAS, Resolution 147 of 2008 authorized the acceptance of a grant award from the NYS Office of Real Property in the amount of \$25,000 to be utilized for a study to analyze the actions necessary to implement a County-wide assessing program, whether it be through a county assessing unit or county coordinated assessment programs, and

WHEREAS, such study must include an analysis of the present administration of real property in Montgomery County, specify the function the County would have to perform, and provide specific information on the necessary steps for implementation, as well as cost estimates and a timeline, and

WHEREAS, the Director of Real Property has recommended that the County seek proposals from consultants for said services,

RESOLVED, that the Purchasing Agent, in cooperation with the Real Property Tax Dept., is hereby authorized and directed to solicit proposals for consultant services to study county-wide assessing program as outlined in the attached hereto.

RESOLUTION ADOPTED with Aye(1226). Supervisors Strevy, Quackenbush, Thayer and Stagliano voted Nay. Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 149 of 2008****DATED:** April 22, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - FULTON-MONTGOMERY COMMUNITY COLLEGE - USE OF FACILITIES -PLANNING AND ZONING BOARD TRAINING (ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

WHEREAS, New York State Statute, Chapter 662 requires local planning board and zoning board of appeals member to receive 4 hours of training per year, and

WHEREAS, the Montgomery County Department of Economic Development and Planning has agreed to coordinate training to local municipal board members, and

WHEREAS, Fulton Montgomery Community College (FMCC) has agreed to provide its theater and lobby for a 3 hour training session on May 29, 2008, and

WHEREAS, FMCC has requested that the County enter into an agreement for said training,

RESOLVED, the Chairman of the Board of Supervisors, upon review and approval by the County Attorney, is hereby authorized and directed to sign the agreement with FMCC to use its theater and lobby for local board training on May 29, 2008.

FURTHER RESOLVED, that the agreement will provide certification of insurance to FMCC.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 150 of 2008****DATED:** April 22, 2008**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW # 5 OF 2008 - A LOCAL LAW WHICH AUTHORIZES THE MAKING OF GRANTS AND LOANS BY MONTGOMERY COUNTY, NY TO THE MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Bai a

WHEREAS, on March 25, 2008 a proposed Local Law for the County of Montgomery entitled "A Local Law Which Authorizes the Making of Grants and Loans by Montgomery County to the Montgomery County Industrial Development Agency" was presented to the Board of Supervisors for consideration, and

WHEREAS, on March 25, 2008 Resolution 127 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 22nd day of April, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held.

RESOLVED, that Local Law #3 of 2008 (formerly known as Introductory Local Law # 5) entitled "A Local Law Which Authorizes the Making of Grants and Loans by Montgomery County, NY to the Montgomery County Industrial Development Agency" hereby is adopted and is incorporated as follows:

A Local Law Which Authorizes the Making of Grants and Loans by Montgomery County, NY to the Montgomery County Industrial Development Agency

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

Section 1. Intent and Purpose. It is declared to be the intent and purpose of this local law to enable Montgomery County, New York (the "County"), as one of its public, governmental or municipal purposes, to promote, create, develop or expand business, commerce, industry or job opportunities within the corporate limits of Montgomery County in order to benefit the inhabitants thereof.

Section 2. Public Purposes. The County shall have the power to appropriate funds of the County (including but not limited to funds derived by the County from payment in lieu of tax agreements entered into by Montgomery County Industrial Development Agency (the "Agency")) for the purpose of making, and shall have the power to make, advances, loans, gifts, grants, subsidies or contributions to the Agency or the New York Empire State Development Corporation, or its designee (hereinafter referred to as the "State") for any of the following objects or purposes, each of which is found and determined to be a public, governmental or municipal purpose of the County:

(A) construct, reconstruct, alter, improve or otherwise assist various facilities located within the corporate limits of the County in connection with any project undertaken by the Agency to create, improve or expand job or business opportunities or job or business training, or both, for persons within the corporate limits of the County as to whom such opportunities or training are lacking or inadequate;

(B) the planning and effectuation of any program, activity or project undertaken by the Agency to publicize the advantages of the County or the region in which the County is located; and

(C) the establishment, operation, maintenance and promotion by the Agency of foreign trade zones located within the County.

Section 3. Procedure for Authorization. Each advance, loan, gift, grant, subsidy or contribution to be made by the County to the Agency or the State pursuant to this local law shall be conditioned upon approval by the Board of Supervisors of the terms and conditions of an agreement with the Agency or the State for the making of such advance, loan, gift, grant, subsidy or contribution. Such approval shall be evidenced by a resolution adopted by the Board of Supervisors indicating its approval of such terms and conditions.

Section 4. Severability. If any section, clause or provision of this local law or the application thereof to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, clause or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Board of Supervisors hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid section, clause or provision been apparent.

Section 5. Inconsistent Enactments. All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section 6. Effective Date. This local law shall become effective upon the filing thereof in the Office of the Secretary of State of the State of New York, as provided for in the Municipal Home Rule Law.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Walters, to strike in the RESOLVED clause Section Three and insert in its place:

"Section 3. Procedure for Authorization. Each advance, loan, gift, grant, subsidy or contribution to be made by the County to the Agency or the State pursuant to this local law shall be conditioned upon approval by the Board of Supervisors of the terms and conditions of an agreement with the Agency or the State for the making of such advance, loan, gift, grant, subsidy or contribution. Such approval shall be evidenced by a resolution adopted by no less than two-thirds vote of the Board of Supervisors indicating its approval of such terms and conditions."

, passed with Aye(1491). Supervisor Quackenbush voted Nay. Supervisor DiMezza was absent. (4/22/2008)

RESOLUTION ADOPTED with Aye(1491). Supervisor Quackenbush voted Nay. Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 151 of 2008**

**DATED:** April 22, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVOLVING LOAN FUND AGREEMENT - COMFORT INN & SUITES OF AMSTERDAM, LLC (ECONOMIC DEVELOPMENT AND PLANNING)

Resolution by Supervisor: Bai a

Seconded by Supervisor: Di Mezza

WHEREAS, Montgomery County administers an Economic Development Program for the purpose of creating and retaining jobs, and

WHEREAS, the Montgomery County Industrial Development Agency (MCIDA) has reviewed and recommended approval of a business loan application from Comfort Inn & Suites of Amsterdam, LLC, and

WHEREAS, said applicant has requested a loan from the Economic Development Program for the purpose of the purchasing furniture, fixtures and equipment, and

WHEREAS, said applicant has agreed to create 19-20 full time employees over the next three years in conjunction with receiving said loan,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement, and any other legal documents necessary to process an economic development loan, in a principal amount not to exceed \$250,000 to Comfort Inn & Suites of Amsterdam, LLC, and

FURTHER RESOLVED, that the proceeds shall come from Montgomery County's Program Income Account, and

FURTHER RESOLVED, that said loan shall be payable in not more than 60 equal monthly installments, with interest rate of prime minus three (at the time of closing), and

FURTHER RESOLVED, that, at the time of closing, a sum of \$1,500 shall be deducted, to allow for closing fees for the County Attorney.

RESOLUTION ADOPTED with Aye(1513). Supervisor Dybas abstained. Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 152 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING DISBURSEMENT OF SURPLUS DOG LICENSE FUNDS (TREASURER)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Johnson

RESOLVED, that the Annual Report of the County Treasurer regarding Apportionment of dog license revenue hereby is accepted, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to disburse, to the Towns and to the City of Amsterdam, \$4,168.55 in surplus dog license funds, in proportion to the contribution made by each, collected during 2007.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 153 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING COUNTY TREASURER TO DISBURSE MORTGAGE TAX MONEY**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

RESOLVED, that the Board of Supervisors hereby authorizes the County Treasurer to disburse Mortgage Tax money for the period from October 1, 2007 through March 31, 2008, and

FURTHER RESOLVED, that said Treasurer is directed to take all necessary steps, under proper accounting procedure, to adjust the books of his office, effective immediately.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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Supervisor Johnson stated that, regarding Resolution 155, she would like it replaced by a draft Resolution which contains small changes that was disseminated by Crystal Ricciuti (Economic Development) to all Supervisors prior to the meeting. There were no objections.

(Clerk's note: This resolution is noted to have DIED on the table. The newly presented draft Resolution is numbered 156 and has the same name, and is noted to have not gone through Committee.)

**RESOLUTION NO. 154 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN LETTER REGARDING PROPOSED REVISIONS TO CONSERVATION EASEMENT (ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, Resolution No. 168 of 2004 authorized the County Chairman to accept and sign a conservation easement agreement with the Montgomery County Industrial Development Agency, and

WHEREAS, the Montgomery County Industrial Development Agency is in the process of obtaining permits and approvals from the Army Corps of Engineers, and

WHEREAS, conditions of the above mentioned permits and approvals may require changes to the boundaries and acreage of the existing conservation easement held by Montgomery County,

RESOLVED, the Chairman of the Board of Supervisors, following review and approval of the County Attorney, is hereby authorized to sign a letter addressed to the Army Corps of Engineers stating that Montgomery County is willing to serve as the holder of the proposed revised conservation easement.

RESOLUTION WITHDRAWN BY SPONSOR (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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(Clerk's note: Resolution 156 replaced Resolution 155. See note above.)

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**RESOLUTION NO. 155 of 2008**

**DATED:** April 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN LETTER REGARDING PROPOSED REVISIONS TO CONSERVATION EASEMENT (ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, Resolution 168 of 2004 authorized the County Chairman to accept and sign a conservation easement agreement with the Montgomery County Industrial Development Agency which was required for the development of the Florida Business Park, and

WHEREAS, the Montgomery County Industrial Development Agency is in the process of obtaining permits and approvals from the Army Corps of Engineers for the Hero Group, Inc./Beech-nut project in the Florida Business Park, and

WHEREAS, conditions of the above mentioned permits and approvals may require changes to the boundaries and acreage of the existing conservation easement held by Montgomery County,

RESOLVED, the Chairman of the Board of Supervisors, following review and approval of the County Attorney, is hereby authorized to sign a letter addressed to the Army Corps of Engineers stating that Montgomery County is willing to serve as the holder of the proposed revised conservation easement.

RESOLUTION ADOPTED with Aye(1649). Supervisor DiMezza was absent. (4/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**ADJOURNMENT**

MOTION TO ADJOURN by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1512). Supervisors Baia and DiMezza were absent.

Chairman Greco adjourned the meeting at 7:54 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
SPECIAL MEETING  
6:00 PM, April 29, 2008

CALL TO ORDER

The Special Meeting of the Montgomery County Board of Supervisors for April 29, 2008 was called to order at 6:00 PM by Chairman Greco.

SALUTE TO THE FLAG

Supervisor Dybas led the salute to the flag.

ROLL CALL

Roll call indicated that Supervisors Quackenbush, Johnson, Greco, Paton, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Thomas, Jonker, Baia and DiMezza were present. Absent was Supervisor Walters.

EXECUTIVE SESSION

Pursuant to Section 105 (f) of NYS Open Meeting Law to discuss matters leading to the appointment of a particular person, MOTION TO ENTER EXECUTIVE SESSION by Supervisor DiMezza, seconded by Supervisor Barone, Sr., passed with Aye(1819). Supervisor Walters was absent. Executive Session commenced at 6:03 PM.

Also present were temporary Veterans Director Dwight Thompson and Human Resources Assistant Jessie Bartosik.

Supervisor Walters entered Chamber at 6:04 PM.

MOTION TO EXIT EXECUTIVE SESSION by Supervisor Baia, seconded by Supervisor Thomas, passed with Aye(1868). Executive Session adjourned at 6:44 PM.

As a result of Executive Session, no action was taken.

STATEMENT OF PURPOSE OF MEETING

- A. Discussion/Interviews of Veterans Service Director
- B. Resolution Appointing Director of Veterans Service
- C. Other

(Clerk's Note: Draft RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW #4 OF 2008 - A LOCAL LAW ESTABLISHING THE 2008 SALARIES OF VARIOUS COUNTY OFFICIALS" was entertained under "Other" at the recommendation of County Attorney Doug Landon, who stated that in Special Meetings, the agenda cannot be amended.)

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**RESOLUTION NO. 156 of 2008**

**DATED:** April 29, 2008

**RESOLUTION APPOINTING VETERANS SERVICE DIRECTOR**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the current Veterans Director has resigned and a temporary director has been put in place in the Veterans Office, and

WHEREAS, the Board of Supervisors wishes to fill said position,

RESOLVED, that \_\_\_\_\_ hereby is appointed Veterans Director at an annual base salary of \$\_\_\_\_\_ effective \_\_\_\_\_ to serve at the pleasure of the Board.

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor Johnson to strike the RESOLVED clause and insert the following in its place:

"RESOLVED, that Daniel V. Roth hereby is appointed Veterans Director at an annual base salary of



\$35,000 effective May 12, 2008 to serve at the pleasure of the Board."

, passed with Aye(1868). (4/29/2008)

RESOLUTION ADOPTED with Aye(1868). (4/29/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisors Dybas and Jonker recommended entertaining Resolution 157 in a Committee meeting, so that it would go through the normal and usual channels.

Supervisor DiMezza stated that the Supervisors should entertain this Resolution now, to avoid any more delays.

**RESOLUTION NO. 157 of 2008**

**DATED:** April 29, 2008

**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW #4 OF 2008 - A LOCAL LAW ESTABLISHING THE 2008 SALARIES OF VARIOUS COUNTY OFFICIALS**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Walters

WHEREAS, on March 25, 2008 a proposed Local Law for the County of Montgomery County entitled "A Local Law Establishing 2008 Salaries of Various County Officials" was presented to the Board of Supervisors for consideration, and

WHEREAS, on March 25, 2008 Resolution 118 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 22nd day of April, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held,

RESOLVED, that Introductory Local Law No. 4 of 2008 entitled "A LOCAL LAW ESTABLISHING THE 2008 SALARIES OF VARIOUS COUNTY OFFICIALS" hereby is adopted and is incorporated as follows:

"A LOCAL LAW ESTABLISHING THE 2008 SALARIES OF VARIOUS COUNTY OFFICIALS"

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

SECTION 1. The annual salaries, including longevity, sums opposite the office and designation of such County Officials to wit:

TITLE	BASE	LONGEVITY	INCREMENT	TOTAL
Sheriff	\$70,000	\$2,750	\$1,889	\$74,639
Commissioner of Social Services	\$65,000	\$3,000	\$ 831	\$68,831
Commissioner of Public Works	\$65,000	\$2,750	\$1,663	\$69,413
County Treasurer	\$58,205	\$1,600	\$ 718	\$60,523
Personnel Officer	\$60,515	\$2,250	\$2,872	\$65,637
County Clerk	\$58,205	\$2,250	\$2,872	\$63,327
Real Property Tax Director	\$48,164	\$2,750	\$1,814	\$52,728
Purchasing Agent	\$39,750	\$1,000	\$ 491	\$41,241
Election Commissioner - Dem.	\$35,207	\$1,350	\$ 491	\$37,048
Election Commissioner - Rep.	\$35,207	\$2,500	\$ 491	\$38,198

Section 2. This Local Law is subject to a permissive referendum, and will be submitted to a vote of qualified electors of the County of Montgomery, if, within 45 days after the date of which it was so adopted, there is filed with the Clerk of the Montgomery County Board of Supervisors a petition protesting against this Local Law, signed and authenticated as required by Section 24 of Municipal Home Rule Law, by qualified electors of Montgomery County registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for Governor at the last gubernatorial election held in said County.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

RESOLUTION ADOPTED with Aye(1617). Supervisor Dybas voted Nay. Supervisor Jonker abstained. (4/29/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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#### ADJOURNMENT

MOTION TO ADJOURN by Supervisor DiMezza, seconded by Supervisor Dybas, passed with Aye(1868).

Chairman Greco adjourned the Special Meeting at 6:56 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - EDUCATION/GOVERNMENT  
7:00 PM, May 6, 2008

COMMITTEE MEETING DISCUSSION

Chairman McMahon presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Johnson, Baia, Jonker, Paton and Thayer. Absent was Supervisor Stagliano.

Additional Supervisors present were Supervisors Greco, Strevy, Dybas, Barone, Thomas and DiMezza. Absent were Supervisors Quackenbush and Walters.

Items on the agenda, at this time, are as follows:

1. Discussion Regarding FMCC Classroom Building Renovation Project - Phase II Interior Renovations
2. Other

Item #1: Chairman McMahon stated that the newly adopted state budget did not allow for any SUNY 2009 project funding, and it is recommended by the Fulton County Board of Supervisors to reject all proposals received.

Supervisors Dybas and Baia made a motion and seconded, respectively, to sponsor and move a draft Resolution (stating that without state funding, this County cannot proceed with the project, so proposals must be rejected) to the Full Board with a positive recommendation. There were no objections.

Chairman McMahon stated that the Resolution's language should coordinate with Fulton County to remain in sync.

Item #2, Other: Chairman McMahon stated that the Supervisors have been presented with a follow-up to the April 23rd letter from James Mraz, Planning Director of Fulton County, discussing "critical maintenance" projects. Chairman McMahon suggested that the Committee adopt a non-binding Resolution (that shows support, but not a commitment until cash is clear) and look at this issue later on after having a joint meeting with the Fulton County Board, FMCC Board of Trustees and other interested parties.

Supervisor Dybas stated after reading Dr. Swangers letter which states that funds are available for the critical maintenance, he suggests that if SUNY awards their portion of the funding, then Montgomery County should match it.

Supervisors Baia and Dybas made a motion and seconded, respectively, to move the Resolution to the Full Board with a positive recommendation. There were no objections.

Item #3, Other: Chairman McMahon clarified the change orders, which was another add-on. He stated that cost comes to \$34,108, with \$8,527 being the County obligation. He stated that he's not sure where the cash will come from to pay the bill.

Supervisors Jonker and Baia made a motion and seconded, respectively, to move the draft Resolution (paying the County's obligatory cost of \$8,527) to the Finance Committee with a positive recommendation. There were no objections.

Motion was made and seconded by Supervisors DiMezza and Baia, respectively, to adjourn the Committee meeting.

Chairman McMahon adjourned the Education/Government Committee meeting at 7:06 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:05 PM, May 6, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:07 PM.

Roll call indicated Committee members present included Supervisors Barone, Jonker, Strevy, Thayer and DiMezza. Absent was Supervisor Quackenbush.

Additional Supervisors present were Johnson, Greco, Paton, McMahon, Dybas and Bai a. Absent were Supervisors Stagliano and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - Monitoring of Sex Offenders Computer Usage - Internet Probation and Parole Control, Inc. (Probation)
2. Discussion Regarding Jail Cameras (Sheriff)
3. Resolution Authorizing Chairman to Sign Various Agreements - Facilities for Emergency Use (Emergency Management)
4. Resolution Amending 2008 Operating Budget - NYS DOS Legislative Grant (Emergency Management)
5. Resolution Amending 2008 Operating Budget - Citizens Corps Grant (Emergency Management)
6. Resolution Amending 2008 Operating Budget - NYS Homeland Security Grant (Emergency Management)
7. Resolution Authorizing Salary Increase - Assistant Public Defender - Family Court/IDV Court (Public Defender)
8. Resolution Adopting a Revised Risk Management Policy
9. Resolution Adopting Revised Rules of Procedure of the Montgomery County Board of Supervisors
10. Resolution Creating the Montgomery County Safety and Security Committee
11. Resolution Authorizing Safety Officer to Implement Policies County-Wide to Remain in Compliance with Federal, State and Local Law
12. Resolution Authorizing Chairman to Sign Agreement - NYS DCJS - Illegal Drug Trafficking Prevention Program (District Attorney)
13. Resolution Amending 2008 Operating Budget - State Aid Appropriations and Various Grants (District Attorney)
14. Other

Item #1: The Resolution was sponsored and seconded by Supervisors DiMezza and Thayer, respectively. The Resolution was moved to the full Board with no objections.

Item #2: Undersheriff Jeff Smith stated that bids have been procured for updating the in-house camera system. He said the best bid was from Tony Chang at "Electric Eye".

When queried by Supervisor Dybas, Undersheriff Smith stated the amounts of the unchosen bids. He said the cost of the project, however, is not in the Sheriff's 2008 budget.

A draft Resolution accepting the "Electric Eye" bid was sponsored and seconded by Supervisors Dybas and Barone, respectively. The Resolution was moved with a positive recommendation to the Finance Committee with no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Dybas and Strevy, respectively. The Resolution was moved to the full Board with a positive recommendation and no objections.

Item #4: The Resolution was sponsored and seconded by Supervisors Strevy and Barone, respectively. The Resolution was moved to the full Board with a positive recommendation and no objections.

Item #5: The Resolution was sponsored and seconded by Supervisors Jonker and Thayer, respectively. The Resolution was moved to the full Board with a positive recommendation and no objections.

Item #6: The Resolution was sponsored and seconded by Supervisors Strevy and Barone, respectively. The Resolution was moved to the full Board with a positive recommendation and no objections.

Item #7: The Resolution was sponsored and seconded by Supervisors Johnson and Jonker, respectively.

Supervisor Dybas stated that a salary study was just completed. He stated he supports the raise, but the Resolution should state that the extra pay is directly related to the County's receipt of the funding.

Supervisor DiMezza spoke in support of the salary increase due to the increase in the indigent case load. He stated that Counties are being sued for not providing the correct legal services for indigents.

County Attorney Doug Landon stated that the Resolution is unclear on whether the increase should be prorated for the rest of the year.

Supervisor Barone suggested that the Public Defender propose the increase in his budget.

Supervisor DiMezza stated that he would like the Resolution moved to the Full Board with no recommendation, so that it can be amended at that time if necessary.

Upon roll call, the Resolution was moved to Finance Committee with no recommendation, so that questions can be answered, such as the period of time the raise covers, and does it look like the money for indigent services will be continuing, and if not, should it be budgeted, etc. Treasurer Bowerman stated that he will also look into the matter.

Item #8: Chairman Greco clarified the next four Resolutions as a whole.

The Resolution was sponsored and seconded by Supervisors Greco and Dybas, respectively. The Resolution was moved to the Full Board with a positive recommendation with no objections.

Item #9: The Resolution was sponsored and seconded by Supervisors Greco and Dybas, respectively.

On the request of the Committee, Chairman Thomas directed that the Standing Rules of Procedure be altered in section 41.3 (page 8) by adding "Safety Officer" under the FINANCE heading. There were no objections.

The Resolution was moved to the Full Board with a positive recommendation with no objections.

Item #10: The Resolution was sponsored and seconded by Supervisors Greco and Dybas, respectively. The Resolution was moved to the Full Board with a positive recommendation with no objections.

Item #11: The Resolution was sponsored and seconded by Supervisors Greco and Dybas, respectively. The Resolution was moved to the Full Board with a positive recommendation with no objections.

Item #12: The Resolution was sponsored and seconded by Supervisors Strevy and Jonker, respectively. The Resolution was moved to the Finance Committee with a positive recommendation, contingent on Treasurer Shawn Bowerman providing the correct accounts for the Resolution.

Item #13: The Resolution was sponsored and seconded by Supervisors Strevy and Thayer, respectively. The Resolution was moved to the Finance with a positive recommendation, providing that Treasurer Bowerman will double-check the figures and account numbers.

Item #14, Other: Chairman Thomas stated that the Town of Glen recently passed a Resolution supporting local training for volunteer firefighters. He stated that training is now available through BOCES.

Emergency Management Director Gary Nestle stated that Montgomery County has been chosen to be the pilot program for the training. He stated that the state will take a couple of years to get the pilot up and running (a two-year program, with graduates receiving a certificate for "Fire Fighter 1").

A draft Resolution supporting the concept was sponsored and seconded by Supervisors Barone and Strevy, respectively, and moved to the Full Board with a positive recommendation. There were no objections.

Motion was made and seconded by Supervisors Barone and Strevy, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:39 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:10 PM, May 6, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 7:40 PM.

Roll call indicated Committee members present included Supervisors DiMezza, Dybas, McMahon, Strevy and Thomas. Absent was Supervisor Walters.

Additionally present were Supervisors Paton, Thayer, Barone and Jonker. Absent were Supervisors Quackenbush, Stagliano and Baia.

Items on the agenda, at this time, are as follows:

1. Presentation - Marilyn Smith - Cornell Cooperative Extension - Mid-Year Update - Montgomery County Ag/Economic Development Project
2. Presentation - Elizabeth Marks - Hudson Mohawk RC&D
3. Resolution Authorizing Chairman to Sign Agreement - One-Year Plan Modification - FMS Workforce Development Board
4. Discussion Regarding Boundary Revision - Florida Business Park
5. Discussion Regarding Montgomery County Occupancy Tax Advisory Board
6. Other

Item #1: Ms. Smith introduced Crystal Stewart, Horticulture and Agriculture Extension Educator. She stated that what's new is a series of round-table discussions with farmers regarding marketing, insurance, food safety and processing, funding by a grant written in-house.

Julianne Clouthier, Ag. Economic Development Program Assistant, spoke about the upcoming newly designed project website, aimed to attract new farmers and producers.

Other projects in the works are fall festivals. Supervisor Thomas was thanked for his support on various projects. She also stated that RC&D will be working with the extension office.

Supervisor McMahon stated that a local moratorium has been placed on subdivisions, due to the increase in sales of farms for subdivisions and other non-farming projects.

Item #2: Coordinator Ms. Marks and Corey Nellis (District Manager of MCSWCD) spoke regarding several projects, including the dry hydrant program, ISO ratings and the livestock processing center (which are all environmental conservation or economic development programs in nature). Ms. Marks disseminated the "Hudson Mohawk RC&D 2007 Annual Report" to all present Supervisors and spoke about the history of the Hudson Mohawk RC&D.

Supervisor Jonker spoke in support of RC&D working with Cornell Cooperative.

Item #3: Supervisors Strevy and Jonker made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #4: Economic Development Director Ken Rose stated that this discussion is regarding the water tank parcel which the County owns, and disseminated a map of the parcel to all present Supervisors. He stated that the truck traffic needs an increase in their turning radius.

He stated that said parcel must be transferred first to the IDA then to the town of Florida, for which a Resolution would be needed. He stated he will prepare a Resolution for the Full Board meeting, transferring the parcel. There were no objections from the present Supervisors.

Supervisors Strevy and Dybas made a motion and seconded, respectively, to sponsored the draft Resolution and move it to the full Board with a positive recommendation. There were no objections.

(Clerk's note: Mr. Rose will submit the Resolution to the Board of Supervisor's office.)

Item #5: Chairman Johnson stated that OTAB would like to dissolve. OTAB's recommendation is for the County to hire an in-house Tourism Director, to be under the direction of Ken Rose's office.

Chairman Greco stated that the tourism experts are the Chamber, not the Economic Development Department and he supports creating a Tourism Director position within the Montgomery County Chamber of Commerce.

Supervisors Greco and Dybas made a motion and seconded, respectively, to sponsor a draft Resolution dissolving the OTAB Board.

Art Adams, owner of the Hazelnut B&B and member of OTAB, stated that OTAB collects the Occupancy Tax 4% fee and advises the dissemination of said fees.

Ron Hezel, who owns the Inn by the Mill B&B and is also a member of OTAB, stated that the B&B business is in trouble due to the addition of 12% tax (8% + 4%) and the decline of overnight travelers.

He stated that OTAB feels that the Chamber's audience is the day-traveler, not overnight travelers. He also stated that a new "hospitality tax" (to be collected from restaurants, liquor stores, etc.) could offset the 4% occupancy tax. He asked for a moratorium on the 4% tax.

Chairman Greco stated that the moratorium should be discussed separately at a later time.

Supervisor Strevy left Chamber at 8:28 PM.

Deb Auspemyer, President of the MC Chamber of Commerce, stated that the Chamber is pro-active in the overnight-stay market and they are willing to work on marketing with the local B&B industry.

Supervisor DiMezza stated that an exit off the thru-way in St. Johnsville would greatly benefit the slumping B&B industry in general.

Supervisor Dybas asked that Treasurer Bowerman provide the figures on what how much of the 4% B&Bs have contributed in 2006 & 2007 verses other lodging facilities. Treasurer Bowerman stated that he will get those figures together as soon as possible.

County Attorney Doug Landon stated that the OTAB was created by an old Local Law. He said a Resolution would be needed to set a date for a public hearing to amend the existing Local Law, thereby dissolving OTAB.

The draft Resolution (scheduling a Public Hearing to amending the existing Local Law, hereby dissolving OTAB but not the 4% tax) was moved to the full Board with a positive recommendation. There were no objections.

(Clerk's Note: After the meeting, Attorney Landon stated to me that the public hearing could be held June 24 at 6:55 PM in Chamber. The Resolution will read as such, and can be amended if needed at the May 27 Full Board meeting. Chairman Johnson did not object.)

Item #6: There were no other discussion items.

Supervisors Dybas and DiMezza made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 8:37 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
7:00 PM, May 13, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Bai a, Dybas, Jonker, Paton, Strevy and Thomas.

Additional Supervisors present were Quackenbush, Thayer, Greco, Stagliano, Di Mezza and Walters. Absent were Supervisors McMahon and Johnson.

Items on the agenda, at this time, are as follows:

1. Resolution Amending 2008 - Operating Budget - Senior Clerk Typist (Social Services)
2. Resolution Authorizing Chairman to Sign Grant Agreement and Amend 2008 Operating Budget - Long Term Care Point of Entry Program (Social Services)
3. Resolution Authorizing Chairman to Sign Grant Agreement and Amending 2008 Operating Budget - Food Stamp Bonus Award (Social Services)
4. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Thomas and Di Mezza, respectively. Social Services Commissioner William Cranker clarified the line transfer Resolution.

The Resolution was moved to the Full Board with a positive recommendation with no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Dybas and Strevy, respectively, and moved to the Full Board with a positive recommendation with no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Barone and Bai a, respectively, and moved to the Full Board with a positive recommendation with no objections.

Item #4: Add-on RESOLUTION AMENDING 2008 OPERATING BUDGET - LEGISLATIVE INITIATIVE GRANT AWARD - YOUTH DAY (YOUTH BUREAU/ACSD).

The Resolution was sponsored and seconded by Supervisors Thomas and Dybas, respectively, and moved to the Full Board with a positive recommendation with no objections.

Motion was made and seconded by Supervisors Dybas and Thomas, respectively, to adjourn the Committee meeting.

Chairman Barone adjourned the Health & Human Services Committee meeting at 7:04 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:05 PM, May 13, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:05 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy, Stagliano and Thayer.

Additional Supervisors present were Jonker, Greco, Barone, Thomas, Baia and DiMezza. Absent were Supervisors McMahon and Johnson.

Items on the agenda, at this time, are as follows:

1. Resolution Approving 2008 Capital Projects - Parking Lot Construction and Lighting and Amending 2008 Operating Budget (Public Works)
2. Resolution Authorizing the NYS Department of Transportation to Utilize Certain County Roads as Detours
3. Resolution Authorizing Chairman to Sign Agreement - Office Space - Fulmont Community Action Agency, Inc. (Board of Supervisors)
4. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Thayer and Quackenbush, respectively.

DPW Commissioner Paul Clayburn clarified the new construction Resolution.

When queried by Supervisor Strevy, Commissioner Clayburn stated that the sale of the scrap metal should off-set the cost of this project. Treasurer Shawn Bowerman stated that the revenue will be added to the Fund Balance, where the funds for the parking lot will come from.

The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Strevy and Quackenbush, respectively.

Supervisor Dybas stated that the County needs assurance that the conditions of the roads post-detour will be the same as prior to the detour.

Commissioner Clayburn stated that he will voice this concern to the state.

The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Dybas and Quackenbush, respectively, and moved to the Full Board with a positive recommendation. There were no objections.

Item #4, Other: New MOSA Board member John Mattas introduced himself and stated that he would like to meet with the members of the Board individually or as a group to discuss what direction the Board should take.

He also stated that he visited the Amsterdam Transfer Station and was asked to leave from the scale house. He said a memo had been received from Glen Packer stating that he wasn't allowed in the scale house or on the property. He feels this is in conflict with the state's Public Utility Law, which allows reasonable public access.

Olga Podmajersky stated that currently there isn't a "Policies and Procedures" manual for visitors to MOSA sites.

Chairman Greco stated that, according to the law as confirmed by County Attorney Doug Landon, there are no restrictions to visiting the site in a safe manner, and the memo should be disregarded.

Supervisor Thomas stated that Board members should have a Montgomery County ID badge, or some other ID badge. Chairman Greco stated that MOSA should issue those badges.

Item #5, Other: Chairman Walters stated that he is presenting a draft "RESOLUTION ESTABLISHING

POSITION FOR SOLID WASTE COORDINATOR/SPECIALIST - AND AMENDING 2008 OPERATING BUDGET (PUBLIC WORKS)". He stated that this coordinator would be available to attend all MOSA Board meetings.

Chairman Greco stated that we need to move this Resolution forward as soon as possible, but a job description is needed before advertising for the position.

The Resolution was sponsored and seconded by Supervisors Walters and Stagliano, respectively.

Chairman Walters stated that this Coordinator/Specialist would help the Board of Supervisors sort out all the major issues with MOSA (i.e. GAT shortage), including the lack of cohesive direction from the Board of Supervisors. He also stated that he knew someone who could do well in the position.

Supervisor Strevy asked Attorney Landon that if the Coordinator/Specialist finds that Montgomery County garbage isn't going where it's supposed to, what legal action can the County take? (Clerk's note: The question wasn't answered.)

Supervisor DiMezza spoke in support of the Resolution and setting aside money for 2014, in case the Transfer Stations need to be purchased.

Pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor Walters to enter into Executive Session to discuss matters leading to the employment of a certain person. There was no second.

Supervisor Walters stated that the salary range would be \$55,000 - \$65,000.

Supervisor Stagliano stated that it is not logical to set a salary without having a job description.

He stated that the County need someone diligently watching MOSA and double-checking all issues that come up, watching out for the County's interest.

Supervisor DiMezza and Stagliano exited Chamber at 7:40 PM.

Chairman Walters outlined a potential job description.

Supervisor Dybas stated that the County doesn't need to spend money needlessly on this position.

Supervisors Dybas and Jonker exited Chamber at 7:42 PM.

Chairman Greco stated that the shortfall will cost approximately \$800,000 this year.

Chairman Walters stated that he can provide a job description and salary recommendation to the Personnel Committee next week.

The Resolution moved to the Personnel Committee with a positive recommendation. There were no objections.

Supervisors Strevy and Baia exited Chamber at 7:47 PM.

Mr. Mattas stated that he hopes the Board will become cohesive in their search for answers to the MOSA problems.

Motion was made and seconded by Supervisors Quackenbush and Thayer, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 7:49 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:00 PM, May 20, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present were Supervisors Barone, Johnson, McMahon and Thomas. Absent were Supervisors Quackenbush and Walters.

Additional Supervisors present were Supervisors Greco, Paton, Strevy, Stagliano, Dybas, Thayer, Jonker and Baia.

Items on the agenda, at this time, are as follows:

1. Resolution Establishing Position - Solid Waste Coordinator/Specialist - and Amending 2008 Operating Budget (Public Works)
2. Other

Item #1: This Resolution was previously sponsored and seconded by Supervisors Walters and Stagliano, respectively.

Supervisor Barone stated that this position should be "at the pleasure of the Board".

Supervisor Stagliano withdrew his second on the Resolution. Supervisor Johnson added her second.

Supervisor Dybas explained a multi-page handout (including Resolution 247 of 2007, Resolution 248 of 2003, among others) which summarized the history of how much money the County has spent on research so far on MOSA. He recommends each city, town and village fend for themselves, unless a landfill somewhere is forthcoming.

Supervisor McMahon made a motion to table the Resolution, Supervisor Barone seconded. Roll call made the vote unanimous among present Committee members.

Item #2, Other: Chairman DiMezza stated that FMCC Board Member Bonnie Cook's term is expiring. She represents Montgomery County. It was suggested to contact the "runner up" to see if he'd like to serve.

FMCC President Dustin Swanger stated the term is for seven years, and the Board of Trustees is looking for someone with legal expertise, such as an attorney.

Supervisor Dybas spoke against using an attorney outside of in-house counsel, which could hinder the function of the Trustee Board.

Supervisor McMahon stated that the new Board member should be someone chosen by the Board of Supervisors.

Supervisors McMahon and Barone made the motion and seconded, respectively, to sponsor a draft Resolution appointing an unnamed member to the FMCC Board. There were no objections to moving the draft Resolution to the full Board with a positive recommendation.

Supervisors Dybas and Barone made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 7:12 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:05 PM, May 20, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the Finance Committee meeting commencing at 7:16 PM in Chairman Quackenbush's stead.

Roll call indicated Committee members present are Supervisors Johnson, Dybas, Bai a, Barone, Di Mezza and McMahon.

Additional Supervisors present were Strevy, Thayer, Stagliano, Jonker, Thomas and Paton. Absent was Supervisor Walters.

Items on the agenda, at this time, are as follows:

1. Discussion Regarding 2007 Annual Update Document
2. Resolution Approving Hospitality Grant Award and Transferring Funds - Occupancy Tax Reserve
3. Resolution Authorizing Chairman to Sign Grant Agreement - 2007-2008 Centralized Property Tax Administration Program - County Tax Collection Information Initiative (Treasurer)
4. Resolution Authorizing Distribution of Request for Proposals - Consulting Services - County Tax Collection Information Initiative (Treasurer)
5. Resolution Authorizing Chairman to Sign Change Order Agreements (FMCC)
6. Resolution Authorizing Chairman to Sign Agreement - Option and Land Lease Agreement - Verizon Wireless (FMCC)
7. Resolution Authorizing Chairman to Sign Grant Agreement - NYS DCJS - Illegal Drug Trafficking Prevention Program (District Attorney)
8. Resolution Amending 2008 Operating Budget - State Aid Appropriations and Various Grants (District Attorney)
9. Resolution Authorizing Salary Increase - Assistant Public Defender - Family Court/IDV Court (Public Defender)
10. Resolution Crediting 2006 Town and County Tax Rolls - Various Parcels (Real Property)
11. Resolution Authorizing Chairman to Sign Agreement - Consultant Services - County Assessing Initiative Award (Real Property)
12. Resolution Modifying Policy for Compliance with GASB 33 - Revenue Recognition (Treasurer)
13. Resolution Accepting Bids - 2008 Auction (Treasurer)
14. Resolution Authorizing Solicitation of Proposals - General Liability and Other Pertinent Insurance Coverage (Purchasing)
15. Discussion Regarding Revolving Loan Fund Application-Miller Printing and Litho
16. Discussion Regarding Revolving Loan Fund Application-Northeast Home Industries
17. Resolution Authorizing Chairman to Sign Agreement - Amsterdam-Florida-Glen Empire Zone (Economic Development)
18. Resolution Authorizing Chairman to Sign Agreement - MVEDD (Economic Development)
19. Resolution consenting to the PILOT agreement with Hero Group, Inc.
20. Other

Item #1 (AUD): Supervisor Dybas stated that an add-on RESOLUTION ESTABLISHING POLICY AND GUIDELINES FOR UNAPPROPRIATED/UNRESERVED FUND BALANCES (which Supervisor Dybas sponsors) addresses one of the problems with this issue. He clarified the Resolution, stating that this will put a changeable methodology in place.

Chairman Greco stated that he has met with Treasurer Shawn Bowerman and they are supporting and promoting what they did last year (giving back of \$3.5M).

Supervisor DiMezza outlined how a Fund Balance (Fund Equity number) figure is calculated. He stated that revenues and assessed values aren't increasing, and asked where the money for infrastructure improvement projects should come from. He stated that giving back \$3.5M per year is fine if revenue increases to offset.

Supervisor Strevy stated that he doesn't believe the County can raise revenue money without cutting appropriations, and the growth and cost of government must be controlled. He said that the County hasn't felt the financial boon of the loss of the Meadows.

Supervisor Stagliano exited Chamber at 7:25 PM.

Supervisor Dybas outlined the audit figures that have been reported to the Comptroller's office going back to 2003, stating that the revenue has increased yearly. He asked why we are accumulating money and overcharging tax payers. He stated that we need to get a handle on how we budget and the flow of cash.

Supervisor Barone stated that the County should also be addressing the escalating gasoline prices by writing letters to appropriate legislatures.

Treasurer Bowerman stated that \$15.758M is the unappropriated Fund Balance, when queried by Supervisor DiMezza.

Treasurer Bowerman stated that the interest rates are down, also, when queried by Supervisor Jonker.

Supervisor Strevy stated that there is more than one way to give the people back the Fund Balance.

Supervisor Dybas stated that outstanding bond issues are at 5.63%. Retiring the bond issue would free up money in the tax base. He said this is also an attractive time to start borrowing money and it's time for the Board to seriously look at long-range planning.

(Clerk's note: The add-on Resolution will be formerly entertained under "Other".)

Item #2 (HOSPITALITY GRANT): Supervisors Barone and Johnson made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation without objection.

Item #3 (CENTRALIZED TAX): Supervisors Dybas and Barone made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor McMahon spoke against centralizing tax collection.

Treasurer Bowerman clarified the Resolution, stating that the state has already given the County the \$25,000 for the study.

The Resolution was moved to the full Board with a positive recommendation. Supervisor McMahon objected.

Item #4 (RFP - TAX COLLECTION): Supervisors Baia and Barone made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. Supervisor McMahon objected.

Item #5 (CHANGE ORDER): Supervisors Jonker and Baia had previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation without objection.

Item #6 (VERIZON): Supervisors Dybas and Strevy made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation without objection.

Item #7 (DRUG TRAFFICKING): Supervisors Strevy and Jonker had previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation without objection.

Item #8 (DA GRANTS): Supervisors Strevy and Thayer had previously made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. Supervisor Dybas objected.

Item #9 (ASST DA SALARY): Supervisors Barone and Jonker made a motion and seconded, respectively,

to sponsor the Resolution.

Supervisor Dybas asked that language be included in the Resolution stating that if the County receives the revenue, then the \$15,000 is payable. If the money is not received, it isn't payable to the Assistant DA.

Attorney Doug Landon stated that he will draft the language to that effect to amend the Resolution prior to the Full Board meeting.

The Resolution was moved to the full Board with a no recommendation. Supervisor DiMezza objected, stating the \$15,000 should be paid anyway because of the increase of workload.

Item #10 (TAX ROLLS): Supervisors Jonker and Johnson made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation without objection.

Item #11 (COUNTY ASSESSING): Supervisors Baia and Dybas made a motion and seconded, respectively, to sponsor the Resolution.

Several Supervisors stated their amazement at the range of bids.

Real Property Tax Director Flo Stanton stated that the County has received \$25,000 grant to offset the cost of the study. She said that she is comfortable going with the lowest bid.

The Resolution was moved to the full Board with a positive recommendation. Supervisor McMahon opposed the idea of using frivolous grant money.

Item #12 (GASB 33): Supervisors Strevy and Dybas made a motion and seconded, respectively, to sponsor the Resolution.

Treasurer Bowerman clarified the Resolution.

The Resolution was moved to the full Board with a positive recommendation without objection.

Item #13 (AUCTION): Supervisors McMahon and Strevy made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. Supervisor Dybas abstained because of the missing auction information, which will be supplied at the Full Board meeting by Treasurer Bowerman.

Item #14 (INSURANCE RFP): Supervisors Barone and Dybas made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor Dybas asked Purchasing Agent Scott Surento to provide the County's current coverage information to the Board as back-up information when the RFPs start coming in, for comparison purposes. There were no objections.

The Resolution was moved to the full Board with a positive recommendation without objection.

Item #15 (formerly item #17, EMPIRE ZONE): Supervisors Strevy and Johnson made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation without objection.

Item #16 (formerly item #18, MVEDD): Supervisors Dybas and Johnson made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation without objection.

Item #17 (formerly item #19, HERO GROUP): Supervisors Johnson and McMahon made a motion and seconded, respectively, to sponsor the Resolution.

Attorney Joe Scott, when queried by Supervisor Dybas, stated that the structure and use of the Local Law has addressed the concerns raised early on, but from a business standpoint, nothing has changed.

The Resolution was moved to the full Board with a positive recommendation without objection.

Item #18 (Formerly item #20, Other), UNAPPROPRIATED/UNRESERVED FUND: Supervisors Dybas and Strevy made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor DiMezza stated that this item should be addressed at budget time. Supervisor McMahon agreed.

The Resolution did not move out of Committee upon roll call.

Item #19 (EXCESS FUND): Supervisors Baia and Dybas made a motion and seconded, respectively, to sponsor the Resolution. The Resolution did not move out of Committee upon roll call.

Item #20, Other (formerly item #15, MILLER PRINTING): Supervisors Strevy and Barone made a motion

and seconded, respectively, to sponsor the add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVOLVING LOAN FUND AGREEMENT - MILLER PRINTING & LITHO, INC. (ECONOMIC DEVELOPMENT AND PLANNING). The Resolution, clarified by Economic Development and Planning Director Ken Rose, was moved to the full Board with a positive recommendation without objection.

Item #21, Other (formerly item #16, NORTHEAST HOME INDUSTRIES): Supervisors Barone and Johnson made a motion and seconded, respectively, to sponsor the add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVOLVING LOAN FUND AGREEMENT - NORTHEAST HOME INDUSTRIES, INC. (ECONOMIC DEVELOPMENT AND PLANNING). The Resolution, clarified by Director Rose, was moved to the full Board with a positive recommendation without objection.

Supervisors Dybas and DiMezza made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:25 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, May 27, 2008

CALL TO ORDER

Chairman Vi to Greco called the Regular Meeting of the Montgomery County Board of Supervisors for May 27, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor Thayer led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, Johnson, Greco, Paton, McMahon, Strevy, Dybas, Thayer, Barone, Thomas, Jonker, Baia and DiMezza were present. Supervisors Walters and Stagliano were absent.

Supervisor Walters entered Chamber at 7:02 PM.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if anyone wished to speak.

William Grzyb from Ft. Johnson spoke about taxation in the County, expressing his displeasure, and reiterating what he's stated in previous full Board meetings.

Supervisor DiMezza stated that Mr. Grzyb has said the same thing over and over and should wrap up his comments.

Supervisor Barone stated that Mr. Grzyb's concerns should be addressed by County Treasurer Shawn Bowerman.

Treasurer Bowerman stated that the Treasurer's office door is always open, and there is no money being hidden from the public. He said that the AUD could be difficult to read and understand by a layperson.

Supervisor McMahon stated that Public Comment time is the appropriate time for anyone from the public to speak their mind on how they think the County is being run.

There were no other speakers.

Chairman Greco adjourned Public Comment at 7:10 PM.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (April 22 - May 20, 2008) Supervisor Quackenbush, seconded by Supervisor Thayer, passed with Aye(1772). Supervisor Stagliano was absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Dybas, seconded by Supervisor Quackenbush, passed with Aye(1772). Supervisor Stagliano was absent.

UNFINISHED BUSINESS

NEW BUSINESS

A. Resolutions

B. Other

**RESOLUTION NO. 158 of 2008****DATED:** May 27, 2008**RESOLUTION APPOINTING TRUSTEE - FULTON MONTGOMERY COMMUNITY COLLEGE BOARD OF TRUSTEES**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, there is currently a vacancy on the Fulton-Montgomery Community College Board of Trustees of an unexpired term through June 30, 2011,

RESOLVED, that \_\_\_\_\_ is hereby appointed to the Fulton-Montgomery Community College Board of Trustees to fill an unexpired term through June 30, 2011.

MOTION TO AMEND by Supervisor McMahon, seconded by Supervisor Barone, Sr. to strike the RESOLVED clause and insert in its place the following:

RESOLVED, that Michael Pepe is hereby appointed to the Fulton-Montgomery Community College Board of Trustees to fill a full term from July 1, 2008 through June 30, 2015.

, passed with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 159 of 2008****DATED:** May 27, 2008**\*\*See Appendix for Resolution Attachment\*\*****RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - OPTION AND LAND LEASE AGREEMENT - CELLCO PARTNERSHIP/VERIZON WIRELESS (FMCC)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Strevy

WHEREAS, it has been recommended that Fulton and Montgomery Counties, along with Fulton-Montgomery Community College, enter into an option and land lease agreement for the placement of cellular phone equipment on lands owned by said Counties at the Fulton-Montgomery Community College campus, and

WHEREAS, said agreement would be mutually beneficial as it will greatly enhance cell phone coverage on the FMCC campus thereby reducing safety concerns for lack of coverage,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an option and land lease agreement with Celco Partnership, d/b/a Verizon Wireless as outlined in the agreement attached hereto, and

FURTHER RESOLVED, that the following resolution is contingent upon a similar resolution passed by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 160 of 2008****DATED:** May 27, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDERS - VARIOUS CONTRACTORS - FMCC CLASSROOM BUILDING RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Bai a

WHEREAS, by Resolution 63 of 2008, various contracts were authorized for the Classroom Building Renovation - Phase I - Mechanical System upgrade Project at FMCC, and

WHEREAS, it has been recommended by the engineer that changes orders be executed for necessary items that were not in the original scope of work for these various contractors on said Project,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County

Attorney, is hereby authorized and directed to sign change orders as follows:

Dutch Valley General Contracting, Inc.

Original Contract Amount	\$205,700
Change Order #1	\$ 4,565
	<u>\$210,265</u>

Four Strong Builders

Original Contract Amount	\$243,000
Change Order #1	\$ 14,500
	<u>\$257,500</u>

Flex Electrical

Original Contract Amount	\$150,000
Change Order #1	\$ 4,722
	<u>\$254,722</u>

WJV

Original Contract Amount	\$860,479
Change Order #1	\$ 10,321
	<u>\$870,800</u>

, and

FURTHER RESOLVED, that said change orders shall have no additional cost to the County as they are to be paid for from contingency funds for said project, previously appropriated, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 161 of 2008**

**DATED:** May 27, 2008

**RESOLUTION REJECTING PROPOSALS FOR CLASSROOM BUILDING RENOVATION PROJECT - PHASE II DESIGN AND DELETING PROJECT FROM THE 2008 CAPITAL PLAN (FMCC)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Bai a

WHEREAS, the 2008 Capital Plan identified a Classroom Building Renovation project - Phase II design project in anticipation of completing construction of said project in 2009, and

WHEREAS, Resolution 58 of 2008 authorized the distribution of a Request for Proposals for engineering design work for the FMCC Classroom Building Renovation Project - Phase II and five (5) proposals were received, and

WHEREAS, the State of New York has cancelled capital project funding allocations for FMCC during the 2008-2009 state fiscal year, and

WHEREAS, the Finance Committee recommends postponing any consideration of said project until State funding is available,

RESOLVED, that the Montgomery County Board of Supervisors hereby rejects all proposals received for engineering design work for the FMCC Classroom Building Renovation Project - Phase II, and

FURTHER RESOLVED, that the 2008 Capital Plan be and hereby is amended to delete said engineering/design project (estimated at \$200,000), and

FURTHER RESOLVED, that given the implication of cancellation of 2008-2009 capital funding by the State, that Montgomery County shall work with Fulton County and FMCC to re-evaluate all planning for FMCC capital projects, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the

Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 162 of 2008**

**DATED:** May 27, 2008

**RESOLUTION ENDORSING COMPLETION OF CERTAIN CRITICAL MAINTENANCE PROJECTS AT FULTON-MONTGOMERY COMMUNITY COLLEGE AND AUTHORIZING FMCC TO APPLY FOR SUNY FUNDING (FMCC)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Dybas

WHEREAS, the State Legislature did not include capital funding for State University of New York (SUNY) projects on community college campuses in the 2008-2009 State Fiscal Budget, and

WHEREAS, SUNY did receive funding that may be made available to community colleges to support "critical maintenance projects", and

WHEREAS, as a result of said legislative action, FMCC and its sponsoring Counties must re-evaluate plans for capital projects on the campus in context of the College's Master Plan, and

WHEREAS, FMCC officials have prepared a list of critical maintenance projects that it recommends be competed as priorities, and

WHEREAS, as part of said re-evaluation the Finance Committee has recommended postponing all work on the Classroom Building Renovation - Phase II Project, originally scheduled during 2008 and 2009, and considering other critical maintenance projects that are necessary to maintain FMCC facilities,

RESOLVED, that the Montgomery County Board of Supervisors hereby endorses the following list of critical maintenance projects for completion at FMCC and hereby authorizes the College Board of Trustees to submit the appropriate application to SUNY administration to obtain the state share for the projects:

Library and Annex Building Mechanical Repairs	\$250,000
Classroom Building Mechanical /Roof Repairs	\$520,000
College Union Mechanical Repairs	\$200,000
Physical Education Mechanical Repairs	\$100,000

, and

FURTHER RESOLVED, that once State approvals for said critical maintenance projects are obtained, the projects shall be submitted to the Finance Committee for review within Montgomery County's budget/capital plan process, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 163 of 2008**

**DATED:** May 27, 2008

**RESOLUTION APPROVING HOSPITALITY GRANT AWARD AND TRANSFERRING FUNDS - OCCUPANCY TAX RESERVE**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Johnson

WHEREAS, Resolution 123 of 2005 approved the guidelines for the Hospitality Grant Program, and

WHEREAS, the Occupancy Tax Advisory Board has received an application for funding through this grant program from the Fort Plain Museum for "Holding Down the Fort",

RESOLVED, the Occupancy Tax Advisory Board has recommended the funding of this event in the amount of \$3,000.00 for the Fort Plain Museum.

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follow:

INCREASE:

A 511                                      Appropriated Reserve – Occupancy Tax      \$3,000.00

INCREASE:

A-06-4-1325-00-4579      County Contribution:      Tourism                                      \$3,000.00

RESOLUTION ADOPTED with Aye(1772).      Supervisor Stagliano was absent.      (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor Dybas stated that the text of the law must be reworked in Resolution 164.

County Attorney Landon stated that the text must be edited prior to setting the Public Hearing date, so the Resolution should be tabled. There were no objections.

**RESOLUTION NO. 164 of 2008**

**DATED:** May 27, 2008

RESOLUTION ESTABLISHING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW A - A LOCAL LAW WHICH RESCINDS LOCAL LAW #2 OF 2005 & AMENDS LOCAL LAW #2 OF 1990 - LOCAL LAWS WHICH CREATED & SET GUIDELINES FOR THE MONTGOMERY COUNTY OCCUPANCY TAX & ITS ADVISORY BOARD

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. A of 2008, "A Local Law Which Rescinds Local Law #2 OF 2005 and Amends Local Law #2 OF 1990 - Local Laws Which Created and Set Guidelines for the Montgomery County Occupancy Tax and its Advisory Board".

RESOLVED, that Introductory Local Law A of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration following the holding of a public hearing as follows:

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

Local Law #2 of 2005 is hereby rescinded, and

FURTHER RESOLVED, that Local Law #2 of 1990 is hereby amended as follows:

Section 1: Purpose - shall now read:

The general purpose of this local law is to authorized a hotel or motel occupancy tax in Montgomery County. This local law has been authorized by enabling legislation of an amendment to the Tax Law of the State of New York which added a new Section 1202 - K. The State Legislature and the Governor enacted such legislation into law during the 1990 Legislative Session and further amended said law during the 2003 Legislative Session.

Section 2: Justification - shall now read:

This local law provides for the imposition of a hotel/motel occupancy tax ("bed tax") in the County not to exceed four percent. Such a tax will be charged to persons occupying any facility providing lodging on an overnight basis, including hotels, motels, bed and breakfast inns and tourist facilities. The bed tax is not applicable to "permanent residents", which are those individuals occupying any room or rooms for at least 30 consecutive days.

Section 3. Definitions - shall remain the same.

Section 4: Rate - shall now read:

The rate of such tax shall not exceed four (4) percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

Section 5: Tax Collection and Administration - shall remain the same.

Section 6: Advisory Board - shall be deleted in its entirety.

Section 7: Saving Clause - shall be renamed - Section 6: Saving Clause

Section 8: Effective Date - shall be renamed - Section 7: Effective date

, and

FURTHER RESOLVED, that said public hearing shall be held June 24, 2008 at 6:55 p.m., in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

MOTION TO TABLE by Supervisor Barone, Sr., seconded by Supervisor Dybas, passed with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 165 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVOLVING LOAN FUND AGREEMENT - NORTHEAST HOME INDUSTRIES, INC (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Johnson

WHEREAS, Montgomery County administers an Economic Development Program for the purpose of creating and retaining jobs, and

WHEREAS, the Montgomery County Industrial Development Agency (MCIDA) has reviewed and recommended approval of a business loan application from Northeast Home Industries, Inc, and

WHEREAS, said applicant has requested a loan from the Economic Development Program for the purposes of purchasing inventory and the purpose of working capital, and

WHEREAS, said applicant has agreed to retain 7 full time employees and create an additional 12 full time employees over the next three years in conjunction with receiving said loan,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement, and any other legal documents necessary to process an economic development loan, in a principal amount not to exceed \$125,000 to Northeast Home Industries, Inc., and

FURTHER RESOLVED, that the proceeds shall come from Montgomery County's Program Income Account, and

FURTHER RESOLVED, that said loan shall be payable in not more than 60 equal monthly installments, with interest rate of prime minus three (at the time of closing), and

FURTHER RESOLVED, that, at the time of closing, a sum of \$1,500 shall be deducted, to allow for closing fees for the County Attorney.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 166 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVOLVING LOAN FUND AGREEMENT - MILLER PRINTING & LITHO, INC. (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

WHEREAS, Montgomery County administers an Economic Development Program for the purpose of creating and retaining jobs, and

WHEREAS, the Montgomery County Industrial Development Agency (MCIDA) has

reviewed and recommended approval of a business loan application from Miller Printing & Litho, Inc., and

WHEREAS, said applicant has requested a loan from the Economic Development Program for the purpose of purchasing equipment, and

WHEREAS, said applicant has agreed to retain 12 full time employees and create 4 new full time employees over the next three years in conjunction with receiving said loan,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement, and any other legal documents necessary to process an economic development loan, in a principal amount not to exceed \$100,000 to Miller Printing & Litho, Inc., and

FURTHER RESOLVED, that the proceeds shall come from Montgomery County's Program Income Account, and

FURTHER RESOLVED, that said loan shall be payable in not more than 60 equal monthly installments, with interest rate of prime minus three (at the time of closing), and

FURTHER RESOLVED, that, at the time of closing, a sum of \$1,500 shall be deducted, to allow for closing fees for the County Attorney.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 167 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN OF BOARD OF SUPERVISORS TO SIGN DOCUMENTS - TRANSFER OF PROPERTY- FLORIDA BUSINESS PARK WATER TANK PARCEL**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Dybas

WHEREAS, Montgomery County owns a parcel of land in the Florida Business Park identified as 54-1-34.2, and

WHEREAS, in order to facilitate the development of the access road to the Hero Group, Inc. project in the business park, it is necessary to widen the existing access road, and

WHEREAS, the widening of said road will require allocating approximately .18 acres of this parcel to the new road right-of-way,

RESOLVED, that Parcel 54-1-34.2 is hereby re-delineated in accordance with the attached subdivision map, and

FURTHER RESOLVED, that following review and approval by County Attorney, that the Chairman of the Board of Supervisors is hereby authorized to sign any and all documents associated with the property transfer to the Montgomery County Industrial Development Agency to be used for the new public road.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 168 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING AND CONSENTING TO THE EXECUTION OF A PAYMENT IN LIEU OF TAX ASSIGNMENT AGREEMENT RELATING TO THE HERO GROUP INC. PROJECT**

Resolution by Supervisor: Johnson

Seconded by Supervisor: McMahon

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

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "Enabling Act") and Chapter 666 of the 1970 Laws of New York, as amended, constituting Section 895-d of said General Municipal Law (said Chapter and the Enabling Act being

hereinafter collectively referred to as the "Act"), the Board of Supervisors of Montgomery County, New York (the "Board of Supervisors") has heretofore appointed the Chairman and members of Montgomery County Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, the Agency is in the process of undertaking a project (the "Project") for the benefit of Hero Group Inc. (the "Company"), which Project consists of the following: (A) (1) the acquisition of an interest in an approximately 140.6 acre parcel of land located in the Montgomery County Business Park in the Town of Florida, Montgomery County, New York and having a Tax Map No. 54-1-34.1 (the "Land"), (2) the construction on the Land of multiple buildings to contain in the aggregate approximately 635,000 square feet of space (collectively, the "Facility"), and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company as a facility for the manufacture, packaging and sale of baby food, and any other directly or indirectly related food products and activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company; and

WHEREAS, the Town of Florida (the "Town"), The Greater Amsterdam School District (the "School District") and Montgomery County (the "County") (the Town, the School District and the County being sometimes collectively referred to as the "Taxing Entities") constitute all of the "affected tax jurisdictions" (within the meaning ascribed to such term in Section 854(16) of the Act) with respect to the Project Facility; and

WHEREAS, to effectuate a real property tax exemption with respect to the Project Facility by reason of the involvement of the Agency with the Project, (A) the Company and the Agency will execute and deliver a payment in lieu of tax agreement (the "Payment in Lieu of Tax Agreement") by and between the Company and the Agency, and consented to by the County, the Town and the School District, pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility to the Agency, on behalf of the County, and (B) the Agency will file with the appropriate assessor or assessors having jurisdiction over the Project Facility (each, an "Assessor") and mail to the chief executive officer of each of the Taxing Entities a copy of a New York State Board of Real Property Services Form RP 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (a "Real Property Tax Exemption Form") relating to the Project Facility and the Payment in Lieu of Tax Agreement; and

WHEREAS, the Payment in Lieu of Tax Agreement will provide for the payment and distribution of moneys (the "PILOT Payments") as described in Schedule A attached; and

WHEREAS, as described in Schedule A attached, a portion of the PILOT Payments paid by the Company (the "State Grant Increment") will be distributed by the Agency on behalf of the County to the New York Empire State Development Corporation, or its designee (hereinafter referred to as the "State") in accordance with the terms of a grant agreement (the "Grant Agreement") by and among the Agency, the Company and the State; and

WHEREAS, the Grant Agreement will provide that the State, upon the receipt of the State Grant Increment, will grant the State Grant Increment to the Company in the form of a working capital grant so as to assist the Company in undertaking the Project; and

WHEREAS, Section 858(15) of the Act provides that, unless otherwise agreed in writing by the "affected tax jurisdictions" (within the meaning ascribed to such term in Section 854(16) of the Act), all payments in lieu of taxes payable under the Payment in Lieu of Tax Agreement must be allocated among the "affected tax jurisdictions" in the same proportions to the amount of real property tax and other taxes which would have been received by each "affected tax jurisdiction" had the Project Facility not been tax exempt due to the status of the Agency; and

WHEREAS, in consideration of the undertaking of the Project, the Town and the School District have agreed by resolution to the payment and allocation of the PILOT Payments, including the distribution of the State Grant Increment, in accordance with the terms contained in Schedule A attached; and

WHEREAS, by Local Law No. 3 of the Year 2008 adopted by the County on April 22, 2008 (the "Local Law"), the County has been authorized to appropriate funds of the County (including but not limited to funds derived by the County from payment in lieu of tax agreements entered into by the Agency) for the purpose of making, and shall have the power to make, advances, loans, gifts, grants, subsidies or contributions to the Agency or the State for, among other things, constructing, reconstructing, altering, improving or otherwise assisting various facilities located within the corporate limits of the County in connection with any project undertaken by the Agency to create, improve or expand job or business opportunities or job or business training, or both, for persons within the corporate limits of the County as to whom such opportunities or training are lacking or inadequate; and



WHEREAS, the State has assembled an economic development package for the Company in order to induce the Company to undertake the Project in Montgomery County and the provision of the State Grant Increment pursuant to the Grant Agreement is a crucial component of the package that the State has assembled, and the Agency expects that the Project will create, improve or expand job or business opportunities or job or business training, or both, for persons within the corporate limits of Montgomery County as to whom such opportunities or training are lacking or inadequate; and

WHEREAS, in consideration of the undertaking of the Project, the County desires to provide for the allocation of the PILOT Payments, including the distribution of the State Grant Increment, as described in Schedule A attached; and

WHEREAS, a draft of the proposed Payment in Lieu of Tax Agreement has been presented for consideration by the County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Montgomery County, as follows:

Section 1. The Board of Supervisors of Montgomery County, New York hereby approves the terms and conditions of the Payment in Lieu of Tax Agreement, including but not limited to the (a) allocation of the PILOT Payments, including the distribution of the State Grant Increment, as described in Schedule A attached, and (b) assigning to the Agency all of the right, title and interest of the County in and to the State Grant Increment payments, including both the County's portion thereof and any interest of the County in the portions of the Town and the School District.

Section 2. The Chairman of the Board of Supervisors of the County is hereby authorized, on behalf of the County, to execute and deliver the Payment in Lieu of Tax Agreement, any assignment documents relating to the Payment in Lieu of Tax Agreement and the other documents and certificates related thereto (collectively, the "PILOT Documents"), (a) said Payment in Lieu of Tax Agreement to be in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the officer of the County executing same shall approve, the execution thereof by such officer to constitute conclusive evidence of such approval, and (b) the remainder of said PILOT Documents to be in such form as is approved by the County Attorney.

Section 3. The officers, employees and agents of the County are hereby authorized and directed for and in the name and on behalf of the County to do all acts and things required or provided for by the applicable provisions of the Act in order to ensure compliance with such provisions as they relate to the execution and delivery of the PILOT Agreement, and to execute and deliver all such additional certificates, instruments and documents, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution.

Section 4. This resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1636). Supervisor Dybas abstained. Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 169 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MVEDD (ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Johnson

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with the Mohawk Valley Economic Development District for provision of business development and economic improvement services, at a cost not to exceed \$10,000 for the period commencing on January 1, 2008, and ending on December 31, 2008.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 170 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - EMPIRE ZONE ADMINISTRATIVE SERVICES (ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Johnson

WHEREAS, the Amsterdam-Florida-Glen Empire Zone Administrative Board is the designated authority to oversee administration of the Empire Zone, and

WHEREAS, the County of Montgomery reaffirms its commitment to revive and stimulate the local economy through the Zone, and

WHEREAS, New York State will match local contributions,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with the Amsterdam-Florida-Glen Empire Zone Administrative Board, and

FURTHER RESOLVED, that said agreement commencing on July 1, 2008 and ending on June 30, 2009, shall provide for a total annual payment of \$10,000 to the City Controller.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 171 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - ONE-YEAR PLAN MODIFICATION - FMS WORKFORCE DEVELOPMENT BOARD**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Jonker

WHEREAS, Under the Workforce Investment Act of 1998, the Fulton, Montgomery, and Schoharie Counties Workforce Development Board, Inc. is responsible for developing, integrating and coordinating a workforce development system for the three counties that meets the needs of business, provides career opportunities for workers, and assures meaningful education and employment opportunities for youth, and

WHEREAS, In accordance with WIA law, the FMS WDB is now required to develop and implement a One-Year Plan Modification to extend the current plan to now cover the period July 1, 2005 – June 30, 2009, and

WHEREAS, The Plan Modification will allow FMS the opportunity to re-evaluate their current system's delivery of employment and training services in light of funding considerations, new initiatives and performance, and

WHEREAS, The FMS WDB has accepted comments on this One-Year Plan Modification and now requires the signatures of the participating Counties to implement said modifications,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign the One-Year Plan Modification as presented by the Fulton-Montgomery-Schoharie Workforce Development Board, and

FURTHER RESOLVED, said plan shall modify the current local plan and also extend it through June 30, 2009.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 172 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MONITORING OF SEX OFFENDERS COMPUTER USAGE - INTERNET PROBATION AND PAROLE CONTROL, INC. (PROBATION)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Thayer

WHEREAS, the Montgomery County Probation Dept. is responsible for the supervision of convicted sex offenders in the community

WHEREAS, monitoring the actions of these sex offenders is an important part of that supervision

WHEREAS, sex offenders frequently use computers to access pornography as well as make contact with potential victims of future abuses

WHEREAS, Internet Probation and Parole, Inc. provides a software product designed to monitor offender computer usage on a constant basis to ensure that access to various sites on the internet is appropriate

WHEREAS, this product is available to the Montgomery County Probation Department via the signing of an agreement with Internet Probation and Parole Control, Inc.

WHEREAS, the cost of this product to Montgomery County is \$25.00 per month and that cost will be passed on to the offender per order of the sentencing court resulting in no actual cost to Montgomery County

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with Internet Probation and Parole, Inc. at a cost not to exceed \$25.00 per month, and

FURTHER RESOLVED, that said costs shall be paid by those offenders required to be monitored, and

FURTHER RESOLVED, that said agreement shall be for a period commencing on June 1, 2008 and ending on December 31, 2008.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 173 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING SALARY INCREASE - ASSISTANT PUBLIC DEFENDER - FAMILY COURT/IDV COURT (PUBLIC DEFENDER)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, the Public Defender has received funds from New York State for assistance with indigent defense in an amount greater than was estimated in the County's 2008 Operating Budget, and

WHEREAS, the Public Defender has recommended that said additional funding be utilized to provide for a salary increase for the Assistant Public Defender of Family Court whose workload has significantly increased due to additional responsibilities of Integrated Domestic Violence Court,

RESOLVED, that the annual base salary of the Assistant Public Defender covering Family Court and Integrated Domestic Violence Court is hereby established at \$55,289, effective May 12, 2008, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

INCREASE REVENUE:		
A-28-3-3025	Indigent Legal Services	\$15,000

INCREASE APPROPRIATIONS:		
A-28-4-1170-00-1120(1240)	Asst Public Defender	\$15,000

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor Jonker to strike the RESOLVED clause and insert in it's place:

"RESOLVED, that the annual base salary of the Assistant Public Defender covering Family Court and Integrated Domestic Violence Court is hereby established at \$55,289, effective May 12, 2008 through December 31, 2008, after which it will return to its present level, and

FURTHER RESOLVED, that continuation of the increased salary level beyond December 31, 2008 shall be contingent upon confirmation of continued state funding of same and upon further action of the Board of Supervisors, and"

, passed with Aye(1706). Supervisor Thayer abstained. Supervisor Stagliano was absent. (5/27/2008)

MOTION TO AMEND by Supervisor Di Mezza, seconded by Supervisor Baia as follows:

to strike in the RESOLVED clause "\$55,289" and insert "\$50,289" and

to strike in the second FURTHER RESOLVED clause "\$15,000" and "\$15,000" and insert "\$10,000" and "\$10,000"

, passed with Aye(1706). Supervisor Thayer abstained. Supervisor Stagliano was absent.  
(5/27/2008)

RESOLUTION ADOPTED with Aye(1706). Supervisor Thayer abstained. Supervisor Stagliano was absent.  
(5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 174 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - STATE AID APPROPRIATIONS AND VARIOUS GRANTS (DISTRICT ATTORNEY)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Thayer

WHEREAS, the District Attorney's Office was awarded various State Aid appropriations and grants for a total amount of \$49,273 and

WHEREAS, said revenue was estimated and included in the Adopted 2008 Operating Budget in the account A-25-3-3089 - State Aid Other for a total of \$44,478 (a shortfall of \$4,795), and

WHEREAS, a portion of said appropriations to be utilized by the drug task force were also inadvertently not included in the Adopted 2008 Operating Budget Appropriations, and

WHEREAS, a budget amendment is necessary to provide for said additional revenue and lack of appropriations,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2007 Operating Budget, as follows:

**INCREASE REVENUE:**

A-25-3-3089	State Aid	\$ 4,795
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**Increase Appropriations**

A-25-4-1165-00-4522	D.A. / Law Enforcement Program	\$ 4,795
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**TRANSFER FROM:**

A-01-4-1990-00-4400	Contingent Account	\$24,500
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**TRANSFER TO:**

A-25-4-1165-00-4522	D.A. / Law Enforcement Program	\$24,500
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RESOLUTION ADOPTED with Aye(1636). Supervisor Dybas voted Nay. Supervisor Stagliano was absent.  
(5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 175 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS DCJS - ILLEGAL DRUG TRAFFICKING PREVENTION PROGRAM (DISTRICT ATTORNEY)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Jonker

WHEREAS, the District Attorney has been advised that Montgomery County has been awarded monies to

be utilized for an Illegal Drug Trafficking Prevention Program, and

WHEREAS, said monies are from a Bureau of Justice Grant from the NYS Division of Criminal Justice Services to be used for police overtime expenses incurred by drug task force and pay a portion of an assistant district attorney salary,

RESOLVED, that the Montgomery County Board of Supervisors hereby authorizes acceptance of a \$38,500.00 Grant from the NYS Division of Criminal Justice Services to be utilized for an Illegal Drug Trafficking Prevention Program, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval of the County Attorney, hereby is authorized and directed to sign agreements accepting said Grants.

RESOLUTION ADOPTED with Aye(1636). Supervisor Dybas abstained. Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 176 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN VARIOUS AGREEMENTS - FACILITIES FOR EMERGENCY USE (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Strevy

WHEREAS, it is necessary to enter into agreements with a number of facilities for use of their freezers/coolers, sanitary facilities, cafeteria and/or social rooms in order to prepare for any type of disaster that may occur that would effect the residents of Montgomery County,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign agreements and memorandums of understanding with various facilities within and close to Montgomery County for use of their facilities in the event of a disaster.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 177 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - NYS DOS LEGISLATIVE GRANT (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Board of Supervisors authorized acceptance of a legislative grant through the NYS Department of State in 2006, and

WHEREAS, said funds were appropriated in the 2007 Operating Budget and the unexpended balance should be carried forward in the 2008 Operating Budget,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

A-02-3-3960-00	State Aid – Emerg Disaster Assistance	\$8,106.49
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**INCREASE APPROPRIATIONS:**

A-02-4-3640-00	Emergency Management	
.4449	Special Supplies & Materials	\$8,106.49

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon

Kimberly Sanborn

County Attorney

Clerk, Board of Supervisors

**RESOLUTION NO. 178 of 2008****DATED:** May 27, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - CITIZEN CORPS GRANT (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Thayer

WHEREAS, by Resolution 186 of 2007, the Board accepted a grant from the NYS Emergency Management Office for a Citizen Corps Grant in the amount of \$70,552.00, and

WHEREAS, said funds were appropriated in the 2007 Operating Budget and the unexpended balance should be carried forward in the 2008 Operating Budget,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

A-02-3-3960-00	State Aid – Emerg Disaster Assistance	\$37,453.51
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**INCREASE APPROPRIATIONS:**

A-02-4-3640-00	Emergency Management	
	.4455 Training	\$37,453.51

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 179 of 2008****DATED:** May 27, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - NYS OFFICE OF HOMELAND SECURITY (SHSP) GRANT (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Board of Supervisors authorized acceptance of a legislative grant thru the NYS Office of Homeland Security in 2006, and

WHEREAS, said funds were appropriated in the 2007 Operating Budget and the unexpended balance should be carried forward in the 2008 Operating Budget,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

A-02-3-3960-00	State Aid – Emerg Disaster Assistance	\$20,277.30
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**INCREASE APPROPRIATIONS:**

A-02-4-3640-00	Emergency Management	
	.2250 Technical Equipment	\$12,000.30
	.4455 Training	\$ 8,277.00

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 180 of 2008****DATED:** May 27, 2008**\*\*See Appendix for Resolution Attachment\*\*****RESOLUTION ADOPTING A REVISED RISK MANAGEMENT PLAN**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, by resolution of the Board of Supervisors adopted a Risk Management Plan and created the position of Safety Officer to carry out such policy, and

WHEREAS, at the recommendation of the Safety Officer, NYMIR - the County's Insurance Carrier and Mang - the County's Insurance broker, it is necessary to revise said plan to provide better efficiency and communication throughout the County,

RESOLVED, that the Montgomery County Board of Supervisors hereby adopts the Risk Management Plan for the County of Montgomery as attached hereto and made part of this resolution.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 181 of 2008**

**DATED:** May 27, 2008

**RESOLUTION CREATING THE MONTGOMERY COUNTY SAFETY AND SECURITY COMMITTEE**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, it is necessary to establish a Safety and Security Committee in Montgomery County to comply with the County's Risk Management Plan, and

WHEREAS, the purpose of the Safety and Security Committee is to collaboratively discuss and communicate relevant safety issues and solutions; as well as update department heads on specific safety deliverables. Pertinent training and education, regarding safety related topics, may be offered to attendees, and

WHEREAS, said Committee will work with members on the Risk Management Committee to obtain tools and support to reach desired outcomes and be responsible for assuring compliance with all applicable codes, rules, and regulations, along with providing follow through of corrective measures.

RESOLVED, that the Safety and Security Committee of Montgomery County is hereby established and shall be comprised of all Department Heads and/or their designated representatives, and

FURTHER RESOLVED, that said Committee shall be chaired by the Safety Officer, who is responsible for all safety and loss control issues impacting each department, and

FURTHER RESOLVED, that the Safety Officer shall provide action reports to the appropriate committee of jurisdiction and the Board of Supervisors regarding committee outcomes.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 182 of 2008**

**DATED:** May 27, 2008

**\*\*See Appendix for Resolution Attachment\*\***

**RESOLUTION ADOPTING REVISED RULES OF PROCEDURE OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, it is necessary to incorporate the Safety Officer in the committee structure of the Montgomery County Board of Supervisors' Rules of Procedure,

RESOLVED, that the revised Rules of Procedure, attached hereto, hereby are adopted by the Montgomery County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 183 of 2008****DATED:** May 27, 2008**RESOLUTION AUTHORIZING SAFETY OFFICER TO IMPLEMENT PROGRAMS COUNTY-WIDE TO REMAIN IN COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, the County has adopted a Risk Management Plan which incorporates the Safety Officer into the County of Montgomery's operations at all levels to help control exposure and risk and reduce loss, and

RESOLVED, that the Safety Officer is hereby authorized and directed to implement programs County-wide to remain in compliance Federal, State and Local Laws and all applicable codes, rules and regulations to control exposure and risk and reduce loss.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors**RESOLUTION NO. 184 of 2008****DATED:** May 27, 2008**RESOLUTION SUPPORTING TRAINING FOR VOLUNTEER FIREFIGHTERS OF MONTGOMERY COUNTY**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the Emergency Management Director/Fire Coordinator has recommended that Montgomery County volunteer firefighters receive local training that is now available through BOCES, and

WHEREAS, the State of New York is currently putting together a pilot program for said training which will be a two-year program with graduates receiving a certificate of completion,

RESOLVED, the Montgomery County Board of Supervisors is aware of and concerned with the low number of trained firefighters throughout Montgomery County and hereby supports and endorses a potential pilot training program offered through the local BOCES to train volunteer firefighters in a certificate program.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 185, Supervisor Dybas stated that he would like to see the money transferred into an account specifically for the Building 6 project. Treasurer Bowerman stated that he can set that up and make the necessary changes. There were no objections.

(Clerk's note: No official amendment was made to the Resolution.)

**RESOLUTION NO. 185 of 2008****DATED:** May 27, 2008**RESOLUTION APPROVING 2008 CAPITAL PROJECTS - PARKING LOT CONSTRUCTION AND LIGHTING AND AMENDING 2008 OPERATING BUDGET (PUBLIC WORKS)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Quackenbush

WHEREAS, the Commissioner of Public Works has recommended constructing an additional parking lot for Building 6 and added lighting;

RESOLVED, that the Board of Supervisors hereby approves the construction of a new parking lot and added lighting as a 2008 Capital Project, at a cost not to exceed \$32,000.00;

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:



A-599 Fund Balance \$32,000

TRANSFER TO:

A-06-4-9900-00-9950 Transfer to Capital Projects \$32,000

Parking Lot Construction and Lighting

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 186 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING THE NYS DEPARTMENT OF TRANSPORTATION TO UTILIZE CERTAIN COUNTY ROADS AS DETOURS**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Quackenbush

WHEREAS, the New York State Department of Transportation proposes to replace the State Route 10 Bridge over Canajoharie Creek, approximately 7/10 mile north of the State Route 10 and County Route 88 (West Ames Road) intersection. The contract will utilize an Incentive/Disincentive Special Note limiting the contractor to sixty eight (68) days of State Route 10 being closed to through traffic.

WHEREAS, in conformance with Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize the following roads as a detour during the period of construction. From State Route 10 to County Route 88 (West Ames Road) to State Route 163 to State Route 10 and return.

WHEREAS, the New York State Department of Transportation will provide traffic control devices and repairs when necessary to the above mentioned roads to make them adequate to handle additional detour traffic. The State Route 163 and County Route 88 (West Ames Road) intersection will be reconstructed prior to activation of the detour as part of the bridge replacement project. The existing County Route 88 will be returned to the county in the same condition as it was prior to activation of the detour.

RESOLVED, that the Montgomery County Board of Supervisors does hereby authorize the New York State Department of Transportation to utilize the above mentioned road as a detour during the period of construction.

RESOLVED, that Montgomery County will continue to provide routine maintenance on the above mentioned road, including snow and ice control.

RESOLVED, that the Clerk of the Board is hereby directed to transmit five (5) certified copies of this resolution to the New York State Department of Transportation.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 187 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - OFFICE SPACE - FULMONT COMMUNITY ACTION AGENCY, INC. (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Quackenbush

WHEREAS, Montgomery County currently provides in-kind services to Fulmont Community Action Agency, Inc by providing office space in County buildings for said agency's services, and

WHEREAS, the current five-year agreement for office space has expired on March 31, 2008 and Fulmont wishes to renew said agreement for another five-year period,

RESOLVED, that the Chairman of the Board, upon review and approval of the County Attorney, is hereby authorized and directed to sign a five-year in-kind service agreement with Fulmont Community Action Agency, Inc. for office space needs within the County Buildings, and

FURTHER RESOLVED, that said agreement shall be for the period April 1, 2008 through December 31, 2013.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 188 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - SR. CLERK TYPIST (SOCIAL SERVICES)**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Di Mezza

WHEREAS, the Commissioner of Social Services has recommended a change in title for a position that exists in the 2008 budget,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**TRANSFER FROM:**

**APPROPRIATION:**

A-18-4-6010-00.1110	(688)	Senior Account Clerk Typist	\$29,181.00
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**TRANSFER TO:**

**APPROPRIATION:**

A-18-4-6010-00.1110	(468)	Senior Clerk Typist	\$29,181.00
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RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 189 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AND AMENDING 2008 OPERATING BUDGET - LONG TERM CARE POINT OF ENTRY PROGRAM (SOCIAL SERVICES)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Strevy

WHEREAS, the Commissioner of Social Services has received notification of \$52,000 funding allocated for Year Two Long Term Care Point of Entry Program for the period October 1, 2007 - September 30, 2008, and

WHEREAS, Montgomery County Department of Social Services and Montgomery County Office for the Aging were designated as co-lead agencies for this program,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign appropriate documents related to the contracting of services with Montgomery County Office for the Aging for their part of the program in the amount not to exceed \$26,000, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-18-3-3610-00	State Aid DSS Admin.	\$ 52,000
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**INCREASE APPROPRIATIONS:**

A-18-4-6010-00.2220	DSS Admin. - Office Equipment	\$ 3,000
A-18-4-6010-00.2259	Computer Equipment	7,950
A-18-4-6010-00.4407	Office Equipment	1,100

A-18-4-6010-00. 4408	Office Supplies	1,195
A-18-4-6010-00. 4409	Office Furniture	2,355
A-18-4-6010-00. 4438	Misc. Supporting Services	26,000
A-18-4-6010-00. 4452	Printing/Copying	2,000
A-18-4-6010-00. 4459	Computer Software	5,900
A-18-4-6010-00. 4471	Mileage Allocation	500
A-18-4-6010-00. 4491	Legal Notice & Advertising	2,000

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 190 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AND AMENDING 2008 OPERATING BUDGET - FOOD STAMP BONUS AWARD (SOCIAL SERVICES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, the Commissioner of Social Services has received notification of \$25,000 funding allocated for performance bonus for payment accuracy improvements in the food stamp program, and

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign appropriate documents related to the contracting of services with Fulmont Community Action Agency, Inc. for outreach services in the amount not to exceed \$1,400, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-18-3-4611-00	Federal Aid – Food Stamp Program	\$25,000
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**INCREASE APPROPRIATION:**

A-18-4-6010-00. 2220	DSS Admin. – Office Equipment	\$ 3,000
A-18-4-6010-00. 2259	Computer Equipment	11,425
A-18-4-6010-00. 4407	Office Equipment	2,100
A-18-4-6010-00. 4408	Office Supplies	1,000
A-18-4-6010-00. 4409	Office Furniture	5,775
A-18-4-6010-00. 4438	Misc. Supporting Services	1,400
A-18-4-6010-00. 4459	Computer Software	300

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 191 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - LEGISLATIVE INITIATIVE GRANT AWARD - YOUTH DAY (YOUTH BUREAU/ACSD)**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Dybas

WHEREAS, the Youth Bureau/Alternative Community Services Department has received a legislative initiative grant award from Assemblyman George Amedore, and

WHEREAS, the grant award is in the amount of \$5,000 and is earmarked to be used towards the 2008 Montgomery County Youth Day event, in celebration of the Youth Bureau's 30 years of service to Montgomery County,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follow:

**ADD & INCREASE REVENUE:**

A-21-3-3889 State Aid Other Culture and Recreation \$5,000.00

INCREASE APPROPRIATIONS:

A-21-4-7310-00-4559 Outreach Programs \$5,000.00

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 192 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - 2007-2008 CENTRALIZED PROPERTY TAX ADMINISTRATION PROGRAM - COUNTY TAX COLLECTION INFORMATION INITIATIVE (TREASURER)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Barone, Sr.

WHEREAS, Montgomery County has received an award from the NYS Office of Real Property in the amount of \$25,000 to be utilized for the preparation of a study to implement a centralized county-level database for tax collection information, and

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a grant agreement with NYS Office of Real Property for \$25,000 to be utilized for said purpose, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

Increase Revenue:

A-06-3-3089 State Aid, Other \$25,000

Increase Appropriation:

A-06-4-1325-00-4438 Misc. Supporting Services \$25,000

RESOLUTION ADOPTED with Aye(1411). Supervisors McMahon, Walters, Strevy and Thayer voted Nay. Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 193 of 2008**

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS - CONSULTING SERVICES - COUNTY TAX COLLECTION INFORMATION INITIATIVE (TREASURER)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Barone, Sr.

WHEREAS, Resolution 192 of 2008 authorized the acceptance of a grant award from the NYS Office of Real Property in the amount of \$25,000 to be utilized for a study to implement a centralized county-level database for tax collection information, and

WHEREAS, the County Treasurer has recommended that the County seek proposals from consultants for said services,

RESOLVED, that the Purchasing Agent, in cooperation with the County Treasurer, is hereby authorized and directed to solicit proposals for consultant services to study a centralized county-level database for tax collection information.

RESOLUTION ADOPTED with Aye(1411). Supervisors McMahon, Walters, Strevy and Thayer voted Nay. Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 194 of 2008****DATED:** May 27, 2008**RESOLUTION CREDITING 2006 TOWN AND COUNTY TAX ROLLS - VARIOUS PARCELS (REAL PROPERTY)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Johnson

WHEREAS, various property owners have filed Applications for Credit to the 2006 Tax Roll, pursuant to Section 556 of the Real Property Tax Law, with the Real Property Tax Director, alleging errors on the 2006 Tax Roll, and

WHEREAS, said Director has investigated and filed a report, pursuant to said statute, confirming existence of said,

RESOLVED, that the 2006 Tax Roll hereby is ordered corrected, as follows:

APPLICANT:	SBL:	CORRECTION:
Michael Battisti	5. -1-32.11	Apply agricultural land
149 Thumb Rd.	Town of St Johnsville	exemption of \$30,823
St. Johnsville, NY 13452		

, and

FURTHER RESOLVED, that the tax levying body hereby is authorized and directed to approve said applications by making notations on the original applications and duplicates, and by entering the correct extension of taxes, and

FURTHER RESOLVED, that said County Director also is authorized and directed to make an order setting forth the corrected taxes, and directing the officer having jurisdiction over tax roll to correct the rolls, and to affix the orders and approved applications to the tax rolls and the warrants, per Section 556 of the Real Property Tax Law, such annexed applications and warrants becoming a part of such tax rolls, and

FURTHER RESOLVED, that said County Director shall immediately submit, to the officers having jurisdiction over the tax roll, and above order, all approved applications, and

FURTHER RESOLVED, that said County Director shall mail Notices of Approval of Application to the applicants and the Chairman Board of Supervisors shall sign the refund/credit processed, and

FURTHER RESOLVED, that, provided the applications were filed pursuant to Paragraph 7A of Section 556 of the Real Property Tax Law, each applicant shall have eight days, from the date of the mailing of the Notice of Approval, to pay such corrected taxes, without interest, and

FURTHER RESOLVED, that the said officers having charge of the tax rolls hereby are ordered and directed to immediately collect corrected tax, and

FURTHER RESOLVED, that said Treasurer is directed to charge any taxes deleted from the current rolls, by this resolution, wherever appropriate, against the account of the respective property-taxing jurisdiction for inclusion in the next ensuing tax levy, and

FURTHER RESOLVED, that said Treasurer is directed to notify the appropriate districts, prior to May 1, 2009 of any relevy cancelled by this resolution and will be charged back on the ensuing tax roll.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 195 of 2008****DATED:** May 27, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CONSULTANT SERVICES - COUNTY ASSESSING INITIATIVE AWARD (REAL PROPERTY)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Dybas

WHEREAS, Resolution 148 of 2008 authorized the Purchasing Agent to solicit proposals for a study to implement a county assessing unit or a county coordinated assessment program.

WHEREAS, proposals have been received from vendors interested in providing said service,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign an agreement with MRS Consulting LLC for the provision of said services at a cost not to exceed \$4,900.

RESOLUTION ADOPTED with Aye(1411). Supervisors McMahon, Walters, Strevy and Thayer voted Nay. Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 196 of 2008**

**DATED:** May 27, 2008

**RESOLUTION MODIFYING POLICY FOR COMPLIANCE WITH GASB 33 - REVENUE RECOGNITION (TREASURER)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Dybas

WHEREAS, Resolution 96 of 2002 established a policy to comply with GASB 33 for the recognition of revenues to pay current liabilities, and

WHEREAS, a 60-day period subsequent to the end of the County's fiscal year was set for the recognition of revenues to pay current liabilities, and

WHEREAS, the County Treasurer has determined that an additional 30 day period for recognition of revenues would give a more accurate measure of revenues earned by departments in a fiscal year.

RESOLVED, that a 90-day period subsequent to the end of the County's fiscal year be used to recognize revenue available for current liabilities.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 197, Supervisor Johnson stated that she would like to amend the Resolution to accept the auction bids while excluding the bid for parcel #40. There were no objections.

**RESOLUTION NO. 197 of 2008**

**DATED:** May 27, 2008

**RESOLUTION ACCEPTING BIDS - 2008 AUCTION**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Strevy

WHEREAS, an open-bid auction of certain County-owned real property was held on Wednesday, May 21, 2008, and

WHEREAS, the respective successful bidders were as follows:

PARCEL#	DESCRIPTION	BID
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WHEREAS, Successful bids meet the terms and conditions of said auction and have been reviewed by the County Treasurer and by the County Attorney,

RESOLVED, that the County Treasurer hereby is authorized and directed to execute Quit Claim Deeds, for each of the aforementioned parcels, in the names of the successful bidders, and

FURTHER RESOLVED, that the County Treasurer is authorized and directed to notify each of the successful bidders that all additional monies for the accepted bid, and any outstanding monies that may be owed, shall be paid to the County Treasurer prior to conveying auction property, and

FURTHER RESOLVED, that failure to comply with the foregoing provisions shall result in non-compliance with the terms and conditions of the auction, forfeiture of the initial deposit and loss of property, and

FURTHER RESOLVED, that such non-compliance also shall result in notification to the recorded second bidder, to determine interest in said property.

MOTION TO AMEND by Supervisor Johnson, seconded by Supervisor Strevy to strike the second WHEREAS clause and insert the following in it's place:

"WHEREAS, the respective successful bidders were as follows:

BIDDER	PARCEL #	BID
Mohammad A. Azam	1	\$25,000.00
Norma J. Soodsma	2	\$27,500.00
Helen M. Blanchard	3	\$ 300.00
TG Property Investors, LLC	8	\$ 100.00
Vilma S. Reyes	10	\$ 1,000.00
TG Property Investors, LLC	12	\$ 850.00
David M. Hawker	14	\$13,000.00
Randy Masten	16	\$ 7,000.00
Syed K. Uddin	19	\$10,000.00
Mapletown Cemetery Association, Inc.	22	\$ 700.00
Donald A. Keller	23	\$ 50.00
Mary A. Foertsch	27	\$ 6,000.00
Robert G. Sawyer	28	\$ 7,000.00
Robert G. Sawyer	29	\$12,500.00
Owen Kiernan	31	\$24,000.00
James T. Hall	32	\$ 1,300.00
Samuel Lapi	33	\$ 100.00
Daniel L. Eaton	34	\$ 6,000.00
Daniel L. Eaton	36	\$ 7,000.00
Russell J. Hurteau	37	\$25,000.00
Neela U. Shukla	39	\$ 5,100.00
Darrell W. Moore	41	\$ 4,500.00
Peter Muratore	42	\$ 1,300.00
Syed K. Uddin	44	\$30,000.00
Margaret A. Crews	48	\$ 2,750.00
Ljoudmila Lelivskaia	52	\$ 200.00
Roland H. Vinyard	53	\$35,000.00
Shane C. Lathers	56	\$21,000.00
Robert Bertholde	57	\$14,000.00
MerrieAnne Paris	58	\$38,000.00
MerrieAnne Paris	61	\$41,000.00
Thomas B. Schrader	62	\$ 4,500.00
Audrey S. Fountain	63	\$ 5,500.00
Darrell W. Moore	64	\$ 1,700.00
Syed K. Uddin	69	\$ 4,000.00
Christopher J. Yacobucci	72	\$ 6,000.00
Bernadette C. Moxham	73	\$12,000.00
Josh W. Paden	75	\$ 200.00
Todd H. Rider	76	\$27,000.00
Richard P. Collins	77	\$12,500.00
Syed K. Uddin	78	\$18,000.00
George R. McDermott	79	\$10,000.00
Penny L. Wilson	80	\$11,000.00
Robert J. Bergen, Jr.	82	\$21,000.00
Daniel R. Smith	84	\$ 1,600.00
Roy L. Biechy	86	\$ 2,000.00

TOTAL \$506,050.00"

, passed with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor McMahon stated that he would like to discuss the details about a certain parcel with Attorney Landon. Attorney Landon stated that he will discuss those details out of meeting. Supervisor McMahon agreed.

**RESOLUTION NO.** 198 of 2008

**DATED:** May 27, 2008

**RESOLUTION AUTHORIZING SOLICITATION OF PROPOSALS - GENERAL LIABILITY AND OTHER PERTINENT INSURANCE COVERAGE (PURCHASING)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, it has been recommended that the County solicit proposals for provision of general

liability and other pertinent insurance coverage,

RESOLVED, that the Board of Supervisors authorizes the Purchasing Agent to solicit proposals for provision of general liability and other pertinent insurance coverage for the period from January 1, 2009 to December 31, 2009 with the option to renew for 2010 and 2011 in accordance with the County procurement policy, and

FURTHER RESOLVED, proposals from qualified insurance agencies will be received and reviewed by the Purchasing Agent.

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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#### SUPERVISORS COMMENT

Supervisor DiMezza stated that the public is receiving a lot of misinformation or incomplete information on the radio. He asked Supervisor Dybas to bring any accusations about how business is being conducted to the Board of Supervisors.

Supervisor Dybas stated that he accuses no one, and readily defends the Chairman and Treasurer, but that the Chairman needs to take appropriate action.

#### ADJOURNMENT

MOTION TO ADJOURN by Supervisor DiMezza, seconded by Supervisor Thomas, passed with Aye(1772). Supervisor Stagliano was absent.

Chairman Greco adjourned the meeting at 7:36 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:00 PM, June 3, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Barone, Jonker, Strevy and DiMezza. Absent were Supervisors Thayer and Quackenbush.

Additional Supervisors present were Johnson, Greco, Paton, McMahon, Dybas and Stagliano. Absent were Supervisors Baia and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - Davis Vision - Prescription Safety Glasses (Safety Officer)
2. Other

Item #1: The Resolution was clarified by Supervisor DiMezza and Safety Officer Richard Przestrzelski, who stated there are about fifty employees needing the prescription safety glasses, and said that a written policy will be forthcoming.

The Resolution was sponsored and seconded by Supervisors Barone and DiMezza, respectively.

Supervisor DiMezza stated that the glasses would be paid for out of prescription glasses fund.

The Resolution was moved to Personnel Committee with no objections.

Item #2, Other: Add-on RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY FIRE ADVISORY BOARD (EMERGENCY MANAGEMENT). The Resolution was sponsored and seconded by Supervisors Barone and DiMezza, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #3, Other: Add-on RESOLUTION AWARDING BID NO. 07-08 - DIGITAL RECORDING CAMERA SYSTEM - MONTGOMERY COUNTY PUBLIC SAFETY FACILITY (SHERIFF). The Resolution was sponsored and seconded by Supervisors Jonker and DiMezza, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #4, Other: Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - PURCHASE OF A VAN FOR THE JUVENILE COMMUNITY SERVICE PROGRAM (PROBATION). Probation Director Lucille Sitterly clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors Barone and Dybas, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #5, Other: Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - LEGISLATIVE GRANT AWARD - VEHICLE EQUIPMENT (SHERIFF). The Resolution was sponsored and seconded by Supervisors Johnson and Thomas, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #6, Other: Add-on RESOLUTION ADOPTING THE MONTGOMERY COUNTY MASS FATALITIES INCIDENT RESPONSE PLAN. Emergency Management Director Gary Nestle clarified the Resolution, stating that the plan is just a small part of the large Emergency Comprehensive Plan, which is being updated regularly by separate Resolutions (not necessary indicative of the same plan name).

The Resolution was sponsored and seconded by Supervisors Thomas and McMahon, respectively.

The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Item #7, Other: There were no other discussion items.

Motion was made and seconded by Supervisors Barone and Jonker, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:19 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:05 PM, June 3, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 7:20 PM.

Roll call indicated Committee members present included Supervisors DiMezza, Dybas, McMahon, Strevy and Thomas. Absent was Supervisor Walters.

Additionally present were Supervisors Paton, Greco, Stagliano, Barone and Jonker. Absent were Supervisors Quackenbush, Thayer and Baia.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing the Exemption of Matters of Local Concern from County Planning Review
2. Resolution Authorizing the Montgomery County Planning Board to Assist in the Preparation of a County Comprehensive Plan
3. Discussion Regarding Montgomery County Planning Board Vacancies
4. Discussion Regarding Montgomery County Occupancy Tax Advisory Board and Tabled Introductory Local Law A of 2008 - A Local Law which Rescinds Local Law #2 of 2005 & Amends Local Law #2 OF 1990 - Local Laws which Created & Set Guidelines for The Montgomery County Occupancy Tax & Its Advisory Board
5. Resolution Authorizing Chairman to Sign Agreement - Tourism Promotion Agency - Montgomery County Chamber of Commerce
6. Resolution Supporting Tourism Funding Application - Montgomery County Chamber of Commerce
7. Other

Item #1: County Planner Doug Greene clarified the Resolution. He stated that many requests for variances and other issues should be handled on a more local level. He disseminated to all present Supervisors an amendment to Schedule A in the Review Agreement.

Supervisors Strevy and Barone made a motion and seconded, respectively, to sponsor the Resolution.

Supervisor McMahon expressed his concern that some towns and villages may not have the planning resources locally, so they must fall back on County Planning for help.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Chairman Johnson stated that the revised Schedule A should replace the old Schedule A in the back-up documentation to the Resolution. There were no objections.

Item #2: Planner Greene clarified the Resolution and spoke in support of updating the Comprehensive Plan every five years. He stated that 32 counties in the state have County Comprehensive Plans, while seven local Comprehensive Plans exist within Montgomery County. He also spoke in support of creating a related Steering Committee.

Supervisors Strevy and Dybas made a motion and seconded, respectively, to sponsor and move the Resolution to the full Board with a positive recommendation. There were no objections.

Supervisor Dybas stated that MOSA could be an issue to be considered for the Plan.

Supervisor DiMezza suggested that the Steering Committee create a survey for County residents to discover what those residents are looking for in regards to their respective communities.

Supervisor Barone volunteered to be a member of the Steering Committee.

Item #3: Chairman Johnson stated that the Planning Board vacancies are for Palatine and the City of Amsterdam.

Supervisor Strevy suggested that the press could advertise for Board members.

Supervisor McMahon suggested contacting the respective Chambers of Commerce for potential members.

Item #4: Chairman Greco recommended that Resolution 164 remain tabled until the next Full Board meeting, where it can die when not taken off the table. He recommended creating a new Resolution with new text as amended.

Supervisors Greco and Dybas made a motion and seconded, respectively, to sponsor and move the draft Resolution to the full Board with a positive recommendation. There were no objections.

Item #5: Supervisors Greco and McMahon made a motion and seconded, respectively, to sponsor and move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #6: Supervisors DiMezza and Greco made a motion and seconded, respectively, to move the Resolution to the full Board with a positive recommendation. There were no objections.

Item #7, Other: Planner Greene introduced the new Assistant Planner Randy Siver. Mr. Siver announced the upcoming Hazard Mitigation Plan workshop on June 10th, to be held at 2PM and 7PM. He stated that the purpose of the workshop is to give municipalities advice. He asked that a representative from each municipality attend either the afternoon or evening meeting.

He also stated that the Culpability Assessment Worksheet that was disseminated to all Supervisors needs to be filled out and returned to Planning. He stated that some communities have provided partial assessment only.

Item #8, Other: Economic Development Director Ken Rose thanked the Board of Supervisors for their continued support in economic development in general and specifically the Beechnut project, and stated that there are several projects in the works for 2009.

Supervisors Thomas and Barone made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 8:03 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
SPECIAL MEETING  
6:55 PM, June 10, 2008

CALL TO ORDER

The Special Meeting of the Montgomery County Board of Supervisors for June 10, 2008 was called to order at 6:55 PM by Chairman Greco.

SALUTE TO THE FLAG

Supervisor Dybas led the salute to the flag.

ROLL CALL

Roll call indicated that Supervisors Quackenbush, Johnson, Greco, McMahon, Strevy, Dybas, Thayer, Barone, Walters, Thomas, Jonker and Bai a were present. Absent were Supervisors Paton, Stagliano and DiMezza.

Supervisor DiMezza entered Chamber at 6:58 PM.

Supervisor Stagliano entered Chamber at 7:07 PM.

Supervisor Paton entered Chamber at 7:12 PM.

STATEMENT OF PURPOSE OF MEETING

- A. RESOLUTION RECOMMENDING THE STATE LEGISLATURE PASS S. 7681/A. 11224 WHICH WOULD AMEND REAL PROPERTY TAX LAW TO INSTITUTE A RESIDENTIAL INVESTMENT EXEMPTION IN COUNTIES
- B. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT APPLICATION - JOB ACCESS AND REVERSE COMMUTE (JARC) GRANT (ECONOMIC DEVELOPMENT)
- C. Other

Supervisor McMahon stated that he opposes Resolution 199 by stating that it's not a good deal for small towns, and that home sales are slumping so Realtors will not be supporting renovations.

Supervisor Quackenbush asked for clarification on the clause "substantially renovated". No clarification in the back-up documentation could be found, but rather a statement stating that the assessor would have final authority on if a landowner would receive the break or not.

Supervisor Strevy stated that the legislation will spur new development but the language is too vague.

(Clerk's note: Supervisor DiMezza asked to Call the Question. The call to Question passed, but upon roll call, the Resolution vote failed.)

**RESOLUTION NO. 199 of 2008**

**DATED:** June 10, 2008

RESOLUTION RECOMMENDING THE STATE LEGISLATURE PASS S. 7681/A. 11224 WHICH WOULD AMEND REAL PROPERTY TAX LAW TO INSTITUTE A RESIDENTIAL INVESTMENT EXEMPTION IN COUNTIES

Resolution by Supervisor: Greco

Seconded by Supervisor: Bai a

WHEREAS, it is advantageous to all Property Taxpayers of Montgomery County to increase the tax base, and

WHEREAS, in an effort to spur new residential construction within Montgomery County to increase the tax base, the Board of Supervisors would like to entice homeowners of potential new residential construction to consider locating to Montgomery County by offering a declining Exemption Schedule on Real Property Tax for a period of 10 years, and

WHEREAS, similar Exemption Schedules have already been provided in NYS Real Property Tax Law for certain cities, towns, and school districts, and

WHEREAS, the Greater Amsterdam School District and the City of Amsterdam have already opted to utilize said exemptions and the County would like to follow suit,

WHEREAS, Resolution 126 of 2008 requested the New York State Legislature to enact such amendment to the NYS Real Property Tax Laws, and

WHEREAS, the NYS Legislature has drafted legislation (S.7681/A.11224) which would amend such sections of the NYS Real Property Tax Laws to provide for said real property tax reductions for owners of newly-constructed or substantially renovated residential real property,

RESOLVED, that the Montgomery County Board of Supervisors hereby supports and advocates for the passage of S.7681/A.11224 by the NYS Legislature.

MOTION TO CALL THE QUESTION by Supervisor DiMezza, seconded by Supervisor Walters, passed with Aye(1379). Supervisors McMahon, Strevy and Stagliano voted Nay. Supervisor Paton was absent. (6/10/2008)

RESOLUTION DEFEATED with Aye(771). Supervisors Greco, Johnson, Barone, Sr., Bai a and Di Mezza voted Aye. Supervisors Dybas and Paton abstained. (6/10/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 200 of 2008**

**DATED:** June 10, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT APPLICATION - JOB ACCESS AND REVERSE COMMUTE (JARC) GRANT (ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Dybas

WHEREAS, the New York State Department of Transportation (NYSDOT) has available funding for a Jobs Access Reverse Commute (JARC) grant program, which is intended to improve mobility and economic opportunity for New York State communities, and,

WHEREAS, the JARC program funding assists in improving mobility and economic opportunity for employees, low-income people, people with special needs and the elderly through the provision of new or expanded transportation services, and,

WHEREAS, Montgomery County is eligible to apply for a grant up the amount of \$150,000 with the local match for the JARC grant is \$15,000, and

WHEREAS, Montgomery County is committed to providing an efficient transportation system to all its citizens, and

WHEREAS, Montgomery County is currently funding over \$214,000 per year in providing transportation services for work programs, low-income, elderly and Medicaid populations to the Department of Social Services, and

WHEREAS, the awarding of this year's JARC grant would allow the Montgomery Area Express, "The MAX" to continue serving employees and residents and offset a portion of the Department of Social Services transportation costs,

RESOLVED, that upon review and approval by the County Attorney, the Chairman of the Board of Supervisors is hereby authorized and directed sign a application completed by the Montgomery County Department of Economic Development and Planning for a Job Access and Reverse Commute (JARC) Grant on behalf of the County.

RESOLUTION ADOPTED with Aye(1868). (6/10/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**ADJOURNMENT**

MOTION TO ADJOURN by Supervisor Dybas, seconded by Supervisor Thomas, passed with Aye(1868).

Chairman Greco adjourned the Special Meeting at 7:14 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
7:00 PM, June 10, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 7:15 PM.

Roll call indicated Committee members present included Supervisors Bai a, Dybas, Jonker, Paton, Strevy and Thomas.

Additional Supervisors present were Quackenbush, Johnson, McMahon, Thayer, Greco, Stagliano, DiMezza and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Awarding Bid No. 06-08 - Transportation Services -  
Preschool /EI Program (Public Health)
2. Presentation - Fraud Investigations - Social Services
3. Other

Item #1: Public Health Director Kim Conboy clarified the Resolution, stating the cost to the County (prior to reimbursement or state aid) would be between \$400,000 - \$600,000.

The Resolution was sponsored and seconded by Supervisors Barone and Jonker, respectively. It was moved to the Full Board with a positive recommendation with no objections.

Item #2: William Cranker stated that welfare fraud prosecutions have increased. Alberto Kercado is one of the contract investigators present at tonight's meeting.

Investigator Kercado stated that prosecutions are down because state regulations have changed, focusing more on the administrative remedies. He summarized the various investigative operations and the number of cases seen monthly. He stated that if a prosecution does occur, the guilty party is still eligible for local services under state and federal laws.

It was also stated that it's nearly impossible for an illegal alien to receive services legally.

Director Cranker stated that three out of the eight investigators are funded 100% federally.

Item #3: There were no other discussion items.

Motion was made and seconded by Supervisors Jonker and Thomas, respectively, to adjourn the Committee meeting.

Chairman Barone adjourned the Health & Human Services Committee meeting at 7:47 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:05 PM, June 10, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:48 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy, Stagliano and Thayer.

Additional Supervisors present were McMahon, Johnson, Jonker, Greco, Barone, Thomas, Bai a and Di Mezza.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Renewal Agreement for Provision of Data Processing Services - City of Amsterdam
2. Resolution Authorizing Chairman to Sign Renewal Agreement for Provision of Data Processing Services - City of Johnstown
3. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Quackenbush and Paton, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Quackenbush and Paton, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: There were no other discussion items.

Motion was made and seconded by Supervisors DiMezza and Dybas, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 7:49 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:00 PM, June 17, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present were Supervisors Quackenbush, Barone, Johnson, McMahon and Thomas. Absent was Supervisor Walters.

Additional Supervisors present were Supervisors Greco, Strevy, Stagliano, Dybas, Thayer, Jonker and Baia. Absent was Supervisor Paton.

Items on the agenda, at this time, are as follows:

1. Presentation - Montgomery County Health Insurance Trust
2. Presentation - CanaRx
3. Resolution Authorizing Chairman to Sign Agreement - Davis Vision - Prescription Safety Glasses (Safety Officer)
4. Other

Item #1 (formerly item #3, DAVIS VISION): Personnel Officer Rich Baia clarified the Resolution.

The Resolution, formerly sponsored by Supervisors Barone and DiMezza, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #2 (formerly item #1, TRUST): Representative Darren Moser gave a brief history of the cooperative Trust. He highlighted a document which outlines the County and Amsterdam savings as well as the summary savings report (for both) from the "Montgomery Meds Employee Program".

Supervisor Walters entered Chamber at 7:09 PM.

Chairman DiMezza stated that the Trust will be looking at the smaller municipalities (as well as the Collage) to possibly bring them into the Trust, which isn't necessary for Article 47 compliance.

Item #3 (formerly item #2, CANARX): Representative Mr. Collins disseminated an information packet on CanaRX (prescriptions by international mail), which includes a summary of savings.

Supervisor Paton entered Chamber at 7:15 PM.

Mr. Collins stated that in Schenectady County have created another tier within their prescription plan, which creates more money-saving opportunities.

Item #4, Other: There were no other discussion items.

Supervisors Barone and Thomas made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 7:19 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:10 PM, June 17, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:20 PM.

Roll call indicated Committee members present are Supervisors Johnson, Dybas, Baia, Barone, DiMezza and McMahon.

Additional Supervisors present were Strevy, Thayer, Stagliano, Walters, Jonker, Thomas and Paton.

Items on the agenda, at this time, are as follows:

1. Discussion Regarding Implementation of Fingerprinting and Background Checking DMV Employees who will Issue Enhanced Drivers Licenses (County Clerk)
2. Discussion Regarding Proposed State Legislation Regarding OTBs
3. Resolution Establishing Public Hearing - FMCC 2008-2009 Operating Budget
4. Resolution Authorizing Change Order No. 1 and Closeout of Contract - Stephen Miller General Contractors, Inc. - FMCC Electrical Vault Water Leak Remediation Project - 2007 Capital Projects (FMCC)
5. Discussion Regarding 2009 Critical Maintenance Projects at Fulton-Montgomery Community College
6. Resolution Approving the Issuance of Certain Bonds by Montgomery County Industrial Development Agency to Finance a Certain Manufacturing Facility Project for Fiber Glass Industries, Inc.
7. Resolution Authorizing Chairman to Sign Agreement - City of Amsterdam - Purchasing Services (Purchasing)
8. Resolution Establishing Public Hearing - Introductory Local Law C of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property Not Needed for a County Purpose (Town of Amsterdam)
9. Other

Chairman Quackenbush stated that he'd like to move the FMCC items to the top of the agenda due to an upcoming commitment elsewhere by President Dusty Swanger. There were no objections.

Item #1 (formerly item #9, Other): Chairman Quackenbush stated that the student who will be replacing student Megan Leonard on the College's Board of Trustees on July 1st cannot actually replace her until Sept. 1st, and that a draft Resolution stating such is needed.

A draft Resolution (extending Megan Leonard's Trustee position until August 31st), sponsored and seconded by Supervisors DiMezza and Baia, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #2 (formerly item #10, Other): Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - LEGISLATIVE GRANT - VAN PURCHASE (VETERAN'S SERVICE).

The Resolution, sponsored and seconded by Supervisors Barone and Baia, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #3 (PUBLIC HEARING - FMCC BUDGET): The Resolution, sponsored and seconded by Supervisors Dybas and Baia, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #4 (CHANGE ORDER): The Resolution, sponsored and seconded by Supervisors DiMezza and Barone, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #5 (CRITICAL MAINTAINANCE): FMCC President Swanger stated that there are several critical projects at the college and that the college is ready to seek proposals for an Engineer as soon as possible. He stated that some funding is available, but the County share will be around \$312,000.

A draft Resolution (to go for RFP for an Engineer), sponsored and seconded by Supervisors DiMezza and Baia, respectively, was moved to the full Board with a positive recommendation. There were no

objections.

(Clerk's note: Upon further discussion and review with the County Attorney, FMCC and Fulton County Planning, it was determined that the Resolution put forth by the Board will not be necessary at this time. The Resolution will not be needing to move to the Full Board.)

Item #6 (formerly item #1, FINGERPRINTING): County Clerk Helen Bartone clarified the new Licenses and the reason the issuing DMV employees need to be fingerprinted.

She said that the Sheriff will be billing DMV for the fingerprinting and background check services, and wondered if a special budget line item would be needed. She said the state will be reimbursing DMV one-time for the current employees to be fingerprinted, but will not be reimbursing for future DMV employees.

She also said that she was advised to sign a Memorandum of Agreement to satisfy union requirements.

Treasurer Shawn Bowerman said that if the state is reimbursing for the fingerprinting, payment to the Sheriff can come out of an existing line item in DMV budget. He said DMV will have to consider setting aside funds at budget time to pay for future fingerprinting needs.

Chairman DiMezza stated that an MOA will be drafted between the Union and Officer Baia and will come before the Full Board for the meeting next week.

Supervisors DiMezza and Baia made a motion and seconded, respectively, to sponsor a draft Resolution (MOA). The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

(Clerk's note: Upon further discussion and review with the County's Labor Attorney Bill Wallins and Personnel Officer Rich Baia, it was determined that the Resolution put forth by the Board will not be necessary at this time. The Resolution will not be needing to move to the Full Board.)

Item #7 (formerly item #2, OTB): Chairman Greco stated that he received a letter from OTB, asking for the county to support OTB initiatives.

A draft Resolution (supporting the OTB initiatives), sponsored and seconded by Supervisors Barone and Baia, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #8 (formerly item #6, MANUFACTURING): The Resolution, sponsored and seconded by Supervisors DiMezza and Johnson, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #9 (formerly item #7, PURCHASING): Supervisors Greco and Johnson made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Item #10, (formerly item #8, Local Law C): Supervisors Barone and Baia made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Supervisors Dybas and Baia made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 7:39 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, June 24, 2008

CALL TO ORDER

Chairman Vi to Greco called the Regular Meeting of the Montgomery County Board of Supervisors for June 24, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor Thayer led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, Johnson, Greco, McMahon, Strevy, Stagliano, Dybas, Thayer, Barone, Walters, Thomas, Jonker, Baia and DiMezza were present. Supervisor Paton was absent.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if anyone wished to speak.

William Grzyb from Ft. Johnson spoke about the financial situation in the County, stating that the AUD facts don't indicate that the County is refunding over-collected money back to the taxpayers.

There were no other speakers.

Chairman Greco adjourned Public Comment at 7:04 PM.

CHAIRMAN'S COMMENT

Chairman Greco stated that Supervisor Paton's surgery at Ellis Hospital today was successful, and he is recuperating as expected.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (May 27 - June 17, 2008) by Supervisor Barone, Sr., seconded by Supervisor McMahon, passed with Aye(1721). Supervisor Paton was absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1721). Supervisor Paton was absent.

UNFINISHED BUSINESS

The motion to move Resolution 164 from the table failed upon roll call.

**RESOLUTION NO. 164 of 2008**

**DATED:** May 27, 2008

RESOLUTION ESTABLISHING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW A - A LOCAL LAW WHICH RESCINDS LOCAL LAW #2 OF 2005 & AMENDS LOCAL LAW #2 OF 1990 - LOCAL LAWS WHICH CREATED & SET GUIDELINES FOR THE MONTGOMERY COUNTY OCCUPANCY TAX & ITS ADVISORY BOARD

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. A of 2008, "A Local Law Which Rescinds Local Law #2 OF 2005 and Amends Local Law #2 OF 1990 - Local Laws Which Created and Set Guidelines for the Montgomery County Occupancy Tax and its Advisory Board".

RESOLVED, that Introductory Local Law A of 2008 hereby is submitted to the Montgomery County

Board of Supervisors for consideration following the holding of a public hearing as follows:

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

Local Law #2 of 2005 is hereby rescinded, and

FURTHER RESOLVED, that Local Law #2 of 1990 is hereby amended as follows:

Section 1: Purpose - shall now read:

The general purpose of this local law is to authorize a hotel or motel occupancy tax in Montgomery County. This local law has been authorized by enabling legislation of an amendment to the Tax Law of the State of New York which added a new Section 1202 - K. The State Legislature and the Governor enacted such legislation into law during the 1990 Legislative Session and further amended said law during the 2003 Legislative Session.

Section 2: Justification - shall now read:

This local law provides for the imposition of a hotel/motel occupancy tax ("bed tax") in the County not to exceed four percent. Such a tax will be charged to persons occupying any facility providing lodging on an overnight basis, including hotels, motels, bed and breakfast inns and tourist facilities. The bed tax is not applicable to "permanent residents", which are those individuals occupying any room or rooms for at least 30 consecutive days.

Section 3. Definitions - shall remain the same.

Section 4: Rate - shall now read:

The rate of such tax shall not exceed four (4) percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

Section 5: Tax Collection and Administration - shall remain the same.

Section 6: Advisory Board - shall be deleted in its entirety.

Section 7: Saving Clause - shall be renamed - Section 6: Saving Clause

Section 8: Effective Date - shall be renamed - Section 7: Effective date

, and

FURTHER RESOLVED, that said public hearing shall be held June 24, 2008 at 6:55 p.m., in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

MOTION TO TABLE by Supervisor Barone, Sr., seconded by Supervisor Dybas, passed with Aye(1772). Supervisor Stagliano was absent. (5/27/2008)

MOTION TO REMOVE FROM TABLE by Supervisor McMahon, seconded by Supervisor Johnson, was defeated with Aye(790). Supervisors Johnson, Barone, Sr., Baia, DiMezza and Quackenbush voted Aye. Supervisor Paton was absent. (6/24/2008)

RESOLUTION DIED ON THE TABLE (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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County Attorney Doug Landon stated that Resolution 204 replaces Resolution 164.

## NEW BUSINESS

### A. Resolutions

### B. Other

Supervisor Thayer stated that the MOSA Board meeting was last Thursday in Oneonta. He said they are looking to spend \$4.5M to upgrade the transfer station, but are also looking at options to reduce overhead, such as perhaps closing the Amsterdam, Randall and/or Schoharie transfer stations. He stated there was no option given to the MOSA Board regarding expanding Oneonta, and the next meeting is July 17th in Schoharie.

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**RESOLUTION NO. 201 of 2008**

**DATED:** June 24, 2008

**RESOLUTION ESTABLISHING PUBLIC HEARING - FMCC 2008-2009 OPERATING BUDGET**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Bai a

RESOLVED, that the Montgomery County Board of Supervisors hereby schedules a Public Hearing on the proposed 2008-2009 Operating Budget of Fulton-Montgomery Community College for July 22, 2008 at 6:45 pm in the Supervisors' Chambers, County Office Building, Route 30A(Broadway), Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to local law.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 202 of 2008**

**DATED:** June 24, 2008

**RESOLUTION ENDORSING THE EXTENSION OF THE STUDENT TRUSTEE APPOINTMENT TO THE BOARD OF TRUSTEES AT FULTON-MONTGOMERY COMMUNITY COLLEGE**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Bai a

WHEREAS, Megan Leonard is the student trustee on the Fulton-Montgomery Community College Board of Trustees whose term is set to expire on June 30th, 2008, and

WHEREAS, a student who will be replacing her as the student trustee for the 2008-2009 school year will not be elected and able to begin his/her new term until September 1, 2008, and

WHEREAS, Megan Leonard, who signed her oath of office in the Montgomery County Clerk's Office, will need to extend her term until August 31st, 2008 to continue to have a student trustee on the Board until a replacement has been named.

RESOLVED, that the Montgomery County Board of Supervisors hereby extends the appointment of Megan Leonard as the student trustee on the Fulton-Montgomery Community College Board of Trustees through August 31, 2008.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 203 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND CLOSEOUT OF CONTRACT - STEPHEN MILLER GENERAL CONTRACTORS, INC. FOR THE FMCC ELECTRICAL VAULT WATER LEAK REMEDIATION PROJECT - 2007 CAPITAL PROJECTS (FMCC)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Barone, Sr.

WHEREAS, the 2007 Capital Plan at Fulton-Montgomery Community College identified an Electrical Vault Water Leak Remediation Project, and

WHEREAS, Resolution 257 of 2007 authorized the signing of a contract with Stephen Miller General Contractors, Inc. for said project, and

WHEREAS, the project engineer has inspected said project and deems it substantially complete.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #1 to the contract with Stephen Miller General Contractors, Inc. to credit the Counties of Fulton and Montgomery for the unused portion of the Contingency Allowance, in the amount of \$3,228.77, and as follows:

Original Contract Amount:	\$46,314.00
Change Order #1:	(-) 3,228.77
-----	
Revised Contract Amount:	\$43,085.23
Less Amounty Paid to Date:	0.00
-----	
Balance Due:	\$43,085.23

, and

FURTHER RESOLVED, that this resolution is contingent upon a similar resolution adopted by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1585). Supervisor Dybas voted Nay. Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Chairman Greco clarified Resolution 204.

**RESOLUTION NO. 204 of 2008**

**DATED:** June 24, 2008

RESOLUTION ESTABLISHING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW B - A LOCAL LAW WHICH RESCINDS LOCAL LAW #2 OF 2005 & AMENDS LOCAL LAW #2 OF 1990 - LOCAL LAWS WHICH CREATED & SET GUIDELINES FOR THE MONTGOMERY COUNTY OCCUPANCY TAX & ITS ADVISORY BOARD

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. B of 2008, "A Local Law Which Rescinds Local Law #2 OF 2005 and Amends Local Law #2 OF 1990 - Local Laws Which Created and Set Guidelines for the Montgomery County Occupancy Tax and its Advisory Board".

RESOLVED, that Introductory Local Law B of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration following the holding of a public hearing as follows:

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

Local Law #2 of 2005 is hereby rescinded, and

FURTHER RESOLVED, that Local Law #2 of 1990 is hereby amended as follows:

Section 1: Purpose - shall now read:

The general purpose of this local law is to authorize a hotel or motel occupancy tax in Montgomery County. This local law has been authorized by enabling legislation of an amendment to the Tax Law of the State of New York, which added a new Section 1202 - K. The State Legislature and the Governor enacted such legislation into law during the 1990 Legislative Session and further amended said law during the 2003 Legislative Session.

Section 2: Justification - shall now read:

This local law provides for the imposition of a hotel/motel occupancy tax ("bed tax") in the County not to exceed four percent. Such a tax will be charged to persons occupying any facility providing lodging on an overnight basis, including hotels, motels, bed and breakfast inns and tourist facilities. The bed tax is not applicable to "permanent residents", which are those individuals occupying any room or rooms for at least 30 consecutive days.

All revenues resulting from the imposition of the bed tax will be paid to the Montgomery County Treasurer and deposited in a special tourism/promotion account. The proceeds from this account shall be allocated by the Board of Supervisors to promote tourism and other directly related and supporting activities. All monies raised from the tax shall serve as a supplement to all other County tourism funds in order that tourism is effectively promoted within the County.

Section 3. Definitions - shall remain the same.

Section 4: Rate - shall now read:

The rate of such tax shall not exceed four (4) percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

Section 5: Tax Collection and Administration - shall remain the same.



Section 6: Advisory Board - shall be deleted in its entirety and replaced with the following:

Section 6: Oversight and Reporting

1.) The Montgomery County Agriculture, Planning and Development Committee, a standing committee of the Board of Supervisors, shall have oversight over Occupancy Tax Funds.

a. Said Committee shall advise the Board of Supervisors concerning the collection, management and disbursement of revenues generated by the tax imposed by section 1202-k of the NYS Tax Law;

b. Said Committee shall identify, review and evaluate and make recommendations to the Board of Supervisors concerning tourism-related issues and the application of such revenues as they impact upon Montgomery County, to enhance and develop the general economy of the County of Montgomery and the towns therein in relation to such issues;

c. Said Committee shall carry out such other duties as the Board of Supervisors may determine which are germane to its establishment;

2.) The County Treasurer, in conjunction with Agriculture, Planning and Development Committee, shall provide all reporting requirements regarding Occupancy Tax Funds.

a. In accordance with generally accepted accounting principles, the Treasurer of Montgomery County, as its chief fiscal officer, shall issue an annual report to the Board of Supervisors and to any other entity mandated by the Board of Supervisors of Montgomery County to receive the same.

i. Such report shall be issued no later than the date on which the Budget Officer of Montgomery County files his tentative annual budget with the Montgomery County Board of Supervisors, pursuant to section 354 of NYS County Law.

ii. Such report shall

1. Reflect a compilation of collections as well as the activities for the immediately preceding twelve months period, generated through the use of such revenues generated pursuant to Section 1202-k of the NYS Tax Law, with particular emphasis on any information compiled from Tourism Promotion Agency reporting and Hospitality Grant Award reporting and any other promotion of tourism, conventions, trade shows, and any other directly related and supporting activities throughout Montgomery County; and
2. Make recommendations concerning other future organizations, implementations and the use of such revenues.

Section 7: Saving Clause - shall remain the same.

Section 8: Effective Date - shall now read:

This Local Law shall take effect upon its filing thereof in the NYS Office of the Secretary of the State.

, and

FURTHER RESOLVED, that said public hearing shall be held July 22, 2008 at 6:55 p.m., in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 205 of 2008**

**DATED:** June 24, 2008

**\*\*See Appendix for Resolution Attachment\*\***

**RESOLUTION AUTHORIZING THE EXEMPTION OF MATTERS OF LOCAL CONCERN FROM COUNTY PLANNING REVIEW**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Montgomery County Planning Board was created by the Montgomery County Board of Supervisors by Local Law #1 and amended by Local Law #1 of 1987 as provided by Article 12B of the General Municipal Law, and

WHEREAS, the provisions of General Municipal Law Article 12B, Section 239m (GML 239) require local municipal bodies in Montgomery County to submit certain planning and zoning actions to the Montgomery County Planning Board for said Board's review and recommendation unless excepted by an agreement approved by the municipal body; and the County Planning Board that such matter is of a local rather than an inter-municipal or county-wide concern, and

WHEREAS, it is in the interest of the County and local municipal bodies for a local municipal body to be able to take action on matters of local concern without being bound by the referral requirements of GML 239, and

WHEREAS, having such an agreement for exception of matters which are not of an inter-municipal or county-wide concern is not detrimental to the County and still allows the County Planning Board to function and provide assistance in the way in which it was intended.

RESOLVED, the Montgomery County Board of Supervisors hereby authorizes the Montgomery County Planning Board and the Planning Staff of the Department of Economic Development and Planning to enter into these local agreements, and

FURTHER RESOLVED, that the attached agreement entitled "Exemption of Matters of Local Concern from County Planning Review Agreement" shall exempt the actions as listed under this agreement in SCHEDULE A from the referral requirements of GML 239 upon adoption of a resolution of the municipal body stating that it also finds the listed actions to be of primarily local importance, and

FURTHER RESOLVED, that the Montgomery County Planning Board shall be provided with copies such resolution with the attached agreement, and

FURTHER RESOLVED, that this agreement shall take effect immediately.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 206 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AUTHORIZING THE MONTGOMERY COUNTY PLANNING BOARD TO ASSIST IN THE PREPARATION OF A COUNTY COMPREHENSIVE PLAN**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Dybas

WHEREAS, a County Comprehensive Plan can provide an opportunity to evaluate and analyze issues best handled at a county-wide scale, and

WHEREAS, a County Comprehensive Plan can foster cooperation among municipalities and governmental agencies in the planning and implementation of capital projects while promoting intermunicipal cooperation in the provision of public services, and

WHEREAS, the short and long term goals and objectives of a County Comprehensive Plan can provide protection, enhancement, growth and development of the county, and

WHEREAS, New York General Municipal Law (GML), Section 239-d, 2, grants the County Board of Supervisors the authority to have the County Planning Board assist, along with the Montgomery County Department of Economic Development and Planning, in the preparation of a County Comprehensive Plan, and

WHEREAS, a County Comprehensive Plan requires input from municipalities, community stakeholder and the general public.

RESOLVED, the Montgomery County Board of Supervisors hereby authorizes the Montgomery County Planning Board to prepare a County Comprehensive Plan, including creating necessary committees, seek grant funding, hold public meetings and give regular reports to the Board of Supervisors.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 207 of 2008**

**DATED:** June 24, 2008

RESOLUTION SUPPORTING TOURISM FUNDING APPLICATION - MONTGOMERY COUNTY CHAMBER OF COMMERCE

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Greco

WHEREAS, The Montgomery County Chamber of Commerce is applying for New York State – "I Love New York" funds for the 2008-2009 tourism year, and

WHEREAS, said Chamber of Commerce has been designated the County's Tourism Promotion Agency, and

WHEREAS, said request for matching funds has been reviewed and approved by the Montgomery County Occupancy Tax Advisory Board.

RESOLVED, that the Montgomery County Board of Supervisors hereby endorses the Montgomery County Chamber of Commerce's application for "I Love New York" Tourism Matching Funds, and

FURTHER RESOLVED, that Montgomery County hereby agrees to commit as matching, an amount which shall be set forth at a later date, upon determination of amount of grant award from New York State.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 208 of 2008**

**DATED:** June 24, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - TOURISM PROMOTION AGENCY - MONTGOMERY COUNTY CHAMBER OF COMMERCE

Resolution by Supervisor: Greco

Seconded by Supervisor: McMahon

WHEREAS, the Montgomery County Board of Supervisors encourages and supports tourism promotion within Montgomery County, and

WHEREAS, the Montgomery County Chamber of Commerce has requested to renew their designation as the County's Official Tourism Promotion Agency for an administration cost of \$50,000, and

WHEREAS, said designation is for a one-year period commencing on October 1, 2008 and ending on September 30, 2009.

RESOLVED, that the Montgomery County Chamber of Commerce is hereby designated the County's Official Tourism Promotion Agency for a one-year period commencing on October 1, 2008 and ending on September 30, 2009, and

FURTHER RESOLVED, that the Chairman of the Board, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with the Montgomery County Chamber of Commerce to provide for payment of said TPA Administrative Services at a cost not to exceed \$50,000.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 209 of 2008**

**DATED:** June 24, 2008

RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY FIRE ADVISORY BOARD (EMERGENCY MANAGEMENT)

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Barone, Sr.

WHEREAS, Resolution 100 of 2008 provided for appointments to the Montgomery County Fire Advisory Board through December 31, 2008 as follows:

Frank Nestle  
Daniel Carter

100 Lafayette Street, Palatine Bridge  
340 Mohawk Drive, Tribes Hill

REPRESENTING  
Canajoharie  
Tribes Hill

Mike Beyer	132 Poplar Drive, Amsterdam	Cranesville
Richard DePasquale	321 Locust Avenue, Amsterdam	Amsterdam
Phil Bradt	2053 Burtonsville Road, Esperance	Burtonsville
David Ramsey	742 Corbin Hill Road, Sprakers	Charleston
Timothy Healey	11 Putnam Road, Fonda	Fonda
Richard Sager	6 Horseshoe Drive, Johnstown	Fort Johnson
David P Bouck	113 STHWY 80, Fort Plain	Fort Plain
James Whipple	49 Prospect Street, Fultonville	Fultonville
Dale Furman	405 Ingersoll Road, Fultonville	Glen
Nicholas M. Bartosik	32 Hagaman Avenue, Hagaman	Hagaman
Sherman Rockwell	1070 STHWY 163, Fort Plain	South Minden
Charles Gray	1249 STHWY 334	Town of Mohawk
Pam VanAlstine	269 Thayer Road, Amsterdam	Florida
Raymond Tylutki	P0 Box 187, Fort Hunter	Fort Hunter
Scott Bobar	110 Lynk Street, Sprakers	Rural Grove
John Prime	1234 Latimer Hill, Canajoharie	Ames
Jeffrey Swartz	24 Kingsbury Avenue, St. Johnsville	St. Johnsville
James Suidy	60 McNeir Avenue, Amsterdam	Member at Large

, and

WHEREAS, Mike Beyer, representing the Cranesville, has left the area and the Cranesville Fire Department has made a recommendation for replacement.

RESOLVED, that Brian Delisa of 223 Swart Hill Road, Amsterdam, is hereby appointed to the Montgomery County Fire Advisory Board representing the Cranesville Fire Department, and

FURTHER RESOLVED, that said appointment shall take effect immediately and continue through December 31, 2008.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 210 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** June 24, 2008

**RESOLUTION ADOPTING THE MONTGOMERY COUNTY MASS FATALITIES INCIDENT RESPONSE PLAN**

Resolution by Supervisor: Thomas

Seconded by Supervisor: McMahon

WHEREAS, during several meetings of the Mortality Surge Capacity Sub-committee and the Montgomery County Emergency Preparedness Committee, a plan has been developed to be implemented in case of a mass fatality incident.

RESOLVED, that the Montgomery County Board of Supervisors hereby adopts the Montgomery County Mass Fatalities Incident Response Plan as attached hereto, and

FURTHER RESOLVED, that said plan is now incorporated into departmental rules and procedures.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 211 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AWARING BID NO. 07-08 - DIGITAL RECORDING CAMERA SYSTEM - MONTGOMERY COUNTY PUBLIC SAFETY FACILITY (SHERIFF)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Di Mezza

WHEREAS, the Purchasing Department was authorized to solicit bids for a Digital Recording Camera System at the Montgomery County Public Safety Facility, and

WHEREAS, Said bids were opened on May 30, 2008.

RESOLVED, that the Board of Supervisors hereby awards Bid No. 07-08 to Electric Eye Systems of Johnstown, NY, in the amount of \$41,112.88, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE:

A-599	Appropriated Fund Balance	\$41,112.88
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INCREASE:

A-15-4-3150-00-2250	Technical Equipment	\$41,112.88
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RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 212 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - LEGISLATIVE GRANT AWARD - VEHICLE EQUIPMENT (SHERIFF)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Thomas

WHEREAS, the Sheriff has been notified of \$12,500 legislative grant to purchase equipment for department vehicles.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a legislative grant agreement with the State of New York in the amount of \$12,500 for the purchase of vehicle equipment.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 213 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - DAVIS VISION - PRESCRIPTION SAFETY GLASSES (SAFETY OFFICER)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Di Mezza

WHEREAS, the Safety Officer has reviewed job activities of numerous employees in the Department of Public Works and has determined that most require safety glasses in performing the essential functions of their job duties, and

WHEREAS, the Safety Officer and the Public Works Commissioner have reviewed OSHA requirements and recommend that Montgomery County provide prescription safety glasses to those employees who require them.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Davis Vision Proprietary Vision Centers for the provision of prescription safety glasses for Montgomery County employees who are required to wear said glasses, and

FURTHER RESOLVED, said services shall be from 6/1/08 through 12/31/08, and

FURTHER RESOLVED, that payment for said services shall be made through the Personnel Department 2008 Operating Budget.

RESOLUTION ADOPTED with Aye(1510). Supervisors Jonker and Stagliano voted Nay. Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 214 of 2008****DATED:** June 24, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - PURCHASE OF A VAN FOR THE JUVENILE COMMUNITY SERVICE PROGRAM (PROBATION)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, the Montgomery County Probation Dept. operates a community service program for juveniles in Montgomery County, and

WHEREAS, as part of this project, the county uses a van procured in 1998 from a grant from the office of Senator Hugh Farley, and

WHEREAS, Senator Farley has successfully obtained funds through a new grant to replace the aging 1998 van, and

WHEREAS, the funds for this project are in the amount of \$25,000 and available by application to the Division of Criminal Justice Services.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the application for these funds with the Division of Criminal Justice Services and upon acceptance of this application by the Division of Criminal Justice Services, and

FURTHER RESOLVED, that \$25,000 be accepted on behalf of the Probation Department for the procurement of a van for the Juvenile Community Service Program, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 operating budget as follows:

**INCREASE REVENUE:**

A-27-3-3310-00	Probation Services	\$25,000
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**INCREASE APPROPRIATIONS:**

A-27-4-3140-00-2230	Motor Vehicle Equipment	\$25,000
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RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 215 of 2008****DATED:** June 24, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - LEGISLATIVE GRANT - VAN PURCHASE (VETERANS SERVICE)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, the Veterans Service Agency has been awarded a grant in the amount of \$25,000 from the State of New York Executive Department Office of General Services to be used to purchase a new veterans van to transport veterans to health facilities.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a grant agreement with the New York State Division of Veterans Affairs, accepting the terms and conditions associated with receipt of the \$25,000 grant, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-19-3-3710	Veterans Service Agency State Aid	\$25,000
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**INCREASE APPROPRIATIONS:**

A-19-4-6510-00-2230	Motor Vehicle Equipment	\$25,000
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RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 216 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AWARDING BID NO. 06-08 - TRANSPORTATION SERVICES - PRESCHOOL/EI PROGRAM (PUBLIC HEALTH)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, the Purchasing Agent was authorized to solicit bids for transportation services for the Montgomery County Public Health Department 3-5 Preschool and Early Intervention programs for the period September 01, 2008 – August 31, 2009, and

WHEREAS, said bids were opened on May 21, 2008.

RESOLVED, that the Board of Supervisors hereby awards Bid No. 06-08, Routes #1 - #43, to Browns Transportation Inc., and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign and execute contract documents pertaining to said award.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 217 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - DATA PROCESSING SERVICES - CITY OF JOHNSTOWN (DATA PROCESSING)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Paton

WHEREAS, the Director of Data Processing has recommended renewal of the contract to provide data processing services to the City of Johnstown, and

WHEREAS, said contract will generate annual revenue of approximately \$12,383.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the renewal agreement to provide data processing services to the City of Johnstown for the period commencing July 1, 2008 and ending on June 30, 2009.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 218 of 2008**

**DATED:** June 24, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - DATA PROCESSING SERVICES - CITY OF AMSTERDAM (DATA PROCESSING)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Paton

WHEREAS, the Director of Data Processing has recommended renewal of the contract to provide data processing services to the City of Amsterdam, and

WHEREAS, said contract will generate annual revenue of approximately \$36,620.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the renewal agreement to provide data processing services to the City of Amsterdam for the period commencing July 1, 2008 and ending on

June 30, 2009.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 219 of 2008**

**DATED:** June 24, 2008

RESOLUTION ESTABLISHING PUBLIC HEARING - INTRODUCTORY LOCAL LAW C OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR A COUNTY PURPOSE - VILLAGE OF HAGAMAN (TREASURER)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, a public hearing is required to be held concerning Introductory Local Law C of 2008, a local law authorizing the private sale of county-owned property, not needed for a county purpose.

RESOLVED, that Introductory Local Law C of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration, following the holding of a public hearing, as follows:

Introductory Local Law C of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Hagaman.

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

SECTION 1. The Board of Supervisors of the County of Montgomery has determined that County-owned real property parcels, known as SBL's 25.19-1-27 and 25.19-1-24, located in the Town of Amsterdam and Village of Hagaman are no longer necessary for public use.

SECTION 2. The Board of Supervisors of the County of Montgomery hereby authorizes the sale and conveyance of all the right, title and interest of the County in and to said real properties to the Village of Hagaman, for the sum of \$1,714.16.

FURTHER RESOLVED, that said public hearing shall be held Tuesday, July 22, 2008 at 6:50 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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Data Processing Director Deb Bain clarified the FURTHER RESOLVED clause in Resolution 220.

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**RESOLUTION NO. 220 of 2008**

**DATED:** June 24, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CITY OF AMSTERDAM - PURCHASING SERVICES (PURCHASING)

Resolution by Supervisor: Greco

Seconded by Supervisor: Johnson

WHEREAS, the Purchasing Agent has recommended a Memorandum of Agreement be entered into between Montgomery County, its Purchasing Agent and the City of Amsterdam to provide purchasing services to the City of Amsterdam, and

WHEREAS, said agreement will generate annual revenue of approximately \$20,000.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the agreement to provide Purchasing services to the City of Amsterdam for the period commencing July 1, 2008 and ending on June 30, 2009, and

FURTHER RESOLVED, that the agreement is contingent upon the City agreeing to enter into a contract with Montgomery County for Data Processing services covering the same period of time.



RESOLUTION ADOPTED with Aye(1585). Supervisor Dybas abstained. Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 221 of 2008**

**DATED:** June 24, 2008

RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS BY MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO FINANCE A CERTAIN MANUFACTURING FACILITY PROJECT FOR FIBER GLASS INDUSTRIES, INC. (ECONOMIC DEVELOPMENT)

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Johnson

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "Enabling Act") and Chapter 666 of the Laws of 1970 of the State of New York, as amended, constituting Section 895-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act"), the Board of Supervisors of Montgomery County (the "Board of Supervisors") has previously appointed the members of Montgomery County Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to issue its revenue bonds to finance the cost of acquisition, construction and installation of one or more "projects" (as defined in the Act), to acquire, construct and install said projects or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Fiber Glass Industries, Inc. (the "Company") has presented an application (the "Application") to the Agency, copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) (1) the acquisition of an interest in a parcel of land located at 69 Edson Street in the City of Amsterdam, Montgomery County, New York (the "Land") together with a building located thereon and consisting of approximately 60,000 square feet of space (the "Existing Facility"), (2) the construction of an addition to the Existing Facility constituting an additional 20,000 square feet of space (the "Addition"), (3) the acquisition and installation of certain machinery and equipment therein and thereon (the "Equipment") (the Land, the Existing Facility, the Addition and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute improvements to manufacturing facilities for the production of fiberglass strand and knitted/converted products and related activities; (B) the financing of all or a portion of the costs of the foregoing by the issuance of its industrial development revenue bonds in one or more issues or series in an aggregate principal amount sufficient to pay a portion of the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$5,500,000 (the "Bonds"); (C) the granting of certain other "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemption from certain sales taxes (collectively with the Bonds, the "Financial Assistance"); and (D) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on April 10, 2008 (the "Preliminary Inducement Resolution"), the members of the Agency preliminarily agreed, subject to numerous conditions, including satisfaction of the requirements of Section 859-a of the Act and the requirements of Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations", and collectively with the SEQR Act, "SEORA"), to accept the Application and enter into a preliminary agreement (the "Preliminary Agreement") relating to the Project; and

WHEREAS, the Company has requested that interest on the Bonds be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 144(a) of the Code; and

WHEREAS, the Board of Supervisors has been advised by the Agency that the Agency proposes to issue, subsequent to the adoption of this resolution, the Bonds from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and

WHEREAS, interest on the Bonds will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Bonds is approved by the "applicable elected representative" of Montgomery County, New York after the Agency has held a public hearing on the nature and location of the Project Facility and the

issuance of the Bonds; and

WHEREAS, pursuant to the authorization contained in the Preliminary Inducement Resolution, the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project (the "Public Hearing") to be mailed to the chief executive officer of the county and of each city, town, village and school district in which the Project is to be located on April 25, 2008, (B) caused notice of the Public Hearing to be published on April 26, 2008 in The Recorder, a newspaper of general circulation available to residents of the City of Amsterdam, Montgomery County, New York, (C) conducted the Public Hearing on May 27, 2008 at 9:00 o'clock a.m., local time at Amsterdam City Hall, located at 61 Church Street in the City of Amsterdam, Montgomery County, New York, and (D) prepared a report of the Public Hearing (the "Report") which fairly summarized the views presented at said public hearing and distributed same to the members of the Agency and to the Montgomery County Board of Supervisors (the "Board of Supervisors"); and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Supervisors desires to allow the interest on the Bonds to be excludable from gross income for federal income tax purposes; and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that neither the Bonds nor any other obligation of the Agency shall be a debt of Montgomery County, New York, nor shall Montgomery County, New York be liable thereon.

RESOLVED, that, for the sole purpose of qualifying the interest payable on the Bonds for exclusion from federal income taxation pursuant to the provisions of the Code, the Board of Supervisors, as the elected legislative body of Montgomery County, New York, hereby approves the issuance by the Agency of the Bonds, presently estimated to be approximately \$5,500,000, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Agency and shall never be a debt of the State of New York, Montgomery County, New York or any political subdivision thereof (other than the Agency), and neither the State of New York, Montgomery County, New York nor any political subdivision thereof (other than the Agency) shall be liable thereon, and

FURTHER RESOLVED, that this resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 222 of 2008**

**DATED:** June 24, 2008

**RESOLUTION SUPPORTING OFF-TRACK BETTING CORPORATION INITIATIVES**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, Capital District Regional Off-Track Betting Corporation, which Montgomery County has been a part of since 1998, has provided a revenue stream which helps stabilize property taxes in Montgomery County, and

WHEREAS, the New York State Legislature, during the past five years, has adopted legislation that has negatively impacted the five Regional OTBs outside of New York City, and

WHEREAS, The Capital District OTB's has suggested initiatives for curtailing the reduction in revenue as follows:

- 1) License out-of-state Internet betting sites and require them to pay statutory and regulatory fees similar to OTB's,
- 2) Repeal Maintenance of Effort payments to privately-owned regional harness tracks,
- 3) Repeal dark day payments that benefit tracks for not racing,
- 4) Allow OTBs to retain unclaimed winning tickets, and
- 5) Increase NYRA takout, which was reduced in 2001.

RESOLVED, that the Montgomery County Board of Supervisors hereby urges the New York State Legislature to enact legislation to increase OTB revenue to municipalities outside of New York City by supporting the Capital District OTB's suggested initiatives, and

FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Paterson, Majority Leader Bruno, Speaker Silver, Assemblyman Amedore and Senator Farley.

RESOLUTION ADOPTED with Aye(1721). Supervisor Paton was absent. (6/24/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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ADJOURNMENT

MOTION TO ADJOURN by Supervisor Baia, seconded by Supervisor DiMezza, passed with Aye(1721). Supervisor Paton was absent.

Chairman Greco adjourned the meeting at 7:26 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - INTERGOVERNMENTAL SERVICES  
6:00 PM, June 26, 2008

## COMMITTEE MEETING DISCUSSION

## Attendees:

Kim Brumley  
Barbara Johnson  
Karl Baia  
Vi to Greco  
Shayne Wal ters  
Pat Baia  
Fred Qui st  
Ed Paton  
Dan Roth  
Richard Leggi ero  
Gerald DeCusatis  
Tom Di Mezza  
Dominick Stagliano  
Dave Dybas  
Tom Quackenbush  
Ken Rose  
Jack McDonal d  
Sei ds Jonker  
John Thayer  
Ron Barone  
William Strevy  
Deb Bain  
Scott Surento

Meeting opened at 6:30 p.m. by Barbara Johnson and Kim Brumley.

## Summary of the meeting:

## Asbestos Abatement Demolition Team

-Presentation given by Jeff Bouchard, Fulton County Solid Waste Department Director, which included training, preparation, variances, equipment, labor and projects. Questions were asked and answered about prevailing wages, Fulton County's stipend, liability costs (insurance), and amount of paperwork. Mr. Bouchard indicated that business fail if the paperwork isn't properly done. He suggested that if MC had any questions he would be willing to provide any information he had.

## Hub Information Site Update:

-Searchable resolutions, meetings and agendas are now available on the website.  
-Info on HUB – water/sewer update once a year.

## Civil Service:

-Montgomery County Civil Service met with the City of Amsterdam to discuss the county absorbing Amsterdam's Civil Service Commission. A comparison of the commission's rules will be done by Frank Belleville, Jr. of the NYS Department of Civil Service. Mr. Belleville indicated that the process will take approximately one year before the County will be able to assume all duties.

## Software Program:

-Next grant will be in the fall and the county needs to take the lead.

## Water/Sewer Extension:

-Ken Rose gave an update on the Beechnut Project, along with Jack McDonald, from McDonald Engineering.

Next meeting to be announced.

Meeting ended at 8:05 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING  
7:00 PM, July 1, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Thayer and Quackenbush. Absent were Supervisors Barone, Jonker, Strevy and Di Mezza.

Additional Supervisors present were Johnson, Greco, Dybas and Baia. Absent were Supervisors Paton, McMahon, Stagliano and Walters.

Items on the agenda, at this time, are as follows:

1. Discussion regarding the purchase of a new radio console for the Public Safety Facility.
2. Discussion regarding an Energy Efficiency Evaluation at the Public Safety Facility.
3. Resolution Authorizing Chairman to Sign Agreement - FBI Antenna Site License Renewal - Oak Ridge Site (Sheriff)
4. Resolution Authorizing Chairman to Sign Grant Agreement - Aid to Prosecution - NYS DCJS (District Attorney)
5. Resolution Authorizing Chairman to Sign Grant Agreement - Illegal Drug Trafficking Prevention Program - NYS DCJS (District Attorney)
6. Other

(Clerk's note: Chairman Greco's presence made the quorum.)

Item #1: Sheriff Mike Amato stated that Communications Center needs work. He said that the fifth communication console is isolated and in need of updating. He stated the console money will be covered by existing and anticipated 911 grant money. He referred to a quote from Watson Dispatch.

A draft Resolution (to pre-pay for the console from Watson Dispatch from existing 911 grant funds and apply for reimbursement from anticipated 911 grant funding) was sponsored and seconded by Supervisors Dybas and Quackenbush, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #2: Sheriff Amato stated that Novus Engineering did an preliminary energy audit at the Public Safety Facility. He said that the cost of completing a much more detailed energy survey would be \$39,940. He stated that NYSERDA will cover half of the cost of the audit, the results being provided to NYSERDA.

He also stated that the Public Safety Facility could be utilizing the generators during a brown/black-out, which in turn would save the County money.

Supervisor Jonker entered Chamber at 7:13 PM.

Supervisor Dybas stated that DPW Commissioner should be actively involved in the audit as well as assisting with the necessary changes/upgrades.

Chairman Greco asked that this issue be addressed by the General Services Committee, and asked that a copy of the minutes be forwarded to Commissioner Clayburn and General Services Chairman Walters. He asked that Commissioner Clayburn also be given a copy of the preliminary report.

Chairman Thomas suggested that NYSERDA be asked if Novus will be the "Clerk of the Works" on this project.

Sheriff Amato said that several of the necessary updates and changes could possibly be done in-house by Public Works, which would be another money-saving option.

A draft Resolution (to move ahead with the \$19,970 audit with payment coming from Fund Balance) was sponsored and seconded by Supervisors Quackenbush and Dybas, respectively. The Resolution was moved to the Finance Committee with a positive recommendation with no objections.

Item #3: The Resolution was sponsored and seconded by Supervisors Quackenbush and Greco, respectively. The Resolution was moved to the full Board with a positive recommendation with no

objections.

Item #4: The Resolution was sponsored and seconded by Supervisors Quackenbush and Greco, respectively.

Supervisor Dybas asked what the start and finish dates are on the grant and what year budget would be affected.

The Resolution was moved to the Finance Committee with a positive recommendation with no objections.

Item #5: The Resolution was sponsored and seconded by Supervisors Baia and Quackenbush, respectively.

Supervisor Dybas asked what the start and finish dates are on the grant and what year budget would be affected.

The Resolution was moved to the Finance Committee with a positive recommendation with no objections.

Chairman Greco asked that the Clerk of the Board make the answers to Supervisor Dybas' questions available for the Finance Committee meeting.

Item #6, Other: Sheriff Amato stated that Senator Farley was solicited for grant funds, and the outcome was positive. He stated that two grants were received: a legislative grant of \$20,000 to purchase video cameras and a new system for recording evidence, and a Byrne Memorial grant of \$12,500 to pay for two TRAX program for two police units. He stated that both grants are for reimbursement only, and that the funds must be available upfront to purchase the TRAX system as well as the video equipment.

Supervisors Baia and Johnson made a motion and seconded, respectively, to sponsor two separate draft Resolutions (one for each grant, paying for the video equipment and TRAX out of the Fund Balance and accepting the two grant reimbursement monies). The Resolutions were moved to the Finance committee with a positive recommendation. There were no objections.

(Clerk's Note: There was no need for the second add-on resolution regarding the Byrne Memorial Grant for \$12,500, as this resolution was already passed by the BOS in June.)

Item #7, Other: When asked by Chairman Thomas, Sheriff Amato stated that free locks are still available for farmers to lock fertilizer storage tanks, deterring theft.

Chairman Thomas asked that the present press publicize the free locks.

Motion was made and seconded by Supervisors Jonker and Baia, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:42 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:05 PM, July 1, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 7:43 PM.

Roll call indicated Committee members present included Supervisors Dybas and Thomas. Absent were Supervisors DiMezza, McMahon, Strevy and Walters.

Additionally present were Supervisors Greco, Thayer, Baia and Jonker. Absent were Supervisors Quackenbush, Paton, Stagliano and Barone.

Items on the agenda, at this time, are as follows:

1. Resolution Appointing Members - Montgomery County Planning Board (Economic Development and Planning)
2. Resolution Appointing Member - Montgomery County Industrial Development Agency Board of Directors (Economic Development and Planning)
3. Resolution Appointing Member - Fulton - Montgomery - Schoharie Workforce Development Board (Board of Supervisors)
4. Resolution Authorizing Chairman to Sign Agreement - Continuation of CLEO Agreement Between the County of Montgomery and the Counties of Fulton and Schoharie to Comply with Implementation Requirements of the Workforce Investment Act of 1990
5. Other

(Clerk's note: Chairman Greco's presence made the quorum for the meeting.)

Item #1: Chairman Greco stated that Luis Aguero will fill the 1st Ward vacancy. Supervisor Jonker stated that he doesn't have an appointee yet for the Town of Palatine's vacancy.

Supervisors Greco and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

County Attorney Doug Landon stated that Mr. Aguero's appointment to the 1st Ward must be noted in an additional FURTHER RESOLVED clause with term expiring on 6/30/11. There were no objections to adding the FURTHER RESOLVED clause to the Resolution.

Item #2: Supervisors Greco and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Supervisor Dybas asked a list of the IDA Board of Directors be made available if possible. There were no objections.

Item #3: Supervisors Thomas and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Item #4: Supervisors Baia and Greco made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Item #5, Other: Add-on "RESOLUTION DESIGNATING THE NEW YORK AGRICULTURAL LAND TRUST AS THE ADMINISTRATOR OF THE CONSERVATION EASEMENT FOR THE 2007 - 2008 AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT AWARD". Supervisors Dybas and Jonker made a motion and seconded, respectively, to sponsor the Resolution.

Attorney Landon stated that the following FURTHER RESOLVED clause should be added to the Resolution:

"FURTHER RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign any documents in furtherance of the transition of administrative authority."

There were no objections to adding the FURTHER RESOLVED clause. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Supervisors Dybas and Baia made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 7:50 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - EDUCATION/GOVERNMENT  
7:10 PM, July 1, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the meeting commencing at 7:50 PM in Chairman McMahon's absence.

Roll call indicated Committee members present included Supervisors Johnson, Bai a, Jonker and Thayer. Absent were Supervisors Paton and Stagliano.

Additional Supervisors present were Supervisors Dybas and Thomas. Absent were Supervisors Quackenbush, Strevy, Barone, Walters and DiMezza.

Items on the agenda, at this time, are as follows:

1. Resolutions Authorizing Change Orders for FMCC Capital Projects
  - a. Mechanical Systems Upgrade Project
  - b. Library & College Union Water Infiltration Projects
2. Resolution Authorizing Chairman to Sign Agreement with Engineer for Design Services for 2009 Critical Maintenance Projects
3. Other

Item #1a: Supervisors Johnson and Jonker made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Finance Committee with no recommendation, due to lack of pertinent financial information. There were no objections.

(Clerk's Note: Chairman Greco asked that the missing financial information on the Resolution be made available at the Finance Committee meeting.)

Item #1b: Chairman Greco stated that agenda items 1b and 2 are unavailable for discussion at this time, and recommended that they should be moved to the Finance Committee with no sponsorship and no recommendation. There were no objections.

Item #2: (see above)

Item #3, Other: There were no other discussion items.

Motion was made and seconded by Supervisors Bai a and Johnson, respectively, to adjourn the Committee meeting.

Chairman Greco adjourned the Education/Government Committee meeting at 7:55 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE OF THE WHOLE  
7:00 PM, July 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the meeting commencing at 7:00 PM.

Roll call indicated that Supervisors Quackenbush, Johnson, McMahon, Strevy, Dybas, Thayer, Barone, Walters, Thomas, Jonker, Baia and DiMezza were present.

Absent were Supervisors Paton and Stagliano.

Items on the agenda, at this time, are as follows:

1. Discussion regarding Florida Business Park Extension
2. Other

Item #1: Economic Development Director Ken Rose updated the Committee on the Florida Park Extension project. He disseminated a multi-page document outlining the projected costs. He stated that the McDonald Engineering Firm was hired to begin preliminary evaluations of the site for development.

When queried by Supervisor Barone, Mr. Rose said that the Town of Florida will be initiating the necessary zoning requests.

Director Rose said he is looking for a financial commitment for \$3,632,200, which is needed by August or September.

Supervisor DiMezza recommended bonding the costs.

Chairman Greco directed Director Rose to work with Treasurer Shawn Bowerman on a draft Resolution and exploring funding options. The Resolution is to be forwarded to the next Finance Committee for consideration. There were no objections.

Director Rose updated the Committee on the Glen Park project, stating that 120 of the 214 acres have been foot printed. To remediate the remaining wetlands acreage, the cost could be as much as \$1,500,000. He said it wouldn't be wise to continue with Phase II development (due to the cost) at this time. He also stated that 20-25 acres located at the front of the park are still available for development.

Item #2, Other: Chairman Greco stated that regarding the Canajoharie/Beech-Nut issue, the County must be protected. He stated that County Attorney Doug Landon is watching the situation carefully.

Attorney Landon stated that we must avoid being premature as it's impossible to speculate on what someone might do. He said that at the present time no paperwork has been drawn up and any discussion must be cautious.

Chairman Greco stated that he is in full support of the HERO/Beech-Nut project and recognizes that 500 jobs are on the line.

Item #3, Other: Supervisor DiMezza stated that Economic Development is growing in the towns of Florida and Amsterdam. He asked the Board to consider investing in the needed water system upgrades. He recommends that the MCIDA, the City and the Board of Supervisors meet to discuss options for putting water in the Corporation Park in the Town of Amsterdam, and perhaps forming a committee to discuss the issue further.

Supervisor Johnson recommended that the water issue be a topic for discussion during the City Supervisors' regular meeting with the Mayor and Common Council.

Supervisor Barone stated that all County Supervisors should be involved in this issue.

Supervisor Dybas recommended that the City Supervisors inquire with the Common Council as to what their (the Common Council's) wishes are regarding this subject.

Chairman Greco stated that he would be happy to meet with Director Rose to discuss this issue further.

Chairman McMahon stated that many other riverfront communities in New York State are a model for development, both residential, commercial and industrial, and Amsterdam, Canajoharie and Fort Plain should be no exception.

ADJOURNMENT

Supervisors Barone and Jonker made a motion and seconded, respectively, to adjourn the Committee of the Whole Meeting. There were no objections.

Chairman Greco adjourned the Meeting at 7:39 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:05 PM, July 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:39 PM.

Roll call indicated Committee members present included Supervisors Dybas, Quackenbush, Strevy and Thayer. Absent were Supervisors Paton and Stagliano.

Additional Supervisors present were McMahon, Johnson, Jonker, Greco, Barone, Thomas, Bai a and Di Mezza.

Items on the agenda, at this time, are as follows:

1. Resolution Awarding Bid 09-08 - Tandem Roller (Public Works)
2. Resolution Awarding Bid 10-08 - Forklift (Public Works)
3. Resolution Amending 2008 Operating Budget - Temporary Position (Public Works)
4. Discussion - Demolition team
5. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Quackenbush and Strevy, respectively.

DPW Commissioner Paul Clayburn stated that the item in question is not a Tandem Roller but a Hydraulic Excavator. He also stated that the lowest bidder was not compliant, but recommends going with the bid from Anderson Equipment.

He said that the trade-in may be more valuable if sold outright.

The Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Quackenbush and Johnson, respectively, accepting the lowest bid. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: Commissioner Clayburn clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors Jonker and DiMezza, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #4: Commissioner Clayburn stated that there are currently eight employees trained as "Asbestos Supervisors". One of those trained has been additionally trained as "Inspector". He said the next step is send the certifications to the State in order to receive the necessary licenses. He said \$1,200 is needed to pay for the licenses (renewable annually) and that the trainees will also need physicals, respirators and related accessories.

He said the cost for the physicals, respirators and accessories would be around \$600. He said the NYS Department of Labor is involved in this whole project and that they require a work plan to be in place.

He stated that he will plan ahead in the 2009 budget for these reoccurring expenses (such as licenses, etc).

He also said that in the future, the cost for other items will need to be addressed, such as the portable decontamination trailer, air exchange units, HEPA filters, 6 mil plastic, etc.

Supervisor Johnson stated that there are grant options she will discuss with Commissioner Clayburn privately.

The motion was made for a draft Resolution (authorizing that \$6,000 be transferred from Contingency Fund to cover the related current and anticipated immediate costs) to be forwarded to the Finance Committee for consideration. Chairman Walters stated that he would sponsor the Resolution.

(Clerk's note: No second was obtained at the time, but the Resolution was moved to the Finance

Committee with no objection. Commissioner Clayburn will be submitting details for the Resolution as soon as possible.)

Item #5, Other: Supervisor DiMezza stated that the County is short 8,000 ton on the GAT. He recommended paying \$56 per ton as operating costs, rather than paying MOSA a flat fee to compensate for the GAT shortage. For example, he suggested putting \$500,000 into a account for tipping fees.

He said the majority of future demolition debris would help reduce the GAT shortfall, and that he will be bringing a resolution forward in the near future. Supervisor Dybas seconded the Resolution that will be forthcoming in the future.

Chairman Walters stated that he supports paying nothing but operating cost.

Supervisor Quackenbush suggested asking municipalities to come up with target demolition sites.

There were no other discussion items.

Motion was made and seconded by Supervisors Dybas and DiMezza, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 8:05 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
7:10 PM, July 8, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 8:06 PM.

Roll call indicated Committee members present included Supervisors Baia, Dybas, Jonker, Strevy and Thomas. Absent was Supervisor Paton.

Additional Supervisors present were Quackenbush, Johnson, McMahon, Greco, DiMezza and Walters. Absent were Supervisors Thayer and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Grant Agreement - NYS DOH - Rabies Grant Funding (Public Health)
2. Resolution Amending 2008 Operating Budget - Donations - Youth Day (Youth Bureau/ASCD)
3. Resolution Authorizing Chairman to Sign Agreements - Work Experience Program - Various Sponsor Agencies (Social Service)
4. Other

Item #1: The Resolution was sponsored and seconded by Supervisors DiMezza and Strevy, respectively. It was moved to the Full Board with a positive recommendation with no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Baia and Greco, respectively. It was moved to the Full Board with a positive recommendation with no objections.

Item #3: The Resolution was sponsored and seconded by Supervisor Baia and DiMezza, respectively. It was moved to the Full Board with a positive recommendation with no objections.

Item #4, Other: Add-on RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - CHILDREN WITH SPECIAL HEALTH CARE NEEDS (PUBLIC HEALTH). The Resolution was sponsored and seconded by Supervisors Dybas and Barone, respectively.

Director of Public Health Kim Conboy, when queried by Supervisor Dybas, stated that some State costs have shifted to the County.

The Resolution was moved to the Full Board with a positive recommendation with no objections.

Item #5, Other: Chairman Barone referenced Bill A10600 which was disseminated to all present Supervisors. He stated that if the State passed the Bill, the County will probably be financially responsible for the drug testing program. Supervisors Baia and Jonker stated they will sponsor a draft Resolution supporting the Bill, to be entertained in the upcoming Finance Committee. There were no objections.

Item #6, Other: Supervisor McMahon stated that it must be publicly known where each municipalities emergency shelters are located.

Supervisor Dybas stated that Emergency Management Director Gary Nestle has already polled areas for shelters and should have a list.

Supervisor Thomas stated that the local letter carriers would be utilized to helping get the information out to residents.

Item #7, other: Chairman Greco hopes that the Supervisors will support/volunteer at the upcoming YOUTH DAY. He said parking for employees will be at the old jail, fairgrounds or Browns Bus parking lot. He stated that DPW needs to put in lines for ENTRANCE and EXIT.

Item #8, Other: Chairman Barone stated that new technology is available for Welfare Fraud, and the State is still researching the issue, as is Social Services. He stated that this issue will be addressed again next month, when more information is available.

Motion was made and seconded by Supervisors Jonker and Thomas, respectively, to adjourn the Committee meeting.

Chairman Barone adjourned the Health & Human Services Committee meeting at 8:18 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, July 15, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Johnson, Dybas, Bai a, Di Mezza and McMahon. Absent was Supervisor Barone.

Additional Supervisors present were Strevy, Thayer, Stagliano, Walters and Jonker. Absent were Supervisors Thomas, Paton and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Change Order #1 - Pollard Excavating - Library and College Union Water Infiltration Project (FMCC)
2. Resolution Authorizing Chairman to Sign Change Orders - FPI Electrical and Stephen Miller General Contracting - Wastewater Treatment Project (FMCC)
3. Resolution Authorizing Chairman to Sign Change Order #2 - Dutch Valley General Contractors - FMCC Classroom Building Renovation Project (FMCC)
4. Resolution Authorizing Chairman to Sign Change Order #2 - Four Strong Builders - FMCC Classroom Building Renovation Project (FMCC)
5. Resolution Authorizing Chairman to Sign Agreement - Phillips Associates - Design Plans and Specifications - 2009 Critical Maintenance Projects (FMCC)
6. Discussion Regarding Montgomery County 2009 Budget Appropriation for 2009 Capital Projects at Fulton-Montgomery Community College
7. Resolution Adopting FMCC 2008-2009 Operating Budget
8. Resolution Adopting Introductory Local Law B of 2008 - A Local Law which Rescinds Local Law # 2 of 2005 and Amends Local Law #2 of 1990 - A Local Law which Created and Set Guidelines for the Montgomery County Occupancy Tax and its Advisory Board
9. Resolution Adopting Introductory Local Law C of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Hagaman (Treasurer)
10. Resolution Establishing Public Hearing - Introductory Local Law D OF 2008 - A Local Law Authorizing The Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Fort Plain (Treasurer)
11. Resolution Designating Additional Depository for County Funds in the Name of the County Treasurer and Fixing Maximum Amounts which may be Kept on Deposit Therein at Any One Time
12. Resolution Authorizing Chairman to Sign Grant Agreement - Illegal Drug Trafficking Prevention - NYS DCJS (District Attorney)
13. Resolution Authorizing Chairman to Sign Grant Agreement - Aid to Prosecution - NY DCJS (District Attorney)
14. Resolution Authorizing Chairman to Sign Grant Agreement - NYS DCJS - Justice Assistance Grant (Sheriff)
15. Resolution Authorizing Chairman to Sign Agreement - NYSEDA Flex Tech Services - Montgomery County Public Safety Facility Energy Audit (Sheriff)
16. Resolution Amending 2008 Operating Budget - Demolition Team Expenses (DPW)



17. Resolution Urging NYS Legislature to Pass A.10600 - A Bill which Provides that Persons Submit to and Pass a Drug Test Before Receiving Public Assistance
18. Resolution Authorizing Chairman to Sign Loan Agreement with Power Pallet in Relation to the Office of Community Renewal Project #748ED604-07
19. Other

Item #1 (POLLARD EXCAVATING): The Resolution, sponsored and seconded by Supervisors McMahon and Johnson, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #2 (FPI ELECTRICAL): The Resolution, sponsored and seconded by Supervisors DiMezza and Strevy, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #3 (DUTCH VALLEY): The Resolution, sponsored and seconded by Supervisors Baia and DiMezza, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #4 (FOUR STRONG BUILDERS): The Resolution, previously sponsored and seconded by Supervisors Johnson and Jonker, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #5 (PHILLIPS): The Resolution, sponsored and seconded by Supervisors Strevy and Dybas, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #6 (FMCC CAPITAL PROJECTS): Supervisors Dybas and McMahon requested that this agenda item be entertained in the next Education and Government Committee meeting on August 5th, as a College representative is not present tonight. There were no objections.

Item #7 (FMCC OPERATING BUDGET): The Resolution, sponsored and seconded by Supervisors McMahon and Baia, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Chairman Quackenbush stated that this is a 2.3% increase from last year, but at no added cost to either Montgomery or Fulton County.

Item #8 (LOCAL LAW B): The Resolution, sponsored and seconded by Supervisors Greco and Dybas, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #9 (LOCAL LAW C): The Resolution, sponsored and seconded by Supervisors Strevy and Greco, respectively, was moved to the full Board with a positive recommendation. There were no objections.

When queried by Supervisor Dybas, County Attorney Doug Landon clarified the new lettering system of the Introductory Local Laws.

Item #10 (LOCAL LAW D): The Resolution, sponsored and seconded by Supervisors Quackenbush and DiMezza, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #11 (DEPOSITORY): Treasurer Shawn Bowerman clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors Dybas and Johnson, respectively.

It was suggested that the address "11 Division Street" be added to the Resolution as a clarification of which Amsterdam bank branch the Resolution refers to. There were no objections.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #12 (DRUG TRAFFICKING): The Resolution, previously sponsored and seconded by Supervisors Baia and Quackenbush, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #13 (AID TO PROSECUTION): The Resolution was previously sponsored and seconded by Supervisors Quackenbush and Greco, respectively.

Supervisor Dybas referred the Committee to an email received from Kevin Snell clarifying the grant period (4/1/08-9/30/09) and breakdown of expenditures.

Supervisor Dybas said that the District Attorney's budget must be amended by transferring money to Personnel for the allocated fringes (\$3,712), and he would like the correct financial details outlined within the Resolution.

Attorney Landon stated that errors in the budget must be corrected but not necessarily within this particular Resolution (which authorizes the Chairman to sign the grant agreement).

Sheriff Michael Amato stated that Jesse can write a new Resolution with the necessary numbers when the time comes.

Supervisor DiMezza spoke in support of a new Resolution at a later time with the correct budgetary figures outlined.

Upon roll call of the Committee members, it was decided to correct the budget within a new Resolution at a later time.

The Resolution (as it stands) was moved to the full Board with a positive recommendation. Supervisor Dybas objected.

Item #14 (JUSTICE ASSISTANCE): The Resolution, previously sponsored and seconded by Supervisors Baia and Johnson, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #15 (NYSERDA FLEX): The Resolution, previously sponsored and seconded by Supervisors Quackenbush and Dybas, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Sheriff Amato stated that NYSERDA will be billed directly for the other half of the cost of the audit.

Item #16 (DEMO TEAM): The Resolution, sponsored and seconded by Supervisors Walters and Baia, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #17 (A.10600): The Resolution was sponsored and seconded by Supervisors Baia and Jonker, respectively.

Supervisor Dybas stated that he will support the Resolution if the State will be paying for the drug testing and rehabilitation.

Supervisor Baia stated that the State hasn't considered the fiscal ramifications yet, and should A.10600 be passed in Senate, it will need to be amended with the necessary fiscal information, thereby making the County's supporting Resolution invalid. The County would then need to write a new supporting Resolution at that time.

Supervisor Johnson stated that another avenue must be taken in controlling public assistance misuse. She said that this kind of legislature is discriminatory.

Supervisor Strevy suggested adding a FURTHER RESOLVED clause stating that the County is not responsible for the costs.

Supervisor Jonker stated that drug testing is done in the private sector at random, and doesn't see discrimination as an issue here.

Supervisor DiMezza stated that the law has merit. Currently, if someone is doing drugs and collecting welfare assistance, that person can continue on the system if he isn't prosecuted. If he is jailed, the public assistance stops. However, if rehabilitation isn't successful, the person is labeled "disabled" and can apply for and collect SSD (Social Security Disability).

Supervisor Walters stated that the recipients of Public Assistance include "the average working person", who are in financial straits because of the high costs of food, heat, etc. He also stated that the liberal Senate will probably not pass this bill along.

Supervisor Thayer stated that he supports the Resolution, as it is a start at addressing the drug issue.

Supervisor DiMezza stated that he would like to amend the Resolution by inserting the end of the RESOLVED clause the following:

"this passage will be a funded mandate at no cost to the County".

Supervisor Baia stated his support of adding this wording.

Upon results of Committee poll, the Resolution was moved to the full Board (with the wording added) with no recommendation.

Item #18 (POWER PALLET): The Resolution, sponsored and seconded by Supervisors Johnson and Jonker, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #19, Other: Add-on "RESOLUTION ESTABLISHING POSITION - HR CLERK AND AMENDING 2008 OPERATING BUDGET (PERSONNEL)". The Resolution, sponsored and seconded by Supervisors DiMezza and McMahon, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #20, Other: Add-on "RESOLUTION APPROVING 2008 CAPITAL PROJECT - EXPANSION OF FLORIDA BUSINESS PARK (ECONOMIC DEVELOPMENT & PLANNING)". The Resolution was sponsored and seconded by Supervisors Johnson and Strevy, respectively.

Supervisor Strevy stated that he'd prefer not to bond this and would like to look at other financial options.

Chairman Quackenbush stated that it's important to dedicate the total figure, no matter what financial avenue is taken.

Supervisor DiMezza stated that expenses can be paid for as needed, but that he prefers not to take a big chunk of money such as \$2M from the Fund Balance. He said to stabilize taxes and support Economic Development in the future, we have to consider other funding sources.

Chairman Greco stated that we should bond only as needed.

Economic Development Director Ken Rose stated that \$500,000 is needed in a month's time, another \$1.2M is needed in November, with the final \$2M by March of 2009.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #21, Other: Add-on "RESOLUTION STATING MONTGOMERY COUNTY'S POSITION REGARDING PARTICIPATION IN MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE AUTHORITY IN 2014". The Resolution was sponsored and seconded by Supervisors Walters and Greco, respectively.

Supervisor Walters clarified the Resolution, stating that Schoharie and Otsego Counties are looking to terminate their relationship with MOSA in 2014.

Supervisor DiMezza stated that he would like to strike the FURTHER RESOLVED clause because it is antagonistic.

(Clerk's note: Supervisor DiMezza is referring to "FURTHER RESOLVED, that the Montgomery County Board of Supervisors asks that the MOSA Board of Directors call for the immediate termination of the current Executive Director for his lack of leadership, disregard for the service agreement and inability to find other cost-effective alternatives for disposal of solid waste for the tri-county participants.")

Supervisor DiMezza said he blames Schoharie and Otsego Board members for allowing the MOSA Executive Director to take the actions he's taken. He stated that ENCON and DEC won't allow the County to walk away from MOSA without a solid waste plan in place for 2014. He stated that he supports hiring someone to work on a plan and that the County will also need to help the local municipalities with their impending garbage hauling issues.

Supervisor Dybas stated his support in striking the FURTHER RESOLVED clause.

Supervisor Walters spoke in support of leaving the FURTHER RESOLVED clause in place, as it is the wish of the other two counties to dismiss the Executive Director.

Chairman Quackenbush stated that the FURTHER RESOLVED clause could be removed and instead be a new Resolution.

Chairman Greco stated that any discussion regarding personnel should have been done in Executive Session, and that it is ultimately a MOSA Board issue. He also stated that General Services Committee is looking into short and long-term solutions for the solid waste issue.

Supervisor Walters stated that the Service Agreement was not signed by MOSA, so the decision to make any move is up to the signers of the Service Agreement -- the three counties.

Supervisor Thayer stated that MOSA could work well under a different administration.

Attorney Landon stated that the Counties could further explore the option of dissolving the Authority in the future.

MOSA Board member John Mattas said that if Montgomery County combines forces with Schoharie, that would give the new "team" five votes and more control of MOSA.

When queried, MOSA Board member Olga Podmajersky stated that she would remove the FURTHER RESOLVED clause from the Resolution, but realizes it must be addressed separately.

Mr. Mattas said that the MOSA Board of Directors have failed to provide the necessary leadership.

Upon roll call, the Resolution (with the FURTHER RESOLVED removed) was moved to the full Board with a positive recommendation.

Supervisor Walters stated that he will be bringing forth a Resolution to be entertained at the

Full Board Meeting regarding the removal of the Executive Director. He said he will clarify the language with Board of Supervisors Administrative Aide Jacki Meola prior to the meeting.

Supervisors Baia and Jonker made a motion to sponsor and second that draft Resolution, respectively. The draft Resolution was moved to the Full Board with a positive recommendation. There were no objections.

Item #22, Other: Add-on "RESOLUTION AMENDING 2008 OPERATING BUDGET - DEMOLITION TIP FEE EXPENSES (BOARD OF Supervisors)". The Resolution, previously sponsored and seconded by Supervisors DiMezza and Dybas, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #23, Other: Supervisor Walters stated that a Resolution is missing from the packet regarding the MOSA 2007 shortfall. He clarified the missing Resolution. The Resolution, sponsored and seconded by Supervisors Walters and Jonker, respectively, was moved to the full Board with a positive recommendation. There were no objections.

(Clerk's note: Supervisor Walters is referring to "RESOLUTION AUTHORIZING THE PAYMENT OF 2007 MOSA SHORTFALL AND AMENDING THE 2008 OPERATING BUDGET".)

Item #24, Other: Supervisor Dybas said he would ask MOSA why the County is presented with a bill when we exceed our recycling quota (as the Service Agreement states).

Supervisors DiMezza and Jonker made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:48 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISOR'S CHAMBERS  
PUBLIC HEARING  
6:45 PM, July 22, 2008

Fulton Montgomery Community College 2008 - 2009 Proposed Operating Budget

PUBLIC HEARING DISCUSSION

Vice Chairman Johnson called the Public Hearing to order at 6:45 p.m. in the Supervisors' Chambers in Chairman Greco's absence.

Present were Supervisors McMahon, Strevy, Dybas, Thayer, Barone, Jonker, Thomas, Bai a, Di Mezza and Quackenbush. Absent were Supervisors Walters, Paton and Stagliano.

The following notice was read:

NOTICE OF PUBLIC HEARING ON TENTATIVE BUDGET OF THE FULTON-MONTGOMERY COMMUNITY COLLEGE (FMCC)

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of the County of Montgomery will meet in the Chambers of the Board of Supervisors, County Office Building, 64 Broadway (Route 30A), Fonda, New York at 6:45 p.m. on Tuesday, July 22, 2008 for the purpose of holding a public hearing on the Tentative Budget of the FMCC as the same relates to the financial share and obligation of the County of Montgomery for the College's fiscal year which begins September 1, 2008 and ends August 31, 2009.

FURTHER NOTICE is hereby given that a copy of the 2008-2009 Tentative Budget of FMCC is available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York, where it may be examined or procured by any interested person during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board

Vice Chairman Johnson asked whether anyone from the public wished to speak.

There were no speakers.

Vice Chairman Johnson adjourned the public hearing at 6:48 p.m.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISOR'S CHAMBERS  
PUBLIC HEARING  
6:50 PM, July 22, 2008

INTRODUCTORY LOCAL LAW C OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR A COUNTY PURPOSE - VILLAGE OF HAGAMAN

PUBLIC HEARING DISCUSSION

Vice Chairman Johnson called the Public Hearing to order at 6:50 PM in the Supervisors' Chambers in Chairman Greco's absence.

Present were Supervisors Quackenbush, Paton, McMahon, Strevy, Dybas, Thayer, Barone, Thomas, Jonker and Baia. Absent were Supervisors Paton, Stagliano and Walters.

The following notice was read:

NOTICE OF PUBLIC HEARING

INTRODUCTORY LOCAL LAW C OF 2008 - "A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY NOT NEEDED FOR A COUNTY PURPOSE - VILLAGE OF HAGAMAN"

WHEREAS a public hearing is required to be held concerning Introductory Local Law C of 2008.

NOTICE IS GIVEN that said public hearing shall be held Tuesday, July 22, 2008 at 6:50 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York.

FURTHER NOTICE is hereby given that copies of said Introductory Local Law are available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York where they may be inspected or procured by any interested persons during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board

Vice Chairman Johnson asked whether anyone from the public wished to speak.

There were no speakers.

Vice Chairman Johnson adjourned the public hearing at 6:51 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISOR'S CHAMBERS  
PUBLIC HEARING  
6:55 PM, July 22, 2008

INTRODUCTORY LOCAL LAW B OF 2008 - A LOCAL LAW WHICH RESCINDS LOCAL LAW #2 OF 2005 & AMENDS LOCAL LAW #2 OF 1990 - LOCAL LAWS WHICH CREATED & SET GUIDELINES FOR THE MONTGOMERY COUNTY OCCUPANCY TAX & ITS ADVISORY BOARD

PUBLIC HEARING DISCUSSION

Vice Chairman Johnson called the Public Hearing to order at 6:55 PM in the Supervisors' Chamber in Chairman Greco's absence.

Present were Supervisors Quackenbush, McMahon, Strevy, Dybas, Thayer, Barone, Walters, Thomas, Jonker, DiMezza and Baia. Absent were Supervisors Paton and Stagliano.

The following notice was read:

NOTICE OF PUBLIC HEARING

INTRODUCTORY LOCAL LAW B - "A LOCAL LAW WHICH RESCINDS LOCAL LAW #2 OF 2005 & AMENDS LOCAL LAW #2 OF 1990 - LOCAL LAWS WHICH CREATED & SET GUIDELINES FOR THE MONTGOMERY COUNTY OCCUPANCY TAX & ITS ADVISORY BOARD"

WHEREAS, a public hearing is required to be held concerning Introductory Local Law No. B of 2008.

NOTICE is given that said public hearing shall be held July 22, 2008 at 6:55 p.m., in the Chamber of the Board of Supervisors, County Office Building, 64 Broadway, Fonda, New York.

FURTHER NOTICE is hereby given that copies of said Introductory Local Law are available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York where they may be inspected or procured by any interested persons during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board

Vice Chairman Johnson asked if there were any speakers.

Ron Hezel, proprietor of the Inn by the Mill Bed and Breakfast in St. Johnsville, stated that the purpose of the money is to keep "heads in beds" within Montgomery County, and the OTAB members should be "in the business".

He clarified a misconception, stating that the Board does meet frequently and has active subcommittees.

He said business has decreased by 70%, and that Herkimer B&B's don't pay the extra 4% bed tax that Montgomery County imposes on their local B&B's.

Art Adams, proprietor of the Hazelnut Bed and Breakfast in Minden implored the Board of Supervisors not to dissolve the OTAB.

There were no other speakers.

Vice Chairman Johnson adjourned the public hearing at 7:02 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, July 22, 2008

CALL TO ORDER

Vice Chairperson Barbara Johnson called the Regular Meeting of the Montgomery County Board of Supervisors for July 22, 2008 to order at 7:04 PM in Supervisor Greco's absence.

SALUTE TO THE FLAG

Supervisor McMahon led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, McMahon, Strevy, Dybas, Thayer, Barone, Walters, Thomas, Jonker, Bai a and Di Mezza were present. Supervisors Stagliano and Paton was absent.

CHAIRMAN'S COMMENT

Vice Chair Johnson stated that Chairman Greco had an emergency appendectomy this morning but is in recovery.

She also stated that Supervisor Paton has been transferred to River Ridge Nursing Home in Amsterdam and is in recovery also.

PRIVILEGE OF THE FLOOR

A. Proclamations

- i. Community Service Recognition - Lloyd Smith
- ii. William Gilston - Montgomery County Employee  
with 40 Years of Service
- iii. Montgomery County Youth Bureau - 30th Anniversary

B. Public Comment

i. Supervisor Dybas presented the proclamation to Lloyd Smith, former radio personality, for his lifelong commitment to the County.

ii. Supervisor Thomas congratulated Deputy Sheriff Investigator William Gilston for his 40th year anniversary as an employee of the Sheriff's Dept.

iii. Youth Bureau Director Jen Petthey's accepted the anniversary proclamation from Supervisor Barone on behalf of the Youths of Montgomery County.

Vice Chairman Johnson asked if anyone wished to speak.

Ron Heisel, proprietor of the Inn by the Mill Bed and Breakfast in St. Johnsville, asked the Board to exempt bed and breakfast establishments from the 4% tax.

Edward Wesnofske, MOSA Board Chairman, spoke regarding the four MOSA resolutions to be entertained at tonight's meeting. He stated that he's pleased to see the demolition initiative. He also said that he feels that the Resolution asking for the dismissal of the Executive Director is unfair, and that many financial decisions were made by the MOSA Board prior to the hiring of the Executive Director.

He also asked the Board of Supervisors to approve paying the full invoice, to avoid consternation and potential litigation.

There were no other speakers.

Vice Chairman Johnson adjourned Public Comment at 7:25 PM.

MOTION TO AMEND THE AGENDA



MOTION TO AMEND AGENDA AND SUSPEND THE RULES by Supervisor Quackenbush, seconded by Supervisor Strevy to discuss two add-on draft Resolutions in Executive Session after NEW BUSINESS, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.

(Clerk's note: Supervisor Quackenbush is referring to "RESOLUTION REAFFIRMING SUPPORT FOR THE BEECH-NUT PROJECT IN THE TOWN OF FLORIDA IN LIGHT OF LAWSUIT" and "RESOLUTION RETAINING COUNSEL TO DEFEND LITIGATION BROUGHT BY THE VILLAGE OF CANAJOHARIE".)

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (June 24 - July 15, 2008) by Supervisor Barone, Sr., seconded by Supervisor Quackenbush, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.

#### APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Barone, Sr., seconded by Supervisor DiMezza, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.

#### UNFINISHED BUSINESS

#### NEW BUSINESS

A. Resolutions

B. Other

Supervisor Quackenbush congratulated Vice Chairman Johnson on successfully Chairing her first Full Board meeting.

Supervisor Quackenbush applauded FMCC on their excellent job in the 2008-2009 budget process.

#### **RESOLUTION NO. 223 of 2008**

**DATED:** July 22, 2008

#### **RESOLUTION ADOPTING 2008-2009 FMCC OPERATING BUDGET**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Bai a

WHEREAS, the Fulton-Montgomery Community College Board of Trustees has presented Fulton and Montgomery County, the sponsoring counties, with a 2008-2009 budget request, and

WHEREAS, the required public hearing on said tentative budget has been held.

RESOLVED, that the Fulton-Montgomery Community College Operating Budget for the fiscal year beginning September 1, 2008 and ending on August 31, 2009, with appropriations totaling \$15,655,120, hereby is accepted and approved, and

FURTHER RESOLVED, that the amount to be appropriated by the County of Montgomery County as its sponsor share of said Budget, shall be \$1,395,821, and

FURTHER RESOLVED, that said sponsor's share shall be included in the Montgomery County Operating Budget for 2009, as required by the Education Law of the State of New York, and

FURTHER RESOLVED, that this Resolution shall take effect upon adoption of a similar Resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1350). Supervisor Dybas voted Nay. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

#### **RESOLUTION NO. 224 of 2008**

**DATED:** July 22, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 - POLLARD EXCAVATING - LIBRARY AND COLLEGE UNION WATER INFILTRATION PROJECT (FMCC)

Resolution by Supervisor: McMahon

Seconded by Supervisor: Johnson

WHEREAS, Resolution 35 of 2008 authorized 2008 Capital Projects at Fulton-Montgomery Community College which included the Library Building Water Infiltration Project and the College Union Bookstore Water Infiltration Project, and

WHEREAS, Resolution 297 of 2007 authorized an agreement with Steven E. Smith for design plans and specifications related to said projects, and

WHEREAS, Resolution 57 of 2008 authorized solicitation of bids for construction services of said projects, and

WHEREAS, Resolution 133 of 2007 authorized a contract with Pollard Excavating for construction services on said project in the amount of \$326,000, and

WHEREAS, certain unforeseen problems have developed with respect to this project that has required Pollard to perform additional work including new footing drains, storm sewer man hole and pump station and repair of a broken roof leader that were not in the original scope of work.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #1 with Pollard Excavating in an amount not to exceed \$13,000, and

FURTHER RESOLVED, that Montgomery County's share for said Change Order (\$3,250) shall be paid from a balance in the Electrical Vault Water Leak Remediation Projects, a 2007 FMCC Capital Project, and

FURTHER RESOLVED, that this resolution is contingent upon a similar resolution adopted by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

# **RESOLUTION NO. 225 of 2008**

**DATED:** July 22, 2008

## **RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #2 - FOUR STRONG BUILDERS - FMCC CLASSROOM BUILDING RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, by resolution 63 of 2008, various contracts were authorized for the Classroom Building Renovation - Phase I - Mechanical System upgrade Project at FMCC, and

WHEREAS, by resolution 160 of 2008, various change orders with contractors were authorized for necessary items that were not in the original scope of work, and

WHEREAS, said project has certain mechanical equipment being relocated in the lower level of the Mechanical Room and in order to accomplish this, steel beams need to be installed to construct a rigging system, and

WHEREAS, in the process of developing this rigging system, it was discovered that the existing beams have asbestos-containing fireproofing material on them which will need to be abated, and

WHEREAS, said abatement was not in the original scope of work nor part of the original costs of said project, but does not exceed the amount originally appropriated for said capital project by Resolution 122 of 2008.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign change order #2 with Four Strong Builders as follows:

### **Four Strong Builders**

Original Contract Amount	\$243,000
Change Order #1	\$ 14,500
Change Order #2	\$ 7,925
	<u>\$265,425</u>

, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 226 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #2 - DUTCH VALLEY GENERAL CONTRACTORS - FMCC CLASSROOM BUILDING RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Di Mezza

WHEREAS, by resolution 63 of 2008, various contracts were authorized for the Classroom Building Renovation - Phase I - Mechanical System upgrade Project at FMCC, and

WHEREAS, by resolution 160 of 2008, various change orders with contractors were authorized for necessary items that were not in the original scope of work, and

WHEREAS, said project has certain mechanical equipment being relocated in the lower level of the Mechanical Room and in order to accomplish this, steel beams need to be installed to construct a rigging system, and

WHEREAS, in the process of developing this rigging system, it was discovered that the existing beams has asbestos-containing fireproofing material on them which needs to be abated, and

WHEREAS, the steel beams will need to be refireproofed after the asbestos is removed, and walls in the Mechanical Room will be removed and reconstructed to make room for these new pieces of equipment and additional items such as repairing ceiling grids, repainting walls, patching finishes, etc

WHEREAS, all of this additional work was not in the original scope of work nor part of the original costs of said project, but does not exceed the amount originally appropriated for said capital project by Resolution 122 of 2008.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign change order #2 with Dutch Valley General Contractors as follows:

Original Contract Amount	\$205,700
Change Order #1	\$ 4,565
Change Order #2	\$ 15,000
	<hr/>
	\$225,265

, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 227 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - PHILLIPS ASSOCIATES - DESIGN PLANS AND SPECIFICATIONS - 2009 CRITICAL MAINTENANCE PROJECTS (FMCC)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Dybas

WHEREAS, Resolution 162 of 2008 endorsed and supported certain critical maintenance projects at Fulton Montgomery Community College for 2009, and

WHEREAS, total costs of said projects were estimated to be \$1,070,000 (Montgomery County share = \$267,500), yet original estimates did not included costs for asbestos abatement, which has now brought the total of the 2009 critical maintenance projects to \$1,250,000 (Montgomery County share = \$312,500), and

WHEREAS, the Finance Committee on June 17, 2008 discussed and endorsed obtaining a cost proposal from Phillips Associates to prepare design plans and bid specifications for implementing these critical maintenance projects, and

WHEREAS, Phillips Associates has submitted a cost proposal in an initial amount to conduct preliminary engineering and prepare a preliminary design report and cost estimate, which will better define the scope of work and allow Phillips Associates to develop the most accurate fee for completing the design, and

WHEREAS, it is recommended that Fulton and Montgomery Counties enter into an initial agreement with Phillips Associates for the preliminary design work, which can later be amended for completion.

RESOLVED, that the Chairman of the Board, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Phillips Associates to conduct preliminary engineering and prepare a preliminary design report and cost estimate for the 2009 critical maintenance projects as endorsed in Resolution 162 of 2008 at a cost not to exceed \$14,000, and

FURTHER RESOLVED, that Montgomery County's share for said contract (\$3,500) shall be paid from balances in the Pool Repair and Electrical Vault Water Leak Remediation Projects, 2007 FMCC Capital Projects, and

FURTHER RESOLVED, that this resolution is contingent upon a similar resolution adopted by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 228 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDERS - FPI ELECTRICAL AND STEPHEN MILLER GENERAL CONTRACTING - WASTEWATER TREATMENT PROJECT (FMCC)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Strevy

WHEREAS, Montgomery County Resolution 168 of 2006 endorsed the FMCC Wastewater Treatment Plant Renovation Project and its submittal to SUNY, and

WHEREAS, Montgomery County Resolution 285 of 2006 authorized an agreement with Fraser and Associates of Rensselaer, NY for engineering design services for the FMCC Wastewater Treatment Plant Upgrade Project, and

WHEREAS, Resolution 195 of 2007 authorized the solicitation of bids for said project, and

WHEREAS, Resolution 213 of 2007 awarded contracts to FPI Mechanical for the electrical contract and Stephen Miller General Contractors for construction services on said project, and

WHEREAS, said electrical contract is substantially complete and it is recommended that the engineer proceed with closing out this contract, and

WHEREAS, there has also been additional repair work that was not included in the design plans and bid specifications that requires a change order with Stephen Miller General Contractors and it is recommended that the credit from the electrical contract with FPI be utilized to cover costs of said change order with Stephen Miller General Contractors.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #1 to the contract with FPI Electrical to credit the Counties of Fulton and Montgomery for the unused portion of the Contingency Allowance, in the amount of \$7,919.00, and as follows:

Original Contract Amount:	\$86,200.00
Change Order #1:	(-) 7,919.00
-----	

Revised Contract Amount: \$78,281.00

, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #1 with Stephen Miller General Contracting in an amount not to exceed \$7,919 which would alter said contract as follows:

Stephen Miller General Contractors	
Base Bid 1	\$288,288.00
Alt. Bid 1	\$ 10,184.00
Alt. Bid 3	\$ 5,744.00
	-----
	\$304,216.00
Change Order #1	\$ 7,919.00
	-----
	\$312,135.00

, and

FURTHER RESOLVED, that this resolution is contingent upon a similar resolution adopted by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 229 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - FBI ANTENNA SITE LICENSE RENEWAL - OAK RIDGE SITE (SHERIFF)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

WHEREAS, by Resolution 225 of 2003 and Resolution 37 of 2004, Montgomery County has entered into a license agreement with the US Department of Justice, Federal Bureau of Investigation for a 10-year Basic Ordering Agreement through September 30, 2013, and

WHEREAS, said agreement authorized the federal agency to maintain certain communications equipment on a County-owned tower, and

WHEREAS, said agreement calls for a renewal on a yearly basis.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a renewal license agreement with the US Department of Justice, Federal Bureau of Investigation, with said license to pay a \$200.00 monthly fee for a one-year period commencing on October 1, 2008 and ending on September 30, 2009.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Regarding Resolution 230, Sheriff Mike Amato stated that an amendment needs to be made in the figures of the Resolution.

(Clerk's note: See Resolution for new figures.)

**RESOLUTION NO. 230 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - NEW COMMUNICATION CONSOLE PURCHASE FOR THE PUBLIC SAFETY FACILITY (SHERIFF)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Quackenbush

WHEREAS, the Sheriff has recommended the purchase of a new communication console in the Public Safety Facility to replace one that is in need of updating, and

WHEREAS, said funding will be covered by existing and anticipated 911 grant monies.

RESOLVED, that the Sheriff is hereby authorized to purchase a new communication console from Watson Dispatch at a cost not to exceed \$27,685, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE APPROPRIATIONS:

A-889	E-911 Reserve	\$29,010
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INCREASE APPROPRIATIONS:

A-15-4-3020-00-2210	Office Furniture	\$24,685
A-15-4-3020-00-4422	Equipment	\$ 3,000
A-15-4-3020-00-2250	Technical Equipment	\$ 1,325

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor Strevy

to strike the RESOLVED and FURTHER RESOLVED clauses and insert as follows:

"RESOLVED, that the Sheriff is hereby authorized to purchase a new communication console from Watson Dispatch at a cost not to exceed \$29,478, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE APPROPRIATIONS:

A-511	E-911 Appropriated Reserve	\$29,478
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INCREASE APPROPRIATIONS:

A-15-4-3020-00-2210	Office Furniture	\$25,153
A-15-4-3020-00-4422	Equipment	\$ 3,000
A-15-4-3020-00-2250	Technical Equipment	\$ 1,325"

, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 231 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - NYSERDA FLEX TECH SERVICES - MONTGOMERY PUBLIC SAFETY FACILITY ENERGY AUDIT (SHERIFF)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Dybas

WHEREAS, the Sheriff has recommended entering into an agreement with New York State Energy Research and Development Authority (NYSERDA) to perform a Energy Audit at the Montgomery County Public Safety Facility, and

WHEREAS, said audit has a cost of \$39,940 and fifty percent is paid for by NYSERDA.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with New York State Energy Research and Development Authority for a FlexTech Energy Study at the Montgomery County Public Safety Facility at County Cost not to exceed \$19,970, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE APPROPRIATIONS:

A-599	Appropriated Fund Balance	\$19,970
A-15-4-3150-00-4438	Miscellaneous Support Service	\$19,970

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 232 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYSDCJS - JUSTICE ASSISTANCE GRANT (SHERIFF)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Johnson

WHEREAS, the Sheriff has been notified that Montgomery County has received \$20,000 Justice Assistance Grant (JAG) from the NYS Department of Criminal Justice, and

WHEREAS, said funding will be used to purchase a new computer and software which will record evidence from in-car video cameras, improving access to video-recorded evidence.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a Justice Assistance Grant Award with the NYS Department of Criminal Justice in the amount of \$20,000 to be utilized as outlined above.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 233 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - AID TO PROSECUTION - NYSDCJS (DISTRICT ATTORNEY)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

WHEREAS, the District Attorney has been advised that Montgomery County has been awarded an Aid to Prosecution Grant by the New York State Division of Criminal Justice Services for 2008-2009.

RESOLVED, that the Board of Supervisors hereby authorizes acceptance of a \$39,503.00 Aid to Prosecution Grant approved by the New York State Division of Criminal Justice Services, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a contract agreement accepting said grant.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 234 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - ILLEGAL DRUG TRAFFICKING PREVENTION PROGRAM - NYSDCJS (DISTRICT ATTORNEY)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Quackenbush

WHEREAS, the District Attorney has been advised that Montgomery County has been awarded a 2008-2009 Byrne Grant by the New York State Division of Criminal Justice Services for implementation of an illegal drug trafficking prevention program in Montgomery County.

RESOLVED, that the Board of Supervisors hereby authorizes acceptance of a \$40,000.00 2008-2009 Byrne Grant approved by the New York State Division of Criminal Justice Services, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a contract agreement accepting said grant.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor McMahon stated that he would like the Bed tax be added as a discussion item on the next Economic Development Committee meeting. There were no objections.

Supervisor DiMezza asked that County Attorney Doug Landon see if the County can possibly exempt Bed and Breakfasts from the bed tax, or if special legislation is needed on the state level.

**RESOLUTION NO. 235 of 2008**

**DATED:** July 22, 2008

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW B OF 2008 - A LOCAL LAW WHICH RESCINDS LOCAL LAW #2 OF 2005 AND AMENDS LOCAL LAW #2 OF 1990 - LOCAL LAWS WHICH CREATED AND SET GUIDELINES FOR THE MONTGOMERY COUNTY OCCUPANCY TAX AND ITS ADVISORY BOARD

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, on June 24, 2008 a proposed Local Law for the County of Montgomery County entitled "A Local Law Which Rescinds Local Law #2 OF 2005 and Amends Local Law #2 OF 1990 - Local Laws Which Created and Set Guidelines for the Montgomery County Occupancy Tax and its Advisory Board" was presented to the Board of Supervisors for consideration, and

WHEREAS, on June 24, 2008 Resolution 219 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 22nd day of July, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held.

RESOLVED, that Introductory Local Law B of 2008 (now known as "Local Law #5") entitled "A LOCAL LAW WHICH RESCINDS LOCAL LAW #2 OF 2005 AND AMENDS LOCAL LAW #2 OF 1990 - LOCAL LAWS WHICH CREATED AND SET GUIDELINES FOR THE MONTGOMERY COUNTY OCCUPANCY TAX AND ITS ADVISORY BOARD" hereby is adopted and is incorporated as follows:

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

Local Law #2 of 2005 is hereby rescinded, and

FURTHER RESOLVED, that Local Law #2 of 1990 is hereby amended as follows:

Section 1: Purpose - shall now read:

The general purpose of this local law is to authorize a hotel or motel occupancy tax in Montgomery County. This local law has been authorized by enabling legislation of an amendment to the Tax Law of the State of New York, which added a new Section 1202 - K. The State Legislature and the Governor enacted such legislation into law during the 1990 Legislative Session and further amended said law during the 2003 Legislative Session.

Section 2: Justification - shall now read:

This local law provides for the imposition of a hotel/motel occupancy tax ("bed tax") in the County not to exceed four percent. Such a tax will be charged to persons occupying any facility providing lodging on an overnight basis, including hotels, motels, bed and breakfast inns and tourist facilities. The bed tax is not applicable to "permanent residents", which are those individuals occupying any room or rooms for at least 30 consecutive days.

All revenues resulting from the imposition of the bed tax will be paid to the Montgomery County Treasurer and deposited in a special tourism/promotion account. The proceeds from this account shall be allocated by the Board of Supervisors to promote tourism and other directly related and supporting activities. All monies raised from the tax shall serve as a supplement to all other County tourism funds in order that tourism is effectively promoted within the County.

Section 3. Definitions - shall remain the same.

Section 4: Rate - shall now read:

The rate of such tax shall not exceed four (4) percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or



motel.

Section 5: Tax Collection and Administration - shall remain the same.

Section 6: Advisory Board - shall be deleted in its entirety and replaced with the following:

Section 6: Oversight and Reporting

1.) The Montgomery County Agriculture, Planning and Development Committee, a standing committee of the Board of Supervisors, shall have oversight over Occupancy Tax Funds.

a. Said Committee shall advise the Board of Supervisors concerning the collection, management and disbursement of revenues generated by the tax imposed by section 1202-k of the NYS Tax Law;

b. Said Committee shall identify, review and evaluate and make recommendations to the Board of Supervisors concerning tourism-related issues and the application of such revenues as they impact upon Montgomery County, to enhance and develop the general economy of the County of Montgomery and the towns therein in relation to such issues;

c. Said Committee shall carry out such other duties as the Board of Supervisors may determine which are germane to its establishment;

2.) The County Treasurer, in conjunction with Agriculture, Planning and Development Committee, shall provide all reporting requirements regarding Occupancy Tax Funds.

a. In accordance with generally accepted accounting principles, the Treasurer of Montgomery County, as its chief fiscal officer, shall issue an annual report to the Board of Supervisors and to any other entity mandated by the Board of Supervisors of Montgomery County to receive the same.

i. Such report shall be issued no later than the date on which the Budget Officer of Montgomery County files his tentative annual budget with the Montgomery County Board of Supervisors, pursuant to section 354 of NYS County Law.

ii. Such report shall

1. Reflect a compilation of collections as well as the activities for the immediately preceding twelve months period, generated through the use of such revenues generated pursuant to Section 1202-k of the NYS Tax Law, with particular emphasis on any information compiled from Tourism Promotion Agency reporting and Hospitality Grant Award reporting and any other promotion of tourism, conventions, trade shows, and any other directly related and supporting activities throughout Montgomery County; and

2. Make recommendations concerning other future organizations, implementations and the use of such revenues.

Section 7: Saving Clause - shall remain the same.

Section 8: Effective Date - shall now read:

This Local Law shall take effect upon its filing thereof in the NYS Office of the Secretary of the State.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

RESOLUTION ADOPTED with Aye(1349). Supervisor Bai a voted Nay. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 236 of 2008**

**DATED: July 22, 2008**

**RESOLUTION APPOINTING MEMBER - FULTON-MONTGOMERY-SCHOHARIE WORKFORCE DEVELOPMENT BOARD (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Dybas

WHEREAS, Resolution 263 of 2007 authorizes Montgomery County to enter into a formal Chief Local Elected Officials Agreement with Fulton County and Schoharie County for the creation of the Fulton-Montgomery-Schoharie Workforce Development Board, and

WHEREAS, said agreement requires that each County maintain five public sector appointments and six private sector appointments as listed under the Workforce Investment Act, Section 117, and

WHEREAS, Montgomery County's public sector appointments include the Department of Labor, Organized Labor, Vocational Rehabilitation, and two Community-Based Organizations, and

WHEREAS, the Board which currently consists of the following:

Appointment	Representing	Term
Pat Baia	Private Sector Appointment	11/22/05 - 11/22/08
Tom Pasquarelli	Private Sector Appointment	11/22/05 - 11/22/08
Terry Suits	Private Sector Appointment	11/22/05 - 11/22/08
Kristin Pasquarelli	Private Sector Appointment	03/25/08 - 11/22/08
_____	Private Sector Appointment	xxxxxxx - 11/22/08
_____	Private Sector Appointment	XXXXXXXX - 11/22/08
Bob Hoefs	Public Sector Appointment	11/22/05 - 11/22/08
Dustin Swanger	Public Sector Appointment	04/24/07 - 11/22/08
Robert Palmatier	Public Sector Appointment	11/22/05 - 11/22/08
Ramon Rodriguez	Public Sector Appointment	11/22/05 - 11/22/08
Julia Caro	Public Sector Appointment	01/22/08 - 11/22/08

, and

WHEREAS, there still remains two open vacancies for the private sector appointments, of which one recommendation has been made for appointment.

RESOLVED, that the Montgomery County Board of Supervisors hereby appointments the following individual to the Fulton-Montgomery-Schoharie Workforce Development Board:

Appointing	Representing	Term
Amy McGrath	Private Sector Appointment	07/22/08 - 11/22/08

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

## RESOLUTION NO. 237 of 2008

**DATED:** July 22, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CONTINUATION OF CLEO AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE COUNTIES OF FULTON AND SCHOHARIE TO COMPLY WITH IMPLEMENTATION REQUIREMENTS OF THE WORKFORCE INVESTMENT ACT OF 1990

Resolution by Supervisor: Baia

Seconded by Supervisor: Greco

WHEREAS, in accordance with the Workforce Investment Act (WIA) of 1998, Fulton, Montgomery, and Schoharie Counties entered into an agreement prescribed by WIA to govern the management structure for the Fulton Montgomery and Schoharie Counties Workforce Development Board, and

WHEREAS, the Chief Local Elected Officials (CLEO) agreement authorizes the FMS Workforce Development Board to provide planning guidance, monitoring, support, oversight and regulation to ensure the highest quality workforce development system; and,

WHEREAS, said CLEO agreement should be renewed on a yearly basis on July 1 of each year.

RESOLVED, That the Chairman of the Board, upon review and approval of the County Attorney, is hereby authorized and directed to sign a formal Chief Local Elected Officials (CLEO) agreement between the County of Montgomery and the Counties of Fulton and Schoharie to continue to meet the requirements of the Workforce Investment Act, and

FURTHER RESOLVED, this agreement is effective July 1, 2008 and continues through June 30, 2009, and

FURTHER RESOLVED, if a new agreement is not in place at that time, provisions of this agreement will continue in effect until a new agreement is signed and accepted by the Chief Elected Officials.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 238 of 2008**

**DATED:** July 22, 2008

**RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY PLANNING BOARD (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, per Local Law No. 1 of 1987 the Chairman of the Board of Supervisors has authorization to appoint individuals to serve on the County Planning Board with the advice and consent of the Montgomery County Board of Supervisors, and

WHEREAS, the current planning board consists of the following:

Appointee	Representing	Term Expiration
Vacant	1st Ward	06/30/08
Robert Di Caprio	2nd Ward	06/30/09
Robert L. Mead	3rd Ward	06/30/09
Crystal Ricciuti	4th Ward	06/30/08
Andy Reed	5th Ward	06/30/10
Phil Arnold	Town of Amsterdam	06/30/08
Diane Tresidder	Town of Canajoharie	06/30/10
Jack Fritz	Town of Charleston	06/30/08
Scott McKay	Town of Florida	06/30/10
John Thomas	Town of Glen	06/30/09
Keith MacGregor	Town of Minden	06/30/10
Anthony Bruno	Town of Mohawk	06/30/10
Vacant	Town of Palatine	06/30/09
John Lyker	Town of Root	06/30/10
Salvatore "Sam" Giarizzo	Town of St. Johnsville	06/30/09

And

WHEREAS, there are currently two vacancies on said Board and certain Board Members terms have expired on June 30, 2008 and are interested in reappointment.

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to reappoint, with the advice and consent of the Montgomery County Board of Supervisors, the following individuals to the Montgomery County Planning Board:

Crystal Ricciuti, Phil Arnold, Jack Fritz, for a term commencing immediately and ending on June 30, 2011, and

FURTHER RESOLVED, that Luis Agueros is newly appointed to the 1st Ward for a term expiring 06/30/11.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 239 of 2008**

**DATED:** July 22, 2008

**RESOLUTION DESIGNATING THE NEW YORK AGRICULTURAL LAND TRUST AS THE ADMINISTRATOR OF THE CONSERVATION EASEMENT FOR THE 2007 - 2008 AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT AWARD**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Jonker

WHEREAS, the State of New York Department of Agriculture and Markets requested proposals for State Financial Assistance payments for farmland protection implementation projects, and

WHEREAS, Montgomery County sponsored a grant application and the Keitzmann Farm has been awarded \$958,837 to purchase the property's development rights, and

WHEREAS, the New York State Department of Agriculture and Markets has requested Montgomery County identify an authorized representative to execute a contract and administer all related fiscal matters, and

WHEREAS, Resolution 17 of 2008 authorized the Chairman of the Board of Supervisors to execute all documents related to said grant and the Montgomery County Department of Economic Development and Planning as the authorized representative in administering the grant award, and

WHEREAS, it is also required that the Board of Supervisors designate an authorized representative to execute and administer the conservation easement for the Keitzmann Farm Grant Award, and

WHEREAS, the New York Agricultural Land Trust (NYALT) has been selected by the landowners.

RESOLVED, the Board of Supervisors authorizes the New York Agricultural Land Trust to execute and administer the conservation easement portion of the grant award funding, and

FURTHER RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to sign any documents in furtherance of the transition of administrative authority.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 240 of 2008**

**DATED:** July 22, 2008

**RESOLUTION APPOINTING MEMBER OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
(MCIDA) BOARD OF DIRECTORS**

Resolution by Supervisor: Greco

Seconded by Supervisor: Dybas

WHEREAS, the current Board consists of the following:

William Hisert, Chairman  
Eugene Richards, Vice Chair  
Carol Shineman, Secretary  
Robert Hoefs, Treasurer  
Daniel Wilson, Member  
Vacant, Member  
Charles R. Schwartz, Esq., Member  
Kenneth F. Rose, Chief Executive Officer  
Sheila Snell, Chief Financial Officer

, and

WHEREAS, a vacancy exists on the Montgomery County Industrial Development Agency Board of Directors.

RESOLVED, that the Board of Supervisors, in accordance with General Municipal Law 895-D, hereby appoints Joseph R. Emanuele III of Amsterdam, NY as a member of the Montgomery County Industrial Development Agency Board of Directors, and

FURTHER RESOLVED, that said appointee shall serve at the pleasure of the Board of Supervisors.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 241 of 2008**

**DATED:** July 22, 2008

**RESOLUTION APPROVING 2008 CAPITAL PROJECT - EXPANSION OF FLORIDA BUSINESS PARK  
(ECONOMIC DEVELOPMENT & PLANNING)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Strevy

WHEREAS, the Economic Opportunity and Development Director has recommended to expand the Florida Business Park through the acquisition of additional lands and the infrastructure development within the park.

RESOLVED, that the Board of Supervisors hereby approves the expansion of the Florida Business Park as a 2008 Capital Project, at a cost not to exceed \$3,620,000.00, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to arrange for preparation of appropriate legislation authorizing bonding to fund said Capital Project.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 242 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN LOAN AGREEMENT WITH POWER PALLET IN RELATION TO THE OFFICE OF COMMUNITY RENEWAL PROJECT #748ED604-07**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, Montgomery County was awarded a grant from the Office of Community Renewal in the amount of \$503,500 to assist Power Pallet with the purchase of machinery and equipment to facilitate an expansion project, and

WHEREAS, Montgomery County is to loan the Office of Community Renewal funds to Power Pallet for an amount not to exceed \$503,500 with a term of 84 months at Prime minus three at the time of closing, and

WHEREAS, the principal and interest payments generated from said loan is to be granted to Montgomery County to increase the funds available in Montgomery County's existing Revolving Loan Fund.

RESOLVED, the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign an agreement, and any other legal documents necessary to process and economic development loan to Power Pallet, Inc., and

FURTHER RESOLVED, that, at the time of closing, a sum of \$1,500 shall be deducted, to allow for closing fees for the County Attorney, and

FURTHER RESOLVED, the loan payments will be deposited into the existing Revolving Loan Fund Account, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 operating budget as follows:

Increase Revenues:

CD 24 3 2189	\$503,500
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Increase Appropriations:

CD 24 4 8668 00 4510	\$503,500
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RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 243 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AWARDING BID 09-08 - HYDRAULIC EXCAVATOR (PUBLIC WORKS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Strevy

WHEREAS, the Purchasing Department was authorized to solicit bids for a hydraulic excavator for the Public Works Department, and

WHEREAS, said bids were opened on July 8, 2008.

RESOLVED, that the Board of Supervisors hereby awards Bid No. 09-08 to Anderson Equipment Company of Latham, NY, in the amount of \$235,880.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor Walters stated that the Forklift bid received as stated in Resolution 244 needs to be changed as the Forklift in question did not reach the bid specs upon further inspection. He asked that the bid be awarded to Alden Equipment of Amsterdam for \$39,870.00. There were no objections.

**RESOLUTION NO. 244 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AWARDING BID 10-08 - FORKLIFT (PUBLIC WORKS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Johnson

WHEREAS, the Purchasing Department was authorized to solicit bids for a Forklift for the Public Works Department, and

WHEREAS, said bids were opened on July 8, 2008.

RESOLVED, that the Board of Supervisors hereby awards Bid No. 10-08 to Capital and Material Handling, Inc. of Altamont, NY, in the amount of \$35,751.00.

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Quackenbush by striking the RESOLVED clause and inserting the following:

"RESOLVED, that the Board of Supervisors hereby awards Bid No. 10-08 to Alden Equipment of Amsterdam, NY in the amount of \$39,870.00."

, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 245 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - TEMPORARY POSITION (PUBLIC WORKS)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Di Mezza

WHEREAS, the Commissioner of Public Works has requested a budget amendment to allow for the temporary appointment of a Motor Equipment Operator 1 (MEO 1).

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

TRANSFER FROM:

D-12-4-5110-00.1110(144) Maint. Roads & Bridges Highway Labor \$11,400.00

TRANSFER TO:

D-12-4-5110-00.1130(19) Maint. Roads & Bridges MEO 1 Temp. \$11,400.00

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 246 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - DEMOLITION TEAM EXPENSES (DPW)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Bai a

WHEREAS, Resolution 77 of 2008 authorized the training of certain individuals in the Public Works department on Asbestos Abatement to form a Montgomery County Demolition Team, and

WHEREAS, certain expenses will be required as part of the Demolition Teams normal course of duties such as licensing, respirators and other accessories.

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE APPROPRIATIONS:**

A-599	Appropriated Fund Balance	\$6,000
A-12-4-1620-00-4449	Special Supplies & Materials	\$6,000

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 247 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS DOH - RABIES GRANT FUNDING (PUBLIC HEALTH)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Strevy

WHEREAS, The Montgomery County Public Health Department receives rabies expense reimbursement grant funding from the NYS Department of Health for the provision of human rabies treatment, rabies specimen collection/testing and rabies pet vaccination clinics, and

WHEREAS, such funding had previously been accomplished through an informal agreement procedure with the NYS Department of Health since the early 1990's, and

WHEREAS, the NYS Department of Health has changed their current funding process to a formal contract procedure based on a multi-year retroactive contract period of January 01, 2008 through March 31, 2012, and

WHEREAS, the NYS Department of Health has estimated an annual contract reimbursement amount, for each period of the multi-year contract, based on previous year's reimbursements, and

WHEREAS, the estimated annual reimbursement amounts are for budgetary purposes only and actual reimbursement will be based on actual expenditures rather than a fixed maximum reimbursement structure, and

WHEREAS, the estimated grant award for the first fifteen month budget cycle January 01, 2008 - March 31, 2009 is \$5583.00 and \$5583.00 for each subsequent 12 month (April 01 - March 31) budget period through March 31, 2012.

RESOLVED, that the Board of Supervisors hereby authorizes acceptance of the 2008-12 Rabies Reimbursement Grant funding, and

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the 2008-2012 Rabies grant contract.

FURTHER RESOLVED, that this agreement may be renewed without further action of the Board of Supervisors contingent upon the terms therein remain substantially the same.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 248 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - CHILDREN WITH SPECIAL HEALTH CARE NEEDS (PUBLIC HEALTH)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Barone, Sr.

WHEREAS, Montgomery County has been awarded the Children With Special Health Care Needs Grant for the period of October 1, 2008 and ending on September 30, 2009 in the amount of \$17,775, and

WHEREAS, the Children With Special Health Care Needs Grant funds are included in the Public Health Department's preceding operating budget request.

RESOLVED, that the Board of Supervisors hereby authorizes acceptance of the Children With Special Health Care Needs Grant, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign said grant contract

FURTHER RESOLVED, that this grant may be renewed without further action of the Board of Supervisors contingent upon the terms therein remain substantially the same.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor Barone stated that he is amending Resolution 249 to indicate that the Youth Day figures have increased to \$450.00. There were no objections.

**RESOLUTION NO. 249 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - YOUTH DAY (YOUTH BUREAU/ACSD)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Greco

WHEREAS, the Youth Bureau/Alternative Community Services Department has received donations from the community, and

WHEREAS, the donations are in the amount of \$350.00 and are earmarked to be used towards the 2008 Montgomery County Youth Day event, in celebration of the Youth Bureau's 30 years of service to Montgomery County.

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follow:

ADD & INCREASE:

A-21-3-2705	Gifts and Donations	\$350.00
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INCREASE:

A-21-4-7310-00-4559	Outreach Programs	\$350.00
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MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor Dybas to strike "\$350.00" and insert "\$450.00" in the second WHEREAS and RESOLVED clauses, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon

Kimberly Sanborn



County Attorney

Clerk, Board of Supervisors

Supervisor Barone stated that the County must consider the cost of rehabilitation as outlined in Resolution 250. He made a motion to table the Resolution and return it to the Health and Human Services Committee for further consideration.

(Clerk's note: Upon roll call, the Resolution was tabled and will be moved back to the Health and Human Services Committee.)

**RESOLUTION NO. 250 of 2008****DATED:** July 22, 2008**RESOLUTION URGING NYS LEGISLATURE TO PASS A.10600 - A BILL WHICH PROVIDES THAT PERSONS SUBMIT TO AND PASS A DRUG TEST BEFORE RECEIVING PUBLIC ASSISTANCE**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Jonker

WHEREAS, the NYS Assembly is considering the adoption of a bill which would require that persons submit to and pass a drug test before receiving public assistance, and

WHEREAS, New York State offers a variety of programs to financially assist low to poor income families with food stamps and other necessities needed to survive with little or no money, and

WHEREAS, the assistance provided to them from our State has very strict rules and regulations they must follow in order to continue to receive such necessities, and

WHEREAS, too often individuals take advantage of our public assistance program and try to pocket or use their extra funds to purchase items they're not suppose to such as drugs, and

WHEREAS, before determining that a person is eligible for any form or category of public assistance, and prior to making any distribution to such person, the social services official shall require the person seeking assistance to submit to a drug test and if he or she fails the drug test then they must be required to enroll in a drug rehabilitation program certified by the Commissioner of Health.

RESOLVED, the Montgomery County Board of Supervisors supports the passage of Assembly Bill A.10600 and encourages the New York State Senate to adopt similar legislation which would amend NYS Social Service Law, and this passage will be a funded mandate at no cost to the County, and

FURTHER RESOLVED, that the Montgomery County Board of Supervisors shall forward copies of this Resolution to Governor Paterson, the New York State Legislature and all others deemed necessary and proper.

MOTION TO TABLE by Supervisor Barone, Sr., seconded by Supervisor Strevy, passed with Aye(1049). Supervisors Dybas, Bai a, Walters and Jonker voted Nay. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County AttorneyKimberly Sanborn  
Clerk, Board of Supervisors**RESOLUTION NO. 251 of 2008****DATED:** July 22, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - WORK EXPERIENCE PROGRAM - VARIOUS SPONSOR AGENCIES (SOCIAL SERVICES)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Di Mezza

WHEREAS, the Employment Unit of the Department of Social Services is in the process of expanding its Work Experience Program, and

WHEREAS, as part of that effort, the Commissioner of Social Services has recommended that the County expand its worksites available to meet the goals of this program.

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with various different worksites throughout Montgomery County to provide a worksite for the Work Experience Program in the Department of Social Services

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.

(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor Walters stated his support of Resolution 252.

Supervisor Quackenbush clarified the Resolution, stating that the County shouldn't be paying for transportation and disposals that didn't occur.

Supervisor DiMezza stated that he supports paying for operating costs but not transportation.

Supervisor Barone stated that a precedence has been previously set in 2003 whereas MOSA reduced their rate when approached by the County.

Per County Treasurer Shawn Bowerman, Supervisor Quackenbush clarified the account numbers missing within the Resolution, making an amendment which passed.

**RESOLUTION NO. 252 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AUTHORIZING THE PAYMENT OF 2007 MOSA SHORTFALL AND AMENDING THE 2008 OPERATING BUDGET**

Resolution by Supervisor: Walters

Seconded by Supervisor: Jonker

WHEREAS, Montgomery County has been presented with an invoice by MOSA for GAT shortfall for 2007 of 1,731 tons at the full tip fee of \$99 for a total of \$171,369, and

WHEREAS, in years prior, Montgomery County has paid for its share of the aggregate GAT shortfall by paying the full tip fee minus the cost of transportation and disposal, as no transportation nor disposal costs had been incurred by the Authority for waste that was not delivered, and

WHEREAS, in the 2007 Operating Budget, \$58,292 was encumbered to pay for an estimated shortfall and the 2008 Operating Budget will need to be amended accordingly.

RESOLVED, that the Montgomery County Board of Supervisors hereby authorizes payment to MOSA for its 2007 GAT shortfall - 1,731 tons at the rate of \$40.22/ton (2007 tip fee - 2007 transportation and disposal rate) for a total not to exceed \$69,621, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Walters by adding at the end of the FURTHER RESOLVED clause:

"FROM:

A-01-4-1990-00-4400 Contingency Account \$11,329

TO:

A-01-4-8160-00-4438 Misc Supporting Services \$11,329"

, passed with Aye(1420). Supervisor Thayer abstained. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

RESOLUTION ADOPTED with Aye(1420). Supervisor Thayer abstained. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

(Clerk's note: Per Treasurer Shawn Bowerman, the figures in the amended resolution should read "\$11,329" and not "\$69,621".

Supervisor DiMezza made a motion for an amendment to Resolution 253 by asking that the County subsidize all but \$20/ton of tipping fee for any demolition material brought in from any town, village or city in the County. There were no objections.

Supervisor Walters stated that municipalities were Originally going to be paying 100%, and perhaps there should be a pay-back plan to recover the loss.

Vice Chair Johnson stated that Chairman Greco doesn't want to utilize any of this fee for demolition.

Supervisor DiMezza stated that the County is probably going to have a GAT shortfall this year, and that relieving municipalities of the tipping fee and increasing GAT, it'll be a win-win situation. He also said that this is all part of economic development and the County must take the lead in much-needed demolition, which in turn will enhance the communities.

Supervisor Thayer stated his support of the amended Resolution. He cautioned that some municipalities are paying waste haulers who provide no guarantee that the waste is going to MOSA and he would like to amend the Resolution to reflect that the subsidy doesn't apply to those municipalities. There were no objections.

**RESOLUTION NO. 253 of 2008**

**DATED:** July 22, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - DEMOLITION TIP FEE EXPENSES (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Dybas

WHEREAS, Montgomery County has experienced a shortfall in Guaranteed Annual Tonnage (GAT) with the Montgomery-Otsego-Schoharie Solid Waste Authority (MOSA), and

WHEREAS, this year, that GAT shortfall will reach almost 8,500 ton and could potentially cost Montgomery County in excess of \$500,000.

RESOLVED, that the Board of Supervisors hereby establishes an appropriations account in the amount of \$500,000 to pay for MOSA tipping fees for debris from demolition projects completed by municipalities located within Montgomery County to help reduce the GAT shortfall, and

FURTHER RESOLVED, that this account is also to be utilized for any ancillary expenses related to MOSA, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE APPROPRIATIONS:**

A-599	Appropriated Fund Balance	\$500,000
A-01-4-8160-00-.4439	Other Support Services	\$500,000

MOTION TO AMEND by Supervisor DiMezza, seconded by Supervisor Dybas by inserting the following prior to the last FURTHER RESOLVED clause:

"FURTHER RESOLVED, that Montgomery County subsidize all but \$20.00 per ton of tipping fee for any demolition material coming from any municipality within Montgomery County, and"

, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

MOTION TO AMEND by Supervisor Thayer, seconded by Supervisor Strevy by adding as follows prior to the last FURTHER RESOLVED clause:

"FURTHER RESOLVED, municipalities within Montgomery County that deliver or authorize the delivery of waste to any other entity other than MOSA is hereby excluded from the subsidy, and"

, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Vice Chairman Johnson stated that regarding Resolution 254, a firm has been hired and a draft of their recommendations has been presented, which will be discussed further within the appropriate committee.

**RESOLUTION NO. 254 of 2008**

**DATED:** July 22, 2008

**RESOLUTION STATING MONTGOMERY COUNTY'S POSITION REGARDING PARTICIPATION IN MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE AUTHORITY IN 2014**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, Montgomery County entered into an agreement on April 1, 1989 by and between the Montgomery-Otsego-Schoharie Solid Waste Management Authority (MOSA) for the purpose of management of its solid waste in the most environmentally sound and cost-effective manner through the implementation of a cooperative, coordinated regional solid waste management program with Otsego and Schoharie County, and

WHEREAS, as part of this agreement all decisions related to the management of the authority are made by Directors who are appointed by the governing body of the County they represent, and

WHEREAS, said agreement remains in effect until March 31, 2014, at which time each of the three participating Counties will need to make a decision regarding willingness to extend said agreement, and

WHEREAS, the Executive Director of MOSA has indicated lack of direction from the participating Counties regarding continuation beyond 2014, and

WHEREAS, due to this uncertainty, the Executive Director has steered the MOSA Board of Directors to plan beyond 2014 should the service agreement be extended, and

WHEREAS, the three Counties have met to evaluate MOSA's performance in upholding the service agreement, and

WHEREAS, it is Montgomery County's position that MOSA has not acted in the most environmentally sound, nor cost-effective manner, as was the original purpose of said Authority, as the tipping fees at each MOSA station has far exceeded market rates for a number of years, 2008 being the most uncompetitive, and

WHEREAS, as a public benefit corporation, it is required to act in the best interest of the taxpayers of the three participating Counties.

RESOLVED, the Montgomery County Board of Supervisors hereby clearly states its position to the MOSA Board of Directors that it will no longer participate in MOSA at the expiration of its contract as of March 31, 2014.

RESOLUTION ADOPTED with Aye(1420). Supervisor Thayer abstained. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Supervisor Strevy stated his lack of support for Resolution 255.

Supervisor Dybas stated that the decision should be made by the governing Board, and made a motion to table the Resolution. Supervisor McMahon seconded. Upon roll call, the motion failed.

Supervisor Walters spoke in strong support of the Resolution, stating that the other two counties are looking at Montgomery County to take the lead on this issue.

Supervisor Barone stated that no matter what the outcome of the Resolution is, it sends a clear message to the MOSA Board of Directors and the press.

Supervisor DiMezza stated that any discussion of personnel should be done in Executive Session, however, he'll support the Resolution if Schoharie or Otsego also supports it.

Supervisor Quackenbush stated that the MOSA Board sets the tipping fee, buys equipment, and accepts the leadership of the Executive Director. He said he fully supports the three MOSA Board members.

Supervisor Bai dropped his sponsorship of the Resolution. No one picked it up and the Resolution died.

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**RESOLUTION NO. 255 of 2008**

**DATED:** July 22, 2008

**RESOLUTION SUPPORTING THE TERMINATION OF THE MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE AUTHORITY'S EXECUTIVE DIRECTOR**

Resolution by Supervisor: Bai

Seconded by Supervisor: Jonker

RESOLVED, that the Montgomery County Board of Supervisors supports its MOSA Board Representatives and any other MOSA Board Representatives in their call for the immediate termination of the

current Executive Director for his inability to direct, disregard for the service agreement and inability to find other cost-effective alternatives for disposal of solid waste for the tri-county participants.

MOTION TO TABLE by Supervisor Dybas, seconded by Supervisor McMahon, was defeated with Aye(718). Supervisors Johnson, Dybas, McMahon, Strevy, Thomas and Jonker voted Aye. Supervisor Thayer abstained. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

RESOLUTION WITHDRAWN BY SPONSOR (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 256 of 2008**

**DATED:** July 22, 2008

**RESOLUTION ESTABLISHING POSITION - HUMAN RESOURCES (HR) CLERK AND AMENDING 2008 OPERATING BUDGET (PERSONNEL)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: McMahon

WHEREAS, the 2008 Operating Budget established a new position in the Personnel Department Budget entitled Personnel Assistant, and

WHEREAS, the Personnel Officer has recommended the position be downgraded to a Human Resource Clerk.

RESOLVED, that the Montgomery County Board of Supervisors hereby establishes the position of Human Resources Clerk in the Personnel Department, said position to be non-bargaining, Confidential Management at a Grade 5 in the Non-Bargaining Grade & Salary Schedule with a base salary of \$30,000, and

FURTHER RESOLVED, that said position will be established effective August 18, 2008, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**TRANSFER FROM:**

A-10-4-1430-00-1110(360)      Personnel Assistant      \$12,500

**TRANSFER TO:**

A-10-4-1430-00-1110(526)      Human Resources Clerk      \$12,500

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 257 of 2008**

**DATED:** July 22, 2008

**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW C OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR COUNTY PURPOSE - VILLAGE OF HAGAMAN (TREASURER)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Greco

WHEREAS, on June 24, 2008 a proposed Local Law for the County of Montgomery County entitled "a Local Law authorizing the private sale of county-owned property, not needed for a county purpose" was presented to the Board of Supervisors for consideration, and

WHEREAS, on June 24, 2008 Resolution 219 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 22nd day of July, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held.

RESOLVED, that Introductory Local Law c of 2008 (now known as Local Law #6) entitled "A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Hagaman" hereby is adopted and is incorporated as follows:

"Introductory Local Law C of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Hagaman."

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

SECTION 1. The Board of Supervisors of the County of Montgomery has determined that County-owned real property parcels, known as SBL's 25.19-1-27 and 25.19-1-24, located in the Town of Amsterdam and Village of Hagaman are no longer necessary for public use.

SECTION 2. The Board of Supervisors of the County of Montgomery hereby authorizes the sale and conveyance of all the right, title and interest of the County in and to said real properties to the Village of Hagaman, for the sum of \$1,714.16.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 258 of 2008**

**DATED:** July 22, 2008

RESOLUTION ESTABLISHING PUBLIC HEARING - INTRODUCTORY LOCAL LAW D OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR A COUNTY PURPOSE - VILLAGE OF FORT PLAIN (TREASURER)

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Di Mezza

WHEREAS, a public hearing is required to be held concerning Introductory Local Law d of 2008, a local law authorizing the private sale of county-owned property, not needed for a county purpose.

RESOLVED, that Introductory Local Law D of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration, following the holding of a public hearing, as follows:

Introductory Local Law D of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Fort Plain.

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

SECTION 1. The Board of Supervisors of the County of Montgomery has determined that County-owned real property parcels, known as SBL's 46.54-1-2.1 and 46.54-1-15, located in the Town of Minden, Village of Fort Plain are no longer necessary for public use.

SECTION 2. The Board of Supervisors of the County of Montgomery hereby authorizes the sale and conveyance of all the right, title and interest of the County in and to said real properties to Village of Fort Plain, for the sum of \$ 1.00.

FURTHER RESOLVED, that said public hearing shall be held Tuesday, August 26, 2008 at 6:55 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 259 of 2008**

**DATED:** July 22, 2008

**RESOLUTION DESIGNATING ADDITIONAL DEPOSITORY FOR COUNTY FUNDS IN THE NAME OF THE COUNTY TREASURER AND FIXING MAXIMUM AMOUNTS WHICH MAY BE KEPT ON DEPOSIT THEREIN AT ANY ONE TIME**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Johnson

WHEREAS, according to Section 212 of County Law, the Board of Supervisors shall designate the banks, bankers or banking associates for deposit of all County funds received by the County Treasurer heretofore according to law, and

WHEREAS, the Board of Supervisors, in accordance with said section, shall likewise specify the name of each so designated and the maximum amount which may be kept on deposit therein at any one time in the name of said County Treasurer.

RESOLVED, that pursuant to Section 212 of County Law, the following bank is hereby designated by the Montgomery County Board of Supervisors as an additional depository for the deposit of County funds by the County Treasurer of this County and deposited in the name of said County Treasurer for the year 2008, namely:

FIRST NIAGARA BANK, 11 DIVISION ST., AMSTERDAM, NY  
, and

FURTHER RESOLVED, that the maximum amount of County funds which may be kept on deposit in said depository at any one time in the name of the County Treasurer be and the same hereby is fixed and determined as follows:

FIRST NIAGARA BANK, 11 DIVISION ST., AMSTERDAM, NY - \$10,000,000  
, and

FURTHER RESOLVED, that said depository shall give good and sufficient collateral as prescribed by law, as security for the amount so deposited in said depository, the amount thereof to be at least equal to the amount hereby authorized to be deposited by said bank on behalf of the County Treasurer shall also be approved as to the amount by the County Treasurer, and

FURTHER RESOLVED, that such designated depository may execute their own undertaking and deposit on behalf of the County Treasurer outstanding unmatured bonds or other obligation of the United States of America, the State of New York, or of any County, Town, Village or School District in the State of New York, to the amount on deposit, less the amount certified by the depository as covered by insurance under the Federal Depositor Insurance Act as pursuant to Section 212, Subdivision 6 of the County Law of the State of New York, subject to approval of said County Attorney and said County Treasurer.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.  
(7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**EXECUTIVE SESSION**

Pursuant to Section 105 (d) of NYS Open Meeting Law, MOTION TO ENTER EXECUTIVE SESSION to discuss pending litigation by Supervisor DiMezza, seconded by Supervisor Quackenbush, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. Executive Session commenced at 8:55 PM.

Present included Economic Development Director Ken Rose, IDA members and the IDA attorney.

MOTION TO EXIT EXECUTIVE SESSION by Supervisor Barone, Sr., seconded by Supervisor Jonker, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.

Executive Session was adjourned at 9:21 PM.

As a result of Executive Session, Resolutions 260 and 261 were entertained.

**RESOLUTION NO. 260 of 2008**

**DATED:** July 22, 2008

**RESOLUTION REAFFIRMING SUPPORT FOR THE BEECHNUT PROJECT IN THE TOWN OF FLORIDA IN LIGHT OF LAWSUIT**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the Beech Nut/Hero Corporation has identified a critical need for a new manufacturing facility, and

WHEREAS, a variety of local officials, state officials and agencies have worked diligently to provide a suitable location, financial incentives and friendly environment for this new facility.

RESOLVED, the Montgomery County Board of Supervisors enthusiastically supports the placing of this showcase facility in the Town of Florida.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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(Clerk's note: Resolution 261 was a draft Resolution submitted by Attorney Doug Landon for approval of the Board.)

Attorney Joe Scott stated that since his firm, Hodgson Russ LLP, will be providing legal services, he doesn't feel it's appropriate for his name to be attached to the draft Resolution, and asked that it be removed. There were no objections.

Several Supervisors commented that the maximum sum should be increased from \$100,000 to \$250,000 to reflect the County's commitment to Hero/Beech-Nut. There were no objections.

(Clerk's note: As this was a draft Resolution, no motions were necessary to make the changes, which were treated as "typos".)

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**RESOLUTION NO. 261 of 2008**

**DATED:** July 22, 2008

**RESOLUTION RETAINING COUNSEL TO DEFEND LITIGATION BROUGHT BY THE VILLAGE OF CANAJOHARIE**

Resolution by Supervisor: Full Board

Seconded by Supervisor:

WHEREAS, the Village of Canajoharie has commenced litigation against several entities, including Montgomery County, regarding the Hero/Beech-Nut project in the Florida Industrial Park, and

WHEREAS, Montgomery County requires defense of said litigation on behalf of itself and desires to provide for defense of said litigation on behalf of the Planning Board of the Town of Florida and the Montgomery County Industrial Development Agency, and

WHEREAS, the law firm of Hodgson Russ, LLP, is fully familiar with the Hero/Beech-Nut project, having been involved with it to date.

RESOLVED, that the Montgomery County Board of Supervisors hereby agrees to retain the law firm of Hodgson Russ, LLP, to serve as lead counsel to represent Montgomery County, the Planning Board of the Town of Florida and the Montgomery County Industrial Development Agency at a cost of \$300 per hour, plus normal expenses, not to exceed a maximum sum of \$250,000.00, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to execute a retainer agreement for legal services as set forth above.

RESOLUTION ADOPTED with Aye(1486). Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**ADJOURNMENT**

MOTION TO ADJOURN by Supervisor Dybas, seconded by Supervisor Quackenbush, passed with Aye(1486). Supervisors Greco, Paton and Stagliano were absent.

Vice Chair Johnson adjourned the meeting at 9:27 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
SPECIAL MEETING  
7:00 PM, August 5, 2008

CALL TO ORDER

The Special Meeting of the Montgomery County Board of Supervisors for August 5, 2008 was called to order at 7:00 PM by Chairman Vi to Greco.

SALUTE TO THE FLAG

Supervisor Barone led the salute to the flag.

ROLL CALL

Roll call indicated that Supervisors Quackenbush, Johnson, Greco, McMahon, Strevy, Dybas, Thayer, Barone, DiMezza, Thomas, Jonker and Baia were present. Absent were Supervisors Paton, Stagliano and Walters.

STATEMENT OF PURPOSE OF MEETING

- A. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GREEN & SEIFTER, ATTORNEYS, PLLC - MOSA SERVICE AGREEMENT REVIEW
- B. RESOLUTIONS PERTAINING TO MOSA
- C. OTHER

Regarding Resolution 262, Chairman Greco spoke in support of a \$3,000 cap, and made a motion to amend the Resolution stating such. Supervisor Dybas seconded.

Supervisor Barone stated that the issue on how the County is going to dispose of the toxic waste that will eventually be seeping up out of the landfills hasn't been addressed.

When queried by Supervisor Barone, Supervisor Thayer stated that the three county representatives to MOSA have tried to address the GAT issue to the MOSA Board to no avail. He said the shortfall for 2007 was approximately \$171,000, and next year is estimated to be \$1M. He spoke in support of spending \$3,000 to explore other options.

Supervisor Baia stated that a clear plan is needed for 2014, and that legally, the County can't leave MOSA without a plan.

Supervisor Barone stated that MOSA is sitting on a hefty fund balance, and believes they are going to support the Carbone case, which states that flow control is legal.

Supervisor Thayer stated that the county can't legally put their solid waste plan into effect until after 2016, unless MOSA refigures their solid waste plan between 2014-2016.

**RESOLUTION NO. 262 of 2008**

**DATED:** August 5, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GREEN & SEIFTER, ATTORNEYS, PLLC - MOSA SERVICE AGREEMENT REVIEW**

Resolution by Supervisor: Greco

Seconded by Supervisor: Johnson

WHEREAS, Montgomery County recommends the hiring of a law firm to advise and consult with the Board with respect to the 2007 Shortfall of GAT deliveries at MOSA,

RESOLVED, the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement to provide said services with Green & Seifter Attorneys, PLLC of Albany, NY and be it

FURTHER RESOLVED, that payment of services in said agreement shall not exceed \_\_\_\_\_, and

FURTHER RESOLVED that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-01-4-1990-00-4400 Contingent \_\_\_\_\_

TRANSFER TO:

A-01-4-1010-00-4431 Professional Services \_\_\_\_\_

MOTION TO AMEND by Supervisor Greco, seconded by Supervisor Dybas by striking the two FURTHER RESOLVED clauses and inserting:

"FURTHER RESOLVED, that payment of services in said agreement shall not exceed \$3,000 at a rate of \$255.00 per hour, and

FURTHER RESOLVED that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-01-4-1990-00-4400 Contingent Account/Contractual Expenses \$3,000

TRANSFER TO:

A-01-4-8160-00-4431 Refuse & Garbage/Professional Services \$3,000"

, passed with Aye(1576). Supervisors Walters, Paton and Stagliano were absent. (8/5/2008)

RESOLUTION ADOPTED with Aye(1576). Supervisors Walters, Paton and Stagliano were absent. (8/5/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

Chairman Greco stated that Montgomery, Schoharie and Otsego Counties are in the discussion stages regarding MOSA, and the outlook is positive.

(Clerk's note: There were no other resolutions pertaining to MOSA, so agenda item B was not entertained.)

#### ADJOURNMENT

MOTION TO ADJOURN by Supervisor Dybas, seconded by Supervisor Quackenbush, passed with Aye(1576). Supervisors Walters, Paton and Stagliano were absent.

Chairman Greco adjourned the Special Meeting at 7:22 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:05 PM, August 5, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:22 PM.

Roll call indicated Committee members present included Supervisors Quackenbush, Strevy, Thayer, Barone, Jonker and DiMezza.

Additional Supervisors present were Johnson, Greco, McMahon, Dybas and Baia. Absent were Supervisors Paton, Stagliano and Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - NYDCJS - Bureau of Justice Recruitment/Retention of District Attorneys (District Attorney)
2. Resolution Authorizing Chairman to Sign Renewal Agreement - NYS Unified Court System (Sheriff)
3. Discussion Regarding Confidential Secretary Salary
4. Other

Item #1: The Resolution was sponsored and seconded by Supervisors Barone and DiMezza, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #2: The Resolution was sponsored and seconded by Supervisors Jonker and Dybas, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #3: Sheriff Amato disseminated a packet of information, including the salary study, a job description of the Business Manager, various duties of non-bargaining personnel, with addendums, etc. He stated that his Confidential Secretary is actually doing the duties of a Business Manager position. He highlighted the difference in the two salaries and duties. He stated that he can't be expected to keep employees who are "working out of class" and receiving low salaries.

Supervisor DiMezza stated that the salary study has been completed, issues were addressed, and if this subject is entertained, other Confidential Secretaries will be asking for re-evaluation of their positions and salaries also.

Supervisor Strevy stated that the salary study seems to not be concluded.

Chairman Greco stated that though he'd like to help the Sheriff's office, but that the Secretary in question should be working within her official job description.

Sheriff Amato stated that according to the non-bargaining agreement, if a person works "beyond their position" for over ten days, the Supervisor is obligated to move that person forward in salary. He stated that this issue is two years old and must be addressed. He said his Confidential Secretary is currently irreplaceable.

Supervisor Strevy made a motion that that this issue should be moved Personnel Committee. The motion was seconded by Supervisor Quackenbush, with no objections.

Supervisor Quackenbush stated that perhaps the extra duties should be delegated to another person.

Motion was made and seconded by Supervisors DiMezza and Jonker, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:45 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:10 PM, August 5, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 7:46 PM.

Roll call indicated Committee members present included Supervisors Dybas, DiMezza, McMahon, Strevy and Thomas. Absent was Supervisor Walters.

Additionally present were Supervisors Quackenbush, Greco, Thayer, Barone, Bala and Jonker. Absent were Supervisors Paton and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Appointing Member - Fulton - Montgomery - Schoharie Workforce Development Board
2. Resolution Authorizing Chairman to Sign Agreement - Mohawk Valley Snowmobile Clubs, Inc. (Economic Development and Planning)
3. Resolution Authorizing Chairman to Sign Grant Agreement - Snowmobile Trails Grant-in-Aid Application (Economic Development and Planning)
4. Resolution Authorizing EDA Pre-Application Submission - Florida Business Park Extension (Economic Development and Planning)
5. Discussion regarding OTAB
6. Other

Item #1: Supervisors Dybas and Greco made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Item #2: Supervisors Jonker and Strevy made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Item #3: Supervisors Quackenbush and McMahon made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Item #4: Supervisors Barone and Strevy made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Item #5: County Attorney Doug Landon stated that under the current NYS Occupancy Tax Law, the County is unable to exempt small Bed & Breakfasts, as state legislation would need to be changed.

Chairman Greco stated that the tax imposed is 4%, with between \$110,000-120,000 in revenue received. He inquired if there was a way for the County to relieve the tax for three months or so during the summer, to promote tourism, with the stipulation that the savings gets passed on to the consumer.

Supervisor Barone stated that he believes that any "forgiven" dates would need to be decided by the state.

It was noted that summertime is the height of the tourism season in Montgomery County.

Attorney Landon did not discourage the Committee from pursuing legislation encouraging the state to forgive or reconsider the Occupancy Tax.

Supervisors Dybas and Greco made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 7:57 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:00 PM, August 12, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the meeting commencing at 7:00 PM in Chairman Walters absence.

Roll call indicated Committee members present included Supervisors Dybas, Quackenbush, Strevy and Thayer. Absent were Supervisors Paton and Stagliano.

Additional Supervisors present were McMahon, Johnson, Jonker, Greco, Barone, Thomas, Bai a and Di Mezza.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Montgomery County Sanitary District to Enter into Agreement - Litigation Defense (Sanitary District)
2. Resolution Amending Local Match to Purchase Buses for Montgomery County Bus System (Economic Development/Planning)
3. Discussion Regarding Snow Contracts - Public Works
4. Other

Item #1: County Attorney Doug Landon clarified the Resolution.

The Resolution was sponsored and seconded by Supervisors McMahon and Jonker, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: County Planner Doug Greene clarified the Resolution. He disseminated a document highlighting ridership data. He stated that the MAX bus is becoming very popular, especially among County employees.

The Resolution was sponsored and seconded by Supervisors Dybas and Bai a, respectively. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: Commissioner Paul Clayburn stated that the current contract will be expiring.

Supervisor Thayer stated that the cost for clearing snow and buying salt is escalating.

Supervisor Quackenbush stated that some roads in Minden have been upgraded, which reduces wear and tear to the plowing equipment.

Supervisor Dybas stated that we should at least increase the contract by the normal inflationary amount, which is 3%.

Supervisor Thomas encouraged a county-run fuel distribution system, which would offer discount fuel to County vehicles county-wide.

Supervisor DiMezza stated that \$5,000 per mile does not cover all expenses. He motioned for an increase of 4.5% (amounting to \$5,250 per centerline mile) for a time period from 1/1/09 to 12/31/10. Supervisor Strevy seconded the motion.

Chairman Greco recommended that the draft Resolution be moved to Finance Committee for consideration. There were no objections.

Motion was made and seconded by Supervisors Strevy and Barone, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Greco adjourned the General Services Committee meeting at 7:20 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
7:05 PM, August 12, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 7:20 PM.

Roll call indicated Committee members present included Supervisors Baia, Dybas, Jonker, Strevy and Thomas. Absent was Supervisor Paton.

Additional Supervisors present were Quackenbush, Johnson, McMahon, Greco, Thayer and DiMezza. Absent were Supervisors Walters and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Amending 2008 Operating Budget - Motor Vehicle Operator (Social Services)
2. Resolution Amending 2008 Operating Budget - Medical Audit Clerk to Senior Medical Audit Clerk (Social Services)
3. Discussion Regarding Tabled Resolution Urging NYS Legislature to Pass A.10600 - A Bill which Provides that Persons Submit to and Pass a Drug Test Before Receiving Public Assistance Agencies (Social Service)
4. Other

Item #1: Social Services Director William Cranker clarified the Resolution.

Chairman Barone stated that the addition of part-time drivers will be extremely beneficial for the Veteran's Department.

The Resolution, sponsored by Supervisors Barone and Jonker, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: Chairman Barone stated that the Resolution is being withdrawn at this time and will be reconsidered at budget time. There were no objections.

Item #3: Attorney Landon clarified that Resolution 250 will appear as a tabled Resolution at the next Full Board meeting. He stated it wasn't tabled at the Committee level so it can be discussed here, but that no formal action can be taken.

When queried, Director Cranker stated that, under current law, any adult applicant may be required to attend and comply with rehabilitation treatment if they are determined to be at risk at the time of their intake interview for public assistance.

Supervisor Dybas stated that when he queried legislators at the state level, he was told that the bill has been referred to Social Services for consideration, but no funding for said testing and rehab has been considered yet.

Supervisor Baia stated that once funding is added to a bill on the state level, support at the County level isn't needed. He urged the Supervisors to remove the bill from the table at the Full Board meeting and to vote one way or the other.

Supervisor Strevy suggested striking the fifth WHEREAS, thereby making the Resolution less controversial.

Supervisor Johnson stated that there is also the question on whether this bill could stand up in a court of law.

Item #4: There were no other discussion items.

Motion was made and seconded by Supervisors DiMezza and Dybas, respectively, to adjourn the Committee meeting.

Supervisor Dybas exited Chamber at 7:38 PM.

Chairman Barone adjourned the Health & Human Services Committee meeting at 7:38 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:10 PM, August 12, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 7:38 PM.

Roll call indicated Committee members present were Supervisors Quackenbush, Barone, Johnson, McMahon and Thomas. Absent was Supervisor Walters.

Additional Supervisors present were Supervisors Greco, Strevy, Thayer, Jonker and Baia. Absent were Supervisors Stagliano, Dybas and Paton.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Renewal Agreement - M.M. Hayes  
- ID Badge System Maintenance Agreement (Personnel)
2. Resolution Authorizing Chairman to Sign Renewal Agreement - National  
Employers Council, Inc. - Compliance and HR Management Services  
(Personnel)
3. Other

Item #1: The Resolution, sponsored by Supervisors Barone and Strevy, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: The Resolution, sponsored by Supervisors Strevy and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #3, Other: There were no other discussion items.

Supervisors Greco and Johnson made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 7:39 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
 SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
 COMMITTEE MEETING - FINANCE  
 7:00 PM, August 19, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Dybas, Baia, DiMezza, Barone and McMahon. Absent was Supervisor Johnson.

Additional Supervisors present were Strevy, Thayer, and Jonker. Absent were Supervisor Paton, Thomas, Walters & Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Amending 2008 Operating Budget - NYS DCJS Live Scan Equipment Grant (Sheriff)
2. Resolution Adopting Introductory Law D of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Fort Plain (Treasurer)
3. Resolution Authorizing Chairman to Sign Amended Agreement and Amending 2008 Operating Budget - 2007 LEMPG Funds (Emergency Management)
4. Resolution Authorizing Chairman to Sign Agreement and Amending 2008 Operating Budget - 2008 LEMPG Funds (Emergency Management)
5. Resolution Amending 2008 Operating Budget - State Homeland Security Grant (Emergency Management)
6. Resolution Authorizing Chairman to Sign Agreements and Amending 2008 Operating Budget - NYS Housing Trust Fund Corporation - Greater Catskill Flood Remediation Program (Emergency Management)
7. Discussion Regarding Increase in Mortgage Recording Fees (County Clerk)
8. Resolution Authorizing Chairman to Sign Amended Agreement - Psychiatric Services - St. Mary's Hospital (Mental Health)
9. Resolution Awarding Bid 08-08 - Sale of Surplus Vehicles and Equipment (Purchasing)
10. Resolution Authorizing Chairman to Enter into Agreements - Snow and Ice Control (Public Works)
11. Other

Item #1 Resolution Amending 2008 Operating Budget - NYS DCJS Live Scan Equipment Grant (Sheriff): The Resolution, sponsored and seconded by Supervisors Barone and Dybas, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #2 Resolution Adopting Introductory Law D of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Fort Plain (Treasurer): The Resolution, sponsored and seconded by Supervisors Barone and Jonker, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #3 Resolution Authorizing Chairman to Sign Amended Agreement and Amending 2008 Operating Budget - 2007 LEMPG Funds (Emergency Management): The Resolution, sponsored and seconded by Supervisors Strevy and Dybas, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #4 Resolution Authorizing Chairman to Sign Agreement and Amending 2008 Operating Budget - 2008 LEMPG Funds (Emergency Management): The Resolution, sponsored and seconded by Supervisors Barone and Strevy, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #5 Resolution Amending 2008 Operating Budget - State Homeland Security Grant (Emergency Management): The Resolution, sponsored and seconded by Supervisors DiMezza and Barone, respectively.

Supervisor Barone inquired whether the funds could be used for another security officer at the DSS

Building. Gary Nestle, Emergency Management Director, said the funds could not be used for that as they were to be used for a new vehicle. The Emergency Management Office will replace two old vehicles with one.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #6 Resolution Authorizing Chairman to Sign Agreements and Amending 2008 Operating Budget - NYS Housing Trust Fund Corporation - Greater Catskill Flood Remediation Program (Emergency Management): The Resolution, sponsored and seconded by Supervisors Barone and Baia, respectively.

Supervisors Dybas inquired about how the purchase price of the home was decided. Gary Nestle indicated that it was based on appraisal and could not exceed \$150,000. Supervisor Dybas inquired how many homes were currently on the list and Nestle indicated that there were 10-15 homes at this time. Chairman Greco clarified further by stating that the purchase price of the house was also based on the income of the owner.

When asked, Director Nestle indicated that he would send income qualification guidelines to Supervisor DiMezza.

Supervisor Jonker inquired if demolition debris would go to MOSA and Nestle indicated that it would.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #7 Discussion Regarding Increase in Mortgage Recording Fees (County Clerk): County Clerk, Helen Bartone opened discussion regarding new laws that have been adopted at the State level that now allow Counties to increase recording fees for mortgages. Montgomery County's fees have not been raised since 1978. Treasurer Shawn Bowerman indicated that consideration of this increase would greatly enhance revenue shortfalls that can be expected due to cuts made in State programs equaling 2% in 2008 and 6% in 2009.

Discussion ensued regarding this increase in revenue versus making cuts in the 2009 Operating Budget to meet these revenue shortfalls.

Supervisor McMahon stated that he will not be supporting any increase as taxpayers are hurting as it is.

Supervisor Greco indicated that he believes that cuts could be made to the County Operating Budget to make up for this shortfall without greatly impacting employees or services. Supervisor DiMezza disagreed and stated that the Supervisors are not planning for the future.

Supervisor Strevy stated that drastic times call for drastic measures and that you can not tax people to death.

Treasurer Bowerman clarified that this increase is not an increase in a tax, it is an increase in a fee, and that if the Supervisors are not willing to increase fees, then it will eventually turn into an increase in taxes to the property owners.

A resolution was drawn on the floor to hold a public hearing in accordance with regulations of the state to increase the mortgage recording fees for the County. This resolution was sponsored by Jonker and seconded by DiMezza and moved to the full board with a positive recommendation. There were no objections.

Item #8 Resolution Authorizing Chairman to Sign Amended Agreement - Psychiatric Services - St. Mary's Hospital (Mental Health): The Resolution, sponsored and seconded by Supervisors Dybas and Barone, respectively.

Supervisors DiMezza stated that he spoke with the Personnel Officer and that this position is totally reimbursed by St. Mary's Hospital (including the cost related to liability).

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #9 Resolution Awarding Bid 08-08 - Sale of Surplus Vehicles and Equipment (Purchasing): The Resolution, sponsored and seconded by Supervisors Barone and DiMezza, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #10 Resolution Authorizing Chairman to Enter into Agreements - Snow and Ice Control (Public Works): The Resolution, previously sponsored and seconded by Supervisors DiMezza and Strevy, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #11 (Add-on Resolution) Resolution Authorizing Montgomery County Sanitary District to Enter into Agreement - Litigation Defense Sanitary District). Discussion ensued regarding the add-on

resolution submitted by the Board of Directors in the Sanitary District versus the resolution that was moved to the Full Board in the General Services Committee last week. It was decided that this resolution was not necessary and that the original resolution from last week's meeting could be amended at the full board meeting. There were no objections.

Item #12 Other: Chairman Greco updated the Board regarding MOSA. County Officials have met with MOSA and the other participating Counties and they are making strides regarding the direction for 2014. He stated that he will keep the Board informed as decisions are made.

Supervisors Barone and Quackenbush made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:00 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISOR'S CHAMBERS  
PUBLIC HEARING  
6:55 PM, August 26, 2008

INTRODUCTORY LOCAL LAW D OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR A COUNTY PURPOSE - VILLAGE OF FT. PLAIN

PUBLIC HEARING DISCUSSION

Chairman Greco called the Public Hearing to order at 6:55 PM in the Supervisors' Chambers.

Present were Supervisors Quackenbush, Paton, McMahon, Strevy, Dybas, Thayer, Barone, Thomas, Jonker and Baia. Absent were Supervisors Stagliano and Walters.

The following notice was read:

NOTICE OF PUBLIC HEARING

INTRODUCTORY LOCAL LAW D OF 2008 - "A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY NOT NEEDED FOR A COUNTY PURPOSE - VILLAGE OF FORT PLAIN"

WHEREAS, a public hearing is required to be held concerning this local law.

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

SECTION 1. The Board of Supervisors of the County of Montgomery has determined that County-owned real property parcels, known as SBL's 46.54-1-2.1 and 46.54-1-15, located in the Town of Minden, Village of Fort Plain are no longer necessary for public use.

SECTION 2. The Board of Supervisors of the County of Montgomery hereby authorizes the sale and conveyance of all the right, title and interest of the County in and to said real properties to Village of Fort Plain, for the sum of \$1.00.

NOTICE IS GIVEN that said public hearing shall be held Tuesday, August 26, 2008 at 6:55 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York.

FURTHER NOTICE is hereby given that copies of said Introductory Local Law are available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York where they may be inspected or procured by any interested person during business hours.

By order of the Board of Supervisors of Montgomery County.

Kim Sanborn  
Clerk of the Board

Chairman Greco asked whether anyone from the public wished to speak.

There were no speakers.

Chairman Greco adjourned the public hearing at 7:00 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, August 26, 2008

CALL TO ORDER

Chairman Greco called the Regular Meeting of the Montgomery County Board of Supervisors for August 26, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor Paton led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, McMahon, Strevy, Dybas, Thayer, Barone, Paton, Thomas, Jonker, Bai a and DiMezza were present. Supervisors Stagliano and Walters were absent.

PRIVILEGE OF THE FLOOR

Gina DaBierre-Gibbs- Tourism Director, Montgomery County Chamber of Commerce updated the Board on tourism throughout Montgomery County. She discussed the implementation of a 1-800 number for tourism and are receiving great usage of this number. She also disseminated the 2008 Barbara V. Spraker Tourism Award Applications and encouraged all to nominate someone for the award.

Supervisors Barb Johnson presented a proclamation from Senator Hugh Farley and Assemblyman George Amedore to Supervisor Tom DiMezza who was named Italian-American Citizen of the Year at this past weekend's Festa Italiana on the South Side in the City of Amsterdam.

Janis Bever of Charleston spoke regarding the lack of movement on the Animal Abuse Task Force. She informed the Board that they have formed a volunteer group in its absence called "Monitor Our Neglected Animals" of Montgomery County. She disseminated a newsletter to all Supervisors.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Supervisor Thayer indicated that his vote on Resolution 252 of 2008 from the July Board Meeting Minutes was noted incorrectly. His vote was to abstain and the minutes reflected a negative vote. Supervisor Thayer asked that the minutes and resolution be corrected. (Clerk's note: The July Board Meeting Minutes and Resolution 252 of 2008 were corrected.)

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (July 22 - August 19, 2008) by Supervisor DiMezza, seconded by Supervisor Dybas, passed with Aye(1723). Supervisors Walters and Stagliano were absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor DiMezza, seconded by Supervisor Johnson, passed with Aye(1723). Supervisors Walters and Stagliano were absent.

UNFINISHED BUSINESS

In regard to Resolution 250, Supervisor Johnson cited concerns about the proposed law being discriminatory. Discussion ensued with Commissioner Cranker regarding what is currently in place and how this proposed law would be different. Cranker indicated that currently there is an evaluation system for those who are suspected of drug and alcohol use. This proposed law would be for all applicants.

**RESOLUTION NO. 250 of 2008**

**DATED:** July 22, 2008

**RESOLUTION URGING NYS LEGISLATURE TO PASS A. 10600 - A BILL WHICH PROVIDES THAT PERSONS SUBMIT TO AND PASS A DRUG TEST BEFORE RECEIVING PUBLIC ASSISTANCE**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Jonker

WHEREAS, the NYS Assembly is considering the adoption of a bill which would require that persons

submit to and pass a drug test before receiving public assistance, and

WHEREAS, New York State offers a variety of programs to financially assist low to poor income families with food stamps and other necessities needed to survive with little or no money, and

WHEREAS, the assistance provided to them from our State has very strict rules and regulations they must follow in order to continue to receive such necessities, and

WHEREAS, too often individuals take advantage of our public assistance program and try to pocket or use their extra funds to purchase items they're not suppose to such as drugs, and

WHEREAS, before determining that a person is eligible for any form or category of public assistance, and prior to making any distribution to such person, the social services official shall require the person seeking assistance to submit to a drug test and if he or she fails the drug test then they must be required to enroll in a drug rehabilitation program certified by the Commissioner of Health.

RESOLVED, the Montgomery County Board of Supervisors supports the passage of Assembly Bill A.10600 and encourages the New York State Senate to adopt similar legislation which would amend NYS Social Service Law, and this passage will be a funded mandate at no cost to the County, and

FURTHER RESOLVED, that the Montgomery County Board of Supervisors shall forward copies of this Resolution to Governor Paterson, the New York State Legislature and all others deemed necessary and proper.

MOTION TO TABLE by Supervisor Barone, Sr., seconded by Supervisor Strevy, passed with Aye(1049). Supervisors Dybas, Bai a, Walters and Jonker voted Nay. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

MOTION TO REMOVE FROM TABLE by Supervisor Dybas, seconded by Supervisor Barone, Sr., passed with Aye(1586). Supervisor Johnson voted Nay. Supervisors Walters and Stagliano were absent. (8/26/2008)

MOTION TO CALL THE QUESTION by Supervisor DiMezza, seconded by Supervisor McMahon, Sr., passed with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Barone, Sr.,:

to strike the second, third, fourth and fifth WHEREAS clauses in their entirety and also to strike the RESOLVED clause and replace with the following:

"RESOLVED, the Montgomery County Board of Supervisors supports the concept of drug-testing public assistance applicants to be state funded with no added costs to the County"

passed with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

RESOLUTION ADOPTED with Aye(1073). Supervisors Greco, Johnson, McMahon, Thomas and Paton voted Nay. Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

County Attorney Doug Landon explained that this resolution 255 of 2008 was inadvertently left on the agenda when, in actuality, it was withdrawn, not tabled in the July meeting. Therefore, there is no reason for resolution 255 to be entertained in tonight's meeting.

#### **RESOLUTION NO. 255 of 2008**

**DATED:** July 22, 2008

#### **RESOLUTION SUPPORTING THE TERMINATION OF THE MONTGOMERY-OTSEGO-SCHOHARIE SOLID WASTE AUTHORITY'S EXECUTIVE DIRECTOR**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Jonker

RESOLVED, that the Montgomery County Board of Supervisors supports its MOSA Board Representatives and any other MOSA Board Representatives in their call for the immediate termination of the current Executive Director for his inability to direct, disregard for the service agreement and inability to find other cost-effective alternatives for disposal of solid waste for the tri-county participants.

MOTION TO TABLE by Supervisor Dybas, seconded by Supervisor McMahon, was defeated with Aye(718). Supervisors Johnson, Dybas, McMahon, Strevy, Thomas and Jonker voted Aye. Supervisor Thayer abstained. Supervisors Greco, Paton and Stagliano were absent. (7/22/2008)

RESOLUTION WITHDRAWN BY SPONSOR (7/22/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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NEW BUSINESS

A. Resolutions

B. Other

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**RESOLUTION NO. 263 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYDCJS - BUREAU OF JUSTICE RECRUITMENT/RETENTION OF DISTRICT ATTORNEYS (DISTRICT ATTORNEY)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Di Mezza

WHEREAS, the District Attorney has been advised that Montgomery County has been awarded a Grant by the New York State Division of Criminal Justice Services, Bureau of Justice Funding for Recruitment and Retention of District Attorneys to subsidize salaries paid to assistant district attorneys,

RESOLVED, that the Board of Supervisors hereby authorizing acceptance of \$6773.00 SFY 2008-2009 Grant approved by the New York State Division of Criminal Justice Services, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a contract agreement accepting said grant.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 264 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - NYS UNIFIED COURT SYSTEM (SHERIFF)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Dybas

WHEREAS, the Sheriff provides Court Security Services under the Unified Court System of the State of New York (UCS), and

WHEREAS, by Resolution 268 of 2004, Montgomery County entered into a basic ordering agreement with the UCS to provide reimbursement of the cost of said services from April 1, 2004 through March 31, 2009, and

WHEREAS, said basic ordering agreement provides that the dates of each Period of the contract term after the initial period, as well as the maximum compensation for the dates shall be established by the mutual written agreement of the parties, and

WHEREAS, the previous period expired on March 31, 2008 and UCS has recommended a new period beginning April 1, 2008 through March 31, 2009, all terms and conditions to continue except that compensation shall be decreased to a maximum of \$57,480,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval of the County Attorney, hereby is authorized and directed to sign a renewal agreement with the New York State Unified Court System from April 1, 2008 through March 31, 2009 for a total reimbursement which shall not exceed \$57,480.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)



Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 265 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - NYS DCJS LIVE SCAN EQUIPMENT GRANT (SHERIFF)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, Resolution 70 of 2008 authorized the acceptance of a grant from NYS Division of Criminal Justice for the purchase of Live Scan Equipment for the Sheriff's Office, and

WHEREAS, the 2008 Operating Budget must be amended accordingly,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-15-3-3389	State Aid	\$35,568
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**INCREASE APPROPRIATIONS:**

A-15-4-3110-00-2250	Technical Equipment	\$35,568
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RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 266 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDED AGREEMENT AND AMENDING 2008 OPERATING BUDGET - 2007 LEMPG FUNDS (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Dybas

WHEREAS, the Emergency Management Office has received notice of an increase in the Local Emergency Management Performance Grant for Federal Fiscal Year 2007,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an amended grant agreement for the provision of additional funding, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

A-02-4-4305-00	Federal Aid - Emergency Management	\$1,811.00
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**INCREASE APPROPRIATIONS:**

A-02-4-3640-00.4408	Office Supplies	\$ 811.00
A-02-4-3640-00.4441	Gasoline, Oil, Diesel Fuel	\$1,000.00
		-----
		\$1,811.00

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 267 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - NYS OFFICE OF HOMELAND SECURITY (SHSP)**

**GRANT (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Barone, Sr.

WHEREAS, Resolution 136 of 2008 accepted a \$108,000 State Homeland Security Grant, and

WHEREAS, the 2008 Operating Budget needs to be amended to appropriate these monies,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

A-02-3-3960-00 State Aid – Emergency Disaster Assistance \$108,000.00

**INCREASE APPROPRIATIONS:**

A-02-4-3640-00	Emergency Management	
	. 2230 Motor Vehicles	\$ 60,000.00
	. 2250 Technical Equipment	\$ 15,000.00
	. 4449 Special Supplies	\$ 16,000.00
	. 4455 Training	\$ 17,000.00
		-----
		\$108,000.00

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 268 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS AND AMENDING 2008 OPERATING BUDGET - NYS HOUSING TRUST FUND CORPORATION (HTFC) GRANT - GREATER CATSKILL FLOOD REMEDIATION PROGRAM (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, New York State Housing Trust Corporation (HTFC) has awarded Montgomery County \$750,000 to purchase and demolish eligible homes that have been damaged by floods since April 1, 2004 and are determined to be at future risk, and

WHEREAS, said purchases would give homeowners the opportunity to relocate from areas vulnerable to flooding and will rebuild prime habitat areas such as wetlands which play an important role in flood control, acting like sponges for surface water during heavy rains, preventing future flooding,

RESOLVED, that the Chairman of Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to enter into an agreement with the NYS Housing Trust Fund Corporation for said grant funding, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized to enter into subsequent agreements with homeowners for the administration of said grant program, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

A-02-3-3989-02 State Aid –Other Home & Community Services \$750,000.00

**INCREASE APPROPRIATIONS:**

A-02-4-3640-02	Emergency Management	
	. 4438 Misc Supporting Services	\$750,000.00

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 269 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AND AMENDING 2008 OPERATING BUDGET - 2008 LEMPG FUNDS (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, Montgomery County, by participating in the Federal Emergency Management Assistance Program, is eligible for reimbursement funding,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign the Local Emergency Management Assistance Participation Agreement (LEMPG) for Federal Fiscal Year 2008, and

FURTHER RESOLVED, that the County Treasurer hereby is directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-02-3-4305-00	Federal Aid – Emergency Management	\$10,235.00
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**INCREASE APPROPRIATIONS:**

A-02-4-3640-00

.4408	Office Supplies	\$ 2,000.00
.4441	Fuel	\$ 4,000.00
.4446	Food	\$ 1,000.00
.4447	Clothing	\$ 1,000.00
.4449	Special Supplies & Materials	\$ 2,235.00
		-----
		\$10,235.00

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 270 of 2008**

**DATED:** August 26, 2008

**RESOLUTION APPOINTING MEMBER - FULTON - MONTGOMERY - SCHOHARIE WORKFORCE DEVELOPMENT BOARD**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Greco

WHEREAS, Resolution 237 of 2008 authorizes Montgomery County to enter into a formal Chief Local Elected Officials Agreement with Fulton County and Schoharie County for the creation of the Fulton-Montgomery-Schoharie Workforce Development Board, and

WHEREAS, said agreement requires that each County maintain five public sector appointments and six private sector appointments as listed under the Workforce Investment Act, Section 117, and

WHEREAS, Montgomery County's public sector appointments include the Department of Labor, Organized Labor, Vocational Rehabilitation, and two Community-Based Organizations, and

WHEREAS, the Board which currently consists of the following:

Appointment	Representing	Term
Pat Baia	Private Sector Appointment	11/22/05 - 11/22/08
Tom Pasquarelli	Private Sector Appointment	11/22/05 - 11/22/08
Terry Suits	Private Sector Appointment	11/22/05 - 11/22/08
Kristin Pasquarelli	Private Sector Appointment	03/25/08 - 11/22/08
Amy McGrath	Private Sector Appointment	07/22/08 - 11/22/08
	Private Sector Appointment	XXXXXXXX - 11/22/08
Bob Hoefs	Public Sector Appointment	11/22/05 - 11/22/08
Dustin Swanger	Public Sector Appointment	04/24/07 - 11/22/08
Robert Palmatier	Public Sector Appointment	11/22/05 - 11/22/08
Ramon Rodriguez	Public Sector Appointment	11/22/05 - 11/22/08

Julia Caro                      Public Sector Appointment                      01/22/08 - 11/22/08  
, and

WHEREAS, there has been resignation given by Robert Palmatier, a Public Sector appointment, and which recommendation has been made to fill said vacancy,

RESOLVED, that the Montgomery County Board of Supervisors hereby appointments the following individual to the Fulton-Montgomery-Schoharie Workforce Development Board:

Appointing	Representing	Term
Jeffrey Stark	Public Sector Appointment	08/26/08 - 11/22/08

RESOLUTION ADOPTED with Aye(1504). Supervisor DiMezza abstained. Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 271 of 2008**

**DATED:** August 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MOHAWK VALLEY SNOWMOBILE CLUBS, INC. - SNOWMOBILE TRAIL MAINTENANCE (ECONOMIC DEVELOPMENT AND PLANNING)

Resolution by Supervisor: Jonker

Seconded by Supervisor: Strevy

WHEREAS, the 2007-2008 snowmobile season was the fifth season for the use of the New York State Canal Way Trail by snowmobilers, and

WHEREAS, Mohawk Valley Snowmobile Clubs, Inc. proposes to continue to provide maintenance services on a portion of the New York State Canal Way Trail within Montgomery County for the 2008-2009 snowmobile season,

RESOLVED, that the Chairman of the Board of Supervisors, upon approval of the County Attorney, hereby is authorized and directed to sign a one-year agreement with the Mohawk Valley Snowmobile Clubs, Inc. for the use and maintenance for the New York State Canal Way trail within Montgomery County,

FURTHER RESOLVED, that said amended agreement shall provide for usage of the portions of the trail located in the Village of Canajoharie in accordance with the resolution adopted by the Canajoharie Village Board.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 272 of 2008**

**DATED:** August 26, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT APPLICATION - SNOWMOBILE TRAILS GRANT-IN-AID APPLICATION (ECONOMIC DEVELOPMENT AND PLANNING)

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: McMahon

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation's Snowmobile Trails Grant-In-Aid program for the 2008-2009 snowmobile season is due September 3, 2008; and

WHEREAS, Montgomery County has acted as the local sponsor for the snowmobile clubs within the County for the past seasons,

RESOLVED, that the Montgomery County Department of Economic Development and Planning is hereby authorized to prepare said application; and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized to sign said grant application for the 2008-2009 snowmobile season.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 273 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING EDA PRE-APPLICATION SUBMISSION-FLORIDA BUSINESS PARK  
EXTENSION (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, Montgomery County in conjunction with the Montgomery County Industrial Development Agency is in the process of expanding the Florida Business Park in the Town of Florida, and

WHEREAS, said expansion requires an extension and improvements to the Town of Florida Water and Sewer Districts, and

WHEREAS, Montgomery County wishes to submit a pre-application for federal assistance to the Economic Development Administration (EDA) for funding said water and sewer district improvements, and

WHEREAS, EDA requirements necessitate that all parties that benefit be considered grant applicants,

RESOLVED, the Montgomery County Board of Supervisors hereby authorizes the co-application with the City of Amsterdam, Town of Florida, Town of Florida Water District, Town of Florida Sewer District, and Montgomery County Industrial Development Agency for the Economic Development Administration's Pre-Application for Federal Assistance Grant, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign the necessary paperwork to complete the preapplication to the Economic Development Administration.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 274 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AMENDING LOCAL MATCH TO PURCHASE BUSES FOR MONTGOMERY COUNTY BUS SYSTEM  
(ECONOMIC DEVELOPMENT/ PLANNING)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Bai a

WHEREAS, Resolution 218 of 2007 authorized the establishment of a County Bus System and appropriated funds in the 2007 operating budget, and

WHEREAS, no funds were expended in 2007, therefore Resolution 15 of 2008 carried the fund amount forward into the 2008 operating budget, and

WHEREAS, the New York State Department of Transportation (NYSDOT) and the Federal Highway Administration (FHA) is providing the Montgomery County Bus System with significant funding through the NYS Capital Purchase Grant Program for the purchase of two County-owned buses, and

WHEREAS, by Resolution 218 of 2007, the Montgomery County Board of Supervisors agreed to provide the \$13,000, 10% local matching funds to purchase two buses for the Montgomery County Bus System which is serving the transportation needs of the citizens of Montgomery County, and

WHEREAS, the original bus selected for purchase through the Capital Purchase Grant Program has been found to be substandard in safety, longevity and mechanical soundness, and

WHEREAS, a bus that provides longer road life and better mechanical reliability is available through a "piggyback" or purchase option from the Capital District Transit Authority and the NYS DOT, and

WHEREAS, by purchasing said buses, the County will received increased State and Federal funding, but said purchase will also require an increased local match from \$13,000 to \$24,000, and

WHEREAS, it is recommended that the Board of Supervisors invest the additional \$11,000 to provide

more reliable equipment for its transportation system,

RESOLVED, that the Board of Supervisors hereby authorizes the additional \$11,000 needed for 2 upgraded buses for the Montgomery County Transportation System, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget to reflect the increased State and Federal funding, as well as the increased local match as follows:

INCREASE REVENUES:

A-01-3-3594	State Aid - Transportation	\$11,000
A-01-3-4589	Federal Aid - Other Transportation	\$88,000
A-599	Appropriated Fund Balance	\$11,000

INCREASE APPROPRIATIONS:

A-01-4-5630-00-2230	Motor Vehicle Equipment	\$110,000
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RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 275 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - MOTOR VEHICLE OPERATOR (SOCIAL SERVICES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, it has been recommended that the position of Motor Vehicle Operator be transferred from the Department of Veterans Services to the Department of Social Services, and

WHEREAS, the Commissioner of Social Services has recommended the three (3) Community Service Aides, who are currently a grade A in the CSEA contract, be upgraded to Motor Vehicle Operator, grade C, effective September 15, 2008, and

WHEREAS, funds will also need to be transferred from the Department of Veteran Services to the Department of Social Services,

RESOLVED, that the Board of Supervisors hereby approves the transfer of the position of Motor Vehicle Operator in the Veterans Department to the Department of Social Services, and

FURTHER RESOLVED, that the Board of Supervisors hereby authorizes the upgrade of three existing Community Service Aide positions at a grade level A and a base salary of \$23,428 in the most current CSEA contract to the title of Motor Vehicle Operator at a grade level C and a base salary of \$24,592, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget effective September 15, 2008, as follows:

TRANSFER FROM:

A-19-4-6510-00-1110(442)	Motor Vehicle Operator/Veteran Services	\$ 7589.22
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ADD AND TRANSFER TO:

A-18-4-6010-00-1110(529)	Motor Vehicle Operator/Social Services	\$ 7589.22
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TRANSFER FROM:

APPROPRIATIONS:

A-18-4-6010-00-1110( 403)	Community Service Aide	\$ 7,153.36
A-18-4-6010-00-1110( 349)	Community Service Aide	\$ 8,345.59
A-18-4-6010-00-1110(1191)	Community Service Aide	\$ 6,941.55
A-18-4-6010-00-1110( 359)	Social Welfare Examiner	\$ 57.88
		-----
		\$22,498.38

TRANSFER TO:

APPROPRIATIONS:

A-18-4-6010-00-1110-531	Motor Vehicle Operator	\$ 7,499.91
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A-18-4-6010-00-1110-533	Motor Vehicle Operator	\$ 7,499.91
A-18-4-6010-00-1110-534	Motor Vehicle Operator	\$ 7,498.56
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		\$22,498.38

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 276 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDED AGREEMENT - PSYCHIATRIC SERVICES - ST. MARY'S HOSPITAL (MENTAL HEALTH)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Barone, Sr.

WHEREAS, the County has an agreement with St. Mary's Hospital in Amsterdam, NY to have the hospital reimburse the County for all costs associated with the employment of the psychiatrist in the Mental Health Department, and

WHEREAS, St. Mary's Hospital wishes to amend the previous agreement to increase reimbursement to Montgomery County for increasing the salary of the psychiatrist in the Mental Health Department, and

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an amended agreement with St. Mary's Hospital to provide reimbursement for all salary and benefits relative to increasing the psychiatrist's salary in the Mental Health department, and

FURTHER RESOLVED, that the base salary of the psychiatrist shall now be \$196,535 retroactive to January 1, 2008, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-17-1620	Mental Health Fees	\$ _____
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**INCREASE APPROPRIATION:**

A-4-17-4310-00-1110(296)	Psychiatrist	\$ _____
A-4-10-9001-00-8810	FICA	\$ _____
A-4-10-9001-00-8820	Retirement	\$ _____
		-----
		\$ _____

MOTION TO AMEND by Supervisor Strevy, seconded by Supervisor Baia, to strike the figure of \$196,535 in the first FURTHER RESOLVED clause and to replace it with "\$158,514.28" and to strike the second FURTHER RESOLVED clause and to replace with the following:

"FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-17-3-1620	Mental Health Fees	\$30,520.48
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**INCREASE APPROPRIATIONS:**

A-17-4-4310-00-1110(296)	Psychiatrist	\$20,837.28
A-10-4-9001-00-8810	FICA	\$ 1,594.05
A-10-4-9001-00-8820	Retirement	\$ 2,604.66
A-10-4-9001-00-8830	Worker's Comp	\$ 5,389.49
A-10-4-9001-00-8854	Short Term Disability	\$ 95.00 "

, passed with Aye(1584). Supervisor Greco abstained. Supervisors Walters and Stagliano were absent. (8/26/2008)

RESOLUTION ADOPTED with Aye(1584). Supervisor Greco abstained. Supervisors Walters and

Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 277 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - M.M. HAYES - ID BADGE SYSTEM MAINTENANCE AGREEMENT (PERSONNEL)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, the Personnel Officer is requiring a Maintenance Agreement for the Identocard IVIS Plus Badge System, Software, Digital Camera, Badge Printer, and Door Access System, Hardware and Software.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a one-year renewal maintenance agreement for the Identocard IVIS Plus Badge System and Door Access System with M.M. Hayes, at a cost not to exceed \$6,500.00, for the period commencing on September 1, 2008 and ending on August 31, 2009.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 278 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - NATIONAL EMPLOYERS COUNCIL, INC. - COMPLIANCE AND HR MANAGEMENT SERVICES (PERSONNEL)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Johnson

WHEREAS, Montgomery County has contracted with the National Employers Council, Inc. for various human resource management services, and

WHEREAS, the Personnel Officer had recommended continuation of said agreement,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with National Employers Council, Inc. for the provision of compliance and human resource management services, and

FURTHER RESOLVED, that said agreement shall be for a one-year period commencing September 1, 2008 to August 31, 2009 at a cost not to exceed \$8,400.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 279 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING MONTGOMERY COUNTY SANITARY DISTRICT TO ENTER INTO AGREEMENT - LITIGATION DEFENSE (SANITARY DISTRICT)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Jonker

WHEREAS, the Montgomery County Sanitary District and Montgomery County have received a Notice of Claim regarding property located at 20 River Street in the Village of Nelliston, SBL# 46.10-3.12, and

WHEREAS, the Montgomery County Sanitary District and the County have submitted said claim to NYMIR, the County and District's insurance carrier and have been denied coverage for said claim, and



WHEREAS, the County and the District must retain an Attorney to prepare for the possibility of litigation concerning this matter, and

WHEREAS, the Sanitary District Board of Directors, by Resolution 5 of 2008, have authorized the Chairman of the Board of Directors to enter into an agreement to retain such defense counsel, and

WHEREAS, Montgomery County wishes to approve such contract and utilize said contractor in the County's defense as well,

RESOLVED, the Montgomery County Board of Supervisors hereby approves the Chairman of the Board of Directors of Montgomery County Sanitary District #1 to enter into an agreement with an Attorney to represent the Districts' interest in said property, and

FURTHER RESOLVED, that said attorney shall represent the County's interest, as well, and

FURTHER RESOLVED, that said agreement shall not exceed a cost of \$5,000.00 to be paid out of the Sanitary District's Budget.

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Strevy, to:

1. strike the RESOLVED clause in its entirety and replace with the following:

RESOLVED the Montgomery County Board of Supervisors hereby approves the Chairman of the Board of Directors of Montgomery County Sanitary District #1 and the Chairman of the Montgomery County Board of Supervisors to enter into an agreement with an attorney to represent the district's and the County's interest in said property, and"

2. to strike the first FURTHER RESOLVED in its entirety.

3. To strike the second FURTHER RESOLVED in its entirety and to replace with the following:

"FURTHER RESOLVED that said agreement shall not exceed a cost of \$5,000 to be paid equally out of the Sanitary District's 2008 Operating Budget and the County's contingency account of the general fund."

passed with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 280 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENTS - SNOW AND ICE CONTROL (PUBLIC WORKS)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Strevy

RESOLVED, that pursuant to Section 135A of the Highway Law, the Chairman of the Board of Supervisors, upon review of the County Attorney, hereby is authorized to enter into agreements with the City of Amsterdam, the Village of St. Johnsville and the ten towns for control of snow and ice on County roads, and

FURTHER RESOLVED, that payment for work to be performed under the terms of said agreements shall be at the rate of \$5,250 per centerline mile during the period of 01/01/09 to 12/31/10.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 281 of 2008**

**DATED:** August 26, 2008

**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW D OF 2008 - A LOCAL LAW AUTHORIZING THE PRIVATE SALE OF COUNTY-OWNED PROPERTY, NOT NEEDED FOR COUNTY PURPOSE - VILLAGE OF FORT PLAIN (TREASURER) (BECAME LOCAL LAW #7 OF 2008)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, on July 22, 2008 a proposed Local Law for the County of Montgomery County entitled "a Local Law authorizing the private sale of county-owned property, not needed for a county purpose" was presented to the Board of Supervisors for consideration, and

WHEREAS, on July 22, 2008 Resolution 258 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 26th day of August, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held.

RESOLVED, that Introductory Local Law D of 2008 (now known as Local Law #7) entitled "A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Fort Plain" hereby is adopted and is incorporated as follows:

Introductory Local Law D of 2008 - A Local Law Authorizing the Private Sale of County-Owned Property, Not Needed for a County Purpose - Village of Fort Plain.

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

SECTION 1. The Board of Supervisors of the County of Montgomery has determined that County-owned real property parcels, known as SBL's 46.54-1-2.1 and 46.54-1-15, located in the Town of Minden, Village of Fort Plain are no longer necessary for public use.

SECTION 2. The Board of Supervisors of the County of Montgomery hereby authorizes the sale and conveyance of all the right, title and interest of the County in and to said real properties to Village of Fort Plain, for the sum of \$ 1.00.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

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**RESOLUTION NO. 282 of 2008**

**DATED:** August 26, 2008

**RESOLUTION AWARDDING BID 08-08 - SALE OF SURPLUS VEHICLES AND EQUIPMENT (PURCHASING)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Di Mezza

WHEREAS, the Purchasing Agent is responsible for the disposal of surplus vehicles and equipment no longer needed for County use, and

WHEREAS, the Purchasing Agent is authorized to solicit bids for the sale of surplus vehicles and equipment, and

WHEREAS, multiple bids were received and opened on July 28, 2008, and

WHEREAS, the Purchasing Agent, Commissioner of Department of Public Works, Sheriff, Director of Data Processing and Chairman of Sanitary District NO. 1 have reviewed the bids and have recommended that awards be made to the highest responsible bidder for each vehicle or piece of equipment,

RESOLVED, that the Board of Supervisors hereby awards Bid 08-08 as follows:

Awarded to Lutz Sales of Oakfield:

Item #1 - 1989 Orion 30 Ft Suburban Bus for \$1,539.00  
Vin #2B1118779K6002191

Awarded to James Vitus of Amsterdam:

Item #3 - 1996 Ford F-150 for \$352.00  
Vin #1FTEF15YXTLC15008

Awarded to Robert Bergen:

Item #7 - 1995 Chevrolet 1500 Pickup for \$663.64  
Vin #1GCFK24H1SE280307

Awarded to Gary Oeser of Palatine Bridge:

Item #13 - Microscope for \$22.82

Awarded to Neal Kling:

Item #31 - Telex Reel to Reel Projector for \$5.00

Item #32 - Singer Reel to Reel Projector for \$5.00

Item #56 - Dell M992 19" CRT Monitor for \$1.00

Awarded to Charles Krajewski of Amsterdam:

Item #18 - Canon 35mm Camera and Case for \$6.25

Item #19 - Kogaku 300 for \$26.55

Item #21 - Sony Video Camera for \$10.00

Item #23 - FUJI-X-8 Video Camera and Case for \$1.00

Awarded to John Persch:

Item #47 - Kurz-Root Army Generator for \$256.00  
Vin #A220333

Awarded to Lawrence and Tina Sweet of Fonda:

Item #6 - 1997 Expedition for \$430.00  
Vin #1FMFU18L3VLB89909

Item #9 - Toughbook Laptop for \$25.00

Item #11 - Toughbook Laptop for \$10.00

Item #24 - Jet-book Laptop, Printer and Case for \$30.00

Item #49 - Coleman RAM-X15 Canoe for \$160.00

Item #50 - Husqvarna GT-200 Tractor with Snow Blower for \$300.00

Awarded to Greg Oliver:

Item #16 - JVC Video Recorder for \$10.00

Item #22 - Micro Sealer for \$10.00

Item #76 - PC Frame for \$5.00

Awarded to Becker's Auto Sale of Palatine Bridge:

Item #2 - 1995 Oldsmobile Cierra SL for \$150.00  
Vin #1G3AJ55M9S6417949

Item #5 - 1988 Chevy Astro Van for \$235.00  
Vin #1GCDM15Z2JB165556

Awarded to Dado's Inc. of Broadalbin:

Item #4 - 2000 Ford Crown Vic for \$276.00  
Vin #2FAFP71WXYX178910

Item #46 - 1973 General 4200# Utility Trailer for \$56.00  
Vin #3TL7354

FURTHER RESOLVED, that New York State sales tax of 8% will be collected on all taxable items sold.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

**RESOLUTION NO. 283 of 2008****DATED:** August 26, 2008

RESOLUTION ESTABLISHING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW E OF 2008 - A LOCAL LAW WHICH ENHANCES PERSONAL PRIVACY PROTECTION FOR DOCUMENTS RECORDED IN THE COUNTY CLERK'S OFFICE & FOR INCREASING THE FEES COLLECTED BY THE COUNTY CLERK FOR SUCH

Resolution by Supervisor: Jonker

Seconded by Supervisor: Di Mezza

WHEREAS, a public hearing is required to be held concerning Introductory Local Law E of 2008, a local law which enhances personal privacy protection for documents recorded in the County Clerk's Office and authorizing an increase in fees collected by the County Clerk for the recording, entering, indexing and endorsing a certificate on any instrument,

RESOLVED, that Introductory Local Law E of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration, following the holding of a public hearing, as follows:

Introductory Local Law E of 2008 - A Local Law which Enhances Personal Privacy Protection for Documents Recorded in the County Clerk's Office and Authorizing an Increase in Fees Collected by the County Clerk for the Recording, Entering, Indexing and Endorsing a Certificate on any Instrument.

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

SECTION 1. Title.

This law shall be known as the "Enhanced Personal Privacy Protection or Recorded Documents Law."

SECTION 2. Declaration of intent.

In accordance with subparagraph (2) of paragraph 4 of subdivision (a) of section 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Montgomery County Board of Supervisors authorizes the Montgomery County Clerk to increase the fees charged for certain documents recorded with the County Clerk's Office.

SECTION 3. Fees for recording documents.

For recording, entering indexing and endorsing a certificate of any instrument, the fee is increased from five dollars to twenty dollars and, in addition thereto, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that the Montgomery County Clerk has placed an image of such cover page on line, the County Clerk shall make a good faith effort to redact such information.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or other portion of the 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 not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 5. Effective date.

This local law shall take effect thirty days after filing in the office of the Secretary of State pursuant to section 27 of the municipal home rule law.

FURTHER RESOLVED, that said public hearing shall be held Tuesday, September 23, 2008 at 6:55 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1723). Supervisors Walters and Stagliano were absent. (8/26/2008)

Douglas Landon  
County Attorney

Kimberly Sanborn  
Clerk, Board of Supervisors

EXECUTIVE SESSION

Pursuant to Section 105 (d) of NYS Open Meeting Law, the motion was made and seconded by

Supervisor Barone, Sr. and Supervisor Jonker, respectively, to enter into Executive Session to discuss proposed, pending or current litigation. Executive Session commenced at 7:38 PM.

Motion to adjourn the Executive Session at 7:58 PM was made and seconded by Supervisors Strevy and Dybas, respectively.

Executive Session was adjourned at 7:59 PM.

As a result of Executive Session, no action was taken.

#### ADJOURNMENT

MOTION TO ADJOURN by Supervisor Jonker, seconded by Supervisor Barone, passed with Aye(1723). Supervisors Walters and Stagliano were absent.

Chairman Greco adjourned the meeting at 8:00 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:00 PM, September 2, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Dybas, DiMezza, McMahon, and Thomas. Absent were Supervisors Strevy and Walters.

Additionally present were Supervisors Quackenbush, Greco, Thayer, Barone, Bala and Jonker. Absent were Supervisors Paton and Stagliano.

Items on the agenda, at this time, are as follows:

1. Presentation - Cornell Cooperative Extension of Fulton and Montgomery Counties
2. Resolution Establishing Annual Thirty-Day Agricultural District #2 Review Period (Economic Development/Planning)
3. Resolution Authorizing Chairman to Sign Agreement - New York State Department of Economic Development - Census Data Affiliate Program (Economic Development and Planning)
4. Other

Item #1: Cornell Cooperative Executive Director Marilyn Smith updated the Board of Supervisors on the various spring and summer projects such as the Fonda Fair, the community Farmer's Markets, updating the Harvest Tour map and the completion of the round table discussion series. She stated that future projects will include helping farmers create brochures, business cards and a web presence.

She also made a request for a small increase in their budget to be used as follows: increasing Ag. Economic Development Program Assistant Julianne Clouthier's hours by five hours per week and creating said promotional materials for local farmers.

Horticulture and Agriculture Extension Educator Crystal Stewart stated that the local Amish support the activities of the Extension office and are open to receiving suggestions and assistance.

Supervisor DiMezza asked that the Board of Supervisors be notified of upcoming events via an email to Administrative Aide Jackie Meola, which can then be disseminated. There were no objections.

Item #2: Supervisors Quackenbush and Jonker made a motion and seconded, respectively, to sponsor the Resolution.

Assistant Planner Randy Silver disseminated a tentative review schedule to all present Supervisors.

The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #3: Supervisors DiMezza and Barone made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the full Board with a positive recommendation. There were no objections.

Item #4: Supervisors Jonker and McMahon made a motion and seconded, respectively, to sponsor the add-on "RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY PLANNING BOARD". It was moved to the full Board with a positive recommendation. There were no objections.

Supervisor McMahon mentioned that Canajoharie's position is currently vacant on the Planning Board.

There were no other discussion items.

Supervisors Dybas and DiMezza made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 7:21 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:05 PM, September 2, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 7:21 PM.

Roll call indicated Committee members present were Supervisors Quackenbush, Barone, Johnson, McMahon and Thomas. Absent was Supervisor Walters.

Additional Supervisors present were Supervisors Greco, Dybas, Thayer, Jonker and Baia. Absent were Supervisors Strevy, Stagliano and Paton.

Items on the agenda, at this time, are as follows:

1. Discussion Regarding Salary - Confidential Secretary (Sheriff)
2. Other

Item #1: Chairman DiMezza stated that he feels this discussion item should be addressed in a budget session.

Supervisor Dybas exited Chamber at 7:24 PM.

Chairman Greco cautioned the Committee against "opening a can of worms" by giving an increase in salary at this time to any position.

Chairman DiMezza stated that since the position is "exempt", almost any duties could be assigned to the position.

When queried by Chairman Greco, Sheriff Michael Amato stated that the Confidential Secretary has been employed for thirteen years, and has received the usual increases and raises. He stated that due to the increase in workload, the salary is no longer adequate.

He stated that he knows of a person who can be hired to take over some of the Confidential Secretary's responsibilities on a part-time basis.

Supervisor McMahon stated that job descriptions are merely guides. He also stated that it's irresponsible for management to have an irreplaceable employee.

When polled, the Committee chose to handle this subject during budget time.

Item #2, Other: Chairman DiMezza and the Board of Supervisors expressed their appreciation to Clerk of the Board Kim Sanborn for her three years of service, which concludes tomorrow.

Item #3, Other: Supervisor Barone made a motion to sponsor a Resolution to seek a full-time Clerk of the Board of Supervisors. Supervisor Thomas seconded the Resolution. When polled, the draft Resolution was moved to the full Board by the Committee without a recommendation.

Supervisor Quackenbush cautioned the Committee against changing the makeup of the Board of Supervisors office in a rash manner, without a solid plan.

County Attorney Doug Landon stated that a Deputy Clerk of the Board or acting/temporary Clerk of the Board must be appointed as soon as possible.

Chairman Greco stated that, according to his understanding, a Deputy Clerk may not be needed in the interim, but further research is needed on the subject.

Chairman Greco stated that until the Board know what's needed during the interim, there's no point in acting too quickly.

Item #5, Other: Supervisor Barone stated that two existing positions (one in maintenance, the other in custodial) can be upgraded slightly to replace Terry Bieniek's position as Structural Maintenance Coordinator.

Supervisor Thomas urged the Committee to look at Supervisor Barone's suggestion carefully, as money can be saved on Engineering costs as well.

Chairman Greco stated that DPW Commissioner Paul Clayburn has some valid issues, and we shouldn't move forward unless all options are considered.

Chairman DiMezza suggested discussing this at budget time.



Supervisor Barone made a motion to freeze the hiring of the position. Supervisor Thomas seconded the motion.

Chairman Greco suggested expanding the freeze to include all county positions, except in emergency situations, until the first of the year. Supervisor Barone agreed, and sponsored the draft resolution (a hiring freeze of all county positions except in emergency situations until 01/01/09). Chairman Greco seconded the motion. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Chairman Greco stated that there's a Resolution already in existence, so the Board won't be setting a precedence for a hiring freeze.

Supervisors Thomas and Jonker made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 7:48 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
 SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
 COMMITTEE MEETING - FINANCE  
 7:00 PM, September 16, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Dybas, Bai a, DiMezza, Barone and McMahon. Absent was Supervisor Johnson.

Additional Supervisors present were Strevy, Thayer, Jonker, Paton, Thomas, and Walters. Absent was Supervisor Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Approving Execution by Montgomery County IDA of its Tax-Exempt Lease Purchase obligation in the principal amount not to exceed \$3,000,000 for a certain industrial & Manufacturing project in Montgomery County for Noteworthy Industries, Inc. - EOD/Planning
2. Resolution Amending 2008 Operating Budget - 2007 MOSA Final GAT Shortfall Payment (Board of Supervisors)
3. Resolution Amending 2008 Operating Budget - Green and Seifter (Board of Supervisors)
4. Resolution Amending 2008 Operating Budget - Road Machinery Fund - Gas, Oil, Fuel (Public Works)
5. Resolution Revising the Non-Bargaining Personnel Policy - Evaluation Forms
6. Resolution Awarding Bid 11-08 - 4x2 Chassis/Cab Truck (Emergency Management)
7. Resolution Awarding Bid 12-08 Truck Box (Emergency Management)
8. Resolution Authorizing Distribution of Request for Proposals (RFP) for Professional Services - Appraisal Services (Emergency Management)
9. Resolution Authorizing Chairman to Sign Agreement - Certified Public Accountant (Treasurer)
10. Other

Item #1 Resolution Approving Execution by Montgomery County IDA of its Tax - Exempt Lease Purchase obligation in the principal amount not to exceed \$3,000,000 for a certain Industrial & Manufacturing project in Montgomery County for Noteworthy Industries, Inc.: The Resolution, sponsored and seconded by Supervisors Dybas and Barone, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #2 Resolution Amending 2008 Operating Budget - 2007 MOSA Final GAT Shortfall Payment (Board of Supervisors): The Resolution, sponsored and seconded by Supervisors Jonker and Greco, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #3 Resolution Amending 2008 Operating Budget - Green and Seifter (Board of Supervisors): The Resolution, sponsored and seconded by Supervisors Dybas and Quackenbush, respectively, was moved to the full Board with a positive recommendation. There were no objections.

Item #4 Resolution Amending 2008 Operating Budget - Road Machinery Fund - Gas, Oil, Fuel (Public Works): The Resolution, sponsored and seconded by Supervisors McMahon and DiMezza.

Supervisor Greco questioned whether this amount would get the County through the rest of the year and DPW Commissioner Paul Clayburn indicated that it would. Supervisor Dybas asked if the higher rates were considered and Commissioner Clayburn indicated that they were.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #5 Resolution Revising the Non-Bargaining Personnel Policy - Evaluation Forms: The Resolution, sponsored and seconded by Supervisors DiMezza and Barone, respectively.

Supervisor McMahon expressed that in his opinion the evaluation survey, which currently has a rating system of 1-4 for each attribute, with one being the lowest score and 4 being the highest. He stated that in most companies he has worked for 1 should be the high score, and 4 should be the low score.

Supervisor DiMezza indicated that the only change to these forms was to provide for the evaluation of safety of County employees and the unions have all agreed to this change.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #6 Resolution Awarding Bid 11-08 - 4x2 Chassis/Cab Truck (Emergency Management): The Resolution, sponsored and seconded by Supervisors Thayer and Barone, respectively.

Supervisor Dybas questioned what the summary was of the bids received as there was no documentation provided and asked if the one selected was the low bidder. Emergency Management Deputy Director Rick Sager indicated that the one selected was the low bidder and read the bid summary aloud.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #7 Resolution Awarding Bid 12-08 Truck Box (Emergency Management): The Resolution, sponsored and seconded by Supervisors Strevy and Baia, respectively.

Supervisor Dybas again questioned what the summary was of the bids received as there was no documentation provided and asked if the one selected was the low bidder. Emergency Management Deputy Director Rick Sager indicated that the one selected was the low bidder and read the bid summary aloud.

Supervisor Barone asked Purchasing Agent Scott Surento to provide summary information in the packet going forward.

The resolution moved to the full Board with a positive recommendation. There were no objections.

Item #8 Resolution Authorizing Distribution of Request for Proposals (RFP) for Professional Services - Appraisal Services (Emergency Management): The Resolution, was sponsored and seconded by Supervisors Baia and Strevy, respectively.

Supervisor Strevy inquired as to whether the list of applicants has been narrowed down since submission and Mr. Sager indicated that the list of applicants in fact has grown, more have applied since hearing about the program.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #9 Resolution Authorizing Chairman to Sign Agreement - Certified Public Accountant (Treasurer): The Resolution, sponsored and seconded by Supervisors Barone and Baia, respectively.

Chairman Quackenbush began discussion by saying that this resolution was not about the original contract the County has with Bollam, Sheedy & Torani (BST) through this year, nor was it about the existing contract not being on file or possibly being lost. He stated that Chairman Greco has straightened out those issues. He asked if this was, in fact, a resolution to extend that relationship for two more years. Treasurer Bowerman concurred.

Chairman Quackenbush asked why this was not put out for RFPs. Bowerman stated that the state recommends that an RFP be done every five years for CPA services. His recommendation is that since changing auditors is such a process, that it would be best to stay with BST for two more years and then go back to RFP.

Supervisor Dybas indicated that he did not vote for BST last time and expressed his concerns with BST over the last three audits and asked the Board to go to RFP. He also stated that BST was MOSA's auditor and he felt that BST being the County's auditor was a conflict.

Bowerman addressed Supervisor Dybas' complaints of BST and stated that BST has always been willing to meet with the Board should they request.

Supervisors Dybas expressed his concerns further by stating that it is already budget time and the County has not seen any financial records for 2007 yet.

Bowerman responded that the last 5 years of financials were not received prior to the last week of September.

Bowerman then spoke of an amended agreement for the 2007 financials. He stated that this amended agreement would have to be signed in order for BST to release the 2007 financials.

Supervisor Strevy questioned a comment by Chairman Quackenbush, in which he stated that the

original contract was lost.

Bowerman stated that BST submitted a response to the original RFP, but the letter of acceptance was never signed.

Supervisor DiMezza stated that he had no problems with BST, that they are a large firm who handles many municipalities and their contract should be extended for two more years. He indicated that he did not believe there was any conflict of interest with BST being MOSA's auditors.

He also stated that the issues of the original contract had to do with the process and it was wrong to accuse the Department Heads of any wrong doing.

Supervisor Jonker stated that he felt it should go to RFP.

Supervisor Thayer stated that MOSA went to RFP for CPA firms and BST was the only one who responded.

Supervisor Strevy stated that he supports Bowerman's recommendation to stay with BST.

Supervisor Quackenbush asked Bowerman if he was comfortable staying with BST for two more years and then going to RFP. Bowerman indicated that he was.

Supervisor Strevy asked if it was okay to stay with the same firm, but was the County required to at least change the principle auditor. Bowerman said that was mostly an IDA requirement.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #10 Other (Add-on resolution "RESOLUTION AMENDING 2008 OPERATING BUDGET - MEDICAL FEES (CORONER)": The Resolution was sponsored and seconded by Supervisors Dybas and DiMezza, respectively. There were no objections. Treasurer Bowerman stated that the cost of the autopsies has risen this year and there is not enough money in the fund to cover the expenses. The resolution was moved to the full Board with a positive recommendation.

Item #10 Other (Add-on resolution "RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AMENDMENT - CERTIFIED PUBLIC ACCOUNTING SERVICES") The resolution was sponsored and seconded by Supervisors Barone and DiMezza, respectively.

Supervisor Dybas asked if the only amendment to the original agreement was the additional \$10,000 cost for services provided for new requirements. Bowerman indicated that it also removes the Meadows from the original contract.

The resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #10 Other (Discussion regarding the 2009 Finance Committee Review of the 2009 Tentative Budget)

Chairman Quackenbush discussed the Finance Committee's review of the 2009 Tentative Budget. He stated that typically the Finance Committee would meet over multiple nights with the Department Heads to discuss their budget requests and only some supervisors show up for these reviews, so rather than go through that process again this year, Quackenbush recommended that no Department Head review meetings take place in the beginning of the process. He thought it would be best to have the Department Heads get the tentative budget on Oct. 1 and then, if they requested that items be restored, they would have to put that request and justification in writing to the Finance Committee by Oct. 10th. He thought that they could then be called in after that if there were any questions. He asked if the committee if they were okay with that process, or if they preferred to have everyone come in.

Supervisor Strevy questioned why the request for historical data was not received by the Budget Officer. Bowerman said that it was forthcoming.

Supervisor McMahon stated that he felt some departments were too small to bring in for review. He also added that county government can not continue to add people.

Bowerman told the Board that if they were not happy receiving the preliminary budget on September 1st, which is just a departmental wish list, he would gladly not publish it any longer as it would save him a lot of work.

Supervisor Strevy questioned the use of fund balance in the preliminary budget. The use of fund balance masks the problem that the departmental wish list in its entirety would raise the tax levy almost 26%.

Supervisor Dybas asked the committee if it was possible to give the Budget Officer direction now to have no new positions in the 2009 Budget.

Supervisor Barone stated that all requests are up, because the County's fund balance is up, so

everyone feels that they can ask for more.

Bowerman said he would provide 5 years of actuals to all Supervisors by the end of this week.

Chairman Quackenbush said that he will ask the BOS office to put a memo together to have department heads submit justification by October 10th.

Supervisor Dybas reiterated that he wanted to see no new positions or upgrades.

Bowerman stated that he may have a problem getting the dollar figures from departments related to the corresponding revenues if he cuts positions.

Chairman of the Board - Supervisor Greco stated that the big departments will need to be looked at after the Budget Officer makes the cuts and presents to finance.

Supervisor McMahon state that government must get smaller, not only in size, but function and everyone can not expect a raise every year.

Item #10 (Other) - Executive Session - Pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor DiMezza and Barone, respectively, to enter into Executive Session to discuss the employment history of a particular person. Executive Session commenced at 7:49 PM.

Motion to adjourn the Executive Session at 8:20 PM was made and seconded by Supervisors Barone and Baia, respectively.

Executive Session was adjourned at 8:20 PM.

Supervisors Barone and Dybas made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:22 PM.

Respectfully submitted,

Kimberly Sanborn  
Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:55 PM, September 23, 2008

INTRODUCTORY LOCAL LAW E OF 2008 - A LOCAL LAW WHICH ENHANCES PERSONAL PRIVACY FOR DOCUMENTS RECORDED IN THE COUNTY CLERK'S OFFICE & FOR INCREASING THE FEES COLLECTED BY THE COUNTY CLERK FOR SUCH

PUBLIC HEARING DISCUSSION

Chairman Greco called the Public Hearing to order at 6:55 PM in the Supervisors' Chambers.

Present were Supervisors Quackenbush, Paton, McMahon, Strevy, Dybas, Thayer, Barone, Thomas, Jonker, Stagiato and Baia. Supervisor Walters was absent.

The following notice was read:

NOTICE OF PUBLIC HEARING

WHEREAS, a public hearing is required to be held concerning Introductory Local Law E of 2008, a local law which enhances personal privacy protection for documents recorded in the County Clerk's Office and authorizing an increase in fees collected by the County Clerk for the recording, entering, indexing and endorsing a certificate on any instrument,

RESOLVED, that Introductory Local Law E of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration, following the holding of a public hearing, as follows:

Introductory Local Law E of 2008 - A Local Law which Enhances Personal Privacy Protection for Documents Recorded in the County Clerk's Office and Authorizing an Increase in Fees Collected by the County Clerk for the Recording, Entering, Indexing and Endorsing a Certificate on any Instrument.

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

SECTION 1. Title.

This law shall be known as the "Enhanced Personal Privacy Protection or Recorded Documents Law."

SECTION 2. Declaration of intent.

In accordance with subparagraph (2) of paragraph 4 of subdivision (a) of section 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Montgomery County Board of Supervisors authorizes the Montgomery County Clerk to increase the fees charged for certain documents recorded with the County Clerk's Office.

SECTION 3. Fees for recording documents.

For recording, entering indexing and endorsing a certificate of any instrument, the fee is increased from five dollars to twenty dollars and, in addition thereto, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that the Montgomery County Clerk has placed an image of such cover page on line, the County Clerk shall make a good faith effort to redact such information.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or other portion of the 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 not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 5. Effective date.

This local law shall take effect thirty days after filing in the office of the Secretary of State pursuant to section 27 of the municipal home rule law.

NOTICE IS GIVEN that said public hearing shall be held Tuesday, September 23, 2008 at 6:55 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York.

FURTHER NOTICE is hereby given that copies of said Introductory Local Law are available at the Office of the Chairman of the Board of Supervisors, County Annex Building, Park Street, Fonda, New York where they may be inspected or procured by any interested person during business hours.

By order of the Board of Supervisors of Montgomery County.

Cheryl Reese  
Interim Clerk of the Board

Chairman Greco asked whether anyone from the public wished to speak.

There were no speakers.

Chairman Greco adjourned the public hearing at 7:00 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, September 23, 2008

CALL TO ORDER

Chairman Greco called the Regular Meeting of the Montgomery County Board of Supervisors for September 23, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor Johnson led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, McMahon, Strevy, Dybas, Thayer, Barone, Paton, Thomas, Jonker, Baia, Stagliano, Walters and DiMezza were present.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if there was anyone who wished to speak. There was no one who spoke.

B. Presentations

Montgomery County Assessment Study  
Michael R. Swan - MRS Consulting

Michael R. Swan - MRS Consulting discussed the booklet that was disseminated to all supervisors entitled "Centralized Property Tax Administration Program Assessment Study of Montgomery County, New York. He stated the goal is to achieve a common level of assessment in the county. He outlined from the handout the four options available: 1. Local Municipal Assessing 2. County run assessing (In order for this to work, there would have to be a voter referendum for the 10 towns and the City would have its own.) 3. Consolidated Assessing Program 4. Contract of Services. He stated that county-wide assessment is going to happen eventually because of lack of assessor's and the extra work that is put on the assessor's by the State of New York.

Supervisor Strevy asked if the City of Amsterdam did not pass this referendum what would that mean. Mr. Swan stated that all towns plus the city would have to pass the referendum.

Supervisor Quackenbush talked about the revaluation process currently in the Town of Minden and inquired as to how towns such as Minden, Root & Charleston who are currently at 100% would benefit from county-wide assessing. Mr. Swan suggested taking "baby steps" at first, possibly forming CAP's (consolidated assessing programs) with neighboring towns.

Supervisor Johnson inquired as to how many municipalities can form a CAP.

Chairman Greco stated that with a CAP you can still keep the local assessors.

Supervisor DiMezza questioned the cost of county assessed program. He feels it would be difficult to sell to the taxpayers at this time.

Mr. Swan stated he was just here to present the options. He suggests talking to other legislators.

Supervisor Walters stated that his town did their own re-val and it is possible to do it for less than what this plan is suggesting.

Supervisor McMahon stated county-wide assessing is not appropriate at this time.

NYS Office of Real Property - Northern Region  
Thomas J. Pinto, Analyst

Thomas J. Pinto, Analyst, NYS Office of Real Property - Northern Region presented a power point presentation entitled "Full Value Reassessment: Advantages, Effects, Options". He discussed the purpose of reassessment. He stated that all towns need to be at a common level of assessment. By achieving this goal, all taxpayers would be paying their fair share of taxes.

Supervisor Dybas inquired as to how the STAR program would work.

Mr. Pinto stated that if the equalization rate is working properly than the taxpayer would receive their fair share of the STAR exemption.



APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (July 22 & August 26 - September 16, 2008) by Supervisor Barone, Sr., seconded by Supervisor Baia, passed with Aye(1868).

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1868).

MOTION TO AMEND THE AGENDA

Chairman Greco discussed a need for a motion to amend the agenda for this evening. There are two resolutions to consider. The first resolution is in reference to the appointment of a interim, part-time clerk of the Board. The second resolution is in reference to repairs to the Oak Ridge Site Tower that are necessary.

The motion to amend the agenda was clarified by Chairman Greo as follows: Resolution #297 - RESOLUTION ESTABLISHING HIRING FREEZE FOR ALL MONTGOMERY COUNTY POSITIONS THROUGH JANUARY 1, 2009 would move ahead of Resolution #296 - RESOLUTION ESTABLISHING POSITION - FULL TIME CLERK OF THE BOARD AND AMENDING 2008 OPERATING BUDGET. ADD-ON RESOLUTION - Resolution Appointing Position - Interim Clerk of the Board - Part-time would follow Resolution #296 and become Resolution #300. ADD-ON RESOLUTION - Resolution Amending 2008 Budget - Oak Ridge Tower Repairs will become Resolution #301.

MOTION TO AMEND AGENDA by Supervisor Dybas, seconded by Supervisor Strevy, passed with Aye(1277). Supervisors Barone, Sr., Baia, DiMezza and Stagliano voted Nay.

UNFINISHED BUSINESS

NEW BUSINESS

- A. Resolutions
- B. Other

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**RESOLUTION NO. 284 of 2008**

**DATED:** September 23, 2008

**RESOLUTION ESTABLISHING ANNUAL THIRTY-DAY AGRICULTURAL DISTRICT #2 REVIEW PERIOD (ECONOMIC DEVELOPMENT/PLANNING)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Jonker

WHEREAS, May 22, 2009 will mark the anniversary date of Montgomery County Agricultural District No. 2 in the Towns of St. Johnsville, Palatine, Mohawk and Amsterdam, and

WHEREAS, the Department of Agriculture and Markets has directed the Montgomery County Board of Supervisors to conduct an eight year review of Agricultural District No. 2 pursuant to Article 25-AA Section 303-a of Agriculture and Markets Law, and

RESOLVED that the Board of Supervisors hereby schedules a 30-day public review period for Agricultural District No. 2, commencing on October 15, 2008, notice of which shall be published in a newspaper having general circulation, and

FURTHER RESOLVED, that notice of this review period and a map of the existing district shall be posted and open to public inspection at the Montgomery County Clerk's Office, the Montgomery County Department of Economic Development and Planning, and the Clerk's Office in the Towns of St. Johnsville, Palatine, Mohawk, Amsterdam, and

FURTHER RESOLVED, that all municipalities and land owners within the district will be notified that they may propose a modification of the district by filing such proposal with the Clerk of the Board of Supervisors within thirty days of the publication of the notice, and

FURTHER RESOLVED, that Board of Supervisors hereby directs the Montgomery County Agriculture and Farmland Protection Board to coordinate this review and prepare the reports and recommendations as required by law, and to submit them to the Board of Supervisors for review.

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 285 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT-NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT-CENSUS DATA AFFILIATE PROGRAM (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Barone, Sr.

RESOLVED, that the Chairman of the Board of Supervisors is authorized, following review and approval of the County Attorney, to sign an agreement with the New York State Department of Economic Development to allow the County's Department of Economic Development and Planning to act as the local service affiliate.

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 286 of 2008**

**DATED:** September 23, 2008

**RESOLUTION APPOINTING MEMBER - MONTGOMERY COUNTY PLANNING BOARD**

Resolution by Supervisor: Jonker

Seconded by Supervisor: McMahon

WHEREAS, per Local Law No. 1 of 1987 the Chairman of the Board of Supervisors has authorization to appoint individuals to serve on the County Planning Board with the advice and consent of the Montgomery County Board of Supervisors, and

WHEREAS, the current planning board consists of the following:

Appointee	Representing	Term Expiration
Louis Agüero	1st Ward	06/30/11
Robert DiCaprio	2nd Ward	06/30/09
Robert L. Mead	3rd Ward	06/30/09
Crystal Ricciuti	4th Ward	06/30/11
Andy Reed	5th Ward	06/30/10
Phil Arnold	Town of Amsterdam	06/30/11
Vacant	Town of Canajoharie	06/30/10
Jack Fritz	Town of Charleston	06/30/11
Scott McKay	Town of Florida	06/30/10
John Thomas	Town of Glen	06/30/09
Keith MacGregor	Town of Minden	06/30/10
Anthony Bruno	Town of Mohawk	06/30/10
Vacant	Town of Palatine	06/30/09
John Lyker	Town of Root	06/30/10
Salvatore "Sam" Giarrizzo	Town of St. Johnsville	06/30/09

And

WHEREAS, there is currently a vacancy representing the Town of Palatine on said Board,

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to appoint, with the advice and consent of the Montgomery County Board of Supervisors, Donald Mead representing the Town of Palatine to fill and unexpired vacancy through June 30, 2009.

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 287 of 2008**

**DATED:** September 23, 2008

RESOLUTION APPROVING EXECUTION BY MONTGOMERY COUNTY IDA OF ITS TAX-EXEMPT LEASE PURCHASE OBLIGATION IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000 FOR A CERTAIN INDUSTRIAL & MANUFACTURING PROJECT IN MONT. CO. FOR NOTEWORTHY INDUSTRIES, INC. - EOD/PLAN

Resolution by Supervisor: Dybas

Seconded by Supervisor: Barone, Sr.

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

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "Enabling Act") and Chapter 666 of the Laws of 1970 of the State of New York, as amended, constituting Section 895-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to the "Act"), the Board of Supervisors of Montgomery County (the "Board of Supervisors") has previously appointed the members of Montgomery County Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to issue its revenue bonds to finance the cost of acquisition, installation and renovation of one or more "projects" (as defined in the Act), to acquire, install and renovate said projects or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Noteworthy Industries, Inc. (the "Company") has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) (1) the acquisition and installation of certain machinery and equipment (the "Equipment") in buildings and improvements (collectively, the "Facility") located on the land (the "Land") and situated at 100 Church Street in the City of Amsterdam, Montgomery County, New York (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"); and (2) the renovation of portions of the Facility in connection with the acquisition and installation of the Equipment, all of the foregoing to constitute an expansion of the industrial and manufacturing facility owned and operated by the Company; (B) the financing of all or a portion of the costs of the foregoing by the (1) issuance of its industrial development revenue bonds in one or more issues or series, or (2) the execution and delivery of a tax-exempt lease/purchase agreement, each in an aggregate principal amount not to exceed \$3,000,000 (hereinafter referred to as the "Obligations"); (C) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including exemption from certain sales taxes, deed transfer taxes and mortgage recording taxes (collectively with the Obligations, the "Financial Assistance"); and (D) the lease (with an obligation to purchase) or sale of the Equipment to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to the Act, any approval of the Project contained herein is contingent upon a determination by the members of the Agency to proceed with the Project following satisfaction of (A) all requirements of SEQRA that relate to the Project and (B) the public hearing and notice requirements and other procedural requirements contained in Section 859-a of the Act; and

WHEREAS, the Company has requested that interest on the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 144 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Board of Supervisors has been advised by the Agency that the Agency proposes to execute and deliver, subsequent to the adoption of this resolution, the Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and

WHEREAS, interest on the Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Obligations is approved by the "applicable elected representative" of the Montgomery County, New York after the Agency has held a public hearing on the nature and location of the Project Facility and the issuance of the Obligations; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the CEO of the Agency (A) caused notice of public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a(2) of the Act and Section 147(f) of the Code, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be mailed on July 25, 2008 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is or is to be located, (B) caused notice of the Public Hearing to be posted on July 25, 2008 on a bulletin board located in City Hall at 61 Church Street in the City of Amsterdam, Montgomery County, New York, (C) caused notice of the Public Hearing to be published on July 28, 2008 in The Recorder, a newspaper of general circulation available to the residents of Montgomery County, New York, (D) conducted the Public Hearing on August 29, 2008 at 9:00 o'clock a.m., local time in City Hall at 61 Church Street in the City of Amsterdam, Montgomery County, New York, and (E) prepared a report of the

Public Hearing (the "Report") which fairly summarized the views presented at said Public Hearing and will distribute same to the Board of Supervisors; and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Supervisors desires to allow the interest on the Obligations to be treated as excludable from gross income for federal income tax purposes; and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that neither the Obligations nor any other obligation of the Agency shall be a debt of Montgomery County, New York, nor shall Montgomery County, New York be liable thereon;

NOW, THEREFORE, BE IT RESOLVED, that, for the sole purpose of qualifying the interest payable on the Obligations for exclusion from federal income taxation pursuant to the provisions of the Code, the Board of Supervisors, as the elected legislative body of Montgomery County, New York, hereby approves the issuance by the Agency of the Obligations, in an amount not to exceed \$3,000,000, provided that the Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Agency and shall never be a debt of the State of New York, Montgomery County, New York or any political subdivision thereof (other than the Agency), and neither the State of New York, Montgomery County, New York nor any political subdivision thereof (other than the Agency) shall be liable thereon, and be it further

RESOLVED, that this resolution shall take effect immediately.

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 288 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - MEDICAL FEES (CORONER)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Di Mezza

WHEREAS, it is necessary to transfer funds into the medical fees appropriation line to cover expenses in the Coroner's Budget for the remainder of the fiscal year,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**TRANSFER FROM:**

A-01-4-1990-00-4400	Contingent Account	\$20,000
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**TRANSFER TO:**

A-29-4-1185-00-4436	Medical Fees	\$20,000
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RESOLUTION ADOPTED with Aye(1710). Supervisor Quackenbush abstained. (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 289 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AWARING BID NO. 11-08 - 4X2 CHASSIS/CAB TRUCK (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Purchasing Agent was authorized to solicit bids for a 4X2 Chassis/cab truck the Emergency Management Office, and

WHEREAS, said bids were opened on August 25, 2008,

RESOLVED, that the Board of Supervisors hereby awards Bid No. 11-08 to Vision Ford, 4545 Ridge Road W Rochester, NY for a total price of \$32,282.00

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 290 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AWARDING BID NO. 12-08 TRUCK BOX (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Bai a

WHEREAS, the Purchasing Agent was authorized to solicit bids for a box for a 4X2 Chassis/cab truck for the Emergency Management Office, and

WHEREAS, said bids were opened on August 25, 2008,

RESOLVED, that the Board of Supervisors hereby awards Bid No. 12-08 to DEJANA Truck & Utility Equipment Company Inc., 490 Pulaski Road, Kings Park, NY for a total price of \$6,627.00

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 291 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AUTHORIZING DISTRIBUTION OF REQUEST FOR PROPOSALS (RFP) FOR PROFESSIONAL SERVICES - APPRAISAL SERVICES (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Strevy

WHEREAS, Resolution 268 of 2008 authorized the acceptance of a \$750,000 grant award from the New York State Housing Trust Corporation (HTFC) to purchase and demolish eligible homes that have been damaged by floods since April 1, 2004 and are determined to be at future risk, and

WHEREAS, said grant requires the appraisal of homes and properties that have applied for said grant funding,

WHEREAS, it is necessary to distribute a Request for Proposals for said appraisal services,

RESOLVED, the Montgomery County Board of Supervisors hereby authorizes and approves solicitation of proposals for appraisal services for the Greater Catskill Flood Remediation Program in Montgomery County administered through the Emergency Management Department, and

FURTHER RESOLVED, that such solicitation shall be accomplished through the Purchasing Department, and

FURTHER RESOLVED, that the Board of Supervisors reserves the right to reject any or all proposals.

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

In regards to Resolution #292, Supervisor Walters expressed his frustration with MOSA that all three counties are not treated the same. Supervisor Barone stated that the county has already received a summons from MOSA and that the bill should be paid. Supervisor Thayer said that payment of this bill should serve as a reminder and hopes that we should do something at the county level before 2014. He expressed his support for a Solid Waste Coordinator. Supervisor Jonker expressed the need to get out of MOSA. Supervisor DiMezza, Jonker and Barone all expressed their frustration with the MOSA situation and the GAT calculation. Supervisor Strevy inquired if passing the resolution would pay the shortfall bill. Chairman Greco concurred and brought the rest of the board up-to-date about on-going meetings with the three counties.

**RESOLUTION NO. 292 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - 2007 MOSA FINAL GAT SHORTFALL PAYMENT (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Greco

WHEREAS, Resolution 252 of 2008 authorized payment of a portion of an invoice presented by MOSA for GAT shortfall for 2007, and

WHEREAS, it has been recommended that the remainder of said invoice be paid in full,

RESOLVED, that the Board of Supervisors hereby approves payment of \$101,748 to MOSA for GAT shortfall in 2007, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-01-4-1990-00-4400	Contingency Account	\$101,748
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TRANSFER TO:

A-01-4-8160-00-4438	Solid Waste Misc. Support Serv.	\$101,748
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RESOLUTION ADOPTED with Aye(1283). Supervisors Johnson, DiMezza, Walters, Thomas and Stagliano voted Nay. (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 293 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - GREEN AND SEIFTER (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Quackenbush

WHEREAS, Resolution 247 of 2007 authorized the signing of a contract with Green and Seifter, Attorney, PLLC of Albany, NY for provision of advisement and consulting services with respect to solid waste management planning, and

WHEREAS, said contract included services not to exceed \$25,000, but did not provide for expenses,

RESOLVED, that said contract is hereby amended to include the provision of expenses in an amount not to exceed \$548, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-01-4-1010-00-4431	Professional Services	\$548
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TRANSFER TO:

A-01-4-8160-00-4431	Solid Waste Professional Services	\$548
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RESOLUTION WITHDRAWN BY SPONSOR (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 294 of 2008**

**DATED:** September 23, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - ROAD MACHINERY FUND - GAS, OIL, FUEL (PUBLIC WORKS)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: DiMezza

WHEREAS, there is a shortfall in the Public Works Road Machinery Fund's "Gasoline, Oil, Diesel, Fuel" line, and

WHEREAS, it is necessary to adjust the Public Works Road Machinery Fund to adjust said shortfall;  
 RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

## DECREASE:

A-599                                      Appropriated Fund Balance              \$118,000.00

## INCREASE:

A-06-4-9-00-9903              Transfer to Road Machinery              \$118,000.00  
 DM-12-3-5031                      Interfund Transfer                      \$118,000.00  
 DM-12-4-5130-00-4441              Gasoline, Oil, Diesel, Fuel              \$118,000.00

RESOLUTION ADOPTED with Aye(1868).              (9/23/2008)

Douglas Landon  
 County Attorney

Cheryl Reese  
 Interim Clerk, Board of Supervisors

In regards to Resolution #295, Supervisor Quackenbush inquired about the safety section of the evaluation form and how do you evaluate an employee on safety when you don't work with them on a daily basis. Supervisor Barone stated that accident reports are given to the department heads. Supervisors Stagliano, Johnson and DiMezza inquired about the scoring process.

**RESOLUTION NO. 295 of 2008****\*\*See Appendix for Resolution Attachment\*\*****DATED:** September 23, 2008**RESOLUTION REVISING THE NON-BARGAINING PERSONNEL POLICY - EVALUATION FORMS**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Barone, Sr.

WHEREAS, Resolution 89 of 2008 revised the Non-Bargaining Personnel Policy to include an updated Department Head Employee Evaluation Form, and

WHEREAS, it has been recommended that said form be revised to include the evaluation of safety for all non-bargaining employees,

RESOLVED, the Board of Supervisors hereby adopts the attached revised non-bargaining Employee Evaluation Forms to be made part of the existing Non-Bargaining Personnel Policy.

RESOLUTION ADOPTED with Aye(1657). Supervisors Jonker and Stagliano voted Nay.              (9/23/2008)

Douglas Landon  
 County Attorney

Cheryl Reese  
 Interim Clerk, Board of Supervisors

**RESOLUTION NO. 297 of 2008****DATED:** September 23, 2008**RESOLUTION ESTABLISHING HIRING FREEZE FOR ALL MONTGOMERY COUNTY POSITIONS THROUGH JANUARY 1, 2009**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Greco

WHEREAS, it is necessary to establish a hiring freeze throughout County operations to maintain and control payroll expenses through the 2009 Operating Budget process,

RESOLVED, effective immediately, the Montgomery County Board of Supervisors hereby directs the Personnel Officer to establish a freeze on all County positions, including the filling of vacancies, transferring, upgrading and adjustments of existing positions, and the establishment of any new positions through January 1, 2009, and

FURTHER RESOLVED, that any such consideration for said positions shall only be entertained in an emergency situation after discussions with the Department Head and their Committee of Jurisdiction and a resolution approved by the Board of Supervisors.

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Stagliano, to strike in the RESOLVED clause the following:

"including the filling of vacancies"

passed with Aye(1208). Supervisors Greco, Barone, Sr., McMahon and Strevy voted Nay. Supervisor

Dybas abstained. (9/23/2008)

MOTION TO CALL THE QUESTION by Supervisor DiMezza, seconded by Supervisor Stagliano, passed with Aye(1868). (9/23/2008)

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

In regards to Resolution #296 - Discussion ensued on the merits of having this position as full time.

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**RESOLUTION NO. 296 of 2008**

**DATED:** September 23, 2008

**RESOLUTION ESTABLISHING POSITION - FULL TIME CLERK OF THE BOARD AND AMENDING 2008 OPERATING BUDGET**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Thomas

WHEREAS, it has been recommended that the Board of Supervisors increase the current part-time Clerk of the Board position to a full-time position in the Board of Supervisors Office,

RESOLVED, that the position of Clerk of the Board in the Montgomery County Board of Supervisors' Office is hereby established to be a full-time position in the non-bargaining management class at a salary of \_\_\_\_\_, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

\_\_\_\_\_

TRANSFER TO:

A-01-4-1040-1110(116) Clerk of the Board of Supervisors \_\_\_\_\_

, and

FURTHER RESOLVED, that the Personnel Officer is hereby authorized and directed to advertise for said position.

(9/23/2008)

MOTION TO CALL THE QUESTION by Supervisor McMahon, seconded by Supervisor Dybas, passed with Aye(1868). (9/23/2008)

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor DiMezza, to insert in the blank line in the RESOLVED clause "\$35,000 - \$45,000 and to strike the FURTHER RESOLVED clause and replace with the following:

FURTHER RESOLVED, that said position will take effect on January 2, 2009

passed with Aye(966). Supervisors Greco, Dybas, McMahon, Walters, Quackenbush, Jonker, Thayer and Stagliano voted Nay. (9/23/2008)

MOTION TO TABLE by Supervisor Walters, seconded by Supervisor McMahon, was defeated with Aye(489). Supervisors McMahon, Walters, Thomas, Paton and Thayer voted Aye. (9/23/2008)

RESOLUTION ADOPTED with Aye(966). Supervisors Greco, Dybas, McMahon, Walters, Quackenbush, Jonker, Thayer and Stagliano voted Nay. (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 300 of 2008**

**DATED:** September 23, 2008



RESOLUTION APPOINTING POSITION - INTERIM CLERK OF THE BOARD - PART-TIME (BOARD OF SUPERVISORS)

Resolution by Supervisor: Greco

Seconded by Supervisor: Strevy

WHEREAS, the Clerk of the Board of Supervisors has resigned and it has been recommended that an interim Clerk of the Board be appointed until a replacement can be found,

RESOLVED, that Cheryl Reese, Senior Account Clerk in the Board of Supervisors, is hereby appointed Interim Clerk of the Board of Supervisors, effective immediately, and

FURTHER RESOLVED, that said appointment shall receive no additional compensation.

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 298 of 2008**

**DATED:** September 23, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT – CERTIFIED PUBLIC ACCOUNTING SERVICES (TREASURER)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign said agreement with Bollam, Sheedy, Torani & Co. LLP, and

FURTHER RESOLVED, that said agreement shall be for a two-year period, with annual fees, as follows:

2008 \$49,500

2009 \$52,000

RESOLUTION ADOPTED with Aye(1574). Supervisors Dybas and Quackenbush voted Nay. (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 299 of 2008**

**DATED:** September 23, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AMENDMENT – CERTIFIED PUBLIC ACCOUNTING SERVICES

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Di Mezza

WHEREAS, new guidelines established by the American Institute of Certified Public Accountants (AICPA) required a more in depth audit of internal controls and risk assessment, and

WHEREAS, an amendment to the agreement dated October 21, 2005 is needed to address these additional requirements.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign said amendment agreement with Bollam, Sheedy, Torani & Co. LLP.

RESOLUTION ADOPTED with Aye(1363). Supervisors Dybas, Quackenbush, Jonker and Stagliano voted Nay. (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 301 of 2008**

**DATED:** September 23, 2008

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**RESOLUTION AMENDING 2008 BUDGET - OAK RIDGE TOWER REPAIRS - (EMERGENCY MANAGEMENT - COMMUNICATIONS)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Thomas

WHEREAS, the Oak Ridge Tower antenna which services the Sheriff's radio system needs to be repaired, and

WHEREAS, an estimate for said repairs will cost approximately \$3,000.00, and

WHEREAS, the balance in the equipment repair object does not cover this cost.

RESOLVED, that the County Treasurer hereby is authorized to amend the 2008 Operating Budget, as follows:

**TRANSFER FROM:**

A-01-4-1990-00.4400 Contingent Budget – Contractual Expenses \$3,000.00

**TRANSFER TO:**

A-02-4-3020-00.4422 Public Safety Communications – Equip Repairs. \$3,000.00

RESOLUTION ADOPTED with Aye(1868). (9/23/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**ADJOURNMENT**

MOTION TO ADJOURN by Supervisor Barone, Sr., seconded by Supervisor Bai a, passed with Aye(1868).

Chairman Greco adjourned the meeting at 9:22 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, October 6, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Dybas, Baia, DiMezza, Barone, and McMahon. Absent was Supervisor Johnson.

Additional Supervisors present were Strevy, Jonker, Paton, Stagliano. Absent were Supervisors Thayer, Thomas and Walters.

Items on the agenda, at this time, are as follows:

1. Review and Discussion of the 2009 Tentative Budget
2. Other

Item #1 (Review and Discussion of the 2009 Tentative Budget) - Chairman Quackenbush reviewed a handout regarding appropriations and revenues from past years. Chairman Quackenbush asked the Finance Committee what direction they would like to take. He suggested that instead of reviewing the budget line by line like in years' past, the board should look at where the departments are over budgeting appropriations and under estimating revenues. He directed the County Treasurer to take the handout and compare it to the 2008 budget.

County Treasurer Shawn Bowerman stated that \$1.5 million would need to be cut off the tax levy to have a zero increase.

Supervisor DiMezza suggested taking 1.5 million dollars from the fund balance and put it into the budget.

Supervisor Barone asked where the county will be in fund balance if the tax levy is taken to zero. County Treasurer Shawn Bowerman stated 12 million dollars.

Supervisor Stagliano stated that based on previous years, it is not possible to trust the analysis of fund balance.

Treasurer Bowerman stated that if the County uses that much fund balance now, by 2011 there will be none.

Chairman Greco stated that the board should try to make the budget as realistic as possible and that Department Heads need to be accountable for their budget.

Supervisor Barone concurred.

Supervisor Dybas stated that ultimately it's the Board's responsibility. The board should narrow changes down to the departments that are over or under budgeting and bring them in and find out the reasons why.

Supervisor Stagliano states take the appropriated fund balance taken out of the budget, and make the revenues equal expenditures. Fund balance should be used for things like paving the roads.

Supervisor Strevy stated he would like to see the appropriated fund balance taken year after year.

Supervisor DiMezza suggested that \$3 million could be cut out of the budget as follows: \$300,000 - sheriff's, \$500,000 - personnel, \$500,000 - DPW, DSS and the remainder from other small departments which could impose a problem.

Treasurer Bowerman cautioned the board that sales tax is not being generated like years before.

Supervisor Stagliano questioned the figure budgeted for MOSA.

Chairman Quackenbush concluded the meeting by asking the committee to review the spreadsheet and identify the departments whose budgets were off and take a closer look at this at tomorrow's scheduled meeting.

Item #2(Other): There were no other items for discussion.

Supervisors Dybas and McMahon made a motion and seconded, respectively, to adjourn the Committee meeting.

Superviso r Quackenbush adj ourned the Fi nance Commi ttee meeti ng at 8:16 PM.

Respectfully submit ted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:00 PM, October 7, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Dybas, McMahon, Strevy, and Thomas. Absent were Supervisors Walters and DiMezza.

Additionally present were Supervisors Quackenbush, Greco, Thayer, Paton, Barone, Bai a and Jonker and Stagliano.

Items on the agenda, at this time, are as follows:

1. Resolution Reappointing Members - Fulton-Montgomery-Schoharie Workforce Development Board
2. Discussion Regarding Moratorium on Occupancy Tax for Montgomery County Bed and Breakfast Establishments
3. Other

Item #1: (Resolution Reappointing Members - Fulton-Montgomery-Schoharie Workforce Development Board) Supervisors Strevy and Barone made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #2: (Discussion Regarding Moratorium on Occupancy Tax for Montgomery County Bed and Breakfast Establishments) Chairman Johnson disseminated a letter from the Montgomery County Chamber of Commerce which requested the supervisors consider a moratorium of the occupancy tax on Bed & Breakfasts only.

Supervisor Barone would like more information put together before a moratorium is considered on one lodging facility only.

Supervisor Quackenbush inquired whether visitors are going elsewhere because there isn't a occupancy tax on other counties.

Representatives from the Chamber indicated they felt it was contributing.

Supervisors McMahon and Dybas supported sponsoring a resolution in support of a moratorium.

Supervisor Jonker stated that the Chamber should compile a list comparing all Bed & Breakfasts in Herkimer, Fulton and Schoharie Counties to Montgomery County.

Chairman Greco asked what was the percent of the occupancy tax for Bed & Breakfasts.

County Treasurer Shawn Bowerman stated that 10% of the total amount was collected.

Ronald Hezel, owner of Inn by the Mill, questioned where the occupancy tax money that is collected from the Bed & Breakfasts goes to.

Montgomery County Chamber of Commerce President, Deborah Auspelmyer, agreed to compile data and educate the committee at the next meeting.

Item #3: (Other)

There were no other discussion items.

Supervisors Dybas and Paton made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 7:24 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
 SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
 COMMITTEE MEETING - EDUCATION/GOVERNMENT  
 7:05 PM, October 7, 2008

COMMITTEE MEETING DISCUSSION

Chairman McMahon presided over the meeting commencing at 7:26 PM.

Roll call indicated Committee members present included Supervisors Johnson, Bai a, Jonker, Paton, Stagliano and Thayer.

Additional Supervisors present were Supervisors Dybas, Quackenbush, Strevy, Barone, and Thomas. Absent were Supervisor Walters and DiMezza.

Items on the agenda, at this time, are as follows:

1. Resolution authorizing the Chairman of the Board to execute Change Order to Adirondack Mechanical's contract for the FMCC Radiologic Technology Lab and Exterior Door Replacement Project and to close out contract.
2. Resolution authorizing the Chairman of the Board to execute Change Order to Fulton County Electrical's contract for the FMCC Radiologic Technology Lab and Exterior Door Replacement Project and to close out contract.
3. Resolution authorizing the Chairman of the Board to execute Change Order to Dutch Valley General Contractors' contract for the FMCC Radiologic Technology Lab and Exterior Door Replacement Project and to close out contract.
4. Resolution authorizing closing out Ken Fuelleman's contract with Fulton and Montgomery Counties for the FMCC Classroom Building Renovation Project.
5. Resolution authorizing closing out Evergreen Testing & Environmental Services, Inc.'s contract with Fulton and Montgomery Counties for the FMCC Classroom Building Renovation Project.
6. Resolution authorizing Change Order No. 2 with Flex Electrical Constructors, Inc. for the FMCC Classroom Building Renovation Project.
7. Resolution authorizing closing out Four Strong Builders, Inc.'s contract with Fulton and Montgomery Counties for the FMCC Classroom Building Renovation Project and to revise Resolution #337 to reflect revised amount Change Order No. 2.
8. Resolution authorizing closing out and authorizing the Chairman of the Board to execute Change Order #1 to C.T. Male Associate's contract for the FMCC Classroom Building Renovation Project.
9. Resolution authorizing Chairman of the Board to execute agreement with Phillips Associates to prepare design plans and bid specifications for 2009 FMCC Critical Maintenance Projects.
10. Resolution authorizing the Chairman of the Board to execute Change Order to Pollard Excavating's contract for the FMCC Library and Student Union Water Infiltration Repair Project and to close out contract.
11. Other

Item #1: (RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER#1 AND TO CLOSE OUT CONTRACT - ADIRONDACK MECHANICAL - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT). Supervisors Jonker and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: (RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND CLOSE OUT PROJECT - FULTON COUNTY ELECTRICAL - CLASSROOM BUILDING RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT) Supervisors Strevy and Paton made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: (RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND TO CLOSE OUT CONTRACT - DUTCH VALLEY GENERAL CONTRACTORS - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT) Supervisors Quackenbush and Johnson made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #4: (RESOLUTION AUTHORIZING CLOSE OUT OF CONTRACT - CLERK OF THE WORKS - KEN FUELLEMAN - CLASSROOM BUILDING RENOVATION - PHASE 1 - MECHANICAL SYSTEMS UPGRADE PROJECT) Supervisors Paton and Quackenbush made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #5: (RESOLUTION AUTHORIZING CLOSE OUT OF CONTRACT - EVERGREEN TESTING AND ENVIRONMENTAL SERVICES - CLASSROOM BUILDING RENOVATION - PHASE 1 - MECHANICAL SYSTEMS UPGRADE PROJECT) Supervisors Barone and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #6: (RESOLUTION AUTHORIZING CHANGE ORDER#2 - FLEX ELECTRICAL CONSTRUCTORS, INC. - FMCC CLASSROOM BUILDING RENOVATION PROJECT) Supervisors Barone and Jonker made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #7: (RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVISED CHANGE ORDER #2 AND TO CLOSE OUT CONTRACT - FOUR STRONG BUILDERS, INC. - CLASSROOM BUILDING RENOVATION - PHASE 1 - MECHANICAL SYSTEM UPGRADE PROJECT) Supervisors Thomas and Thayer made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #8: (RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND TO CLOSE OUT ACCOUNT - C.T. MALE ASSOCIATES - ASBESTOS ABATEMENT PROJECT MONITORING SERVICES - 2008 CAPITAL PROJECT - CLASSROOM BUILDING RENOVATION - PHASE 1 - MECHANICAL SYSTEMS UPGRADES) Supervisors Johnson and Jonker made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #9: (RESOLUTION APPROVING 2009 CAPITAL PROJECTS AND AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - PHILLIPS ASSOCIATES - FINAL DESIGN PLANS AND BID SPECIFICATIONS - 2009 CRITICAL MAINTENANCE PROJECTS) Supervisors Quackenbush and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #10: (RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #2 AND TO CLOSE OUT CONTRACT - POLLARD EXCAVATING, INC. - LIBRARY UNION AND COLLEGE UNION WATER INFILTRATION PROJECT) Supervisors Strevey and Paton made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #11: (Other) There were no items for discussion.

Motion was made and seconded by Supervisors Barone and Strevey, respectively, to adjourn the Committee meeting.

Chairman McMahaon adjourned the Education/Government Committee meeting at 7:32 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:10 PM, October 7, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 7:32 PM.

Roll call indicated Committee members present included Supervisors Quackenbush, Strevy, Thayer, Barone, Jonker. Absent was Supervisor DiMezza.

Additional Supervisors present were Johnson, Greco, McMahon, Paton, Stagliano, Dybas and Bai a. Absent was Supervisor Walters.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - Local Enhanced Wireless 911 Program (Sheriff)
2. Resolution Awarding Bid No. 13-08 - Job Office Trailer (Emergency Management)
3. Resolution Amending 2008 Operating Budget - Forfeiture Monies (District Attorney)
4. Other

Item #1: (Resolution Authorizing Chairman to Sign Agreement - Local Enhanced Wireless 911 Program) The Resolution was sponsored and seconded by Supervisors Barone and Strevy, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #2: (Resolution Awarding Bid No. 13-08 - Job Office Trailer) The Resolution was sponsored and seconded by Supervisors Jonker and Quackenbush, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #3: (Resolution Amending 2008 Operating Budget - Forfeiture Monies) The Resolution was sponsored and seconded by Supervisors Barone and Thayer, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #4: (Other) Chairman Thomas stated the Sheriff's Department has a vacancy for a secretary position and inquired about filling the vacancy. His concern was whether the vacancy could be filled due to a hiring freeze. County Attorney Doug Landon clarified that the resolution adopted regarding the hiring freeze had the clause "including vacancies" removed, therefore, the position could be filled.

There were no other discussion items.

Motion was made and seconded by Supervisors Barone and Quackenbush, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 7:38 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:15 PM, October 7, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:41PM.

Roll call indicated Committee members present are Supervisors Dybas, Baia, Barone, Johnson and McMahon. Absent was Supervisor DiMezza.

Additional Supervisors present were Strevy, Jonker, Paton, Stagliano, Thayer, and Thomas. Absent was Supervisor Walters.

Items on the agenda, at this time, are as follows:

1. Review and Discussion of the 2009 Tentative Budget
2. Other

Item #1 (Review and Discussion of the 2009 Tentative Budget) - Chairman Quackenbush reviewed an updated handout (from last night's meeting) regarding appropriations and revenues from past years. Chairman Quackenbush reiterated to the committee that the goal should be get the budget closer to actual figures.

Supervisor Barone suggested having the committee chairs talk to their respective departments.

Chairman Quackenbush stated County Treasurer Shawn Bowerman should check the figures on the handout and then have the department heads explain the differences.

The committee decided to have the following departments come for review by the board to discuss historical data as it relates to the 2009 budget:

October 15, 2008: Personnel, Sheriff, Department of Public Works, Board of Supervisors, Treasurer

October 20, 2008: Public Health, Department of Social Services

Chairman Quackenbush stated that a memo would be drafted and sent to the respective department heads.

Item #2(Other): There were no other items for discussion.

Supervisors Baia and Dybas made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:41 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
 SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
 COMMITTEE MEETING - HEALTH & HUMAN SERVICES  
 7:00 PM, October 14, 2008

COMMITTEE MEETING DISCUSSION

Chairman Barone presided over the meeting commencing at 7:00 PM.

Roll call indicated Committee members present included Supervisors Dybas, Jonker, Strevy, Paton and Thomas. Absent was Supervisor Baia.

Additional Supervisors present were Quackenbush, McMahon, Greco, Thayer, Walters and Stagliano. Absent were Supervisors DiMezza and Johnson.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Amended Agreement and to amend 2008 Operating Budget - St. Mary's Hospital - Addiction Treatment Services (Mental Health)
2. Resolution Amending 2008 Operating Budget - NYS Mental Health Revenue Funding (Mental Health)
3. Resolution Amending 2008 Operating Budget - Accounting Services (Mental Health)
4. Resolution Authorizing Chairman to Sign Agreement - Montgomery County Office for the Aging - Point of Entry Contract - Long Term Care (Social Services)
5. Resolution Authorizing Chairman to Sign Agreement and Amending 2008 Operating Budget - Community Solutions for Transportation Program - Mental Health Association of Fulton and Montgomery Counties (Social Services)
6. Resolution Amending 2008 Operating Budget - Fuel, Mileage (Social Services)
7. Other

Item #1: (Resolution Authorizing Chairman to Sign Amended Agreement and to amend 2008 Operating Budget - St. Mary's Hospital - Addiction Treatment Services): The Resolution, sponsored by Supervisors Dybas and Strevy, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: (Resolution Amending 2008 Operating Budget - NYS Mental Health Revenue Funding): The Resolution, sponsored by Supervisors Jonker and Barone, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: (Resolution Amending 2008 Operating Budget - Accounting Services): The Resolution, sponsored by Supervisors Paton and Dybas, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #4: (Resolution Authorizing Chairman to Sign Agreement - Montgomery County Office for the Aging - Point of Entry Contract - Long Term Care): The Resolution, sponsored by Supervisors Barone and Strevy, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #5: (Resolution Authorizing Chairman to Sign Agreement and Amending 2008 Operating Budget - Community Solutions for Transportation Program - Mental Health Association of Fulton and Montgomery Counties): The Resolution, sponsored by Supervisors Dybas and Paton, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #6: (Resolution Amending 2008 Operating Budget - Fuel, Mileage): The Resolution, sponsored by Supervisors Jonker and Strevy, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #7: (Other): There were no other items for discussion.

Motion was made and seconded by Supervisors Dybas and Barone, respectively, to adjourn the Committee meeting.

Chairman Barone adjourned the Health & Human Services Committee meeting at 7:03 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:05 PM, October 14, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:04 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy, Stagliano and Thayer.

Additional Supervisors present were McMahon, Johnson, Jonker, Greco, Barone, and Thomas. Absent were Supervisors Baia and DiMezza.

Items on the agenda, at this time, are as follows:

1. Discussion Regarding the Establishment of a Grant Funded Mobility Coordinator Position for 2009
2. Discussion Regarding the Establishment of Solid Waste and Recycling Coordinator Position
3. Other

Item #1: (Discussion Regarding the Establishment of a Grant Funded Mobility Coordinator Position for 2009) Chairman Walters explained this position would take on the duties currently being maintained by the Planning Department. He discussed that the position would provide oversight of the Montgomery Area Xpress (MAX) transit system, but would also enhance coordination between MAX, Amsterdam Transit and the Gloversville Transit systems.

Douglas Greene, Planner, stated that with the exception of a 10% share the position would be grant-funded for a period of two years.

Supervisor Dybas expressed concern on funding the position after two years. He felt that when the grant expired, so would the position.

Supervisor Strevy concurred.

Douglas Greene, Senior Planner of the Economic Development Department, stated that the County could apply for new grant funding at that time.

Chairman Greco complimented Douglas Greene on the great job his department as done on getting the "MAX" up and running.

Chairman Walters concurred.

Supervisor Barone quiered Douglas Greene as to whether the grant has been procured. He stated he would want to know that prior to putting this position in the budget.

Dybas concurred.

Supervisor DiMezza entered the chamber.

Doug Greene stated that a resolution accepting the grant would need to be done.

Chairman Walters cautioned the Board that the position needs to be filled with a qualified individual.

Supervisor Strevy stated his concern with the increase of duties to the Planning Department.

Supervisor Dybas concurred.

Supervisor DiMezza supported the position. He stated there is a need for coordination of transportation in the county at many levels.

Item #2: (Discussion Regarding the Establishment of Solid Waste and Recycling Coordinator Position) Chairman Walters stated that the current monthly report from MOSA shows Montgomery County is 11,148 tons short. He stressed that MOSA issues have become very serious. He stated his support for this position because the County needs someone qualified to help coordinate these efforts.

Supervisor Thayer that the 2009 GAT has been reduced by MOSA by 5%, which will yield a savings for

next year, even though the County will most likely still be short. He feels the County needs someone to coordinate solid waste issues and start formulating what the County is going to do come 2014 when the agreement ends with MOSA. He feels that the Administrative Aide to the Board of Supervisors would be a logical choice to coordinate these issues.

Supervisor Quackenbush concurred. He stated that when the Administrative Aide position was created the intention was to use that position to take on projects such as this. He stated that a position does not need to be created that board projects should be directed to the Administrative Aide.

Supervisor Strevy stated that first the Board needs to figure out what to do about the garbage shortfall, then hire someone qualified.

Chairman Walters concurred.

Supervisor Dybas stated he does not support this position.

Discussion ensued regarding garbage and how it affects the municipalities and 2014 when the MOSA contract expires.

Chairman Greco stated that this new position is needed to get a plan in motion by 2014. He agreed that the Administrative Aide to the Board should be the one to do this job. He feels that flow control is an issue.

Chairman Walters feels that the Board needs to approach this issue in a positive way.

Supervisor Barone feels that the Chairman of the Board should be meeting with DEC.

Supervisor Quackenbush sponsored a resolution to charge the Administrative Aide to the Board of Supervisors to take on the duties of Solid Waste Coordinator at no additional cost to the County.

Supervisor Johnson questioned the job description of this position.

Supervisor McMahon feels that it would take at least two month to get the feel of this position.

Personnel Officer Richard Baia stated the Administrative Aide position is an exempt class which means the position could do what the board asks.

The resolution sponsored by Supervisors Quackenbush and Thayer was moved to the full board with a positive recommendation.

Item #3: (Other)

(Add-on Resolution: Resolution Amending 2008 Operating Budget - CHIPS) Funds: Supervisors DiMezza and Paton made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(Add-on Resolution: Resolution Authorizing Chairman to Sign Court Cleaning Agreement - Unified Court System) Supervisors Strevy and Paton made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Motion was made and seconded by Supervisors Stagliano and Walters, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 8:13 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:10 PM, October 14, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 8:14 PM.

Roll call indicated Committee members present were Supervisors Quackenbush, Barone, Johnson, McMahon and Thomas. Absent was Supervisor Walters.

Additional Supervisors present were Supervisors Greco, Dybas, Thayer, Jonker and Baia. Absent were Supervisors Strevy, Stagliano and Paton.

Items on the agenda, at this time, are as follows:

1. Discussion CSEA Contract Negotiations
2. Other

Chairman DiMezza stated the add-on resolutions would be entertained prior to entering executive session to discuss CSEA contract negotiations.

Item #2:

Other: (Add-on Resolution: Resolution Authorizing Chairman to Sign Renewal Agreement - Employee Physical Examinations Amsterdam Memorial Health Care System) The Resolution, sponsored by Supervisors Strevy and Dybas, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

(Add-on Resolution: Resolution Authorizing Chairman to Sign Renewal Agreement - Midwest Employees Reinsurance Corporation - Excess Workers Compensation Coverage)

Personnel Officer Richard Baia stated there is no agreement at this point, that the figure is an estimate.

The Resolution, sponsored by Supervisors Barone and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

(Add-on Resolution: Resolution Authorizing Chairman to Sign Agreement (EAP) Employee Assistance Program St. Mary's Hospital) The Resolution, sponsored by Supervisors Barone and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #1: (Discussion CSEA Contract Negotiations): Executive Session - Pursuant to Section 105 (e) of the NYS Open Meeting Law, the motion was made and seconded by Supervisors Barone and Strevy, respectively, to enter into Executive Session to discuss contract negotiations. Executive Session commenced at 8:16 pm.

Motion to adjourn the Executive Session at 8:41 pm was made and seconded by Supervisors Dybas and Barone, respectively.

Supervisors Barone and Johnson made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 8:42 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, October 15, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Dybas, Baia, Barone, and McMahon. Absent were Supervisors Johnson and DiMezza.

Additional Supervisors present were Strevy and Paton. Absent were Supervisor Jonker, Stagliano, Thayer, Thomas and Walters.

Items on the agenda, at this time, are as follows:

1. Review and Discussion of the 2009 Tentative Budget

- A. Personnel
- B. Sheriff
- C. Public Works
- D. Treasurer
- E. Board of Supervisors

2. Other

Item #1 (Review and Discussion of the 2009 Tentative Budget) - Chairman Quackenbush reiterated the process of budget review for 2009. An analysis was completed of revenues and appropriations for the last 4 years and the analysis showed that there certain departments that have overbudgeted appropriations and underestimated revenues. Chairman Quackenbush stated the purpose of tonight's meeting is to review this analysis with departments on the agenda.

A. Personnel -

Rescheduled for Monday, October 20, 2008

B. Sheriff -

Sheriff Amato explained past budget appropriations and revenues and attributed overages/shortfalls to employee turnover, the flood and the way grants are booked.

Budget Officer Shawn Bowerman suggested trimming the over-time and part-time lines and then if needed come back to the Board to put money back in those lines at the end of the year.

The committee agreed that 2% should be cut from over-time line.

C. Public Works

Commissioner Paul Clayburn explained past budget appropriations and revenues and attributed overages/shortfalls to the flood and the way grants are booked. The flood attributed to major differences in the 2006 budget.

Commissioner Clayburn stated that the difference in the revenues is because the money did not come in before the year ended.

Budget Officer Shawn Bowerman state that the county follows GASBy 33, any state or federal revenue that are not received within 60 days of previous year, the money is backed out and realized in the next year.

Supervisor Dybas questioned Commissioner Clayburn about the Unified Court System Contract. He asked Why revenues weren't received. Business Manager Lynn Larman stated that they voucher for actual costs.

The Finance Committee asked Commissioner Clayburn to cut is general fund by 2%.

D. Treasurer

County Treasurer Shawn Bowerman disseminated a handout entitled "Budget vs. Actual Revenues for the Treasurer's Office".

Treasurer Bowerman stated that even though sales tax attributed to the fund balance in the past, that may not be the case in the future.

The Finance Committee decided that the interest and earnings line count be increased.

E. Board of Supervisors

Marilyn Smith, Director, Cornell Cooperative Extension, justified her increase of their total budget request of \$16,319. She stated that there is an increased need to spend more time with the farmers of the County. Cornell Cooperative Extension is trying to reach out regionally. Salary increases, food and fuel are also attributing factors.

Chairman Quackenbush told Cornell Cooperative Extension that they would be asked to come back to the full board at a later time.

Clifford Balder, Director, Office of the Aging justified the increase request of \$190,000 due to increased demand for services in the County. He stated 23% of population is age 60 or above. He feels that many cuts to the budget have been made in the past, but the needs are not being met. He told the Board the county's money goes for direct services to the elderly population of Montgomery county.

Chairman Quackenbush told Office of the Aging that they would be asked to come back to the full board at a later time.

Chairman Greco clarified for the Board an error in the handout disseminated regarding budget vs. actuals. There was not \$400,310 of additional revenue. There was actually a shortfall because the numbers were reversed on the handout.

He further clarified the revenue differential was attributed to the Montgomery County Xpress transit system, which did not start until 2008. Therefore, revenues were not received but expenses were not incurred. He stated these lines did not contribute to the additional fund balance.

An area that could be altered is expenditures related to MOSA if the board so chooses.

Supervisors Dybas and Greco made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 9:09 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board



PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, October 20, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush has called a meeting of the Finance Committee for 7:00 p.m. on Monday, October 20, 2008 in the Supervisors' Chambers, County Office Building, 64 Broadway, Fonda, New York.

Items on the agenda, at this time, are as follows:

1. Review and Discussion of the 2009 Tentative Budget

- A. Public Health
- B. Social Services

2. Other

Item #1 (Review and Discussion of the 2009 Tentative Budget) - Chairman Quackenbush reviewed the budget process for 2009. He discussed the analysis that was completed for the past 4 years. He stated that the goal is to get the budget closer to actual figures.

A. Public Health

Business Manager Debra Auriemma disseminated a handout entitled "Montgomery County Public Health Department - 2004-07 Budget Analysis Summary". She explained that the Public Health Budget is separated into four parts. The first being funds all for public health, a section funded with grants; the 3-5 year preschool program, which is the biggest portion of their budget and the early intervention program, the second largest portion. Ms. Auriemma pointed out that if they try to put in place cost-saving measures that save money, naturally the revenues will follow suit. She explained to the board that the only place where there was flexibility would be the 3-5-tuition line.

Public Health Director Kim Conboy stated that the budget should stay as is because if appropriations were reduced the revenues would be reduced as well.

Business Manager Deb Auriemma stated that \$240,000 would have to be cut from the 3-5 budget line in order to get a 2% reduction.

Dybas stated he wanted to understand the process of how the budget is constructed.

Quackenbush stated there is not a quorum for the Finance Committee.

B. Social Services

Commissioner Cranker stated that the appropriations haven't been raised in order to save money. Variable factors such as the economy may play into the future budgets.

Linda Bare, Director of Finance Management, stated that budgeting for changes the year after the Medicaid CAP was put in place, which was 2005 have created some of the discrepancy as state projections were higher than DSS based on year-to-date figures. She stated that to be assured they used the state's figures.

Supervisor Dybas inquired if there is anything you can do to reduce the expenses other than what's mandated by the State.

Commissioner Cranker stated the appropriations for this year are as low as they can go. He indicated that DSS is paying 2% more for JD and PINS program areas.

Supervisor Dybas indicated to Commissioner Cranker that whatever he can do to tighten up on the appropriation side, is going to help the Board get a little closer to actual figures.

C. Personnel (rescheduled from October 15, 2008)

Personnel Officer Richard Bai handed out a worksheet entitled "Health Insurance Summary"

He stated that because of significant changes to the health insurance programs, for the past three years there has been a surplus.

Discussion ensued regarding the health insurance line and whether the revenues should be split out to reflect a true figure. Supervisor Dybas stated he would like to see just the cost of the claims.

Discussion ensued regarding the way health insurance should be budgeted.

County Treasurer Shawn Bowerman was asked to give a breakdown of the health insurance line.

Other: There were no other items for discussion.

Supervisors Quackenbush and Dybas, made a motion and seconded it respectively, to adjourn the Finance Committee meeting.

Meeting was adjourned at 8:45 pm.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, COUNTY OFFICE BUILDING, 64 BROADWAY, FONDA, NY 12068  
COMMITTEE MEETING - FINANCE  
7:00 PM, October 21, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Dybas, Johnson, and McMahon. Absent were Supervisors Barone and DiMezza.

Additional Supervisors present were Jonker, Paton, Thayer, and Thomas. Absent were Supervisors Greco, Stagliano, and Strevy.

Chairman Quackenbush has called a meeting of the Finance Committee for 7:00 p.m. on Tuesday, October 21, 2008 in the Supervisors' Chambers, County Office Building, 64 Broadway, Fonda, New York.

Items on the agenda, at this time, are as follows:

1. Resolution Adopting Introductory Local Law E of 2008 - A Local Law which Enhances Personal Privacy Protection for Documents Recorded in the County Clerk's Office & for Increasing the Fees Collected by the County Clerk for Such (County Clerk)
2. Resolution Authorizing Chairman to Sign Grant Agreement - NYS Local Government Records Management Improvement Fund (History and Archives)
3. Resolution Authorizing Chairman to Sign Revolving Loan Fund Agreement - Breton Industries, Inc.
4. Resolution Authorizing the Montgomery County Department of Economic Development and Planning to Act as the Local Complete Count Committee
5. Resolution Adopting 2009 Stop-DWI Plan
6. Resolution Authorizing Request for Proposals - Pharmacy Services - Corrections Facility (Sheriff)
7. Resolution Amending Operating Budget - Monitor Purchase for Public Safety Facility
8. Resolution Amending 2008 Operating Budget - Technical Equipment (Sheriff)
9. Resolution Amending 2008 Operating Budget and Authorizing Chairman to Sign Grant Agreement - Emergency Preparedness Grant
10. Resolution Establishing Grant Funded Part-time Position - Public Health Emergency Preparedness Coordinator (Public Health)
11. Resolution Amending 2008 Operating Budget - Community College Tuition
12. Resolution Authorizing Chairman to Sign Agreement - Consultant Services - County Tax Collection Information Initiative Award
13. Resolution Requiring Reporting of Revenues and Expenditures of Previous Year (Budget Officer)
14. Resolution Authorizing Chairman to Sign Grant Agreements - NYS Office of Homeland Security (Emergency Management/Sheriff)
15. Resolution Authorizing Chairman to Sign Agreement - Appraisal Services - Greater Catskill Flood Remediation Program (Emergency Management)
16. Other

Chairman Quackenbush disseminated a "Draft of Finance Committees' Report of 2009 Budget Process" and a "revised" analysis of the past 4 years' appropriations/revenues. He stated that he would like to address the Finance Committee to submit this report to the Board of Supervisor's Office.

Item #1: Resolution Adopting Introductory Local Law E of 2008 - A Local Law which Enhances Personal Privacy Protection for Documents Recorded in the County Clerk's Office & for Increasing the Fees Collected by the County Clerk for Such: Supervisors McMahon and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: Resolution Authorizing Chairman to Sign Grant Agreement - NYS Local Government Records Management Improvement Fund: Supervisors Johnson and Jonker made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Supervisor Baia entered the chamber @ 7:03 pm.

Item #3: Resolution Authorizing Chairman to Sign Revolving Loan Fund Agreement - Breton Industries, Inc.: Supervisors Dybas and Thomas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #4: Resolution Authorizing the Montgomery County Department of Economic Development and Planning to Act as the Local Complete Count Committee: Supervisors McMahon and Paton made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #5: Resolution Adopting 2009 Stop-DWI Plan: Supervisors Baia and Thomas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #6: Resolution Authorizing Request for Proposals - Pharmacy Services - Corrections Facility (Sheriff): Supervisors Thomas and Johnson made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #7: Resolution Amending Operating Budget - Monitor Purchase for Public Safety Facility: Supervisors Thayer and McMahon made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #8: Resolution Amending 2008 Operating Budget - Technical Equipment: Supervisors Baia and Thomas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #9: Resolution Amending 2008 Operating Budget and Authorizing Chairman to Sign Grant Agreement - Emergency Preparedness Grant: Supervisors Baia and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #10: Resolution Establishing Grant Funded Part-time Position - Public Health Emergency Preparedness Coordinator (Public Health): Supervisors Jonker and Thayer made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #11: Resolution Amending 2008 Operating Budget - Community College Tuition: Supervisors McMahon and Johnson made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #12: Resolution Authorizing Chairman to Sign Agreement - Consultant Services - County Tax Collection Information Initiative Award: Supervisors Baia and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #13: Resolution Requiring Reporting of Revenues and Expenditures of Previous Year (Budget Officer): Supervisors Baia and Thayer made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #14: Resolution Authorizing Chairman to Sign Grant Agreements - NYS Office of Homeland Security (Emergency Management/Sheriff): Supervisors Baia and Thomas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #15: Resolution Authorizing Chairman to Sign Agreement - Appraisal Services - Greater Catskill Flood Remediation Program: Supervisors Dybas and Thomas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #16: (Other):

(ADD-ON RESOLUTION: RESOLUTION DIRECTING BOARD OF SUPERVISORS ADMINISTRATIVE AIDE TO CONDUCT RESEARCH AND ANALYSIS RELATED TO CERTAIN COUNTY ISSUES): Supervisors Quackenbush and McMAhon made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION: RESOLUTION AMENDING 2008 OPERATING BUDGET - NYSDCJS JAG GRANT): Supervisors Baia and McMAhon made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION: RESOLUTION AMENDING 2008 OPERATING BUDGET - LEGISLATIVE GRANT - VEHICLE EQUIPMENT): Supervisors Thayer and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION: RESOLUTION AMENDING 2008 OPERATING BUDGET - UTILITIES SHORTFALL): Supervisors McMAhon and Jonker made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION: RESOLUTION REQUIRING MONTHLY STAFFING REPORTS FROM DEPARTMENT HEADS): Supervisors Baia and Jonker made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION: RESOLUTION AUTHORIZING COUNTY TREASURER TO DISBURSE MORTGAGE TAX MONEY): Supervisors Thayer and McMahon made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION: RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDED AGREEMENT - 2008 GAT SUBSIDY - MOSA): Supervisors Thayer and Walters made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION: RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDED AGREEMENT - MILLIMAN, INC. - RETIREE DRUG SUBSIDY ACTUARIAL RENEWAL ATTESTATION): Supervisors Johnson and Baia made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Supervisors Johnson and Baia made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 8:42 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, October 28, 2008

CALL TO ORDER

Chairman Greco called the Regular Meeting of the Montgomery County Board of Supervisors for October 28, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor DiMezza led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, McMahon, Strevy, Dybas, Thayer, Barone, Paton, Thomas, Jonker, Baia, Stagliano, and DiMezza were present. Supervisor Walters was absent.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if there was anyone who wished to speak.

Gary Moyer of Sprakers Hill Road spoke in regard to problems with Spraker Hill Road. He stated that for four years they have been trying to get Paul Clayburn to fix the problems with the Road.

MOTION TO AMEND THE AGENDA

Chairman Greco discussed a need for a motion to amend the agenda for this evening. There is one resolution to consider in reference to the establishing of a public hearing on the 2009 Tentative Operating Budget.

The motion to amend the agenda was clarified by Chairman Greco as follows:

RESOLUTION ESTABLISHING PUBLIC HEARING ON THE 2009 OPERATING BUDGET

This Resolution will become Resolution #351.

MOTION TO AMEND AGENDA by Supervisor Quackenbush, seconded by Supervisor Dybas, passed with Aye(1819). Supervisor Walters was absent.

PRIVILEGE OF THE FLOOR 2

B. Proclamations

Montgomery County Office for the Aging  
2008 Caregiver of the Year  
Mary Jo D'Alessandro

Supervisor Dave Dybas presented a proclamation to Steve Prohaska from the Montgomery County Office for the Aging who was there to receive the proclamation on behalf of Mary Jo D'Alessandro.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (September 23 - October 15, 2008) by Supervisor Quackenbush, seconded by Supervisor Johnson, passed with Aye(1819). Supervisor Walters was absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Strevy, seconded by Supervisor Barone, Sr., passed with Aye(1819). Supervisor Walters was absent.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- A. Resolutions
- B. Other

**RESOLUTION NO. 302 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (HISTORY AND ARCHIVES)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, the Department of History & Archives has applied for outside funding to hire a consultant to draft a disaster and business continuity plan with respect to all of the County's records, and

WHEREAS, Montgomery County has been notified of a \$9,024 grant award to be applied toward the cost of said project,

RESOLVED, that the Board of Supervisors hereby accepts a \$9,024 grant award from the New York State Local Government Records Management Improvement Fund for the period ending June 30, 2009, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign all documents, related to said grant award.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 303 of 2008**

**DATED:** October 28, 2008

**RESOLUTION REAPPOINTING MEMBERS - FULTON-MONTGOMERY-SCHOHARIE WORKFORCE DEVELOPMENT BOARD**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Barone, Sr.

WHEREAS, Resolution 237 of 2008 authorizes Montgomery County to enter into a formal Chief Local Elected Officials Agreement with Fulton County and Schoharie County for the creation of the Fulton-Montgomery-Schoharie Workforce Development Board, and

WHEREAS, said agreement requires that each County maintain five public sector appointments and six private sector appointments as listed under the Workforce Investment Act, Section 117, - Montgomery County's public sector appointments include the Department of Labor, Organized Labor, Vocational Rehabilitation, and two Community-Based Organizations, and

WHEREAS, the Board which currently consists of the following:

Appointment	Representing	Term
Pat Baia	Private Sector Appointment	11/22/05 - 11/22/08
Tom Pasquarelli	Private Sector Appointment	11/22/05 - 11/22/08
Terry Suits	Private Sector Appointment	11/22/05 - 11/22/08
Kristin Pasquarelli	Private Sector Appointment	03/25/08 - 11/22/08
Amy McGrath	Private Sector Appointment	07/22/08 - 11/22/08
	Private Sector Appointment	XXXXXXXX - 11/22/08
Bob Hoefs	Public Sector Appointment	11/22/05 - 11/22/08
Dustin Swanger	Public Sector Appointment	04/24/07 - 11/22/08
Jeffrey Stark	Public Sector Appointment	08/26/08 - 11/22/08
Ramon Rodriguez	Public Sector Appointment	11/22/05 - 11/22/08
Julia Caro	Public Sector Appointment	01/22/08 - 11/22/08

, and

WHEREAS, all appointments will expire on November 22, 2008 and the Executive Director has brought forth those appointments who wish to be reappointed and has recommended that reappointments be

made for staggered terms with an appointment end date of December 31,

RESOLVED, that the Montgomery County Board of Supervisors hereby reappoints the following individuals to the Fulton-Montgomery-Schoharie Workforce Development Board as follows:

Appointment	Representing	Term
Pat Baia	Private Sector Appointment	10/27/08 - 12/31/10
Tom Pasquarelli	Private Sector Appointment	10/27/08 - 12/31/10
Kristin Pasquarelli	Private Sector Appointment	10/27/08 - 12/31/10
Amy McGrath	Private Sector Appointment	10/27/08 - 12/31/11
Bob Hoefs	Public Sector Appointment	10/27/08 - 12/31/10
Dustin Swanger	Public Sector Appointment	10/27/08 - 12/31/10
Jeffrey Stark	Public Sector Appointment	10/27/08 - 12/31/11
Ramon Rodriguez	Public Sector Appointment	10/27/08 - 12/31/10
Julia Caro	Public Sector Appointment	10/27/08 - 12/31/11
_____	Private Sector Appointment	_____
_____	Private Sector Appointment	_____

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 304 of 2008**

**DATED:** October 28, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND TO CLOSE OUT CONTRACT - ADIRONDACK MECHANICAL - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT (FMCC)

Resolution by Supervisor: Jonker

Seconded by Supervisor: Dybas

WHEREAS, Resolution 446 of 2006 approved certain capital projects at Fulton-Montgomery Community College which included the Classroom Building Radiological Technology Renovation Project, and

WHEREAS, Resolution 447 of 2006 authorized and agreement with Steven E. Smith, PE for engineering services to design plans and bid specifications for said project, and

WHEREAS, Resolution 56 of 2008 authorized solicitation of bids for said project, and

WHEREAS, Resolution 132 authorized a contract with Adirondack Mechanical for the HVAC work on said project in the amount of \$7,045, and

WHEREAS, all HVAC work is substantially complete and it is recommended that a change order be approved to credit back to the Counties the balance in the contingency allowance included in the contract to close out the contract, and

WHEREAS, it is also recommended that the \$500 balance remaining in the contract be transferred over to the general construction contract of said project to provide for funding for a necessary change order,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #1 with Adirondack Mechanical, a credit in the amount of \$500 in order to closeout said contract as follows:

Original Contract Amount:	\$7,045.00
Less Change Order #1	(\$ 500.00)
Final Contract Amount	\$6,545.00

, and

FURTHER RESOLVED, that the remaining \$500 amount shall be credited to the general construction contract with Dutch Valley Contracting to provide for funding of a necessary change order, and

FURTHER RESOLVED, that this resolution is contingent upon adoption of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors



**RESOLUTION NO. 305 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND CLOSE OUT PROJECT - FULTON COUNTY ELECTRICAL - CLASSROOM BUILDING RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

WHEREAS, Resolution 446 of 2006 approved certain capital projects at Fulton-Montgomery Community College which included the Classroom Building Radiological Technology Renovation Project, and

WHEREAS, Resolution 447 of 2006 authorized and agreement with Steven E. Smith, PE for engineering services to design plans and bid specifications for said project, and

WHEREAS, Resolution 56 of 2008 authorized solicitation of bids for said project, and

WHEREAS, Resolution 132 of 2008 authorized the signing of an agreement with Fulton County Electrical in the amount of \$26,500 for the electrical services for said project, and

WHEREAS, all electrical work is substantially complete and it is recommended that a change order be approved to credit back to the Counties the balance in the contingency allowance included in the contract to close out the contract, and

WHEREAS, it is also recommended that the \$2,000 balance remaining in the contract be transferred over to the general construction contract of said project to provide for funding for a necessary change order,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #1 with Fulton County Electrical, a credit in the amount of \$2,000 in order to closeout said contract as follows:

Original Contract Amount:	\$26,000.00
Less Change Order #1	(\$ 2,000.00)
Final Contract Amount	\$24,500.00

, and

FURTHER RESOLVED, that the remaining \$2,000 amount shall be credited to the general construction contract with Dutch Valley Contracting to provide for funding of a necessary change order, and

FURTHER RESOLVED, that this resolution is contingent upon adoption of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 306 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND TO CLOSE OUT CONTRACT - DUTCH VALLEY GENERAL CONTRACTORS - RADIOLOGICAL TECHNOLOGY RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Johnson

WHEREAS, Resolution 446 of 2006 approved certain capital projects at Fulton-Montgomery Community College which included the Classroom Building Radiological Technology Renovation Project, and

WHEREAS, Resolution 447 of 2006 authorized and agreement with Steven E. Smith, PE for engineering services to design plans and bid specifications for said project, and

WHEREAS, Resolution 56 of 2008 authorized solicitation of bids for said project, and

WHEREAS, Resolution 132 authorized a contract with Dutch valley General Contractors for the general contracting work on said project in the amount of \$172,940, and

WHEREAS, all general contracting work is substantially complete and it is recommended that a change order be approved to in the amount of \$2,500 to pay for additional work that was required to be performed in replacing an exterior door in the Classroom Building and to close out the

contract, and

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #1 with Dutch Valley Contractors, a change order in the amount of \$2,500 in order provide for payment of the replacement of an exterior door in the Classroom Building and to closeout said contract as follows:

Original Contract Amount:	\$172,940.00
Change Order #1	\$ 2,500.00
Final Contract Amount	\$175,440.00

, and

FURTHER RESOLVED, that this resolution is contingent upon adoption of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 307 of 2008**

**DATED:** October 28, 2008

RESOLUTION AUTHORIZING CLOSE OUT OF CONTRACT - CLERK OF THE WORKS - KEN FUELLEMAN - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEMS UPGRADE PROJECT (FMCC)

Resolution by Supervisor: Paton

Seconded by Supervisor: Quackenbush

WHEREAS, Resolution 35 of 2008 identified the 2008 Capital Projects at Fulton-Montgomery Community College which included the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project, and

WHEREAS, Resolution 343 of 2007 authorized the advertisement for a Clerk of the Works on said project, and

WHEREAS, Resolution 62 of 2008 authorized and agreement with Ken Fuelleman of Mayfield, NY for Clerk of the Works Services on said project, and

WHEREAS, said project is completed and it is recommended that said contract be closed,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to close an agreement with Ken Fuelleman, of Mayfield, NY, for Clerk of the Works Services on the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College as follows:

Total Contract	\$37,000.00
Actual Amount Invoiced	\$23,698.50
Balance	\$13,301.50

, and

FURTHER RESOLVED, that said balance shall be transferred by Fulton County into the Classroom Building Renovation Projects contingency account, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 308 of 2008**

**DATED:** October 28, 2008

RESOLUTION AUTHORIZING CLOSE OUT OF CONTRACT - EVERGREEN TESTING AND ENVIRONMENTAL SERVICES - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEMS UPGRADE PROJECT

(FMCC)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, Resolution 35 of 2008 approved the 2008 Capital Project identified as the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College, and

WHEREAS, Resolution 61 of 2008 authorized a contract with Evergreen Testing and Environmental Services for the provision of special inspection services on said project as required by New York State Building Code, and

WHEREAS, said inspection services are completed and close out of contract is recommended,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to close out an agreement with Evergreen Testing for special inspection services on the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College as follows:

Contract Amount	\$8,000
Total Contract Invoiced	\$1,490
Balance Due	<u>\$6,510</u>

, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 309 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHANGE ORDER #2 - FLEX ELECTRICAL CONSTRUCTORS, INC. - FMCC CLASSROOM BUILDING RENOVATION PROJECT (FMCC)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, by resolution 63 of 2008, various contracts were authorized for the Classroom Building Renovation - Phase I - Mechanical System upgrade Project at FMCC, and

WHEREAS, by resolution 160 of 2008 various change orders were approved for necessary items that were not in the original scope of work which included a change for Flex Electrical Constructors, Inc. in the amount of \$4,722, and

WHEREAS, it has been recommended that an additional change order be authorized with said contractor for additional electrical work as part of said project,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #2 with Flex Electrical Constructors, Inc. as follows:

**Flex Electrical**

Original Contract Amount	\$150,000
Change Order #1	\$ 4,722
Change Order #2	\$ 2,000
	<u>\$156,722</u>

, and

FURTHER RESOLVED, that said change order shall have no additional cost to the County as they are to be paid for from contingency funds for said project, previously appropriated, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 310 of 2008**

**DATED:** October 28, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVISED CHANGE ORDER #2 AND TO CLOSE OUT CONTRACT - FOUR STRONG BUILDERS, INC. - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEM UPGRADE PROJECT (FMCC)

Resolution by Supervisor: Thomas

Seconded by Supervisor: Thayer

WHEREAS, by resolution 63 of 2008, various contracts were authorized for the Classroom Building Renovation - Phase I - Mechanical System upgrade Project at FMCC, and

WHEREAS, by resolution 160 of 2008, various change orders with contractors were authorized for necessary items that were not in the original scope of work, and

WHEREAS, by resolution 225 of 2008 Change Order #2 with Four Strong Builders, Inc was authorized in the amount of \$7,925 to provide for asbestos abatement not in the original scope of work and said change order has actually been completed at a total of \$4,700, and

WHEREAS, it has been recommended that Change Order #2 be revised to reflect said change in pricing and it has also been recommended that since work is substantially complete, said contract be closed,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a revised change order #2 with Four Strong Builders, Inc and also to close out said contract as follows:

Four Strong Builders

Original Contract Amount	\$243,000
Change Order #1	\$ 14,500
Change Order #2	\$ 4,700
	<hr/>
	\$262,200
Total Paid to date	\$239,590
	<hr/>
Balance Due(including retai nage)	\$ 22,610

, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 311 of 2008**

**DATED:** October 28, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #1 AND TO CLOSE OUT ACCOUNT -C. T. MALE ASSOCIATES - ASBESTOS ABATEMENT PROJECT MONITORING SERVICES - 2008 CAPITAL PROJECT - CLASSROOM BUILDING RENOVATION - PHASE I - MECHANICAL SYSTEMS UPGRADES (FMCC)

Resolution by Supervisor: Johnson

Seconded by Supervisor: Jonker

WHEREAS, Resolution 35 of 2008 authorized the 2008 Capital Projects at FMCC which included the Classroom Building Renovations - Phase I - Mechanical Systems Upgrades Project, and

WHEREAS, Resolution 60 of 2008 authorized a contract with C. T. Male to provide and perform project monitoring services of asbestos abatement on said project, and

WHEREAS, During the course of this project, additional asbestos monitoring and testing services were required that exceeded the contract amount, and

WHEREAS, work is has been completed on said project and it is recommended that a change order be executed to provide payment for said additional services,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an Change Order #1 with C.T. Male Associates for additional asbestos abatement monitoring services for the Classroom Building Renovation - Phase I - Mechanical Systems Upgrade Project at Fulton-Montgomery Community College in the amount of \$3,186.44 and that said project be closed out as follows:

Contract Amount	\$30,000.00
Change Order #1	\$ 3,186.44
	<hr/>
	\$33,186.44
Total Paid to Date	\$14,054.93
	<hr/>
Balance Due;	\$19,131.51

, and

FURTHER RESOLVED, that payment for said change order shall come from contingency of said project account, and

FURTHER RESOLVED, that this resolution is contingent upon passage of a similar resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 312 of 2008**

**DATED:** October 28, 2008

RESOLUTION APPROVING 2009 CAPITAL PROJECTS AND AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - PHILLIPS ASSOCIATES - FINAL DESIGN PLANS AND BID SPECIFICATIONS - 2009 CRITICAL MAINTENANCE PROJECTS (FMCC)

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Dybas

WHEREAS, Resolution 162 of 2008 endorsed and supported certain critical maintenance projects at Fulton Montgomery Community College for 2009, and

WHEREAS, the total of the 2009 critical maintenance projects is estimated to be \$1,250,000 (Montgomery County share = \$312,500), and

WHEREAS, Resolution 227 of 2008 approved obtaining a cost proposal from Phillips Associates to prepare design plans and bid specifications for implementing these critical maintenance projects in the amount of \$14,000, and

WHEREAS, Phillips Associates has completed its Preliminary Engineering Report and recommends that these Critical Maintenance Projects be implemented between the completion of the spring 2009 and startup of the fall 2009 semesters at FMCC, and

WHEREAS, In order for these projects to be ready for construction at the end of the spring 2009 semester, Phillips Associates has recommended that Fulton and Montgomery Counties immediately commence design work and based upon their findings of their Preliminary Engineering Report, and

WHEREAS, Phillips Associates has proposed a fee of \$60,000 to prepare the final design plans and bid specifications for the 2009 Critical Maintenance Projects,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Phillips Associates for the provision of final design plans and bid specifications work on the 2009 critical maintenance projects in an amount not to exceed \$60,000, and

FURTHER RESOLVED, that the 2009 Critical Maintenance Projects are listed as follows:

Project	Total Project Budget (which includes design, construction, construction administration, contingency and other costs)
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Library and Annex Building Mechanical Repairs	\$ 250,000
Classroom Building Mechanical /Roof Repairs	\$ 520,000
College Union Mechanical Repairs	\$ 200,000
Physical Education Mechanical Repairs	\$ 100,000
Asbestos Abatement	\$ 180,000

<b>TOTAL</b>	<b>\$1,250,000</b>
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, and

FURTHER RESOLVED, that the Montgomery County's share for said projects shall be appropriated in the 2009 Operating Budget, and

FURTHER RESOLVED, funds for this agreement would come from said appropriation in the 2009 Operating Budget, and

FURTHER RESOLVED, that this resolution is contingent upon a similar resolution adopted by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 313 of 2008**

**DATED:** October 28, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDER #2 AND TO CLOSE OUT CONTRACT - POLLARD EXCAVATING, INC. - LIBRARY UNION AND COLLEGE UNION WATER INFILTRATION PROJECT (FMCC)

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

WHEREAS, Resolution 35 of 2008 authorized 2008 Capital Projects at Fulton-Montgomery Community College which included the Library Building Water Infiltration Project and the College Union Bookstore Water Infiltration Project, and

WHEREAS, Resolution 297 of 2007 authorized an agreement with Steven E. Smith for design plans and specifications related to said projects, and

WHEREAS, Resolution 57 of 2008 authorized solicitation of bids for construction services of said projects, and

WHEREAS, Resolution 133 of 2007 authorized a contract with Pollard Excavating for construction services on said project in the amount of \$326,000, and

WHEREAS, Resolution 224 of 2007 authorized change order #1 in the amount of \$13,000 for additional services to the contract, and

WHEREAS, work on the project is substantially complete and it is recommended that a change order be approved to credit back to the Counties the balance in the contingency allowance included in the contract to close out the contract,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign Change Order #2 with Pollard Excavating, Inc., a credit in the amount of \$3,096 in order to closeout said contract as follows:

Original Contract amount:	\$326,000.00
Change Order #1	\$ 13,000.00
Change Order #2	(\$ 3,096.00)

Contract Amount	\$335,904.00
Less Amount Paid to Date	(\$289,088.80)

Balance Due (including retai nage)	\$ 46,815.20
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, and

FURTHER RESOLVED, that this resolution is contingent upon a similar resolution adopted by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 314 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN REVOLVING LOAN FUND AGREEMENT- BRETON INDUSTRIES, INC. (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Thomas

WHEREAS, Montgomery County administers and Economic Development Program for the purpose of creating and retaining jobs, and

WHEREAS, the Montgomery Industrial Development Agency (MCIDA) has reviewed and recommended approval of a business loan application from Breton Industries, Inc, and

WHEREAS, said applicant has agreed to retain 106 full time employees and create an additional 10 full time employees over the next three years in conjunction with receiving said loan,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement, and any other legal documents necessary to process an economic development loan, in a principal amount not to exceed \$200,000 to Breton Industries, Inc., and

FURTHER RESOLVED, that the proceeds shall come from Montgomery County's Program Income Account, and

FURTHER RESOLVED, that said loan shall be payable in not more than 60 equal monthly installments, with an interest of prime minus three (at the time of closing), and

FURTHER RESOLVED, that, at the time of closing, a sum of \$1,500 shall be deducted, to allow for closing fees.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 315 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING THE MONTGOMERY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING TO ACT AS THE LOCAL COMPLETE COUNT COMMITTEE (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Paton

WHEREAS, outreach and education in order to promote the awareness and importance of the 2010 Census in New York State and Montgomery County is vital through the formation of a Local Complete Count Committee, and

WHEREAS, the Municipalities in Montgomery County have limited time to promote and educate the public on the importance of the 2010 census, and

WHEREAS, the Montgomery County Department of Economic Development and Planning has the resources and information capabilities to accomplish the goals of the Local Complete Count Committee, and

WHEREAS, the through the Governor's 2010 Census Complete Count Committee, \$5,000 is available to a Local County for establishing a Complete Count Committee and performing the duties associated with such,

RESOLVED, the Department of Economic Development and Planning is directed to perform all requirements associated with the Local Complete Count Committee, and

FURTHER RESOLVED, that upon review and approval by the County Attorney, the Chairman of the Board of Supervisors is hereby authorized to sign all documents associated with undertaking this task.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 316 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS DOS - LOCAL ENHANCED WIRELESS 911 PROGRAM (SHERIFF)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, the Sheriff has been notified by the NYS Department of State that the County is eligible for reimbursement of certain costs associated with the provision of Wireless 911 Services in the amount of \$27,000

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign a grant agreement with the NYS Department of State in the amount of \$27,000 for reimbursement for certain costs associated with the provision of Wireless 911 services.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 317 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS - PHARMACY SERVICES - CORRECTIONS FACILITY (SHERIFF)**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Johnson

RESOLVED, that the Purchasing Agent, in cooperation with the Sheriff, hereby is authorized and directed to solicit proposals for Pharmacy Services at the Montgomery County Correctional Facility.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 318 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - MONITOR PURCHASE FOR THE PUBLIC SAFETY FACILITY (SHERIFF)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: McMahon

WHEREAS, the Sheriff has recommended the purchase of a 25 new monitors for the Public Safety Facility, and

WHEREAS, said funding will be covered by existing 911 reserve monies.

RESOLVED, that the Sheriff is hereby authorized to purchase new monitors from Dell at NYS contract pricing at a cost not to exceed \$7,425, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE APPROPRIATIONS:**

A-511	E-911 Reserve	\$7,475
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**INCREASE APPROPRIATIONS:**



A-15-4-3020-14-2250 Technical Equipment \$7,475

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 319 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - TECHNICAL EQUIPMENT (SHERIFF)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Thomas

WHEREAS, the Sheriff has recommended the purchase of technical equipment with additional donations that have been received,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2006 Operating Budget as follows:

Increase Revenues:

A-15-3-2705	Gifts and Donations	\$1,000
Increase Appropriations:		

A-15-4-3110-00-2250	Technical Equipment	\$1,000
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RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 320 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - NYSDCJS JAG GRANT (SHERIFF)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: McMahon

WHEREAS, by Resolution 232 of 2008 the Montgomery County Board of Supervisors accepted a Justice Assistance Grant Award with the NYS Department of Criminal Justice in the amount of \$20,000 to be utilized to purchase a new computer and software which will record evidence from in-car video cameras, improving access to video-recorded evidence, and

WHEREAS, it is necessary to amend the 2008 Operating Budget to provide for said grant funding,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE REVENUE:

A-15-3-3389	Public Safety State Aid	\$20,000
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INCREASE APPROPRIATIONS:

A-15-4-3110-00-4-2250	Technical Equipment	\$13,715
A-15-4-3110-00-4-2259	Computer Equipment	\$ 4,490
A-15-4-3110-00-4-4459	Computer Software	\$ 1,795

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 321 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - LEGISLATIVE GRANT - VEHICLE EQUIPMENT**

**(SHERIFF'S OFFICE)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Dybas

WHEREAS, Resolution 212 of 2008 accepted a legislative grant in the amount of 12,500 for the purchase of vehicle equipment, and

WHEREAS, a budget amendment is necessary to provide for said funding,

RESOLVED, that the County Treasurer is hereby by authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-15-3-3389                      Public Safety                      \$12,500

**INCREASE APPROPRIATIONS:**

A-15-4-3110-00-.2259      Computer Equipment                      \$12,500

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 322 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENTS - NYS OFFICE OF HOMELAND SECURITY (EMERGENCY MANAGEMENT/SHERIFF)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Thomas

WHEREAS, the County has been notified of the award of a \$143,000 FY08 State homeland Security Program (SHSP) & (SLETPP) Grant for the Emergency Management Office and the Sheriff's Department, and

WHEREAS, the State Homeland Security Program (SHSP) in the amount of \$107,250 & State Law Enforcement Prevention Program (SLETPP) in the amount of \$35,750 Program has a no cost requirement to the County,

RESOLVED, that the Montgomery County Board of Supervisors hereby authorizes acceptance of the total \$143,000 State Homeland Security Grant as outlined for the Office of Emergency Management and the Sheriff's Office, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign said Grant Agreements.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 323 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AWARING BID NO. 13-08 JOB OFFICE TRAILER (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Quackenbush

WHEREAS, the Purchasing Agent was authorized to solicit bids for a Job Office Trailer for the Emergency Management Office, and

WHEREAS, said bids were opened on October 7, 2008,

RESOLVED, that the Board of Supervisors hereby awards Bid No. 13-08 to the Trailer Connection for a total price of \$14,366.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 324 of 2008****DATED:** October 28, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - APPRAISAL SERVICES - GREATER CATSKILL FLOOD REMEDIATION PROGRAM (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Thomas

WHEREAS, the Board of Supervisors, by Resolution No. 291 of 2008, authorized the Purchasing Agent to distribute Request for Proposals for Professional Services for appraisals of property to be acquired thru the Greater Catskills Flood Remediation Program, and

WHEREAS, said proposals have been received and were opened on Friday, October 17, 2008,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Jim LaMarche for the provision of appraisal services to meet the requirements of the County's grant through the Greater Catskill Flood Remediation Program at a cost not to exceed \$2,750.00.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 325 of 2008****DATED:** October 28, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - FORFEITURE MONEY (DISTRICT ATTORNEY)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Thayer

WHEREAS, the District Attorney has received federal forfeiture crime proceeds in the amount of \$21,624.13 from a drug related investigation and arrest conducted by local law enforcement agencies in Montgomery County and it is necessary to amend the 2008 Operating Budget in the amount not previously budgeted, and

WHEREAS, the District Attorney would utilize said forfeiture monies to purchase necessary equipment for law enforcement agencies in Montgomery County,

RESOLVED, that County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-25-3-2626 Forftr Cr Proc Rest \$19,124.13

**INCREASE APPROPRIATIONS:**

A-25-4-1165-00-4522 (DA/Law Enforcement Programs) \$19,124.13.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 326 of 2008****DATED:** October 28, 2008**RESOLUTION ADOPTING 2009 STOP-DWI PLAN (STOP DWI)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Thomas

WHEREAS, the Stop DWI Coordinator has submitted the 2009 Stop DWI plan, and

RESOLVED, that the Board of Supervisors hereby adopts said plan, and

FURTHER RESOLVED, that no funds for said plan should be appropriated from general revenue of the County of Montgomery.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 327 of 2008**

**DATED:** October 28, 2008

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDED AGREEMENT AND TO AMEND 2008 OPERATING BUDGET - ST. MARY'S HOSPITAL - ADDICTION TREATMENT SERVICES (MENTAL HEALTH)

Resolution by Supervisor: Dybas

Seconded by Supervisor: Strevy

WHEREAS, Resolution 360 of 2007 authorized an agreement with St. Mary's Hospital Community Mental Health and Alcoholism Center for Alcoholism Services not to exceed \$220,000 and

WHEREAS, Funding has become available through the NYS Office of Alcoholism and Substance Abuse Services and the Director of Community Services increasing the face value of the contract with St. Mary's with said funding,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an amended agreement with St. Mary's Hospital Community Mental Health and alcoholism Center for alcoholism services, not to exceed \$231,000.

RESOLUTION ADOPTED with Aye(1680). Supervisor Greco abstained. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 328 of 2008**

**DATED:** October 28, 2008

RESOLUTION AMENDING 2008 OPERATING BUDGET - NYS MENTAL HEALTH REVENUE FUNDING (MENTAL HEALTH)

Resolution by Supervisor: Jonker

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Director of Community Services has recommended amending the County Budget for the Mental Health Department to reflect an increase in New York State Mental Health Revenue funding for the Mental Health Department Revenue Account, and increasing the Mental Health Programs Community Support Systems Appropriation account for the Mental Health Dept.

WHEREAS, the Director of Community Services recommends these changes to allow for changes in New York State funding effecting St. Mary's Hospital Behavioral Healthcare, whereby funds that previously were paid directly to St. Mary's Hospital will now be paid to Montgomery County to fund services at St. Mary's Hospital,

WHEREAS, said changes require budget amendments to reflect the appropriate amounts in the appropriate lines utilized for these funds,

RESOLVED, the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE REVENUE:

A-17-3-3490	State Mental Health	\$ 900,000
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INCREASE APPROPRIATIONS:

A-17-4-4320-00-4565	Community Support System	\$ 900,000
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RESOLUTION ADOPTED with Aye(1680). Supervisor Greco abstained. Supervisor Walters was absent. (10/28/2008)

Douglas Landon

Cheryl Reese

County Attorney

Interim Clerk, Board of Supervisors

**RESOLUTION NO. 329 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - ACCOUNTING SERVICES (MENTAL HEALTH)**

Resolution by Supervisor: Paton

Seconded by Supervisor: Dybas

WHEREAS, the Director of Community Services has recommended amending the County Budget for the Mental Health Department to reflect an increase in Federal Medicaid Salary Sharing funding for the Mental Health Department Revenue Account, and increasing the Professional services account to provide additional accounting services for the Mental Health Dept.,

WHEREAS, said changes require budget amendments to reflect the appropriate amounts in the appropriate lines utilized for these funds,

RESOLVED, the County Treasurer is hereby directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-17-3-4490	Mental Health Federal Salary Sharing	\$ 6,041
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**INCREASE APPROPRIATIONS:**

A-17-4-4310-00-.4431	Professional Services	\$ 6,041
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RESOLUTION ADOPTED with Aye(1680). Supervisor Greco abstained. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 330 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MONTGOMERY COUNTY OFFICE FOR THE AGING - POINT OF ENTRY CONTRACT - LONG TERM CARE (SOCIAL SERVICES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, the Commissioner of Social Services has been notified by the New York State Office for the Aging of approval and award of funding for the County's Point of Entry Application for the Long Term Care Program, and

WHEREAS, the Commissioner has recommended entering into an agreement with the Montgomery County Office for the Aging as a partner in providing these services,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with the Montgomery County Office for the Aging for the purpose of providing Long Term Care Point of Entry Services in an amount not to exceed \$8,000, for the period October 1, 2008 - December 31, 2008,

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-18-3-3610-00	State Aid DSS Admin.	\$8,000
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**INCREASE APPROPRIATIONS:**

A-18-4-6010-00.4438	DSS Administration - Misc. Supporting Services	\$8,000
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RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 331 of 2008****DATED:** October 28, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT AND AMENDING 2008 OPERATING BUDGET - COMMUNITY SOLUTIONS FOR TRANSPORTATION PROGRAM - MENTAL HEALTH ASSOCIATION OF FULTON AND MONTGOMERY COUNTIES (SOCIAL SERVICES)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Paton

WHEREAS, the New York State of Temporary and Disability Assistance has allocated \$50,346 funding to Montgomery County Department of Social Services to continue transportation programs and services, and

WHEREAS, the Commissioner of Social Services has made recommendation that the County enter into an agreement with Mental Health Association in Fulton and Montgomery Counties for the provision of said transportation programs,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign appropriate documents related to the contracting of services with Mental Health Association in Fulton and Montgomery Counties for the provision of a transportation program in an amount not to exceed \$12,600 for the period November 1, 2008 to December 31, 2008.

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**INCREASE REVENUE:**

A-18-3-4610-00	Federal Aid DSS Admin.	\$12,600
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**INCREASE APPROPRIATIONS:**

A-18-4-6010-00.4462	DSS Admin. TANF Services	\$12,600
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RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 332 of 2008****DATED:** October 28, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - FUEL, MILEAGE (SOCIAL SERVICES)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Strevy

WHEREAS, the Commissioner of Social Services has recommended a transfer of funds,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

**TRANSFER FROM:****APPROPRIATIONS:**

A-18-4-6010-00.1110(374)	Caseworker	\$ 6,000.00
A-18-4-6010-00.1110(375)	Caseworker	\$10,000.00

**TRANSFER TO:****APPROPRIATIONS:**

A-18-4-6010-00.4441	Gasoline, Oil, Fuel	\$ 6,000.00
A-18-4-6010-00.4471	Mileage Allocations	\$10,000.00

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 333 of 2008****DATED:** October 28, 2008**RESOLUTION ESTABLISHING GRANT FUNDED PART-TIME POSITION - PUBLIC HEALTH EMERGENCY PREPAREDNESS COORDINATOR (PUBLIC HEALTH)**

Resolution by Supervisor: Jonker

Seconded by Supervisor: Thayer

WHEREAS, the Public Health Department has received a Public Health Preparedness Grant, and

WHEREAS, Resolution 24 of 2008 authorized the hiring of a consultant to coordinate Public Health Emergency Preparedness and Response responsibilities, activities and duties in the event of a natural or man-made disaster, and

WHEREAS, it has been recommended by the Public Health Director that the utilization of a consultant is no longer beneficial, and

WHEREAS, the Public Health Director instead has determined the need to hire a part-time employee to coordinate said duties, and

WHEREAS, the cost including fringe benefits of such part-time employee shall be funded utilizing New York State Department of Health (NYSDOH) approved budgeted annual Public Health Emergency Preparedness and Response grant funds, and

RESOLVED, that the Public Health Director shall hire a part-time employee at an hourly rate not to exceed \$35.00/hour and not exceeding the maximum total grant funded budget for the use of an employee in the respective grant year approved by NYSDOH, and

FURTHER RESOLVED, that said employee shall be in the non-bargaining management class, and

FURTHER RESOLVED, that the Public Health Director will determine the need to employ said part-time employee on an annual basis as Public Health Emergency Preparedness and Response grant funds are made available, and

FURTHER RESOLVED, that the Chairman of the board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign said resolution, and

FURTHER RESOLVED, that Resolution 24 of 2008 is hereby rescinded.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 334 of 2008****DATED:** October 28, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET AND AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - EMERGENCY PREPAREDNESS GRANT (PUBLIC HEALTH)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Dybas

WHEREAS, the Montgomery County Public Health Department has been awarded a Public Health Emergency Preparedness Grant and

WHEREAS, the New York State Department of Health has approved the operating budget for said grant period and,

RESOLVED, that the Board of Supervisor's hereby authorizes acceptance of the Public Health Emergency Preparedness Grant, and

FURTHER RESOLVED, that the Chairman of the board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign said grant contract, and

FURTHER RESOLVED, that this grant may be renewed without further action of the Board of Supervisors contingent upon the terms therein remain substantially the same, and

FURTHER RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

INCREASE:

Revenue:	A-16-3-3401-06	Public Health Grant	\$	75000.00
Appropriations:	A-10-4-9001-00	Public Health Grant		
	.8810	FICA	\$	2463.00
	.8820	Retirement	\$	1159.00
	.8830	Worker's Compensation	\$	470.00
	.8854	Disability Insurance	\$	527.00
Appropriations:	A-16-4-4010-06	Public Health Grant		
	.1120(New)	Part-time Employee	\$	32200.00
	.2250	Technical Equipment	\$	9000.00
	.4408	Office Supplies	\$	731.00
	.4411	Telephone Expense	\$	3700.00
	.4425	Maintenance Agreements	\$	4300.00
	.4438	Misc. Supporting Svc.	\$	5250.00
	.4444	Custodial/Household Sup.	\$	1000.00
	.4445	Medical Supplies	\$	7500.00
	.4446	Food Supplies	\$	1500.00
	.4459	Computer Software	\$	1000.00
	.4470	Travel Related Exp.	\$	750.00
	.4471	Mileage Expense	\$	500.00
	.4491	Legal Notice & Advertising	\$	1450.00
	.4526	Education Programs	\$	1500.00

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 335 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - MIDWEST EMPLOYERS REINSURANCE CORPORATION - EXCESS WORKERS COMPENSATION COVERAGE (PERSONNEL)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Johnson

WHEREAS, the current policy will expire on December 31, 2008 for Excess Workers Compensation coverage,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval by the County Attorney, is hereby authorized and directed to sign an agreement with Midwest for the provision of Excess Workers Compensation coverage for the period commencing on January 1, 2009 and ending on December 31, 2009 at a cost not to exceed \$95,000.00.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 336 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT (EAP) EMPLOYEE ASSISTANCE PROGRAM ST. MARY'S HOSPITAL (PERSONNEL)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Johnson

WHEREAS, it has been recommended by the Personnel Officer that Montgomery County continue to participate in the Employee Assistance Program that is currently provided by St. Mary's Hospital, and

RESOLVED, that the Chairman of the Board of Supervisors hereby is authorized and directed, following review and approval by the County Attorney, to sign an agreement with St. Mary's Hospital for participation in its Employee Assistance Program, and

FURTHER RESOLVED, that the total cost of said participation shall not exceed \$6,000.00, effective January 1, 2009 and ending December 31, 2009.



RESOLUTION ADOPTED with Aye(1680). Supervisor Greco abstained. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 337 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - EMPLOYEE PHYSICAL EXAMINATIONS AMSTERDAM MEMORIAL HEALTH CARE SYSTEM (PERSONNEL)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Dybas

WHEREAS, the Personnel Officer has recommended renewal of an agreement for provision of employee physical examinations, and

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a renewal agreement with Amsterdam Memorial Health Care System for provision of employee physical examinations, and

FURTHER RESOLVED, that said examinations shall be performed at a cost not to exceed \$75.00 each, except for more extensive examinations required for Sheriff's Deputies, which shall not exceed \$150.00 each, and

FURTHER RESOLVED, that said agreement shall be renewed for a one-year period commencing on January 1, 2009 and ending on December 31, 2009.

MOTION TO AMEND by Supervisor DiMezza, seconded by Supervisor Barone, Sr., to strike from the RESOLVED clause "Amsterdam Memorial Health Care System" and replace with "Eastern Medical Support" and to strike from the FURTHER RESOLVED clause "\$75.00" and replace with "\$50.00" and to also strike from the FURTHER RESOLVED clause "\$150.00" and replace with "\$95.00" passed with Aye(1819). Supervisor Walters was absent. (10/28/2008)

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 338 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MILLIMAN, INC. - RETIREE DRUG SUBSIDY ACTUARIAL RENEWAL ATTESTATION (PERSONNEL)**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Bai a

WHEREAS, Montgomery County has the opportunity to apply with the Centers for Medicare and Medicaid Services (CMS) to receive a federal subsidy - the Retired Drug Subsidy (RDS) - for the continued maintenance of its retiree plan, and

WHEREAS, the application process requires an actuarial attestation stating that the Montgomery County plan is at least as good as the standard Medicare Part D benefit, and

WHEREAS, it is in the best interest of the County to pursue the RDS and the Personnel Officer has recommended utilizing the professional services of Milliman to provide said attestation,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Milliman, Inc. for the provision of actuarial attestation stating that the Montgomery County retiree prescription drug plan is at least as good as the standard Medicare Part D benefit in order to apply to the Centers for Medicare and Medicaid to receive the Retiree Drug Subsidy, and

FURTHER RESOLVED, that the cost of said attestation shall not exceed \$3,500.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 339 of 2008****DATED:** October 28, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - CHIPS FUNDS (PUBLIC WORKS)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Paton

WHEREAS, the final allocation of State Consolidated Highway Improvement Program funds have been clarified, and

WHEREAS, it is necessary to adjust the County Road Fund to reflect increased revenue and appropriations,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget, as follows:

**INCREASE REVENUE:**

D-12-3-3501	Consolidated Highway Aid	\$281,969
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**INCREASE APPROPRIATIONS:**

D-12-4-9900-00.9950	Interfund Transfer Cap. Proj. Fund	\$281,969
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RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 340 of 2008****DATED:** October 28, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN COURT CLEANING AGREEMENT - UNIFIED COURT SYSTEM (PUBLIC WORKS)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with the New York State Unified Court System to provide cleaning services for the interior of the Montgomery County Court facilities, as well as minor and emergency repairs to that facility per budget prepared by the Commissioner of Public Works, and

FURTHER RESOLVED, that said agreement shall be for a five-year period, commencing on April 1, 2008 and ending on March 31, 2013, and

FURTHER RESOLVED, that, except as provided in +Section VII (F) of the agreement, the maximum total compensation to Montgomery County, for any period, shall not exceed the amount approved in Appendix B of the Agreement.

RESOLUTION ADOPTED with Aye(1683). Supervisor Dybas abstained. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 341 of 2008****DATED:** October 28, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - UTILITIES SHORTFALL (SANITARY DISTRICT)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Jonker

WHEREAS, there is a shortfall in the Utilities line item of the Montgomery County Sanitary Districts' 2008 Budget

RESOLVED, the Montgomery County Board of Supervisors hereby authorizes and directs the County Treasurer to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

G-26-4-1990-00-4400                      Contingent Account                      \$50,000.00

TRANSFER TO:

G-26-4-8120-00-4410                      Utilities                      \$50,000.00

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

Resolution #342 was withdrawn by its sponsor. There was no motion to pick up sponsorship.

**RESOLUTION NO. 342 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AMENDED AGREEMENT - 2008 GAT SUBSIDY - MOSA (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Walters

WHEREAS, Resolution 353 of 2007 authorized the Chairman of the Board of Supervisors to sign a subsidization renewal agreement with Montgomery-Otsego-Schoharie Solid Waste Management Authority (MOSA) for 2008 at the rate of \$19.00 per ton for a one-year period, and

WHEREAS, recent GAT figures estimate that Montgomery County is likely to be in excess of 10,000 tons short of its GAT by December 31, 2008, at which time Montgomery County will be responsible, per the service agreement, to pay the full tip fee of \$104.50 per ton short, said total bill estimated to be over \$1 million, and

WHEREAS, it has been recommended that the GAT Subsidy Agreement be increased for the month of November and December to provide for greater subsidy which, in turn, should encourage waste haulers within the County to stop diverting waste from the MOSA system and also said increased subsidy should also encourage outside waste to be delivered into the MOSA system, thereby reducing the potential GAT shortfall and subsequent penalty,

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an amended subsidization agreement with Montgomery-Otsego-Schoharie Solid Waste Authority (MOSA), and

FURTHER RESOLVED, that Montgomery County hereby establishes an amended subsidy of \$\_\_\_\_\_ per ton for the period of November 1, 2008 through December 31, 2008, and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-01-4-8160-4439    Other Service Fees                      \$\_\_\_\_\_

TRANSFER TO:

A-01-4-8160-4438    Misc Support Svcs.                      \$\_\_\_\_\_

RESOLUTION WITHDRAWN BY SPONSOR (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

Resolution #343 was withdrawn by its sponsor. There was no motion to pick up sponsorship.

**RESOLUTION NO. 343 of 2008**

**DATED:** October 28, 2008

**RESOLUTION DIRECTING BOARD OF SUPERVISORS ADMINISTRATIVE AIDE TO CONDUCT RESEARCH AND ANALYSIS RELATED TO SOLID WASTE DISPOSAL ISSUES (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Thayer

WHEREAS, the Montgomery County Board of Supervisors has identified a need for the county to investigate and plan for solid waste disposal issues in consideration of the recent GAT

shortfalls and waste diversion and also the impending expiration of the Montgomery Otsego & Schoharie Solid Waste Management Authority (MOSA) Service Agreement in 2014, and

WHEREAS, it has been suggested that a Solid Waste Coordinator be hired to address said issues, and

WHEREAS, certain research and analysis related to the solid waste issues could be completed by the Administrative Aide in the Board of Supervisors Office, prior to creating said position,

RESOLVED, that, effective immediately, the Administrative Aide employed in the Board of Supervisors' Office is hereby directed to engage in, perform tasks and work in conjunction with the Chairman of the Board of Supervisors, the Chairman of the General Services Committee and Montgomery County MOSA Representatives to provide research and analysis which would identify long and short-term cost-saving measures related to Montgomery County solid waste disposal, and

FURTHER RESOLVED, that such duties shall carry no additional compensation.

RESOLUTION WITHDRAWN BY SPONSOR (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 344 of 2008**

**DATED:** October 28, 2008

**RESOLUTION DIRECTING BOARD OF SUPERVISORS ADMINISTRATIVE AIDE TO CONDUCT RESEARCH AND ANALYSIS RELATED TO CERTAIN COUNTY ISSUES (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: McMahon

WHEREAS, the Administrative Aide position, which was originally created in 2003 to research assigned areas and aspects of programs under consideration by the Board of Supervisors, for a number of years, has been unable to function in that capacity, since many responsibilities of the Clerk to the Board of Supervisors were being performed by the Administrative Aide, as the Clerk position was only a part-time position, and

WHEREAS, Resolution 296 of 2008 created, in the 2009 Operating Budget, a full-time Clerk of the Board position to perform the duties required under NYS Law such as entering legislation, scheduling meetings, preparing agendas, compiling committee/board meeting packets and recording and compiling the proceedings of the Board of Supervisors that are currently being performed by the Administrative Aide, and

WHEREAS, with said full-time position being created, the Administrative Aide position can now be utilized in the manner in which it was originally intended, and

WHEREAS, the Montgomery County Board of Supervisors has identified a number of issues/projects that require further reporting, research, analysis and planning by the Administrative Aide,

RESOLVED, that upon hiring and successful training of the full-time Clerk of the Board of Supervisors, the Administrative Aide in the Board of Supervisors Office is hereby authorized and directed to provide research, analysis and assistance in the following areas and aspects under consideration by the Board of Supervisors:

Cost-Savings Measures related to Solid Waste Disposal

Sales Tax Distribution Analysis

Mortgage Tax Analysis

Occupancy Tax Analysis

Shared Services

Grant Maximization

, and

FURTHER RESOLVED, that the Administrative Aide shall work with the Chairman of the Board and respective Committee Chairmen and Committees and various Department Heads regarding all aspects of each project, develop realistic timelines and goals and prepare reports and presentations as necessary, and

FURTHER RESOLVED, that the Administrative Aide shall continue to coordinate and maintain the daily office functions of the Board of Supervisors, shall represent the Board as a first point of contact and respond to questions and problems from both internal and external sources. Said position will also continue to act as a liaison on behalf of the Chairman/Committee Chairmen, or as requested, with legislative offices, state agencies, interested groups and the public and may be called upon to represent the Chair/Committee Chairmen at meetings, and

FURTHER RESOLVED, that said project list shall be revised from time to time, as needed, based on current legislative issues of the Board of Supervisors, and

FURTHER RESOLVED, that such duties of the Administrative Aide shall be carried out with no additional compensation.

RESOLUTION DEFEATED with Aye(853). Supervisors Greco, Dybas, McMahon, Quackenbush, Jonker, Thayer and Stagliano voted Aye. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

In regard to Resolution #345 Supervisor Quackenbush explained that during the Budget process the Finance Committee felt that having this report would be a good tool to have during the year.

Supervisor DiMezza stated that the AUD is submitted by April 30th which he felt was sufficient.

Supervisor Stagliano stated that he felt that there should be monthly reports.

Chairman Greco stated that monthly reports would be emailed to all Supervisors who had email and printed for those who don't.

**RESOLUTION NO. 345 of 2008**

**DATED:** October 28, 2008

**RESOLUTION REQUIRING REPORTING OF REVENUES AND EXPENDITURES OF PREVIOUS YEAR (BUDGET OFFICER)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Thayer

WHEREAS, it is important for the Finance Committee and the Board of Supervisors to review actual revenues and expenditures, compared to budgeted revenues and expenditures of the previous fiscal year, and

WHEREAS, the County has previously adopted certain dates that this information is required to properly close the previous year, and

WHEREAS, knowledge of these final figures would substantially increase the Department's and Supervisor's decision-making responsibilities,

RESOLVED, that the Board of Supervisors hereby requires that the Budget Officer by March 15th of each year shall submit to the Clerk of the Board, in summary form, a report from the County Treasurer detailing all actual expenditures compared to budgeted expenditures for the previous fiscal year for use by the Finance Committee, and

FURTHER RESOLVED, that the Board of Supervisors hereby also requires that the Budget Officer by April 15th of each year shall submit to the Clerk of the Board, in summary form, a report from the County Treasurer detailing all actual revenues compared to budgeted revenues for the previous fiscal year for use by the Finance Committee.

RESOLUTION DEFEATED with Aye(476). Supervisors Bai a, Quackenbush, Jonker and Thayer voted Aye. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

In regard to Resolution #346 Supervisor DiMezza stated that this report was not necessary as at any given time, any Supervisor could request this information from the Personnel Officer.

Supervisor Strevy agreed.

Supervisor Bai a withdrew his sponsorship on the resolution and no motion was made to pick it up.

**RESOLUTION NO. 346 of 2008**

**DATED:** October 28, 2008

**RESOLUTION REQUIRING MONTHLY STAFFING REPORTS FROM DEPARTMENT HEADS**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Jonker

WHEREAS, it is beneficial for the Board of Supervisors to have certain information from each department in order to be kept up-to-date, and

WHEREAS, knowing changes in personnel would assist in making decisions regarding staffing and funding needs for each department,

RESOLVED, the Montgomery County Board of Supervisors hereby requires that each Department generate a monthly report submitted to the Personnel Officer and the Personnel Officer shall submit a full report to the Board of Supervisors within seven days after the previous month closes which details for each part-time and full-time position within its department, the following information:

position line  
position title  
position filled/vacant  
amount budgeted  
year-to-date expensed

\*\*for each vacant position, included in the report shall be the date that the position became vacant.

, and

FURTHER RESOLVED, that the first monthly report shall be submitted on February 7, 2009.

RESOLUTION WITHDRAWN BY SPONSOR (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 347 of 2008**

**DATED:** October 28, 2008

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW E OF 2008 - A LOCAL LAW WHICH ENHANCES PERSONAL PRIVACY PROTECTION FOR DOCUMENTS RECORDED IN THE COUNTY CLERK'S OFFICE & FOR INCREASING THE FEES COLLECTED BY THE COUNTY CLERK FOR SUCH (COUNTY CLERK)

Resolution by Supervisor: McMahon

Seconded by Supervisor: Dybas

WHEREAS, on August 26, 2008 a proposed Local Law for the County of Montgomery County entitled "A Local Law which Enhances Personal Privacy Protection for Documents Recorded in the County Clerk's Office & for Increasing the Fees Collected by the County Clerk for Such" was presented to the Board of Supervisors for consideration, and

WHEREAS, on August 26, 2008 Resolution 283 of 2008 was adopted authorizing and directing that a Public Hearing be held by the Board of Supervisors on the 23rd day of September, 2008 at the time and place appointed, and

WHEREAS, said public hearing has been held.

RESOLVED, that Introductory Local Law E of 2008 entitled "A Local Law which Enhances Personal Privacy Protection for Documents Recorded in the County Clerk's Office & for Increasing the Fees Collected by the County Clerk for Such" hereby is adopted and is incorporated as follows:

Introductory Local Law E of 2008 - A Local Law which Enhances Personal Privacy Protection for Documents Recorded in the County Clerk's Office and Authorizing an Increase in Fees Collected by the County Clerk for the Recording, Entering, Indexing and Endorsing a Certificate on any Instrument.

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

SECTION 1. Title.

This law shall be known as the "Enhanced Personal Privacy Protection or Recorded Documents Law."

SECTION 2. Declaration of intent.

In accordance with subparagraph (2) of paragraph 4 of subdivision (a) of section 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Montgomery County Board of Supervisors authorizes the Montgomery County Clerk to increase the fees charged for

certain documents recorded with the County Clerk's Office.

SECTION 3. Fees for recording documents.

For recording, entering indexing and endorsing a certificate of any instrument, the fee is increased from five dollars to twenty dollars and, in addition thereto, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate recoding fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that the Montgomery County Clerk has placed an image of such cover page on line, the County Clerk shall make a good faith effort to redact such information.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or other portion of the 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 not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 5. Effective date.

This local law shall take effect thirty days after filing in the office of the Secretary of State pursuant to section 27 of the municipal home rule law.

, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

RESOLUTION ADOPTED with Aye(1682). Supervisor Bai a voted Nay. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 348 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - COMMUNITY COLLEGE TUITION (TREASURER)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Johnson

WHEREAS, there are not sufficient funds to cover the anticipated expenses that will be incurred for the Community College Tuition chargebacks for the remainder of the year,

RESOLVED, that the County Treasurer hereby is authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER:

FROM:	A - 599 Appropriated Fund Balance	\$175,000.00
TO:	A-06-4-2490-00-4400 Community College Tuition	\$175,000.00

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 349 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - CONSULTANT SERVICES - COUNTY TAX COLLECTION INFORMATION INITIATIVE AWARD (TREASURER)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Dybas

WHEREAS, Resolution 193 of 2008 authorized the Purchasing Agent to solicit proposals for a study to implement a centralized county-level database for tax collection information.

WHEREAS, proposals have been received from vendors interested in providing said service,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign an agreement with Systems East, Inc. for the provision of said services at a cost not to exceed \$5,250.00.

RESOLUTION ADOPTED with Aye(1676). Supervisor McMahon voted Nay. Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 350 of 2008**

**DATED:** October 28, 2008

**RESOLUTION AUTHORIZING COUNTY TREASURER TO DISBURSE MORTGAGE TAX MONEY**

Resolution by Supervisor: Thayer

Seconded by Supervisor: McMahon

RESOLVED, that the Board of Supervisors hereby authorizes the County Treasurer to disburse Mortgage Tax money for the period from April 1, 2008 through September 30, 2008, and

FURTHER RESOLVED, that said Treasurer is directed to take all necessary steps, under proper accounting procedure, to adjust the books of his office, effective immediately.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 351 of 2008**

**DATED:** October 28, 2008

**RESOLUTION ESTABLISHING A PUBLIC HEARING ON THE 2009 TENTATIVE OPERATING BUDGET**

Resolution by Supervisor: Dybas

Seconded by Supervisor: Barone, Sr.

RESOLVED, that pursuant to Section 359 of County Law, the Montgomery County Board of Supervisors shall hold a Public Hearing on the 2009 Tentative Operating Budget at the Supervisors' Chambers, Montgomery County Office Building, 64 Broadway, Fonda, New York at 6:45 pm on Tuesday, November 25, 2008, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is authorized, empowered and directed to publish a notice of said hearing in the official newspapers of the County, and to include therein further notice that copies of the Tentative Operating Budget for 2009 are available at her office, where they may be inspected or acquired by interested persons during business hours, and

FURTHER RESOLVED, that said notice shall contain a statement, showing the maximum salaries that may be fixed and payable during the ensuing fiscal year, to members of the Montgomery County Board of Supervisors, including the Chairman, to be published at least once, with at least five days elapsing between publication of such notice and the specified hearing date.

RESOLUTION ADOPTED with Aye(1819). Supervisor Walters was absent. (10/28/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**EXECUTIVE SESSION**

MOTION TO ENTER EXECUTIVE SESSION by Supervisor DiMezza, seconded by Supervisor Barone, Sr., passed with Aye(1819). Supervisor Walters was absent.

Pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor DiMezza and Barone, respectively, to enter into Executive Session to discuss personnel matters. Executive Session commenced at 7:43PM.



Motion to adjourn the Executive Session at 8:04 PM was made and seconded by Supervisors Greco and Barone, respectively.

Executive Session was adjourned at 8:04 PM.

As a result of Executive Session, no action was taken.

ADJOURNMENT

MOTION TO ADJOURN by Supervisor Greco, seconded by Supervisor Dybas, passed with Aye(1819). Supervisor Walters was absent.

Chairman Greco adjourned the meeting at 8:05 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:00 PM, November 10, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 7:01 PM.

Roll call indicated Committee members present included Supervisors Dybas, Paton, Quackenbush, Strevy, Stagliano and Thayer.

Additional Supervisors present were McMahon, Johnson, Baia, Jonker, DiMezza, Thomas and Greco. Absent was Supervisor Barone.

Items on the agenda, at this time, are as follows:

1. Presentation Bill Helmer - Green & Seifert, PLLC  
Final Report on Solid Waste Management Issues
2. Resolution Authorizing Chairman to sign Renewal Agreement - Fulton-Montgomery Community College (Data Processing)
3. Other

Item #1: (Presentation Bill Helmer - Green & Seifert, PLLC)

Bill Helmer discussed the final report entitled "Report of Green & Seifert Attorneys, PLLC to the Board of Supervisors of Montgomery County, New York regarding Solid Waste Management Issues dated October 2008" which was disseminated to the full board for their review. The document is attached hereto.

Item #2: (Resolution Authorizing Chairman to sign Renewal Agreement - Fulton-Montgomery Community College (Data Processing))

Supervisors DiMezza and Thomas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #3 OTHER: (ADD-ON RESOLUTION: RESOLUTION ESTABLISHING POSITION/PROGRAM - MOBILITY COORDINATION - BOARD OF SUPERVISORS)

Supervisors Walters and Greco made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

OTHER: (ADD-ON RESOLUTION: RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS DOT JARC GRANT - BOARD OF SUPERVISORS)

Supervisors Walters and Jonker made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

OTHER: (ADD-ON RESOLUTION: RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - MONTGOMERY MAX REVENUE CORRECTIONS - SUPERVISOR WALTERS)

Supervisors Walters and Stagliano made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Motion was made and seconded by Supervisors Stagliano and Walters, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 8:13 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
SPECIAL MEETING  
7:15 PM, November 10, 2008

CALL TO ORDER

The Special Meeting of the Montgomery County Board of Supervisors for November 10, 2008 was called to order at 8:00 PM by Chairman Vi to Greco.

SALUTE TO THE FLAG

Supervisor Thayer led the salute to the flag.

ROLL CALL

Roll call indicated that Supervisors Quackenbush, Johnson, Greco, McMahon, Strevy, Dybas, Thayer, DiMezza, Thomas, Jonker, Paton, Stagliano, Walters and Bai a were present. Absent was Supervisor Barone.

STATEMENT OF PURPOSE OF MEETING

- A. RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GREEN & SEIFTER, ATTORNEYS, PLLC - MOSA SERVICE AGREEMENT REVIEW
- B. RESOLUTIONS PERTAINING TO MOSA
- C. OTHER

**RESOLUTION NO. 352 of 2008**

**DATED:** November 10, 2008

RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - BOARD OF SUPERVISORS

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-01-4-1340-00-1120(455)	Deputy Budget Officer	\$ 2,000	\$ 0	(\$ 2,000)
A-01-4-1930-00-4431	Professional Services	\$ 50,000	\$ 25,000	(\$ 25,000)
A-01-4-1910-00-4480	Unallocated Insurance	\$ 650,000	\$400,000	(\$250,000)
A-01-4-1990-00-4400	Cont. Account	\$ 600,000	\$100,000	(\$500,000)
A-01-4-6989-00-4578	Office for the Aging	\$ 200,000	\$220,000	\$ 20,000
A-01-4-8751-00-4438	Cornell Cooperative Ext	\$ 22,000	\$ 27,000	\$ 5,000
A-01-4-8751-00-4575	Cornell Cooperative Ext	\$ 161,700	\$173,019	\$ 11,319

MOTION TO AMEND by Supervisor Di Mezza, seconded by Supervisor Walters as follows:

to strike "A-01-4-1990-00-4400 Cont. Account \$ 600,000 \$100,000 (\$500,000)" and replace with "A-01-4-1990-00-4400 Cont. Account \$ 600,000 \$500,000 (\$100,000)"

, was defeated with Aye(869). Supervisors Johnson, Bai a, Di Mezza, Walters, Thomas, Paton and Stagliano voted Aye. Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1142). Supervisors Johnson, Di Mezza, Thomas and Paton voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 353 of 2008**

**DATED:** November 10, 2008

RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - EMERGENCY MANAGEMENT

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-02-4-3020-00-2250	Technical Equipment	\$ 10,000	\$ 5,000	(\$ 5,000)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 354 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - COUNTY TREASURER**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-06-3-2401	Interest & Earnings	\$ 650,000	\$ 750,000	\$ 100,000

RESOLUTION ADOPTED with Aye(1510). Supervisor DiMezza voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 355 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 OPERATING BUDGET - COUNTY CLERK**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-08-3-1255	Clerks Fees	\$ 675,000	\$ 700,000	\$ 25,000

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 356 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - PERSONNEL**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-10-4-1430-00-1110(526)	Human Resource Clerk	\$ 30,950	\$ 0	(\$ 30,950)
A-10-4-9001-00-8850	Hosp. & Med. Insurance	\$4,600,000	\$4,200,000	(\$400,000)

MOTION TO AMEND by Supervisor Greco, seconded by Supervisor Dybas, as follows:

to strike line "A-10-4-1430-00-1110(526) Human Resource Clerk"

passed with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 357 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - BOARD OF ELECTIONS**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-11-3-2215	Election Service Chgs	\$ 85,000	\$ 100,000	\$ 15,000
A-11-4-1450-00-4408	Office Supplies	\$ 8,000	\$ 7,000	(\$ 1,000)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 358 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - DEPARTMENT OF PUBLIC WORKS**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-12-4-1620-00-1110(149)	Hourly Employees	\$ 566,677	\$ 536,677	(\$ 30,000)
A-12-4-1620-00-4412	Light & Power	\$ 575,000	\$ 525,000	(\$ 50,000)
A-12-4-1620-00-4414	Natural Gas	\$ 275,000	\$ 262,000	(\$ 13,000)
A-12-4-1620-00-4444	Cust. Hshld Supp/Mat	\$ 40,000	\$ 36,000	(\$ 4,000)

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Strevy, as follows:

to strike line A-12-4-1620-00-1110(149) Hourly Employees,

passed with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 359 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - DATA PROCESSING**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-14-4-1670-00-4408	Office Supplies	\$ 15,500	\$ 12,000	(\$ 3,500)
A-14-4-1680-00-4408	Office Supplies	\$ 31,900	\$ 27,400	(\$ 4,500)
A-14-4-1680-00-4422	Equip Lease/Rent Repair	\$ 53,000	\$ 50,000	(\$ 3,000)

RESOLUTION ADOPTED with Aye(1324). Supervisors Johnson, DiMezza and Walters voted Nay.  
Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 360 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE BUDGET - SHERIFF'S OFFICE**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-15-3-2264	Jail Fac/Other Govt	\$1,020,000	\$1,100,000	\$ 80,000
A-15-4-3020-14-1111(728)	Overtime	\$ 60,000	\$ 50,000	(\$ 10,000)
A-15-4-3110-00-1120(145)	Deputies - PT	\$ 174,000	\$ 149,000	(\$ 25,000)
A-15-4-3110-00-4447	Clothing & Uniforms	\$ 27,000	\$ 22,000	(\$ 5,000)
A-15-4-3150-00-1120(323)	Correct. Officers-PT	\$ 285,000	\$ 250,000	(\$ 35,000)
A-15-4-3150-00-4445	Medical Supplies	\$ 210,000	\$ 175,000	(\$ 35,000)

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Thayer, as follows:

to strike the following lines:

A-15-4-3110-00-1120(145) Deputies-PT  
A-25-4-3150-00-1120(323) Corrections Officers - PT

was defeated with Aye(389). Supervisors Johnson, Bai a, Walters and Thayer voted Aye. Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1133). Supervisors Johnson, Bai a, DiMezza and Strevy voted Nay.  
Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 361 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE BUDGET - PUBLIC HEALTH**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-16-3-3277	Educational Handicapped Child.	\$1,887,204	\$1,946,704	\$ 59,500
A-16-4-4046-00-4432	Tuition	\$2,736,850	\$2,836,850	\$100,000
A-16-4-4010-00-4431	Professional Services	\$ 19,000	\$ 15,700	(\$ 3,300)

MOTION TO AMEND by Supervisor Greco, seconded by Supervisor Dybas, as follows:

to strike line A-16-4-4010-00-4431 Professional Services,

passed with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 362 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE BUDGET - MENTAL HEALTH**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-17-4-4310-00-4431	Professional Services	\$ 16,448	\$ 11,448	(\$ 5,000)

RESOLUTION WITHDRAWN BY SPONSOR (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 363 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE BUDGET - DEPARTMENT OF SOCIAL SERVICES**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-18-4-6010-00-1110(1086)	Soc. Welfare Examiner	\$ 25,889	\$ 0	(\$ 25,889)
A-18-4-6010-00-1110(1087)	Welfare Employ. Rep	\$ 28,800	\$ 0	(\$ 28,800)
A-18-4-6010-00-4438	Misc. Support Svcs	\$ 609,867	\$600,000	(\$ 9,867)

RESOLUTION ADOPTED with Aye(1123). Supervisors Johnson, DiMezza, Strevy and Paton voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 364 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE BUDGET - VETERANS SERVICES**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-19-4-6510-00-4422	Equip/Rent/Lease/Repair	\$ 5,500	\$ 3,000	(\$ 2,500)
A-19-4-6510-00-4438	Misc. Support Svcs	\$ 20,000	\$15,000	(\$ 5,000)

RESOLUTION ADOPTED with Aye(1152). Supervisors Johnson, Bai a, DiMezza and Thomas voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 365 of 2008****DATED:** November 10, 2008**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - YOUTH BUREAU**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Greco

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-21-4-3157-00-4438	Misc. Support Svcs	\$ 27,000	\$ 25,000	(\$ 2,000)

RESOLUTION WITHDRAWN BY SPONSOR (11/10/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 366 of 2008****DATED:** November 10, 2008**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - VARIOUS AMENDMENTS - (SUPERVISOR DIMEZZA #1)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Strevy

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-01-4-1010-00-1110(122)	Administrative Aide	\$ 52,990	\$ 0	(\$ 52,990)
A-10-4-1430-00-1110(1274)	Personnel Associate	\$ 37,382	\$ 39,132	\$ 1,750
A-12-4-1620-00-1110(149)	Hourly Employees	\$ 556,677	\$564,677	\$ 8,000
A-12-4-1620-00-1110(427)	Struct. Maint. Sup II	\$ 36,153	\$ 0	(\$ 36,153)
A-22-4-7510-00-1110(1177)	Co. Hist. (Records Mgr)	\$ 37,900	\$ 40,900	\$ 3,000
A-27-4-3140-00-1110(1252)	Probation Director II	\$ 60,853	\$ 63,950	\$ 3,097
A-5-99	Approp. Fund Balance	\$5,400,000	\$6,800,000	\$1,400,000

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Thomas, as follows:

to strike lines "A-12-4-1620-00-1110(149) Hourly Employees",  
"A-12-4-1620-00-1110(427) Struct. Maint. Sup II", "A-5-99 Approp. Fund Balance"

passed with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1158). Supervisors Dybas, Quackenbush, Jonker, Thayer and Stagliano voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 367 of 2008****DATED:** November 10, 2008**RESOLUTION 2009 TENTATIVE OPERATING BUDGET - VARIOUS AMENDMENTS (SUPERVISOR DIMEZZA #2)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Walters

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-06-3-2240	Comm. College Capital Cost	\$ 25,000	\$ 35,000	\$ 10,000
A-06-3-2401	Interest and Earnings	\$ 650,000	\$700,000	\$ 50,000
A-16-3-3401-08	Public Health Grant	\$ 3,000	\$ 2,560	(\$ 440)



A-16-4-4010-08-4449	Spec. Supplies & Mat	\$ 3,000	\$ 2,560	(\$ 440)
A-22-4-7510-00-4431	Professional Svcs	\$ 9,600	\$ 9,024	(\$ 576)
A-18-4-6010-00-1140(962)	Sick Leave Buy-Back	\$ 0	\$ 2,640	\$ 2,640
A-12-4-1620-00-1110(149)	Hourly Employees	\$ 566,677	\$556,677	(\$ 10,000)

MOTION TO AMEND by Supervisor Jonker, seconded by Supervisor Walters, as follows:

to strike line "A-06-3-2401 Interest and Earnings",

passed with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 368 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - MONTGOMERY COUNTY SOIL AND WATER CONSERVATION DISTRICT (SUPERVISOR STREVVY)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-01-4-8710-00-4576	Soil Cons. Dist	\$ 60,000	\$ 70,000	\$ 10,000

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 369 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE BUDGET - VARIOUS AMENDMENTS (SUPERVISOR WALTERS)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Thayer

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-01-4-1010-00-1110(142)	Solid Waste/Mktg Coord	\$ 0	\$ 55,000	\$ 55,000
A-01-4-8160-00-4431	Professional Svcs	\$ 25,000	\$ 0	(\$ 25,000)
A-01-4-8160-00-4438	Misc. Support Svcs	\$1,250,000	\$1,218,550	(\$ 31,450)
A-12-4-1490-00-1110(501)	Executive Secretary	\$ 30,550	\$ 0	(\$ 30,550)
A-12-4-1490-00-1110(1088)	Confidential Secr.	\$ 0	\$ 32,000	\$ 32,000

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 370 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE BUDGET - DEPARTMENT OF PUBLIC WORKS (SUPERVISOR WALTERS #2)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Johnson

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
D-12-4-5110-00-1110(144)	Highway Labor	\$ 620,984	\$ 712,209	\$ 91,225
D-12-4-5110-00-4448	Const & Maint Supp	\$1,019,000	\$1,219,000	\$200,000
D-12-4-9001-00-8810	FICA	\$ 69,000	\$ 75,000	\$ 6,000

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Stagliano, as follows:

to add lines:

Account	Description	Amount	Change To:	Increase (Decreased)
A-06-9900-00 9901	Trans. To Co Rd Fund	\$5,132,526	\$5,429,751	\$297,225
D-12-3-5031	Interfund Transfers	\$5,132,526	\$5,429,751	\$297,225

passed with Aye(1342). Supervisors Bai a, Strevy and Paton voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

#### RESOLUTION NO. 371 of 2008

**DATED:** November 10, 2008

#### RESOLUTION ESTABLISHING POLICY AND GUIDELINES FOR UNAPPROPRIATED/UNRESERVED FUND BALANCES

Resolution by Supervisor: Dybas

Seconded by Supervisor: Greco

WHEREAS, the New York State Comptroller strongly urges a reasonable, stable fund balance as one element of effective long-range planning which can have several benefits including improving bond ratings, reducing reliance on short-term borrowings thereby reducing interest costs, stabilizing tax rates, and protecting programs from cutbacks, and

WHEREAS, the New York State Comptroller encourages that each local government adopt a policy that indicates how factors will be applied in determining the unappropriated unreserved fund balance; this policy can be used from year-to-year in preparing the budget to ensure that the unappropriated unreserved fund balance is consistently maintained at an adequate level, and

WHEREAS, Montgomery County endeavors to comply with the finance articles of County Law (Article 7) as amended to permit municipalities governed by provisions to retain up to a "reasonable amount" of any remaining estimated unappropriated unreserved fund balance for each fund, consistent with the prudent budgeting practices, necessary to ensure the orderly operation of their government and the continued provision of services; in making this determination, the municipality must take into account factors including, but not limited to, the size of the fund, cash flows, the certainty with which the amounts of revenues and expenditures can be estimated and the municipality's experience in prior fiscal years, and

WHEREAS, Montgomery County is governed by these provisions and must include in its budgets a statement of the estimated fund balance for each fund, together with a breakdown of the amount of the fund balance estimated for encumbrances, amounts appropriated for the ensuing fiscal year's budget, amounts reserved for stated purposes pursuant to law and the remaining estimate "unappropriated unreserved fund balance" for each fund, now therefore be it

RESOLVED, Montgomery County hereby adopts the following methodology to calculate "reasonable" unreserved/unappropriated fund balance requirements:

1. The sum of the FOUR (4) prior year actual "Total Detail Expenditures and Other Uses" of the General Fund (A Fund) as reported in each of the respective years, audited and certified reports of the independent Certified Public Accountant.
2. Divide the sum of #1 above by four (4), thereby equaling "an average actual yearly expense".
3. The maximum "reasonable amount of" Unappropriated/Unreserved Fund Balance to be maintained for the General Fund (A Fund) is calculated by multiplying #2 above by 15% for the current budget year or \$10,000,000 - whichever is greater.
4. The "excess unappropriated/unreserved fund balance" for the current budget year shall be

calculated on October 1st of each year by subtracting #3 above from the most current unappropriated/unreserved fund balance as reported in the Certified Public Accountant's report (less any approved appropriations of fund balance by the Board of Supervisors during the current year)

, and

FURTHER RESOLVED, that excess unappropriated/unreserved fund balance as calculated in #4 above shall be used as follows:

1. Fifty percent (50%) shall be designated in a separate "tax stabilization account" to be utilized in the current budget processes to reduce the real property tax levy.
2. Fifty percent (50%) shall be retained for future year's budget process for capital projects.

RESOLUTION ADOPTED with Aye(1240). Supervisors Johnson, DiMezza, Walters and Thomas voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 372 of 2008**

**DATED:** November 10, 2008

**RESOLUTION ESTABLISHING POSITION/PROGRAM - MOBILITY COORDINATION - BOARD OF SUPERVISORS**

Resolution by Supervisor: Walters

Seconded by Supervisor: Greco

WHEREAS, Montgomery County has been notified of an award of \$130,000 over the next two years from NYS Job Access Reverse Commute Program to create a Mobility Coordination Program for the County's Transportation System, and

WHEREAS, said grant shall be utilized to establish a new position within the County to coordinate and manage the Montgomery County Bus System (The MAX),

RESOLVED, that the Montgomery County Board of Supervisors hereby accepts a NYS Job Access Reverse Commute Grant in the amount of \$130,000 for 2009 and 2010 to be utilized to establish a Mobility Coordination Program for the County's Transportation System, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign said grant and related documents to effectuate said program, and

FURTHER RESOLVED, that the Board of Supervisors hereby establishes the position of Mobility Coordinator, a non-bargaining management position in the Board of Supervisors Office and reporting to Board of Supervisors at an annual base salary of \$50,640, and

FURTHER RESOLVED, that said position shall fall under the Board of Supervisors Office in the County's adopted increment system, and

FURTHER RESOLVED, that Jacqueline Meola, Administrative Aide in the Board of Supervisors Office is hereby appointed to the position of Mobility Coordinator effective January 1, 2009, and

FURTHER RESOLVED, that said position shall reside in the current safety officers office and main objective shall be mobility coordination however, when time prevails continue to perform work for the board of supervisors and will keep a record of all projects including dates and times of request, status, and completion of projects and a copy of such record will be provided to each supervisor monthly or upon request.

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2009 Operating Budget as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-01-3-3589	Mass Transportation	\$ 100,100	\$165,100	\$ 65,000
A-01-4-1010-00-1110(xxx)	Mobility Coordinator	\$ 0	\$ 52,990	\$ 52,990
A-01-4-1010-00-1110(122)	Administrative Aide	\$ 52,990	\$ 0	(\$ 52,990)
A-01-4-1010-00-2259	Computer Equipment	\$ 0	\$ 2,000	\$ 2,000
A-01-4-1010-00-4408	Office Supplies	\$ 1,500	\$ 2,500	\$ 1,000
A-01-4-1010-00-4409	Office Furniture	\$ 0	\$ 2,000	\$ 2,000
A-01-4-1010-00-4470	Travel: Related Costs	\$ 2,500	\$ 4,000	\$ 1,500

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Thayer, as follows:

to strike the 2nd Further Resolved clause in its entirety and replace with:

FURTHER RESOLVED, that the Board of Supervisors hereby establishes the position of Mobility Coordinator, a non-bargaining management position in the Board of Supervisors budget to be located in the Economic Development Department and said position shall report to the Economic Development Director at an annual base salary of \$50,640, and

and to strike the 5th FURTHER RESOLVED clause in its entirety.

passed with Aye(1382). Supervisors Dybas, Jonker and Stagliano abstained. Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1478). Supervisors Dybas and Jonker abstained. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 373 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - MONTGOMERY MAX REVENUE CORRECTIONS (SUPERVISOR WALTERS)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Stagliano

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Change Amount	Increase To:	(Decreased)
A-01-3-1789	Other Transportation Income	\$37,000	\$40,000	\$3,000
A-01-3-3589	Transportation	\$165,100	\$157,100	(\$8,000)
A-01-3-3594	Mass Transportation	\$216,080	\$209,585	(\$6,495)
A-01-4563000-4404	Co. Transp. System	\$288,242	\$251,250	(\$36,992)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 374 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - MONTGOMERY COUNTY DATA PROCESSING/PRINTING (SUPERVISOR WALTERS)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Jonker

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decrease)
A-14-4-1680-00.1110(1184)	Network Engineer I	\$ 0	\$37,142	\$37,142

RESOLUTION ADOPTED with Aye(1206). Supervisors Dybas, Bai a, Strevy and Paton voted Nay. Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 375 of 2008**

**DATED:** November 10, 2008

**RESOLUTION TO AMEND 2009 TENTATIVE OPERATING BUDGET - CONFIDENTIAL SECRETARY(SHERIFF'S**

## OFFICE)

Resolution by Supervisor: McMahon

Seconded by Supervisor: Bai a

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decrease)
A-15-4-3110-00-1110(510)	Sheriff's Conf. Secr.	\$36,914	\$42,318	\$5,404.00

MOTION TO AMEND by Supervisor DiMezza, seconded by Supervisor Dybas, as follows:

to pay \$2500 the first year and the balance of \$2904 over the following three years in equal installments,

was defeated with Aye(629). Supervisors Johnson, Dybas, Bai a and DiMezza voted Aye. Supervisor Barone, Sr. was absent. (11/10/2008)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 376 of 2008**

**DATED:** November 10, 2008

**RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET FOR CORRECTIVE CHANGES BY BUDGET OFFICER**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Dybas

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decrease)
A-18-4-6011-00-6100	Medicaid	\$11,068,856	\$10,907,216	(\$161,640)
A-32-4-3315-00-4526	Education Programs	\$ 18,546	\$ 18,542	(\$ 4)

RESOLUTION ADOPTED with Aye(1729). Supervisor Barone, Sr. was absent. (11/10/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**REPUBLICAN CAUCUS**

Supervisor McMahon called for a Republican Caucus which commenced at 8:44 pm and adjourned at 9:15 pm.

**OTHER**

Chairman Greco asked if there were any other items for discussion.

Supervisor Quackenbush stated that the full-time Clerk of the Board position was a very crucial appointment and he felt that all supervisors should be a part of the hiring process. He clarified that he has no relatives applying for the position.

Chairman Greco stated that all supervisors would have copies of the resumes submitted to them and should submit their 15 choices by the timeline provided by Chairman Greco.

**ADJOURNMENT**

MOTION TO ADJOURN by Supervisor Stagliano, seconded by Supervisor DiMezza, passed with Aye(1729).

Supervisor Barone, Sr. was absent. .

Chairman Greco adjourned the Special Meeting at 10:42 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:00 PM, November 18, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 7:00 PM.

Roll call indicated Committee members present are Supervisors Dybas, Johnson, Barone, DiMezza, Baia and McMahon.

Additional Supervisors present were Thayer, Greco, Stagliano, and Thomas. Absent were Supervisors Strevy, Jonker, Paton and Walters.

Chairman Quackenbush has called a meeting of the Finance Committee for 7:00p.m. on Tuesday, November 18, 2008 in the Supervisors' Chambers, County Office Building, 64 Broadway, Fonda, New York.

Items on the agenda, at this time, are as follows:

1. Discussion regarding 2009 General Liability/Flood Insurance RFP  
Presentations -  
Mang Insurance Agency  
Hays & Wormuth, Inc.  
Hearn Agency, Inc.  
Ten Eyck Group
2. Presentation - 2007 Audited Financial Statements  
Bollam, Sheedy & Torani
3. Resolution Authorizing Chairman to Sign Agreement - Veterinary Services - Rabies Specimen Preparation Services (Public Health)
4. Resolution Rescheduling December Board of Supervisors Meeting
5. Resolution Amending 2008 Operating Budget - Fuel/Medical Supplies (Sheriff)
6. Resolution Authorizing Chairman to Sign Agreement - Records Management Consulting Services (History and Archives)
7. Resolution Amending 2009 Tentative Operating Budget - CSEA Contract Settlement (Personnel)
8. Resolution Approving Auctioneering Services Agreement - County-Owned Real Property Sale (Treasurer)
9. Resolution Approving Reliev of Delinquent School Taxes, Village Taxes, Water Rents and Sewer Taxes
10. Resolution Delegating Authority to Amend 2008 Operating Budget
11. Resolution Authorizing Accounts Payable Year End Adjustments - 2008 Operating Budget
12. Resolution Adopting Montgomery County 2009 Operating Budget
13. Discussion Regarding the Establishment of a Solid Waste Reserve Fund
14. Other

Chairman Quackenbush stated that because all the carriers were not yet present, the Finance Committee would entertain the resolutions prior to the presentations.

Supervisor Walters entered the chamber @ 7:04 pm.

Item #1(formally Item#3): (Resolution Authorizing Chairman to Sign Agreement - Veterinary Services - Rabies Specimen Preparation Services (Public Health)): The Resolution, sponsored by

Supervisors Barone and Baia, respectively, was moved to the Full Board with no recommendation. Supervisor Dybas objected. Supervisor Dybas stated the resolution would need to be amended to include who is the veterinary service and how much will it cost. Supervisor Barone stated he would check with the Public Health Director and the resolution will be amended at the full board.

Supervisor Paton entered the chamber @ 7:05 pm.

Item #2(formally Item#4): (Resolution Rescheduling December Board of Supervisors Meeting): The Resolution, sponsored by Supervisors Johnson and Greco, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #3(formally Item#5): (Resolution Amending 2008 Operating Budget-Fuel/Medical Supplies): The Resolution, sponsored by Supervisors Dybas and McMahon, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #4(formally Item#6): (Resolution Authorizing Chairman to Sign Agreement - Records Management Consulting Services): The Resolution, sponsored by Supervisors DiMezza and McMahon, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #5(formally Item#7): (Resolution Amending 2009 Tentative Operating Budget - CSEA Contract Settlement): The Resolution, sponsored by Supervisors DiMezza and Baia, respectively, was moved to the Full Board with no recommendation. There were no objections.

Item #6(formally Item#8): (Resolution Approving Auctioneering Services Agreement - County-Owned Real Property Sale): The Resolution, sponsored by Supervisors Barone and Dybas, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #7(formally Item#9): (Resolution Approving Reliev of Delinquent School Taxes, Village Taxes, Water Rents and Sewer Taxes): The Resolution, sponsored by Supervisors Baia and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #8(formally Item#10): (Resolution Delegating Authority to Amend 2008 Operating Budget): Supervisor DiMezza made a motion to amend, Supervisor Stagliano seconded. The Resolution, sponsored by Supervisors Barone and Baia, respectively, was moved to the Full Board with no recommendation. There were no objections.

Item #9(formally Item#11): (Resolution Authorizing Accounts Payable Year End Adjustments - 2008 Operating Budget): The Resolution, sponsored by Supervisors Barone and Dybas, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #10(formally Item#12): (Resolution Adopting Montgomery County 2009 Operating Budget): The Resolution, sponsored by Supervisors Quackenbush and Barone, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

CLERK'S NOTE: PER COUNTY TREASURER - (MAKE THIS THE LAST #'D RESOLUTION FOR THE FULL BOARD)

Item #11(formally Item#13): Discussion Regarding the Establishment of a Solid Waste Reserve Fund: chairman Quackenbush stated that a Solid Waste Reserve Fund is legitimate per NYS law. He suggested to the board they decide if they would like to do it.

Item #12(formally Item#14) (Other)

(ADD-ON RESOLUTION - (Resolution Authorizing Memorandum of Agreement Between FMCC Buildings and Grounds Unit, Fulton-Montgomery Community College, Fulton County and Montgomery County - 2007-2010 Collective Bargaining Agreement) The Resolution, sponsored by Supervisors McMahon and Dybas, respectively, was moved to the Full Board with no recommendation. There were no objections.

(ADD-ON RESOLUTION - (Resolution Amending 2009 Tentative Operating Budget - District Attorney's Office) The Resolution, sponsored by Supervisors Thomas and DiMezza, respectively, was moved to the Full Board with no recommendation. Supervisors Dybas and Quackenbush objected.

(ADD-ON RESOLUTION - (Resolution Endorsing Grant Application - Ful-Mont Snow Travelers, Inc. - NYS Office of Parks, Recreation & Historic Preservation) The Resolution, sponsored by Supervisors Johnson and Barone, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION - (Resolution Amending 2008 Operating Budget - 2008 MOSA GAT Shortfall) The Resolution, sponsored by Supervisors Walters and Quackenbush, respectively, was moved to the Full Board with no recommendation. There were no objections.

(ADD-ON RESOLUTION - (Resolution Authorizing Chairman to Sign Agreement - Community Health Assessment - Public Health) The Resolution, sponsored by Supervisors Barone and Dybas, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #13 (formally Item#1): Discussion regarding 2009 General Liability/Flood Insurance RFP

Presentations and proposals were given by Mang Insurance Agency, Hays & Wormuth, Inc., Hearn



Agency, Inc., and Ten Eyck Group. Copies of proposals are on file in the Board of Supervisors Office.

Item #14(formally Item #2): Presentation - 2007 Audited Financial Statements Bollam, Sheedy & Torani

Willard Reynolds, of Bollam, Sheedy & Torani indicated the fund balance that Montgomery County has is not an exorbitant amount based on monthly expenses of the county. He stated that there was a reclassification of sales tax to recognize all sales tax as revenues and amounts distributed to the towns as expenditures.

Supervisor Barone exited the chamber at 9:02 pm.

Supervisor Barone entered the chamber at 9:11 pm.

Supervisors Baia and Barone made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 9:40 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:15 PM, November 18, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 9:42 PM.

Roll call indicated Committee members present were Supervisors Quackenbush, Barone, Johnson, McMahon, Walters and Thomas.

Additional Supervisors present were Supervisors Greco, Dybas, Thayer, Stagliano, Paton and Baia. Absent were Supervisors Strevy and Jonker.

Chairman DiMezza has called a meeting of the Personnel Committee for 9:42 p.m. on Tuesday, November 18, 2008 in the Supervisors' Chambers, County Office Bldg, 64 Broadway, Fonda, NY.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - Time Clock Maintenance - M.M. Hayes (Personnel)
2. Resolution Ratifying Memorandum of Agreement between the County of Montgomery and Montgomery County Local 829 of CSEA, Inc. and Authorizing Chairman to Sign Contract for the Period of January 1, 2009 - December 31, 2012
3. Resolution Reappointing Personnel Officer
4. Other

Supervisors Stagliano and Thayer exited the chamber @ 9:43 pm.

Item #1: (Resolution Authorizing Chairman to Sign Agreement - Time Clock Maintenance - M.M. Hayes - Personnel): The Resolution, sponsored by Supervisors Thomas and Barone, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: (Resolution Ratifying Memorandum of Agreement between the County of Montgomery and Montgomery County Local 829 of CSEA, Inc. and Authorizing Chairman to Sign Contract for the Period of January 1, 2009 - December 31, 2012): The Resolution, sponsored by Supervisors DiMezza and Thomas, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: (Resolution Reappointing Personnel Officer): The Resolution, sponsored by Supervisors DiMezza and Barone, respectively, was moved to the Full Board with a positive recommendation. Supervisor Dybas objected.

Item #4: Other: Chairman DiMezza asked if there were any other items for discussion. Personnel Officer Richard Baia handed out a spreadsheet and instructed all supervisors to pick 6 candidates for the position of Clerk of the Board by Friday, November 21, 2008. He also asked if all chairpersons could stay to sign the evaluations for non-bargaining employees.

Personnel Officer Richard Baia brought to the boards attention that the Department of Public Works has a vacancy of a Motor Vehicle Operator#1 due to an illness and Commissioner Clayburn would like to bring back a retiree to fill the position. The question arose as to whether he would be eligible to receive "active" employee benefits. Chairman DiMezza stated there are too many people unemployed and that Commissioner Clayburn should look elsewhere to fill the position.

Supervisors Thomas and Johnson made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 9:46 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BUILDING, 64 BROADWAY, FONDA, NY  
PUBLIC HEARING  
6:45 PM, November 25, 2008

2009 Tentative Operating Budget

PUBLIC HEARING DISCUSSION

Chairman Greco called the public hearing to order at 6:45 p.m. in the Supervisors Chambers.

Present were Supervisors Quackenbush, Paton, McMahon, Strevy, Dybas, Stagliano, Barone, Walters, DiMezza, Thomas, Greco, Baia, Jonker, and Thayer. Absent was Supervisor Johnson.

The following notice was read:

NOTICE OF PUBLIC HEARING

2009 TENTATIVE OPERATING BUDGET

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of the County of Montgomery will meet in the Montgomery County Supervisors' Chambers, Montgomery County Office Building, Route 30A (64 Broadway), Fonda, New York at 6:45 p.m. on Tuesday, November 25, 2008 for the purpose of holding a public hearing on the Tentative Budget for the fiscal year beginning January 1, 2009, as required by County Law of the State of New York.

FURTHER NOTICE is hereby given that copies of said 2009 Tentative Budget are available at the Office of the Board of Supervisors, County Annex Building, 20 Park Street, Fonda, New York where they may be inspected or procured by any interested persons during business hours.

PURSUANT to the County Law, the maximum salaries that may be fixed and payable during said fiscal year to members of said Board of Supervisors and to the Chairman thereof, respectively, are specified as follows:

Chairman of the Board of Supervisors	\$15,000.00
Members of the Board of Supervisors (14) at	\$10,000.00 each

By order of the Board of Supervisors of Montgomery County.

Cheryl Reese  
Interim Clerk of the Board  
DATED: October 29, 2008

Chairman Greco expressed his appreciation to the Finance Committee, the members of the Board and Department Heads for their efforts in formulating the 2009 budget.

Chairman Greco asked if anyone wished to speak.

Clifford Balder, Director of Office for the Aging, spoke in regards to their budget request. He disseminated a handout entitled "Montgomery County Office for Aging, Inc. Additional Information Related to 2009 Budget Request." He stressed the importance of maintaining funding in the 2009 Budget.

There were no other speakers.

Chairman Greco adjourned the public hearing at 6:52 p.m.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, November 25, 2008

OTHER

Prior to the Full Board Meeting being called to order,

Chairman Greco introduced Tony Howard and Chris Collins from CanaRx. Mr. Howard presented the Board with a check for \$1 million dollars representing the savings that Montgomery County incurred from June 2006 to November 2008 being enrolled in CanaRx.

CALL TO ORDER

Chairman Greco called the Regular Meeting of the Montgomery County Board of Supervisors for October 28, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor Strevy led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, McMahon, Strevy, Dybas, Thayer, Barone, Paton, Thomas, Johnson, Greco, Jonker, Baia, Stagliano, Walters, and DiMezza were present.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if there was anyone who wished to speak.

Jan Beaver & Michelle Shelling, Town of Charleston, urged the Board for support in regards to creating an animal abuse task force.

William VanGorder, Mang Insurance, disseminated a letter to the Board in regards to Comprehensive Property and Liability Insurance. He stated that NYMIR is willing to renew the policy for one year without cancellation fees so that the Board has more time to review the insurance proposals to help Montgomery County make a sound decision regarding the purchase of insurance.

Gerard Colistra, Hearn Agency, Inc., disseminated a document entitled "County of Montgomery, County Annex Building, RFP#02-08, Comprehensive Property, Liability and Flood Insurance. He asked the Board to consider Hearn as their new insurance agent.

B. Presentation

Laura Velez, NYS Social Services Deputy Commissioner and Alan Lawitz, NYSOCFS Adult Services Unit presented Certificates of Recognition to Montgomery County Employees Theresa Cranker and Elizabeth Minnitti for their outstanding work in Adult Protective Services.

MOTION TO AMEND THE AGENDA

Chairman Greco discussed a need for a motion to amend the agenda for this evening. There are five add-on resolutions.

The motion to amend the agenda was clarified by Chairman Greco as follows:

RESOLUTION APPROVING RETIREMENT AND TRANSFER OF K-9 TINO will become Resolution #399

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GAT SUBSIDY - MOSA will become Resolution #400

RESOLUTION TO CONTRIBUTE FUNDS TO THE DEMOLITION OF PIONEER STREET MILL IN THE TOWN OF AMSTERDAM will become Resolution #401

RESOLUTION AMENDING THE 2009 DEPARTMENT OF PUBLIC WORKS BUDGET will become Resolution #402

RESOLUTION AMENDING THE 2009 SOCIAL SERVICES BUDGET will become Resolution #403.

Chairman Greco stated that these resolutions will be added to the end of the agenda with the exception of Resolution #398 which will be the last resolution to be voted on.

MOTION TO AMEND AGENDA by Supervisor Barone, Sr., seconded by Supervisor Walters, as outlined above passed with Aye(1363). Supervisors Dybas, Quackenbush, Jonker and Stagliano voted Nay.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION(October 28, 2008 - November 18, 2008) by Supervisor Barone, Sr., seconded by Supervisor Dybas, passed with Aye(1868).

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Di Mezza, seconded by Supervisor Bai a, passed with Aye(1868).

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Resolutions

B. Other

**RESOLUTION NO. 377 of 2008**

**DATED:** November 25, 2008

RESOLUTION RESCHEDULING DECEMBER BOARD OF SUPERVISORS MEETING

Resolution by Supervisor: Johnson

Seconded by Supervisor: Greco

RESOLVED, that the Regular Meeting of the Montgomery County Board of Supervisors, originally scheduled for 7:00 pm, Tuesday, December 23, 2008 is hereby rescheduled to 7 pm, December 16, 2008.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 378 of 2008**

**DATED:** November 25, 2008

**\*\*See Appendix for Resolution Attachment\*\***

RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT BETWEEN FMCC BUILDINGS AND GROUNDS UNIT, FULTON-MONTGOMERY COMMUNITY COLLEGE, FULTON COUNTY AND MONTGOMERY COUNTY - 2007- 2010 COLLECTIVE BARGAINING AGREEMENT

Resolution by Supervisor: McMahon

Seconded by Supervisor: Dybas

WHEREAS, Fulton-Montgomery Community College has recommended entering a Collective Bargaining Agreement with the FMCC Buildings and Grounds Unit, and WHEREAS, said Agreement shall be for a period commencing on September 1, 2007 and ending on August 31, 2010,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a Memorandum of Agreement between the Civil Service Employees Association, Inc., AFSCME, Local 1000, AFL-CIO, FMCC Buildings and Grounds Unit, Fulton-Montgomery Community College, Fulton County and Montgomery County, as attached hereto and made a part hereof, and

FURTHER RESOLVED, that this Resolution is contingent upon adoption of a similar Resolution by the Fulton County Board of Supervisors.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon

Cheryl Reese

County Attorney

Interim Clerk, Board of Supervisors

**RESOLUTION NO. 379 of 2008****DATED:** November 25, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - RECORDS MANAGEMENT CONSULTING SERVICES (HISTORY AND ARCHIVES)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: McMahon

WHEREAS, the Department of History & Archives has received a \$9,024 grant award from the New York State Local Government Records Management Improvement Fund, and

WHEREAS, said funds will be used to hire a consultant to draft a disaster and business continuity plan regarding all forms of the County's records,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign an agreement with Alicia Jettner, a Records Management Consultant, to draft said disaster and business continuity plan,

FURTHER RESOLVED, that said agreement, which shall commence on November 25, 2008 and end on June 30, 2009, shall provide for compensation in an amount not to exceed \$9,024.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 380 of 2008****DATED:** November 25, 2008**RESOLUTION ENDORSING GRANT APPLICATION - FUL-MONT SNOW TRAVELERS, INC. - NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Ful-Mont Snow Travelers Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation for a grant under the Recreational Trails Program for a trail project to be located partially in Montgomery County, a site located within the territorial jurisdiction of this Board of Supervisors; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Board of Supervisors of Montgomery County hereby does approve and endorse the application of the Ful-Mont Snow Travelers Inc. for a grant under the Recreational Trails Program for a trail project known as the Ful-Mont Snow Travelers Trail Groomer Purchase and located within this community.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 381 of 2008****DATED:** November 25, 2008**RESOLUTION AMENDING 2008 OPERATING BUDGET - FUEL/MEDICAL SUPPLIES (SHERIFF)**

Resolution by Supervisor: Dybas

Seconded by Supervisor: McMahon

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

TRANSFER FROM:

A-15-4-3150-00 .1120(323) Correction Officer - PT \$55,000

## TRANSFER TO:

A-15-4-3150-00 . 4441	Gasol i ne/oil	\$ 3, 000
. 4445	Medi cal Suppl i es	\$52, 000

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 382 of 2008****DATED:** November 25, 2008

## RESOLUTION AMENDING 2009 TENTATIVE OPERATING BUDGET - DISTRICT ATTORNEY'S OFFICE

Resolution by Supervisor: Thomas

Seconded by Supervisor: Di Mezza

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-25-4-1165-00(1283)	Clerk Typist	\$25, 068	\$0	(\$25, 068)
A-25-4-1165-00(1083)	Princ. Acct. Clerk Typist	\$0	\$30, 050	\$30, 050

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 383 of 2008****DATED:** November 25, 2008

## RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - VETERINARY SERVICES - RABIES SPECIMEN PREPARATION SERVICES (PUBLIC HEALTH)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, the Public Health Department is required by the New York State Department of Health, as described in Article 21 Title IV sec. 2145 of the state health law, and

WHEREAS, the Public Health Director has identified a need to contract with a Veterinarian for professional Veterinary Services - to provide for Rabies Specimen preparation Services.

WHEREAS, said proposal is for a three year period commencing on December 1, 2008 and ending on December 31, 2010

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign and execute the contract and any documents pertaining to said award.

FURTHER RESOLVED, that this agreement may be renewed without further action of the Board of Supervisors contingent upon the terms therein remain substantially the same.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 384 of 2008****DATED:** November 25, 2008

## RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - COMMUNITY HEALTH ASSESSMENT (PUBLIC HEALTH)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, the Public Health Department is required to submit a Community Health Assessment every five years, and

WHEREAS, costs associated with preparation of said Assessment are reimbursed under Article 6 of the Public Health Law, and

WHEREAS, the public health Director has determined the need to contract with a consultant for professional services to prepare the Community Health Assessment, and

RESOLVED, that the total cost of the project shall not exceed \$7,500.00.

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign and execute the contract and any documents pertaining to said award.

FURTHER RESOLVED, that this agreement may be renewed without further action of the Board of Supervisors contingent upon the terms therein remain substantially the same.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 385 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - FULTON-MONTGOMERY COMMUNITY COLLEGE (DATA PROCESSING)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Thomas

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a renewal agreement for the provision of data processing payroll services to Fulton-Montgomery Community College and,

FURTHER RESOLVED, that said agreement, with estimated revenue of \$11,694, shall be for a period commencing January 1, 2009 and ending December 31, 2009.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 386 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AMENDING 2008 OPERATING BUDGET - 2008 MOSA GAT SHORTFALL - (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Quackenbush

WHEREAS, it is anticipated that Montgomery County will be short by approximately 10,500 tons in its Guaranteed Annual Tonnage agreement with the Montgomery-Otsego-Schoharie Solid Waste Authority (MOSA), and

WHEREAS, as per the service agreement, Montgomery County will be responsible for the full tip fee for 2008 for each ton that it is short and the County's 2008 Operating Budget should be amended to provide for payment of such shortfall, and

WHEREAS, it is anticipated that the current line item will have \$175,000 remaining due to tonnage not being delivered,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2008 Operating Budget as follows:

INCREASE:

A-599	Appropriated Fund Balance	\$925,000
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INCREASE:

A-01-4-8160-00-4438 Miscellaneous Support Services \$925,000

RESOLUTION ADOPTED with Aye(1732). Supervisor Dybas voted Nay. (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 387 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - NYS DOT JARC GRANT (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Jonker

WHEREAS, Montgomery County has been notified of a grant award by the NYS Department of Transportation under its Job Access Reverse Commute Program in the amount of \$150,000 over the next two years to supplement the Montgomery County Transportation System's (The Max) operating expenses,

RESOLVED, that the Board of Supervisors hereby accepts said NYS DOT JARC grant funding for the 2008 and 2009 fiscal years, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign said grant agreement and other related documents to effectuate said program.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 388 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - TIME CLOCK MAINTENANCE - M.M. HAYES (PERSONNEL)**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Personnel Officer has recommended renewal of the Time Clock Maintenance Agreement,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a one-year renewal of the Kronos Time System Maintenance Agreement with M.M. Hayes, at a cost not to exceed \$8,240.00 for the period commencing on February 1, 2009 and ending on January 31, 2010.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 389 of 2008**

**DATED:** November 25, 2008

**RESOLUTION APPOINTING PART-TIME INTERIM DIRECTOR OF VETERANS SERVICE**

Resolution by Supervisor: Strevy

Seconded by Supervisor: McMahon

WHEREAS, the current Veterans Director will begin military leave effective December 10, 2008 and and Interim Director will need to serve in his absence,

RESOLVED, that Dwight Thompson hereby is appointed Part Time Interim Veterans Director at a salary of \$20 per hour and at a maximum of 7 hours per week effective 12/10/2008, to serve at the

pleasure of the Board, and

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Barone, Sr., as follows:

to strike the RESOLVED CLAUSE in its entirety and replace with:

"RESOLVED, that Dwight Thompson hereby is appointed Part-Time Interim Veterans Service Director at a salary of \$20 per hour not to exceed 20 hrs/per week effective 12/10/2008, to serve at the pleasure of the Board until the current Veterans Service Director returns from military service."

passed with Aye(1868). (11/25/2008)

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 390 of 2008**

**DATED:** November 25, 2008

**RESOLUTION REAPPOINTING PERSONNEL OFFICER**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Barone, Sr.

WHEREAS, the term of the Personnel Officer expires on March 18, 2009, and

WHEREAS, it has been recommended that the incumbent be reappointed to a six-year term, and

RESOLVED, that Richard E. Baia hereby is reappointed Personnel Officer for a six-year term commencing on March 19, 2009 and ending on March 18, 2015.

RESOLUTION ADOPTED with Aye(1732). Supervisor Dybas voted Nay. (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 391 of 2008**

**DATED:** November 25, 2008

**\*\*See Appendix for Resolution Attachment\*\***

**RESOLUTION RATIFYING MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND MONTGOMERY COUNTY LOCAL 829 OF CSEA, INC. AND AUTHORIZING CHAIRMAN TO SIGN CONTRACT FOR THE PERIOD OF JANUARY 1, 2009 - DECEMBER 31, 2012**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Thomas

WHEREAS, negotiations for a successor employment agreement to the contract with Montgomery County Local 829 of CSEA have been conducted, with the parties reaching one Memorandum of Agreement which now includes both Full-time and Part-time employees, and

WHEREAS, the membership of Montgomery County Local CSEA 829 has ratified the Memorandum of Agreement, and

RESOLVED, that the Montgomery County Board of Supervisors hereby ratifies and approves the Full-time/Part-time Memorandum of Agreement, as attached hereto, between the County of Montgomery and Local 829 of CSEA, Inc. pertaining to a successor employment contract, and

FURTHER RESOLVED, that the Chairman of The Board of Supervisors, upon review and approval of the County Attorney is hereby authorized and directed to sign the Full-time/Part-time contract, incorporating said Memorandum of Agreement, with CSEA for the period of January 1, 2009 - December 31 2012.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 392 of 2008**

**DATED:** November 25, 2008

**\*\*See Appendix for Resolution Attachment\*\***

## RESOLUTION AMENDING THE 2009 TENTATIVE BUDGET FOR CSEA CONTRACT SETTLEMENT (PERSONNEL)

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Bai a

WHEREAS, Pursuant to Resolution #391 of 2008 dated November, 25, 2008 the County of Montgomery ratified a contract with the CSEA, Local 1000 AFSCME, AFL-CIO

RESOLVED, that the 2009 Tentative Operating Budget is amended as follows:

## DECREASE:

A-10-4-1430-00-1125 (337) Other Compensation/Raises \$350,000  
 A-01-4-1990-00-4400 Contingent Account \$\_\_\_\_\_

## INCREASE:

(see attached listing)

Individual line items and amounts will be provided when completed

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor Di Mezza, as follows:

to strike the RESOLVED clause and replace with the following:

RESOLVED, that the 2009 Operating Budget is amended as follows:

ACCOUNT	DESCRIPTION	INCREASE/ (DECREASE)
A 10 4 1430 0 1125 337	OTHER COMPENSATION/RAISE	(\$350,000)
	APPROPRIATED FUND BALANCE	\$239,929
A 6 4 9900 0 9901	TRANSFER TO CO. RD. FUND	\$ 61,130
A 6 4 9900 0 9903	TRANSFER TO RD. MACH. FUND	\$ 18,218
A 2 4 3640 0 1110 1407	ACCT CLERK TYPIST	\$1,836
A 6 4 1325 0 1110 113	ACCOUNTANT	\$2,536
A 6 4 1325 0 1110 545	ACCOUNTANT	\$1,541
A 6 4 1325 0 1110 1331	ACCOUNT CLERK TYPIST	\$1,018
A 6 4 1325 0 1110 1406	PRINCIPAL ACCOUNT CLERK	\$3,669
A 7 4 1355 0 1110 55	GRAPHIC INFO. SYS. SPEC.	\$2,257
A 7 4 1355 0 1110 1029	REAL PROP. INFO. SPEC.	\$2,007
A 7 4 1355 0 1110 1053	REAL PROP TAX RESRCH TECH	\$1,611
A 8 4 1410 0 1110 62	INDEX/RECORDING CLERK	\$2,455
A 8 4 1410 0 1110 197	MOTOR VEHICLE CLERK	\$2,465
A 8 4 1410 0 1110 199	MOTOR VEHICLE CLERK	\$3,041
A 8 4 1410 0 1110 200	MOTOR VEHICLE CLERK	\$2,691
A 8 4 1410 0 1110 254	MOTOR VEHICLE CLERK	\$2,529
A 8 4 1410 0 1110 258	MOTOR VEHICLE CLERK	\$3,041
A 8 4 1410 0 1110 287	MOTOR VEH SUPERVISOR	\$3,669
A 8 4 1410 0 1110 381	INDEX CLERK/RECRDNG CLERK	\$1,875
A 8 4 1410 0 1110 417	SR. MOTOR VEHICLE CLERK	\$3,721
A 8 4 1410 0 1110 418	DATA ENTRY MACHINE OPER.	\$1,622
A 8 4 1410 0 1110 420	INDEX RECORDING CLERK	\$1,875
A 8 4 1410 0 1110 721	SR ACCOUNT CLERK TYPIST	\$1,875
A 10 4 1430 0 1110 1100	SR ACCOUNT CLERK TYPIST	\$1,809
A 10 4 1430 0 1110 1391	PAYROLL/BENEFITS COORD	\$2,404
A 12 4 1620 0 1110 149	HOURLY EMPLOYEES	\$37,355
A 12 4 1620 0 1110 427	STRUC MAINT SUPER II	\$2,690
A 12 4 1671 0 1110 477	MAIL/MATERIAL SPECIALIST	\$1,764
A 12 4 1620 0 1110 1190	ELECTRONICS TECHNICIAN	\$2,671
A 14 4 1680 0 1110 17	MICRO COMPUTER TECHNICIAN	\$1,393
A 14 4 1680 0 1110 280	MICRO COMPUTER TECHNICIAN	\$2,404
A 14 4 1680 0 1110 285	SENIOR COMPUTER OPERATOR	\$6,230
A 14 4 1680 0 1110 333	SR COMPUTER PROGRAMMER	\$2,800
A 14 4 1680 0 1110 662	MICRO COMPUTER TECHNICIAN	\$1,591
A 14 4 1680 0 1110 705	DATA ENTRY/COMPUTER OPER	\$1,501
A 14 4 1680 0 1110 741	PROGRAMMING SUPERVISOR	\$3,676
A 14 4 1680 0 1110 742	NETWORK TECHNICIAN	\$3,504
A 14 4 1680 0 1110 1183	PRIN ACCT CLRK TYP/DEMO	\$2,870
A 14 4 1680 0 1110 1329	COMPUTER SERVICES CO-ORD.	\$1,472
A 14 4 1680 0 1110 1349	PROGRAMMER/ANALYST SPECIAL	\$2,741
A 14 4 1680 0 1110 1370	NETWORK COORDINATOR	\$3,459
A 14 4 1670 0 1110 1389	SR PRINTER/COMPOSER	\$1,505

A	15	4	3020	14	1110	110	DISPATCHER	\$2,835
A	15	4	3020	14	1110	399	DISPATCHER	\$2,698
A	15	4	3020	14	1110	682	DISPATCHER	\$1,875
A	15	4	3020	14	1110	707	DISPATCHER	\$2,720
A	15	4	3020	14	1110	729	TECH. COMMUNICATION COORD	\$3,830
A	15	4	3020	14	1110	930	DISPATCHER	\$1,809
A	15	4	3020	14	1110	931	DISPATCHER	\$2,625
A	15	4	3020	14	1110	1411	DISPATCHER	\$2,795
A	15	4	3020	14	1110	1413	DISPATCHER	\$2,880
A	15	4	3110	0	1110	462	SR. ACCOUNT CLERK TYPIST	\$855
A	15	4	3110	0	1110	1416	ACCOUNT CLERK TYPIST	\$1,611
A	15	4	3112	0	1110	754	SR. CIVIL ACCOUNT CLERK	\$1,092
A	15	4	3112	0	1110	1181	CHIEF CIVIL ACCOUNT COOR.	\$2,271
A	15	4	3150	0	1110	29	HEAD COOK	\$2,750
A	15	4	3150	0	1110	63	COOK	\$1,875
A	15	4	3150	0	1110	130	CORRECTION FACILITY NURSE	\$2,102
A	15	4	3150	0	1110	262	CORRECTION FACILITY NURSE	\$1,415
A	15	4	3150	0	1110	338	ACCOUNT CLERK/TYPIST	\$1,510
A	15	4	3150	0	1110	1417	COOK	\$1,951
A	16	4	4010	0	1110	27	PROGRM SPECIALIST CCS-100	\$1,490
A	16	4	4010	0	1110	183	ACCOUNT CLERK TYPIST- 53%	\$1,088
A	16	4	4010	0	1110	275	COMM. HEALTH NURSE - 65%	\$2,141
A	16	4	4010	0	1110	356	COMMUNITY HEALTH NURSE	\$1,941
A	16	4	4010	0	1110	369	COMMUNITY HEALTH EDUCATOR	\$1,326
A	16	4	4010	0	1110	430	CCS SPECIALIST 100%	\$2,536
A	16	4	4010	0	1110	435	SENIOR ACCOUNT CLERK TYP	\$1,875
A	16	4	4010	0	1110	1081	PRINCIPAL ACCOUNT CLERK	\$3,002
A	16	4	4010	0	1110	1082	SR. ACCOUNT CLERK TYPIST	\$1,335
A	16	4	4010	0	1110	1366	COMM. HEALTH WORKER - 70%	\$2,040
A	18	4	6010	0	1110	18	RPN	\$1,609
A	18	4	6010	0	1110	34	SOCIAL WELFARE EXAMINER	\$2,328
A	18	4	6010	0	1110	80	SOCIAL WELFARE EXAMINER	\$2,959
A	18	4	6010	0	1110	87	CASEWORKER	\$2,601
A	18	4	6010	0	1110	91	COMPUTER CONSOLE OPERATOR	\$1,151
A	18	4	6010	0	1110	92	COMPUTER CONSOLE OPERATOR	\$832
A	18	4	6010	0	1110	94	SOCIAL WELFARE EXAMINER	\$2,959
A	18	4	6010	0	1110	96	SOCIAL WELFARE EXAMINER	\$2,959
A	18	4	6010	0	1110	104	SENIOR ACCT CLK TYPIST	\$1,057
A	18	4	6010	0	1110	111	RESOURCE/RECOVERY COORD.	\$1,667
A	18	4	6010	0	1110	213	CASEWORKER	\$2,583
A	18	4	6010	0	1110	273	STAFF DEV COORDINATOR	\$2,404
A	18	4	6010	0	1110	282	PRIN. SOCIAL WEL EXAMINER	\$4,495
A	18	4	6010	0	1110	293	WMS SUPERVISOR	\$2,021
A	18	4	6010	0	1110	321	SOCIAL WELFARE EXAMINER	\$3,245
A	18	4	6010	0	1110	322	SOCIAL WELFARE EXAMINER	\$2,614
A	18	4	6010	0	1110	325	SR. CASEWORKER	\$4,669
A	18	4	6010	0	1110	328	SR SOCIAL WELFARE EXAMINE	\$3,640
A	18	4	6010	0	1110	345	SUPPORT INVESTIGATOR	\$2,186
A	18	4	6010	0	1110	346	SOCIAL WELFARE EXAMINER	\$3,101
A	18	4	6010	0	1110	354	ACCOUNT CLERK TYPIST	\$1,616
A	18	4	6010	0	1110	357	ACCOUNT CLERK TYPIST	\$1,611
A	18	4	6010	0	1110	359	SOCIAL WELFARE EXAMINER	\$3,167
A	18	4	6010	0	1110	361	ACCOUNT CLERK TYPIST	\$1,611
A	18	4	6010	0	1110	363	ACCOUNT CLERK TYPIST	\$1,261
A	18	4	6010	0	1110	364	SOCIAL WELFARE EXAMINER	\$3,101
A	18	4	6010	0	1110	365	ACCOUNT CLERK TYPIST	\$813
A	18	4	6010	0	1110	371	CASE SUPERVISOR (B)	\$3,497
A	18	4	6010	0	1110	372	CASE SUPERVISOR (B)	\$4,119
A	18	4	6010	0	1110	373	CASEWORKER	\$2,565
A	18	4	6010	0	1110	375	CASEWORKER	\$2,241
A	18	4	6010	0	1110	376	CASEWORKER	\$2,590
A	18	4	6010	0	1110	377	CASEWORKER	\$3,702
A	18	4	6010	0	1110	378	SR SOCIAL WELFARE EXAM	\$3,805
A	18	4	6010	0	1110	379	CASEWORKER	\$3,485
A	18	4	6010	0	1110	382	CASEWORKER	\$2,475
A	18	4	6010	0	1110	383	CASEWORKER	\$2,874
A	18	4	6010	0	1110	384	CASEWORKER	\$3,698
A	18	4	6010	0	1110	402	CLERK TYPIST	\$940
A	18	4	6010	0	1110	409	COORDINATOR-CHILD SUPPORT	\$3,990
A	18	4	6010	0	1110	413	PRINCIPAL ACCT. CLERK TYP	\$3,301
A	18	4	6010	0	1110	424	WELFARE EMPLOYMENT REP.	\$1,249
A	18	4	6010	0	1110	426	WELFARE EMPLOYMENT REP.	\$2,186
A	18	4	6010	0	1110	428	SOCIAL WELFARE EXAMINER	\$2,456
A	18	4	6010	0	1110	432	SENIOR CLERK TYPIST	\$1,470
A	18	4	6010	0	1110	443	CLERK TYPIST	\$1,526
A	18	4	6010	0	1110	448	EXECUTIVE SECRETARY	\$1,937
A	18	4	6010	0	1110	459	HOMEMAKER	\$1,611

A	18	4	6010	0	1110	468	SENIOR CLERK TYPIST	\$1,006
A	18	4	6010	0	1110	471	MEDICAL AUDIT CLERK	\$1,611
A	18	4	6010	0	1110	480	SOC. WELFARE EXMNR. SPAN.	\$3,243
A	18	4	6010	0	1110	488	PRINCIPAL ACCOUNT CLERK	\$3,618
A	18	4	6010	0	1110	505	CASEWORKER	\$2,549
A	18	4	6010	0	1110	514	SOCIAL WELFARE EXAMINER	\$2,405
A	18	4	6010	0	1110	515	SOCIAL WELFARE EXAMINER	\$2,454
A	18	4	6010	0	1110	516	SOCIAL WELFARE EXAMINER	\$4,017
A	18	4	6010	0	1110	518	SOCIAL WELFARE EXAMINER	\$3,326
A	18	4	6010	0	1110	520	SOCIAL WELFARE EXAMINER	\$2,458
A	18	4	6010	0	1110	521	SOCIAL WELFARE EXAMINER	\$2,312
A	18	4	6010	0	1110	525	SR CASEWORKER	\$4,368
A	18	4	6010	0	1110	528	SR CASEWORKER	\$4,368
A	18	4	6010	0	1110	529	MOTOR VEHICLE OPERATOR	\$1,611
A	18	4	6010	0	1110	530	CLERK TYPIST	\$1,369
A	18	4	6010	0	1110	531	MOTOR VEHICLE OPERATOR	\$1,800
A	18	4	6010	0	1110	532	CLERK TYPIST	\$994
A	18	4	6010	0	1110	533	MOTOR VEHICLE OPERATOR	\$1,788
A	18	4	6010	0	1110	534	MOTOR VEHICLE OPERATOR	\$955
A	18	4	6010	0	1110	538	SR SOCIAL WELFARE EXAMINER	\$3,659
A	18	4	6010	0	1110	542	SR CASEWORKER	\$5,028
A	18	4	6010	0	1110	543	SR SOCIAL WELFARE EXAMINER	\$3,475
A	18	4	6010	0	1110	556	RECEPTIONIST	\$1,611
A	18	4	6010	0	1110	595	SOCIAL WELFARE EXAMINER	\$2,574
A	18	4	6010	0	1110	596	SOCIAL WELFARE EXAMINER	\$2,384
A	18	4	6010	0	1110	687	ACCOUNT CLERK TYPIST	\$1,079
A	18	4	6010	0	1110	725	CASEWORKER	\$2,795
A	18	4	6010	0	1110	744	ACCOUNTING SUPERVISOR	\$5,385
A	18	4	6010	0	1110	745	CLERK TYPIST	\$1,229
A	18	4	6010	0	1110	746	PRIN. WELFARE EXAMINER	\$4,936
A	18	4	6010	0	1110	747	SOCIAL WELFARE EXAMINER	\$2,462
A	18	4	6010	0	1110	853	SOCIAL WELFARE EXAMINER	\$3,357
A	18	4	6010	0	1110	889	SOCIAL WELFARE EXAMINER	\$3,101
A	18	4	6010	0	1110	938	HOMEMAKER	\$1,497
A	18	4	6010	0	1110	940	SOCIAL WELFARE EXAMINER	\$2,638
A	18	4	6010	0	1110	941	CASEWORKER	\$2,807
A	18	4	6010	0	1110	942	CLERK TYPIST	\$805
A	18	4	6010	0	1110	1036	LONG TERM CARE COORDINATR	\$4,119
A	18	4	6010	0	1130	1061	HEAP PERSONNEL	\$2,317
A	18	4	6010	0	1110	1120	JOB TRNG DEVELOPER	\$3,087
A	18	4	6010	0	1110	1132	CLERK TYPIST	\$1,381
A	18	4	6010	0	1110	1154	CASEWORKER	\$3,051
A	18	4	6010	0	1110	1155	CASEWORKER	\$3,467
A	18	4	6010	0	1110	1156	ACCOUNT CLERK TYPIST	\$1,135
A	18	4	6010	0	1110	1193	REGISTERED NURSE	\$1,353
A	18	4	6010	0	1110	1194	CASEWORKER	\$2,486
A	18	4	6010	0	1110	1195	SOCIAL WELFARE EXAMINER	\$3,243
A	18	4	6010	0	1110	1198	CASEWORKER	\$2,457
A	18	4	6010	0	1110	1199	CASEWORKER	\$2,475
A	18	4	6010	0	1110	1200	CASEWORKER	\$2,486
A	18	4	6010	0	1110	1201	CASEWORKER	\$2,486
A	18	4	6010	0	1110	1202	SR. CASEWORKER	\$4,031
A	18	4	6010	0	1110	1347	CASEWORKER	\$2,951
A	18	4	6010	0	1110	1380	CASEWORKER	\$2,737
A	19	4	6510	0	1110	203	CLERK TYPIST	\$1,276
A	21	4	3155	0	1110	153	COMMUNITY SVCS PROG COORD	\$1,838
A	21	4	7310	0	1110	201	SENIOR ACCOUNT CLERK TYP.	\$1,588
A	21	4	3155	0	1110	735	COMM SVC PROG CLERK/SCHED	\$1,241
A	22	4	7510	0	1110	24	HISTORICAL ARCHIVES ASST.	\$2,186
A	24	4	6430	0	1110	689	SR PLANNER	\$2,489
A	24	4	6430	0	1110	690	ASSISTANT PLANNER	\$1,136
A	24	4	6430	0	1110	1381	PRINCIPAL STENOGRAPHER	\$3,298
A	25	4	1165	0	1110	1283	CLERK TYPIST	\$1,532
A	27	4	3140	0	1110	102	ACCT CLK TYPIST	\$813
A	27	4	3140	0	1110	136	PROBATION SUPERVISOR	\$5,516
A	27	4	3140	0	1110	137	SR PROBATION OFFICER	\$3,197
A	27	4	3140	0	1110	150	PROBATION OFFICER	\$2,067
A	27	4	3140	0	1110	242	COMMUNITY SVCE PROG COORD	\$1,381
A	27	4	3140	0	1110	394	PROBATION OFFICER	\$1,801
A	27	4	3140	0	1110	724	PRIN ACCOUNT CLERK TYPIST	\$3,301
A	27	4	3140	0	1110	1254	PROBATION OFFICER	\$1,727
A	27	4	3140	0	1110	1256	PROBATION OFFICER	\$2,932
A	27	4	3140	0	1110	1257	PROBATION OFFICER	\$2,874
A	27	4	3140	0	1110	1258	PROBATION OFFICER	\$1,638
A	27	4	3140	0	1110	1259	PROBATION OFFICER	\$3,680
A	27	4	3140	0	1110	1278	SR ACCT CLERK TYPIST	\$1,667
A	28	4	1170	0	1110	1186	SR. CLERK TYPIST	\$1,121

A	30	4	1320	0	1110	1330	PRINCIPAL ACCT CLERK TYPT	\$3,551
A	31	4	1345	0	1110	1272	SR ACCOUNT CLERK TYPIST	\$1,839
D	12	3	5031				INTERFUND TRANSFER	\$61,130
D	12	4	3310	0	1110	277	HOURLY EMPLOYEES	\$ 4,526
D	12	4	5010	0	1110	147	PRINCIPAL ACCT CLERK TYP	\$ 3,664
D	12	4	5010	0	1110	502	PRINCIPLE ACCT CLK TYPIST	\$ 3,317
D	12	4	5110	0	1110	144	HIGHWAY LABOR	\$41,996
D	12	4	5110	0	1110	278	HIGHWAY MAINT SUPERVISOR	\$ 2,657
D	12	4	5020	0	1110	118	SR. ENGINEERING TECHNICIAN	\$ 2,220
D	12	4	5020	0	1110	624	SR ENGINEERING TECHNICIAN	\$ 2,750
DM	12	3	5031				INTERFUND TRANSFER	\$18,218
DM	12	4	5130	0	1110	148	HOURLY EMPLOYEES	\$14,176
DM	12	4	5130	0	1110	1338	SUPERVISING AUTO MECHANIC	\$ 4,042

passed with Aye(1868). (11/25/2008)

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 393 of 2008**

**DATED:** November 25, 2008

**RESOLUTION APPROVING AUCTIONEERING SERVICES AGREEMENT - COUNTY OWNED REAL PROPERTY SALE (TREASURER)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, the County Treasurer has recommended extension of the agreement with Haroff Auction and Realty, Inc. for the provision of auctioneering services

RESOLVED, that the Board of Supervisors hereby authorizes the extension, until October 31, 2011, of an agreement with Haroff Auction and Realty, Inc., for provision of auctioneering services for the sale of County -owned real property, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign said agreement.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 394 of 2008**

**DATED:** November 25, 2008

**RESOLUTION APPROVING RELEVY OF DELINQUENT SCHOOL TAXES, VILLAGE TAXES, WATER RENTS AND SEWER TAXES**

Resolution by Supervisor: Bai a

Seconded by Supervisor: Johnson

RESOLVED, that the Board of Supervisors hereby approves the relevy, effective December 3, 2008, of delinquent School Taxes, Village Taxes, Water Rents, including the Harrower Water District, and Sewer Taxes, including the Town of Amsterdam Sewer Services Area and Montgomery County Sanitary Sewer District No. 1, in equal installments on the January 2009 Town Tax Rolls.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 395 of 2008****DATED:** November 25, 2008**RESOLUTION DELEGATING AUTHORITY TO AMEND 2008 LINE ITEM AMENDMENTS**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Bai a

WHEREAS, it has been recommended that certain County Officers be empowered with limited line item amendments for the remainder of the year,

RESOLVED, that the Board of Supervisors hereby delegate to the County Treasurer and Personnel Officer authority to amend the 2008 Operating allocations and expenditure line item amendments involving payroll and fringe benefits, and

FURTHER RESOLVED, that said delegation shall be effective only for the period commencing on November 26, 2008 and ending on December 31, 2008.

RESOLUTION ADOPTED with Aye(1363). Supervisors Dybas, Quackenbush, Jonker and Stagliano voted Nay. (11/25/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 396 of 2008****DATED:** November 25, 2008**RESOLUTION AUTHORIZING ACCOUNTS PAYABLE YEAR-END ADJUSTMENTS - 2008 OPERATING BUDGET**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, provisions of the Federal Single Audit Act and regulations of the State Comptroller require Montgomery County to utilize modified accrual as the basis for governmental fund accounting, and

WHEREAS, modified accrual accounting principles require that the County accrue accounts payable so expenditures are generally reflected in the period for which the goods or services are received, and

WHEREAS, application of this principle may result in the over-expenditure of certain individual line item applications, particularly in areas where spending is mandated by State and Federal requirements,

RESOLVED, that the Board of Supervisors hereby authorizes the County Treasurer to make adjusting entries to provide sufficient appropriations to avoid individual line item deficits upon the accrual of year-end accounts payable, provided that said entries do not result in an increase in total appropriations approved by the Board of Supervisors, for 2008, and

FURTHER RESOLVED, that said adjusting entries shall be subject to approval by the Board of Supervisors.

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Quackenbush, as follows:

strike the FURTHER RESOLVED clause in its entirety and replace with:

"FURTHER RESOLVED, that said adjusting entries shall be subject to resolution at the Board of Supervisors meeting subject to approval of the Board of Supervisors."

passed with Aye(1725). Supervisor McMahon voted Nay. (11/25/2008)

MOTION TO TABLE by Supervisor DiMezza, seconded by Supervisor McMahon, passed with Aye(1256). Supervisors Bai a, Quackenbush, Jonker and Thayer voted Nay. Supervisor Dybas abstained. (11/25/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors

Bill Van Gorder of Mang Insurance Agency, John Mancini, of Hays and Wormuth, Gerry Collistra of Hearn Agency and Chris Spafford of Ten Eyck Group (all representatives of the agencies that responded to the RFP) were on hand to answer questions presented by the Supervisors.

Discussion ensued regarding the coverages provided by each under medical malpractice and consent to settle on the policies.

**RESOLUTION NO. 397 of 2008****DATED:** November 25, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GENERAL LIABILITY AND OTHER PERTINENT INSURANCE COVERAGE (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: McMahon

WHEREAS, the Board of Supervisors authorized the Purchasing Agent per resolution 198 of 2008 to solicit proposals for provision of general liability and other pertinent insurance coverages, and

WHEREAS, proposals have been received on October 31, 2008 and opened on November 3, 2008, and

RESOLVED, that RFP #02-08 is hereby awarded to \_\_\_\_\_ to provide liability and other appropriate insurance coverage's from the period from January 1, 2009 to December 31, 2009, in an amount of \$\_\_\_\_\_, where said contracts may be renewed for the years 2010, 2011.

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign an agreement with \_\_\_\_\_ for the provision of Insurances to Montgomery County.

MOTION TO AMEND by Supervisor Thayer, seconded by Supervisor McMahon to insert in the RESOLVED clause Hearn Agency Inc. of Canajoharie and \$411,514 respectively and in the FURTHER RESOLVED clause, Hearn Agency Inc. of Canajoharie.

\*\*(11/25/2008) - THIS MOTION TO AMEND IS STILL PENDING.

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor Johnson, to insert in the RESOLVED clause Hays & Wormuth Inc. of Amsterdam and \$369,257 respectively and in the FURTHER RESOLVED clause, Hays & Wormuth Inc. of Amsterdam.

passed with Aye(966). Supervisors Dybas, McMahon, Walters, Quackenbush, Jonker, Thayer and Stagliano voted Nay. Supervisor Greco abstained. (11/25/2008)

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Thayer,

to strike from the RESOLVED clause, "in an amount of \$\_\_\_\_\_, where said contracts may be renewed for the years 2010, 2011." and replace with a period.

was defeated with Aye(900). Supervisors Dybas, Bai a, McMahon, Walters, Quackenbush, Jonker, Thayer and Stagliano voted Aye. Supervisor Greco abstained.

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Thayer to insert in the RESOLVED clause Ten Eyck Group of Albany and \$319,382 respectively and in the FURTHER RESOLVED clause, Ten Eyck Group of Albany.

\*\*(11/25/2008) - THIS MOTION TO AMEND IS STILL PENDING. (11/25/2008)

MOTION TO TABLE by Supervisor Walters, seconded by Supervisor Strevy, passed with Aye(1373). Supervisors Johnson, Barone, Sr. and Di Mezza voted Nay. (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

Under Sheriff Jeff Smith stated that the deputy who has trained K-9 Tino is leaving Montgomery County to take employment at FMCC. Tino is a 7 year old canine and the wish is to retire him to his handler.

**RESOLUTION NO. 399 of 2008****DATED:** November 25, 2008**RESOLUTION APPROVING RETIREMENT AND TRANSFER OF K-9 TINO (SHERIFF)**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Bai a

WHEREAS, K-9 Tino will be retiring from service with the Montgomery County Sheriff's Department, and

WHEREAS, the Board of Supervisors desires to allow K-9 Tino to remain with his handler, Deputy Eric Krug,



RESOLVED, that the Board of Supervisors hereby authorizes and approves the retirement of K-9 Tino as of December 22, 2008, and

FURTHER RESOLVED, that ownership of K-9 Tino be permanently transferred to Deputy Eric Krug as of December 22, 2008 upon execution by Deputy Krug of a release of liability to be prepared by the County Attorney, and

FURTHER RESOLVED, that said position shall be replaced in the 2009 Operating Budget with a resolution adopting transfer of gifts and donations when appropriate.

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

In regard to Res#400, Supervisor Walters explained that the officials of Schoharie, Otsego and Montgomery County have met and felt it would be beneficial if each county had an equal tip fee subsidy as Otsego is currently at \$14 and Schoharie is at \$34 and Montgomery County is at \$19 per ton.

Supervisor Walters stated that Schoharie has agreed by resolution to lower their subsidy to \$14 per ton and feels Montgomery County should do the same.

Supervisor DiMezza expressed his opposition that the GAT is too high.

Supervisor Strevy stated that he was afraid that if the tip fee subsidy is reduced too much all haulers will divert out of the MOSA system.

Supervisor Jonker expressed his opposition to the resolution.

**RESOLUTION NO. 400 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GAT SUBSIDY - MOSA (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Quackenbush

WHEREAS, the Montgomery-Otsego-Schoharie Solid Waste Management Authority (MOSA) has established Montgomery County's 2009 Guaranteed Annual Tonnage (GAT) at 43,066 tons, and

WHEREAS, MOSA has established its 2009 Official Tipping Fee at \$106.00 per ton,

WHEREAS, it has been recommended that the Board of Supervisors authorize a per-ton subsidization of the tipping fee in line with Schoharie and Otsego County to provide for uniform subsidization through the three participating counties,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a subsidization renewal agreement with Montgomery-Otsego-Schoharie Solid Waste Management Authority (MOSA), and

FURTHER RESOLVED, that Montgomery County hereby establishes a subsidy of \$14.00 per ton for said one-year period, pursuant to an appropriation in the 2009 Operating Budget to provide for payment of said subsidy, and that the Chairman of the Board of Supervisors will notify all municipalities within the County of said subsidy.

MOTION TO TABLE by Supervisor Stagliano, seconded by Supervisor Dybas, passed with Aye(1456). Supervisors Greco, Walters, Quackenbush and Thayer voted Nay. (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 401 of 2008**

**DATED:** November 25, 2008

**RESOLUTION TO CONTRIBUTE FUNDS TO THE DEMOLITION OF PIONEER STREET MILL IN THE TOWN OF AMSTERDAM**

Resolution by Supervisor: DiMezza

Seconded by Supervisor: Bai a

WHEREAS, in 2007 the Town acquired the Pioneer Street Mill from an absentee (tax delinquent) owner with the intent of demolishing the mill and ending a decade long threat to public welfare

and the environment. The Town was successful in securing \$211,000 from the Clean Water/Clean Air Bond Act approved by the NYS voters in 1996 and;

WHEREAS, the contract with NYSDEC requires the Town to conduct a Remedial Investigation and prepare a Alternatives Analysis (RI/AA) to address any contamination found at the site. As part of the RI/AA process the Town has identified the several Interim Remedial Measures (IRMs), which address sources of contamination that can be effectively addressed before completion of the RI/AA and;

WHEREAS, the total estimated cost to complete the IRMs and the RI//AA has escalated to \$740,000. And this cost does not include clean-up of any subsurface contamination discovered during the remedial investigation nor the cost associated with preparing the site for any future use, and;

WHEREAS, the Town does not have the financial resources to complete this project without assistance from other sources. We are hopeful that we can defray some of the transportation and disposal costs using County monies earmarked for this purpose. Without additional funding, the Town will simply not be able to complete the controlled demolition portion of the project or the RI/AA and;

RESOLVED, that the Montgomery County Board of Supervisors hereby realizes that public welfare and the environment are very important issues and whereby the BOS realizes that it is important to help local municipalities that have taken the initiative to relieve the county of the burden of having such a monstrosity on its hands, therefore the BOS approves the allocation of \$100,000 to assist with the demolition and cleanup of the Pioneer Street Mill.

MOTION TO AMEND by Supervisor Baia, seconded by Supervisor Stagliano, as follows:

to add "FURTHER RESOLVED, that said allocations of funds is contingent upon the County Attorney receiving an opinion from the NYS Comptroller's Office that said allocation does not violate the US Constitution."

passed with Aye(1868). (11/25/2008)

MOTION TO AMEND by Supervisor Stagliano, seconded by Supervisor Jonker,

to provide for a FURTHER RESOLVED clause as follows:

FURTHER RESOLVED, that said funding shall be utilized from account A-01-4-8160-00-4439 as established by Resolution 253 of 2008.

passed with Aye(1868). (11/25/2008)

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Baia,

to strike in the RESOLVED clause in the second to last line, the words "allocation of \$100,000" and replace with "allocation up to \$100,000".

passed with Aye(1868). (11/25/2008)

RESOLUTION ADOPTED with Aye(1868). (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

Supervisor Barone explained that by eliminating the one position and delegating the duties to the Structural Maintenance Supervisor I and Cleaner/Maintenance Supervisor there would be a savings to the county. Supervisor Walters does not support this resolution. Discussion ensued as to whether this move would be beneficial to the county.

#### **RESOLUTION NO. 402 of 2008**

**DATED:** November 25, 2008

#### **RESOLUTION AMENDING THE 2009 DEPARTMENT OF PUBLIC WORKS BUDGET**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Baia

WHEREAS, since the Structural Maintenance Supervisor II employee resigned on 8/27/08, and

WHEREAS, there is one Structural Maintenance Supervisor I, and one Cleaner/Maintenance Supervisor who are both permanent, experienced employees, and

WHEREAS, since these two employees are experienced they can share the duties of the Structural Maintenance Supervisor II position, and

RESOLVED, that the Board of Supervisors eliminate the position of Structural Maintenance Supervisor II in the 2009 Budget, which will save approximately \$65,000 which includes salary, fringes, truck and gas, and

FURTHER RESOLVED, that said two positions equally divide the responsibilities of the Structural Maintenance Supervisor II, and

FURTHER RESOLVED, that their base salary in 2009 be increased by \$4,000 which includes CSEA cost of living 3% raise, and

FURTHER RESOLVED, that the County Treasurer is hereby directed to adjust as necessary the figures in the 2009 Public Works Budget to reflect said changes in the resolution.

MOTION TO CALL THE QUESTION by Supervisor Dybas, seconded by Supervisor Jonker, passed with Aye(1647). Supervisors Bai a and Thomas voted Nay. (11/25/2008)

RESOLUTION DEFEATED with Aye(859). Supervisors Johnson, Barone, Sr., Bai a, Di Mezza, McMahon and Thomas voted Aye. (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

Supervisor Barone stated there would be no impact to the county.

**RESOLUTION NO. 403 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AMENDING THE 2009 SOCIAL SERVICES BUDGET**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Johnson

WHEREAS, the Commissioner of Social Services has recommended the purchase of a new van to transport various clients to appointments, and

WHEREAS, the Commissioner of Social Services has recommended that two additional Caseworkers be hired and their line numbers are: A-18-6010-00-1110(385) and A-18-6010-00-1110(386), and

WHEREAS, that the van and the two Caseworker positions are 100% equally funded by the Federal and New York State governments, and

WHEREAS, since there is no significant impact on the Social Services Budget by including the van and two Caseworkers in the 2009 Budget, and

RESOLVED, that the Board of Supervisors hereby approves the Commissioner of Social Services request to purchase a new van and hire two additional Caseworkers in the 2009 Social Services Budget, and

FURTHER RESOLVED, that the County Treasurer is hereby directed to adjust as necessary the figures in the 2009 Social Services Budget to reflect said changes in this resolution.

RESOLUTION WITHDRAWN BY SPONSOR (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 398 of 2008**

**DATED:** November 25, 2008

**RESOLUTION ADOPTING MONTGOMERY COUNTY 2009 OPERATING BUDGET**

Resolution by Supervisor: Quackenbush

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Montgomery County Board of Supervisors has met and considered the 2009 Tentative Operating Budget and has conducted a public hearing thereon, as required by County Law,

RESOLVED, that in accordance with County Law, the 2009 Tentative Operating Budget, on file with the Clerk of the Board of Supervisors, as changed, altered, revised and hereinafter set forth, hereby is adopted in Summary Form for Accounting and Budgetary purposes, with the detail annexed therein for information purposes only, and

FURTHER RESOLVED, that all amounts set forth in the "adopted" column of said Budget, hereby are

appropriated for the purposes specified, effective January 1, 2009.

MOTION TO AMEND by Supervisor Greco, seconded by Supervisor Dybas, to strike the RESOLVED clause and FURTHER RESOLVED clause and replace with the following:

RESOLVED, that the 2009 Tentative Operating Budget is hereby amended as follows:

INCREASE:				
ACCOUNT DESCRIPTION	(FROM) AMOUNT	(TO) AMOUNT	INCREASE (DECREASE)	
A 599 Appropriated Fund Balance	\$5,639,929	\$5,699,929	\$60,000	

FURTHER RESOLVED, that in accordance with County Law, the 2009 Tentative Operating Budget, on file with the Clerk of the Board of Supervisors, as changed, altered, revised and hereinafter set forth, including the revision contained in the above RESOLVED clause, hereby is adopted in Summary Form for Accounting and Budgetary purposes, with the detail annexed therein for information purposes only, and

FURTHER RESOLVED, that all amounts set forth in the "adopted" column of said Budget, hereby are appropriated for the purposes specified, effective January 1, 2009.

passed with Aye(1868). (11/25/2008)

RESOLUTION ADOPTED with Aye(1647). Supervisors Baia and Thomas voted Nay. (11/25/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

## OTHER2

Supervisor Quackenbush publicly thanked Cheryl Reese for acting as Interim Clerk of the Board and noted that her last official date would be December 16, 2008.

## EXECUTIVE SESSION

MOTION TO ENTER EXECUTIVE SESSION by Supervisor Walters, seconded by Supervisor Barone, Sr., passed with Aye(1868)

Pursuant to Section 105 (f) of NYS Open Meeting Law, the motion was made and seconded by Supervisor DiMezza and Barone, respectively, to enter into Executive Session to discuss personnel matters. Executive Session commenced at 9:17 PM.

MOTION TO EXIT EXECUTIVE SESSION by Supervisor Walters, seconded by Supervisor Barone, Sr., passed with Aye(1868).

Executive Session was adjourned at 9:39 PM.

As a result of Executive Session, no action was taken.

## ADJOURNMENT

MOTION TO ADJOURN by Supervisor Walters, seconded by Supervisor Strevy, passed with Aye(1868).

Chairman Greco adjourned the meeting at 9:40 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE OF THE WHOLE  
6:00 PM, December 9, 2008

COMMITTEE MEETING DISCUSSION

Chairman Greco presided over the meeting commencing at 7:00 PM.

Roll call indicated that Supervisors Quackenbush, Johnson, McMahon, Strevy, Dybas, Thayer, Barone, Walters, Thomas, Jonker, Bai a and Di Mezza were present.

Absent were Supervisors Paton and Stagliano.

Chairman Greco has called a Committee Meeting of the Whole at the above named time and place.

Items on the agenda, at this time, are as follows:

1. Interviews for Clerk of the Board candidates
2. Other

\*\*\* It is likely that this meeting will take place in Executive Session.

Chairman Greco called the Committee of the Whole to order at 6:00 pm.

Pursuant to Section 105 (f) of the NYS Open Meeting Law, MOTION TO ENTER EXECUTIVE SESSION by Supervisor Greo, seconded by Supervisor Barone, respectively to interview candidates for the position of Clerk of the Board of Supervisors.

There were no decisions made in executive session.

Supervisors Thayer and Barone made a motion, and seconded respectively to exit from executive session at 7:35 pm.

ADJOURNMENT

Supervisors Barone and Jonker made a motion and seconded, respectively, to adjourn the Committee of the Whole Meeting. There were no objections.

Chairman Greco adjourned the Meeting at 7:39 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PERSONNEL  
7:00 PM, December 9, 2008

COMMITTEE MEETING DISCUSSION

Chairman DiMezza presided over the meeting commencing at 7:55 PM.

Roll call indicated Committee members present were Supervisors Quackenbush, Barone, Johnson, McMahon, Walters and Thomas.

Additional Supervisors present were Supervisors Greco, Thayer, Strevy, Jonker, Paton and Bai a. Absent were Supervisors Stagliano and Dybas.

Chairman DiMezza has called a meeting of the Personnel Committee for 7:00 p.m. on Tuesday, December 9, 2008 in the Supervisors' Chambers, County Office Bldg, 64 Broadway, Fonda, NY.

Items on the agenda, at this time, are as follows:

1. Discussion regarding Corrections Supervisors Contract
2. Resolution Fixing Date and Time of the 2009 Organizational Meeting of the Montgomery County Board of Supervisors
3. Other

Item #1: (Discussion regarding Corrections Supervisors Contract): Chairman DiMezza spoke in favor of the Corrections Supervisors Contract. He stated the contract cost to the county for the next four years will be \$5 million.

Item #2: (Resolution Fixing Date and Time of the 2009 Organizational Meeting of the Montgomery County Board of Supervisors) The Resolution, sponsored by Supervisors Greco and Barone, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item #3: Other:

(ADD-ON RESOLUTION) (Resolution Ratifying Memorandum of Agreement Between the County of Montgomery and Montgomery County Deputy Sheriff's Police Benevolent Association and Authorizing Chairman to Sign Contract for the Period of January 1, 2009 - December 31, 2012) The Resolution, sponsored by Supervisors DiMezza and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION) (Resolution Ratifying Memorandum of Agreement Between the County of Montgomery and Montgomery County Local 82 of Correction Supervisors and Authorizing Chairman to Sign Contract for the period January 1, 2009 - December 31, 2012) The Resolution, sponsored by Supervisors DiMezza and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION) (Resolution Revising the Non-Bargaining Policy for 2009) The Resolution, sponsored by Supervisors DiMezza and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

(ADD-ON RESOLUTION) (Resolution approving Memorandum of Agreement between Montgomery County and CSEA regarding Employees wages while Remediating or Removing Asbestos) The Resolution, sponsored by Supervisors Johnson and DiMezza, respectively, was moved to the Full Board with no recommendation. There were no objections.

Supervisors Barone and Thomas made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman DiMezza adjourned the Personnel Committee meeting at 8:09 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - GENERAL SERVICES  
7:05 PM, December 9, 2008

COMMITTEE MEETING DISCUSSION

Chairman Walters presided over the meeting commencing at 8:10 PM.

Roll call indicated Committee members present included Supervisors Paton, Quackenbush, Strevy, and Thayer. Absent were Supervisors Stagliano and Dybas.

Additional Supervisors present were McMahon, Johnson, Barone, Baia, Jonker, DiMezza, Thomas and Greco.

Chairman Walters has called a meeting of the General Services Committee for 7:05p.m. on Tuesday, December 9, 2008 in the Supervisors' Chambers, County Office Building, 64 Broadway, Fonda, New York.

Items on the agenda, at this time, are as follows:

1. Resolution Authorizing Chairman to Sign Agreement - Mass Transportation - Third Party Provider - Brown Coach (Board of Supervisors)
2. Discussion Regarding Tabled Resolution #400 of 2008 - Resolution Authorizing Chairman to Sign Agreement - GAT Subsidy - MOSA (Board of Supervisors)
3. Discussion Regarding MOSA Service Agreement and Update on Tri-County Meetings
4. Discussion Regarding Federal Stimulus for Bridge Program
5. Other

Item #1: Resolution Authorizing Chairman to Sign Agreement - Mass Transportation - Third Party Provider - Brown Coach (Board of Supervisors) Supervisors Strevy and Paton made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

Item #2: Discussion Regarding Tabled Resolution #400 of 2008 - Resolution Authorizing Chairman to Sign Agreement - GAT Subsidy - MOSA (Board of Supervisors) Discussion ensued regarding the future of MOSA. Supervisor Walters indicated that Otsego County does not want to move. Flow control is something to look into in future discussions.

Item #3: Discussion Regarding MOSA Service Agreement and Update on Tri-County Meetings

Item #4: Discussion Regarding Federal Stimulus for Bridge Program - Commissioner Paul Clayburn of DPW stated that US Senator Charles Schumer recently visited the county to discuss the stimulus money available for bridge work in Montgomery County. He stated that there is bridge work in the county that may qualify for early funding. Preliminary figures indicate the amount to be \$209,000.

OTHER #5: Other - Chairman Walters informed the committee there will be a presentation regarding animal abuse in January 2009.

Motion was made and seconded by Supervisors Walters and DiMezza, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Walters adjourned the General Services Committee meeting at 8:40 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - PUBLIC SAFETY  
7:10 PM, December 9, 2008

COMMITTEE MEETING DISCUSSION

Chairman Thomas presided over the meeting commencing at 8:41 PM.

Roll call indicated Committee members present included Supervisors Quackenbush, Strevy, Thayer, Barone, Jonker. Absent was Supervisor DiMezza.

Additional Supervisors present were Johnson, Greco, McMahon, Paton, Stagliano, Dybas and Bai a. Absent was Supervisor Walters.

Chairman Thomas has called a meeting of the Public Safety Committee for 7:10 p.m. on Tuesday, December 9, 2008 in the Supervisors' Chambers, County Office Building, 64 Broadway, Fonda, New York.

Items on the agenda, at this time, are as follows:

1. Resolution Awarding RFP #05-08 - Pharmaceutical Services - Montgomery County Correctional Facility (SHERIFF)
2. Resolution Appointing Members - Montgomery County Traffic Safety Board
3. Resolution Authorizing Chairman to Sign Agreement - Pre-Trial Release Coordinator - Leslie Nicholas (Youth Bureau/Alternative Community Services Department)
4. Resolution Authorizing Chairman to Sign Agreement - 2009 Annual Alternatives to Incarceration Performance - Based Service Plan (Youth Bureau/Alternative Community Services Department)
5. Resolution Authorizing Chairman to Sign Agreement - Lease Agreement with Centro Civico of Amsterdam, Inc. for a Probation Satellite Office (Probation)
6. Resolution Awarding Bid No. 14-08 Public Communications Equipment Maintenance Contract (Emergency Management)
7. Other

Item #1: (Resolution Awarding RFP #05-08 - Pharmaceutical Services - Montgomery County Correctional Facility) (SHERIFF) The Resolution was sponsored and seconded by Supervisors Walters and Barone, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #2: (Resolution Appointing Members - Montgomery County Traffic Safety Board) The Resolution was sponsored and seconded by Supervisors Barone and Strevy, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #3: (Resolution Authorizing Chairman to Sign Agreement - Pre-Trial Release Coordinator - Leslie Nicholas (Youth Bureau/Alternative Community Services Department) The Resolution was sponsored and seconded by Supervisors Barone and DiMezza, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item #4: (Resolution Authorizing Chairman to Sign Agreement - 2009 Annual Alternatives to Incarceration Performance - Based Service Plan (YB/ACSD) The Resolution was sponsored and seconded by Supervisors Thayer and DiMezza, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item#5: (Resolution Authorizing Chairman to Sign Agreement - Lease Agreement with Centro Civico of Amsterdam, Inc. for a Probation Satellite Office) The Resolution was sponsored and seconded by Supervisors Thayer and Barone, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Item#6: (Resolution Awarding Bid No. 14-08 Public Communications Equipment Maintenance Contract (Emergency Management) The Resolution was sponsored and seconded by Supervisors Strevy and Walters, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.



Item#7: Other: Add-on Resolution: (Resolution Authorizing Chairman to Sign Grant Agreement – Governor's Traffic Safety Committee – Traffic Safety Officer) The Resolution was sponsored and seconded by Supervisors Barone and Strevy, respectively. The Resolution was moved to the full Board with a positive recommendation with no objections.

Motion was made and seconded by Supervisors DiMezza and Baia, respectively, to adjourn the Committee meeting. There were no objections.

Chairman Thomas adjourned the Public Safety Committee meeting at 8:41 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - AGRICULTURE, PLANNING & DEVELOPMENT  
7:15 PM, December 9, 2008

COMMITTEE MEETING DISCUSSION

Chairman Johnson presided over the meeting commencing at 8:47 PM.

Roll call indicated Committee members present included Supervisors Dybas, McMahon, Strevy, and Thomas. Absent were Supervisors Walters and DiMezza.

Additionally present were Supervisors Quackenbush, Greco, Thayer, Paton, Barone, Baia and Jonker and Stagliano.

Chairman Johnson has called a meeting of the Agriculture, Planning & Development Committee for 7:15 p.m. on Tuesday, December 9, 2008 in the Supervisors' Chambers, County Office Building, 64 Broadway, Fonda, New York.

Items on the agenda, at this time, are as follows:

1. Resolution Establishing Public Hearing - Review of Agricultural District No. 2 (Economic Development)
2. Resolution Authorizing Chairman to Sign Agreement - Montgomery County Soil and Water Conservation District (Board of Supervisors)
3. Resolution Authorizing Chairman to Sign Agreements - Cornell Cooperative Extension Services (Board of Supervisors)
4. Other

Item #1: (Resolution Establishing Public Hearing - Review of Agricultural District No. 2 (Economic Development) Supervisors Stevy and DiMezza made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item#2: (Resolution Authorizing Chairman to Sign Agreement - Montgomery County Soil and Water Conservation District (Board of Supervisors) Supervisors Barone and Jonker made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item#3: (Resolution Authorizing Chairman to Sign Agreements - Cornell Cooperative Extension Services (Board of Supervisors)) Supervisors McMahon and Barone made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Item #4: (Other) Add-on: Resolution Authorizing Chairman to Sign Agreements - 2008-2009 Snowmobile Trails Grant-In-Aid Program and Mohawk Valley Snowmobile Clubs, Inc. (Economic Development and Planning) Supervisors Strevy and Walters made a motion and seconded, respectively, to sponsor the Resolution. The Resolution was moved to the full Board with a positive recommendation. There were no objections.

Supervisors Quackenbush and DiMezza made a motion and seconded, respectively, to adjourn the Committee meeting.

Chairman Johnson adjourned the Agriculture, Planning & Development Committee meeting at 8:49 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
COMMITTEE MEETING - FINANCE  
7:25 PM, December 9, 2008

COMMITTEE MEETING DISCUSSION

Chairman Quackenbush presided over the Finance Committee meeting commencing at 9:23 PM.

Roll call indicated Committee members present are Supervisors Dybas, Johnson, Barone, DiMezza, Baia and McMahon.

Additional Supervisors present were Thayer, Greco, Stagliano, and Thomas. Absent were Supervisors Strevy, Jonker, Paton and Walters.

Chairman Quackenbush has called a meeting of the Finance Committee for 7:25 p.m. on Tuesday, December 9, 2008 in the Supervisors' Chambers, County Office Building, 64 Broadway, Fonda, New York.

Items on the agenda, at this time, are as follows:

1. Discussion regarding 2009 General Liability/Flood Insurance RFP and Presentation - Rose Keville - Independent Insurance Consultant
2. Resolution Authorizing Chairman to Sign Agreement - Consulting Services - Rose Keville - General Liability/Flood Insurance RFP (Board of Supervisors)
3. Resolution Establishing a Public Hearing on Local Law F of 2008 - A Local Law which Authorizes the Contribution of Funds to the Demolition of Pioneer Street Mill in the Town of Amsterdam
4. Other

Item#1: Discussion regarding 2009 General Liability/Flood Insurance RFP and Presentation - Rose Keville - Independent Insurance Consultant - Chairman Quackenbush indicated that hiring a consultant to review the proposals would be the best direction the board could take in order to make an informed decision. Rose Keville explained that if hired she would review the bids including price and coverage in detail. She would look at the broker vs. the carrier and make recommendations to the board. John Mancini, of Hays and Wormuth, Inc. spoke in favor of hiring a consultant.

Item#2: (Resolution Authorizing Chairman to Sign Agreement - Consulting Services - Rose Keville - General Liability/Flood Insurance RFP (Board of Supervisors))The Resolution, sponsored by Supervisors Quackenbush and Jonker, respectively, did not move out of committee.

Item#3: (Resolution Establishing a Public Hearing on Local Law F of 2008 - A Local Law which Authorizes the Contribution of Funds to the Demolition of Pioneer Street Mill in the Town of Amsterdam)The Resolution, sponsored by Supervisors Greco and Johnson, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Item#4: Other: Add-on Resolution (Resolution Supporting the After School Program at the Fonda-Fultonville Central School)The Resolution, sponsored by Supervisors Thomas and DiMezza, respectively, was moved to the Full Board with a positive recommendation. There were no objections.

Supervisors Barone and Jonker made a motion and seconded, respectively, to adjourn the Committee meeting.

Supervisor Quackenbush adjourned the Finance Committee meeting at 9:36 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

PROCEEDINGS OF THE BOARD OF SUPERVISORS  
SUPERVISORS' CHAMBERS, MONTGOMERY COUNTY OFFICE BLDG, 64 BROADWAY, FONDA, NY  
REGULAR MEETING  
7:00 PM, December 16, 2008

CALL TO ORDER

Chairman Greco called the Regular Meeting of the Montgomery County Board of Supervisors for October 28, 2008 to order at 7:00 PM.

SALUTE TO THE FLAG

Supervisor DiMezza led the Salute to the Flag.

ROLL CALL

Roll Call indicated Supervisors Quackenbush, McMahon, Strevy, Dybas, Thayer, Barone, Paton, Thomas, Johnson, Greco, Jonker, Bala, Walters, and DiMezza were present. Supervisor Stagliano was absent.

PRIVILEGE OF THE FLOOR

A. Public Comment

Chairman Greco asked if there was anyone who wished to speak.

B. Presentation

Supervisor DiMezza presented the family of Ernest "EJ" Sammons, who was an Investor with the Montgomery County Sheriff's Office for 23 plus years, with a heartfelt proclamation honoring Investigator Sammons' years with Montgomery County. Mr. Sammons passed away on December 15, 2008.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION (11/25/2008) by Supervisor Barone, Sr., seconded by Supervisor Thayer, passed with Aye(1772). Supervisor Stagliano was absent.

APPROVAL OF BUDGETARY TRANSFER

MOTION TO ACCEPT BUDGETARY TRANSFERS by Supervisor Barone, Sr., seconded by Supervisor Dybas, passed with Aye(1772). Supervisor Stagliano was absent.

UNFINISHED BUSINESS

Tabled Resolutions:

#396 of 2008 - Resolution Authorizing Accounts Payable Year-End Adjustments - 2008 Operating Budget

MOTION TO REMOVE FROM TABLE by Supervisor Barone, Sr., seconded by Supervisor Dybas, passed with Aye(1772). Supervisor Stagliano was absent.

The resolution originally sponsored by Supervisors Barone and Dybas made a motion and seconded, respectively, to sponsor the Resolution. It was moved to the Full Board with a positive recommendation. There were no objections.

#397 of 2008 - Resolution Authorizing Chairman to Sign Agreement - General Liability and Other Pertinent Insurance Coverage (Board of Supervisors)

MOTION TO REMOVE FROM TABLE by Supervisor DiMezza, seconded by Supervisor Strevy, passed with Aye(1772). Supervisor Stagliano was absent.

#400 of 2008 - Resolution Authorizing Chairman to Sign Agreement - GAT Subsidy - MOSA (Board of Supervisors)

MOTION TO REMOVE FROM TABLE by Supervisor Walters, seconded by Supervisor Thayer, passed with Aye(1339). Supervisors Barone, Sr. and Dybas voted Nay. Supervisors Quackenbush and Stagliano were absent.

**RESOLUTION NO. 396 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AUTHORIZING ACCOUNTS PAYABLE YEAR-END ADJUSTMENTS - 2008 OPERATING BUDGET**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Dybas

WHEREAS, provisions of the Federal Single Audit Act and regulations of the State Comptroller require Montgomery County to utilize modified accrual as the basis for governmental fund accounting, and

WHEREAS, modified accrual accounting principles require that the County accrue accounts payable so expenditures are generally reflected in the period for which the goods or services are received, and

WHEREAS, application of this principle may result in the over-expenditure of certain individual line item applications, particularly in areas where spending is mandated by State and Federal requirements,

RESOLVED, that the Board of Supervisors hereby authorizes the County Treasurer to make adjusting entries to provide sufficient appropriations to avoid individual line item deficits upon the accrual of year-end accounts payable, provided that said entries do not result in an increase in total appropriations approved by the Board of Supervisors, for 2008, and

FURTHER RESOLVED, that said adjusting entries shall be subject to approval by the Board of Supervisors.

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Quackenbush, as follows:

strike the FURTHER RESOLVED clause in its entirety and replace with:

"FURTHER RESOLVED, that said adjusting entries shall be subject to resolution at the Board of Supervisors meeting subject to approval of the Board of Supervisors."

passed with Aye(1725). Supervisor McMahon voted Nay. (11/25/2008)

MOTION TO TABLE by Supervisor DiMezza, seconded by Supervisor McMahon, passed with Aye(1256). Supervisors Baia, Quackenbush, Jonker and Thayer voted Nay. Supervisor Dybas abstained. (11/25/2008)

MOTION TO REMOVE FROM TABLE by Supervisor Barone, Sr., seconded by Supervisor Dybas, passed with Aye(1772). Supervisor Stagliano was absent. (12/16/2008)

RESOLUTION ADOPTED with Aye(1772). Supervisor Stagliano was absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 397 of 2008**

**DATED:** November 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GENERAL LIABILITY AND OTHER PERTINENT INSURANCE COVERAGE (BOARD OF SUPERVISORS)**

Resolution by Supervisor: DiMezza

Seconded by Supervisor: McMahon

WHEREAS, the Board of Supervisors authorized the Purchasing Agent per resolution 198 of 2008 to solicit proposals for provision of general liability and other pertinent insurance coverages, and

WHEREAS, proposals have been received on October 31, 2008 and opened on November 3, 2008, and

RESOLVED, that RFP #02-08 is hereby awarded to \_\_\_\_\_ to provide liability and other appropriate insurance coverage's from the period from January 1, 2009 to December 31, 2009, in an amount of \$\_\_\_\_\_, where said contracts may be renewed for the years 2010, 2011.

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is hereby authorized and directed to sign an agreement with \_\_\_\_\_ for the provision of Insurances to Montgomery County.

(12/16/2008)

MOTION TO AMEND by Supervisor Thayer, seconded by Supervisor McMahon to insert in the RESOLVED clause Hearn Agency Inc. of Canajoharie and \$411,514 respectively and in the FURTHER RESOLVED clause, Hearn Agency Inc. of Canajoharie.

\*\* (11/25/2008) - THIS MOTION TO AMEND IS STILL PENDING.

MOTION TO AMEND by Supervisor Barone, Sr., seconded by Supervisor Johnson, to insert in the RESOLVED clause Hays & Wormuth Inc. of Amsterdam and \$369,257 respectively and in the FURTHER RESOLVED clause, Hays & Wormuth Inc. of Amsterdam.

passed with Aye(966). Supervisors Dybas, McMahon, Walters, Quackenbush, Jonker, Thayer and Stagliano voted Nay. Supervisor Greco abstained. (11/25/2008)

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Thayer,

to strike from the RESOLVED clause, "in an amount of \$\_\_\_\_\_, where said contracts may be renewed for the years 2010, 2011." and replace with a period.

was defeated with Aye(900). Supervisors Dybas, Bai a, McMahon, Walters, Quackenbush, Jonker, Thayer and Stagliano voted Aye. Supervisor Greco abstained.

MOTION TO AMEND by Supervisor Quackenbush, seconded by Supervisor Thayer to insert in the RESOLVED clause Ten Eyck Group of Albany and \$319,382 respectively and in the FURTHER RESOLVED clause, Ten Eyck Group of Albany.

\*\* (11/25/2008) - THIS MOTION TO AMEND IS STILL PENDING. (11/25/2008)

MOTION TO TABLE by Supervisor Walters, seconded by Supervisor Strevy, passed with Aye(1373). Supervisors Johnson, Barone, Sr. and DiMezza voted Nay. (11/25/2008)

MOTION TO REMOVE FROM TABLE by Supervisor DiMezza, seconded by Supervisor Strevy, passed with Aye(1772). Supervisor Stagliano was absent. (12/16/2008)

MOTION TO CALL THE QUESTION by Supervisor DiMezza, seconded by Supervisor Barone, Sr., was defeated with Aye(1021). Supervisors Greco, Johnson, Barone, Sr., Bai a, DiMezza, Strevy and Paton voted Aye. Supervisor Stagliano was absent. (12/16/2008)

MOTION TO TABLE by Supervisor Dybas, seconded by Supervisor Jonker, was defeated with Aye(751). Supervisors Dybas, McMahon, Walters, Thomas, Quackenbush, Jonker and Thayer voted Aye. Supervisor Stagliano was absent. (12/16/2008)

Upon advisement by the County Attorney, the board was directed to vote on the last motion pending from the 11/25/2008 (Ten Eyck). Supervisor Quackenbush pulled his sponsorship on the motion. Supervisor Dybas picked up the sponsorship.

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Thayer, to insert in the RESOLVED clause "Ten Eyck Group of Albany and \$319,382 respectively and in the FURTHER RESOLVED clause, Ten Eyck Group of Albany" was defeated with Aye(618). Supervisors Dybas, McMahon, Quackenbush, Jonker and Thayer voted Aye. Supervisor Stagliano was absent. (12/16/2008)

Upon advisement by the County Attorney, the board was directed to vote on the Hearn Agency motion that was pending from 11/25/2008.

MOTION TO AMEND by Supervisor Thayer, seconded by Supervisor McMahon, to insert in the RESOLVED clause Hearn Agency Inc. of Canajoharie and \$411,514 respectively and in the FURTHER RESOLVED clause, Hearn Agency Inc. of Canajoharie.

was defeated with Aye(667). Supervisors Dybas, McMahon, Walters, Quackenbush, Jonker and Thayer voted Aye. Supervisor Stagliano was absent. (12/16/2008)

RESOLUTION ADOPTED (as amended with Hays & Wormuth, Inc. on 11/25/2008) with Aye(1015). Supervisors Quackenbush, Jonker and Thayer voted Nay. Supervisors Greco, Dybas and McMahon abstained. Supervisor Stagliano was absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO.** 400 of 2008

**DATED:** November 25, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - GAT SUBSIDY - MOSA (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Quackenbush

WHEREAS, the Montgomery-Otsego-Schoharie Solid Waste Management Authority (MOSA) has established Montgomery County's 2009 Guaranteed Annual Tonnage (GAT) at 43,066 tons, and

WHEREAS, MOSA has established its 2009 Official Tipping Fee at \$106.00 per ton,

WHEREAS, it has been recommended that the Board of Supervisors authorize a per-ton subsidization of the tipping fee in line with Schoharie and Otsego County to provide for uniform subsidization through the three participating counties,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a subsidization renewal agreement with Montgomery-Otsego-Schoharie Solid Waste Management Authority (MOSA), and

FURTHER RESOLVED, that Montgomery County hereby establishes a subsidy of \$14.00 per ton for said one-year period, pursuant to an appropriation in the 2009 Operating Budget to provide for payment of said subsidy, and that the Chairman of the Board of Supervisors will notify all municipalities within the County of said subsidy.

MOTION TO TABLE by Supervisor Stagliano, seconded by Supervisor Dybas, passed with Aye(1456). Supervisors Greco, Walters, Quackenbush and Thayer voted Nay. (11/25/2008)

MOTION TO REMOVE FROM TABLE by Supervisor Walters, seconded by Supervisor Thayer, passed with Aye(1339). Supervisors Barone, Sr. and Dybas voted Nay. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

MOTION TO AMEND by Supervisor DiMezza, seconded by Supervisor Baia, to changed in the FURTHER RESOLVED clause "\$14.00" to "\$20.50",

passed with Aye(1102). Supervisors Greco, McMahon, Walters, Jonker and Thayer voted Nay. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

RESOLUTION ADOPTED with Aye(1245). Supervisors Greco, Walters, Jonker and Thayer voted Nay. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**NEW BUSINESS**

A. Resolutions

B. Other

**RESOLUTION NO. 404 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MASS TRANSPORTATION - THIRD PARTY PROVIDER - BROWN COACH (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

WHEREAS, Montgomery County and New York State have entered into a continuing 10-year agreement, identified as State Contract No. C003683, which authorizes a project to provide public mass transportation services,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign any documents necessary to complete a third party provider agreement with Brown's Coach for the period January 1, 2009 through December 31, 2009.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon

Cheryl Reese

County Attorney

Interim Clerk, Board of Supervisors

**RESOLUTION NO. 405 of 2008****DATED:** December 16, 2008**RESOLUTION REQUIRING THE ADVERTISEMENT OF A VACANCY FOR THE POSITION OF SOLID WASTE COORDINATOR IN THE BOARD OF SUPERVISORS OFFICE**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Greco

WHEREAS, Resolution #369 of 2008 established the position of Solid Waste Coordinator in the Board of Supervisors Office, and

WHEREAS, it is necessary to advertise for said position as soon as possible,

RESOLVED, that the Personnel Director is hereby authorized and directed to advertise immediately for the position of Solid Waste Coordinator.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 406 of 2008****DATED:** December 16, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - EARTH TECH, INC. - ENGINEERING SERVICES - 2009 ECONOMIC STIMULUS PROJECTS**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Thayer

WHEREAS, the Board of Supervisors is interested in preparing projects for possible economic stimulus funds;

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney; hereby is authorized and directed to sign an agreement with Earth Tech Northeast, Inc. of Latham, NY; for provision of engineering services for the 2009 Economic Stimulus Program, and

FURTHER RESOLVED, that said services shall be provided at a cost not to exceed \$209,000.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 407 of 2008****DATED:** December 16, 2008**\*\*See Appendix for Resolution Attachment\*\*****RESOLUTION RATIFYING MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND MONTGOMERY COUNTY LOCAL 82 OF CORRECTION SUPERVISORS AND AUTHORIZING CHAIRMAN TO SIGN CONTRACT FOR THE PERIOD OF JANUARY 1, 2009 – DECEMBER 31, 2012.**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Johnson

WHEREAS, negotiations for a successor employment agreement to the contract with Montgomery County Local 82 of Correction Supervisors have been conducted, with the parties reaching a Memorandum of Agreement for Full-time employees, and

WHEREAS, the membership of Montgomery County Local 82 of Correction Supervisors has ratified the Memorandum of Agreement, and

RESOLVED, that the Montgomery County Board of Supervisors hereby ratifies and approves the Full-time Memorandum of Agreement between the County of Montgomery and Montgomery County Local 82 of Correction Supervisors, as attached to a successor employment contract, and



FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney is hereby authorized and directed to sign a Full-time contract, incorporating said Memorandum of Agreement, with Correction Supervisors for the period of January 1, 2009 – December 31, 2012.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 408 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** December 16, 2008

**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT BETWEEN MONTGOMERY COUNTY AND CSEA REGARDING EMPLOYEES WAGES WHILE REMEDIATING OR REMOVING ASBESTOS**

Resolution by Supervisor: Johnson

Seconded by Supervisor: Di Mezza

WHEREAS, Montgomery County has agreed to have a team of trained Montgomery County Department of Public Works employees to perform remediation or removal of asbestos when tearing down houses and or buildings, and

WHEREAS, that these employees while performing only this function be paid 1 ½ times their regular hourly rate, and

RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign the attached Memorandum of Agreement with C. S. E. A. effective 1/1/09.

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Barone, Sr., to strike the RESOLVED clause and replace with RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney and the County's labor attorney, is hereby authorized and directed to sign the Memorandum of Agreement with C. S. E. A. effective 1/1/09,

passed with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 409 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** December 16, 2008

**RESOLUTION REVISING THE NON-BARGAINING POLICY FOR 2009**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Johnson

WHEREAS, the Board of Supervisors revised the Non-Bargaining Personnel Policy by the adoption of Resolution 89 of 2008, and

WHEREAS, it has been recommended that certain revisions be made to the Non-Bargaining Policy, and

RESOLVED, that the Board of Supervisors hereby adopts the attached Non-Bargaining changes which will be effective 1/1/09 thru 12/31/12, and

FURTHER RESOLVED, that the County Treasurer is hereby directed to amend the 2009 Montgomery County Fiscal Budget to appropriately reflect the changes being approved by said resolution.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 410 of 2008**

**\*\*See Appendix for Resolution Attachment\*\***

**DATED:** December 16, 2008

**RESOLUTION RATIFYING MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND MONTGOMERY COUNTY DEPUTY SHERIFF'S POLICE BENEVOLENT ASSOCIATION (PBA) AND AUTHORIZING CHAIRMAN TO SIGN CONTRACT FOR THE PERIOD OF JANUARY 1, 2009 – DECEMBER 31, 2012**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Johnson

WHEREAS, negotiations for a successor employment agreement to the contract with Montgomery County and the Deputy Sheriff's PBA have been conducted, with the parties reaching a Memorandum of Agreement for Full-time employees, and

WHEREAS, the membership of the Montgomery County Deputy Sheriff's PBA has ratified the Memorandum of Agreement, and

RESOLVED, that the Montgomery County Board of Supervisors hereby ratifies and approves the Full-time Memorandum of Agreement, between the County of Montgomery and Montgomery County Deputy Sheriff's PBA, as attached to a successor employment contract, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney is hereby authorized and directed to sign a Full-time contract, incorporating said Memorandum of Agreement, with Deputy Sheriff's PBA for the period of January 1, 2009 – December 31, 2012.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 411 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AWARDING RFP #05-08 - PHARMACEUTICAL SERVICES - MONTGOMERY COUNTY CORRECTIONAL FACILITY (SHERIFF)**

Resolution by Supervisor: Walters

Seconded by Supervisor: Barone, Sr.

WHEREAS, the Purchasing Agent was authorized per Resolution 317 of 2008 to conduct a Request for Proposals, RFP #05-08 for the provision of pharmaceutical services to the Montgomery County Correctional Facility, and

WHEREAS, proposals have been received and were opened on November 24, 2008 and

WHEREAS, after reviewing the proposals the Sheriff and Purchasing Agent recommend awarding the RFP to Chem-RX of Utica, NY,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, is authorized and directed to sign an agreement with Chem-RX of Utica, NY for the provision of Pharmaceutical Services to the Montgomery County Correctional Facility.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 412 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN GRANT AGREEMENT - GOVERNOR'S TRAFFIC SAFETY COMMITTEE - TRAFFIC SAFETY OFFICER**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, the Sheriff has been notified by the Governor's Traffic Safety Committee of grant funds allotted for the Traffic Safety Officer and related travel/training in 2008 & 2009, and

WHEREAS, the Sheriff has requested acceptance of said grant funds related to the Traffic Safety Officer's grant which total \$43,903.00.

RESOLVED, that the Montgomery County Board of Supervisors hereby accepts a grant in amount of

\$43,903.00 from the Governor's Traffic Safety Committee to provide for the Traffic Safety Deputy and related travel/training, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign said grant agreement.

RESOLUTION ADOPTED with Aye(1478). Supervisor Dybas voted Nay. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 413 of 2008**

**DATED:** December 16, 2008

**RESOLUTION APPOINTING MEMBERS - MONTGOMERY COUNTY TRAFFIC SAFETY BOARD**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Strevy

WHEREAS, Article 43, Section 1673, of NYS Vehicle and Traffic Law, regulates the membership of the Montgomery County Traffic Safety Board, and

WHEREAS, the law states that the members of the Traffic Safety Board be appointed by the Board of Supervisors as the governing body of this County, and

WHEREAS, if the appointed member is unable to attend any meeting, they will be allowed to appoint a designee to attend on their behalf, but will not change the original members appointment status, now therefore, be it

WHEREAS, the current Board consists of:

POSITION	NAME	TERM EXPIRATION
Sheriff	Michael J. Amato	12/31/08
Chief of Police, City of Amsterdam	Thomas V.N. Brownell	12/31/10
Lieutenant, Montgomery County Sheriff's Office	Burton Wilson	12/31/08
Traffic Safety Deputy, Montgomery County Sheriff's Office	Raymond Walczynski	12/31/10
Stop-DWI Coordinator	Jennifer Petteys	12/31/08
Constituent, Town of Amsterdam	Eileen Broyles	12/31/10
Alcoholism and Substance Abuse Council of Hamilton, Fulton & Montgomery Counties	Margaret Clark	12/31/08
Montgomery County Public Health	Suzanne Wells	12/31/10
County Board of Supervisors, Chair of Public Safety Committee	John B. Thomas	12/31/08
Alcoholism and Substance Abuse Council of Hamilton, Fulton and Montgomery Counties	Betsy Reksc	12/31/10
Chief of Police, Village of Canajoharie	William Beevers	12/31/08
Captain, New York State Police	William Ranagan	12/31/10
TRIO Program Director, Fulton-Montgomery Community College	Jean Karutis	12/31/08
Commissioner, Montgomery County Dept. of Public Works	Paul Clayburn	12/31/10

Constituent, Town of Amsterdam	Richard Furman	12/31/09
Constituent, City of Amsterdam	Evelyn Bianchi	12/31/09
Constituent, City of Amsterdam	John Bianchi	12/31/09
Constituent, Town of Palatine	Miles Frasier	12/31/09

and,

WHEREAS, Eileen Broyles is unable to continue to serve in her capacity as a member of this board and would request her removal from this position, and

WHEREAS, there are currently several terms that have expired that are in need of appointment,

RESOLVED, that the following appointments along with their corresponding terms to be served on the Montgomery County Traffic Safety Board shall be as follows:

POSITION	NAME	TERM EXPIRATION
Sheriff	Michael J. Amato	12/31/11
Lieutenant, Montgomery County Sheriff's Office	Burton Wilson	12/31/11
Stop-DWI Coordinator	Jennifer Petteys	12/31/11
Alcoholism and Substance Abuse Council of Hamilton, Fulton & Montgomery Counties	Margaret Clark	12/31/11
County Board of Supervisors, Chair of Public Safety Committee	John B. Thomas	12/31/11
Chief of Police, Village of Canajoharie	William Beevers	12/31/11
TRIO Program Director, Fulton-Montgomery Community College	Jean Karutis	12/31/11

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

#### RESOLUTION NO. 414 of 2008

**DATED:** December 16, 2008

#### RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - PRE-TRIAL RELEASE COORDINATOR - LESLIE NICHOLAS (YOUTH BUREAU/ALTERNATIVE COMMUNITY SERVICES DEPARTMENT)

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Di Mezza

WHEREAS, the Director of the Youth Bureau/Alternative Community Services Department has requested the renewal of the contract for services with the Pre-Trial Release Coordinator for 2009,

RESOLVED, the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Leslie Nicholas for the provision of Pre-Trial Release Services for the period of January 1, 2009 through December 31, 2009 at an amount not to exceed \$27,000 plus allowable reimbursable expenses.

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Dybas, to strike in the RESOLVED clause \$27,000 and replace with \$28,000, and to add the following:

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2009 Operating Budget as follows:

INCREASE

A599	Appropriated Fund Balance	\$1,000
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INCREASE APPROPRIATIONS

A-21-4-3157-00. 4438                      Mi sc. Support Services                      \$1,000

passed with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 415 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - 2009 ANNUAL ALTERNATIVES TO INCARCERATION PERFORMANCE - BASED SERVICE PLAN (YOUTH BUREAU/ACSD)**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Di Mezza

WHEREAS, the Youth Bureau/Alternative Community Services Director has requested that the County enter into an agreement with the New York State Department of Probation and Correctional Alternatives, and

WHEREAS, the Montgomery County Criminal Justice Coordinating Council recommends acceptance of said proposal, and

WHEREAS, said agreement will enable the County to receive grant funds in the maximum amount of Twenty-two thousand two hundred fifty nine dollars (\$22,259), now therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors hereby is authorized and directed, following review and approval by the County Attorney, to sign an agreement for the period commencing on January 1, 2009 and ending on December 31, 2009, and

FURTHER RESOLVED, that upon notification of the award of said grant funds, the Chairman of the Board of Supervisors is hereby authorized and directed to execute any and all grant documents on behalf of the County.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 416 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - LEASE AGREEMENT WITH CENTRO CIVICO OF AMSTERDAM, INC. FOR A PROBATION SATELLITE OFFICE**

Resolution by Supervisor: Thayer

Seconded by Supervisor: Barone, Sr.

WHEREAS, it is necessary that the Probation Department maintain a satellite office in the City of Amsterdam, and

WHEREAS, Centro Civico of Amsterdam, Inc. has agreed to lease 131 East Main St. Amsterdam to the Probation Department for this purpose,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a lease agreement with Centro Civico of Amsterdam, Inc. to provide a satellite office for the Probation Department, and

FURTHER RESOLVED, that said agreement shall be for a period commencing on January 1, 2009 and ending on December 31, 2009, at a rental rate of \$425.00 per month.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 417 of 2008****DATED:** December 16, 2008**RESOLUTION AWARDING BID NO. 14-08 PUBLIC COMMUNICATIONS EQUIPMENT MAINTENANCE CONTRACT (EMERGENCY MANAGEMENT)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Walters

WHEREAS, the Purchasing Agent has solicited bids for a Maintenance Contract for the Public Safety Communications Equipment, and

WHEREAS, said bids were opened on December 1, 2008,

RESOLVED, that the Board of Supervisors hereby awards Bid No. 14-08 to Leonard Wireless Systems for the provision of a Maintenance Contract for the Public Safety Communications Equipment, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval of the County Attorney, is hereby authorized and directed to sign an agreement with Leonard Wireless Systems for the provision of said services for the period of three years, beginning January 1, 2009 and ending December 31, 2011 at a cost not to exceed \$44,091.12 yearly.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 418 of 2008****DATED:** December 16, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MONTGOMERY COUNTY SOIL AND WATER CONSERVATION DISTRICT (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Di Mezza

WHEREAS, the 2009 Operating Budget includes appropriations of \$70,000 for the Montgomery County Soil and Water Conservation District in accordance with Section 223 of County Law to provide funds to assist said agency in maintaining said District under the provisions of the New York State Soil Conservation District Law,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to execute an agreement with the Montgomery County Soil and Water Conservation District for services at a cost not to exceed \$70,000.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 419 of 2008****DATED:** December 16, 2008**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - CORNELL COOPERATIVE EXTENSION SERVICES (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Jonker

WHEREAS, the 2009 Operating Budget includes appropriations of \$200,019 for the Cornell Cooperative Extension of Fulton and Montgomery Counties to provide funds to assist said agency in maintaining programs to benefit Montgomery County residents which also includes funding to maintain an active Agriculture Economic Development Program, and

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to execute an agreement with Cornell Cooperative Extension of Fulton and Montgomery Counties for services provided under Subdivision 8 of Section 224 of County Law of the State of New York at a cost not to exceed \$173,019, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by

the County Attorney, hereby is authorized and directed to execute an agreement with Cornell Cooperative Extension for provision of agriculture economic development services for 2009, in an amount not to exceed \$27,000, such contract to be overseen and invoices to be approved by the County's Department of Economic Development.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 420 of 2008**

**DATED:** December 16, 2008

**RESOLUTION ESTABLISHING PUBLIC HEARING - REVIEW OF AGRICULTURAL DISTRICT NO. 2  
(ECONOMIC DEVELOPMENT)**

Resolution by Supervisor: McMahon

Seconded by Supervisor: Barone, Sr.

WHEREAS, Agricultural District No. 2 is required to undergo a review every eight years, pursuant to New York State Agricultural and Markets Law, Article 25AA, and

WHEREAS, the Montgomery County Agricultural and Farmland Protection Board has conducted an in-depth review, recommending modifications to said district, and

WHEREAS, the law requires the Board of Supervisors to conduct a public hearing on the status of the proposed modifications,

RESOLVED, that the Board of Supervisors hereby schedules a Public Hearing on Agricultural District No. 2 to be held at 6:55 p.m., Tuesday, January 27th in the Chambers of the Board of Supervisors, County Office Building, Fonda, New York, and

FURTHER RESOLVED, that written notice shall be given to those municipalities whose territories encompass the district and any proposed modifications, and to persons, as listed on the most recent assessment roll, whose land is the subject of a proposed modification, and the Commissioner of Agriculture and Markets.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 421 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS- 2008-2009 SNOWMOBILE TRAILS GRANT-IN-AID PROGRAM AND MOHAWK VALLEY SNOWMOBILE CLUBS, INC. (ECONOMIC DEVELOPMENT AND PLANNING)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Walters

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has awarded Montgomery County \$ 76,950.00 from the 2008-2009 Snowmobile Trails Grant-In-Aid Program, based upon an application submitted in cooperation with the Mohawk Valley Snowmobile clubs, Inc.

RESOLVED, that the Chairman of the Board of Supervisors, following the review and approval by the County Attorney, hereby is authorized and directed to execute documents accepting the 2008-2009 Snowmobile Trails Grant from the Office of Parks, Recreation and Historic Preservation, and

FURTHER RESOLVED, that said Chairman also is authorized and directed to execute an agreement, upon review and approval of the County Attorney, between the County and the Mohawk Valley Snowmobile Clubs, Inc., provided for said organization to conduct snowmobile trail development and maintenance consistent with grant program requirements.

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2009 Operating Budget as follows:

INCREASE REVENUE:

A-24-3-3389	State Aid -Other Culture and Recreation	\$11,950
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## INCREASE APPROPRIATIONS

A-24-4-7180-00-4572 Recreation Trails \$11,950

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 422 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENTS - SERVICE PROVIDER CONTRACTS  
(COMMUNITY SERVICES/MENTAL HEALTH)**

Resolution by Supervisor: Di Mezza

Seconded by Supervisor: Walters

WHEREAS, Section 41.05 of the Mental Hygiene Laws of the State of New York requires that each local government establish a local government unit to plan for and administer mental health, mental retardation, alcoholism and substance abuse services, and

WHEREAS, Section 41.13(2)6. provides the authority for the local government unit to enter into contracts with local services providers to implement the local services plan for mental health, mental retardation, alcoholism and substance abuse services,

RESOLVED, that following the approval of the County Attorney the Chairman of the Board of Supervisors is hereby authorized and directed to sign and execute any and all prospective agreement documents entered into between the County and agencies providing mental health, mental retardation, alcoholism and substance abuse services as listed below, for the period January 1, 2009 - December 31, 2009.

1) Catholic Charities of Montgomery County for alcoholism and substance abuse and gambling preventative services not to exceed \$ 369,500.00

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 423 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN ADDENDUM TO AGREEMENT - SERVICE PROVIDER  
CONTRACT - ST. MARY'S HOSPITAL ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES  
(COMMUNITY SERVICES/MENTAL HEALTH)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Paton

WHEREAS, Section 41.05 of the Mental Hygiene Laws of the State of New York requires that each local government establish a local government unit to plan for and administer mental health, mental retardation, alcoholism and substance abuse services, and

WHEREAS, Section 41.13(2)6. Provides the authority for the local government unit to enter into contracts with local services providers to implement the local services plan for mental health, mental retardation, alcoholism and substance abuse services,

WHEREAS, The Director of Community Services has recommended that the face value of the contract be increased to permit the reimbursement of alcoholism and treatment services provided by St. Mary's Hospital with no change to the Montgomery County Budget appropriation for 2008 required,

RESOLVED that following the approval of the County Attorney the Chairman of the Board of Supervisors is hereby authorized and directed to sign and execute an Addendum to the agreement documents entered into between the County and St. Mary's Hospital for Alcoholism and Substance Abuse Treatment Services as follows:

- 1) The face value of the contract is increased from \$ 220,000.00 to \$235,000.
- 2) All other terms and conditions of the contract remain the same.



RESOLUTION ADOPTED with Aye(1475). Supervisor Greco abstained. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 424 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN AGREEMENT - MONTGOMERY COUNTY OFFICE FOR THE AGING (BOARD OF SUPERVISORS)**

Resolution by Supervisor: Bai a

Seconded by Supervisor: McMahon

WHEREAS, the 2009 Operating Budget includes appropriations of \$220,000 for the Montgomery County Office for Aging, Inc (OFA) to provide funds to assist OFA in maintaining programs to benefit Montgomery County residents age 60 and older,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to execute an agreement with Montgomery County Office for Aging, Inc. for services at a cost not to exceed \$220,000.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 425 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AMENDING 2009 OPERATING BUDGET - CASEWORKERS (SOCIAL SERVICES)**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Di Mezza

WHEREAS, the Commissioner of Social Services has recommended reinstatement of items deleted in the 2009 Adopted Budget,

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2009 Operating Budget as follows:

**TRANSFER FROM:**

A-01-4-1900-00. 4400	Contingent Account	\$18,800.00
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**TRANSFER TO:**

<b>APPROPRIATION:</b>		
A-18-4-6010-00. 2230	Motor Vehicle Equipment	\$18,800.00

**INCREASE:**

**REVENUE:**

A-18-3-1894-00	Social Services Charges	\$26,228.00
A-18-3-3610-00	State Aid DSS Administration	\$22,830.00
A-18-3-4610-00	Federal Aid DSS Administration	\$12,936.00

<b>APPROPRIATION:</b>		
A-18-4-6010-00. 1110 (385)	Caseworker	\$30,997.00
A-18-4-6010-00. 1110 (386)	Caseworker	\$30,997.00

RESOLUTION ADOPTED with Aye(1087). Supervisors Greco, Dybas, Bai a and Jonker voted Nay. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 426 of 2008****DATED:** December 16, 2008**RESOLUTION AMENDING 2009 OPERATING BUDGET - ADDITIONAL POSITIONS ( SOCIAL SERVICES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Di Mezza

RESOLVED, that the 2009 Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase
A-18-4-6010-00.1110 (1086)	Soc. Wel fare Exami ner	\$ 0	\$25,889	\$25,889
A-18-4-6010-00.1110 (1087)	Wel fare Empl oy. Rep.	\$ 0	\$28,800	\$28,800

MOTION TO AMEND by Supervisor Johnson, seconded by Supervisor Barone, Sr., to add the following:

Account	Description	Amount	Change To:	Increase (Decrease)
A599	Approp. Fund Balance	\$ 0	\$54,689	\$54,689

passed with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

RESOLUTION ADOPTED with Aye(1235). Supervisors Greco, Bai a and Strevy voted Nay. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors**RESOLUTION NO. 427 of 2008****DATED:** December 16, 2008**RESOLUTION AMENDING 2009 OPERATING BUDGET - POSITION UPGRADE (SOCIAL SERVICES)**

Resolution by Supervisor: Barone, Sr.

Seconded by Supervisor: Di Mezza

RESOLVED, that the 2009 Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decreased)
A-18-4-6010-00.1110 (448)	Executive Secretary	\$30,550	\$ 0	(\$30,550)
A-18-4-6010-00.1110 (XXX)	Confidential Secretary	\$ 0	\$32,900	\$32,900

MOTION TO AMEND by Supervisor Dybas, seconded by Supervisor Barone, Sr., to strike the RESOLVED CLAUSE and replace with RESOLVED, that the 2009 Operating Budget is amended as follows:

Account	Description	Amount	Change To:	Increase (Decrease)
A-18-4-6010-00.1110 (448)	Executive Secretary	\$ 32,487	\$ 0	(\$32,487)
A-18-4-6010-00.1110 (xxx)	Confidential Secretary	\$ 0	\$32,900	\$32,900
A599	Approp. Fund Balance			\$413.00

passed with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

RESOLUTION ADOPTED with Aye(1475). Supervisor Greco voted Nay. Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County AttorneyCheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 428 of 2008**

**DATED:** December 16, 2008

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN RENEWAL AGREEMENT - TRANSPORTATION OF FULTON COUNTY VETERANS (VETERANS)**

Resolution by Supervisor: Strevy

Seconded by Supervisor: Bai a

WHEREAS, the Veterans Director has recommended that Montgomery County continue to transport Fulton County veterans to and from the VA Medical Center in Albany,

RESOLVED, that the Chairman of the Board of Supervisors, following review and approval by the County Attorney, hereby is authorized and directed to sign a renewal agreement for the transportation of Fulton County veterans to and from the VA Medical Center in Albany, and

FURTHER RESOLVED, that said Agreement shall be for a one-year period ending on December 31, 2009, and

FURTHER RESOLVED, that said Agreement shall provide for transportation of Fulton County veterans, depending upon availability of space, at a charge of \$20.00 each way.

MOTION TO AMEND by Supervisor Walters, seconded by Supervisor Dybas, passed with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 429 of 2008**

**DATED:** December 16, 2008

**RESOLUTION ESTABLISHING A PUBLIC HEARING ON LOCAL LAW F OF 2008 - A LOCAL LAW WHICH AUTHORIZES THE CONTRIBUTION OF FUNDS TO THE DEMOLITION OF PIONEER STREET MILL IN THE TOWN OF AMSTERDAM**

Resolution by Supervisor: Greco

Seconded by Supervisor: Johnson

WHEREAS, a public hearing is required to be held concerning Introductory Local Law F of 2008, a local law which authorizes the contribution of funds to the demolition of Pioneer Street Mill in the Town of Amsterdam,

RESOLVED, that Introductory Local Law F of 2008 hereby is submitted to the Montgomery County Board of Supervisors for consideration, following the holding of a public hearing, as follows:

Introductory Local Law F of 2008 - A Local Law which authorizes the contribution of funds to the demolition of Pioneer Street Mill in the Town of Amsterdam.

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

WHEREAS, In 2007 the Town acquired the Pioneer Street Mill from an absentee (tax delinquent) owner with the intent of demolishing the mill and ending a decade long threat to public welfare and the environment. The Town was successful in securing \$211,000 from the Clean Water/Clean Air Bond Act approved by the NYS voters in 1996 and;

WHEREAS, The contract with NYSDEC requires the Town to conduct a Remedial Investigation and prepare a Alternatives Analysis (RI/AA) to address any contamination found at the site. As part of the RI/AA process the Town has identified the several Interim Remedial Measures (IRMs), which address sources of contamination that can be effectively addressed before completion of the RI/AA and;

WHEREAS, The total estimated cost to complete the IRMs and the RI//AA has escalated to \$740,000. And this cost does not include clean-up of any subsurface contamination discovered during the remedial investigation nor the cost associated with preparing the site for any future use, and;

WHEREAS, The Town does not have the financial resources to complete this project without assistance from other sources,

WHEREAS, the Montgomery County Board of Supervisors recognizes that public welfare and the environment are important issues and desires to assist local municipalities which have taken the initiative to address such issues, and

WHEREAS, The Montgomery County Board of Supervisors recognizes the benefit to county residents derived from the removal of an unsightly structure which poses potential safety and health risks to county residents as well as the utility of the site as a park open to county residents once the demolition and remediation are concluded,

RESOLVED, that Montgomery County hereby allocates up to \$100,000 to the Town of Amsterdam to assist the town with the cost of the Pioneer Street Mill demolition and remediation project, and

FURTHER RESOLVED, that the Chairman of the Board of Supervisors, upon review and approval from the county attorney, is authorized and directed to execute necessary documentation in furtherance of said contribution.

FURTHER RESOLVED, that said public hearing shall be held January 27, 2008 at 6:50 PM, in the Chamber of the Board of Supervisors, County Office Building, Fonda, New York, and

FURTHER RESOLVED, that the Clerk of the Board of Supervisors hereby is directed to cause legal notice of said public hearing to be published according to law.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent. (12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

**RESOLUTION NO. 430 of 2008**

**DATED:** December 16, 2008

**RESOLUTION SUPPORTING THE AFTER SCHOOL PROGRAM AT THE FONDA-FULTONVILLE CENTRAL SCHOOL**

Resolution by Supervisor: Thomas

Seconded by Supervisor: Di Mezza

WHEREAS, the Director of the Advantage After-School Program at Fonda-Fultonville Central School is licensed (by the NYS Office of Children and Family Services) for enrollment of 80 students and the program has had that many in any given day this Fall, which includes students who leave to attend their sports activities and then return when practice is over. This program provides that students are always supervised while in the building, which is one of the purposes of this program, and

WHEREAS, the students who participate in the after school program arrive at the program at dismissal and are given a nutritious snack and then assistance with their homework by both teachers and employees of the program, and

WHEREAS, the students are involved in many character education activities such as Family Day this Fall and the Lights On celebration - a national day to recognize and promote the importance of after school programs. Other programs of importance and benefit to the students are: heritage theme programs, softball, tennis, basketball, and large group games, computer activities - using websites listed on the school-district website which can be games and information on careers, arts and crafts, character education activities to help make the students more aware how to treat others, which is an extension of Fonda-Fultonville School's efforts to reduce bullying. The After school Program's Goals are to have students learn to take on personal responsibility and to have staff make personal connections with students as studies show that having a non-related adult in the life of students helps them succeed in life in spite harsh at-home living conditions including abuse, drugs, etc. and parent(s) who don't care about their kids. Staff is extensively trained and encouraged to really listen to students and interact closely to make them feel welcome and able to see their own self-worth. The students attending the afterschool program also are involved in doing charitable works to benefit the community such as making ornaments for festival of trees. Health cooking is a once a week activity and this involves parents and other family members when possible. A very important component of the afterschool program is homework help which is provided to each student by both teachers and staff. Presentations from outside this program including from HFM Prevention Council related to making good choices and setting

goals and problem-solving are also given. Parents are asked for their expectations and input and are provided with information that they might use such as articles on parenting teens and connecting with their children, etc,

RESOLVED, that Montgomery County Board of Supervisors hereby understands the importance of and supports the After School Program in Fonda-Fultonville.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 431 of 2008**

**DATED:** December 16, 2008

**RESOLUTION APPOINTING THE FULL-TIME CLERK OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY**

Resolution by Supervisor: Greco

Seconded by Supervisor: Thomas

RESOLVED, that pursuant to Section 475 of County Law, Robin Loske is appointed Full-Time Clerk of the Board of Supervisors of Montgomery County effective January 2, 2009 at an annual base salary of \$43,000, and

FURTHER RESOLVED, that said Appointee will serve at the pleasure of the Board.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**RESOLUTION NO. 432 of 2008**

**DATED:** December 16, 2008

**RESOLUTION FIXING THE DATE AND TIME OF THE 2009 ORGANIZATIONAL MEETING OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS**

Resolution by Supervisor: Greco

Seconded by Supervisor: Barone, Sr.

RESOLVED, that pursuant to Article 4, Section 151, Subdivision 1 of the County Law, the Organizational Meeting of the Montgomery County Board of Supervisors shall be held at 10:00 am on the 1st day of January 2009.

RESOLUTION ADOPTED with Aye(1614). Supervisors Quackenbush and Stagliano were absent.  
(12/16/2008)

Douglas Landon  
County Attorney

Cheryl Reese  
Interim Clerk, Board of Supervisors

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**OTHER**

Chairman Greco thanked the Board of Supervisors and the public for being able to serve as Chairman of the Board for 2008. He stated that it has been a honor and a privilege.

Supervisor DiMezza expressed his thanks to Cheryl Reese for serving as Interim Clerk of the Board of Supervisors. He stated that she has done a fantastic job in the position.

**ADJOURNMENT**

MOTION TO ADJOURN by Supervisor Walters, seconded by Supervisor Strevy, passed with Aye(1868).

Chairman Greco adjourned the meeting at 9:40 PM.

Respectfully submitted,

Cheryl Reese  
Interim Clerk of the Board

**CERTIFICATION OF PUBLICATION  
CLERK OF THE BOARD**

I, Cheryl A. Reese, Interim Clerk of the Montgomery County Board of Supervisors, do hereby certify that the foregoing Proceedings of the Board are, typographical errors excepted, a true and correct transcript of the Special, Regular and Annual Sessions of 2008, and the same is hereby printed in the volume by authorization of the said Montgomery County Board of Supervisors.

CHERYL A. REESE, INTERIM CLERK  
Board of Supervisors





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# ***ATTACHMENT SECTION***

***Green – Seifter report***



**REPORT OF GREEN & SEIFTER ATTORNEYS, PLLC**

**to the**

**BOARD OF SUPERVISORS**

**of**

**MONTGOMERY COUNTY, NEW YORK**

**regarding**

**SOLID WASTE MANAGEMENT ISSUES**

**OCTOBER 2008**

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## I. Introduction

In August of 2007, the firm of Gershman, Bricher & Bratton, Inc. rendered a "Draft Phase I Report" (the "GBB Report") regarding the operations of the Montgomery-Otsego-Schoharie Solid Waste Management Authority ("MOSA"). In October of 2007, Green & Seifter Attorneys, PLLC ("GSA") was engaged by the Board of Supervisors of Montgomery County, New York (the "County") to advise that body with respect to long-term planning for the management of the County's solid waste.<sup>1</sup> The planning horizon was understood to be post-May of 2014, following the expiration of the term of the service agreement entered into by the County, the Counties of Schoharie and Otsego, and MOSA (the "Service Agreement"). The County sought:

.....the assistance of counsel as it begins to analyze applicable federal and state requirements and to assess potential strategies for the management of the County's solid waste stream from and after the expiration of the Service Agreement.<sup>2</sup>

In December of 2007, the scope of the engagement was altered to include advising the County Board with respect to issues of solid waste management arising while the Service Agreement is still in force.

Over the succeeding months, GSA undertook a number of tasks in connection with this assignment. Among other things:

- Requests were directed, pursuant to New York's Freedom of Information Law ("FOIL"),<sup>3</sup> to the headquarters of the New York State Department of Environmental Conservation ("DEC") and to the DEC Region 4 office, and the responses to these requests were reviewed.
- Research was conducted in relevant areas of state law and federal law, including review and analysis of the decision of the United States

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<sup>1</sup> The firm was to be assisted in its efforts by the consulting firm of P.R.B & Associates.

<sup>2</sup> "Proposed Scope of Services" dated August 14, 2007.

<sup>3</sup> Public Officers Law §§ 84-90.

Supreme Court in *Dept. of Revenue of Kentucky v. Davis* (553 U.S. \_\_\_\_  
[Slip Opinion May 19, 2008].

- MOSA bond documents for every MOSA financing were obtained and reviewed.
- Meetings and interviews were conducted with DEC officials at the headquarters and regional levels.
- MOSA history was reviewed, including formation, litigation, and previous attempts to address problems.
- The GBB Report was reviewed and analyzed.
- An interim report was prepared and presented to the County Board Chairman and other representatives of County government (April 19, 2008).
- At the request of Gil Chichester, MOSA Executive Director, and with the approval of the County Board Chairman, GSA attended a meeting with Chichester and other MOSA representatives (May 1, 2008).

In June of 2008, GSA's draft final report was submitted to the County Board and the County Attorney for their review. Final release of this report was delayed when the County sought GSA's confidential advice in connection with the prospect of litigation with MOSA. This advice was rendered in August of 2008 and this report was made final and rendered to the County Board in October of 2008.

## II. Executive Summary

The bulk of the GBB Report consists of recommended "Actions," "Initiatives," and "Options." As discussed in more detail below, many of the GBB Report recommendations have considerable merit, while some are of dubious value. With particular respect to the potential initiative calling for the three counties to adopt general programs of regulatory "flow control," we believe that the relief that such programs might afford in future years may not justify the costs associated with them. Instead, we recommend that the County institute a form of case-by-case flow control utilizing certain of the planning and economic development powers made available to it by the New York State General Municipal Law ("GML"). We do see potential value in a special regulatory flow control program targeting a particular subset of the MSW stream.

We also recommend that the County continue to press for legislative dissolution of MOSA and State take-over of the remaining MOSA debt and its long-term regulatory obligations. Acknowledging the remoteness of the prospect of dissolution, we also offer a more easily achieved recommendation that would at least restore additional solid waste management planning flexibility to the County at the end of the term of the Service Agreement. This recommendation would be implemented by shortening the "planning period" of the Solid Waste Management Plan currently in place for MOSA so that this period will end simultaneously with the expiration of the Service Agreement.

We also recommend the establishment of a new County Office of Solid Waste Management Coordination. Furthermore, we recommend that the County insist that DEC acknowledge its shared responsibility for the solid waste predicament in which the County and MOSA find themselves and that DEC spearhead a regional solid waste planning initiative that would involve an expanded universe of municipal stakeholders.

Lastly, we recommend that the County engage a forensic account to analyze MOSA's budgeting practices for the past five years in an attempt to determine whether excessive revenue requirements and/or cost estimates used in the determination of the "tipping fee" charged by MOSA have given rise to a claim on the part of the County for some form of a refund.

### III. A. Historical Introduction

The need to manage municipal or mixed solid waste ("MSW")<sup>4</sup> commanded the attention of governmental authorities in the County immediately after the conclusion of the Second World War. In 1946, the City of Amsterdam erected an incinerator in the fifth ward, and this facility was expanded in 1967.<sup>5</sup> In 1969, the County, together with Fulton County,<sup>6</sup> undertook a joint landfill study. By 1972, two sites within the County had been selected, an eastern site located on Antlers Road in the town of Amsterdam (the "Eastern Landfill") and a central site located along Route 5-S in the town of Root (the "Central Landfill"). Both sites were in operation by 1974, and it was anticipated that they would serve useful lives of between 15 and 20 years.

In the early 1980's, the government of New York State dramatically intervened in the area of MSW management. Through the enactment of new laws and the preparation and promulgation of new regulations and other documents, every municipal government in the State addressing the MSW management issue was compelled to accommodate its planning efforts to the new regulatory regime. The responsibility for implementing this new regime was conferred on DEC by Chapter 552 of the Laws of 1980,<sup>7</sup> and, by 1987, DEC had adopted the first State Solid Waste Management Plan ("SWMP"). The State SWMP established a "waste management method hierarchy" that prevails to this day. The hierarchy's "order of preference" is as follows:

- Waste reduction;
- Recycling and reuse;
- Waste-to-energy; and
- Landfilling.

An integral part of DEC's strategy in the 1980's was to institutionalize a rigid preference in favor of larger scaled MSW management projects and larger-scoped managing entities as

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<sup>4</sup> MSW is an acronym for municipal solid waste or mixed solid waste. MSW consists of non-hazardous solid wastes generated by households, commercial establishments, institutions, and industries. The term "MSW" is used in the general sense throughout this report and, when a more precise meaning is required, an appropriate alternative term is used.

<sup>5</sup> The history of the County's early solid waste management efforts is given in Hugh Donlon's Outlines of History Montgomery County State of New York (Amsterdam: Noteworthy Company 1973) p. 189.

<sup>6</sup> Fulton County was created by severing the northern half of Montgomery County and erecting it as the new county in 1838. IBID, p. 93.

<sup>7</sup> The short title for this legislation is the "State Solid Waste Management Act."



opposed to smaller projects and entities. To achieve the proper scale and scope, governmental units would be encouraged to collaborate and consolidate their efforts. In populous Long Island, a township might be sufficient, but a "multi-town" approach would be even better.<sup>8</sup> In rural upstate, a "multi-county" approach was thought to be ideal in most cases. DEC's scheme was to cover the state with properly sized solid waste "planning units."

In predictable fashion, the State, acting through DEC, utilized a "carrot and stick" approach. Relying on new federal and state regulations requiring, among other things, landfill liners, DEC aggressively pressured municipalities to close old landfills and to accept and implement the new regime. At the same time, generous grants for planning efforts were made available, and the 1986 Environmental Bond Act allocated \$100 million to close landfills that no longer met state standards. In any event, by 1985, it was clear that DEC would not issue renewal permits for the two existing County landfills.

In 1987, the same year that DEC promulgated the first State SWMP, the State legislature created MOSA by enacting Title 13-AA of Article 8 of the Public Authorities Law (the "MOSA Act"). The MOSA Act was passed at the request of the County and the Counties of Otsego and Schoharie, and each of the three counties (the "Constituent Counties") filed the required certificate confirming its participation in MOSA with the State Department of State.<sup>9</sup>

In 1989, MOSA and the Constituent Counties entered into the Service Agreement, which binds the parties during a term expiring on May 26, 2014. On August 15, 1990, MOSA closed on its first of a number of revenue bond financings, borrowing an initial amount of \$18,905,000. Although MOSA is not empowered specifically by the MOSA Act to present itself and serve as the "planning unit" for the three-county territory established thereby, it undoubtedly fit the relevant regulatory definition<sup>10</sup> and it would seem that all of the Constituent Counties assumed, in signing the Service Agreement and generally, that MOSA was so empowered.

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<sup>8</sup> For an account of the "multi-town" fiasco on Long Island, see the report of the New York State Temporary Commission of Investigation entitled *The Multi-Town Solid Waste Management Authority and the Crisis of Solid Waste Management*.

<sup>9</sup> The County's certificate, signed by then County Board Chairman Ottati, was filed on September 16, 1987.

<sup>10</sup> 6 NYCRR §360-15.2(d).

MOSA submitted its proposed integrated solid waste management plan (the "MOSA SWMP") to DEC in 1991, and DEC approved it on March 24, 1992. To whatever degree the Constituent Counties had retained any authority to seek designation as stand-alone "planning units" from DEC, that authority was curtailed as of March 24, 1992. The MOSA SWMP utilizes a "planning period" extending until the end of calendar year 2016, and it calls for the siting and construction of a landfill within its service territory (the "MOSA Landfill") to be ready for operation by November of 1995. MOSA abandoned efforts at siting the MOSA landfill in 1999.<sup>11</sup>

As of October 2008, MOSA owns and operates four facilities in the County. The Eastern Landfill and the Central Landfill are closed and capped; disposal ceased at these facilities in 1996 and 1993, respectively. MOSA also owns and operates an MSW transfer station ("TS") in the Town of Root and another TS in the City of Amsterdam. MOSA's current debt structure will allow for retirement of all debt by January 1, 2014. The revenue needed to retire MOSA's debt is provided almost exclusively by the Service Agreement, which includes a "put or pay" mechanism designed to ensure that MOSA's costs of operation, including debt service, may be collected from the Constituent Counties.

Thus, three dates associated with MOSA's SWMP and its financial arrangements are of particular importance in terms of the analysis provided in this report. These dates are:

January 1, 2014	Current MOSA indebtedness is paid off
May 26, 2014	Term of Service Agreement expires
January 1, 2017	"Planning Period" established by MOSA SWMP terminates.

It may be noted that, for the first five months of 2014, each of the Constituent Counties should be entitled to dispose of MSW at MOSA facilities at a significantly reduced cost inasmuch as MOSA should be operating debt-free during this brief period.

<sup>11</sup> By letter of Richard Miller, Project Engineer with the firm of Smith & Mahoney, P.C., dated February 22, 1999, DEC was advised that MOSA had authorized decommissioning of the designated site for the new landfill.

The January 1, 2017 milestone is made particularly significant by the DEC regulation appearing at 6 NYCRR §360-15.11(a), which provides:

Modifications to plans approved pursuant to this Subpart must be submitted to the department for approval. An application for a permit to construct which is pending before the department on the effective date of this Part and *an application for a permit to construct and operate a solid waste management facility by, or on behalf of, a municipality which is not described by an approved plan may not be determined by the department to be complete until the department approves a modified plan describing such a facility.* However, notwithstanding the provisions of subdivision 360-1.7(c) of this Part, *no modification to any plan will be approved if that modification has the effect of decreasing the size of the planning unit unless each municipality withdrawing from the planning unit joins with or forms a second planning unit and the department determines in writing that each planning unit is capable of implementing a regional solid waste management program.* (emphasis supplied)

Inasmuch as the MOSA SWMP describes no Constituent County-sponsored MSW management facility, this regulation effectively defers the implementation of any long-range MSW planning effort undertaken by any of the Constituent Counties until the end of the MOSA SWMP Planning Period.<sup>12</sup>

### III.B. The County's MSW Predicament.

(i) *The Dismal SWMP.* Management of MSW has long been recognized as a valid exercise of a municipality's police power.<sup>13</sup> This important governmental function has

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<sup>12</sup> It should be noted that certain types of solid waste management facilities, such as energy recovery incinerators or pyrolysis units, are exempt from the 6 NYCRR Part 360 permitting requirements. See 6 NYCRR §360-3.1 (c). By letter of Charles Williams of DEC dated October 2, 2008, GSA was advised that no such combustors or units have ever been registered pursuant to this regulation.

<sup>13</sup> See, e.g., *Town of Plattekill v. Dutchess Sanitation*, 56 A.D.2d 150, 151, 391 N.Y.S.2d 750, 752 (2d Dept.) aff'd, 43 N.Y.2d 662, 400 N.Y.S.2d 816 (1977) (citing *City of Rochester v. Guthberlett*, 211 N.Y. 309, 105 N.E. 548 (1914) and *Wiggins v. Town of Somers*, 4 N.Y.2d 215, 173 N.Y.S.2d 579, 105 N.E.2d 548 (1958)).

traditionally been performed at the municipal level (rather than at the state level), but it may be noted that counties in New York State enjoy a special authority over MSW management that permits them to counteract assertions of home rule authority by lower levels of government.

Section 226-b of the County Law statute provides that, in engaging in solid waste management activities, a county exercises a governmental function (and thus, may employ typical sovereign powers in accomplishing its purpose, such as the power of eminent domain).<sup>14</sup> As interpreted by the New York State Attorney General, a County exercising the power conferred by section 226-b of the County Law need not abide by local land use and zoning restrictions.<sup>15</sup> Thus, MOSA and the Service Agreement radically restrain the County's ability to exercise a function entrusted to it by common law and positive legislation.

MOSA is an entity that has been granted "perpetual duration," and it can only be dissolved or altered by act of the state legislature. The County can only withdraw from MOSA if it successfully petitions the legislature for the right to do so.<sup>16</sup> The County can only withdraw from the MOSA "planning unit" in accordance with 6 NYCRR §350-15, which requires, among other things, the concurrence of DEC, MOSA, and the other Constituent Counties. The MOSA SWMP can only be modified in accordance with that regulation and with the concurrence of DEC and MOSA.

If the County were to resort to its powers under section 226-b of the County Law, it is likely that DEC and MOSA would treat such an action as a violation of the spirit, if not the letter, of the MOSA SWMP and the Service Agreement.

(ii) *The GAT burden.* As noted earlier in this report, the Service Agreement contains a "put or pay" mechanism designed to ensure that MOSA's costs of operation, including debt service, may be collected from the Constituent Counties. Put or pay contracts, in essence, relieve the party to whom some contracted amount of a thing is to be "put" from the necessity of

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<sup>14</sup> County Law §226-b was enacted in 1970 (L.1970, Ch.793).

<sup>15</sup> 1976 Op. Att'y. Gen. (Inf.) 242.

<sup>16</sup> See, *Town of Hoosick v. Eastern Rensselaer County Solid Waste Management Authority*, 182 A.D.2d 37 (1992).

asserting its remedies for default if such amount is not forthcoming; instead, a form of liquidated damages--the "pay" alternative--is assessed and collected by that party.

In the case of the Service Agreement, the "put" obligation of each of the Constituent Counties is the obligation to deliver or cause to be delivered to MOSA "all Solid Waste generated or originated within its boundaries."<sup>17</sup> The "pay" alternative is the annual penalty that the Constituent Counties must pay to MOSA in the event that, in the aggregate, the "Guaranteed Annual Tonnage" ("GAT") of "GAT Solid Waste" established by MOSA is not achieved.<sup>18</sup>

The "put" obligation has never been met by any of the Constituent Counties. At the same time, the fee that MOSA charges for the use of its facilities has always been significantly higher than rates prevailing in the market. In order to make the use of MOSA facilities competitive for MSW generated within their borders, each of the Constituent Counties has undertaken to subsidize the tipping fee charged at those facilities so that the cost of using them approaches market rates.

The Service Agreement provides that MOSA is to set the GAT annually by reference to the:

....total number of tons of GAT Solid Waste (exclusive of materials held for recycling and sewage sludge) generated within the County *which the Authority estimates that such County will deliver or cause to be delivered* to Designated Facilities during such calendar year (emphasis added)

It would appear that MOSA has performed this estimating function by assuming that each of the Constituent Counties will subsidize the use of its facilities to the degree necessary to attract a flow of MSW not significantly smaller than that delivered historically. Since 1992, the GAT for the County has stayed well within a 10% (plus or minus) range of the 1992 figure (41,422 tons).

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<sup>17</sup> Service Agreement §4.1. MOSA has a correlative "acceptance" obligation qualified by certain rights to reject. It also must accept Solid Waste originating from outside the MOSA territory that is delivered on behalf of a Constituent County. Service Agreement §§4.2 and 7.3.2.

<sup>18</sup> Service Agreement §10.

As noted by the GBB Report "[t]he aggregate GAT effectively establishes the tipping fee, given a set annual operating budget, and determines the level of county subsidies."

In Attachment A to this Report, we explain in detail the interplay of the GAT and the tipping fee with particular reference to the GAT shortfalls of 2002, 2003 and 2007.

(iii) *The Flow Control Dilemma.* The subsidization technique described above represents an attempt by the Constituent Counties to exercise indirect "economic flow control" in the MSW area. Direct regulatory manipulation of MSW flow was placed under a cloud by the 1994 decision of the United States Supreme Court in *C & A Carbone, Inc. v. Clarkstown* (511 U.S. 383), in which the Court struck down a local flow control ordinance on the grounds that it violated the Commerce Clause of the federal Constitution.

In the wake of the *Carbone* decision, various governmental strategies for achieving some of the goals of regulatory flow control were put before the courts, and some were held to pass constitutional muster.<sup>19</sup> Finally, in *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Management Authority* (550 U.S. 1 [2007]), the Supreme Court acknowledged that certain kinds of flow control legislation can and do pass the Commerce Clause test.

As explained and clarified by the Court in the recent case of *Dept. of Revenue of Kentucky v. Davis* (553 U.S. \_\_\_\_ [2008]), an ordinance that "favors a traditional government function [e.g., waste disposal] without any differential treatment favoring local entities over substantially similar out-of-state interests" is constitutional.<sup>20</sup> As Justice Souter added in *dicta*, a government that is prepared "to shut down the old market for trash processing" and undertake to "itself" process MSW without favoring or disfavoring any other market participant can implement its goal through regulatory flow control.<sup>21</sup>

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<sup>19</sup> See, e.g., *SSC Corp. v. Town of Smithtown*, 66 F.3d 502 (2d Cir. 1995).

<sup>20</sup> Slip Opinion, May 19, 2008, page 13.

<sup>21</sup> *Id.*, page 17.

Both the MOSA Act and the Service Agreement contemplate each of the Constituent Counties acting to "shut down the old market for trash processing," and, in view of the recent decisions by the Supreme Court and the enabling provisions of the MOSA Act,<sup>22</sup> it would seem that the County has the legal ability to move from the economic flow control model to the regulatory flow control model.

### III. C. MOSA's MSW Predicament

(i) *The DEC Factor.* The *Carbone* decision, issued in the spring of 1994, had far-reaching consequences. The cost of disposing of MSW dropped dramatically as most municipal governments abandoned efforts to adopt, implement, or enforce regulatory flow control and market efficiencies came into play. In the wake of the gubernatorial election of 1994, DEC reset its priorities; land acquisition and air pollution control took on new importance, while funding for a number of regulatory programs and projects such as MSW planning declined. Thanks in large part to low fuel costs, the MSW "problem" seemed to be taking care of itself. Long-range planning in the MSW area seemed to be an obsolete concept and a waste of resources. As MSW travelled to Ohio, Pennsylvania, New Jersey, and other states for disposal, a regime of "out of sight, out of mind" settled in.

Nevertheless, some progress in terms of long-range planning continued to be made in most of the "regions" into which DEC divides its administrative efforts. MOSA occupies the northwest quadrant of DEC's Region 4 territory. Beyond the boundary of Region 4, the MOSA territory adjoins five other MSW planning units. The table below identifies, in the first column, these other planning units and the planning units adjacent to MOSA within the boundary of Region 4 and, in the second column, the primary MSW management strategy adopted by the various units.<sup>23</sup>

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<sup>22</sup> MOSA Act §2041-T.

<sup>23</sup> A map showing the MOSA territory in green, the remaining counties in DEC's Region 4 in olive, and the boundaries of the surrounding planning units in orange is appended to this report as Attachment B.

<u>Planning Unit</u>	<u>Primary Strategic Choice</u>
Saratoga	Landfill (first cell constructed but not opened)
Fulton	Landfill
Oneida-Herkimer	Landfill
Madison	Landfill
Chenango	Landfill
Delaware (Region 4)	Landfill
Greene (Region 4)	Export
Albany (Region 4) <sup>24</sup>	City-owned landfill with twelve months of remaining life.
Schenectady (Region 4)	Export

One striking fact revealed by this table is the overwhelming prevalence of landfilling as the MSW management strategy of choice. Waste-to-energy, which occupies a higher station in the state's hierarchy, is nowhere to be found.<sup>25</sup> Furthermore, DEC's Region 4 apparently has had particular difficulty in the MSW area, with all but one of the planning units within its boundaries finding themselves unable to site a new landfill. In particular, the three counties listed last: Greene, Albany, and Schenectady, have relied for years on short-term, stop-gap methods for management of MSW.

<sup>24</sup> The planning unit that adjoins the MOSA territory in Albany County includes the City of Rensselaer in Rensselaer County and excludes the Albany County towns of Colonie and Coeymans.

<sup>25</sup> The nearest waste-to-energy facility is in Hudson Falls.



It may be that DEC and DEC's Region 4 office are preparing to come to grips with the situation confronting these counties in the near future. In early 2008, the agency undertook to update the State SWMP, and this process is public and ongoing. In addition, certain of these counties reportedly have been advised by the DEC Region 4 office that they will be required to revisit and revise their SWMPs in the near future.

DEC headquarters is also exerting its review authority in this area. On May 27, 2008, DEC's Director of the Division of Solid and Hazardous Materials advised the City of Albany that its proposed new SWMP, required as a part of the City's application for an extension of the life of its Rapp Road landfill, is deficient because it contains no plan for the crisis that will arise if the life-extension application is unsuccessful.<sup>26</sup> A hearing on the City's landfill application is scheduled for December 3, 2008.

In summary, efforts made to implement the State's MSW policies in and around the MOSA territory have met with very little success, and the time is ripe for consideration of new, regional solutions to the MSW management problem.

(ii) *The Inherent Competitive Disadvantage.* As a provider of MSW management services to the MSW generators within the Constituent Counties, MOSA competes with private market participants by price, which is termed the "tipping fee" in the MSW industry. A number of circumstances, some of which are attributable to MOSA itself, impair MOSA's ability to compete through the pricing mechanism. In the first place, MOSA must service a significant debt burden, and the GBB Report makes it clear that MOSA performs its budgeting function very conservatively, ensuring that ample "rainy day" reserves are set aside, even when the financing documents do not require such reserves.<sup>27</sup> In addition, MOSA must operate a far-flung network of TSs and other facilities, and the GBB Report concludes that an established private concern operating MOSA's TS system would be able to realize cost savings in the 10-20% range, primarily through economies of scale.<sup>28</sup>

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<sup>26</sup> "Albany Landfill Expansion Stalled," June 7, 2008 article, [www.timesunion.com](http://www.timesunion.com).

<sup>27</sup> See GBB Report, pp. 24-26.

<sup>28</sup> *Id.* at p. 32. Combined, MOSA's debt service budget and TS system budget for 2008 represent approximately 30% of MOSA's total annual budget.

Another significant part of MOSA's budget relates to the costs of administration—the "overhead" associated with day-to-day operations of a going concern. Yet MOSA is not a typical provider of MSW management services. As a designated MSW "planning unit" and as a State Authority, MOSA has legal compliance obligations that far exceed those that burden private market participants. In the former case, oversight is provided by DEC, and, in the latter case, supervision is the province of the State Comptroller.

As noted earlier in this report, although MSW management planning ceased to be a priority for DEC for some years, the period of inattention and complacency finally has drawn to an end. DEC is in the early stages of a comprehensive revision of the State SWMP, and the SWMPs of many of the planning units in the State reportedly are coming under new and stricter scrutiny. In addition, DEC is undertaking a thorough revision of its regulations relating to solid waste management facilities.<sup>29</sup> MOSA may expect that it will need to interact with DEC frequently in the future as the process of updating its obsolete SWMP<sup>30</sup> gets underway. At a minimum, this will create additional costs in terms of staff time and consulting and legal fees.

The impact of the Public Authorities Accountability Act ("PAAA") of 2005<sup>31</sup> on MOSA's operations also will be dramatic. Most authorities in the State, as well as the State Comptroller, are still coming to grips with the implications of this watershed piece of legislation. There is some evidence that MOSA has taken some initial steps in the direction of achieving compliance with this law.<sup>32</sup> For example, on October 17, 2007, MOSA adopted a "Disposition Policy" pursuant to the PAAA title relating to dispositions of property.<sup>33</sup> Yet it is clear that MOSA's process of internalizing the PAAA requirements is still in its early stages.<sup>34</sup>

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<sup>29</sup> See DEC's "Regulatory Agenda" at [www.dec.ny.gov/regulations/36816.html](http://www.dec.ny.gov/regulations/36816.html) (June 3, 2008). A summary of the current process involved in seeking Part 360 permit from DEC, including discussion of the impact of the State Environmental Quality Review Act ("SEQRA"), is appended to this report as Attachment C.

<sup>30</sup> As noted earlier in this report, MOSA's SWMP calls for the siting and construction of the MOSA Landfill by November of 1995.

<sup>31</sup> Laws of 2005, chapter 766, signed into law by the Governor on January 15, 2006.

<sup>32</sup> A summary of the provisions of the PAAA is appended to this report as Attachment D.

<sup>33</sup> Public Authorities Law, Article 9, Title 5-A.

<sup>34</sup> For example, the MOSA website gives no evidence that MOSA has adopted a Code of Ethics, as required by section 2824 of the Public Authorities Accountability Act.

In summary, MOSA is too saddled with debt, too small to realize economies of scale, and too "governmental" to function as an effective competitor in the MSW marketplace.

(iii) *The Ricelli Contract.* On November 20, 2000, MOSA entered into a five-year MSW transportation and disposal agreement with Ricelli Enterprises, Inc. ("Ricelli"). The Contract allowed MOSA to renew the contract at and for one-year intervals, with the final option period extending no further than December 31, 2010. In 2005, the Ricelli Contract was renegotiated to replace the one-year renewals with a single additional term also ending on December 10, 2010. The new Ricelli Contract contains a fuel escalation mechanism tied to the cost of diesel fuel.<sup>35</sup>

In summary, the Ricelli contract represents a short-term solution (two years and two months from the date of this report) that may lead to higher MOSA tipping fees in the future.

#### III. D. The Consequences of Indecision

It may be asked: if MOSA could not help but suffer from inherent competitive disadvantages, why did the Constituent Counties ask that it be created for the purpose of implementing a collective MSW solution? The answer lies in the fact that these disadvantages were, and to some degree still are, counterbalanced by certain potential advantages associated with implementation of the sort of large-scale MSW management strategy that the State SWMP favors.

At the time that the State SWMP was adopted, the use of public authorities represented a long-standing technique<sup>36</sup> that the State had resorted to for many decades as it sought to indirectly construct and operate major public works projects. Authorities are self financing and have easy access to capital markets. They typically are exempt from many laws that complicate

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<sup>35</sup> The escalation is triggered by a per gallon price of \$4.50 or greater (§4.01[c][iii] of the Contract. The costs of the Ricelli Contract represent approximately 60% of the 101.25 tipping fee established by MOSA for 2008.

<sup>36</sup> A less charitable term appearing frequently in the press at the time of the adoption of the PAAA was "gimmick."

projects directly undertaken by governmental bodies (e.g., civil service laws, contracting laws, etc.), and authorities are one step removed from the vagaries of the political process.<sup>37</sup>

If MOSA had carried through with the development of the MOSA Landfill, these advantages would have come into play. Inasmuch as MOSA has no prospect for or intention of developing the MOSA Landfill, the advantages are largely moot. At the same time, costs are rising, and the date for the expiration of the Ricelli Contract is just over two years away.

Even if it may be assumed that a renewal of the Ricelli Contract or a substitute arrangement can be obtained, the date of May 27, 2014 is also of critical significance. After that date, MOSA ceases to have any obligation to accept MSW and the Constituent Counties cease to have any obligation to deliver MSW. For the succeeding 31 months, the only effect of the MOSA SWMP is a perverse one; inasmuch as it extends the vacuous MOSA SWMP until January 1, 2017, none of the Constituent Counties can realistically pursue a separate MSW strategy that would involve an application for a DEC Part 360 permit. Complicating MOSA's planning function is the fact that it has undertaken significant regulatory obligations (e.g., landfill monitoring) that will extend far into the future and long after the Service Agreement ceases to provide the revenue necessary to fund these obligations.

MOSA's management is well aware that time is running out, and this awareness appears to lie behind the commissioning of the GBB Report. This report is the first significant attempt made by MOSA to discharge its long-term planning responsibility since the effort to develop the MOSA Landfill was abandoned in 1999.<sup>38</sup>

#### IV.A. GBB Recommendations

(i) *Generally.* The bulk of the GBB Report consists of Recommended "Actions," "Initiatives," and "Options" directed at MOSA, the Constituent Counties, and cities and villages

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<sup>37</sup> A good discussion of the use of the public authority technique appears in Robert Ward's New York State Government, 2<sup>nd</sup> Edition (Albany: The Rockefeller Institute Press 2006) pp. 282-289.

<sup>38</sup> MOSA studied the possibility of dissolution in 1995 and 1999, and it examined different GAT and debt structures in 1997 (the Cashin-Cahill Study) and 2004. Because of the constraints associated with MOSA's tax-exempt financing structure, it was concluded that neither dissolution nor financial restructuring would reduce the financial burden on the Constituent Counties. From 1999 to 2007, MOSA management did a creditable job of "crisis management," securing the Ricelli Contract in 2000, completing a refinancing in early 2003, and renegotiating the Ricelli Contract in 2005. The GBB Report views the situation the same way. GBB Report, p. 5.

within the Constituent Counties. Of the four sections dedicated to these recommendations, only Section IV speaks directly to the Constituent Counties, and this section is considered in more detail below. With respect to the other sections, it would appear that most of the recommendations have considerable merit, and it is unclear why MOSA has not finalized the GBB Report (it has remained a "Draft" of "Phase I" since August of 2007) and proceeded to implement the more quickly achieved recommendations.

(ii) *Flow Control and Procurement Practices.* The main recommendation of the GBB Report directed at the Constituent Counties is that they replace "economic" flow control with a general program of "regulatory" flow control in an effort to stem "leakage" from the MOSA system. The GBB Report neglects to discuss an intermediate flow control technique that would improve upon the economic model and yet avoid some of the drawbacks of the regulatory model.

Those drawbacks are not insignificant. In the first place, regulatory flow control could not be implemented immediately. A transition period of many months (probably at least a year) would be needed in order to make the new regime constitutionally defensible, and this would push the effective date of the new flow control regime into late 2009 or 2010.<sup>39</sup> Public opposition could make the delay even greater.<sup>40</sup> In addition, coordination and policing of the new regulatory requirements would involve significant additional costs to County government. In lieu of a general program of regulatory flow control, we would recommend that the County use other tools to accomplish control over the flow of certain portions of the MSW generated within the County.

Pursuant to section 239-m of the GML, cities, towns and villages must refer certain actions, such as approving site plans, granting special use permits and variances, and taking other actions to the County Planning Board ("CPB") for review if the proposed development satisfies certain "proximity" thresholds. The CPB can then recommend that the approval be modified based on considerations such as:

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<sup>39</sup> Commercial and residential contracts for MSW disposal services are often as long as a year in duration, if not longer.

<sup>40</sup> Regulatory flow control would lend to increased costs of disposal to all MSW generators in the County.

- impact....on existing and proposed county or state institutional or other uses;
- community facilities; and
- official municipal and county development policies.<sup>41</sup>

We recommend that the CPB, whenever addressing a referral associated with new development in the County, strongly consider making a favorable recommendation contingent on the inclusion of a condition that all construction and demolition ("c&d") waste generated by the approved project be taken to the MOSA facilities within the County.<sup>42</sup> We also recommend that the County strongly consider empowering the CPB to exercise similar review authority over subdivision plats, as permitted by section §239-n of the GML.

Another vehicle for case-by-case flow control is the Montgomery County Industrial Development Agency ("IDA"). Pursuant to section 874 of the GML, an IDA is empowered to enter into "Payment in Lieu of Taxes" or "PILOT" agreements with developers, and it has the power to negotiate reasonable conditions in exchange for the tax benefit conferred by the PILOT. We recommend that, in any case in which a project associated with a PILOT will generate MSW (such as c&d waste) within the developer's control, the MCIDA PILOT be made to specify that the developer must ensure that such MSW be delivered to a MOSA facility in the County.

Furthermore, we do see potential value in a "special" regulatory flow control program targeting c&d waste. The drawbacks to a general program are significantly smaller when this subset of the MSW stream is under consideration. The management of c&d waste is rarely the subject of long-term contracts and, thus, few (if any) instances of "grandfathering" would complicate or delay the inauguration of this type of regulatory flow control. In addition, policing of a c&d waste flow control program would be simpler and less costly than policing of a more general program.<sup>43</sup>

In addition to recommending regulatory flow control, the GBB Report also recommends that the Constituent Counties implement a policy by which, in the context of performing certain

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<sup>41</sup> GML §239-l.

<sup>42</sup> The referring agency can reject the CPB recommendation by a vote of a majority plus one.

<sup>43</sup> We note that section 2041-t(2) of the MOSA Act enables the Constituent Counties to enact flow control laws regarding "all solid waste" (emphasis supplied). Under the general legal principle that a greater power necessarily includes a lesser, we presume without opining that a special flow control program targeting c&d waste is authorized by the MOSA Act. For a definitive answer, a request for an opinion from the State Comptroller should be made by the County Attorney.

procurement functions, MSW would be specifically directed to MOSA facilities. The GBB Report makes this recommendation in connection with county procurement of MSW collection and disposal services and recycling, and we endorse this recommendation. We also suggest that the policy be broadened so that, in *any* procurement situation involving handling or generation of MSW, including construction of new County facilities or demolition of existing buildings, the associated MSW will end up at a MOSA facility.

The GBB Report also urges that villages and cities adopt such a procurement policy, although it does not indicate how the Constituent Counties might compel adoption of the policy. The GBB Report acknowledges that villages face legal and practical constraints in this area. For instance, the small size of the MSW flow controlled by individual villages reduces their ability to insist on adherence to such a policy from prospective vendors of MSW collection services.

As a potential remedy, the GBB Report suggests that a number of villages might "bundle" their MSW collection services procurement function but also "disaggregate" the fee to be paid for collection services and the tipping fee to be paid to MOSA (which presumably would be passed through as a separate charge).<sup>44</sup> Lastly, the GBB Report suggests that a model collection services procurement document or documents might be prepared and furnished to cities and villages as a guide for implementing the policy.<sup>45</sup>

The recommendations of the GBB Report with respect to the procurement function all have merit, but, to the extent they look to cities and villages for implementation, detail on how this is to be accomplished is lacking. It should be noted that the County does have some ability to create incentives that could stimulate municipalities to direct MSW within their control to MOSA. For example, by Resolution No. 253 of 2008, the County afforded a significant subsidy to municipalities delivering c&d waste to MOSA, but wisely excluded from the subsidy those municipalities who have declined to direct MSW within their control to MOSA.

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<sup>44</sup> GBB Report, p.22.

<sup>45</sup> The GBB Report also recommended generally that local laws relating to solid waste (including that of the City of Amsterdam) be reviewed for obsolescence and updated as necessary and that the Constituent Counties act to eliminate or restrict "burn barrels." It may be noted that DEC is acting to regulate the use of burn barrels, and this could help to bring more MSW to MOSA facilities. See, DEC's "Regulatory Agenda", at [www.dec.ny.gov/regulations/36816.html](http://www.dec.ny.gov/regulations/36816.html) (June 3, 2008).

In summary, our conclusions with respect to flow control are as follows:

- The drawbacks associated with a program of general flow control probably outweigh the benefits thereof.
- Case-by-case flow control can and should be pursued utilizing certain of the planning and economic development powers made available to the County by the GML.
- A special program of regulatory flow control targeting c&d waste is probably worthwhile and also should be pursued.

We also recommend that the County take the lead in coordinating any flow control efforts through the establishment of a new Office of Solid Waste Management Coordination, the functioning of which is explained in more detail in the next section of this report.

#### IV.B. Further Recommendations

(i) *Increasing Flexibility.* The County needs to increase its flexibility in terms of MSW management. Of course, the greatest flexibility would arise out of a legislative dissolution of MOSA and State assumption of MOSA's debt and long-term regulatory obligations. We recommend that the County, preferably with the other Constituent Counties, urge the State legislature to proceed to this step. The State's assumption of responsibility for the Essex County landfill in the Adirondack Park in 1998 provides precedent for this sort of State intervention. Nevertheless, given the precarious position of State finances, this definitive solution may prove difficult to achieve.

It should also be noted that some increased flexibility can be achieved short of a MOSA dissolution. The MOSA financing structure, which effectively prohibits any alteration to the Service Agreement, serves as a legal straightjacket until the term of that agreement expires. On the other hand, there is no structural reason why the Constituent Counties should not be relieved of that constraint thereafter. The only obstacle to increased flexibility is the MOSA SWMP, which observes a "planning period" that runs until the end of 2016.

It should be noted that MOSA has been under an obligation to revise the MOSA SWMP since it became clear that the MOSA landfill would not be operating by the end of 1996 (MOSA's timetable predicted the facility would be open by November of 1995). Pursuant to 6 NYCRR §360-15.11(b)(3), a planning unit "must undertake a plan modification....if there is....a



change of more than one year to any significant component of the solid waste management plan implementation schedule."

Therefore, we recommend that the County insist that MOSA (a) undertake to revise the MOSA SWMP as required by the DEC regulations and (b) in that context, propose an abbreviated Planning Period—one that will terminate on the date of the expiration of the term of the Service Agreement, which is May 26, 2014. In view of the increased scrutiny that DEC has recently given to local SWMPs, MOSA is not likely to be enthusiastic about the prospect of reopening the MOSA SWMP.

Yet revision is clearly necessary. The GBB report concludes that the MOSA SWMP is badly in need of revision and that MOSA has an obligation to study the alternative of "winding down" and "wrapping up" by May of 2014.<sup>46</sup> The GBB report also notes that at least two of the Constituent Counties have concluded that a new service agreement is "unlikely" in the absence of some guarantee of competitive tipping fees.<sup>47</sup> In view of these conclusions reached by its own consultant, MOSA has no choice but to accede to the Counties' request to undertake revision of the MOSA SWMP.

(ii) *Improving Solid Waste Coordination Function.* The process of revising a SWMP is complicated. In order for the County to participate in that process effectively, it will need to engage an in-house MSW management professional. We recommend that the County Board of Supervisors add to its 2009 budget a line item for a new Office of Solid Waste Management Coordination ("OSWMC"). We further recommend that the budgeted amount for the new office be sufficient to support a part-time director and an assistant director with typical benefit packages.<sup>48</sup>

In addition to or in conjunction with the revision of the MOSA SWMP, the OSWMC should undertake, in its first year, a number of information-gathering activities. It should:

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<sup>46</sup> GBB Report, pp 24 and 31.

<sup>47</sup> GBB Report, p. 8.

<sup>48</sup> Our specific thoughts on the logistics of the establishment of the new County OSWMC are appended to this report as an exhibit.

- Prepare a report assessing the current market for MSW and each of the MSW stream components (such as c&d waste) within the County and within the MOSA territory.
- Inventory and evaluate the existing providers of MSW management services operating within the County.
- Monitor and assess MOSA's operations with a view towards reducing inefficiencies.
- Obtain and review existing public and, to the extent available, private MSW collection agreements.
- Investigate and quantify, to the extent possible, the problem of "leakage."

The Director, aided by his assistant and, as necessary, by counsel, should:

- Supervise the County's interaction with DEC and MOSA as SWMPs and regulations are revised and MOSA reacts to the GBB Report.
- Advise the County and, as deemed appropriate by the County, MOSA, with respect to the Ricelli Contract.
- Explore the possibilities of joint public-private ventures that could generate for the County MSW-related revenue in areas in which MOSA does not currently compete, such as recyclables.
- Utilize the tools afforded by law, including FOIL, to ensure MOSA is in full conformity with the PAAA and other statutes applicable to New York authorities.

We also recommend that the new OSWMC be specifically tasked with proposing a strategy that will address the multi-year period that will extend from the expiration of the Ricelli Contract until the expiration of the term of the Service Agreement on May 27, 2014.

On behalf of the County and MOSA, the OSWMC should explore alternative short-term solutions for disposal of MOSA's MSW during this period. The search should begin with the three non-MOSA MSW planning units that border the County—Saratoga, Fulton, and Oneida-Herkimer. Saratoga owns a permitted but unopened landfill in the Town of Northumberland that could initiate operations upon relatively short notice. Fulton County's Mud Road landfill might also be a destination for some or all of MOSA's MSW. Inasmuch as the landfill operations of the Oneida-Herkimer Solid Waste Authority are restricted by that Authority's enabling statute to in-territory waste,<sup>49</sup> this planning unit is the least likely potential destination for MOSA MSW.

Finally, the OSWMC should undertake a study of underused County infrastructure and assess how that infrastructure might be made relevant to the County's long-term MSW management planning efforts. In particular, the major rail line passing through the County along

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<sup>49</sup> Public Authorities Law §2049-ee.

the north side of the Mohawk River and the superseded Beech-Nut complex fronting the river from the south at Canajoharie should be assessed in this manner.

(iii) *Enhancing Regional Profile and DEC Accountability.* The GBB Report recommends that MOSA host a day-long strategic planning retreat to be attended by delegations of the Boards of Supervisors of the Constituent Counties, local officials, and others. We would be more optimistic about the prospects for success of an MSW summit convened by the DEC Commissioner and involving delegations from each of the planning units within DEC's Region 4.

As noted earlier in this report, several of the Region 4 planning units are in distress as a result of reliance on short-term, stop-gap methods – all approved or acquiesced in by DEC – for the management of MSW. DEC should step forward and accept responsibility for both the problem and the solution. At the summit, the DEC Commissioner should preside in person or through his Executive Deputy Commissioner.<sup>50</sup>

(iv) *Assessing MOSA's Recent Tipping Fee Development*

(a) Section 9.2 of the Service Agreement. Section 9.2 of the Service Agreement limits the fees that may be charged by MOSA to those that are required, taking into account all other sources of income, to service debt, pay operating expenses, and establish reasonable reserves necessary to cover reasonably foreseeable future expenses and cash flow needs. In performing its annual budgeting function to arrive at the tipping fee for the upcoming year, MOSA has little discretion with respect to the first component – the debt service "is what it is" and will cease when the bonds are finally paid off on January 1, 2014. The other two components do provide MOSA with considerable opportunities for discretionary determinations. The two components are discussed in more detail separately below.

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<sup>50</sup> The delegates from the planning units should be joined by representatives from those counties, including the County, whose boundaries are not coterminous with the boundaries of a planning unit.

(b) The Possibility of Excessive Reserves. The reserves required pursuant to the debt instruments issued by MOSA in 1994 and 2003 consist of (a) the "debt service reserve requirement" of \$2,164,178<sup>51</sup> plus (b) a reserve in the amount of 5% of the operating expenses projected to be incurred during the fiscal year (which, according to the 2007 annual report, was \$439,319), and, thus, the total amount of reserves *required* in 2007 was equal to \$2,603,497.<sup>52</sup> According to MOSA's 2007 annual report, it had \$9,648,325 in reserve at the end of fiscal 2007. Although MOSA has the discretion to determine the amount of reasonable contingency reserves, such amount is required, pursuant to section 9.2 of the Service Agreement, to be "reasonable."

In addition to the funds required by MOSA's financing documents, MOSA has established four additional funds, two of which, according to the GBB Report, assume that MOSA will continue operations after the expiration of the term of the Service Agreement.<sup>53</sup> With respect to the "Operating Reserve Fund," the GBB Report characterizes MOSA's level of funding as "probably too high."<sup>54</sup>

According to an article appearing in the Daily Gazette on July 25, 2008, Standard & Poor's recently issued a credit report profile in which it upgraded MOSA's credit rating from BBB+ to A-. The article quoted the credit report as stating that the rating upgrade stemmed in part from MOSA's adequate debt service coverage and strong overall reserve position. Whether charging the counties a tipping fee that allows MOSA to build up reserves such that its credit rating is upgraded (and thus its cost of raising capital is lowered) is "reasonable" is open to debate.

The fact that MOSA apparently has a reserve "cushion" of over \$7,000,000 above and beyond that amount required pursuant to its financing documents raises the related question of

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<sup>51</sup> "Debt Service Reserve Requirement" is defined in that certain Indenture dated as of August 1, 1990, as amended, as being the *lesser* of (i) the maximum annual debt service payments due in the current or any future fiscal year (which, according to MOSA's 2007 annual report is \$2,164,178, due in 2009); (ii) 125% of the average annual debt service payments due in the current and all future years (which, using the figures provided in MOSA's 2007 annual report is \$2,609,636); and (iii) the maximum amount that may be held in the debt service reserve fund without adversely affecting the tax-exempt status of the debt instruments.

<sup>52</sup> The figures that appear in this section of the memo are from secondary sources, and GSA is not responsible for their accuracy. An explanation of MOSA's debt servicing practices appears at pp. 24-26 of the GBB Report.

<sup>53</sup> GBB Report, p. 25.

<sup>54</sup> *Id.*

what MOSA may or must do with these reserves once the bonds have been paid off. The Service Agreement does not specifically address this issue, but section 9.2 could be interpreted as precluding MOSA from collecting more than the amount required for it to operate during the term of the Service Agreement. MOSA is a public benefit corporation created to benefit the citizens of Montgomery, Otsego, and Schoharie Counties. Requiring these citizens to fund MOSA's operations after MOSA will have ceased providing MSW disposal services to them would seem to be contrary to the very purpose for which MOSA was formed.

Section 2041(b)(4) of the MOSA Act provides that, upon termination of MOSA's existence, "all of the rights and properties of [MOSA] then remaining shall pass to and be vested in the participating counties." To the extent that the \$7,000,000 cushion has been accumulated in order to meet the projected costs of MOSA beyond the term of the Service Agreement, MOSA now may be in possession of excess reserves that it holds in trust on behalf of the citizens of Montgomery, Otsego, and Schoharie Counties.

(c) The Possibility of Excessive Cost Estimates. MOSA representatives consulted during the preparation of this Report asserted that MOSA altered its budgeting practices "a few years ago" in order to "factor in" the revenue associated with waste brought in from outside the MOSA service territory ("Outside Waste") to the benefit of the Constituent Counties in the annual budget forecasting process. We have examined this assertion, and we gather from the MOSA Operating Budgets available on the MOSA website that the annual "tipping fee" has consistently been set using the assumption that only GAT solid waste (i.e., not Outside Waste) will be received by MOSA in each upcoming year.

Yet revenues from Outside Waste could still be "factored in" to the benefit of the Constituent Counties if the GAT amounts were *depressed* to take into account the receipt of such waste. Of course, this would only result in an economic benefit to the Constituent Counties if all variable cost components of the budget – most importantly, the transportation and disposal ("T&D") costs associated with the Ricelli contract – *also were strictly limited to GAT solid waste*. So the critical question is whether the costs stated in the MOSA budgets were indeed limited to the projected cost of disposing of the GAT quantities of waste. With respect to the issue of whether the GAT quantities were indeed depressed to the advantage of the counties, it is

interesting to note that the GAT numbers for 2006 and 2007 were increased, notwithstanding the fact that upstate New York was and is enduring a prolonged recessionary period.

If the GAT quantities were not depressed in order to "factor in" the revenues from Outside Waste and the projected T&D costs were not limited to GAT quantities, then it would appear that the tipping fee associated with any year in which these conditions obtain was higher than the Service Agreement would allow.

(d) The Task for a Forensic Accountant. Determining whether MOSA's budgeting practices have given rise to some sort of a claim on the part of the County (and on the part of the Constituent Counties) is beyond the scope of this report. We recommend that the County, alone or in conjunction with Schoharie and Otsego Counties, retain a forensic accountant to explore this issue.

#### V. The Future of Public MSW Management Planning

The future of public MSW management planning is likely to be heavily influenced by energy prices. When the State SWMP was first promulgated in 1987, its establishment of "energy recovery" as the third most favored MSW management strategy (after waste reduction and recycling and reuse) promised more than the technology could then deliver. The State generally underestimated the costs of such facilities, and public opposition was more severe than anticipated. The vetting of environmental concerns slowed and, in many cases, prevented the implementation of energy recovery solutions throughout the country.

In 1994, the *Carbone* decision opened the door to market forces that cut tipping fees dramatically. More complicated technological solutions were simply priced out of the market. Long-distance truck transport of MSW to very large landfill facilities (owned by large, vertically integrated market players) became the MSW dominant management strategy.

Yet the cost effectiveness of this strategy depended heavily on relatively cheap diesel and gasoline fuel. To add an ironic twist, this fuel was being burned to transport an alternative fuel—MSW—around the countryside. The circumstances today are much changed from those that prevailed 15 years ago. Fuel costs are much higher, and the untapped potential of MSW as a source of fuel is again being considered. Indeed, St. Lucie County in Florida is about to open a

3,000 ton per day gasification plant that will not only eliminate any need for landfilling, but will consume the existing landfill as well.<sup>55</sup>

It may be noted that DEC is planning to promulgate a policy that will enhance the need to take a "hard look" at the greenhouse gas impacts associated with any "action" subject to review pursuant to the State Environmental Quality Review Act.<sup>56</sup> To the extent that proposed MSW solutions look to long-distance export, this new policy is likely to force municipalities to look again at locally-based facilities.

In summary, the days of "out of sight, out of mind" in the MSW arena are drawing to a close and municipalities are going to be compelled to face some tough choices in the future. If the cost of energy continues to rise, waste-to-energy may prove to be a logical choice. Landfilling will never be completely abandoned, even if efforts to promote waste reduction, reuse, and recycling are intensified at the state and federal levels. The strategy that seems most likely of success is a multi-faceted one that would employ all four of the parts of the MSW hierarchy established over two decades ago.

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<sup>55</sup> See the article at [www.americanrecycler.com/0508/plans.shtml](http://www.americanrecycler.com/0508/plans.shtml)

<sup>56</sup> The policy will be implemented by two documents: a revised "Environmental Assessment Form" or "EAF" and a technical guidance document. A copy of the covering correspondence seeking informal comment from interested stakeholders by October 31, 2008 is appended to this Report as Attachment E.

## Appendix

### Preparers of this Report

The primary author of this report is Bill Helmer, a member of GSA. Mr. Helmer has served in various positions in New York State government, including several years as Special Counsel at the New York Power Authority and as Chief of the Environmental Protection Bureau in the State Attorney General's Office. In the latter capacity, he was responsible for a great many cases involving a wide variety of MSW issues, ranging from federal superfund litigation to local recycling enforcement.

Before joining state government, Mr. Helmer had been involved with several MSW planning projects, including the landfill-siting efforts of Columbia, Greene, and Saratoga Counties. While in private practice, Mr. Helmer also served as counsel in connection with the siting and/or closure of a number of c & d and industrial sludge landfills. In the late 1980's, Mr. Helmer was the attorney charged with handling all the waste acquisition, flow control, and environmental permitting matters arising in connection with the successful development of the SEMASS resource recovery facility located in Rochester, Massachusetts.

Other GSA attorneys contributing to this Report were Jack R. Lebowitz and Marri T. Elliott. Mr. Lebowitz has practiced environmental law in New York State since 1975 and has been involved in SEQRA review of many large-scale projects, including the new proposed AMD chip plant near Albany, the Saratoga County Water Supply and Transmission pipeline, and many solid waste and industrial solid waste facilities in upstate New York. Ms. Elliott has broad experience in the energy, environmental, and project finance areas.

Substantial contributions to this report were made by Paul Buzash, principal of the consulting firm of P.R.B. & Associates. Mr. Buzash has thirty years of experience in the field of regulatory compliance and the preparation of environmental documents for projects involving solid and hazardous waste management practices throughout New York State and New England. His involvement in municipal solid waste management practice dates back to the promulgation of 6 NYCRR Part 360 and involved the preparation of the Saratoga County SWMP and supportive engineering documents, the City of Troy SWMP and landfill closure, Town of

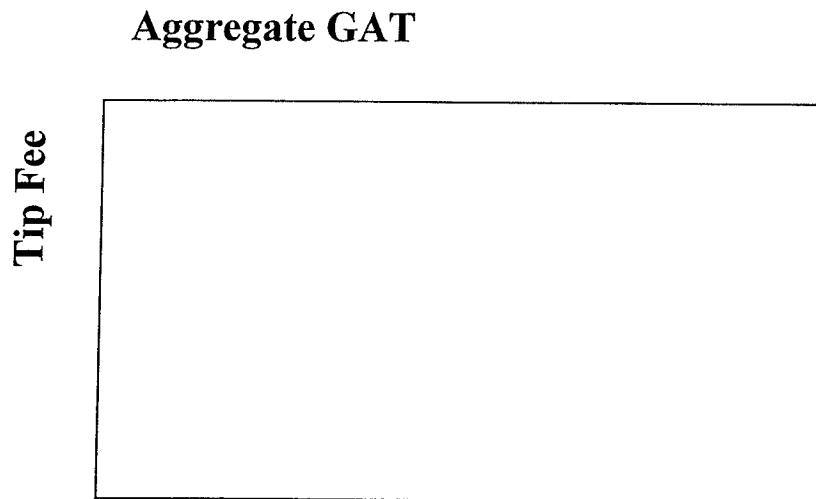


Schodack SWMP and landfill closure, the MOSA draft documents, the City of Albany ANSWERS project and SEMASS. His experience also includes waste management practice for numerous private sector clients such as the Energy Answers Corporation, Hewlett-Packard, IBM and several private landfill developers.

In addition his experience in the private sector, Mr. Buzash worked for the New York State Office of General Services, Bureau of Land Management, Division of Natural Resources as well as the Schenectady Intermunicipal Watershed Board. His responsibilities included the management of numerous professionals, the implementation of governmental policy and directives and the general handling of compliance with SEQRA and other applicable laws and regulations.

## ***THE CONCEPT***

How does a credit rating agency assess and/or ensure the creditworthiness of an issuance of municipal debt intended to finance a public works project? Since municipalities have the taxing power, this is largely accomplished by focusing on and regulating the revenue side of the equation, and the ideal support of the revenue side is a "take or pay" or "put or pay" contract obligation that guarantees that a set amount of revenue will be available throughout the term of the credit to repay the lenders. The contract is then pledged as security for the credit, and the pledging party agrees not to alter the terms thereof (including the budgeting mechanisms established thereby) without lender permission. The budgeting mechanism established by the Service Agreement is the annual building of what might be called the "revenue box," which is sketched out below:

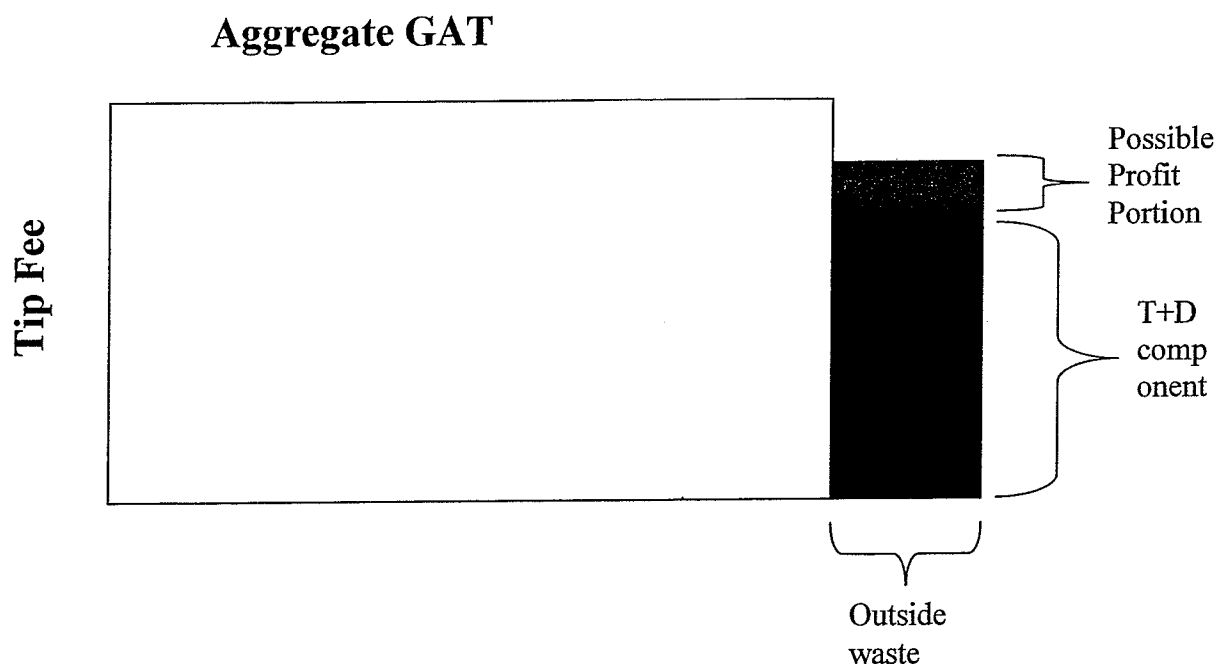


## ***THE RELEVANCE OF OUTSIDE WASTE***

The box has two dimensions: the tipping fee set annually and the aggregate "Guaranteed Annual Tonnage" or GAT, also set annually. MOSA annually budgets in a conservative manner, assuming that the tip fee had to be high enough to ensure that a big enough box will be built even if no outside-the-service-territory waste or "Outside Waste" is delivered. The critical obligation that MOSA has undertaken to the lenders is—

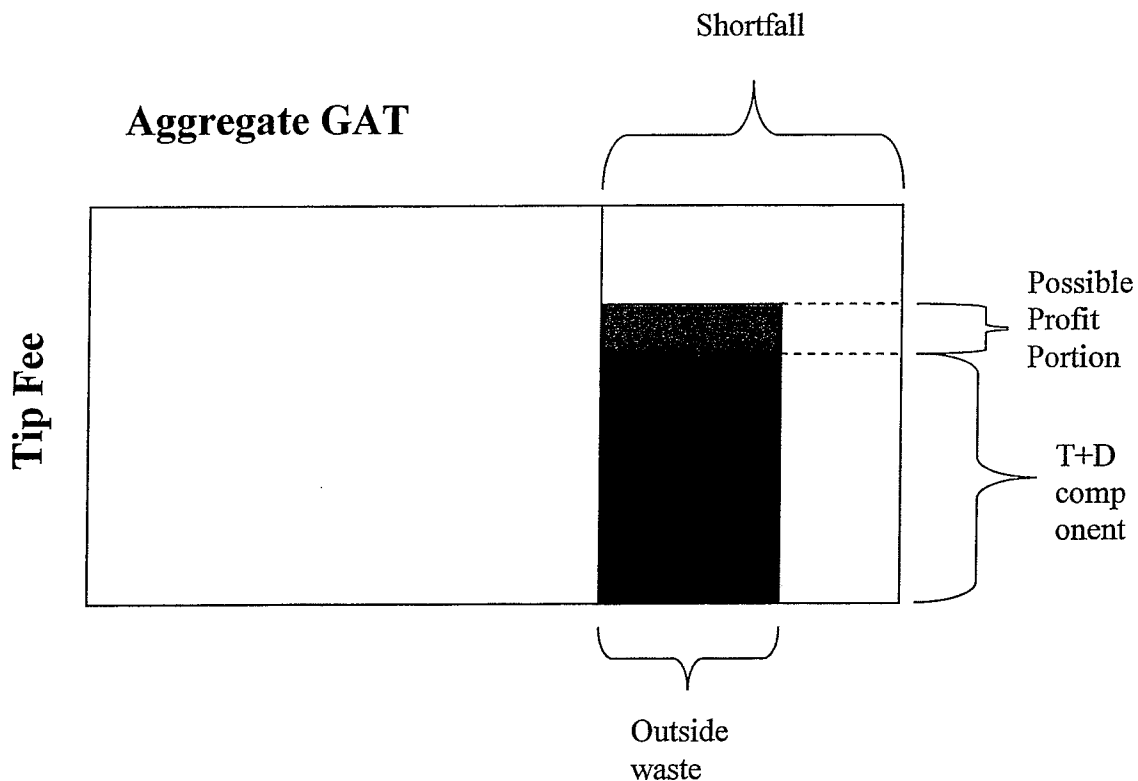
**BUILD THE REVENUE BOX EACH YEAR USING THE CONTRACT DESIGN, AND COMPEL THE THREE COUNTIES TO ACHIEVE THE PROPER REVENUE BOX DIMENSIONS!**

But what happens when the box that was originally built gets another box nailed onto its side--when Outside Waste does come in at market rates? The additional revenue conceptually breaks down into a variable cost component—the incremental transportation and disposal cost or "T & D cost" and an amount that might be termed the potential profit portion or "PPP." The PPP exists and may be so characterized because the spot market for solid waste disposal is always higher than rates available under long-term contracts, and, aside from the T & D cost, there are or should be either no or negligible additional incremental costs associated with MOSA's handling of the waste. But where does the PPP go? In a sense, the PPP arises from MOSA working "overtime," but it shouldn't (and doesn't) go into the pockets of MOSA management or the lenders; it eventually redounds to the benefit of the counties in the form of a reduction in the tipping fee established on the next occasion upon which an annual "revenue box" is designed. One presumes that the "float" on the PPP also would go to reduce future tipping fees.



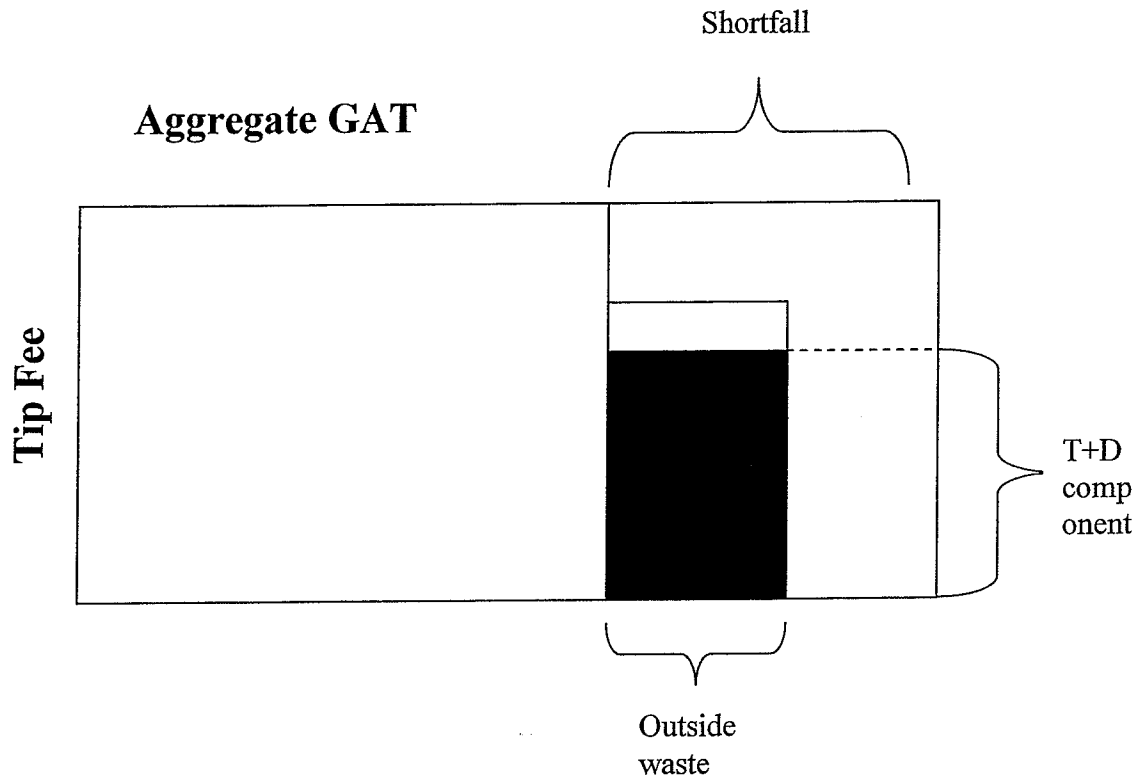
**2002**

In 2002, there was an aggregate GAT shortfall, and Montgomery and Schoharie Counties failed to meet their individual GATs. The Service Agreement can be read to allow MOSA to "count" Outside Waste against a shortfall (see section 7.3.2), provided that MOSA is made whole—provided, in other words, that the dimensions of the Revenue Box stay the same. So, it would seem simple enough to move the Outside Waste box inside the big box—but the devil is in the details. How exactly is MOSA to be made whole? If a utility lawyer had been drafting the agreement, concepts of "avoided cost" or "incremental variable expense" might have been introduced to clarify how this should be done. In any event, in 2002, MOSA realized that, once the Outside Waste box was inside the bigger box, it did not need to "double collect" for the T & D component of the tipping fee paid in connection with such waste. But what about the PPP? Collecting for the PPP is not economically "double collecting"—it should not be in the big box in the first place. In fact, not collecting for the PPP represents an interest-free loan by MOSA to be paid back in the future by an elevated tipping fee. In 2002, MOSA properly turned away from the double collection for the T & D cost, but it also made an interest free loan of the PPP.



**2003**

Again in 2003, there was an aggregate GAT shortfall, and again Montgomery and Schoharie Counties failed to meet their individual GATs. But in this year, MOSA declined to make the interest free loan of the PPP. Why? Almost certainly because Otsego County and/or MOSA had realized that it was unfair for Otsego County to be "paying back," through the tipping fee, a loan that it did not benefit from.



## 2007

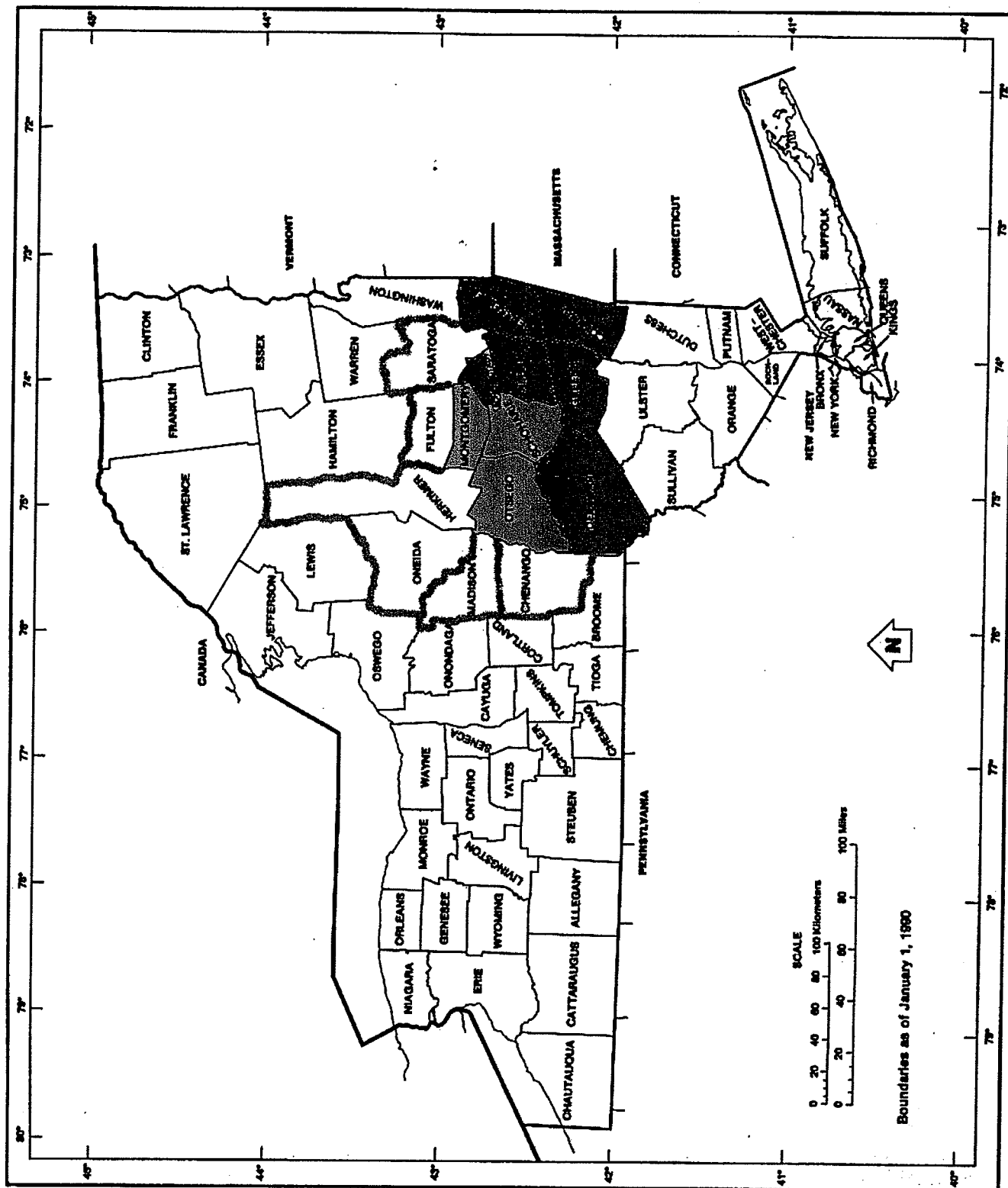
In 2007, again there was an aggregate GAT shortfall, and this time only Montgomery County failed to meet its individual GAT. MOSA representatives have asserted that a compromise along the lines of the 2003 strategy was impossible because the incremental benefit from Outside Waste had already been "factored in." As of November 1, 2007, MOSA ceased accepting Outside Waste at market rates, and, as a consequence, it is very unlikely that any Outside Waste will be handled by MOSA in the future. MOSA's tipping fee is now in excess of \$100 per ton, greatly in excess of market rates, and it is very likely that all the counties will be experiencing accelerating GAT shortfalls in the future. Although all three counties have flow control authority, none have taken advantage of this power.<sup>57</sup>

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<sup>57</sup> Otsego County adopted a flow control law many years ago, but it never enforced it.



# Counties







## GREEN & SEIFTER ATTORNEYS, PLLC/P.R.B. & ASSOCIATES

### Montgomery County Solid Waste Project—Permitting process outline

#### **Background**

Montgomery County is a "participating county" as defined by the Montgomery, Otsego, Schoharie Solid Waste Management Authority Act of 1987, and the public benefit corporation created thereby (hereinafter referred to as "MOSA") is a "planning unit" within the meaning of the regulations of the NYS Department of Environmental Conservation ("DEC") appearing at 6 NYCRR Subpart 360-15. MOSA has submitted, and DEC has approved, a local solid waste management plan pursuant to those regulations.<sup>1</sup>

It may be noted that the process of developing a new solid waste management facility in New York State (including, among other things, siting, studying, permitting, and constructing the facility) can consume many years of effort, and the County should be commended for its foresight in the initiation of this effort at a suitably early date.<sup>2</sup> What follows is a brief outline of that process.

#### **The DEC Process**

A party seeking to permit a solid waste management facility in New York must understand and abide by three primary sets of regulations:

- 6 NYCRR Part 360—the regulations implementing Article 27 of the Environmental Conservation Law ("ECL"),
- 6 NYCRR Part 617—The "SEQRA" regulations, and
- 6 NYCRR Part 621—the Uniform Procedures Act or "UPA" regulations.

In practical application, the regulations guide the process through two distinct phases. In the first phase, which culminates with the issuance of the draft environmental impact statement ("EIS"), SEQRA predominates. In the second phase, the ECL and UPA regulations come to the fore. The major steps in the SEQRA process may be identified as follows:

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<sup>1</sup> Extensive engineering work was done in the late 1980's and into the mid 1990's in connection with the planning process, and the primary document was prepared by Smith and Mahoney P.C. in conjunction with Lamont Engineering.

<sup>2</sup> The regulatory process can involve numerous delays, particularly if litigation interrupts it. A time period on the order of 5 to 7 years is not to be discounted as a possibility.

- (1) The identification of the **applicant**,
- (2) The establishment of a **lead agency**, the body that will be responsible for implementing the SEQRA review of the proposed **action** (the "action" is the action of the body in approving the proposed undertaking, not the project itself),
- (3) The making of a **determination of significance** (e.g., a "positive declaration" or a "negative declaration"),
- (4) Once a **positive declaration** is made, the initiation of formal **scoping** involving all the interested parties,
- (5) The preparation of a draft EIS ("**DEIS**").

Once the DEIS has been accepted by DEC and assuming all other programmatic application requirements have been met, DEC will issue a "notice of complete application" or "NOCA" and initiate the UPA process. In the solid waste context, this process will typically involve a referral to the DEC Office of Hearings & Mediation. A joint SEQRA/UPA hearing will be scheduled, and DEC will release a draft permit for public review beforehand. The hearing will begin as a "legislative" hearing—essentially, a hearing much like that held before local municipal bodies. If one or more issues that are "substantive" and "significant" are raised in the hearing, the process will continue with an "adjudicative" hearing. The DEC administrative law judge will issue one or more rulings in the context of the hearing process, a recommended decision will be referred to the DEC Commissioner, and the Commissioner will ultimately determine what action should be taken by the agency. The permitting process is generally governed by the State Administrative Procedures Act.

A reasonable estimate of the time that each phase can take in the case of a solid waste management facility would be a year to eighteen months for the first phase and nine months to a year for the second phase. Thus, the entire process outlined above might be expected to take more than twenty months and perhaps as many as 36 months from application to final permitting.



# **PUBLIC AUTHORITY ACCOUNTABILITY ACT OF 2005**

**S. 5927/A.9007 (Governor's Program Bill #90)**

## **Chapter 766 of the Laws of 2005**

On January 15, 2006 Governor George E. Pataki announced that he had signed into law the Public Authorities Accountability Act (PAAA) of 2005. The new law will codify the Model Governance Principles established for public authorities in 2004 by the Governor's Advisory Committee on Authority Governance, chaired by Ira Millstein. Among its provisions, the PAAA establishes new rules for the disposing of public authority property, creates a new Public Authorities Budget Office and establishes an independent state inspector general in state law.

Specific to the New York Power Authority (NYPA), the PAAA increases the number of NYPA Trustees from five to seven (all appointed by the Governor, with the advice and consent of the New York State Senate, for five-year terms) and establishes a quorum of four Trustees. The new sixth and seventh members of the Board will be appointed to serve initial terms of one and two years respectively.

The PAAA deletes provisions relating to compensation of the Chairman if otherwise employed as an officer of the Authority. As with all other authorities, the new law will require that the post of Chairman be separate from Chief Executive Officer, Chief Operating Officer or Chief Financial Officer.

The legislation also includes various sections relating to all state authorities, including new provisions relating to:

### Role and Responsibility of Board Members

The PAAA establishes a new Section 2824 of the PAL which requires State authority board members to (i) provide direct oversight of the authority's chief executive and other senior management in the effective and ethical management of the authority, (ii) understand, review, and monitor the implementation of fundamental financial and management controls and operational decisions, (iii) establish policies regarding salary, compensation and reimbursements to the chief executive and senior management, and rules governing their time and attendance, (iv) adopt a code of ethics, (v) establish written policies and procedures on, among other things, personnel (including "whistle-blower" protections), investments, the acquisition and disposal of property, and procurement procedures, (vi) adopt a defense and indemnification policy, and (vii) participate, prior to appointment, in State-approved training relating to their legal, fiduciary, financial and ethical responsibilities, and participate in relevant continuing education programs.

Under the PAAA, (i) no board member, including the chairperson, may serve as an authority's chief executive officer, executive director, chief financial officer, comptroller, or hold any other equivalent position while also serving as a member of the board; (ii) board members shall establish an audit committee, which will, among other things, provide direct oversight of the performance of audits performed by a certified independent public accounting firm (CIPAF); (iii) no board shall extend, maintain, or

renew credit in the form of a personal loan to any officer, board member or employee; (iv) to the extent practicable, members of an audit committee should be familiar with corporate financial and accounting practices; and (v) board members shall establish a governance committee to, among other things, keep the board informed of current best governance practices.

The PAAA modifies Section 2825 of the PAL to (a) establish rules governing the independence of State authority board members, including the requirement that a majority of the board members (other than members who serve by virtue of holding a civil office of the State) shall be independent members, and (b) require the filing of annual financial disclosure statements by board members, officers, and employees of a State authority pursuant to Article 4 of the New York Public Officers Law. For the purposes of the PAAA, an independent member is one who:

- (a) is not, and in the past two years has not been, employed by the authority or an affiliate in an executive capacity;
- (b) is not, and in the past two years has not been, employed by an entity that received remuneration valued at more than \$15,000 for goods and services provided to the authority or received any other form of financial assistance valued at more than \$15,000 from the public authority;
- (c) is not a relative of an executive officer or employee in an executive position of the authority or an affiliate; and
- (d) is not, and in the past two years has not been, a lobbyist registered under a state or local law and paid by a client to influence the management decisions; contract awards, rate determinations or any other similar actions of the authority or an affiliate.

#### Annual Reports by Authorities

The PAAA requires, as part of the annual report currently required to be submitted by a State authority pursuant to Section 2800 of the New York Public Authorities Law ("PAL"), the following:

- (a) (i) a schedule of debt issuance; (ii) a compensation schedule relating to all officers, directors, and employees of the authority in decision-making or managerial positions whose salary is in excess of \$100,000; (iii) a list of projects undertaken during the past year; (iv) a listing of all real property of the authority having an estimated fair market value in excess of \$15,000 that the authority intends to dispose of, all such property held by the authority at the end of the reporting period, and all such property disposed of during such period, including the fair market value of all such property held by the authority, the sale price of sold property, and the purchaser; (v) the authority's code of ethics; and (vi) an assessment of the effectiveness of the authority's internal control structure and procedures;
- (b) to make accessible to the public, to the extent practicable, via its official website, documentation of the authority's mission, current activities, most recent

annual financial reports, current year budget, and most recent independent audit report;

(c) every financial report submitted under Section 2800 to be approved by the authority's board and a certification in writing by the chief executive officer and the chief financial officer of the authority that, based on the officer's knowledge, (i) the information provided therein is accurate, correct and does not contain any untrue statement of material fact; (ii) does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made; and (iii) fairly presents in all material respects the financial condition and results of operations of the authority as of, and for, the periods presented in the financial statements.

### Independent Audits and Audit Reports

The PAAA modifies Section 2802 of the PAL to require a State authority to provide the Governor and other specified individuals with a copy of the annual independent audit report, performed by a certified public accounting firm in accordance with generally accepted government auditing standards, and management letter and any other external examination of the books and accounts of such authority other than copies of reports of any State Comptroller examinations.

The PAAA requires that any CIPAF that performs an audit for a State authority required by the PAL must timely report to the audit committee of the authority (i) all critical accounting policies and practices to be used, (ii) all alternative treatments of financial information that have been discussed with authority management, (iii) the ramifications of the use of such alternative disclosures and treatments, and the treatment preferred by the CIPAF, and (iv) other material written communications between the CIPAF and the management of the authority.

The PAAA places restrictions on the ability of the CIPAF to do other work for the authority and on the ability of the authority to choose a CIPAF with prior ties to personnel at the authority.

### Disposition of Property

The PAAA adds a new title 5-A to Article 9 of the public authorities law, requiring that each authority adopt, by resolution of its board, comprehensive guidelines which shall:

- (a) detail the public authority's operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the disposal of property, and
- (b) designate a contracting officer who shall be responsible for the public authority's compliance with, and enforcement of, such guidelines.

The guidelines shall be annually reviewed and approved by the board. On or before the thirty-first day of March in each year, the authority shall file with the comptroller a copy of the most recently reviewed and approved guidelines, including the name of the public

authority's designated contracting officer. At the time of filing such guidelines with the comptroller, the authority shall also post such guidelines its internet website.

The PAAA requires that each public authority shall:

- (a) maintain adequate inventory controls and accountability systems for all property under its control;
- (b) periodically inventory such property to determine which property shall be disposed of;
- (c) produce a written report of such property;
- (d) transfer or dispose of such property as promptly as possible.

The authority shall publish, not less frequently than annually, a report listing all real property of the authority. Such report shall consist of a list and full description of all real and personal property disposed of during such period. It shall contain the price received by the authority and the name of the purchaser for all such property sold by the public authority during such period. Copies of the report shall be provided by the authority to the comptroller, the director of the budget, the commissioner of general services, and the legislature.

The PAAA states that a public authority may dispose of property for not less than the fair market value of such property by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the contracting officer deems proper under the provisions of the PAAA. Provided, however, that no disposition of real property, any interest in real property, or any other property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction.

The PAAA states that when it shall be deemed advantageous to the state, a public authority may enter into an agreement with the commissioner of general services where under such commissioner may dispose of property of such public authority under terms and conditions agreed to by the public authority and the commissioner of general services. In disposing of any such property of a public authority, the commissioner of general services shall be bound by the relevant provisions of the PAAA.

The PAAA states that a contract for disposal of property may be negotiated or made by public auction without public advertising if the fair market value of the property does not exceed \$15,000. An explanatory statement shall be prepared for each contract of personal property in excess of \$15,000, and real property that has a fair market value in excess of \$100,000.

#### Authority Budget Office

The PAAA establishes a new Authority Budget Office to provide the governor and the legislature with conclusions and opinions concerning the performance of public authorities and to study, review and report on the operations, practices and finances of public authorities.



The office, to be established by the governor, shall (a) conduct reviews and analysis of the operations, practices and reports of public authorities to assess compliance with the provisions of the PAAA and other applicable provisions of law, (b) maintain a comprehensive inventory of public authorities and subsidiaries and the annual reports of public authorities (c) assist public authorities improve management practices and the procedures by which the activities and financial practices of public authorities are disclosed to the public, (d) make recommendations to the governor and the legislature concerning opportunities to improve the performance, reporting, reformation, structure and oversight of public authorities, (e) provide such additional information and analysis as may be reasonably requested by the legislature and state comptroller, and (f) on July 1, 2007 and annually thereafter issue reports on its findings and analysis to the governor, the chairman and ranking minority member of the senate finance committee, the chairman and ranking minority member of the assembly ways and means committee, the chairman and ranking minority member of the senate standing committee on corporations, authorities and commissions, the chairman and ranking minority member of the assembly standing committee on corporations, authorities and commissions, the state comptroller and the attorney general.

The office shall have the authority to request and receive from any public authority, agency, department or division of the state or political subdivision such assistance, personnel, information, books, records, other documentation and cooperation as may be necessary to perform its duties.

The 2006-07 Executive Budget includes \$1.5 million for the new office, which will be created within the Division of the Budget to leverage existing Division resources to complement Authority Budget Office staff and to assure coordination with the Division's current oversight and financial disclosure responsibilities.

### State Inspector General

The PAAA adds a new article 4-A to the Executive Law which codifies the Office of the State Inspector General in the Executive Department and confers jurisdiction over all "covered agencies" defined as all executive branch agencies, departments, divisions, officers, boards and commissions, public authorities (other than multi-state or multi-national authorities), and public benefit corporations, the heads of which are appointed by the governor and which do not have their own inspector general by statute.

The PAAA establishes that state inspector general shall be appointed by the governor and hold office until the end of the term of the governor by whom he or she was appointed and until his or her successor is appointed and has qualified. The state inspector general shall report to the secretary to the governor. The PAAA also establishes the duties, responsibilities and powers of the state inspector general, as well as the responsibilities of covered agencies, state officers and employees to report to the state inspector general any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse.

Effective Date

The PAAA took effect immediately and applies to the public authority fiscal year beginning on or after January 1, 2006. (*Provisions relating to the new Authority Budget Office take effect April 1, 2006, concurrent with the start of the new state fiscal year.*)

## Outline of the Initial Structuring of the New Montgomery County Office of Solid Waste Management Coordination

**Key Personnel:** The initial staffing of the Office of Solid Waste Management Coordination ("OSWMC") should consist of a Director (part time) and an Assistant Director (part or full time). The Director must have no fewer than 15 years of professional experience distributed among the following areas (a) regional planning and MSW project development in New York (at least 5 years in each of these categories) and (b) environmental management. He also must have served in a planning or public works capacity at the municipal or, preferably, county government level. In addition, the Director must have extensive experience in working with the New York State Department of Environmental Conservation ("DEC") and in developing solid waste management plans pursuant to DEC regulations. In terms of education, the Director should have completed significant graduate-level study in the environmental field and published in peer-reviewed periodicals. The Assistant Director must have no fewer than 5 years of experience in the MSW management field and possess a bachelor's degree awarded at the conclusion of a program of study evidencing an understanding of environmental issues and how government interfaces with those issues. Both the Director and the Assistant Director should possess strong verbal skills that include public speaking.

**Placement within County Government Structure:** The OSWMC should be housed initially within the Treasury Department of the County and the Director should report to the Treasurer and to the Chairman of the Board of Supervisors. If support resources in the Treasury Department prove inadequate, a part-time assistant or secretary should be employed. The OSWMC may outgrow the Treasury Department and mature into a stand-alone department or an adjunct to the Department of Public Works.

**Budgeting:** The County should confer standard employee benefits on the personnel within the OSWMC, including health, life insurance, and retirement plans, and the Director's salary should be set at no less than \$50,000 per annum. A vehicle to be used for OSWMC official business also should be assigned to the OSWMC. The total annual budgeting for the OSWMC may be predicted as falling within the \$150,000 - \$225,000 range.



**New York State Department of Environmental Conservation**  
**Division of Environmental Permits, 4<sup>th</sup> Floor**  
625 Broadway, Albany, New York 12233-1750  
Phone: (518) 402-9167 • FAX: (518) 402-9168  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



September 17, 2008

Dear Interested Stakeholders:

Attached please find two preliminary draft documents relating to conduct of environmental reviews under the New York State (NYS) Environmental Quality Review Act (SEQR). The NYS Department of Environmental Conservation (DEC) is circulating them to a range of potentially interested organizations and individuals for early, informal review and comment before we proceed with more formal, fully-noticed public review and comments. We will appreciate any suggestions or criticisms which you may be able to offer. We will accept comments on these first drafts through the close of business on Friday, October 31, 2008, via electronic or hard-copy mail (addresses below). Please feel free to share these drafts among your colleagues, with the qualification that they are truly preliminary, discussion-generating drafts.

The first document is a proposed complete revision of the Full ("long") Environmental Assessment Form (EAF). As most of you realize, the EAF is the formal tool which helps all state and local agencies in NYS develop and document each "determination of significance", or decision whether to require preparation of an environmental impact statement (EIS), on any particular project or proposal. The existing EAF is nearly 30 years old, with very few questions added or revised during that time, so a major rethinking of topics and structure was definitely due. Because the EAF is included in the SEQR regulations (6 NYCRR 617.20), any revisions of the form must be undertaken as a regulatory change.

As we developed this preliminary draft, we tried to keep in mind the major users of the EAF, including not only state agency staff and planning/engineering consultants but also local governments, especially their planning and zoning board members. These citizen appointees are generally not environmental specialists but are regularly asked to make a wide variety of far-reaching land use decisions, including most day-to-day decisions on the application of SEQR. To best support those non-specialist users, we propose to retain the basic 3-part structure which has become familiar for most users, and we have also tried to retain a systematic, topic-by-topic flow which guides an evaluator through the assessment to the final determination of significance.

This preliminary draft contains more pages than the current EAF, but please note that one major reason is that we have used a 12-point font, which we hope will be easier to read or make notes on than the print size on the existing form. Within the parts, note that the Part 1 questions (project and site description and inventory) in this preliminary draft have been re-organized to allow sponsors to skip one or more entire sections when the questions are not relevant to the proposed action. Similarly, the Part 2 (impact identification) questions are also structured so that

an evaluator may skip an entire section if the question is not relevant; for example, if there are no contaminated areas within or adjoining a project site, the form is structured to direct the evaluator to the next topic. Part 3 requires the evaluators to prepare narrative explanations, which would now include magnitude of impacts as well as available mitigation, but provides more robust instructions than the current form. Finally, by moving the certification block to the end of the form, this preliminary draft would eliminate the need to prepare both a Part 3 and a separate negative or positive declaration.

In conjunction with the actual EAF, but not included with this preliminary draft of the form itself, we are also developing a companion "workbook" which would contain question-by-question links or referrals to relevant information sources or explanations; for example, the question about whether a project is near an environmental justice community of concern would link to the EPA's definitions and mapping function for those communities. This workbook is being developed concurrently with the rulemaking, but will not be included as part of it. This will allow us to routinely maintain and update the workbook.

The second preliminary draft document is a technical guidance regarding the inclusion of energy use, energy conservation and climate change in an EIS. This draft document would be applicable to projects only after they have received a positive declaration that identifies energy use or greenhouse gas emissions among the suite of potentially-significant adverse environmental impacts. When the scope of an EIS includes these issues, guidance as to methodologies for estimating greenhouse gas emissions, including the boundaries for consideration of upstream and downstream impacts, may be useful. Specific guidance regarding these issues is not currently included in DEC sources such as the *SEQR Handbook* or adopted policy. In response, DEC is circulating this first discussion draft for comment and critique. Any finalization of this guidance document would follow established DEC protocols for policy adoption, including publication of notice of availability for review and comment in the *Environmental Notice Bulletin*, with public comments accepted prior to adoption.

Thank you for your input. Remember, comments will be accepted on both documents until close of business on October 31, 2008, via electronic or hard-copy mail. Please address comments on the EAF to Betty Ann Hughes, and comments on the GHG guidance to Anne Reynolds.

Sincerely,

Anne Reynolds  
Director, Commissioner's Policy Office  
NYS DEC  
625 Broadway  
Albany, NY 12233-1010  
[akreynolds@gw.dec.state.ny.us](mailto:akreynolds@gw.dec.state.ny.us)

Betty Ann Hughes  
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# ***ATTACHMENT SECTION***

***Resolution attachments***





# ***Attachment to Resolution***

**2008 – Resolution 4**



As Adopted by Resolution No. 4 – January 2, 2004  
As Amended by Resolution No. 21 – January 13, 2004  
As Amended by Resolution No. 69 – February 24, 2004  
As Adopted and Amended by Resolution No. 6 – January 4, 2005  
As Adopted by Resolution No. 11-January 2, 2006  
As Amended by Resolution No. 106 – February 28, 2006  
As Adopted by Resolution No. 4 – January 1, 2007  
As Adopted by Resolution No. 4 – January 1, 2008

## **STANDING RULES OF PROCEDURE OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS**

### **ARTICLE I – MEETINGS**

#### **SECTION I. Organizational Meeting**

**Rule 1.** The organizational meeting of the Board of Supervisors shall be called and governed in accordance with Section 151 of County Law.

**Rule 2.** At the organizational meeting or an adjourned session thereof, the Board of Supervisors shall review and adopt the Rules of Procedure for the ensuing year, appoint officers whose terms have expired, and address any other matter the Chair wishes to bring before the Board.

#### **SECTION II. Regular and Special Meetings**

**Rule 3.** The Board of Supervisors shall, in addition to meeting to organize the Board, hold regular meetings on the fourth Tuesday of the month at 7:00 P.M. When such day falls on a legal holiday, the meeting shall be fixed by resolution duly adopted at a previous meeting.

**Rule 4.** All meetings of the Board of Supervisors shall be held and governed in accordance with Section 152 of County Law.

### **ARTICLE II – RULES OF PROCEDURE**

**Rule 5.** All acts of the Board of Supervisors shall be in accordance with Section 153 of County Law.

**Rule 6.** A quorum of the Board of Supervisors shall consist of not less than eight supervisors representing a simple majority (935) of the weighted votes of supervisors, but a lesser number may adjourn. No part of this rule shall be construed to waive the requirements of these Rules of Procedure relating to the number of votes for passage of any resolution or other action by the Board.

**Rule 7.** Passage of any motion to suspend a rule shall require a two-thirds majority (1,246) of the weighted votes of the supervisors at a regular or special meeting of the Board, except those rules of procedure prescribed by a state or county law.

**Rule 8.** Any supervisor desiring to speak or present any subject or matter to the Board shall seek the recognition of the Chair and shall not proceed until recognized by the Chair and awarded the floor for such purpose.

**Rule 9.** Persons not members of the Board may, with the consent of the Chair, be permitted to speak regarding matters pending before the Board.

**Rule 10.** While a motion is under debate, no member shall speak more than three separate occasions, for a total of five minutes, on any question without leave of the Chair.

**Rule 11.** The order of business of each Regular Meeting of the Board shall be:

1. Call to Order
2. Salute to the Flag
3. Roll Call of Members.
4. Privilege of the Floor (including special presentations).
5. Approval of Minutes of Previous Meetings
6. Approval of Budgetary Transfers
7. Unfinished Business.
8. New Business – Resolutions, Local Laws, etc.
9. Adjournment.

**Rule 12.** Reading of the minutes of the previous session shall be dispensed with unless required by a majority of supervisors.

**Rule 13.** After a resolution or motion is stated by the Chair, it shall be in the possession of the Board, but may be withdrawn at any time with the consent of the Board before a decision is made or any amendment adopted.

**Rule 14.** When a question is under consideration, no motion shall be received, except as herein specified, which motions shall have precedence in the following order:

1. Adjourn (un-debatable)
2. Take a recess (un-debatable)
3. Lay on the table (un-debatable)
4. For the previous question (un-debatable)
5. Limit debate (un-debatable)
6. Refer (debatable)
7. Amend (debatable)
8. Postpone consideration (debatable)

**Rule 15.** No motion for the reconsideration of the vote upon any question shall be entertained unless moved by a supervisor who voted in the majority upon such question before the adjournment of the following regularly called Board meeting. When a motion for the reconsideration of any question has been made and decided, there shall be no further consideration of the same resolution.

**Rule 16.** A roll call vote shall be taken by the Clerk when required by law or upon the request of any supervisor. (County Law No. 153, sub 4) Such roll call shall begin with the prime sponsor or mover and must be completed before any other action is taken. During such roll call, every supervisor shall vote “Aye”, “Nay”, may abstain or pass upon the calling of the supervisor’s name. Any supervisor who passes upon the calling of the roll shall be polled at the conclusion of the roll call vote. A member may pass only once.

**Rule 17. Voting Majority**

A) A majority (935) of the weighted votes of the aggregate of all weighted votes of the members of the Board shall be necessary for the adoption of any resolution or local law then before the Board unless otherwise specified by State law.

B) A two-thirds majority (1,246) of the weighted votes of the aggregate of all weighted votes of the members of the Board shall be necessary for adoption of any resolution or local law establishing a two-thirds weighted vote approval requirement when such requirement is not specified by State law.

C) No supervisor may give a proxy or in any other fashion delegate his authority to vote upon any matter pending before the Board.

D) The rescission, revocation or reversal of any action, resolution, local law, motion, or other matter voted upon by the Board shall be effected by the same ratio of votes of the Board as was required for its adoption, approval or passage.

E) In the course of responding to a roll call vote, a supervisor may give an explanation of his/her vote.

**Rule 18.** All resolutions entered into the minutes shall record the names of those supervisors who voted in the minority and those not voting by reason of being excused or absent.

**ARTICLE III – CHAIR AND VICE CHAIR OF THE BOARD**

**Rule 19.** The Chair of the Board shall be the presiding officer, shall call the Board to order, and, except in the absence of a quorum, shall proceed to conduct business in the manner prescribed by these rules.

**Rule 20.** The duties of the Vice Chair shall include all duties and functions of the Chair in his/her absence, excluding the appointment of the members of standing committees.

The Vice Chair shall serve at the direction either of the Chair or the Board of Supervisors, which direction shall always supersede the Chair. The Vice Chair shall receive no additional compensation unless he/she shall act as Chair in excess of thirty (30) consecutive days after assuming the duties of Chair.

**Rule 21.** In the absence of the Chair at any meeting of the Board of Supervisors, the Vice Chair shall serve as Acting Chair and shall call the Board to order. In the absence of the Chair and Vice Chair, the Clerk of the Board shall, after 15 minutes, call the Board to order and the members present and voting shall select a member of the Board to serve as Acting Chair at such meeting. The Acting Chair shall have and exercise all the powers and duties of the Chair at the meeting over which he or she is called to preside. (County Law No. 151, sub 6)

**Rule 22.** In the case of a vacancy in the Office of Vice Chair, the Clerk of the Board of Supervisors shall accept nominations to select a successor, who shall be a member of the Board, at the next regular meeting of the Board of Supervisors. The person so selected shall serve as Vice Chair of the Board for the unexpired term of the previous Vice Chair.

**Rule 23.** The Chair shall preserve order and decorum and decide all questions of order, which decisions shall be final unless an appeal is taken to the Board. On an appeal from the decision of the Chair, he shall have the right to assign his reason for his decision.

**Rule 24.** The Chair shall decide all questions relating to the priority of business (the priority of one question or subject matter over another under the same order of business) without debate.

**Rule 25.** In those instances where there is disagreement concerning the interpretation of the Rules of Procedure, the County Attorney shall act as Parliamentarian to advise the Chair who shall rule on all questions of order of procedure.

#### **ARTICLE IV – RESOLUTIONS**

**Rule 26.** All proposed resolutions and local laws shall have a prime sponsor and at least one second and shall be reduced to writing. Proposed resolutions and local laws not originating from the committee having jurisdiction over the particular matter shall be filed with the Clerk of the Board in accordance with Rule 29.

**Rule 27.** Upon request of any supervisor, any amendment to a resolution shall be reduced to writing.

**Rule 28.** The Chair shall read the title of all resolutions and local laws filed and mailed in accordance with Rule 29, except that upon request of a member of the Board a resolution or local law shall be read in its entirety. Any resolution or local law before the Board, which has not been filed and mailed in accordance with Rule 29, shall be read in its entirety by the Clerk of the Board at the request of any supervisor.

## **Rule 29. Procedure**

- A) All resolutions requested or proposed shall be submitted through the Clerk of the Board of Supervisors to the Chair of the Board for inclusion on the agenda of the committee principally concerned at least ten (10) calendar days prior to the committee meeting at which it is to be considered.

The Clerk of the Board shall issue a tracking number and title to each proposed resolution and maintain a list to be provided to the supervisors each month as to the status of each requested and proposed resolution.

- B) Resolutions containing proposals for “new” programs not currently budgeted shall be accompanied by an informational memorandum detailing the following information:
- 1) Statement of Intent
  - 2) Plans, Goals, and Objectives
  - 3) Program Description
  - 4) Operational Impact – Services
  - 5) Fiscal Impact – Cost Resources
  - 6) Method of Financing
  - 7) Intra-agency Coordination (if applicable)
  - 8) Anticipated Benefits
  - 9) Anticipated Problems
- C) Supervisors, in lieu of the information memorandum above, may appear before the appropriate committee to discuss any resolution(s) they wish to propose.
- D) The Chair of the Board, together with the chair of said committee, shall determine items to be scheduled for consideration at Committee, Regular and Special Board meetings.
- 1) At least five (5) calendar days prior to the appropriate meeting at which a proposed resolution is to be considered by the Committee, the Clerk of the Board shall forward a copy of the Committee Agenda and proposed resolutions to each member of the Committee, all other supervisors, and the County Attorney either by mail or by personal delivery.
  - 2) At least five (5) calendar days prior to the Regular Meeting at which a resolution is to be considered by the Board, the Clerk of the Board shall forward to each Board member and the County Attorney a list of all resolutions to be considered at the meeting along with a copy of the corresponding informational memorandum.

- E) Neither the Chair of the Board nor any committee chair shall exclude from an agenda for discussion any item requested by a supervisor unless written notification citing the reason for the exclusion is provided to the sponsor of the resolution and the entire board at least five (5) calendar days prior to the regular meeting.

Any decision by the Chair of the Board or a committee chair to exclude a resolution or discussion item from an agenda can be overruled by a motion to discharge the resolution. A motion to discharge must have a sponsor and a second, which may differ from the resolution's primary sponsor and second. A majority weighted vote (935) for regular board meetings shall be sufficient to pass the motion to discharge, which will place the resolution on that meeting's agenda. A simple majority vote (non-weighted) shall be sufficient to pass the motion to discharge in committee, which will place the resolution on that committee's agenda.

**Rule 30.** An emergency resolution (one which concerns any matter where delay in the consideration thereof would adversely affect the interests of the County, the Board of Supervisors, or any department, official or agency of the County or the public) may be placed on the agenda at any Regular Meeting of the Board by a vote of two-thirds (1,246) of the aggregate weighted votes of the members present.

## **ARTICLE V. – COMMITTEES**

**Rule 31.** Committee reports and recommendations shall not be binding upon the Board because standing and special committees shall not use weighted vote

**Rule 32.** Each committee shall review all issues forwarded by the Clerk of the Board for its consideration. Committees shall report on each item and may provide a recommendation for approval or disapproval by the affirmative vote of a simple majority of committee members. If a committee disapproves a resolution or local law by the affirmative vote of a simple majority of the members of the committee referred for its consideration, the Chair of the Committee shall notify the sponsor of such resolution or local law of its disapproval and the committee shall file a report with the Board stating its disapproval and outlining the reasons therefore. No item is to be reported out of committee without a recommendation by at least a simple majority of the members of the committee or in accordance with these Rules.

**Rule 33.** The Chair of the Board shall appoint the members and designate the chair of all standing committees within ten (10) days following his election. He or she shall also appoint the members and designate the chair of all special committees or subsequently created standing committees within ten (10) days following their creation. (County Law, Section 154, sub 3)

**Rule 34.** The Board may from time to time create special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the



number of its members. Each member of any special committee shall serve for the period specified in such resolution, but in any event not longer than the term for which he or she shall have been elected as a supervisor. (County Law, Section 154, sub 2)

**Rule 35.** Standing committees shall consist of the designated supervisors for that Committee exclusive of the Chair of the Board. The presence of a majority of committee members, inclusive of the Chair of the Board (or Vice Chair in the Chair's absence), shall constitute a quorum for the purpose of conducting committee business.

**Rule 36.** The members of all standing committees shall be appointed for the duration of one year. Nothing herein contained shall be construed to allow any person to continue to serve on any committee after he or she ceases to be a supervisor.

**Rule 37.** The Chair of the Board of Supervisors (or Vice Chair, in Chair's absence) shall be an ex-officio member of all standing and special committees of the Board and as such shall have the right to participate in all functions of such committees including the right to vote. The Chair shall be counted in determining the presence of a quorum. (County Law, Section 450, sub. 1)

**Rule 38.** The Chair of the Board shall fill any vacancy occurring on any standing or special committee within thirty (30) days after such vacancy occurs. In the event such vacancy occurs in the position of committee chair, he or she shall designate a new committee chair within ten (10) days after such vacancy occurs. (County Law, Section 154, sub 4)

**Rule 39.** Neither the chair nor any other member of a standing committee shall be removed during the term of which the committee was appointed without prior consent of the member.

**Rule 40.** The chair of each standing or special committee shall be the presiding officer and shall cause the members thereof to be notified in advance of each meeting. The committee chair shall call all necessary meetings. Upon his or her refusal or neglect to call any meeting, the Clerk of the Board, upon written request signed by the Chair of the Board or by a majority of the committee, shall call such meeting. Committee meetings of an emergency nature (identified as such by a vote of two-thirds (1,246) of the aggregate of the weighted votes of the total membership of the Board) will be permitted during a Regular Meeting of the Board.

**Rule 41.** For the purposes of aiding and assisting the Board in the transaction of its business, there shall be the following standing committees, which shall provide general supervision for the County departments, agencies, and activities as designated. Their duties shall be as required by law, as directed by the Chair of the Board or as designated herein.

#### **41.1 HEALTH AND HUMAN SERVICES**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Office for the Aging	Public Health Service
Veterans Services Agency	Youth Bureau
Youth Board	Mental Health
Office of Community Services	Meadows Residential Health Care Facility
Department of Social Services	

and all other related matters referred to the Committee.

#### **41.2 GENERAL SERVICES**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Public Works	Buildings and Grounds
Reforestation	Roads and Bridges
Central Printing and Supply	MOSA
Data Processing	

as well as the Telephone System Operations, County owned or leased buildings and property and all other related matters referred to the Committee.

#### **41.3 FINANCE**

Within the jurisdiction of this Committee shall fall all issues arising from all authorized agencies and the following departments (divisions):

County Auditor	County Treasurer
County Clerk	Real Property Tax Services
Tentative Budget Review	Tentative Capital Budget Review
Purchasing Department	Non-Employee Insurance

as well as borrowing and indebtedness, external audit, taxation, supervisors' expenses, resolutions and local laws involving the appropriation or expenditure of funds, and all other related matters referred to the Committee.

#### **41.4 PUBLIC SAFETY**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

District Attorney	Emergency Management
Enhanced 911	Fire Coordinator
Probation	Public Defender

Sheriff and Corrections	Weights and Measures
Alternatives to Incarceration	STOP DWI
Office of the Coroner/Medical Examiner	

as well as the radio communications, computer-aided dispatch and all other related matters referred to the Committee.

#### **41.5 AGRICULTURE, PLANNING AND DEVELOPMENT**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Agriculture	County Historian
Cooperative Extension	Planners
Tourism	Economic Opportunity and Development
Records Management	Private Industry Council
Workforce Development Board	

as well as all other related matters referred to the Committee.

#### **41.6 EDUCATION AND GOVERNMENT**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Fulton Montgomery Community College	Rules of Procedure
Policies	Intergovernmental Relations
County Attorney	Clerk of the Board
County Administrative Officer	Board of Elections

as well as the review and modification of the structure of county government, review of government management, effectiveness and efficiency, and all other related matters referred to the Committee.

#### **41.7 PERSONNEL**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Employee Benefits	Civil Service
Employee Training	Employee Insurance
Personnel Department	Grievances
Collective Bargaining	

as well as all other related matters referred to the Committee.

## **ARTICLE VI. – RULES OF ORDER**

**Rule 42.** The rules contained in the most recent edition of “Robert’s Rules of Order” shall govern the Board of Supervisors in all cases to which they are applicable and in which they are not inconsistent with:

1. These Rules of Procedures;
2. Any special rules of order the Board may adopt;
3. Any statutes applicable to the Board.

## **ARTICLE VII. – MISCELLANEOUS**

**Rule 43.** The Clerk of the Board shall serve as secretary of standing committees of the Board, provided that the Clerk of the Board may designate another County Officer or employee as secretary with the approval of the committee chair.

**Rule 44.** The Clerk of the Board shall provide, monthly, a set of brief minutes of meeting for all committee meetings taking place during that month to all supervisors as part of the information packet supplied to the Board of Supervisors prior to that month’s regular meeting of the Board of Supervisors.

**Rule 45.** These rules may be amended with the approval of a simple majority (935) of the weighted vote of the members of the Board by adoption of a resolution filed and distributed in accordance with Rule 29, except for rules prescribed by state statute or county law. To the extent that a state or county law, which prescribes these rules, is amended, these standing rules shall stand amended consistent with such amended statute or law without formal action by the Board.

# ***Attachment to Resolution***

**2008 – Resolution 42**





## LOCKOUT/TAGOUT ENERGY CONTROL PROGRAM PROCEDURES

### INTRODUCTION

Montgomery County has established a lockout/tagout procedure to protect against accidental or inadvertent operation of equipment during servicing or maintaining activities. Employees authorized to implement these procedures have received classroom and hands-on training on these subjects and made aware of the availability of equipment to implement this program.

The procedure requires the affixing of appropriate lockout or tagout devices to energy isolating devices. The purpose of this program is to ensure that the machine or equipment is isolated from all potentially hazardous energy sources and locked- or tagged-out before employees perform any servicing, calibration, or maintenance activities, where the unexpected start-up or release of stored energy could cause injury or harm to the employees.

Outside personnel or contractors, hired to conduct work on the premises will be informed by the Maintenance Supervisor of their respective lockout/tagout procedures. Each employer must ensure that his or her personnel understand and comply with all procedures and restrictions and/or prohibitions of the other employer's energy control program prior to starting any work on machinery or equipment.

In accordance with the procedure, we have developed a list of employees who have been trained and are being authorized to implement the lockout/tagout procedure on machines, equipment or utility systems so that they may perform safe servicing or maintenance to the system, machine or equipment. It is important that all Montgomery County employees are aware of the existence of lockout/tagout procedures and the need of special training for those authorized to implement these procedures. If any Montgomery County employee has any question about this information, please do not hesitate to discuss this with your supervisor.

### PURPOSE

This program establishes the minimum requirements for the lockout/tagout of energy - isolating devices. All Montgomery County employees are to follow this procedure to ensure those machines, electrical circuits, pressurized lines, and/or other equipment is isolated from all potentially hazardous energy. In addition, all equipment must be locked out / tagged out before anyone performs servicing or maintenance activities where the unexpected startup or release of stored energy could cause injury. **LOCKOUT IS THE PREFERRED METHOD.**

## **RESPONSIBILITY**

Authorized Montgomery County employees have been instructed in the safety significance of this energy control program. A list of employees authorized to lockout/tagout machines or each supervisor will maintain equipment. A copy of this memo will also be sent to all Montgomery County employees explaining what Lockout/tagout is and why we are implementing the program in our workplace. Each new or transferred employee, as well as other employees, whose work operations are or may be in the area, will be instructed in the purpose and use of this lockout/tagout procedure.

## **LOCKOUT**

A lockout is a method of keeping equipment from releasing energy and endangering workers. In lockouts, only tags supplied by Supervisors and Foremen are to be used. All tags must identify the person who applied it.

IT IS MONTGOMERY COUNTY POLICY TO USE BOTH LOCKOUT AND TAGOUT WHEN POSSIBLE.

## **PREPARATION FOR LOCKOUT/TAGOUT**

Make a survey to locate and identify all isolating devices to be certain which switch(s), valve, or other energy - isolating devices apply to the equipment to be locked/tagged out. More than one energy source (electrical, mechanical, or others) may be involved.

## **EQUIPMENT ISSUED AND USED FOR LOCKOUT/TAGOUT**

A kit containing the following equipment has been issued to each authorized lockout/tagout Maintenance Foreman and Supervisor who work on equipment requiring lockout:

1. Chains
2. Lock Tags
3. Multiple Lock Hasps
4. Nylon Tie Wraps
5. Pad Locks

Additional kits will be made available to all authorized lockout/tagout employees by requesting them from your Foreman. All employees must use only the Montgomery County supplied equipment.

## **SEQUENCE OF LOCKOUT/TAGOUT SYSTEM PROCEDURE**

1. Notify all affected employees and/or building occupants that a lockout/tagout system is going to be utilized and the reason therefore. If one does not know the type and magnitude of energy that the machine or equipment utilizes, and understand the hazards thereof, the employee must contact his/her Supervisor or Foreman before beginning a lockout/tagout procedure.
2. If the machine or equipment is operating, shut it down by the normal stopping procedure (depress stop button, open toggle switch, close valve, etc.)
3. Operate the switch, valve, or other energy - isolating device(s) so that the equipment is isolated from its energy source(s). Stored energy (such as springs, elevated mach~ members,



rotating flywheels, hydraulic systems, and air, gas, steam, or water pressure, etc.) must be dissipated or restrained by methods such as repositioning, blocking, bleeding down, etc.

4. Lockout and/or tagout the energy - isolating devices with assigned individual lock(s) and tag(s). Never pull an electrical disconnect while it is under load. Do not pull fuses instead of disconnecting.
5. After ensuring that every area employee has been notified and that no personnel are exposed, take any of the following steps that are necessary to guard against energy left in the equipment after it has been isolated
6. Inspect the system to make sure that all parts have stopped moving.
7. Install ground wires.
8. Relieve trapped pressure.
9. Release the tension on springs, or block the movement or spring - driven parts.
10. Block or brace parts that could fall because of gravity,
11. Block parts in hydraulic or pneumatic systems that could move from loss of pressure.. Bleed the lines and leave vent valves open.
12. Drain piping systems containing hazardous materials and close valves to prevent further flow.
13. If a line must be blocked where there is no valve, use a blank flange.
14. After again ensuring that no personnel are exposed, and as a check on having disconnected the energy sources, operate the push button or other operating controls to make certain the equipment will not operate.

**CAUTION: Return operating control(s) to "neutral" or "off" position after the test.**

The equipment is now locked out / tagged out. Remember; do not bypass the lockout when installing new piping or wiring.

## **RESTORING MACHINES OR EQUIPMENT TO NORMAL PRODUCTION OPERATION**

After the servicing and/or maintenance are complete and equipment is ready for normal operation, check the area around the machines or equipment to ensure that no one is exposed.

After all tools have been removed from the machine or equipment, guards have been reinstalled, and employees are clear, remove all lockout or tagout devices. Except in emergencies, the person who put it on must remove each locking device. Operate the energy-isolating devices to restore energy to the machine or equipment.

If the person who placed the lockout/tagout device has been called away or is not available, call your Maintenance Foreman or your Supervisor to assist in removing the lock after ensuring again that no one is exposed.

Notify Maintenance Operations Supervisor or Foreman and building occupants in the area that lockout/tagout has been removed.

## **PROCEDURE INVOLVING MORE THAN ONE PERSON**

In the preceding steps, if more than one individual is required to lockout or tagout equipment, each will place his own personal lockout or tagout device on the energy - isolating device(s). When an energy-isolating device cannot accept multiple locks or tags, a multiple lockout/tagout device (hasp) will be used. If lockout is used, a single lock may be used to lockout the machine or equipment with the key being placed in a lockout box or cabinet, which allows the use of multiple locks to secure the box or cabinet. As people no longer need to maintain his lockout protection, that person will remove their lock from the box or cabinet.

## **BASIC RULES FOR USING THIS ENERGY CONTROL PROCEDURE**

All equipment will be locked out and tagged out to protect against accidental or inadvertent operation when such operation could cause injury to personnel. Do not attempt to operate any switch, valve, or other energy - isolating device where it is locked/tagged out.

If servicing lasts more than one work shift, lockout/tagout protection must not be interrupted.

When the worker who applied a lock is not there to remove it:

The lock can only be removed in an emergency, and only under the direction of the worker's Supervisor or Foreman. The lock can only be cut when the Supervisor/Foreman is present. Never remove the lock without making sure it is absolutely safe.

File a written report as to why it was necessary to cut the lock.

When it is necessary to transfer a lockout/tagout device to the next work shift, the employer Foreman or Supervisor will advise the Foreman/Supervisor of the next shift of the work required and the reason for the lockout. That shift Foreman/Supervisor is now in charge of the program.

**SUPERVISORS/FOREMEN ARE TO MONITOR THIS ENERGY CONTROL PROGRAM TO ASSURE COMPLIANCE WITH THE LOCKOUT/TAGOUT PROCEDURE.**

# ***Attachment to Resolution***

**2008 – Resolution 43**





## **MONTGOMERY COUNTY SAFETY POLICY MISSION STATEMENT**

---

We are dedicated to providing a safe and healthful environment for employees and public, protecting the public, and preserving Montgomery County assets and property.

At Montgomery County our most valuable resources are the people who we employ and the public we serve. Injuries can be prevented. To achieve this objective, we will make all reasonable efforts to comply with all government regulations pertaining to safety and health issues. An effective Safety and Health Program will be carried out throughout our organization.

The Safety and Health Program will assist management and non-supervisory employees in controlling hazards and risks, which will minimize employee and public injuries, damage to their property and damage or destruction of Montgomery County property.

All employees will follow this program. This program is designed to encourage all employees to promote the safety of their fellow employees and the public they serve. To accomplish our safety and health goals, all members of management are responsible and accountable for implementing this policy, and insuring it is followed.

Montgomery County is sincerely interested in our employee's safety. The policy of Montgomery County is to provide safe equipment, adequate tools and training and the necessary protective equipment.

It is the employee's responsibility to follow the rules of safety as established for their protection and the protection of others, and to use the protective devices, which Montgomery County provides.

### **RESPONSIBILITIES:**

Montgomery County pledges to do the following:

- Strive to achieve the goal of zero accidents and injuries.
- Provide mechanical and physical safeguards wherever they are necessary.
- Conduct routine safety-and-health inspections to find and eliminate unsafe working conditions, control Health hazards, and comply with all applicable Safety-and-Health requirements.
- Train all employees in safe work practices and procedures.
- Provide employees with necessary personal protective equipment and train them to use and care for it properly.
- Enforce safety-and-health rules and require employees to follow the rules as a condition of employment.
- Investigate accidents to determine the cause and prevent similar accidents.



# ***Attachment to Resolution***

**2008 – Resolution 48**



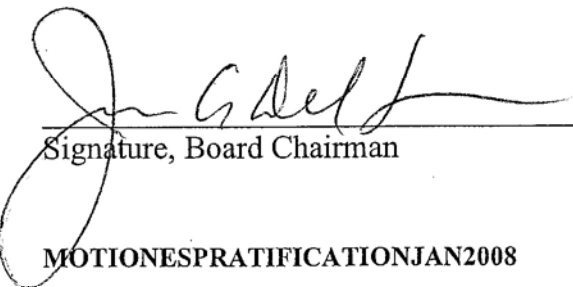


## **BACKGROUND**

During the 2006-07 and 07-08 Academic Years, representatives from Fulton-Montgomery Community College Administration, the Fulton County Board of Supervisors, the Montgomery County Board of Supervisors, and the FMCC Board of Trustees, and members of the Education Support Personnel (ESP) Clerical Unit were involved in contract negotiations. After several months of discussion and mediation, the two negotiating teams came to a four-year agreement between the College and ESP.

## **RECOMMENDATION**

The President recommends that the Board of Trustees accepts and ratifies the attached modifications to the agreement between Fulton-Montgomery Community College and the Education Support Personnel (ESP) Clerical Unit. The Board directs the President to forward these changes to the Fulton County and Montgomery County Boards of Supervisors for ratification and further to incorporate these changes into the FMCC/ESP contract and distribute the completed contract to members of the Administration and ESP.



\_\_\_\_\_  
Signature, Board Chairman

\_\_\_\_\_  
Date

1/17/2008

MOTIONESPRATIFICATIONJAN2008

MEMORANDUM OF AGREEMENT  
BY AND BETWEEN  
FULTON-MONTGOMERY COMMUNITY COLLEGE  
AND  
FULTON-MONTGOMERY COMMUNITY COLLEGE  
EDUCATION SUPPORT PERSONNEL

WHEREAS, Fulton Montgomery Community College ("College") and Fulton Montgomery Community College Education Support Personnel ("FMCC-ESP") have been negotiating the terms and conditions of a successor collective bargaining agreement to the present collective bargaining agreement effective September 1, 2004 through August 31, 2006; and

WHEREAS, the parties have reached agreement with respect to the terms and conditions and to memorialize them in a memorandum of agreement;

NOW, THEREFORE, the parties agree as follows:

Article 5, Schedule A shall be modified as follows:

See Schedule A attached.

C. Delete Subdivision C and substitute the following therefor:

During the terms of this Agreement, the salaries of employees employed as of or subsequent to 9/1/06 shall be increased as follows:

9/1/06	3.5% (on base, after longevity pulled out)
9/1/07	3% (on base, after longevity pulled out)
9/1/08	3% (on base, after longevity pulled out)
9/1/09	3% (on base, after longevity pulled out)

*Suspend*

*6*

Delete Schedule A (G) and substitute the following therefor:

Early Retirement: Full-time FMCC-ESP members may at their option, elect early retirement effective August 31, 2008 or August 31, 2010 upon reaching fifty-five years of age and having attained at least ten (10) or twenty (20) years of continuous full-time service.

- (1) Unless waived in writing by the College, irrevocable notice of early retirement in writing subscribed by the FMCC-ESP member must be filed with the Office of the President on or before May 2, 2008 for early retirement effective August 31, 2008 (first window). For early retirement effective August 31, 2010, such notice must be given after September 1, 2009 but prior to ~~October~~ *May* 15, 2010 (second window).
- (2) For early retirement during the first window, eligible FMCC-ESP members with twenty years of full-time continuous service will be eligible for a one-time cash payment of Twelve Thousand Five Hundred Dollars (\$12,500). FMCC-ESP members with ten years full-time continuous service will be eligible for a one-time cash payment of Six Thousand Two Hundred Fifty Dollars (\$6,250). For the first window, there will be a cap of Forty Thousand Dollars (\$40,000).
- (3) For early retirement during the second window, FMCC-ESP members with twenty years of full-time continuous service will be eligible for a one-time cash payment of Six Thousand Two Hundred Fifty Dollars (\$6,250). Eligible FMCC-ESP members with ten years of full-time continuous service will be eligible for a one-time cash payment of Three Thousand One Hundred Twenty-Five Dollars (\$3,125). For the second window, there will be a cap of Twenty Thousand Dollars (\$20,000).
- (4) Early retirement payments shall be made on a first come first serve basis in accordance with the date and time of receipt by the Office of the President of the irrevocable notice of early retirement. Any member who is precluded from participating in the early retirement incentive because of the cap may rescind his/her notice of retirement by advising the Office of the President within ten (10) business days after being notified that he/she has been excluded from the early retirement incentive.
- (5) This early retirement incentive terminates on August 31, 2010.

3. Article 7 (D)(2).

Delete Article 7 (D) (2) and substitute the following therefor:

- (2) Upon retirement, employees may elect to receive the amount of their accumulated sick leave in cash or to have said balance applied to their Health Insurance premiums in ten percent (10%) increments. Notice of retirement must be given at least thirty (30) days prior to retirement, except that notice of early retirement must be given in accordance with Article 5 Schedule A(G).

4. Article 7 (L) - Holidays.

Delete "Day before New Year's Day", "New Year's Day," "Day After New Year's Day", "Day before Christmas Day," "Christmas Day" and "Day After Christmas Day" and "For the terms of this Agreement, Christmas and New Year's Day shall be observed as follows:"

Add the following after Labor Day and Martin Luther King Day:

*See Article 7(L)*  
~~The Christmas holidays shall be from Christmas Day through New Year's Day (inclusive). In those years when Christmas Eve falls on a weekday, Christmas Eve will be a holiday also. If Christmas falls on Sunday the preceding Friday is observed. There will be a minimum of six days observed, sometimes seven. maximum of seven.~~

Delete Paragraph 3 and renumber the remaining.

5. Add new Article 7 (T) Tuition Aid Account to read as follows:

T. Tuition Aid Account. For academic year September 1, 2007 through August 31, 2008, the College will establish a tuition aid account in the amount of \$5000. For each academic year of this agreement thereafter, the College on September 1 of said academic year shall provide \$5000 as a tuition aid account. FMCC-ESP and/or a Committee designated by FMCC-ESP shall determine the recipient of the tuition aid and the amount of such aid based upon legally appropriate criteria that shall be established by the FMCC-ESP and shared with the College. FMCC-ESP shall provide such information in writing to the Vice President of Administration. The tuition aid amount shall not carry over from year to year.

6. Article 8 (A)(2).

Delete the portion of Subdivision (2) which states "Starting the day after graduation and lasting until the week before the first day of classes," and substitute the following therefor:

"Starting the day after classes end in the Spring semester and lasting through July 31<sup>st</sup> of that year"

7. Article 12.

Delete "September 1, 2004" and substitute "September 1, 2006."

Delete "August 31, 2006" and substitute "August 31, 2010."

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Except as provided above, or for the purposes of achieving factual accuracy in the contract document, the September 1, 2004 through August 31, 2006 Agreement of the parties shall, in all particulars, be ratified, affirmed and continued without change.

FULTON-MONTGOMERY COMMUNITY  
COLLEGE

By: [Signature]

By: [Signature]

By: Kathleen Smith

By: [Signature]

FULTON-MONTGOMERY COMMUNITY  
COLLEGE - EDUCATION SUPPORT  
PERSONNEL

By: [Signature]

By: [Signature]

By: Cecelyn Leach

By: Catherine Willits

By: [Signature]

By: Anne S. Jung

Dated: 1/14/08

By: Tammy Beavogard

By: Suzanne Jammon

By: Mary Eaton

By: [Signature] <sup>LAH</sup>

By: \_\_\_\_\_

Dated: \_\_\_\_\_

**SCHEDULE A****ARTICLE 5**

A. Starting Salaries: All new employees will be compensated as follows for the first year of employment:

<b><u>Position</u></b>	<b><u>Starting Salaries 2006-07</u></b>	<b><u>Starting Salaries 2007-08</u></b>	<b><u>Starting Salaries 2008-09</u></b>	<b><u>Starting Salaries 2009-10</u></b>
Clerk	23,529	24,235	24,962	25,711
Library Clerk	23,529	24,235	24,962	25,711
Typist	23,529	24,235	24,962	25,711
Stenographer	24,294	25,023	25,774	26,547
Account Clerk	24,294	25,023	25,774	26,547
Senior Clerk – Records	24,864	25,610	26,378	27,169
Senior Library Clerk	24,864	25,610	26,378	27,169
Senior Typist	24,864	25,610	26,378	27,169
Senior Account Clerk	25,644	26,413	27,205	28,021
Senior Stenographer	25,644	26,413	27,205	28,021
Computer Operator	26,326	27,116	27,929	28,767
Principal Clerk	26,326	27,116	27,929	28,767
Technical Assistant/Enrollment Management	26,326	27,116	27,929	28,767
Technical Assistant/Admissions	26,326	27,116	27,929	28,767
Technical Assistant/Student Development	26,326	27,116	27,929	28,767
Computer Operator/Programmer	26,772	27,575	28,402	29,254

Principal Account Clerk	28,051	28,893	29,760	30,653
Principal Stenographer	28,051	28,893	29,760	30,653
Administrative Assistant	31,474	32,418	33,391	34,393
Computer Services Coordinator	31,474	32,418	33,391	34,393
Computer Programmer/Analyst	33,607	34,615	35,653	36,723



The Christmas holidays shall be from Christmas Day through New Year's Day (inclusive). On years when the Christmas and/or New Year's holidays fall on a Saturday/Sunday the Monday following New Year's Day will be observed as the holiday. In those years when Christmas Eve falls on a weekday, Christmas Eve will be a holiday also. There will be a minimum of six days observed, a maximum of seven for the holiday break.



# ***Attachment to Resolution***

**2008 – Resolution 76**



**MONTGOMERY COUNTY PURCHASING DEPARTMENT  
20 PARK STREET  
ROOM 104  
PO BOX 1500  
FONDA, NY 12068  
(518) 853-3351**

**REQUEST FOR PROPOSAL  
RFP #01-08 COMPUTER-DEPLOYMENT CONSULTATION  
SERVICES**

The County of Montgomery, New York, is requesting proposals from qualified providers for the provision of Computer-Deployment Consultation Services at Montgomery County, located at 20 Park Street, Fonda, New York.

The successful proposer will be required to provide the scope of services as stated below. Other services, if identified as needed by the proposer, may be included but will be evaluated by the facility on a “need related to cost” basis.

**SCOPE OF SERVICES:**

1. Un-box and assemble PC components, verifying existence and function of equipment as ordered.
2. Format systems and install operating system and software to our specifications.
3. Prepare image-files for re-installation as needed.
4. Work with County staff to add computer to network and connect to secure services.
5. Deploy computer to destination.
6. Work with County staff to resolve any issues associated with deployment.

Proposals should outline the number of hours consultant will require to perform scope of services outlined and the method used to calculate the fees associated with such service. We estimate 35 PCs to be built and deployed per year.

**Proposers must demonstrate that they have the required expertise and staff credentials to provide the above outlined services.**

Proposals shall contain the information requested below and any additional information that may be deemed useful:

1. Complete description of the services to be provided.

2. Documentation of previous experience providing computer services including the name, address, and particular reference from facilities, which have been serviced.
3. Resumes listing the experience and credentials as well as copies of current certification or equivalent for participating staff personnel who would be involved in the provision of service to the facility.
4. Copy of insurance liability limits and current coverage.

**The contract awarded under the Request for Proposal will be for a one-year period with annual review for continuation of services at the terms outlined above.**

**Proposals will be evaluated based upon the ability of the proposer to meet the listed specification including services to be provided; availability and accessibility of services; management expertise; staff experience; credentials and anticipated costs.**

**TWO (2) copies of the signed proposal must be submitted to Montgomery County Purchasing Department, PO Box 1500, 6 Park Street, Fonda, New York 12068 no later than close of business on Day, Month, Year.**

The Montgomery County Board of Supervisors will approve the successful proposer. Montgomery County reserves the right to reject any and all proposals.

Dated: February xx, 2008

Scott Surrento  
Purchasing Agent

# ***Attachment to Resolution***

**2008 – Resolution 89**





TITLE	2008 Minimum	2008 Base (Res 2007- 362, 2007- 363) * add'l \$	Years in Title	Yrs. 1 - 5 = 1 Yrs. 6 - 10 = 2 Yrs. 11 - 15 = 3 Yrs. 16 - 20 = 4 Yrs. 21 - 25 = 5 Yrs. 26 + = 6	2008 Base Salary w/increment
<b>DEPARTMENT HEADS</b>					
<b>GROUP A Increment - \$1250</b>					
SHERIFF	70000	*70000	11	3750	73750
<b>GROUP B Increment - \$1100</b>					
COMMISSIONER OF SOCIAL SERVICE	65000	65000	6	2200	67200
COMMISSIONER OF PUBLIC WORKS	65000	65000	8	2200	67200
PUBLIC HEALTH DIRECTOR	65000	65000	3	1100	66100
DIRECTOR OF DATA PROCESSING	65000	65000	6	2200	67200
<b>GROUP C Increment - \$950</b>					
DIRECTOR OF COMMUNITY SERVICES	55000	60000	11	2850	62850
COUNTY TREASURER	55000	58205	5	950	59155
PERSONNEL OFFICER	55000	60515	17	3800	64315
ECONOMIC OPPORTUNITY & DEV DIRECTOR	55000	60533	2	950	61483
PROBATION DIRECTOR II	55000	56903	4	950	57853
COUNTY CLERK	55000	58205	18	3800	62005
<b>GROUP D Increment - \$800</b>					
DIRECTOR OF REAL PROPERTY TAX	45000	48164	12	2400	50564
YOUTH BUREAU DIRECTOR/ACSD DIRECTOR	45000	45188	8	1600	46788
SUPERINTENDENT SSD#1	45000	45000	4	800	45800
DIRECTOR OF EMERGENCY MANAGEMENT/FIRE COORDINATOR	45000	45530	14	2400	47930
<b>GROUP E Increment - \$650</b>					
COUNTY HISTORIAN (RECORDS MANAGEMENT OFFICER)	35000	35000	8	1300	36300
ELECTION COMMISSIONER	35000	35207	4	650	35857
ELECTION COMMISSIONER	35000	35207	4	650	35857
PURCHASING AGENT	35000	39750	4	650	40400
DIRECTOR OF WEIGHTS & MEASURES A	35000	37230	12	1950	39180
DIRECTOR OF VETERANS SERVICES	35000	35000	2	650	35650
<b>TOTAL DEPARTMENT HEADS</b>		<b>1085637</b>		<b>37800</b>	<b>1123437</b>

All Non-Bargaining employees: 2008 base salaries for current employees are grandfathered in. Any new employees hired after April 1, 2008 must start at the minimum base salary (except for Board of Supervisors employees). Increments are based on years in title within group and added to base for a yearly salary. Cost of living raises are added to base salary without the increment included and will be the same as the C.S.E.A. union contracts. Evaluations will be done in the first two weeks of September for the following fiscal year.

TITLE	2008 Minimum	2008 Base (Res 2007- 362, 2007- 363)	Years in Title	Yrs. 1 - 5 = 1 Yrs. 6 - 10 = 2 Yrs. 11 - 15 = 3 Yrs. 16 - 20 = 4 Yrs. 21 - 25 = 5 Yrs. 26 + = 6	2008 Base Salary w/increment
<b>GROUP 1 Increment - \$850</b>					
PSYCHIATRIST	130000	136285	5	850	137135
<b>GROUP 2 Increment - \$750</b>					
UNDERSHERIFF	55000	55000	5	750	55750
ASSISTANT DIRECTOR OF PUBLIC HEALTH	55000	55000	2	750	55750
<b>GROUP 3 Increment - \$650</b>					
CORRECTIONS ADMINISTRATOR	40000	46744	5	650	47394
DEPUTY COUNTY TREASURER	40000	40000	2	650	40650
DEPUTY COUNTY CLERK	40000	40000	17	2600	42600
CHILDREN WITH SPECIAL NEEDS COORD	40000	45000	2	650	45650
DIRECTOR OF FINANCIAL MANAGEMENT	40000	47417	23	3250	50667
DIRECTOR OF SOCIAL SERVICES	40000	45000	3	650	45650
PERSONNEL ASSOCIATE	40000	40162	9	1300	41462
DIRECTOR OF ELIGIBILITY	40000	45000	5	650	45650
<b>GROUP 4 Increment - \$550</b>					
BUSINESS MANAGER	35000	40718	1	550	41268
BUSINESS MANAGER	35000	40718	1	550	41268
PERSONNEL ASSISTANT	35000	35000	0	0	35000
ECONOMIC DEVELOPMENT SPECIALIST	35000	41792	2	550	42342
ECONOMIC DEVELOPMENT SPECIALIST	35000	41792	0	0	41792
<b>GROUP 5 Increment - \$450</b>					
DEPUTY ELECTION COMMISSIONERS	30000	30000	1	450	30450
DEPUTY ELECTION COMMISSIONERS	30000	30000	1	450	30450
MAINTENANCE MECHANIC - SSD #1	30000	30000	11	1350	31350
CONFIDENTIAL SECRETARY - PUBLIC DEF	30000	32593	7	900	33493
PRINCIPAL ACCT CLK TYPIST-NON-B	30000	31430	7	900	32330
HUMAN RESOURCE CLERK	30000	31090	4	450	31540
CONFIDENTIAL SECRETARY (SHERIFF)	30000	33964	12	1350	35314
SECRETARY TO DISTRICT ATTORNEY	30000	33990	12	1350	35340
<b>GROUP 6 Increment - \$350</b>					
VOTING MACHINE/ELECT COORD	25000	26676	0	0	26676
VOTING MACHINE/ELECT COORD	25000	26676	0	0	26676
LABORER - SSD #1	25000	27257	3	350	27607
LAB TECHNICIAN - SSD #1	25000	25000	5	350	25350
<b>TOTAL GROUP 1 - 6</b>		<b>1102047</b>		<b>22300</b>	<b>1070295</b>

TITLE		2008 Base Salary	Years in Title	Yrs. 1 - 5 = 1 Yrs. 6 - 10 = 2 Yrs. 11 - 15 = 3 Yrs. 16 - 20 = 4 Yrs. 21 - 25 = 5 Yrs. 26 + = 6	2008 Base Salary w/increment
<b>BOARD OF SUPERVISORS EMPLOYEES Increment - \$500</b>					
ADMINISTRATIVE AIDE		50640	5	500	51140
SAFETY OFFICER		35000	0	0	35000
SR. ACCOUNT CLERK TYPIST		29783	2	500	30283
<b>TOTAL B.O.S.</b>		<b>115423</b>		<b>1000</b>	<b>116423</b>
<b>GRAND TOTAL</b>		<b>2303107</b>		<b>61100</b>	<b>2310155</b>

All Non-Bargaining employees: 2008 base salaries for current employees are grandfathered in. Any new employees hired after April 1, 2008 must start at the minimum base salary (except for Board of Supervisors employees). Increments are based on years in title within group and added to base for a yearly salary. Cost of living raises are added to base salary without the increment included and will be the same as the C.S.E.A. union contracts. Evaluations will be done in the first two weeks of September for the following fiscal year.

TOTAL SCORE: \_\_\_\_\_

**Montgomery County Department Head Performance Appraisal Form**

EMPLOYEE NAME: \_\_\_\_\_

HIRE DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

RATING PERIOD FROM: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

TO: \_\_\_\_\_

ANNUAL: \_\_\_\_\_

PROBATIONARY: \_\_\_\_\_

**Rating Key:**

(FOR THOSE WHO SERVE AT THE PLEASURE OF THE BOARD)

- 1 = Below Average:** Performance is deficient in meeting the position requirements as required.
- 2 = Average:** Employee is acceptable and has achieved position requirements.
- 3 = Above Average:** Employee is above position requirements.
- 4 = Outstanding:** Performance exceeds position requirements.

**Using the above key, rate the following categories from 1 to 4**

	Outstanding	Above Average	Average	Below Average
<b>1. Capacity and Adaptability:</b>				
The ability to grasp instructions, to meet changing conditions and to solve problem situations.				
<i>Comments:</i> _____				
_____				
_____				
<b>2. Creativity and Initiative:</b>				
The talent for having new ideas, for finding new and better ways of doing things and for being imaginative.				
<i>Comments:</i> _____				
_____				
_____				
<b>3. Professionalism:</b>				
An individual's behavior characteristics / demeanor.				
<i>Comments:</i> _____				
_____				
_____				
<b>4. Oral / Written Communication:</b>				
An individual's ability to effectively communicate with others.				
<i>Comments:</i> _____				
_____				
_____				
<b>5. Teamwork &amp; Response to Supervision:</b>				
Cooperation with Board of Supervisors in doing their share and assisting whenever possible. Accepts direction and recognizes authority.				
<i>Comments:</i> _____				
_____				
_____				
<b>6. Job Knowledge:</b>				
Information concerning work duties, which an individual should know for a satisfactory job performance.				
<i>Comments:</i> _____				
_____				
_____				
_____				

<b>Employee Name:</b> _____				
	<b>Outstanding</b>	<b>Above Average</b>	<b>Average</b>	<b>Below Average</b>
<b>7. Courtesy:</b> The polite attention an individual gives other people.				
<b>Comments:</b> _____ _____ _____				
<b>8. Judgement:</b> Ability to reach sound and logical conclusions through reasoning and comprehension.				
<b>Comments:</b> _____ _____ _____				
<b>9. Stability:</b> Ability to withstand pressure and to remain calm in crisis situations.				
<b>Comments:</b> _____ _____ _____				
9 to 12 = Employee's performance does not meet standards: termination action is recommended. 13 to 17 = Employee's performance requires the specified corrective actions by _____ 18 to 25 = Employee's performance meets standards. 26 to 36 = Employee's performance exceeds standards.				
<b>Please cite some specific areas which the employee should improve upon:</b> _____ _____ _____ _____				
<b>Reviewed By:</b> _____ <b>Committee: *</b> _____ <b>Date:</b> _____ <b>Committee Comments:</b> _____ _____ _____ _____ <div style="text-align: right;">_____ Committee Chair – Signature</div>				
<b>If a Probationary employee, do you think the employee:</b> <b>Is acceptable:</b> _____ <b>Should be continued on Probation:</b> _____ <b>Should be terminated:</b> _____ <b>Prepared By:</b> _____ <b>Committee Chairperson:</b> _____ <b>Date:</b> _____ <div style="text-align: right;">_____ Committee Chair - Signature</div>				
<b>Employee Comments:</b> _____ _____ _____				
This report was discussed with me on _____ and a copy has been furnished to me. <div style="text-align: center;">date</div> <div style="display: flex; justify-content: space-between;"> <div> <b>CC: Personnel Officer</b>            (Rev: FINAL 2/26/08)         </div> <div>_____ Employee's Signature</div> </div>				

**\* Committee Includes:**

1. Chairperson of the Board of Supervisors
2. Vice Chairperson of the Board of Supervisors
3. Chairperson of the Department Head's Committee
4. Chairperson of the Personnel Committee
5. Personnel Officer

# ***Attachment to Resolution***

**2008 – Resolution 116**



**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

**INTRODUCTION**

These Procurement Policies and Procedures were adopted by the Montgomery County Board of Supervisors to comply with the provisions of the General Municipal Law, Section 104-b.

The Board of Supervisors shall annually review these Policies and Procedures no later than June 30<sup>th</sup> of each year to comply with the provisions of the General Municipal Law, Section 104-b.

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**

**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

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- I. Procedures for Determining Whether a Procurement is Subject to Competitive Bidding
- II. Procedures for Non-Bid Procurements
- III. Procedures for Procurements That are Exempt from Competitive Bidding Requirements
- IV. Procedures for Procurements from Vendors Not Offering the Lowest Dollar Amount
- V. Exceptions to the Procurement Policies and Procedures

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**



**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

I. Procedures for Determining Whether a Procurement is Subject to Competitive Bidding

A. Analysis of Proposed Procurement

1. The official responsible for making the procurement decision will determine if it is a purchase or public works contract. Guidelines issued by the Office of the State Comptroller will be used.
2. The official responsible for making the procurement decision will determine whether any of the statutory exceptions to competitive bidding apply. If an exception applies, it will be documented as outlined in Section III.

B. Documenting The Decision If The Procurement Is Not Subject To Competitive Bidding

1. Board resolutions
2. Opinions of the County Attorney
3. Opinions of the State Comptroller
4. Verbal or written quotes; catalog prices
5. Compilation of the amounts expended for like items in previous years
6. Compilation of current appropriations for like items

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**

**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

II. Procedures For Non-Bid Procurements

A. Purchase Contracts Below \$10,000.00:

<b><u>Dollar Amount</u></b>	<b><u>Procedure</u></b>
\$1 – 999	At the discretion of the Purchasing Department
\$1,000 – 4, 999	Documented verbal price quotes from at least three vendors
\$5,000 – 9,999	Formal written price quotes from at least three vendors

B. Public Works Contracts Below \$20,000.00:

(Includes Service/Maintenance Agreements and Equipment Repairs)

<b><u>Dollar Amount</u></b>	<b><u>Procedure</u></b>
\$1 – 999	At the discretion of the Purchasing Department
\$1,000 – 6,999	Documented verbal price quotes from at least three or more vendors
\$7,000 – 19,999	Formal written price quotes from at least three or more vendors. Board approval is required for contracts over \$10,000.00.

\*A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**

**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

III. Procedures For Procurements That Are Exempt From Competitive Bidding Requirements

A. Emergency Purchases

1. The department head having responsibility for the situation will authorize procurements made under emergency conditions. The department head is responsible for insuring that the procurement meets all of the statutory criteria.
2. The department head will provide the Board of Supervisors and Purchasing Agent with a written description of the facts giving rise to the emergency within a reasonable time period.

B. Purchases from State Contracts

1. The official responsible for making the procurement decision will consult the state contract for any commodity that is covered.
2. If procurement can be made for less than state contract pricing, the County shall follow the procedures set forth in either Sections I or II of these policies and procedures as appropriate.
3. If a department head wishes to purchase an item that is different from the item on state contract and the price is higher, the procedures for "Procurements from Other Than the Lowest Dollar Offer" must be followed.

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**

**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

C. Sole Source Procurements

1. The department head requesting the purchase will provide a statement of the benefits to be achieved from purchasing that particular product. The statement will prove that the product has no reasonable equivalent and will explain why the item is required in the public interest.
2. The sole source determination will be substantiated by a statement from the manufacturer or agent attesting to the fact that the product is available from only one source.

D. Second Hand Equipment from Other Governments

1. Three verbal or written price quotes will be obtained from vendors or similar equipment.
2. The department head requesting the purchase will provide a written statement outlining the benefits to be achieved from the procurement.
3. Board approval is required for any item over \$10,000.00

E. True Leases

1. Three verbal or written price quotes will be obtained for similar equipment.
2. The department head requesting the lease will provide a written statement outlining the benefits to be achieved from the lease. A cost-benefit analysis of leasing versus purchasing will be included.

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**

**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

3. The Purchasing Department will verify the lease is a true lease and not an installment purchase contract.
4. Board approval is required for leases that total over \$10,000.00 during their term.

F. Professional Services

Resolution 110 of 1988 states that Professional Services will be acquired through a Request for Proposal. The procedure is outlined in this Resolution. (Copy Attached)

G. Insurance

1. Procurement will be made by a Request for Proposal from at least three vendors.
2. Board approval is required for all insurance contracts.

IV. Procedures For Procurements From Vendors Not Offering The Lowest Dollar Amount

- A. Three written price quotes will be obtained for similar products.
- B. The department head requesting the purchase will provide a written statement outlining the benefits to be achieved from the procurement.
- C. Board approval is required for procurements over \$5,000.00.

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**

**COUNTY OF MONTGOMERY**  
**PROCUREMENT POLICIES AND PROCEDURES**

V. Exceptions To The Procurement Policies and Procedures

The Montgomery County Board of Supervisors hereby establishes the following exceptions to the requirement for solicitation of alternative proposals or price quotes.

- A. Emergencies where time is a crucial factor.
- B. Procurements of professional services that are confidential in nature.

**ADOPTED: April 14, 1992 per Resolution 127 of 1992**  
**REVISED: October 1, 2006 per Resolution 309 of 2006**

# ***Attachment to Resolution***

**2008 – Resolution 148**





**MONTGOMERY COUNTY PURCHASING DEPARTMENT  
20 PARK STREET  
ROOM 104  
PO BOX 1500  
FONDA, NY 12068  
(518) 853-3351**

**REQUEST FOR PROPOSAL  
RFP #01-08 CENTRALIZED PROPERTY TAX ADMINISTRATION  
PROGRAM (CPTAP)**

**PROFESSIONAL STUDY TO ANALYZE A COUNTY-WIDE  
ASSESSING PROGRAM**

Montgomery County, New York, requests proposals from qualified vendors to develop a study for implementation of county assessing for all municipalities in the county. This study will also include county assessment programs such as: coordinated assessment programs (CAPs) and contracts for county assessment services in accordance with Section 1537 of the Real Property Tax Law. The study must include an analysis of the present administration of real property tax in Montgomery County, specify the functions the county would have to perform, and provide the necessary steps for implementation. Cost estimates and a timetable are necessary components. This study shall comply with all provisions of the Centralized Property Tax Program (CPTAP) being administered by the NYS Office of Real Property Services (ORPS).

The County wishes to contract with a vendor who is qualified and experienced and will deliver a quality product that meets or exceeds the requirements of the study. It is imperative to the County that the study is done within the scheduled time and within the proposed budget. The final report must be presented and submitted no later than the August 26, 2008 meeting of the Montgomery County Board of Supervisors.

**TWO (2) copies of the signed proposal must be submitted to Montgomery County Purchasing Department, PO Box 1500, 20 Park Street, Fonda, New York 12068 no later than close of business on 15, May, 2008.**

The Montgomery County Board of Supervisors will approve the successful proposer. Montgomery County reserves the right to reject any and all proposals.

Dated: April 25, 2008

Scott Surento  
Purchasing Agent

## BID PROPOSAL CERTIFICATIONS

Firm Name \_\_\_\_\_

Business Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Date of Bid \_\_\_\_\_

### General Bid Certification

The Bidder certifies that he will furnish, at the prices herein quoted, the material, equipment and/or services as proposed on this bid.

### Non-Collusive Bidding Certification

By submission of this bid proposal, the bidder certifies that he is complying with Section 103-d of the General Municipal Law as follows:

Statement of non-collusion in bids and proposals to political subdivision of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation, or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification.

- (a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
  - (1) The prices in this bid have been arrived at independently without collusion: consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
  - (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
  - (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- (b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore, Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph one (a).

Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Signature (Authorized) \_\_\_\_\_

Title \_\_\_\_\_

# ***Attachment to Resolution***

**2008 – Resolution 159**



## OPTION AND LAND LEASE AGREEMENT

This Agreement made this a \_\_\_\_ day of \_\_\_\_\_, 2008, between **COUNTY OF FULTON AND COUNTY OF MONTGOMERY, AS JOINT TENANTS, IN TRUST FOR FULTON-MONTGOMERY COMMUNITY COLLEGE**, with its principal offices located at 2805 State Highway 67, Johnstown, New York 12095, Tax ID # 14-6029165, hereinafter designated LESSOR and **CELLCO PARTNERSHIP** d/b/a Verizon Wireless, with its principal offices located at One Verizon Way, Basking Ridge, New Jersey 07920, hereinafter designated LESSEE. The LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

LESSOR is the owner of that certain real property located at 2805 State Highway 67, Town of Johnstown, County of Fulton, State of New York, as shown on the Tax Map of the Town of Johnstown as Tax Map No. 176-2-25.1 and being further described in Deed Book 482 at Page 704 as recorded in the Office of the Fulton County Clerk and in Deed Book 359 at Page 303 as recorded in the Office of the Montgomery County Clerk and on the Tax Map of the Town of Mohawk, County of Montgomery, State of New York, as Tax Map No. 22-2-5 and being further described in Deed Book and Deed Book 482 at Page 787 as recorded in the Office of the Fulton County Clerk and in Deed Book 359 at Page 329 as recorded in the Office of the Montgomery County Clerk (the entirety of LESSOR's property is referred to hereinafter as the "Property"). LESSEE desires to obtain an option to lease a portion of said Property, being described as a 100± ft. by 100± ft. parcel containing 10,000± (the "Land Space"), together with the non-exclusive right (the "Rights of Way") for ingress and egress, seven (7) days a week twenty-four (24) hours a day, on foot or motor vehicle, including trucks over or along a thirty (30±) foot wide right-of-way extending from the nearest public right-of-way, State Highway 67, to the Land Space, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along one or more rights of way from the Land Space, said Land Space and Rights of Way (hereinafter collectively referred to as the "Premises") being substantially as described herein in Exhibit "A" attached hereto and made a part hereof.

NOW THEREFORE, in consideration of the sum of Five Hundred Dollars (\$500.00), to be paid by LESSEE to FULTON MONTGOMERY COMMUNITY COLLEGE, which LESSEE will provide upon its execution of this Agreement, the LESSOR hereby grants to LESSEE the right and option to lease said Premises, for the term and in accordance with the covenants and conditions set forth herein.

The option may be exercised at any time on or prior to six (6) months after the date of this Agreement ("Initial Option Term"). If the option has not been so exercised, it shall be automatically extended for six (6) months ("First Extension"), unless LESSEE gives written notice to the LESSOR of the intent not to extend prior to the end of the Initial Option Term. If the option has not been exercised during the First Extension, it shall be automatically extended for an additional period of six months ("Second Extension"), unless LESSEE gives written notice to the LESSOR of the intent not to extend prior to the end of the First Extension period. If the option has not been exercised during the Second Extension, it shall be automatically extended for an additional period of six months ("Third Extension"), unless LESSEE gives written notice to the LESSOR of the intent not to extend prior to the end of the Second Extension period. Each time

the option is extended, LESSEE shall make an additional payment of Five Hundred Dollars (\$500.00) to FULTON MONTGOMERY COMMUNITY COLLEGE. All payments made by LESSEE to FULTON MONTGOMERY COMMUNITY COLLEGE hereunder for such option shall be deemed additional rent, regardless of whether or not LESSEE exercises the option. The time during which the option may be exercised may be further extended by mutual agreement in writing. If during said option period, or during the term of the lease, if the option is exercised, the LESSOR decides to subdivide, sell or change the status of the Property or his property contiguous thereto he shall immediately notify LESSEE in writing so that LESSEE can take steps necessary to protect LESSEE's interest in the Premises.

This option may be sold, assigned or transferred by the LESSEE without any approval or consent of the LESSOR to the LESSEE's principal, affiliates, subsidiaries of its principal; to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization; or to any entity which acquires or receives an interest in the majority of communication towers of the LESSEE in the market defined by the Federal Communications Commission in which the Property is located. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the LESSOR, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of LESSEE shall constitute an assignment hereunder.

Should LESSEE fail to exercise this option or any extension thereof within the time herein limited, all rights and privileges granted hereunder shall be deemed completely surrendered, this option terminated, and LESSOR shall retain all money paid for the option, and no additional money shall be payable by either Party to the other.

LESSOR shall cooperate with LESSEE in its effort to obtain all certificates, permits and other approvals that may be required by any Federal, State or Local authorities which will permit LESSEE use of the Premises. LESSOR shall take no action which would adversely affect the status of the Property with respect to the proposed use by LESSEE.

The LESSOR shall permit LESSEE, during the option period, free ingress and egress to the Premises to conduct such surveys, inspections, structural strength analysis, subsurface soil tests, and other activities of a similar nature as LESSEE may deem necessary, at the sole cost of LESSEE.

LESSOR agrees to execute a Memorandum of this Option to Lease Agreement which LESSEE may record with the appropriate Recording Officer. The date set forth in the Memorandum of Option to Lease is for recording purposes only and bears no reference to commencement of either term or rent payments.

Notice of the exercise of the option shall be given by LESSEE to the LESSOR in writing by certified mail, return receipt requested. Notice shall be deemed effective on the date it is posted. On the date of such notice the following agreement shall take effect:

## **LAND LEASE AGREEMENT**

This Agreement ("Agreement"), made this \_\_\_\_ day of \_\_\_\_\_, 2008, between **COUNTY OF FULTON AND COUNTY OF MONTGOMERY, AS JOINT TENANTS, IN TRUST FOR FULTON-MONTGOMERY COMMUNITY COLLEGE**, with its principal offices located at 2805 State Highway 67, Johnstown, New York 12095, Tax ID # 14-6029165,, hereinafter designated LESSOR and **CELLCO PARTNERSHIP** d/b/a Verizon Wireless, with its principal office located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920, hereinafter designated LESSEE. The LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

1. **PREMISES.** LESSOR hereby leases to LESSEE a portion of that certain parcel of property (the entirety of LESSOR's property is referred to hereinafter as the "Property"), located at 2805 State Highway 67, Town of Johnstown, County of Fulton, State of New York, and being described as a 100± ft. by 100± ft. parcel containing 10,000± square feet (the "Land Space"), together with the non-exclusive right (the "Rights of Way") for ingress and egress, seven (7) days a week twenty-four (24) hours a day, on foot or motor vehicle, including trucks over or along a thirty (30±) foot wide right-of-way extending from the nearest public right-of-way, State Highway 67, to the Land Space, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along one or more rights of way from the Land Space, said Land Space and Rights of Way (hereinafter collectively referred to as the "Premises") being substantially as described herein in Exhibit "A" attached hereto and made a part hereof. The Property is also shown on the Tax Map of the Town of Johnstown as Tax Map No. 176-2-25.1 and being further described in Deed Book 482 at Page 704 as recorded in the Office of the Fulton County Clerk and in Deed Book 359 at Page 303 as recorded in the Office of the Montgomery County Clerk and on the Tax Map of the Town of Mohawk, County of Montgomery, State of New York, as Tax Map No. 22-2-5 and being further described in Deed Book and Deed Book 482 at Page 787 as recorded in the Office of the Fulton County Clerk and in Deed Book 359 at Page 329 as recorded in the Office of the Montgomery County Clerk.

In the event any public utility is unable to use the Rights of Way, the LESSOR hereby agrees to grant an additional right-of-way either to the LESSEE or to the public utility at no cost to the LESSEE.

2. **SURVEY.** LESSOR also hereby grants to LESSEE the right to survey the Property and/or the Premises, and said survey shall then become Exhibit "B" which shall be attached hereto and made a part hereof, and shall control in the event of boundary and access discrepancies between it and Exhibit "A". Cost for such work shall be borne by the LESSEE.

The drawing at Exhibit "A" may be replaced by a site plan showing the Premises and the location of LESSEE's improvements thereon, which site plan LESSEE shall submit to LESSOR for LESSOR's written approval prior to LESSEE's commencement of construction, which approval shall not be unreasonably withheld, conditioned or delayed. In the event that LESSOR does not furnish LESSEE with such written approval or its specific reasons for disapproval

within fifteen (15) days after the date of submission of the site plan to LESSOR, LESSOR will be deemed to have approved it.

3. TERM; UTILITIES. This Agreement shall be effective as of the date of execution by both Parties, provided, however, the initial term shall be for five (5) years and shall commence on the Commencement Date (as hereinafter defined) at which time rental payments shall commence and be due at a total annual rental of Nine Thousand and Six Hundred Dollars (\$9,600.00) to be paid in equal monthly installments on the first day of the month, in advance, to **FULTON MONTGOMERY COMMUNITY COLLEGE** or to such other person, firm or place as LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date by notice given in accordance with Paragraph 22 below. Upon agreement of the Parties, LESSEE may pay rent by electronic funds transfer and in such event, LESSOR agrees to provide to LESSEE bank routing information for such purpose upon request of LESSEE. The Commencement Date shall be the first day of the month in which notice of the exercise of the option, as set forth above, is effective. However, LESSOR and LESSEE acknowledge and agree that initial rental payment(s) shall not actually be sent by LESSEE until sixty (60) days after the exercise of the option is effective.

LESSEE agrees to furnish and install separate electrical service (inclusive of a separate meter) to the site for its intended purpose, provided that such installation is permitted by the local utility company. In the event that the local utility company determines that separate electrical service is not permitted or it is determined by LESSEE that a separate service installation is an impracticable means of service, LESSEE agrees to furnish and install an electrical sub-meter at the Property for the measurement of electrical power used by the LESSEE's installation. LESSOR agrees to allow such installation by LESSEE and upon installation of an electrical sub-meter, LESSOR agrees to be responsible for reading the sub-meter on a quarterly basis and for providing LESSEE with an invoice which includes a copy of the electric invoice from utility and the sub-meter readings. LESSOR shall send its invoice to LESSEE at Verizon Wireless, Accounts Payable-Cellsites, 175 Calkins Road, Rochester, NY 14623. LESSEE agrees to promptly reimburse LESSOR for such electrical costs which shall not be construed to be rent. The parties agree that LESSEE shall be relieved of its obligation to reimburse LESSOR for electrical usage which has not been properly invoiced and sent to LESSEE at the above address within one (1) year of the initial invoicing from the utility company to the LESSOR.

4. EXTENSIONS. This Agreement shall automatically be extended for four (4) additional five (5) year terms unless LESSEE terminates it at the end of the then current term by giving LESSOR written notice of the intent to terminate at least six (6) months prior to the end of the then current term.

5. ANNUAL RENTAL INCREASES. The annual rental for the second year and every year thereafter shall increase by three percent (3.0%) of the previous year's rental.

6. ADDITIONAL EXTENSIONS. If at the end of the fourth (4th) five (5) year extension term this Agreement has not been terminated by either Party by giving to the other written notice of an intention to terminate it at least three (3) months prior to the end of such term, this Agreement shall continue in force upon the same covenants, terms and conditions for a further



term of five (5) years and for three (3) additional five (5) year terms and one (1) additional term of four (4) years and eleven (11) months thereafter until terminated by either Party by giving to the other written notice of its intention to so terminate at least three (3) months prior to the end of such term. Under no circumstances will the term of this Lease, including all renewals, exceed forty-nine (49) years. The initial term and all extensions shall be collectively referred to herein as the "Term".

7. USE; GOVERNMENTAL APPROVALS. LESSEE shall use the Premises for the purpose of constructing, maintaining, repairing and operating a communications facility and uses incidental thereto. A security fence consisting of chain link construction or similar but comparable construction may be placed around the perimeter of the Premises at the discretion of LESSEE (not including the Right of Way). All improvements, equipment, antennas and conduits shall be at LESSEE's expense and their installation shall be at the discretion and option of LESSEE. LESSEE shall have the right to replace, repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, whether the equipment, antennas, conduits or frequencies are specified or not on any exhibit attached hereto, during the Term. LESSEE will maintain the Premises in a good condition reasonable wear and tear excepted. LESSOR will maintain the Property, excluding the Premises, in good condition, reasonable wear and tear excepted. It is understood and agreed that LESSEE's ability to use the Premises is contingent upon its obtaining after the execution date of this Agreement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as satisfactory soil boring tests which will permit LESSEE use of the Premises as set forth above. LESSOR shall cooperate with LESSEE in its effort to obtain such approvals and shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by LESSEE. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to LESSEE is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; (iii) LESSEE determines that such Governmental Approvals may not be obtained in a timely manner; (iv) LESSEE determines that any soil boring tests are unsatisfactory; (v) LESSEE determines that the Premises is no longer technically compatible for its use, or (vi) LESSEE, in its sole discretion, determines that it will be unable to use the Premises for its intended purposes, LESSEE shall have the right to terminate this Agreement. Notice of LESSEE's exercise of its right to terminate shall be given to LESSOR in writing by certified mail, return receipt requested, and shall be effective upon the mailing of such notice by LESSEE, or upon such later date as designated by LESSEE. All rentals paid to said termination date shall be retained by LESSOR. Upon such termination, this Agreement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other hereunder. Otherwise, the LESSEE shall have no further obligations for the payment of rent to LESSOR.

8. INDEMNIFICATION. Subject to Paragraph 9 below, each Party shall indemnify and hold the other harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other Party, or its employees, contractors or agents.

9. INSURANCE.

a. The Parties hereby waive and release any and all rights of action for negligence against the other which may hereafter arise on account of damage to the Premises or to the Property, resulting from any fire, or other casualty of the kind covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the Parties, or either of them. These waivers and releases shall apply between the Parties and they shall also apply to any claims under or through either Party as a result of any asserted right of subrogation. All such policies of insurance obtained by either Party concerning the Premises or the Property shall waive the insurer's right of subrogation against the other Party.

b. and LESSEE each agree that at its own cost and expense, each will maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. and LESSEE each agree that it will include the other Party as an additional insured and shall include a thirty (30) day cancellation notice to the other party. LESSEE's certificate of insurance shall be provided to prior to the commencement of any work on the Premises. Each contractor and agent performing work at the Premises on behalf of LESSEE shall submit to a certificate of insurance, listing as an additional insured.

10. LIMITATION OF LIABILITY. Except for indemnification pursuant to paragraphs 8 and 28, neither Party shall be liable to the other, or any of their respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

11. ANNUAL TERMINATION. Notwithstanding anything to the contrary contained herein, provided LESSEE is not in default hereunder beyond applicable notice and cure periods, LESSEE shall have the right to terminate this Agreement upon the annual anniversary of the Commencement Date provided that three (3) months prior notice is given to LESSOR. In the event LESSEE terminates this Agreement within the ten (10) years of the Commencement Date, and the termination is not the result of: (i) the act or omission of LESSOR; or (ii) LESSOR's default hereunder; then LESSEE shall pay a termination fee to LESSOR equal to the amount of six (6) month's rent based upon the then current rent. Otherwise, upon any termination by LESSEE hereunder, the LESSEE shall have no further obligations for the payment of rent to LESSOR.

12. INTERFERENCE. LESSEE agrees to install equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to any equipment of LESSOR or other lessees of the Property which existed on the Property prior to the date this Agreement is executed by the Parties. In the event any after-installed LESSEE's equipment causes such interference, and after LESSOR has notified

LESSEE in writing of such interference, LESSEE will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at LESSEE's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will LESSOR be entitled to terminate this Agreement or relocate the equipment as long as LESSEE is making a good faith effort to remedy the interference issue. LESSOR agrees that LESSOR and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such equipment that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of LESSEE. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

13. REMOVAL AT END OF TERM. LESSEE shall, upon expiration of the Term, or within ninety (90) days after any earlier termination of the Agreement, remove its building(s), antenna structure(s) (except footings), equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted. LESSOR agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of LESSEE shall remain the personal property of LESSEE and LESSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable Laws (as defined in Paragraph 32 below). If such time for removal causes LESSEE to remain on the Premises after termination of this Agreement, LESSEE shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of the building, antenna structure, fixtures and all personal property are completed. Notwithstanding anything to the contrary, if LESSEE does not remove its building(s), antenna structure(s) (except footings), equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted within said 90-day period, then LESSOR may remove the same and LESSEE shall be responsible for all costs incurred, except for any attorneys' fees. Provided, however, that said 90-day period to remove said items may be extended as a result of weather conditions.

14. HOLDOVER. LESSEE has no right to retain possession of the Premises or any part thereof beyond the expiration of that removal period set forth in Paragraph 13 herein, unless the Parties are negotiating a new lease or lease extension in good faith. In the event that the Parties are not in the process of negotiating a new lease or lease extension in good faith, LESSEE holds over in violation of Paragraph 13 and this Paragraph 14, then the rent then in effect payable from and after the time of the expiration or earlier removal period set forth in Paragraph 13 shall be increased to one hundred and ten percent (110%) of the rent applicable during the month immediately preceding such expiration or earlier termination.

15. RIGHT OF FIRST REFUSAL. If LESSOR elects, during the Term (i) to sell or otherwise transfer all or any portion of the Property, whether separately or as part of a larger parcel of which the Property is a part, or (ii) grant to a third party by easement or other legal instrument an interest in and to that portion of the Property occupied by LESSEE, or a larger portion thereof, for the purpose of operating and maintaining communications facilities or the

management thereof, with or without an assignment of this Agreement to such third party, LESSEE shall have the right of first refusal to meet any bona fide offer of sale or transfer on the same terms and conditions of such offer. If LESSEE fails to meet such bona fide offer within thirty (30) days after written notice thereof from LESSOR, LESSOR may sell or grant the easement or interest in the Property or portion thereof to such third person in accordance with the terms and conditions of such third party offer. For purposes of this Paragraph, any transfer, bequest or devise of LESSOR's interest in the Property as a result of the death of LESSOR, whether by will or intestate succession, shall not be considered a sale of the Property for which LESSEE has any right of first refusal.

16. RIGHTS UPON SALE. Should LESSOR, at any time during the Term decide (i) to sell or transfer all or any part of the Property to a purchaser other than LESSEE, or (ii) to grant to a third party by easement or other legal instrument an interest in and to that portion of the Property occupied by LESSEE, or a larger portion thereof, for the purpose of operating and maintaining communications facilities or the management thereof, such sale or grant of an easement or interest therein shall be under and subject to this Agreement and any such purchaser or transferee shall recognize LESSEE's rights hereunder under the terms of this Agreement. To the extent that LESSOR grants to a third party by easement or other legal instrument an interest in and to that portion of the Property occupied by LESSEE for the purpose of operating and maintaining communications facilities or the management thereof and in conjunction therewith, assigns this Agreement to said third party, LESSOR shall not be released from its obligations to LESSEE under this Agreement, and LESSEE shall have the right to look to LESSOR and the third party for the full performance of this Agreement.

17. QUIET ENJOYMENT. LESSOR covenants that LESSEE, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises.

18. TITLE. LESSOR represents and warrants to LESSEE as of the execution date of this Agreement, and covenants during the Term that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants during the Term that there are no liens, judgments or impediments of title on the Property, or affecting LESSOR's title to the same and that there are no covenants, easements or restrictions which prevent or adversely affect the use or occupancy of the Premises by LESSEE as set forth above.

Notwithstanding the foregoing, this Land Lease Agreement shall be and hereby is subject to LESSOR securing any and all consent(s) and approval(s) required under the New York State Education Law.

19. INTEGRATION. It is agreed and understood that this Agreement contains all agreements, promises and understandings between LESSOR and LESSEE and that no verbal or oral agreements, promises or understandings shall be binding upon either LESSOR or LESSEE in any dispute, controversy or proceeding at law, and any addition, variation or modification to this Agreement shall be void and ineffective unless made in writing signed by the Parties or in a written acknowledgment in the case provided in Paragraph 3. In the event any provision of the Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and

enforceability of the remaining provisions of this Agreement. The failure of either Party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights and such Party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Agreement, in law or in equity.

20. GOVERNING LAW. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the Laws of the State in which the Property is located.

21. ASSIGNMENT. This Agreement may be sold, assigned or transferred by the LESSEE without any approval or consent of the LESSOR to the LESSEE's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the LESSOR, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of LESSEE shall constitute an assignment hereunder. LESSEE may sublet the Premises within its sole discretion, upon notice to LESSOR. Any sublease that is entered into by LESSEE shall be subject to the provisions of this Agreement and shall be binding upon the successors, assigns, heirs and legal representatives of the respective Parties hereto.

22. NOTICES. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

LESSOR: **FULTON MONTGOMERY COMMUNITY COLLEGE**  
2805 State Highway 67  
Johnstown, New York 12095

LESSEE: **CELLCO PARTNERSHIP**  
d/b/a Verizon Wireless  
180 Washington Valley Road  
Bedminster, New Jersey 07921  
Attention: Network Real Estate

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

23. SUCCESSORS. This Agreement shall extend to and bind the heirs, personal representative, successors and assigns of the Parties hereto.

24. SUBORDINATION AND NON-DISTURBANCE. LESSOR shall obtain not later than fifteen (15) days following the execution of this Agreement, a Non-Disturbance Agreement, as defined below, and, if required by the Mortgage, as defined below, a written consent, from its existing mortgagee(s), ground lessors and master lessors, if any, of the Property. At LESSOR's option, this Agreement shall be subordinate to any future master lease, ground lease, mortgage, deed of trust or other security interest (a "Mortgage") by LESSOR which from time to time may encumber all or part of the Property or right-of-way; provided, however, as a condition precedent to LESSEE being required to subordinate its interest in this Agreement to any future Mortgage covering the Property, LESSOR shall obtain for LESSEE's benefit a non-disturbance and attornment agreement for LESSEE's benefit in the form reasonably satisfactory to LESSEE, and containing the terms described below (the "Non-Disturbance Agreement"), and shall recognize LESSEE's right to remain in occupancy of and have access to the Premises as long as LESSEE is not in default of this Agreement beyond applicable notice and cure periods. The Non-Disturbance Agreement shall include the encumbering party's ("Lender's") agreement that, if Lender or its successor-in-interest or any purchaser of Lender's or its successor's interest (a "Purchaser") acquires an ownership interest in the Property, Lender or such successor-in-interest or Purchaser will (1) honor all of the terms of the Agreement, (2) fulfill LESSOR's obligations under the Agreement, and (3) promptly cure all of the then-existing LESSOR defaults under the Agreement. Such Non-Disturbance Agreement must be binding on all of Lender's participants in the subject loan (if any) and on all successors and assigns of Lender and/or its participants and on all Purchasers. In return for such Non-Disturbance Agreement, LESSEE will execute an agreement for Lender's benefit in which LESSEE (1) confirms that the Agreement is subordinate to the Mortgage or other real property interest in favor of Lender, (2) agrees to attorn to Lender if Lender becomes the owner of the Property, (3) agrees to give Lender copies of whatever notices of default LESSEE must give LESSOR, (4) agrees to accept a cure by Lender of any of LESSOR's defaults, provided such cure is completed within the deadline applicable to LESSOR, (5) agrees to not pay rent more than one month, or one year in the event the rent is paid annually, in advance and (6) agrees that no material modification or material amendment of the Agreement will be binding on Lender unless it has been consented to in writing by Lender. LESSOR and LESSEE agree that, for the purposes of Paragraph 24, nonmaterial amendments or modifications shall include, but shall not be limited to, the following: (i) any extension of the term of the Agreement, (ii) any addition to, alteration, modification, or replacement of LESSEE's equipment, (iii) any relocation of LESSEE's equipment, (iv) any increase in the rent, and (v) any decrease in the rent, provided however, that such an amendment shall become material should the decrease in rent result in rent lower than the amount then prescribed by the unamended Agreement. In the event LESSOR defaults in the payment and/or other performance of any mortgage or other real property interest encumbering the Property, LESSEE, may, at its sole option and without obligation, cure or correct LESSOR's default and upon doing so, LESSEE shall be subrogated to any and all rights, titles, liens and equities of the holders of such mortgage or other real property interest and LESSEE shall be entitled to deduct and setoff against all rents that may otherwise become due under this Agreement the sums paid by LESSEE to cure or correct such defaults.

25. RECORDING. LESSOR agrees to execute a Memorandum of this Agreement which LESSEE may record with the appropriate recording officer. The date set forth in the Memorandum of Lease is for recording purposes only and bears no reference to commencement of either the Term or rent payments.

## 26. DEFAULT.

a. In the event there is a breach by LESSEE with respect to any of the provisions of this Agreement or its obligations under it, including the payment of rent, LESSOR shall give LESSEE written notice of such breach. After receipt of such written notice, LESSEE shall have fifteen (15) days in which to cure any monetary breach and thirty (30) days in which to cure any non-monetary breach, provided LESSEE shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and LESSEE commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. LESSOR may not maintain any action or effect any remedies for default against LESSEE unless and until LESSEE has failed to cure the breach within the time periods provided in this Paragraph.

b. In the event there is a breach by LESSOR with respect to any of the provisions of this Agreement or its obligations under it, LESSEE shall give LESSOR written notice of such breach. After receipt of such written notice, LESSOR shall have thirty (30) days in which to cure any such breach, provided LESSOR shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and LESSOR commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. LESSEE may not maintain any action or effect any remedies for default against LESSOR unless and until LESSOR has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if LESSOR fails, within five (5) days after receipt of written notice of such breach, to perform an obligation required to be performed by LESSOR if the failure to perform such an obligation interferes with LESSEE's ability to conduct its business on the Property; provided, however, that if the nature of LESSOR's obligation is such that more than five (5) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such five (5) day period and thereafter diligently pursued to completion.

27. REMEDIES. Upon a default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation on the defaulting Party's behalf, including but not limited to the obtaining of reasonably required insurance policies. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon invoice therefor. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the Agreement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Premises are located; provided, however, LESSOR shall use reasonable efforts to mitigate its damages in connection with a default by LESSEE. If LESSEE so performs any of LESSOR's obligations hereunder, the full amount of the reasonable and actual cost and expense

incurred by LESSEE shall immediately be owing by LESSOR to LESSEE, and LESSOR shall pay to LESSEE upon demand the full undisputed amount thereof with interest thereon from the date of payment at the greater of (i) ten percent (10%) per annum, or (ii) the highest rate permitted by applicable Laws. Notwithstanding the foregoing, if LESSOR does not pay LESSEE the full undisputed amount within thirty (30) days of its receipt of an invoice setting forth the amount due from LESSOR, LESSEE may offset the full undisputed amount, including all accrued interest, due against all fees due and owing to LESSOR until the full undisputed amount, including all accrued interest, is fully reimbursed to LESSEE.

## 28. ENVIRONMENTAL.

a. LESSOR will be responsible for all obligations of compliance with any and all environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or concerns as may now or at any time hereafter be in effect, that are or were in any way related to activity now conducted in, on, or in any way related to the Property, unless such conditions or concerns are caused by the specific activities of LESSEE in the Premises.

b. LESSOR shall hold LESSEE harmless and indemnify LESSEE from and assume all duties, responsibility and liability at LESSOR's sole cost and expense, for all duties, responsibilities, and liability (for payment of penalties, sanctions, forfeitures, losses, costs, or damages) and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding which is in any way related to: a) failure to comply with any environmental or industrial hygiene law, including without limitation any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene concerns or conditions as may now or at any time hereafter be in effect, unless such non-compliance results from conditions caused by LESSEE; and b) any environmental or industrial hygiene conditions arising out of or in any way related to the condition of the Property or activities conducted thereon, unless such environmental conditions are caused by LESSEE.

29. CASUALTY. In the event of damage by fire or other casualty to the Premises that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt LESSEE's operations at the Premises for more than forty-five (45) days, then LESSEE may, at any time following such fire or other casualty, provided LESSOR has not completed the restoration required to permit LESSEE to resume its operation at the Premises, terminate this Agreement upon fifteen (15) days prior written notice to LESSOR. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this Agreement. Notwithstanding the foregoing, the rent shall abate during the period of repair following such fire or other casualty in proportion to the degree to which LESSEE's use of the Premises is impaired.



30. CONDEMNATION. In the event of any condemnation of all or any portion of the Property, this Agreement shall terminate as to the part so taken as of the date the condemning authority takes title or possession, whichever occurs first. If as a result of a partial condemnation of the Premises or Property, LESSEE, in LESSEE's sole discretion, is unable to use the Premises for the purposes intended hereunder, or if such condemnation may reasonably be expected to disrupt LESSEE's operations at the Premises for more than forty-five (45) days, LESSEE may, at LESSEE's option, to be exercised in writing within fifteen (15) days after LESSOR shall have given LESSEE written notice of such taking (or in the absence of such notice, within fifteen (15) days after the condemning authority shall have taken possession) terminate this Agreement as of the date the condemning authority takes such possession. LESSEE may on its own behalf make a claim in any condemnation proceeding involving the Premises for losses related to the equipment, conduits, fixtures, its relocation costs and its damages and losses (but not for the loss of its leasehold interest). Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment as of such termination date with respect to payments due to the other under this Agreement. If LESSEE does not terminate this Agreement in accordance with the foregoing, this Agreement shall remain in full force and effect as to the portion of the Premises remaining, except that the rent shall be reduced in the same proportion as the rentable area of the Premises taken bears to the total rentable area of the Premises. In the event that this Agreement is not terminated by reason of such condemnation, LESSOR shall promptly repair any damage to the Premises caused by such condemning authority.

31. SUBMISSION OF AGREEMENT/PARTIAL INVALIDITY/AUTHORITY. The submission of this Agreement for examination does not constitute an offer to lease the Premises and this Agreement becomes effective only upon the full execution of this Agreement by the Parties. If any provision herein is invalid, it shall be considered deleted from this Agreement and shall not invalidate the remaining provisions of this Agreement. Each of the Parties hereto warrants to the other that the person or persons executing this Agreement on behalf of such Party has the full right, power and authority to enter into and execute this Agreement on such Party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Agreement.

32. APPLICABLE LAWS. During the Term, LESSOR shall maintain the Property in compliance with all applicable laws, rules, regulations, ordinances, directives, covenants, easements, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (including, without limitation, the Americans with Disabilities Act and laws regulating hazardous substances) (collectively "Laws"). LESSEE shall, in respect to the condition of the Premises and at LESSEE's sole cost and expense, comply with (a) all Laws relating solely to LESSEE's specific and unique nature of use of the Premises (other than general office use); and (b) all building codes requiring modifications to the Premises due to the improvements being made by LESSEE in the Premises.

33. SURVIVAL. The provisions of the Agreement relating to indemnification from one Party to the other Party shall survive any termination or expiration of this Agreement. Additionally, any provisions of this Agreement which require performance subsequent to the termination or expiration of this Agreement shall also survive such termination or expiration.

34. CAPTIONS. The captions contained in this Agreement are inserted for convenience only and are not intended to be part of the Agreement. They shall not affect or be utilized in the construction or interpretation of the Agreement.

35. REAL ESTATE TAXES BASED UPON LESSEE'S IMPROVEMENTS. LESSEE shall pay as additional rent any documented increase in real estate taxes levied against the Premises which are directly attributable to the improvements constructed by LESSEE. LESSOR shall provide to LESSEE a copy of any notice, assessment or billing relating to real estate taxes for which LESSEE is responsible under this Agreement within ten (10) days of receipt of the same by LESSOR. LESSEE shall have no obligation to make payment of any real estate taxes until LESSEE has received the notice, assessment or billing relating to such payment as set forth in the preceding sentence. In the event LESSOR fails to provide to LESSEE a copy of any real estate tax notice, assessment or billing within the ten (10) day period set forth herein, LESSEE shall be relieved of any obligation or responsibility to make payment of real estate taxes referred to in the notice, assessment or billing which was not timely delivered by LESSOR to LESSEE.

LESSEE shall have the right, at its sole option and at its sole cost and expense, to appeal, challenge or seek modification of any real estate tax assessment or billing for which LESSEE is wholly or partly responsible for payment under this Agreement. LESSOR shall reasonably cooperate with LESSEE in filing, prosecuting and perfecting any appeal or challenge to real estate taxes as set forth in the preceding sentence, including but not limited to, executing any consent to appeal or other similar document.

[The remainder of this page is intentionally blank.]

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year written below.

**LESSOR: COUNTY OF FULTON AND COUNTY OF MONTGOMERY, AS JOINT TENANTS, IN TRUST FOR FULTON-MONTGOMERY COMMUNITY COLLEGE**

**County of Fulton**

By: \_\_\_\_\_  
Its Chairman

**County of Montgomery**

By: \_\_\_\_\_  
Its Chairman

**LESSEE: VZW ENTITY d/b/a Verizon Wireless**

By: \_\_\_\_\_  
David R. Heverling  
Vice President, Network – Northeast Area

The execution and delivery of this Agreement by the Lessor is hereby approved.

**FULTON-MONTGOMERY COMMUNITY COLLEGE**

By: \_\_\_\_\_  
Dustin Swanger, President

## **ACKNOWLEDGEMENTS**

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF                            )

On the \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of New York.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF                            )

On the \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of New York.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF                            )

On the \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, personally appeared **Dustin Swanger**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of New York.

\_\_\_\_\_  
Notary Public

COMMONWEALTH OF MASSACHUSETTS    )  
  )ss.:  
COUNTY OF WORCESTER                )

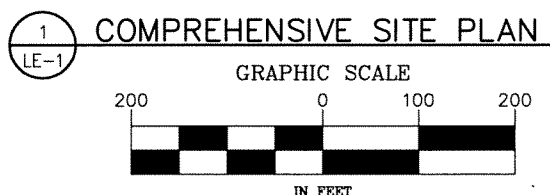
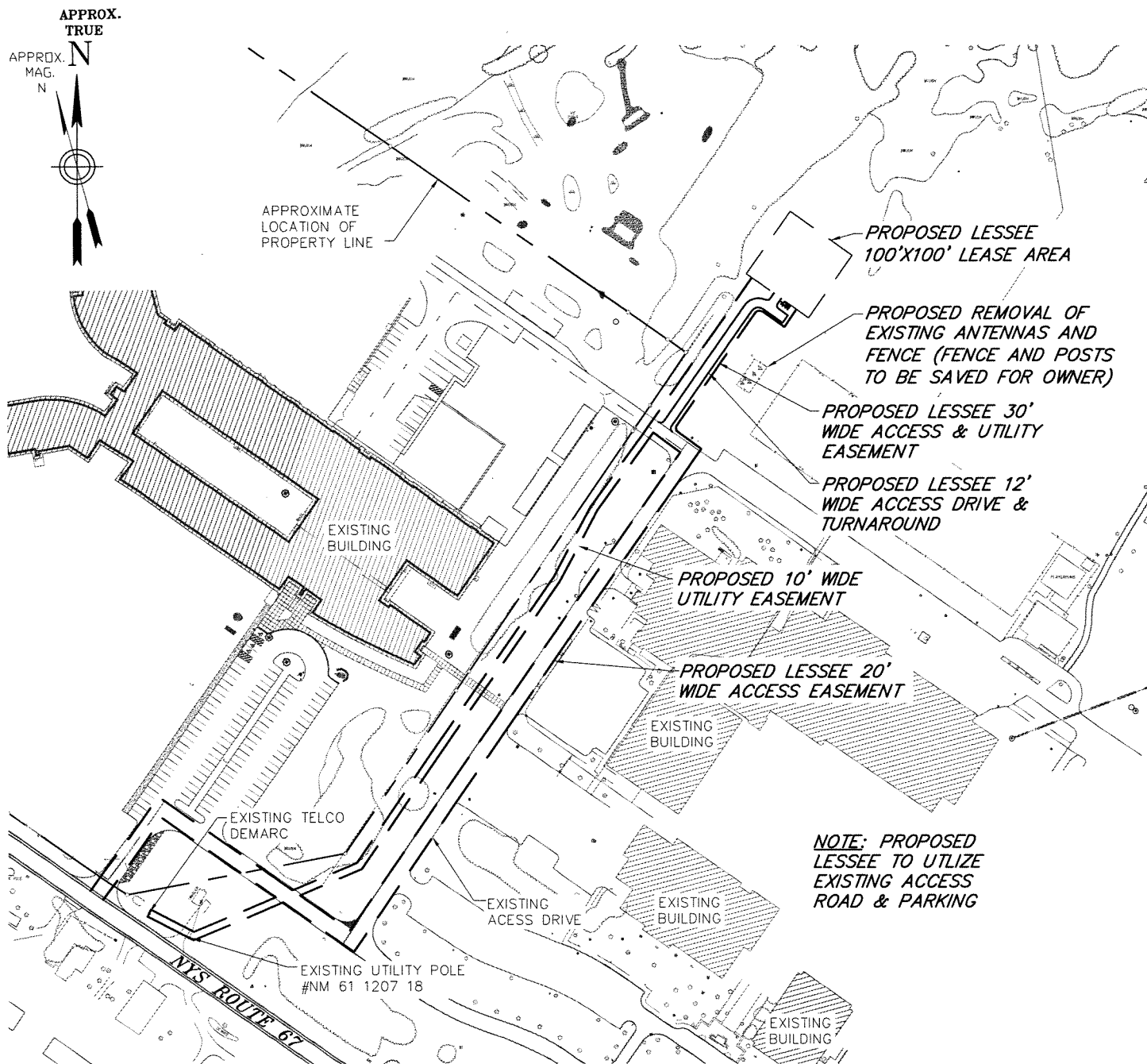
On the \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, personally appeared **David R. Heverling**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the Town of Worcester, County of Worcester, Commonwealth of Massachusetts.

\_\_\_\_\_  
Notary Public

Exhibit "A"

(Sketch of Premises within Property)

File: W:\VERIZON\NEW YORK\14089\SITES\1075 JOHNSTOWN SOUTH 2007257123\LE-1.DWG Saved: 4/29/2008 3:36:15 PM Plotted: 4/29/2008 3:36:29 PM User: Mox Jr., Greg



## LEASE EXHIBIT

SCALE: 1" = 200'  
APRIL 30, 2008

1 OF 2

REVISION  
NUMBER 0

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CLOUGH HARBOUR & ASSOCIATES LLP  
111 Winners Circle, PO Box 5269 • Albany, NY 12205-0269  
Main: (518) 453-4500 • www.cloughharbour.com



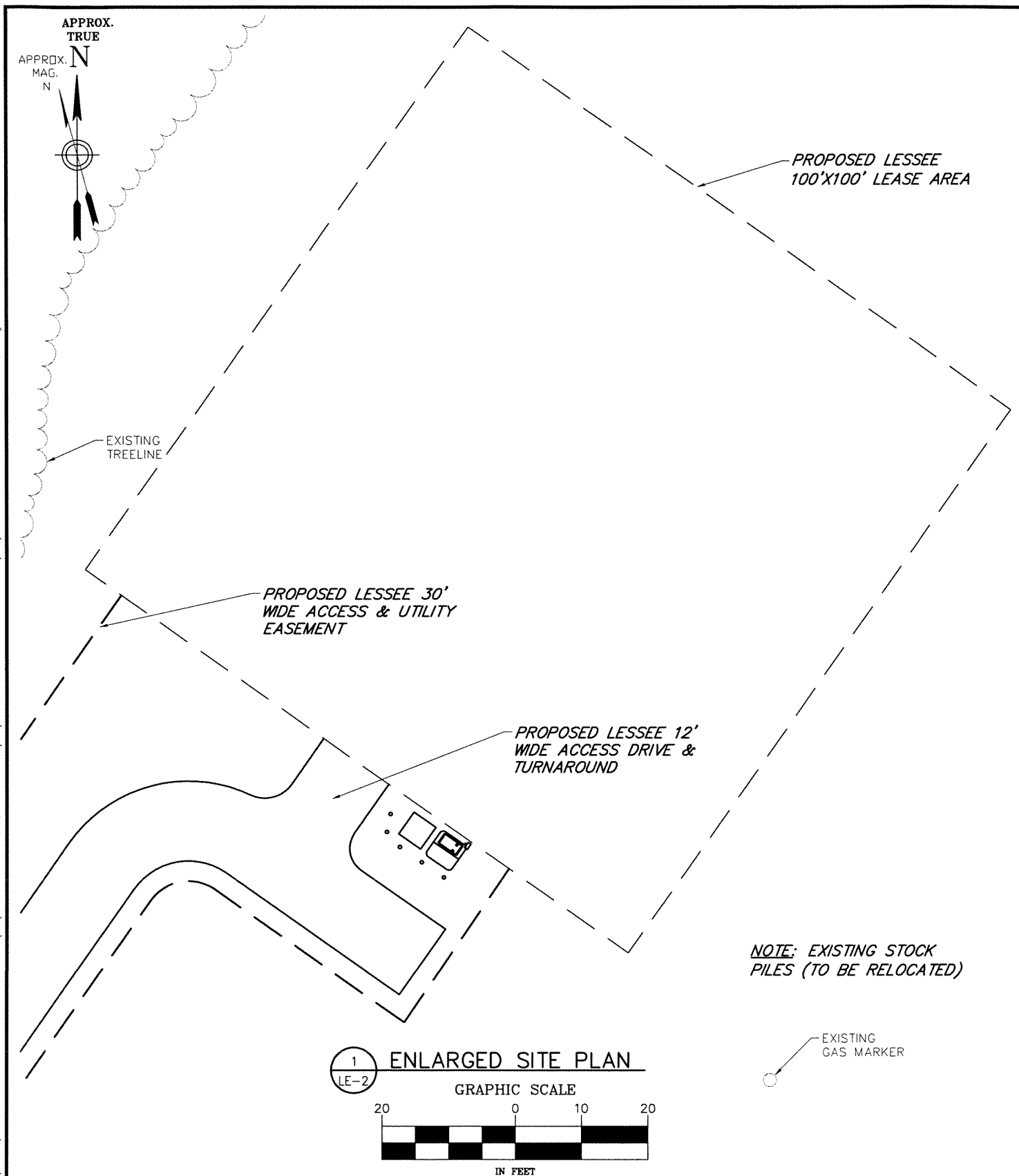
225 JORDAN ROAD  
TROY, NY 12180

**CELLCO PARTNERSHIP**  
**d/b/a VERIZON WIRELESS**

JOHNSTOWN SOUTH  
SITE # NYFRA908 / 2007257123  
2805 STATE HIGHWAY 67  
TOWN OF JOHNSTOWN, FULTON COUNTY, NEW YORK

CHA PROJECT: 14089-1075-1601

File: W:\VERIZON\NEW YORK\14089\SITES\1075 JOHNSTOWN SOUTH 2007257123-LE2.DWG Saved: 4/29/2008 2:33:25 PM Plotted: 4/29/2008 2:33:56 PM User: Mox Jr., Greg



## LEASE EXHIBIT

SCALE: 1" = 20'  
APRIL 30, 2008

2 OF 2

REVISION  
NUMBER 0

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225 JORDAN ROAD  
TROY, NY 12180

## CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

JOHNSTOWN SOUTH  
SITE # NYFRA908 / 2007257123  
2805 STATE HIGHWAY 67  
TOWN OF JOHNSTOWN, FULTON COUNTY, NEW YORK

CHA PROJECT: 14089-1075-1601



# ***Attachment to Resolution***

**2008 – Resolution 167**











# ***Attachment to Resolution***

**2008 – Resolution 168**



# SCHEDULE A

## PAYMENTS IN LIEU OF TAX PAYMENTS

<b>Payment Year</b>	<b>Hero Group Payment</b>	<b>IDA Grant to NYS</b>	<b>County PILOT Share 40%</b>	<b>School PILOT Share 60% GASD 60%</b>	<b>Town PILOT Share</b>
2008	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2009	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2010	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2011	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2012	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2013	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2014	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2015	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2016	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2017	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2018	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2019	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2020	\$2,500,000	\$2,500,000	\$0	\$0	\$0
2021	\$2,500,000	\$0	\$976,000	\$1,464,000	\$60,000
2022	\$2,500,000	\$0	\$976,000	\$1,464,000	\$60,000
2023	\$2,500,000	\$0	\$976,000	\$1,464,000	\$60,000
2024	\$2,500,000	\$0	\$976,000	\$1,464,000	\$60,000
2025	\$2,500,000	\$0	\$976,000	\$1,464,000	\$60,000
2026	\$2,500,000	\$0	\$976,000	\$1,464,000	\$60,000
2027	\$2,500,000	\$0	\$976,000	\$1,464,000	\$60,000
<b>Totals</b>	<b>\$50,000,000</b>	<b>\$32,500,000</b>	<b>\$6,832,000</b>	<b>\$10,248,000</b>	<b>\$420,000</b>





# ***Attachment to Resolution***

**2008 – Resolution 180**



# **Risk Management Plan**

## **County of Montgomery**

### **March 2008**

#### **Overview**

The County of Montgomery is currently operating without a risk management plan, which has resulted in the high cost of insurance, large claims and lawsuits, unaccountability with risk control measures, declination letters from insurance carriers, etc. As a directive from the Chairman of the Board of Supervisors, the following risk management plan has been established for the County's review and consideration.

It must be noted that this risk management plan is an initial step of a long road to recovery for the County of Montgomery. Any risk management plan must be constantly evaluated, adjusted, modified, etc. to assure accomplishment of its stated objectives.

#### **Objectives**

All risk management plans must have operating objectives to identify and measure strategic outcomes. The objectives for our risk management plan are as follows:

- Provide a means for the County of Montgomery to help protect its financial and physical assets.
- Through risk management applications, help provide a cost containment mechanism for all County operations and departments.
- Introduce and outline a risk management model, including a collaboratively developed servicing plan. In addition, the plan should outline roles and responsibilities of applicable representatives.
- Incorporate a Safety Officer to help facilitate risk management tasks and help the Board of Supervisors reach acceptable outcomes.
- Constantly improve the safety, health and welfare of the County of Montgomery.

#### **Risk Management Model**

The attached risk management model outlines a structure for the flow of information/communication, program accountability, departments & committees, etc. This model helps illustrate each entities position in the risk management model in relationship to functions and accountability. Since most of the County's risk is at the Department level, the description will start at the bottom and flow up to the Board of Supervisors. However, the Board of Supervisors has the ultimate responsibility for risk management. A description of each entry attached to the model follows.

## **A. Departments and Department Managers**

The majority of the County's risk is located at the Department level, which requires aggressive loss control and risk management activities to occur here first. Every employee and manager must recognize that a comprehensive plan for controlling risk is a priority and the Board of Supervisors is the ultimate authority having Jurisdiction. Everyone's positive attitude and cooperation is required for program compliance. Department managers must:

- Immediately report all incidents, accidents and claims to the Safety Officer. Delay in proper reporting could have detrimental outcomes for the County.
- Maintain a safe work environment and encourage all employees to assist. Report all dangerous conditions to the Safety Committee.
- Help the County identify risk by actively communicating departmental activities, via, report, e-mail, or phone conversation, to the Safety Officer.
- Encourage all employees to participate in safety related training programs and classes. Help assure that proper documentation is collected.
- Aggressively correct all unsafe conditions and communicate compliance immediately.

## **B. Safety and Security Committee**

The Safety and Security Committee is comprised of all Department Heads and designated representatives. The purpose of the Safety Committee is to collaboratively discuss and communicate relevant safety issues and solutions; as well as update department heads on specific safety deliverables. Pertinent training and education, regarding safety related topics, may be offered to attendees.

- Chaired by the Safety Officer, who is responsible for all safety and loss control issues impacting each department.
- Works with members on the Risk Management Committee to obtain tools and support to reach desired outcomes. Responsible for assuring compliance with all applicable codes, rules, and regulations, along with providing follow through of corrective measures.
- Safety Officer to provide action reports to the Finance Committee and the Board of Supervisors regarding committee outcomes.

## **C. Purchasing Agent**

- Maintains the County's fixed asset list and works with the Safety Officer to assure proper insurance protection is provided. Both report to the Treasurer the reconciliation of the fixed assets and related insurance coverage.

#### **D. Safety Officer**

The Safety Officer will be incorporated into the County of Montgomery's operations at all levels to help control exposure and risk and reduce loss. The Safety Officer must be recognized as a leadership position, ultimately report to the Board of Supervisors, and will be responsible for the following:

- Coordinate the identification of risk and exposures to the County. Maintain proper documentation describing the exposures, control measures and outcomes.
- Maintain, with the assistance of the Purchasing Officer and Treasurer, an inventory of all county properties, contents, equipment, vehicles, supplies, owned and leased assets, etc. Assure that County assets are properly protected by insurance.
- Collect from each department all incident and accident reports and claims. Process accordingly. Communicate and report all applicable claims with Diane Edwards, Claims Manager for Mang Insurance Agency. Coordinate the investigation and review of all incidents/claims.
- With the assistance of the risk management committee, coordinate all safety, loss control and risk management programs and communications with each applicable department
- With the assistance of the risk management committee, assure that all documentation and record keeping, is in compliance with all applicable codes, rules and regulations.
- With the assistance of Mang Insurances Agency, maintains a record of all open claims, including indemnity and expense cost and current accountability.
- Chairs the Safety & Security and Risk Management committees. Maintain records and report results of these committees to the Finance and Board of Supervisors.
- Follows up and assists each department in achieving safety, loss control and risk management directives and deliverables.
- Provides reports, including accountability of departments, to the Finance Committee and Board of Supervisors regarding all aspects of safety, loss control, and risk management activities impacting the County of Montgomery.
- Attends applicable training and classes to help broaden knowledge and skills of position. Forwards new and applicable information to the risk management committee.
- With the approval of the Board of Supervisors, works with other departments & committees to purchase insurance and risk management products and services.
- Performs work activities as outlined in adopted and applicable job description.

## **SAFETY OFFICER**

**Adopted 1/23/2006, Revised 03/15/2007**

**DISTINGUISHING FEATURES OF THE CLASS:** The work involves responsibility for planning and implementing a comprehensive safety program, including developing standards for the protection of employees and the public use of municipal-owned properties and facilities, the work and/or use processes and for the identification of hazardous and potentially hazardous conditions and in the elimination of such conditions. The work also involves responsibility for coordinating programs relating to property and casualty claims and insurance. This work which requires planning, organizing, actuating and evaluating risk of loss coverage programs, to protect properties, and physical assets from loss. The work is performed under general supervision with leeway allowed for the use of independent judgment for carrying out the details of the work. Does related work as required.

### **TYPICAL WORK ACTIVITIES:** (Illustrative only)

Recommends standards for a municipal safety program to include objectives, policies and procedures for identifying, controlling and reporting hazardous conditions and practices;  
Provides advice and counsel to various departments and offices regarding individual programs;  
Makes regular routine inspections to observe potentially hazardous conditions and work practices as well as inspections of accident and loss sites to determine causes;  
Develops and maintains a comprehensive program of safety education and training, which includes bulletins, manuals, contests and other safety-awareness techniques, as well as meetings with employees and department heads to elicit support and to conduct training;  
Establishes and maintains a central file system, which includes departmental reports of hazard identifications and progress of their elimination, loss control information and reports and other information as appropriate;  
Reviews legislation and rules and regulations affecting safety and health standards and advises on the need for modifying jurisdiction standards;  
May act as liaison with advisory committees and officials relative to the safety program;  
Performs facility/job site inspections in order to prevent losses and injuries and to ensure compliance with codes and standards;  
Develops and implements training and education programs designed to prevent work related accidents and injuries;  
Conducts investigations to determine cause of accidents and arrive at means to prevent similar accidents from recurring;  
Review plans for new buildings and renovations in order to ensure compliance with various safety codes and standards;  
Researches and reviews codes and standards that govern public employee safety and facility protection;  
Provides technical advice, i.e., provides answers to loss control, safety, fire prevention, and loss prevention questions;  
Develops system to capture loss statistics for use in program development.  
Coordinates programs designed to limit risk of loss to properties, and physical assets as they apply to claims management, and liability insurance;

Reviews claim procedures making recommendations to the County Attorney and liability insurance carrier regarding disposition;  
Updates policies, procedures, and documents regarding property, casualty and liability loss;  
Acts as a liaison with property, casualty and liability insurance carriers and broker for the County;  
Attends Safety Committee meetings and Risk Management Committee meetings;  
Coordinate and support claims management through the development and implementation of loss control programs and training;  
Serves as the “conduit” for the flow of information between the County and their liability insurance company.

**FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:**

Good knowledge of the principles and practices of safety plans and programs as would relate to county operations;  
Working knowledge of pertinent sections of the Occupational Safety and Health Act standards and regulations as well as pertinent rules and regulations of New York State;  
Working knowledge of loss control methods of primary risk exposures;  
Ability to coordinate and administer a continuing program of safety information and training;  
Ability to make investigations, analyze findings and implement with corrective action;  
Ability to understand and interpret complex oral instructions and/or written directions;  
Ability to establish and maintain a record system for safety control;  
Ability to establish and maintain effective working relationships with others;  
Ability to communicate effectively both orally and in writing;  
Physical condition commensurate with the demands of the position;

**MINIMUM QUALIFICATIONS:** Either:

- A. Graduation from a regionally accredited college or university or one accredited by the New York State Board of Regents to grant degrees with an Associate degree in engineering, industrial safety, occupational safety, construction technology or closely related field and two (2) years of experience as a building contractor, construction supervisor, claims adjuster, insurance underwriter or similar position responsible for inspecting or investigating for loss of safety; or
- B. Graduation from high school or high school equivalency diploma and four (4) years experience as defined in (A) above; or
- C. An equivalent combination of training and experience as defined by the limits of (a) and (B).

**SPECIAL REQUIREMENT FOR ACCEPTANCE OF APPLICATIONS:** Possession of a valid New York State driver’s license is required at the time of appointment.

## **E. Insurance**

### **Mang Insurance Agency**

- Provides the insurance policy and associated coverage services.
- Provides claim management services and acts as a liaison between the County of Montgomery and their carriers.
- Administrates risk services, provides coverage options to protect County during risk transfer.
- Policy services such as endorsement and other changes, issues certificates of insurance, accounting function, etc.
- Implements and manages the internet based risk management program Zywave. Zywave will be utilized to help develop and implement safety and communication tools while working towards our program objectives.

### **NYMIR**

Offer coverage and provide policies for Property and Casualty coverage.

- Play a lead role with risk management and loss control services, including participating in committees such as the Safety and Security & Risk Management.
- Settle claims and provide Defense during Lawsuits.
- When necessary, coordinates and conducts Incident and Accident analysis



#### **F. Risk Management Committee**

The risk management committee will be appointed by the Board of Supervisors and Chaired by the Safety Officer. This committee may include some members of the Finance Committee, the Personnel Director, Attorney, a representative from NYMIR, the Treasurer, the Purchasing Agent, the Emergency Services Director, the Sheriff, the County's insurance agent, etc.

Responsibilities include:

- Review all insurance claims and evaluate current policies/procedures that lead to the claim. Develop recommendations for the Safety Officer to document, report and implement. Assure all claims are reported promptly.
- Constantly analyze all County risk management programs, policies, procedures, and practices. Collaboratively create recommendations for improvement. Safety Officer to document and report recommendations accordingly.
- Evaluate all incident and accident analysis reports. Collaboratively develop strategies and recommendations to avoid all future reoccurrences. Safety Officer to document and report all recommendations accordingly.
- Consistently monitor the County of Montgomery's risk management plan and collaboratively make recommendations for improvements.

#### **G. Committees of Jurisdiction**

The Board of Supervisors has established Committees of Jurisdiction, which the Safety Officer may be required to report/respond to regarding safety, security, employee issues, compliance with applicable codes, rules and regulations, insurance matters, etc. Examples are as follows:

- The Safety Officer may be required to report to the Public Safety committee to address loss control/safety issues.
- The Safety Officer may be required to report to the Finance Committee to address insurance issues.
- The Safety Officer may be required to report to the Personnel Committee to address employee issues.

#### **H. Board of Supervisors**

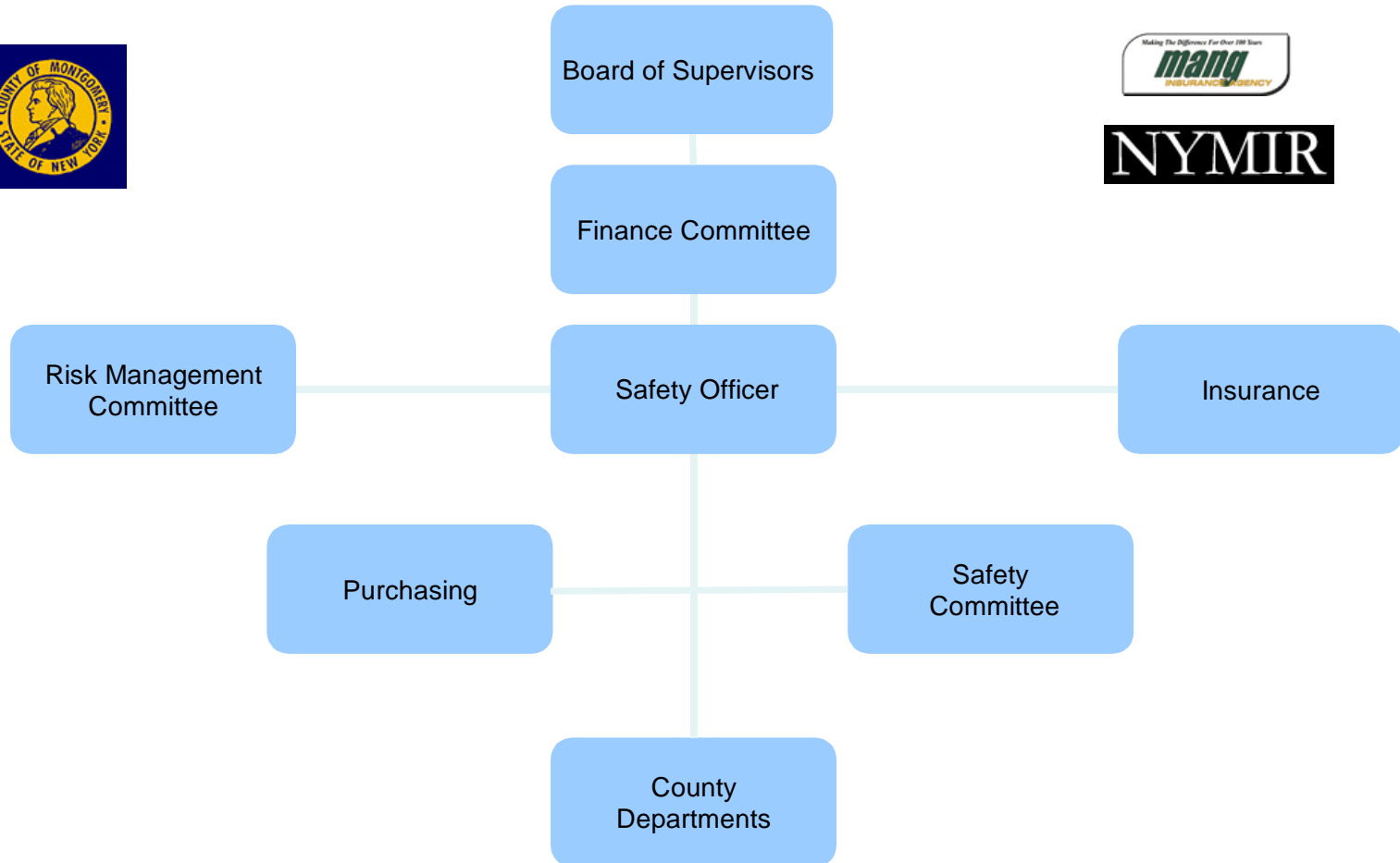
- The Board of Supervisors is ultimately responsible for the risk management practices and outcomes for the County of Montgomery.
- The Board of Supervisors is the designated authority having Jurisdiction.



# Proposed Risk Management Model for the County of Montgomery



**NYMIR**





# ***Attachment to Resolution***

**2008 – Resolution 182**



As Adopted by Resolution No. 4 – January 2, 2004  
As Amended by Resolution No. 21 – January 13, 2004  
As Amended by Resolution No. 69 – February 24, 2004  
As Adopted and Amended by Resolution No. 6 – January 4, 2005  
As Adopted by Resolution No. 11-January 2, 2006  
As Amended by Resolution No. 106 – February 28, 2006  
As Adopted by Resolution No. 4 – January 1, 2007  
As Adopted by Resolution No. 4 – January 1, 2008  
As Adopted by Resolution No. 182 – May 27, 2008

## **STANDING RULES OF PROCEDURE OF THE MONTGOMERY COUNTY BOARD OF SUPERVISORS**

### **ARTICLE I – MEETINGS**

#### **SECTION I. Organizational Meeting**

**Rule 1.** The organizational meeting of the Board of Supervisors shall be called and governed in accordance with Section 151 of County Law.

**Rule 2.** At the organizational meeting or an adjourned session thereof, the Board of Supervisors shall review and adopt the Rules of Procedure for the ensuing year, appoint officers whose terms have expired, and address any other matter the Chair wishes to bring before the Board.

#### **SECTION II. Regular and Special Meetings**

**Rule 3.** The Board of Supervisors shall, in addition to meeting to organize the Board, hold regular meetings on the fourth Tuesday of the month at 7:00 P.M. When such day falls on a legal holiday, the meeting shall be fixed by resolution duly adopted at a previous meeting.

**Rule 4.** All meetings of the Board of Supervisors shall be held and governed in accordance with Section 152 of County Law.

### **ARTICLE II – RULES OF PROCEDURE**

**Rule 5.** All acts of the Board of Supervisors shall be in accordance with Section 153 of County Law.

**Rule 6.** A quorum of the Board of Supervisors shall consist of not less than eight supervisors representing a simple majority (935) of the weighted votes of supervisors, but a lesser number may adjourn. No part of this rule shall be construed to waive the requirements of these Rules of Procedure relating to the number of votes for passage of any resolution or other action by the Board.

**Rule 7.** Passage of any motion to suspend a rule shall require a two-thirds majority (1,246) of the weighted votes of the supervisors at a regular or special meeting of the Board, except those rules of procedure prescribed by a state or county law.

**Rule 8.** Any supervisor desiring to speak or present any subject or matter to the Board shall seek the recognition of the Chair and shall not proceed until recognized by the Chair and awarded the floor for such purpose.

**Rule 9.** Persons not members of the Board may, with the consent of the Chair, be permitted to speak regarding matters pending before the Board.

**Rule 10.** While a motion is under debate, no member shall speak more than three separate occasions, for a total of five minutes, on any question without leave of the Chair.

**Rule 11.** The order of business of each Regular Meeting of the Board shall be:

1. Call to Order
2. Salute to the Flag
3. Roll Call of Members.
4. Privilege of the Floor (including special presentations).
5. Approval of Minutes of Previous Meetings
6. Approval of Budgetary Transfers
7. Unfinished Business.
8. New Business – Resolutions, Local Laws, etc.
9. Adjournment.

**Rule 12.** Reading of the minutes of the previous session shall be dispensed with unless required by a majority of supervisors.

**Rule 13.** After a resolution or motion is stated by the Chair, it shall be in the possession of the Board, but may be withdrawn at any time with the consent of the Board before a decision is made or any amendment adopted.

**Rule 14.** When a question is under consideration, no motion shall be received, except as herein specified, which motions shall have precedence in the following order:

1. Adjourn (un-debatable)
2. Take a recess (un-debatable)
3. Lay on the table (un-debatable)
4. For the previous question (un-debatable)
5. Limit debate (un-debatable)
6. Refer (debatable)
7. Amend (debatable)
8. Postpone consideration (debatable)



**Rule 15.** No motion for the reconsideration of the vote upon any question shall be entertained unless moved by a supervisor who voted in the majority upon such question before the adjournment of the following regularly called Board meeting. When a motion for the reconsideration of any question has been made and decided, there shall be no further consideration of the same resolution.

**Rule 16.** A roll call vote shall be taken by the Clerk when required by law or upon the request of any supervisor. (County Law No. 153, sub 4) Such roll call shall begin with the prime sponsor or mover and must be completed before any other action is taken. During such roll call, every supervisor shall vote “Aye”, “Nay”, may abstain or pass upon the calling of the supervisor’s name. Any supervisor who passes upon the calling of the roll shall be polled at the conclusion of the roll call vote. A member may pass only once.

**Rule 17. Voting Majority**

A) A majority (935) of the weighted votes of the aggregate of all weighted votes of the members of the Board shall be necessary for the adoption of any resolution or local law then before the Board unless otherwise specified by State law.

B) A two-thirds majority (1,246) of the weighted votes of the aggregate of all weighted votes of the members of the Board shall be necessary for adoption of any resolution or local law establishing a two-thirds weighted vote approval requirement when such requirement is not specified by State law.

C) No supervisor may give a proxy or in any other fashion delegate his authority to vote upon any matter pending before the Board.

D) The rescission, revocation or reversal of any action, resolution, local law, motion, or other matter voted upon by the Board shall be effected by the same ratio of votes of the Board as was required for its adoption, approval or passage.

E) In the course of responding to a roll call vote, a supervisor may give an explanation of his/her vote.

**Rule 18.** All resolutions entered into the minutes shall record the names of those supervisors who voted in the minority and those not voting by reason of being excused or absent.

**ARTICLE III – CHAIR AND VICE CHAIR OF THE BOARD**

**Rule 19.** The Chair of the Board shall be the presiding officer, shall call the Board to order, and, except in the absence of a quorum, shall proceed to conduct business in the manner prescribed by these rules.

**Rule 20.** The duties of the Vice Chair shall include all duties and functions of the Chair in his/her absence, excluding the appointment of the members of standing committees.

The Vice Chair shall serve at the direction either of the Chair or the Board of Supervisors, which direction shall always supersede the Chair. The Vice Chair shall receive no additional compensation unless he/she shall act as Chair in excess of thirty (30) consecutive days after assuming the duties of Chair.

**Rule 21.** In the absence of the Chair at any meeting of the Board of Supervisors, the Vice Chair shall serve as Acting Chair and shall call the Board to order. In the absence of the Chair and Vice Chair, the Clerk of the Board shall, after 15 minutes, call the Board to order and the members present and voting shall select a member of the Board to serve as Acting Chair at such meeting. The Acting Chair shall have and exercise all the powers and duties of the Chair at the meeting over which he or she is called to preside. (County Law No. 151, sub 6)

**Rule 22.** In the case of a vacancy in the Office of Vice Chair, the Clerk of the Board of Supervisors shall accept nominations to select a successor, who shall be a member of the Board, at the next regular meeting of the Board of Supervisors. The person so selected shall serve as Vice Chair of the Board for the unexpired term of the previous Vice Chair.

**Rule 23.** The Chair shall preserve order and decorum and decide all questions of order, which decisions shall be final unless an appeal is taken to the Board. On an appeal from the decision of the Chair, he shall have the right to assign his reason for his decision.

**Rule 24.** The Chair shall decide all questions relating to the priority of business (the priority of one question or subject matter over another under the same order of business) without debate.

**Rule 25.** In those instances where there is disagreement concerning the interpretation of the Rules of Procedure, the County Attorney shall act as Parliamentarian to advise the Chair who shall rule on all questions of order of procedure.

#### **ARTICLE IV – RESOLUTIONS**

**Rule 26.** All proposed resolutions and local laws shall have a prime sponsor and at least one second and shall be reduced to writing. Proposed resolutions and local laws not originating from the committee having jurisdiction over the particular matter shall be filed with the Clerk of the Board in accordance with Rule 29.

**Rule 27.** Upon request of any supervisor, any amendment to a resolution shall be reduced to writing.

**Rule 28.** The Chair shall read the title of all resolutions and local laws filed and mailed in accordance with Rule 29, except that upon request of a member of the Board a resolution or local law shall be read in its entirety. Any resolution or local law before the Board, which has not been filed and mailed in accordance with Rule 29, shall be read in its entirety by the Clerk of the Board at the request of any supervisor.

## **Rule 29. Procedure**

- A) All resolutions requested or proposed shall be submitted through the Clerk of the Board of Supervisors to the Chair of the Board for inclusion on the agenda of the committee principally concerned at least ten (10) calendar days prior to the committee meeting at which it is to be considered.

The Clerk of the Board shall issue a tracking number and title to each proposed resolution and maintain a list to be provided to the supervisors each month as to the status of each requested and proposed resolution.

- B) Resolutions containing proposals for “new” programs not currently budgeted shall be accompanied by an informational memorandum detailing the following information:
- 1) Statement of Intent
  - 2) Plans, Goals, and Objectives
  - 3) Program Description
  - 4) Operational Impact – Services
  - 5) Fiscal Impact – Cost Resources
  - 6) Method of Financing
  - 7) Intra-agency Coordination (if applicable)
  - 8) Anticipated Benefits
  - 9) Anticipated Problems
- C) Supervisors, in lieu of the information memorandum above, may appear before the appropriate committee to discuss any resolution(s) they wish to propose.
- D) The Chair of the Board, together with the chair of said committee, shall determine items to be scheduled for consideration at Committee, Regular and Special Board meetings.
- 1) At least five (5) calendar days prior to the appropriate meeting at which a proposed resolution is to be considered by the Committee, the Clerk of the Board shall forward a copy of the Committee Agenda and proposed resolutions to each member of the Committee, all other supervisors, and the County Attorney either by mail or by personal delivery.
  - 2) At least five (5) calendar days prior to the Regular Meeting at which a resolution is to be considered by the Board, the Clerk of the Board shall forward to each Board member and the County Attorney a list of all resolutions to be considered at the meeting along with a copy of the corresponding informational memorandum.

- E) Neither the Chair of the Board nor any committee chair shall exclude from an agenda for discussion any item requested by a supervisor unless written notification citing the reason for the exclusion is provided to the sponsor of the resolution and the entire board at least five (5) calendar days prior to the regular meeting.

Any decision by the Chair of the Board or a committee chair to exclude a resolution or discussion item from an agenda can be overruled by a motion to discharge the resolution. A motion to discharge must have a sponsor and a second, which may differ from the resolution's primary sponsor and second. A majority weighted vote (935) for regular board meetings shall be sufficient to pass the motion to discharge, which will place the resolution on that meeting's agenda. A simple majority vote (non-weighted) shall be sufficient to pass the motion to discharge in committee, which will place the resolution on that committee's agenda.

**Rule 30.** An emergency resolution (one which concerns any matter where delay in the consideration thereof would adversely affect the interests of the County, the Board of Supervisors, or any department, official or agency of the County or the public) may be placed on the agenda at any Regular Meeting of the Board by a vote of two-thirds (1,246) of the aggregate weighted votes of the members present.

## **ARTICLE V. – COMMITTEES**

**Rule 31.** Committee reports and recommendations shall not be binding upon the Board because standing and special committees shall not use weighted vote

**Rule 32.** Each committee shall review all issues forwarded by the Clerk of the Board for its consideration. Committees shall report on each item and may provide a recommendation for approval or disapproval by the affirmative vote of a simple majority of committee members. If a committee disapproves a resolution or local law by the affirmative vote of a simple majority of the members of the committee referred for its consideration, the Chair of the Committee shall notify the sponsor of such resolution or local law of its disapproval and the committee shall file a report with the Board stating its disapproval and outlining the reasons therefore. No item is to be reported out of committee without a recommendation by at least a simple majority of the members of the committee or in accordance with these Rules.

**Rule 33.** The Chair of the Board shall appoint the members and designate the chair of all standing committees within ten (10) days following his election. He or she shall also appoint the members and designate the chair of all special committees or subsequently created standing committees within ten (10) days following their creation. (County Law, Section 154, sub 3)

**Rule 34.** The Board may from time to time create special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the

number of its members. Each member of any special committee shall serve for the period specified in such resolution, but in any event not longer than the term for which he or she shall have been elected as a supervisor. (County Law, Section 154, sub 2)

**Rule 35.** Standing committees shall consist of the designated supervisors for that Committee exclusive of the Chair of the Board. The presence of a majority of committee members, inclusive of the Chair of the Board (or Vice Chair in the Chair's absence), shall constitute a quorum for the purpose of conducting committee business.

**Rule 36.** The members of all standing committees shall be appointed for the duration of one year. Nothing herein contained shall be construed to allow any person to continue to serve on any committee after he or she ceases to be a supervisor.

**Rule 37.** The Chair of the Board of Supervisors (or Vice Chair, in Chair's absence) shall be an ex-officio member of all standing and special committees of the Board and as such shall have the right to participate in all functions of such committees including the right to vote. The Chair shall be counted in determining the presence of a quorum. (County Law, Section 450, sub. 1)

**Rule 38.** The Chair of the Board shall fill any vacancy occurring on any standing or special committee within thirty (30) days after such vacancy occurs. In the event such vacancy occurs in the position of committee chair, he or she shall designate a new committee chair within ten (10) days after such vacancy occurs. (County Law, Section 154, sub 4)

**Rule 39.** Neither the chair nor any other member of a standing committee shall be removed during the term of which the committee was appointed without prior consent of the member.

**Rule 40.** The chair of each standing or special committee shall be the presiding officer and shall cause the members thereof to be notified in advance of each meeting. The committee chair shall call all necessary meetings. Upon his or her refusal or neglect to call any meeting, the Clerk of the Board, upon written request signed by the Chair of the Board or by a majority of the committee, shall call such meeting. Committee meetings of an emergency nature (identified as such by a vote of two-thirds (1,246) of the aggregate of the weighted votes of the total membership of the Board) will be permitted during a Regular Meeting of the Board.

**Rule 41.** For the purposes of aiding and assisting the Board in the transaction of its business, there shall be the following standing committees, which shall provide general supervision for the County departments, agencies, and activities as designated. Their duties shall be as required by law, as directed by the Chair of the Board or as designated herein.

#### **41.1 HEALTH AND HUMAN SERVICES**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Office for the Aging	Public Health Service
Veterans Services Agency	Youth Bureau
Youth Board	Mental Health
Office of Community Services	Meadows Residential Health Care Facility
Department of Social Services	

and all other related matters referred to the Committee.

#### **41.2 GENERAL SERVICES**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Public Works	Buildings and Grounds
Reforestation	Roads and Bridges
Central Printing and Supply	MOSA
Data Processing	

as well as the Telephone System Operations, County owned or leased buildings and property and all other related matters referred to the Committee.

#### **41.3 FINANCE**

Within the jurisdiction of this Committee shall fall all issues arising from all authorized agencies and the following departments (divisions):

County Auditor	County Treasurer
County Clerk	Real Property Tax Services
Tentative Budget Review	Tentative Capital Budget Review
Purchasing Department	Non-Employee Insurance
<b><u>Safety Officer</u></b>	

as well as borrowing and indebtedness, external audit, taxation, supervisors' expenses, resolutions and local laws involving the appropriation or expenditure of funds, and all other related matters referred to the Committee.

#### **41.4 PUBLIC SAFETY**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

District Attorney	Emergency Management
Enhanced 911	Fire Coordinator

Probation	Public Defender
Sheriff and Corrections	Weights and Measures
Alternatives to Incarceration	STOP DWI
Office of the Coroner/Medical Examiner	<b><u>Safety Officer</u></b>

as well as the radio communications, computer-aided dispatch and all other related matters referred to the Committee.

#### **41.5 AGRICULTURE, PLANNING AND DEVELOPMENT**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Agriculture	County Historian
Cooperative Extension	Planners
Tourism	Economic Opportunity and Development
Records Management	Private Industry Council
Workforce Development Board	

as well as all other related matters referred to the Committee.

#### **41.6 EDUCATION AND GOVERNMENT**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Fulton Montgomery Community College	Rules of Procedure
Policies	Intergovernmental Relations
County Attorney	Clerk of the Board
County Administrative Officer	Board of Elections

as well as the review and modification of the structure of county government, review of government management, effectiveness and efficiency, and all other related matters referred to the Committee.

#### **41.7 PERSONNEL**

Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Employee Benefits	Civil Service
Employee Training	Employee Insurance
Personnel Department	Grievances
Collective Bargaining	

as well as all other related matters referred to the Committee.

## **ARTICLE VI. – RULES OF ORDER**

**Rule 42.** The rules contained in the most recent edition of “Robert’s Rules of Order” shall govern the Board of Supervisors in all cases to which they are applicable and in which they are not inconsistent with:

1. These Rules of Procedures;
2. Any special rules of order the Board may adopt;
3. Any statutes applicable to the Board.

## **ARTICLE VII. – MISCELLANEOUS**

**Rule 43.** The Clerk of the Board shall serve as secretary of standing committees of the Board, provided that the Clerk of the Board may designate another County Officer or employee as secretary with the approval of the committee chair.

**Rule 44.** The Clerk of the Board shall provide, monthly, a set of brief minutes of meeting for all committee meetings taking place during that month to all supervisors as part of the information packet supplied to the Board of Supervisors prior to that month’s regular meeting of the Board of Supervisors.

**Rule 45.** These rules may be amended with the approval of a simple majority (935) of the weighted vote of the members of the Board by adoption of a resolution filed and distributed in accordance with Rule 29, except for rules prescribed by state statute or county law. To the extent that a state or county law, which prescribes these rules, is amended, these standing rules shall stand amended consistent with such amended statute or law without formal action by the Board.



# ***Attachment to Resolution***

**2008 – Resolution 205**



**AN "EXEMPTION OF MATTERS OF LOCAL CONCERN FROM COUNTY PLANNING  
REVIEW AGREEMENT"**

**Between**

**The Montgomery County Planning Board**

**and**

**The Town of \_\_\_\_\_ Zoning Board of Appeals and/or Planning Board**

This AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between the MONTGOMERY COUNTY PLANNING BOARD, having its business address at 9 Park Street, Fonda NY 12068, hereinafter referred to as the MCPB, and the Town of \_\_\_\_\_ Zoning Board of Appeals, hereinafter referred to as the LOCAL BOARD. By executing this AGREEMENT, the two parties intend to expedite certain municipal zoning and planning action referrals from the LOCAL BOARD to the MCPB pursuant to New York General Municipal Law (GML) §239-m.

WHEREAS, GML §239-m allows the MCPB to enter into an agreement with the LOCAL BOARD to provide that certain proposed actions are of local, rather than inter-community or county-wide concern; and

WHEREAS, in keeping with the procedural requirements of GML §239-m all appropriate municipal zoning and planning actions (action) will continue to be referred to the MCPB by the LOCAL BOARD; and

WHEREAS, a determination by the MCPB that an action is of local concern does not necessarily mean endorsement by the MCPB of the proposed action; and

WHEREAS, the MCPB has adopted a schedule of actions determined to be typically of a local rather than inter-community or county-wide concern attached hereto as SCHEDULE A and made part hereof;

NOW, THEREFORE, inconsideration of the mutual benefits accruing to the parties, the MCPB and LOCAL BOARD hereby agree as follows:

**1. PROCEDURE:** The LOCAL BOARD shall continue to make appropriate municipal zoning and planning action full statement referrals to the MCPB for review. A determination regarding whether such action is a local concern based on SCHEDULE A shall be made no sooner than one (1) business day and no later than five (5) business days after receipt of a full statement. All other actions will be subject to full MCPB review within 30 days of receipt of complete applications. All referrals, which are determined to be of local concern, will be filed and a letter of notification shall be sent to the LOCAL BOARD. The sole responsibility and discretion for determining what constitutes a matter of local concern shall belong to the MCPB, which may delegate such responsibility to the Montgomery County Department of Economic Development and Planning staff.

Notwithstanding the establishment of SCHEDULE A, the MCPB reserves the right to subject any referral to full MCPB review.

**2. TERM:** This AGREEMENT may be terminated by either party upon issuance of thirty (30) calendar days notice of such intent to the other party. SCHEDULE A can be modified by the MCPB with thirty (30) calendar days notice of such intent to the LOCAL BOARD. This AGREEMENT, if signed by both parties, voids any previous agreement between the two parties.

FOR: Montgomery County Planning Board (MCPB)

BY: \_\_\_\_\_, Chair  
*Jack Fritz*

DATE: \_\_\_\_\_

FOR: Town of \_\_\_\_\_  
Zoning Board of Appeals/Planning Board (LOCAL BOARD)

BY: \_\_\_\_\_, Chair

DATE: \_\_\_\_\_

**SCHEDULE A (as amended by County Planning Bd on 5/22/08)**

The following list represents the schedule of municipal and planning actions determined to be of local rather than inter-community or countywide concern adopted by the MCPB. Any action, which is characterized by one or more of the following, may be classified to be solely of local concern by the MCPB as per the attached AGREEMENT:

1. Any area variance seeking relief from a front yard, side yard or rear yard setback which does not encroach upon State or County highway right-of-ways, facilities, lands, or drainage ways.
2. Any area variance seeking relief from a height requirement providing that the proposed variance does not exceed 5 feet.
3. Any area/use variance required for any fence including height, setback, materials or construction methods.
4. Any area variance, site plan or special permit required for a change in tenant and/or use where no modifications are proposed to the existing building footprint which would result in an expansion of greater than 25% of the total building area, or alter the existing highway access, stormwater drainage plan, or traffic pattern.
5. Any Action by a local municipal board that would establish a temporary developmental moratorium that does not exceed six (6) months.
6. Any action by a local municipal board that would change the designation of a town or village road.
7. Any special use permit, subject to a determination by the MCPB regarding whether such action is a local concern.
8. Any variance, site plan or special permit required to establish a business entity, not exceeding 10,000 square feet, operated by the owners of and located on an active farm operation.



# ***Attachment to Resolution***

**2008 – Resolution 210**





# MASS FATALITIES INCIDENT RESPONSE

## PLAN

MONTGOMERY COUNTY, NY  
2008



MORTALITY SURGE CAPACITY SUBCOMMITTEE  
MONTGOMERY COUNTY EMERGENCY  
PREPAREDNESS  
COMMITTEE

**MONTGOMERY COUNTY  
MASS FATALITIES INCIDENT  
RESPONSE PLAN**

**CONTENTS**

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- B. Activation of Mass Fatalities Plan**
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- F. Family Assistance Center**
- G. Work Schedules**
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- I. Incident Command Organization**
- II. MCOEM/ Coroner/Red Cross Contacts**
- III. Montgomery County Funeral Director's Contacts**
- IV. Local Resources and Contacts**
- V. D-Mort Documents and Forms**
- VI. Refrigeration Resources**
- VII. Montgomery County Support Agencies**

## **MONTGOMERY COUNTY MASS FATALITIES INCIDENT RESPONSE PLAN**

This plan will be used only when a mass fatality incident occurs that overwhelms the usual routine capacity of the local county coroner and other resources related to management of the dead. This plan is to be used as a guidance document and is an evolving document and will be updated as additional information or guidance becomes available

This plan applies only to those mass fatalities not covered by Federal jurisdiction or legislation. The Federal protocol will be followed for any and all transportation related (including pipelines) mass fatality incidents that occur in the United States.

The procedures outlined subsequently will be followed by all jurisdictions in Montgomery County, and the New York State Funeral Director's Association (NYSFDA) and its constituents for those incidents not overseen by the National Transportation Safety Board.

Resources for each step of the plan are found in attached appendices.

### **A. Initiation of Mass Fatalities Plan**

Once an incident occurs with multiple fatalities, an incident command center will be organized to assess the situation. The incident commander in consultation with the County Coroner will make the decision to activate the Mass Fatalities plan. The mass fatalities plan will consist of three major operations:

1. Scene: Body and evidence recovery
2. Examination Center: Body identification processing and temporary storage
3. Family Assistance Center: Antemortem information and next of kin information center.

### **B. Activation of Mass Fatalities Plan**

1. The incident commander will contact the county coroner who will come to the scene and assume control of the Mass Fatalities Plan. The coroner, in consultation with the Incident Commander, will utilize all necessary local, regional, or state resources as needed (Examples include: law enforcement, Hazmat, Public Health, NYS Dept. of Health, Agriculture and Markets, NYS Funeral Director's Association, etc.)
2. The coroner will notify the Montgomery County Sheriff Department and request the activation of the hyper-reach system to notify Montgomery County Funeral Homes listed in Appendix 3 of the disaster and the estimated scope of response required.
3. If the Incident Commander and the County Coroner determine that the incident is of such magnitude that it is anticipated that personnel and equipment requirements will exceed the Counties ability, then consideration should be made to request assistance from the National Disaster Medical System D-Mort.
4. The Incident commander will assure the scene is secured and utilize whatever law enforcement assets necessary to provide security and evidence protection, if warranted.
5. Once the Fulton Montgomery County Funeral Director's Association is notified, the following will occur:
  - a. Members of Fulton Montgomery County Funeral Director's Association will be notified through the use of the Hyper-reach system.
  - b. Available staff will respond to the staging area with needed equipment and manpower.

- c. Identifiable nameplates for hearses and equipment will be removed.
- d. All supplies provided by the funeral homes will be inventoried for later financial adjustments.
- e. Funeral homes unable to assist will provide any other resources needed.
- f. The Incident Command Officer will appoint the supply officer to manage requests for equipment and staff.

#### C. Scene Management

- 1. The coroner reports to the Incident Commander.
- 2. The Mass Fatalities Team will report to the coroner or his designee.
- 3. All responders will present appropriate identification and credentials.
- 4. The coroner or his designee will appoint a scribe to record all pertinent information including names of body removal team members, detailed sketches of body locations and numbers, and to supply needed VIP personnel forms (see appendix V) to team members for completion.
- 5. All bodies will be flagged with an index card, photographed, and location documented by the appropriate law enforcement representatives.
- 6. Corresponding tag numbers will be attached to each body and its body bag.
- 7. Remains may only be removed once the coroner releases the body. Removal teams will be briefed on and given written instructions regarding removal and scene work.
- 8. If requested by the coroner, law enforcement or the incident commander, the scene will be divided into grid sections for more detailed documentation.
  - a. Grid squares will be 20 feet a side and marked with posts, flags, and tape.
  - b. Each square will be photographed, searched and inventoried before remains are removed.
- 9. Separate groups of co-mingled remains will be tagged as an individual number.
- 10. Dismembered body portions are not assigned a recovery number, but must be tagged with information indicating their relative position to numbered remains. Personal effects with bodies should remain with the body to aid in identification. Scattered personal effects should be tagged, numbered, and locations noted in relationship to the grid pattern.

#### D. Body Removal/Transport

- 1. Once remains are released from the scene, they will be transported to the morgue/temporary morgue by a professional vehicle with a funeral director accompanying them.
  - a. If terrain does not permit the use of a professional hearse then appropriate ambulances or four-wheel drive vehicles will be used.
  - b. Ideally, during transportation, there should only be one body per vehicle.
- 2. A designated route should be followed to the morgue/temporary morgue.
- 3. The flow of vehicles to the morgue should not occur faster than the capacity of the morgue to receive the remains. The determination of flow will be based on communication between the staff at the morgue site and the coroner on the scene.
- 4. The coroner or his designee shall provide for the collection and transportation of any equipment and supplies following the removal process.
- 5. Funeral directors and staff at the scene and staging areas will be reassigned to the morgue/temporary morgue or released.

#### E. Morgue/Temporary Morgue

- 1. Bodies will be brought to the morgue at St. Mary's Hospital for processing (3-5 bodies).
- 2. If the morgue capacities at the St. Mary's Hospital will be exceeded the coroner will consider contacting Albany Medical Center to utilize their facilities (Up to 30 bodies).
- 3. If Albany Medical Center is unavailable or has inadequate resources a portable temporary morgue will be set up at the Montgomery County Public Safety Building using unmarked refrigerated trucks, or Railroad refrigerated cars placed on a siding to be determined by the Incident Commander.

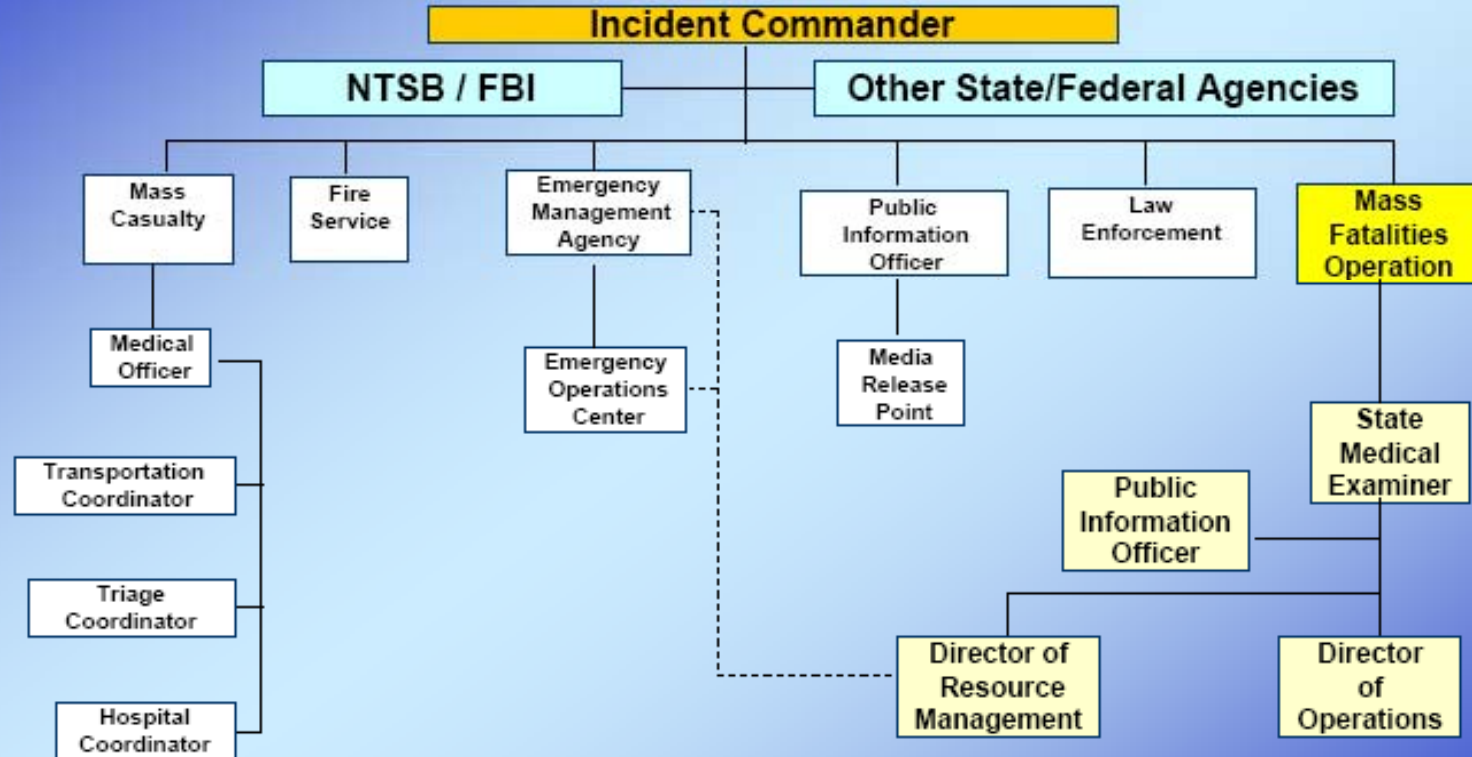
- a. See available resources in Appendix IV and VI.
  - b. Consider activating D-MORT. To utilize their temporary morgue assets through FEMA.
- 4. As a last resort, with large-scale mass fatalities, Montgomery County will utilize Beech-Nut Facilities Refrigeration System as a temporary morgue. (See appendix VI)
  - a. This option requires contacting the appropriate municipal officials.
- 5. Morgue Release
  - a. Remains may be released upon permission of the coroner or medical examiners/county coroner's physicians.
  - b. Remains will be released to a local funeral home at the next of kin's designation.
  - c. Only professional removal vehicles will be used to transport remains and will be accompanied by a NYS licensed funeral director.
- F. Family Assistance Centers are locations for the public to call or visit to request information about deceased family members. The incident commander will designate a site or sites for this purpose.
  - 1. Staffing of the centers will be from employees of the local hospital disaster mental health teams, law enforcement, and other needed support staff based on the specifics of the incident. (See appendix VII).
  - 2. Family members should be interviewed in conjunction with law enforcement.
  - 3. Telephone access to obtain and provide information will be arranged.
  - 4. A preprinted set of questions should be asked of all those inquiring about the deceased.
- G. Work Schedules – In an extended operation the scene manager and incident commander will develop a work rotation schedule to insure the accuracy and efficiency of team members.
- H. Debriefing
  - 1. Following the conclusion of operations in a mass fatalities incident, the scene manager will arrange a debriefing under the direction of the Fulton-Montgomery County Crisis Team to evaluate and provide for the needs or psychological concerns that arise in team members. All members of the mass fatalities team should be encouraged to attend.
  - 2. The scene manager will monitor staff during the operation for psychological stress, and determine if an earlier interaction with the Fulton Montgomery Crisis Team may be necessary.
- I. After Action Report
  - 1. An after action report, will be completed by the Mass Fatalities Planning Committee at the earliest convenience for the purpose of determining the plans effectiveness.

Revised May 23, 2008

**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Appendix I**

**Mass Casualties/Fatalities Incident  
Command Structure**



**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Appendix II**

**Montgomery County Office of Emergency Management, County Coroner's  
and Red Cross**

**Emergency Manager Officer**

Gary Nestle  
Montgomery County Office of Emergency Management  
County Office Building  
P.O. Box 1500  
Fonda, NY 12068-1500  
518-853-4011  
[emogen34@nycap.rr.com](mailto:emogen34@nycap.rr.com)

**County Coroner**

Joseph Riley III  
10 Summit Ave.  
Amsterdam, NY 12010  
518-842-0310  
(c) 518-461-2370

**County Coroner**

Susan L. Quackenbush  
360 Main St.  
Fort Plain, NY 13339  
518-993-2798  
(c) 518-221-0824

**American Red Cross of Northeastern New York**

Disaster Services  
33 Everett Road  
Albany, N.Y. 12205

518-458-8111

**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Appendix III**

**Montgomery County Funeral Homes**

<b>Name</b>	<b>Director(s)</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
Amsterdam Funeral Chapel	Debra Cechnicki, Director Edmund L. Cechnicki, Director	13 Belmont Place	Amsterdam, NY 12010	842-3113
Betz, Rossi, & Bellinger Family Funeral Home	John Betz, Director David Bellinger, Director Curtis W. Bingel, Director Martin Hughes, Director Peter Pritchard, Director Vincent Rossi, Director	171 Guy Park Ave.	Amsterdam, NY 12010	842-1920
De Stefano Funeral Home	John De Stefano, Director	Route 5S	Amsterdam, NY 12010	843-2755
Jendrzeczak Funeral Home	George Jendrzeczak, Director	200 Church St.	Amsterdam, NY 12010	843-2550
Riley Mortuary	Frank Riley, Director	110 Division St.	Amsterdam, NY 12010	842-2810
Houghtaling & Smith Funeral Home	William Smith, Director	20 Otsego St.	Canajoharie, NY 13317	673-2233
Lenz & Betz Funeral Home	Peter J. Rose, Director	69 Otsego St.	Canajoharie, NY 13317	673-3231
Gray-Houghtaling & Smith Funeral Home	Christopher J. Hanley, Director	34 Center St.	Fort Plain, NY 13339	993-3361
Jackson & Betz Funeral Home	Albert Bayless, Director Curtis Bingel, Director	15 Main St.	Fultonville, NY 12072	853-4224
Smith-Woody & Enea Funeral Home	Michael Beran, Director	9 Center St.	St. Johnsville, NY 13452	568-2300 877-581-3631



**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Appendix IV  
Local Resources and Contacts**

**Montgomery County Law Enforcement and Emergency Management Contacts**

<b>Name</b>	<b>Title</b>	<b>Organization</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
Gary Nestle	Emergency Manager	Emergency Management Office	P.O. 1500	Fonda, NY 12068	(C)708-1250
Carrie Newkirk	EMS Coordinator	Emergency Management Office	P.O. Box 1500	Fonda, NY 12068	(C)708-1252
Michael Amato	Sheriff	Montgomery County	PO Box 432	Fultonville, NY 12072	853-5500
Jeff Smith	Under Sheriff	Montgomery County	PO Box 432	Fultonville, NY 12072	853-5500
William J. Ranagan	Captain	NYS Police	3003 State Highway 5S	Fultonville, NY 12072	518-853-3720 518-725-3034
William Beevers	Chief of Police	Village of Canajoharie	75 Erie Blvd.	Canajoharie, NY 13317	673-3111
Robert Thomas III	Chief of Police	Village of Fort Plain	168 Canal St.	Fort Plain, NY 13339	993-3781
William Stack	Chief of Police	Village of St. Johnsville	16 Washington St.	St. Johnsville, NY 13452	518-868-5352
Thomas Brownell	Chief of Police	City of Amsterdam	1 Guy Park Ave. Ext.	Amsterdam, NY 12010	518-842-1100
Amtrak	General Amtrak Police				800-872-7245 800-331-0008

**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Ambulance Services**

<b>Organization</b>	<b>Name</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
GAVAC	Thomas Pasquarelli Jr.	P O Box 11	Amsterdam, NY 12010	518-842-2559
Mid-County Volunteer Ambulance	Corps Capt. Brian Harrington	Box 453	Palatine Bridge, NY 13428	518-673-2039
Rural-Metro Medical Services	Steve Kuck	P O Box 191	Fort Plain, NY 13339	800-991-8898 518-993-4153
St Johnsville Volunteer Ambulance	Corps. Capt. Michael Swartz	P O Box 296	St Johnsville, NY 13452	518-568-2131
Ambulance Services of Fulton County	Rick Voorhees	7 Frontage Road	Gloversville, NY 12078	518-725-3667
JAVAC	James Phillips	231 N. Perry St.	Johnstown, NY 12095	518-736-2100
Global Air Response		5919 Approach Road	Sarasota, Fl 33438	800-631-6565
Med Flight (Life Net)		387 Mytle Ave	Albany, NY 12208	800-525-6663

# MONTGOMERY COUNTY MASS FATALITIES INCIDENT RESPONSE PLAN

## Montgomery County Fire Departments Chiefs & Assistant Chiefs

### **#2901 COUNTY FIRE COORDINATOR: Gary E. Nestle**

County Office Bldg. P O Box 1500  
Fonda, NY 12068 853-4011(W)

33 Reed Street 673-3842(H)  
Canajoharie, NY 13317

STATION NUMBER	DEPARTMENT NAME	CHIEF	ADDRESS	PHONE	ASST. CHIEF(s)	PHONE
206	Ames Phone 673-3044	Alan Dean	200 Becker Rd Canajoharie, NY 13317	(H) 673-5415 (C) 369-5860	Eric Bowerman Shawn Bowerman	(C) 332-8284 (C) 332-1104
207	Amsterdam Phone 843-1312	Richard Liberti	Public Safety Bldg. Amsterdam, NY 12010	(W) 843-1312 ( C ) 376-1246		
208	Burtonsville	John Gross	1231 Esperance Road Esperance, NY 12066	(H) 875-6395	Larry Intelisano Phil Bradt	875-9281 875-6752
209	Canajoharie Phone 673-3812	Frank Nestle	100 LaFayette Street Palatine Bridge, NY 13428	(H) 673-3656 (W) 673-3553 ( C ) 848-6901	Robert Phillips CJ Jones	673-5873 673-3462
210	Charleston Phone 922-6706	Wes More (w) 257-4206	222 Sullivan Road Esperance, NY 12066	(H) 875-6593 (C) 421-3786	Steve Summerfield Bill Ward	922-8747 673-2082
211	Cranesville	Mike Bellamy	144 Chapman Dr Amsterdam, NY 12010	(H) 842-7388 (P) 342-3070	Thomas Champaign	843-8615
212	Fonda Phone 853-1372	Don Way	20 Cayadatta St Fonda, NY 12068	(H) 853-4536	Randy Wellman	853-1083
213	Ft. Hunter Phone 829-7248	Ray Tylutki, Jr.	351 Main St, PO Box 181 Ft. Hunter, NY 12069	(C) 848-7459	Tim Haegi Paul F Slansky	(C) 441-5414 ( C ) 258-6755
214	Ft. Johnson Station 1 843-1269 Station 2 843-1088	Doug Phillips	254 Baldwin Rd Amsterdam, NY 12010	(C)848-0456	Alan Miller Eric Zwack	( C ) 848-5984 (H) 365-7605

STATION NUMBER	DEPARTMENT NAME	CHIEF	ADDRESS	PHONE	ASST. CHIEF(s)	PHONE
215	Ft. Plain 993-4271	Brian Muehleck	168 Canal Street Ft. Plain, NY 13339	(H) 993-5537 (C) 848-5859	Dave Bouck Shawn Kilmartin Brian Burkhart	993-3467 993-5364 993-2022
216	Fultonville	Earl Kilmartin	PO Box 241 Fultonville, NY 12072	(H) 853-4522	Greg Smith James Whipple	853-1313 853-8859
217	Glen 922-6422	Dale Furman	134 Auriesville Road Fultonville, NY 12072	(H) 922-5108 (C) 376-3508	Ricky Denton Russ Kelly	922-8856 853-3584
218	Hagaman Phone 842-3641	Adam Sandy	21 Church Street Hagaman, NY 12086	(H) 842-0727 (C ) 466-6906	Jeff Bell Don Reksc Mike Weaver	(C ) 365-6314 (C ) 848-6534 (C) 701-8395
219	Rural Grove St 1 922-8881 St 2 922-8882	Scott Booth	1831 Carlisle Rd Sprakers, NY 12166	(H) 673-8886 (C) 376-8882	Gary Kamp Jeff Kaczor	673-3021 992-8801
220	St. Johnsville Phone 568-2121	Jamie Carter	15 Spring Street St. Johnsville, NY 13452	(H) 568-2627	Dean Countrymen Kyle Haak	568-7993
221	Town of Florida Phone 843-6286	Steve Anderson	193 Thayer Road Amsterdam, NY 12010	(H) 843-8360 (C) 365-3954	Christopher Persons Keith Rackowski Leslie Bramer	(C) 848-4471 (H) 842-0426 (C) 378-2417
222	Town of Mohawk Phone 853-4213	Adam Schwabrow	308 S Perry Street Johnstown NY 12095	(C) 848-4101	LaVerne Jones Sr. LaVerne Jones Jr.	853-4180 853-3183
223	Tribes Hill Phone 829-7222	Mark Brownell	139 Iroquois Trail Tribes Hill, NY 12177	(H) 829-7768 (W) 408-1143	Glenn Newkirk Gerry Murrar	829-7201 859-0693
224	South Minden	Duane Rockwell	2056 Fordsbush Road Ft. Plain, NY 13339	(H) 568-2066 (C) 848-0629	Timothy Lighthall  Mike Smith	993-2504 (C) 265-5848 993-2240

**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Montgomery County Hospital Contacts**

<b>Name</b>	<b>Title</b>	<b>Organization</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
Amsterdam Memorial Hospital	Main Number		4988 State Highway 30	Amsterdam, NY 12010	842-3100
Deidre Cirillo		Amsterdam Memorial Hospital	4988 State Highway 30	Amsterdam, NY 12010	842-3100
St Mary's Hospital	Main Number		427 Guy Park Ave.	Amsterdam, NY 12010	842-1900
Peter Hallam	Director of Materials	St. Mary's Hospital	427 Guy Park Ave.	Amsterdam, NY 12010	841-3890
Bob Quist, RN, BSN	Emergency Department Nurse Manager	St. Mary's Hospital	427 Guy Park Ave.	Amsterdam, NY 12010	841-7245
Ken Dutcher	Safety Officer/Director	St. Mary's Hospital	427 Guy Park Ave.	Amsterdam, NY 12010	842-1900
Dr. Charles Swartz	Coroner's Physicians	St. Mary's Hospital	427 Guy Park Ave.	Amsterdam, NY 12010	842-1900
Nathan Littauer	Main Number		99 E. State St.	Gloversville, NY 12078	725-8621
Carrie Newkirk	Security	Nathan Littauer	99 E. State St	Gloversville, NY 12078	725-8621

**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Montgomery County Cemeteries Contacts**

<b>Name</b>	<b>Location</b>	<b>Town</b>	<b>Contact</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
Ames Cemetery	Route 10	Canajoharie	C/O Jim Ward	55 Otsego St.	Canajoharie, NY 13317	673-2361
Auriesville Cemetery	Valley View Rd	Glen	C/O Thomas McNichols	2765 Route 5S	Fultonville, NY 12072	853-3695
Canajoharie Falls Cemetery	Route 10	Canajoharie	C/O Al & Barb Kirby	6339 St. Hwy. 10	Canajoharie, NY 13317	673-2101
Carlisle Rural Cemetery	Carlisle Road	Charleston	C/O Howard Crosby	1243 Corbin Hill Rd.	Sprakers, NY 12166	234-2297
Charleston Christian Cemetery	E Lykers Rd	Charleston	C/O Carl Horton	1355 Lykers Rd.	Sprakers, NY 12166	922-7971
Chuctanunda Cemetery	Cemetery Rd	Florida	C/O William Gleason	142 Gleason Rd.	Amsterdam, NY 12010	842-1489
Chuctanunda Cemetery	Cemetery Rd	Florida	C/O John Turner	155 Buhmaster Rd.	Amsterdam, NY 12010	843-1086
Chuctanunda Cemetery	Cemetery Rd	Florida	C/O Judith Neznok, Treasurer	1051 Scotch Bush Rd.	Pattersonville, NY 12137	842-0951
Evergreen Cemetery	Martin Road	Mohawk	C/O Dave Gibson	296 Martin Rd.	Fonda, NY 12068	256-7485
Fairview Cemetery	Steadwell Ave	Hagaman	C/O Raymond Johnson	PO Box 213	Hagaman, NY 12086	842-2286
Fonda Village Cemetery	Cemetery St. Fonda	Mohawk	C/O John Wiltey	17 Putnam St.	Fonda, NY 12068	853-4301
Fordsbush Cemetery	Fordsbush Rd	Minden	C/O Dennis Cronkite	610 Fordsbush Rd.	Fort Plain, NY 13339	568-7767
Fort Plain Cemetery	Clyde St	Minden	C/O Curtis Smith	29 Clyde St.	Fort Plain, NY 13339	993-4692
Freysbush Cemetery	Walts Road	Minden	C/O Ralph Taylor	110 Honey Hill Rd., Lot 18	Fort Plain, NY 13339	993-3397
Glen Cemetery	Logtown Road	Glen	C/O Eddie Lang	218 Lang Rd.	Amsterdam, NY 12010	922-5052

<b>Name</b>	<b>Location</b>	<b>Town</b>	<b>Contact</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
Glen Cemetery	Logtown Road	Glen	C/O John Anderson	RD#1 Hughes Rd.	Fultonville, NY 12072	N/A
Glen Cemetery	Logtown Road	Glen	C/O Ralph McLaughlin	181 Olmstead Rd.	Fultonville, NY 12072	922-5221
Green Hill Cemetery	Church St	Hagaman	C/O Charles Pettengill	PO Box 225	Hagaman, NY 12086	843-3585
Maple Avenue Cemetery	Fultonville	Glen	C/O Dick Denton	PO Box 68	Fultonville, NY 12072	853-4205
Maple Avenue Cemetery	Fultonville	Glen	C/O Dick Denton	PO Box 68	Fultonville, NY 12072	N/A
Our Lady of Mt. Carmel Cemetery	Truax Road	Amsterdam (Town)	C/O Mary Califano	PO Box 699	Amsterdam, NY 12010	843-3250
Pine Grove Cemetery	Tribes Hill	Mohawk	C/O Don Parry	PO Box 3	Tribes Hill, NY 12177	829-7758
St. Casimir's Cemetery	Widow Susan Road	Amsterdam (City)	C/O Gloria Martuscello	260 E. Main St.	Amsterdam, NY 12010	842-5481
St. John's Cemetery	Widow Susan Road	Amsterdam (City)	C/O Davie Mickiewicz	40 Van Derveer St.	Amsterdam, NY 12010	842-6581
St. Johnsville Cemetery	High School St	St. Johnsville	C/O Jim Humphrey	16 Washington St.	St. Johnsville, NY 13452	N/A
St. Johnsville Cemetery	High School St	St. Johnsville	C/O Karen Crouse	16 Washington St.	St. Johnsville, NY 13452	568-2221
St. Joseph's Cemetery	Fort Johnson Veterans Dr	Amsterdam (Town)	C/O Mary Califano	PO Box 699	Amsterdam, NY 12010	843-3250
St. Mary's Cemetery	Highland Ave	Amsterdam (Town)	C/O John Persico	156 East Main St.	Amsterdam, NY 12010	842-1053
St. Michael's Cemetery	Cemetery Road	Amsterdam (Town)	C/O Mary Califano	PO Box 699	Amsterdam, NY 12010	843-3250
St. Peter & Paul's Cemetery	Route 10	Canajoharie	C/O Gene Buley	32 Walnut St.	Canajoharie, NY 13317	673-5199
St. Stanislaus Cemetery	Steadwell Drive	Amsterdam (Town)	C/O Bob Raczynski	276 Upper Steadwell Dr.	Amsterdam, NY 12010	842-4972
Van Vechten Cemetery	Pattersonville	Florida	C/O Alfred McKinley	RD #1 Box 130	Pattersonville, NY 12137	87-5123
West St. Johnsville Cemetery Association	Route 5	St. Johnsville	C/O Joseph Mastrocco	24 Ann St.	St. Johnsville, NY 13452	568-7358

# **MONTGOMERY COUNTY MASS FATALITIES INCIDENT RESPONSE PLAN**

## **APPENDIX V**

### **D-Mort Documentation Forms**

1. **VIP Personal Information**
2. **VIP/D-Mort Program Requested Records**
3. **VIP/D-Mort Jewelry Recovered**
4. **VIP/D-Mort Pathology Report/Personal Effects**
5. **VIP/D-Mort Recovered Clothing**
6. **VIP/D-Mort Pathology Exam of Remains**
7. **VIP/D-Mort Radiology Reports**
8. **VIP/D-Mort Pathology Report/Physical Characteristics**
9. **VI/D-Mort Anthropology Exam**
10. **VIP/D-Mort Fragmented Remains**
11. **VIP/D-Mort Finger print exam**
12. **AFIP/DNA Specimens**
13. **VIP/D-Mort Tracking Forms**
14. **Form B-G Description Form**

### **Montgomery Hospital Forms**

1. **Record of DOA**
2. **Expiration Information**



**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Appendix VI**

**Refrigeration Resources**

<b>Name</b>	<b>Title</b>	<b>Organization</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
Al Valcovic	Account Manager	JB Hunt	Xxxxxxxxxxxx	xxxxxxxxxxxxxxxx	736-2951 736-2965 736-2955
Maurice O'Connell	xxxxxxxxxxxxxx	CSX	Xxxxxxxxxxxxxxxxxx	xxxxxxxxxxxxxxxx	598-3216
		Beech-Nut	Church Street	Canajoharie, NY 13317	
		School House Pools	Riverside Drive	Fultonville NY 12072	

**MONTGOMERY COUNTY  
MASS FATALITIES  
INCIDENT RESPONSE PLAN**

**Appendix VII**

**Montgomery County Support Agencies**

<b>Name</b>	<b>Title</b>	<b>Organization</b>	<b>Street Address</b>	<b>City, State, Zip Code</b>	<b>Phone</b>
Jim Gumaer	Director of Community Services	Mental Health Department	427 Guy Park Ave.	Amsterdam, NY 12010	
John Kelly	Director of Mental Health Services	St Mary's Hospital	427 Guy Park Ave.	Amsterdam, NY 12010	
	Information & Referral Line	Mental Health Association			800-734-5864
	Crisis Hotline	Mental Health			518-842-9111
		NYS Office of Mental Health			800-597-8481
Clergy					See local phone book
Sharon Thomas		Fulmont Community Action			518-853-3011
		Salvation Army			518-725-4119
		United Way			518-842-6650
Kim Conboy	Director	Public Health	20 Park Street, PO Box 1500	Fonda, NY 12068-1500	518-853-3531
Larry Delamater		Red Cross	33 Everett Rd	Albany NY, 12205	518-458-8111
		Homeland Security	1220 Washington Ave	Albany NY	

## Montgomery County Resource List

<b>AIRLINES</b>	
Johnstown Airport	518-762-0220
Saratoga County Airport (Ballston, New York)	518-885-5354
Albany International (Albany, N.Y.)	518-242-2200
Stewart Air Force Base (Newburg, N.Y.)	845-563-2355
Delta	1-800-221-1212
US Air	1-800-428-4322
United	1-800-241-6522
American	1-800-433-7300
LaGuardia	718-565-3900
JFK International	718-244-4335
<b>AMBULANCE</b>	
AAA Advanced Air Ambulance	1-800-633-3590
<b>AMERICAN RED CROSS</b>	
NYS Headquarters	800-733-2767
National Headquarters	202-737-8300
Adirondack District	518-458-8111
<b>AMTRAK</b>	
General Information	800-872-7245
Amtrak Police	800-331-0008
<b>ANTHROPOLOGIST</b>	
A.F.I.P.	202-782-2204
<b>ARMED FORCES INSTITUTE OF</b>	
	301-319-0000
<b>ATTORNEY GENERAL</b>	
NYS Regional Office	518-884-4766
Montgomery County Attorney	518-843-1300
<b>AUTOMOBILE RENTALS</b>	
AVIS	800-331-1212
Budget	800-527-0700
Hertz	800-654-3131
National	800-227-7368
<b>BATTERIES</b>	
Interstate Battery Co.	518-464-1878
<b>BIO-HAZARD DISPOSAL SUPPLIES</b>	
BFI (Albany)	518-785-7030
Envirotech of America (Syracuse)	800-448-3851
<b>BODY BAGS</b>	
Dodge Chemical Co.	617-661-0500
Hydrol Chemical Co.	800-345-8200
TFS Supply	800-288-9166

Bralin MFG	800-541-3126
* See list of local Funeral Homes	
<b>BODY TAGS</b>	
ASSOCIATED BAG CO.	800-926-6100
<b>BUSES</b>	
Adirondack Trailways	518-584-0911
Arrow Bus Line	800-321-2776
Browns Transportation	518-853-3224
<b>COMMUNICATIONS</b>	
Verizon	518-471-6131
<b>COUNTY OFFICES</b>	
County Attorney	518-843-1300
Computer Services	518-853-8169
County Clerk	518-853-8111
District Attorney	518-853-8250
Emergency Services	518-853-4011
Health Department	518-853-3531
Mental Health	518-841-7367
Sheriff	518-853-5500
Social Services	518-853-4646
Treasurer	518-853-8175
Weather Info.	518-436-4791
<b>DISASTER MORTUARY TEAMS</b>	
NYS TEAM	518-452-8230
National Disaster (D-MORT)	800-872-6367
<b>FILM DEVELOPING</b>	
<b>FINGERPRINT TECHNICIANS</b>	
Montgomery Co. Sheriff	518-853-5510
NYS Police	518-783-3211
FBI (Albany)	518-465-7551
<b>FOOD &amp; BEVERAGES</b>	
Quandts Foods (Amsterdam)	518-842-1550
<b>NATIONAL FUNERAL DIRECTORS ASSO.</b>	800-228-6332
FAX	262-789-6977
NYSED Association	800-291-2629
NYS Albany Office	800-452-8230
FAX	518-452-9667
<b>TRANSPORTATION</b>	
NYS Transportation	914-575-6157
<b>HAZ-MAT</b>	
National Pesticide Network	800-424-9300
EPA Region 3	800-585-7372

National Response Center	914-256-3142
<b>HELICOPTERS</b>	<b>800-457-7362</b>
Fort Drum	800-424-8802
NYS Police	518-242-4500
New England Helicopters	914-496-7928
Med Flight (Life Net)	800-525-6663
<b>HOSPITALS</b>	
Albany Medical	518-262-3125
Albany VA Hospital	518-462-3311
Amsterdam Memorial	518-842-3100
Ellis Hospital (Schenectady)	518-243-4000
Glens Falls	518-792-3151
St. Peters Hospital (Albany)	518-525-1550
St. Mary's Hospital (Amsterdam)	518-842-1900
Saratoga Hospital	518-587-3222
<b>HOTELS &amp; MOTELS</b>	
American Best – Amsterdam	518-843-5760
Econo Lodge – Fultonville	518-853-4511
Palatine Motel – Palatine Bridge	518-673-1050
Poplars Inn – Fultonville	(FAX) 518-853-4521
Riverside Motel – Fultonville	518-853-3314
Roadway Inn – Palatine Bridge	518-673-3233
<b>IDENTIFICATION BADGES</b>	
Montgomery County Sheriff Dept.	518-853-5510
Montgomery County Emergency Management Office	518-853-4011
NYS Police	518-853-3720
<b>LAUNDRY SERVICES</b>	<b>See Hospitals</b>
<b>MEDIA</b>	<b>(see attached list)</b>
<b>MEDICAL DOCTORS</b>	<b>See Telephone Directory</b>
<b>MILITARY</b>	
Air Force Mortuary Operation Center	880-531-5803
Coast Guard (National)	800-424—8883
Dept. of the Navy	914-462-1116
NY Air National Guard	800-205-6549
<b>NATIONAL TRANSPORTATION SAFETY BOARD</b>	<b>202-314-6100</b> <b>202-314-6110 – fax</b>
<b>NYS OFFICES</b>	
Attorney General	518-474-7125
Commission of Investigation	212-577-0700
Comptroller	518-482-7151
Emergency Management (SEMO)	518-457-220
FAX	518-457-9930
Environmental Health	800-458-1158
Environmental Health District Office	315-866-6879

Governors Office - Albany	518-474-8390
Manhattan	212-681-4580
Fax	518-457-9930
Health Department – Duty Officer	1-866-881-2809
Health Dept. Funeral Division	518-404-0786
Fax	518-453-1973
<b>NEW YORK STATE OFFICES</b>	
Insurance Department	800-342-3736
Mental Health (Montgomery Co.)	518-841-7367
<b>OSHA</b>	<b>518-464-6742</b>
Professional Licensing Verification	518-474-3817
Thruway Authority	518-436-2818
Weather Information	914-485-1390
<b>OFFICE EQUIPMENT &amp; SUPPLIES</b>	
Kimberly Scott Inc.	518-798-4091
Staples	518-435-9920
Office Max	800-788-8080
Sealy Conover	518-842-1720
St. Mary's Hospital	518-842-1900
<b>PATHOLOGIST</b>	
Armed Forces Institute of Pathology	301-319-0000
*See Hospitals	
<b>PROTECTIVE CLOTHING</b>	
Lab Safety Supply	800-356-0783
Atomic Products	516-878-1014
Standard Safety Products	312-359-1400
Intrex Corp	800-225-5910
NYS Police	518-7833211
MC Public Health	518-853-3531
St. Mary's Hospital	518-842-1900
<b>RADIATION</b>	
St. Mary's Hospital	518-842-1900
Dept. of Energy Radiological Assistance	516-345-2200
Reacts Oakridge TN	615-576-0117
Nuclear Regulatory Commission NRC	215-337-5000
<b>REFRIGERATED TRUCKS -Additional</b>	
Northway Storage Trailers (Glens Falls)	518-793-7111
Arnoff Storage Trailers	800-734-4115
Transportation Logistics (Malta)	800-633-6683
	518-373-7068
<b>URBAN SEARCH &amp; RESCUE</b>	
DOD First Army	410-677-2610
National Urban Search & Rescue	703-222-6277

Search Dogs	201-766-7123
MC Sheriff's Office	518-853-5500
St. Johnsville Fire Department Dive Team	518-853-5500
Canajoharie/Rural Grove FD Search & Rescue Team	518-853-5500
<b>US GOVERNMENT</b>	
Armed Forces Institute of Pathology	202-319-0000
Federal Bureau of Investigation	202-324-3000
	202-324-6700
US Forestry Service	215-975-4017
US Corps of Engineers	212-264-0162
US Geological Survey	703-648-6787
US Interstate Commerce Commission	212-264-1072
Federal Aviation Administration	718-553-1919
<b>WEATHER</b>	
US Regional	516-224-0111
Fax	516-244-0167
24 hr. Disaster	809-253-4500
National Hurricane Center	202-606-4152
<b>X-Ray Equipment</b>	
X-Ray Optical Systems (Albany)	518-464-3337
Angio Dynamics – Glens Falls	518-798-1215
Schiring Imaging – Vermont	800-833-6551
Summit Imaging – Glens Falls	518-798-0886
St. Mary's Hospital	518-842-1900

## **OUTLINE FOR LOCAL RESOURCE LIST**

Airlines  
Ambulance  
American Red Cross  
Amtrak  
Anthropologist  
Architects  
Attorney General  
Automobile Rental Companies  
Bio-Hazard Disposal Supplies  
Body Bags  
Body Handlers  
Body Tags  
Buses  
Chairs & Tables  
Cleaning supplies  
Clergy  
Computers  
Commercial Contractors  
Copier  
Day Care  
Dental Personnel  
Disaster Offices  
Disaster Mortuary Teams  
Engineers  
Environmental  
Fax Machines  
Film & Developing  
Fingerprint Technicians  
Fire Department  
Food & Beverage  
Funeral Directors Association  
Haz-Mat  
Helicopters  
Health Care Facilities  
Hotels/Motels  
Identification Badges  
Laundry Services  
Media  
Medical Examiners  
Medical Doctors  
Military  
NYS Office

Office Equipment & supplies  
County & City Government Offices  
Pathologist  
Radiation  
Refrigerated Trucks  
Search & Rescue  
Personal Sanitary Facilities  
Weather Centers  
X-Ray Equipment  
Funeral Director Assn. Listings  
Industrial Supplier Listing

\*List to be reviewed annually





# VIP Personal Information

Page 1 of 8

Last Name		Suffix		First		Initial		Sex	If Female/Maiden Name	Age
DOB		Race		Social Security # / Other		Birth City		State/Country		Birth Hospital
MM / DD / YYYY										
Address			Apt #		City		State		Zip	
County		Country		Inside City Limits		Religious Preference				
Education: level completed. Elem/Second (0-12): College Degree Earned:										
Alias 1			Last		First		Middle		Alias 2	
Phone (H)			Phone (W)			Phone (Cell)				
Marital Status		<input type="radio"/> Married <input type="radio"/> Never Married <input type="radio"/> Widowed <input type="radio"/> Divorced <input type="radio"/> Separated <input type="radio"/> Unknown						Wedding Date		
								( MM / DD / YYYY )		
Spouse								<input type="radio"/> Living <input type="radio"/> Deceased <input type="radio"/> Unknown		
		Last		Suffix		Maiden/Birth name		First		Middle
Father								<input type="radio"/> Living <input type="radio"/> Deceased <input type="radio"/> Unknown		
		Last		Suffix		First		Middle		
Mother								<input type="radio"/> Living <input type="radio"/> Deceased <input type="radio"/> Unknown		
		Last		Maiden/Birth name		First		Middle		
Legal Next of Kin								Home		
		Last		First		Middle				
Address								Work		
City		State		Zip		On Site/Cell Phone				
Relationship:		<input type="radio"/> Wife <input type="radio"/> Husband <input type="radio"/> Father <input type="radio"/> Mother <input type="radio"/> Brother <input type="radio"/> Sister <input type="radio"/> Son <input type="radio"/> Daughter <input type="radio"/> Employer <input type="radio"/> Friend <input type="radio"/> Other								
Permanent Contact										
		Please place name and contact info here.								
		Please place other here								
Contact 1						Relationship				
	Last		First		Middle	Suffix	<input type="radio"/> Wife <input type="radio"/> Daughter			
							<input type="radio"/> Husband <input type="radio"/> Employer			
							<input type="radio"/> Father <input type="radio"/> Friend			
							<input type="radio"/> Mother <input type="radio"/> Other			
							<input type="radio"/> Brother			
							<input type="radio"/> Sister			
							<input type="radio"/> Son			
	Home Phone		Work Phone		Cell Phone		email			
	Date of Initial Contact				Type of Initial Contact					
Contact 2						Relationship				
	Last		First		Middle	Suffix	<input type="radio"/> Wife <input type="radio"/> Daughter			
							<input type="radio"/> Husband <input type="radio"/> Employer			
							<input type="radio"/> Father <input type="radio"/> Friend			
							<input type="radio"/> Mother <input type="radio"/> Other			
							<input type="radio"/> Brother			
							<input type="radio"/> Sister			
							<input type="radio"/> Son			
	Home Phone		Work Phone		Cell Phone		email			
	Date of Initial Contact				Type of Initial Contact					
Contact 3						Relationship				
	Last		First		Middle	Suffix	<input type="radio"/> Wife <input type="radio"/> Daughter			
							<input type="radio"/> Husband <input type="radio"/> Employer			
							<input type="radio"/> Father <input type="radio"/> Friend			
							<input type="radio"/> Mother <input type="radio"/> Other			
							<input type="radio"/> Brother			
							<input type="radio"/> Sister			
							<input type="radio"/> Son			
	Home Phone		Work Phone		Cell Phone		email			
	Date of Initial Contact				Type of Initial Contact					



# VIP Personal Information

Page 2 of 8

Name \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Last Suffix First Initial Age

Height: \_\_\_\_\_ Approx. Weight (Pounds): \_\_\_\_\_

Hair Information

**Hair Color** ☐ Auburn ☐ Brown ☐ Gray ☐ Salt & Pepper ☐ Other  
☐ Blonde ☐ Black ☐ Red ☐ White Please place other here

**Hair Length** ☐ Bald ☐ Shaved ☐ Short < 3" ☐ Medium ☐ Male Pattern Baldness: ☐ Long

**Hair Accessory** ☐ Extensions ☐ Hair Piece ☐ Hair Transplant ☐ Wig

**Hair Description** ☐ Curly ☐ Wavy ☐ Straight ☐ N/A ☐ Other: ☐

**Facial Hair Type** ☐ Clean Shaven ☐ Beard & Moustache ☐ Goatee ☐ Sideburns ☐ N/A  
☐ Moustache ☐ Beard ☐ Stubble ☐ Lower Lip

**Facial Hair Color** ☐ Blonde ☐ Black ☐ Red ☐ White **Facial Hair Notes**  
☐ Brown ☐ Gray ☐ Salt & Pepper

Eye Info

**Eye Color** ☐ Blue ☐ Green ☐ Gray ☐ Other **Color/Descrip:** \_\_\_\_\_  
☐ Brown ☐ Hazel ☐ Black

**Optical Lens** ☐ Contacts ☐ Glasses ☐ Implants ☐ None **Desc.** \_\_\_\_\_

**Eye Status** ☐ Missing R ☐ Missing L ☐ Glass R ☐ Glass L ☐ Cataract ☐ N/A

NAIL Info

**Fingernail Type** ☐ Natural ☐ Artificial ☐ Unknown **Length** ☐ Extremely Long ☐ Long ☐ Medium ☐ Short

**Fingernail Color** \_\_\_\_\_ **Description** \_\_\_\_\_

**Characteristics** ☐ Bitten ☐ Decorated ☐ Misshapen ☐ Yellowed/Fungus ☐ N/A

**Toenail Color** \_\_\_\_\_ **Toenail description** \_\_\_\_\_

**Characteristics** ☐ Bitten ☐ Decorated ☐ Misshapen ☐ Yellowed/Fungus ☐ N/A

**Body Piercing(s)?** ☐ Yes ☐ No **Photos?** ☐ Yes ☐ No **Photo Location** \_\_\_\_\_

#	Location	Side	Quantity	Description (include evidence of old piercings)	Photo
1	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____

**Tattoo(s)** ☐ Yes ☐ No **Photos?** ☐ Yes ☐ No **Photo Location** \_\_\_\_\_

#	Location	Side	Description
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____



# VIP Personal Information

Page 3 of 8

Dental Info

Name \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Last Suffix First Initial Age  
Dentist \_\_\_\_\_  
Address \_\_\_\_\_  
City State Zip  
Phone 1 \_\_\_\_\_  
Additional Dental Information/2nd Dentist: \_\_\_\_\_

☐ Unknown ☐ Never Went  
☐ Dental Work ☐ Partial  
☐ Dentures ☐ Tooth Jewelry  
☐ Both  
☐ Braces

Physician Info

Physician \_\_\_\_\_  
Address \_\_\_\_\_  
Address 2 \_\_\_\_\_  
City State Zip  
Phone 1 Phone 2  
Email \_\_\_\_\_

Practice Name \_\_\_\_\_  
Physician Type \_\_\_\_\_  
Seen for \_\_\_\_\_  
Records Requested ☐ Yes ☐ No  
Records Obtained ☐ Yes ☐ No

Medical Radiographs? Physician(s) \_\_\_\_\_  
☐ Yes ☐ No ☐ Unknown Address \_\_\_\_\_

Medical Radiographs Location	Potential Type of Radiographs - and dates taken if known
_____	_____
_____	_____
_____	_____

Old Fractures: ☐ Yes ☐ No \_\_\_\_\_  
Description: \_\_\_\_\_

Objects in Body: ☐ Pacemaker ☐ Bullets ☐ Implants ☐ Needles ☐ Shrapnel ☐ Other \_\_\_\_\_  
Please place other objects here

Surgery ☐ Gall Bladder ☐ Tracheotomy ☐ Caesarean ☐ Reconstructive ☐ Other \_\_\_\_\_  
☐ Appendectomy ☐ Laparotomy ☐ Mastectomy ☐ Open heart  
Please place other surgery here

Diabetic? ☐ Yes ☐ No ☐ Unknown If Female / pregnancy in the past 12 months ? ☐ Yes ☐ No ☐ Unknown

Unique Characteristics Description of: Scars, Operations, birthmarks, burns, missing organs, amputations, other special characteristics  
☐ Yes ☐ No \_\_\_\_\_

Prosthetic Location/Description  
Prosthetic(s) \_\_\_\_\_  
☐ Yes ☐ No \_\_\_\_\_

Additional Information



# VIP Personal Information

Page 4 of 8

Name \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Last Suffix First Initial Age

Group Status: ☐ Alone ☐ Group Group Type: \_\_\_\_\_ Fam/Grp Name: \_\_\_\_\_  
Family, Church Group, Sports, Military If Family Group, list names here

Last seen with \_\_\_\_\_

Last location victim was seen \_\_\_\_\_

Military Service ☐ Yes ☐ No ☐ Unknown Military DNA Taken: ☐ Yes ☐ No ☐ Unknown

Country \_\_\_\_\_ Service #: \_\_\_\_\_

Approximate Service Date \_\_\_\_\_ Military Branch \_\_\_\_\_

Ever Finger Printed: ☐ Yes ☐ No Immigration Status \_\_\_\_\_ Resident Alien Card (Green Card) ☐ Yes ☐ No

☐ Fingerprints ☐ Footprints Ever been Arrested \_\_\_\_\_ Arrested By: \_\_\_\_\_

Print located \_\_\_\_\_

Usual Occupation: \_\_\_\_\_ Type of Business \_\_\_\_\_

Employer \_\_\_\_\_ Phone \_\_\_\_\_

Employer Address \_\_\_\_\_

Please list last employer if retired. Additional employers enter in additional data section

List memberships: Clubs, Fraternities, etc.

Additional Data



# VIP Personal Information

Page 5 of 8

Name \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Last Suffix First Initial Age

WATCH:

#	Type/ Make	Band Material/ Color	Description	Inscription Photo Available
1				<input type="radio"/> Yes <input type="radio"/> No
2				<input type="radio"/> Yes <input type="radio"/> No

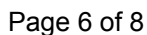
Gold color is denoted by yellow, silver color is denoted by white

JEWELRY:

#	Jewelry/ Type/style	Material Color/ Stone Color	Size / Where Worn/ Frequently Worn?	Description	Inscription Photo Available
1			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
2			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
3			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
4			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
5			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
6			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
7			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
8			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No
9			<input type="text"/> <input type="text"/> <input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No

## Other Commonly Carried Personal Effects

Cell phone ☐ Yes ☐ No ☐ Unknown Cell phone type: \_\_\_\_\_ Service provider: \_\_\_\_\_  
Cell phone number \_\_\_\_\_ Cell phone description \_\_\_\_\_





## VIP Personal Information

Page 7 of 8

Name \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Last Suffix First Initial Sex

### Potential Living Biological Donors

All Biololgical Relatives of Missing Individual----Mother/Father/Spouse/Sister/Brother/Children/Uncle/Aunt/Cousin

1	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	
2	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	
3	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	
4	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	
5	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	
6	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	
7	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	
8	Last Name	First Name	Middle Name	Email	DOB	Sex			
	Relationship	Address	City	State	Zip	Phone 1	Phone 2	Phone 3	

#### Primary donor for Nuclear DNA Analysis

An “appropriate family member” for **nuclear DNA Analysis** is someone that is biologically related to and only one generation removed from the deceased. The following are the family members who are appropriate donors to provide reference specimens, and in the order of preference (family members highlighted in bold print are the most desirable):

1. Natural (Biological) **Mother and Father**, AND
2. **Spouse** and Natural (Biological) **Children**, AND
3. A Natural (Biological) Mother or Father and victim’s biological children, OR
4. Multiple Full Siblings of the Victim (i.e., children from the same Mother and Father)



## VIP Personal Information

Page 8 of 8

Name \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Last First Middle

Interview\_Location \_\_\_\_\_ Interview\_Date \_\_\_\_\_ Interview\_Time \_\_\_\_\_  
(MM/DD/YYYY)

### Interviewer Info:

Interviewer Name \_\_\_\_\_  
First Last

Interviewing\_Organization \_\_\_\_\_

### Interviewer Home Information

Interviewer Address: \_\_\_\_\_  
Street, City State, Zip

Interviewer home phone: \_\_\_\_\_

Interviewer cell phone: \_\_\_\_\_

Interviewer work phone: \_\_\_\_\_

### Interviewer On-Site Information

Interviewer on-site address \_\_\_\_\_  
Street, Hotel, Room #

Interviewer on-site phone: \_\_\_\_\_

Interviewer on-site cell: \_\_\_\_\_

### **Reviewer Info:**

Reviewer Name \_\_\_\_\_

Reviewer Signature \_\_\_\_\_

Reviewing agency \_\_\_\_\_





# Site Recovery Record

To be used in the field to document original findings.

Please insert this field sheet in to the appropriate Disaster Victim Packet

Please document all information. A proper positive identification begins NOW with YOU. NOT all fields will be appropriate for all situations.  
Please complete all that are appropriate AND PUT A LINE OR N/A in the ones that you have no information for:

**Date of recovery** \_\_\_\_\_

**Time** \_\_\_\_\_

MM/DD/YYYY

24 hour format

**Body Bag #** \_\_\_\_\_

**Found In  
(Grid Number)**

**Place body found** \_\_\_\_\_

**Condition of  
Remains**

- ☐ No Major Outward Damage    ☐ Incomplete Remains  
☐ Obvious trauma    ☐ Water/Environmental Decay  
☐ Burning/Charring present

**Position  
found in:** \_\_\_\_\_

**Associated  
with Material:**

☐ Vehicle Parts    ☐ Personal Effects    ☐ Unknown Material

**Field Comments**

**Do we have a presumptive identification? If so, who do  
you think this may be? Please note in the field comments  
area WHY you believe this is a presumptive ID.**

\_\_\_\_\_  
Last

\_\_\_\_\_  
First

\_\_\_\_\_  
(MM/DD/YYYY)

**Number of Photo's Taken in the field:** \_\_\_\_\_

**Recovery Team Leader and members** (please list everyone on the team)

**Transported to Morgue by:** \_\_\_\_\_

**Time Received at Morgue** \_\_\_\_\_

**Location of Remains at Morgue** \_\_\_\_\_



# VIP/DMORT Program

To be attached to the front of each Disaster Victim Packet

## Tracking Form

Incident Name \_\_\_\_\_

Body Bag # \_\_\_\_\_

Presumptive Name: Presumptive SSN \_\_\_\_\_

Open Field # \_\_\_\_\_

Last Name

First Name

Presumed DOB

RFID # \_\_\_\_\_

Person performing station function must check and sign below when completed. "No" represents that this station function could not be performed.

Processing Station:

Rep Initial Section Rep. Signature:

Date of Exam

Admitting ☐ Yes ☐ No

Personal Effects ☐ Yes ☐ No

Photography ☐ Yes ☐ No

Body Radiography ☐ Yes ☐ No

Fingerprint ☐ Yes ☐ No

Anthropology ☐ Yes ☐ No

Pathology ☐ Yes ☐ No

Embalming ☐ Yes ☐ No

DNA ☐ Yes ☐ No

Dental Examination ☐ Yes ☐ No

Dental Photography ☐ Yes ☐ No

Dental Radiology ☐ Yes ☐ No

Exit Morgue ☐ Yes ☐ No

Tracker's Name

After Processing Location

- ☐ Anthropology
- ☐ Radiographic
- ☐ Dental Records
- ☐ Fingerprints
- ☐ Pathology
- ☐ Personal Effects
- ☐ Photography
- ☐ DNA
- ☐ Field Case Notes

Comments

This bag produced bag #'s:

Photo's:

Also included in this file:

NUMBER OF DENTAL PHOTOS

NUMBER OF PERSONAL EFFECTS PHOTOS

NUMBER OF SPECIMAN PHOTOS

Creation\_TimeStamp

PMinfo#



# AFIP/DNA SPECIMEN TAKEN

Incident Location

Incident Name

Body Bag # DATE OF SPECIMEN PROCUREMENT

EXAMINER1

EXAMINER 2

☐

NOT SUITABLE FOR TYPING - NO SPECIMEN TAKEN

If not, why?

☐

ENTIRE SPECIMEN TAKEN

☐

PORTION OF SPECIMEN TAKEN - DESCRIPTION OF SPECIMEN TAKEN (INCLUDE SIZE)

☐

HOLD (NOTES ON HOLD)

ADDITIONAL INFORMATION





# VIP/DMORT Program FINGERPRINT EXAM FORM

Incident Location \_\_\_\_\_ Incident Name \_\_\_\_\_

Body # \_\_\_\_\_ Date of Exam \_\_\_\_\_

Examiner 1

Examiner 2

Condition of Body  
Burned, mutilated,  
etc

Finger Printed

(LIST FINGERS  
PRINTED)

If not, why?

Footprint available

☐ Yes ☐ No

4/10/2002



# VIP/DMORT Program

## Pathology Report Recovered Clothing Description Incident Name \_\_\_\_\_

AK Body #	Coroner Case #	First Name	MI	Last Name	Location
Item	Color	Size	Style	Material	Manufacturer
Dress					
Blouse					
Hose					
Slip					
Girdle					
Bra					
Skirt					
Shirt					
Tie					
Undershirt					
Hat					
Jacket					
Gloves					
Sweatshirt					
Coat					
Sweater					
Blazer					
Suit Jacket					
Vest					
Slacks					
Shorts					
Shoes					
Boots					
Socks					
Underpants					
Belt					
Belt Buckle Description					
Belt Buckle Inscription					
Other Clothing: (List significant descriptions)					
Dry Cleaning Marks Description			Laundry Marks Description		
Tobacco Smoker    Tobacco Product			Tobacco Brand		What Fingers Stained
<input type="radio"/> Yes <input type="radio"/> No					



# VIP/DMORT Program

## Pathology Report Personal Effects

Body Bag# \_\_\_\_\_

### Rings

### Stone Color

Size \_\_\_\_\_

☐ None ☐ 2 ☐ 4  
☐ 1 ☐ 3 ☐ 5

☐ Clear ☐ Blue ☐ Gray ☐ Green ☐ Red ☐ Turquoise  
☐ White ☐ Lt Blue ☐ Lt Green ☐ Black ☐ Yellow ☐ Jade ☐ Garnet

### Wedding Ring

Number of Stones ☐ None ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

### Description on Tracking Form

#### Inscription

### Additional Rings Description

### Additional Rings Inscription

### Misc Jewelry Description

### Misc Jewelry Description

Watch Brand ☐ Yes ☐ No

Band Color \_\_\_\_\_

Description on Tracking Form

Inscription \_\_\_\_\_

### Necklace

Description on Tracking Form

Inscription \_\_\_\_\_

### Religious Medal

Description on Tracking Form

Inscription \_\_\_\_\_

### Wallet

Description on Tracking Form

Contents \_\_\_\_\_

### Purse

Description on Tracking Form

Yes

No

Contents \_\_\_\_\_

CURRENCY:

### MISC ITEMS FOUND:

Currency found

Misc personal effects

4/10/2002



# VIP/DMORT Program

## Jewelry Recovered Description

Post Mortem Records

Body #

Location

Description on Tracking Form

Inscription

Ankle Bracelet

Belt Buckle

Bracelet

Cuff Links

Necklace

Religious Medal

Misc Jewelry

Tie Clip

Ear Ring Location    ☐ Both    ☐ Right    ☐ Left    ☐ More than one right    ☐ More than one left

Ear Ring Description





# VIP/DMORT Program

AK Body # \_\_\_\_\_

## Anthropology Examination Form

Date of Exam 5/9/2003

Coroner # _____	Decedent: _____ (First, middle, last)
Sex _____	Age _____ Race _____ (Do not enter info in this box)

Estimate age \_\_\_\_\_

Anthropology estimated information in this area.

Age narrow lower \_\_\_\_\_ Age narrow upper \_\_\_\_\_ 95% Lower limits: \_\_\_\_\_ 95%Upper limits: \_\_\_\_\_

Stature \_\_\_\_\_ (in Inches) Anthro sex ☐ Male ☐ Female ☐ Unknown ☐ Male possible ☐ Female possible

## Ancestry Skeletal

- ☐ Caucasoid ☐ Asian ☐ Hispanic ☐ Other  
☐ Negroid ☐ American Indian ☐ Unknown

## Skeletal Robusticity

- ☐ Gracile ☐ Robust  
☐ Intermediate ☐ Indeterminate

## Present Parts

<input type="checkbox"/> Cranium	<input type="checkbox"/> Partial R Upper Arm	<input type="checkbox"/> L Forearm	<input type="checkbox"/> Partial R Lower Leg	<input type="checkbox"/> L Foot
<input type="checkbox"/> Partial Cranium	<input type="checkbox"/> R Forearm	<input type="checkbox"/> Partial L Forearm	<input type="checkbox"/> R Foot	<input type="checkbox"/> Partial L Foot
<input type="checkbox"/> Mandible	<input type="checkbox"/> Partial R Forearm	<input type="checkbox"/> L Hand	<input type="checkbox"/> Partial R Foot	
<input type="checkbox"/> Partial Mandible	<input type="checkbox"/> R Hand	<input type="checkbox"/> Partial L Hand	<input type="checkbox"/> L Upper Leg	
<input type="checkbox"/> Torso	<input type="checkbox"/> Partial R Hand	<input type="checkbox"/> R Upper Leg	<input type="checkbox"/> Partial L Upper Leg	
<input type="checkbox"/> Partial Torso	<input type="checkbox"/> L Upper Arm	<input type="checkbox"/> Partial R Upper Leg	<input type="checkbox"/> L Lower Leg	
<input type="checkbox"/> R Upper Arm	<input type="checkbox"/> Partial L Upper Arm	<input type="checkbox"/> R Lower Leg	<input type="checkbox"/> Partial L Lower Leg	

## Unique Skeletal Features (Pathology, Healed Trauma, Non-metric Traits, Etc.)

<input type="checkbox"/> Cranium	<input type="checkbox"/> Partial R Upper Arm	<input type="checkbox"/> L Forearm	<input type="checkbox"/> Partial R Lower Leg	<input type="checkbox"/> L Foot
<input type="checkbox"/> Partial Cranium	<input type="checkbox"/> R Forearm	<input type="checkbox"/> Partial L Forearm	<input type="checkbox"/> R Foot	<input type="checkbox"/> Partial L Foot
<input type="checkbox"/> Mandible	<input type="checkbox"/> Partial R Forearm	<input type="checkbox"/> L Hand	<input type="checkbox"/> Partial R Foot	
<input type="checkbox"/> Partial Mandible	<input type="checkbox"/> R Hand	<input type="checkbox"/> Partial L Hand	<input type="checkbox"/> L Upper Leg	
<input type="checkbox"/> Torso	<input type="checkbox"/> Partial R Hand	<input type="checkbox"/> R Upper Leg	<input type="checkbox"/> Partial L Upper Leg	
<input type="checkbox"/> Partial Torso	<input type="checkbox"/> L Upper Arm	<input type="checkbox"/> Partial R Upper Leg	<input type="checkbox"/> L Lower Leg	
<input type="checkbox"/> R Upper Arm	<input type="checkbox"/> Partial L Upper Arm	<input type="checkbox"/> R Lower Leg	<input type="checkbox"/> Partial L Lower Leg	

Anthro sex based on \_\_\_\_\_

Anthro age based on \_\_\_\_\_

Anthro Ancestry  
based on \_\_\_\_\_Anthro Stature  
based on \_\_\_\_\_Anthro  
UniqueSkeletal \_\_\_\_\_Anthro Cond of  
Remains \_\_\_\_\_

Examining Anthropologist \_\_\_\_\_



# VIP/DMORT Program

## Pathology Report Physical Characteristics

Incident Name \_\_\_\_\_

Bag # \_\_\_\_\_

Sex ☐ Male ☐ Female ☐ Unk

First/MI/Last Name \_\_\_\_\_

Grid Location \_\_\_\_\_

Race ☐ African American ☐ Caucasian ☐ Hispanic ☐ Native American ☐ Asian/Pacific Islander ☐ Other

Build ☐ Gracile ☐ Robust  
☐ Intermediate ☐ Indeterminate

Height cm \_\_\_\_\_ Inches \_\_\_\_\_  
Weight kg \_\_\_\_\_ Pounds \_\_\_\_\_

Complexion ☐ Light ☐ Medium ☐ Dark ☐ Acne ☐ Tanned ☐ Olive ☐ Ruddy

Eyes ☐ Blue ☐ Green ☐ Grey ☐ Missing R ☐ Glass R ☐ Cataract R  
☐ Brown ☐ Hazel ☐ Blind ☐ Missing L ☐ Glass L ☐ Cataract L

Ear Lobes ☐ Attached ☐ Unknown  
☐ Unattached

Facial Hair ☐ Beard ☐ Beard & Moustache ☐ Moustache ☐ Clean Shaven ☐ Goatee

Facial Hair Color ☐ Blonde ☐ Brown ☐ Black ☐ Gray ☐ Red ☐ Salt & Pepper ☐ White

Facial Hair Style ☐ Bushy ☐ Full Upper Lip ☐ Whiskers Under Lower Lip ☐ Pencil Thin Upper Lip  
☐ Fu Manchu ☐ Handle Bar ☐ Mutton Chops ☐ Very long

Hair Color ☐ Auburn ☐ Blonde ☐ Brown ☐ Black ☐ Gray ☐ Red ☐ Salt & Pepper ☐ White ☐ Other

Hair Length ☐ Ex Short less than 1" ☐ Medium 4-8" ☐ Very Long 12-24" ☐ Shaved  
☐ Short 1-3" ☐ Long 8-12" ☐ Ex Long more than 24"

Hair Colored ☐ Yes ☐ No ☐ Unk Hair Accessory ☐ Wig ☐ Toupee ☐ Hair Piece ☐ Hair Transplant

Finger Nail Type ☐ Natural ☐ Artificial ☐ Unknown Length ☐ Extremely Long ☐ Long ☐ Medium ☐ Short

Characteristics ☐ Bites ☐ Deformed ☐ Dirty ☐ Mishapen ☐ Decorated ☐ Tobacco Stain

Polish Color \_\_\_\_\_

Toenail Length ☐ Extremely Long ☐ Long ☐ Medium ☐ Short

Characteristics ☐ Deformed ☐ Dirty ☐ Mishapen ☐ Decorated Toenail Color \_\_\_\_\_

Optical ☐ Glasses ☐ Contacts

Objects in Body ☐ Pacemaker ☐ Bullets ☐ Prosthetic Devices ☐ Orthopedic devices ☐ Other \_\_\_\_\_

Prosthetics \_\_\_\_\_

Circumcision ☐ Yes ☐ No ☐ Unk ☐ NA

Scars, birthmarks, deformities \_\_\_\_\_

Surgery ☐ Thoracotomy ☐ Cholecystectomy ☐ Other laparotomy ☐ Laminect  
☐ Coronary Artery Bypass ☐ Appendectomy ☐ Mastectomy \_\_\_\_\_

Smoker ☐ Yes ☐ No

Tatoos \_\_\_\_\_

Other Personal Effects \_\_\_\_\_



# VIP/DMORT Program

## Radiology Report

Body # \_\_\_\_\_

Incident Name \_\_\_\_\_

Incident Location \_\_\_\_\_

Coroner Case # \_\_\_\_\_

Date of Exam \_\_\_\_\_

Decedent: \_\_\_\_\_

(LAST, FIRST, MIDDLE)

Radiology Team  
From :

Sex \_\_\_\_\_

Age \_\_\_\_\_

Healed  
fractures

☐

Cranium

☐

R Forearm

☐

L Hand

☐

L Upper Leg

☐

Mandible

☐

R Hand

☐

R Upper Leg

☐

L Lower Leg

☐

Torso

☐

L Upper Arm

☐

R Lower Leg

☐

L Foot

☐

R Upper Arm

☐

L Forearm

☐

R Foot

Radiology Parts X-Rayed

Radiology Per Effects



# VIP/DMORT Program

## Pathology Report Recovered Clothing Description Incident Name \_\_\_\_\_

AK Body #	Coroner Case #	First Name	MI	Last Name	Location
Item	Color	Size	Style	Material	Manufacturer
Dress					
Blouse					
Hose					
Slip					
Girdle					
Bra					
Skirt					
Shirt					
Tie					
Undershirt					
Hat					
Jacket					
Gloves					
Sweatshirt					
Coat					
Sweater					
Blazer					
Suit Jacket					
Vest					
Slacks					
Shorts					
Shoes					
Boots					
Socks					
Underpants					
Belt					
Belt Buckle Description					
Belt Buckle Inscription					
Other Clothing: (List significant descriptions)					
Dry Cleaning Marks Description			Laundry Marks Description		
Tobacco Smoker    Tobacco Product			Tobacco Brand		What Fingers Stained
<input type="radio"/> Yes <input type="radio"/> No					



# VIP/DMORT Program

## Pathology Examination of Partial or Complete Remains

Bag #

Coroner Case #

Sex:

Date of Exam

☐ Male ☐ Female ☐ Unknown

Examining  
Pathologist

Morgue #

Coroner Case #

### General Description

Est Race

☐ Caucasoid ☐ Negroid ☐ Asian ☐ American Indian ☐ Hispanic ☐ Unknown ☐ Other

Est Height Inches

Est Wt Pounds

Consists Of:

Specimen Wt

Dimensions


### Head

Scalp Hair

☐ Black ☐ Lt Brown ☐ Gray ☐ Red /Auburn ☐ Other  
☐ Dk Brown ☐ Blonde ☐ White ☐ Gray/White

Hair Length  
Style

☐ >24" ☐ 8-12" ☐ 1-3" ☐ Straight ☐ Curly  
☐ 12-24" ☐ 4-8" ☐ <1" ☐ Wavy ☐ Tightly curled

Other

Facial Hair  
Color

☐ Black ☐ Lt Brown ☐ Gray ☐ Red /Auburn ☐ Other  
☐ Dk Brown ☐ Blonde ☐ White ☐ Gray/White

Facial Hair  
Type

☐ Beard ☐ Other (describe)  
☐ Moustache  
☐ Clean Shaven

Ears ☐ Left Ear Pierced Yes No # ☐ Right Ear Pierced ☐ Yes ☐ No #

Pierced other:

Teeth Present? ☐ Yes ☐ No

Additional head and neck exam remarks:


### Torso

☐ Viscera Identifiable




# Pathology Exam Form Page 2 of 2

Bag # \_\_\_\_\_

Sex

☐ Male ☐ Female ☐ Unknown

Date of Exam \_\_\_\_\_

## Genitalia

Ext ☐ Male ☐ Female ☐ Indeterminate ☐ Penis Circumcised ☐ Penis Uncircumcised ☐ Penis Indeterminate

Internal ☐ Testis Left ☐ Testis Right ☐ Uterus ☐ Tubes Left ☐ Tubes Right ☐ Ovaries Left ☐ Ovaries Right

## Extremities

Extremity  
Remarks

<input type="radio"/> Rt Upper	<input type="radio"/> Arm	<input type="radio"/> Forearm	<input type="radio"/> Hand	# Fingers	_____	Fingernails/Polish	_____
<input type="radio"/> Left Upper	<input type="radio"/> Arm	<input type="radio"/> Forearm	<input type="radio"/> Hand	# Fingers	_____	Fingernails/Polish	_____
<input type="radio"/> Rt Lower	<input type="radio"/> Thigh	<input type="radio"/> Leg	<input type="radio"/> Foot	# Toes	_____	Toenails/Polish	_____
<input type="radio"/> Left Lower	<input type="radio"/> Thigh	<input type="radio"/> Leg	<input type="radio"/> Foot	# Toes	_____	Toenails/Polish	_____

- ☐ Scars (other than surgical) \_\_\_\_\_  
☐ Birthmarks \_\_\_\_\_  
☐ Deformities (non peri-mortem) \_\_\_\_\_

☐ Tattoos \_\_\_\_\_

Objects in Body ☐ Pacemaker ☐ Bullets ☐ Prosthetic Devices ☐ Orthopedic devices ☐ Other

Prosthetics List manufacturer, serial numbers, and other identifying features:

## Surgery

- |  |                                       |  |                                   |
|--|---------------------------------------|--|-----------------------------------|
| <input type="radio"/> Thoracotomy            | <input type="radio"/> Cholecystectomy | <input type="radio"/> Other laparotomy | <input type="radio"/> Laminectomy |
| <input type="radio"/> Coronary Artery Bypass | <input type="radio"/> Appendectomy    | <input type="radio"/> Mastectomy       |                                   |

Personal Effects

Brief

☐ Yes ☐ No

Description

Optical

☐ Glasses

☐ Contacts

☐ Clothing

(See Clothing Form)

## Additional Information

# ***Attachment to Resolution***

**2008 – Resolution 295**





TOTAL SCORE: \_\_\_\_\_

**Montgomery County Employee Performance Appraisal Form**

EMPLOYEE NAME: \_\_\_\_\_

HIRE DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

RATING PERIOD FROM: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

TO: \_\_\_\_\_

ANNUAL: \_\_\_\_\_

PROBATIONARY: \_\_\_\_\_

**Rating Key:**

- 1 = Below Average:** Performance is deficient in meeting the position requirements as required.  
**2 = Average:** Employee is acceptable and has achieved position requirements.  
**3 = Above Average:** Employee is above position requirements.  
**4 = Outstanding:** Performance exceeds position requirements.

**Using the above key, rate the following categories from 1 to 4**

	Outstanding	Above Average	Average	Below Average
<b>1. Quality of Work</b> Accuracy of work				
<i>Comments:</i> _____				
_____				
_____				
<b>2. Work Habits</b> Ability to organize & prioritize job tasks				
<i>Comments:</i> _____				
_____				
_____				
<b>3. Safety / Accidents</b> The condition of being safe; freedom from danger, risk or injury. An unexpected and undesirable event.				
<i>Comments:</i> _____				
_____				
_____				
<b>4. Attitudes / Courtesy</b> Attitudes towards job tasks / assignments				
<i>Comments:</i> _____				
_____				
_____				
<b>5. Ability to Accept Responsibility</b> Ability to take on more difficult tasks				
<i>Comments:</i> _____				
_____				
_____				
<b>6. Dependability</b> Ability to do required job tasks well with a minimum of supervision				
<i>Comments:</i> _____				
_____				
_____				
<b>7. Resourcefulness</b> Self-reliance adaptability, versatility, initiative				
<i>Comments:</i> _____				
_____				
_____				
_____				

Employee Name: \_\_\_\_\_

	Outstanding	Above Average	Average	Below Average
<b>8. Cooperativeness</b> Ability / willingness to work cooperatively with co-workers, other agencies & the public				

Comments: \_\_\_\_\_

9. Attendance / Punctuality

Comments: \_\_\_\_\_

**Total Score / Overall Evaluation Results:**

9 to 12 = Employee's performance does not meet standards: termination action is recommended.

13 to 17 = Employee's performance requires the specified corrective actions by \_\_\_\_\_

18 to 25 = Employee's performance meets standards.

26 to 36 = Employee's performance exceeds standards.

Please cite some specific areas which the employee should improve upon: \_\_\_\_\_

If a Probationary employee, do you think the employee:

Is acceptable: \_\_\_\_\_ Should be continued on Probation: \_\_\_\_\_ Should be terminated: \_\_\_\_\_

Prepared By: (Supervisor) (Print) \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature

Reviewed By: (Dept. Head) (Print) \_\_\_\_\_ Date: \_\_\_\_\_

Department Head Comments: \_\_\_\_\_

Department Head Signature

Employee Comments: \_\_\_\_\_

This report was discussed with me on \_\_\_\_\_ date and a copy has been furnished to me.

CC: Personnel Officer

(Rev: 08/28/08)

Employee's Signature

# ***Attachment to Resolution***

**2008 – Resolution 391**



# Memorandum Of Agreement

By and between the COUNTY OF MONTGOMERY  
and CSEA, LOCAL 1000 AFSCME, AFL-CIO

October 17, 2008

## Negotiable Changes:

### ARTICLE II

#### 1. Section 2 – Compensation (2009-2012)

##### Replace

Effective January 1, 2004 through Effective January 1, 2008

##### With

Effective January 1, 2009, the base salary shall be increased by 3%

Effective January 1, 2010, the base salary shall be increased by 3%

Effective January 1, 2011, the base salary shall be increased by 3%

Effective January 1, 2012, the base salary shall be increased by 3%

#### 2. Remove Section 3 – Longevity Program

##### Rename Section 3 – Increment System

- a. For the purpose of this Increment System, service will be deemed continuous under the following conditions: absence from service does not exceed five (5) years and resulted from one of the following – personal illness, accident, educational pursuits, military service, or lack of work.
- b. Eligibility: An employee will be eligible for an increment on the anniversary of the completed year.

**Replace** Appendix E1-5 with attached new increment schedules for 2009-2012. (See attached)

#### 3. Section 4 – Uniform Allowance

##### Subsection a

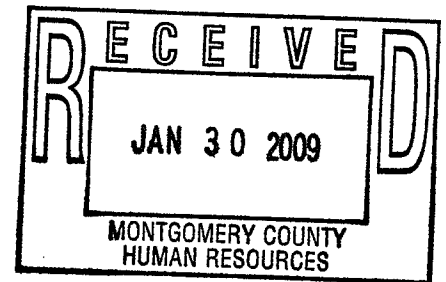
##### Replace

There shall be an annual \$200 uniform allowance for the following full time personnel: Public Health Nurses; and, as provided in paragraph (c) below, the following employees who work at the Montgomery County Meadows-Laundry Personnel, Nursing Personnel, Kitchen Personnel, Maintenance Personnel and Housekeeping Personnel.

##### With

There shall be a uniform allowance for the following full-time and regular part-time personnel: Nursing Personnel, Kitchen Personnel, and Dispatchers.

The uniform allowance for full-time employees will be as follows: \$200.00 for 2009, \$225.00 for 2010, \$225.00 for 2011, and \$250.00 for 2012. Regular Part-time employees shall be paid per the attached Appendix C.



4. **Section 8 – Tuition Reimbursement**

**Replace:** “six (6) credit hours in any year,” **with** “eight (8) credit hours in any year”.

5. **Section 5 – Employees Assigned to Jail**

Subsection d.

**Remove:** “excluding the dispatchers.”

**ARTICLE IV**

**HOLIDAYS WITH PAY**

6. **Create:** Subsection e

**Insert**

- a. Holiday time in the 24-hour facility shall be taken in half-day increments.

**ARTICLE VI**

**LEAVES**

**Section 1 – Sick Leave**

7. Subsection i – Sick Leave Buy-Back Program

**Replace First Sentence with:** Any employee with over 100 days of sick leave accumulated, may sell accumulated sick leave credits back to the EMPLOYER at the rate of seventy-five dollars (\$75.00) per day with a maximum sell back of twelve (12) days in any fiscal year.

8. Second paragraph

**Replace** “by the first of October” **with** “by the first of August.” **Insert:** Such notice is irrevocable except for extraordinary circumstances. Sick Leave Buy-Back will be paid in January.

9. **Subsection j – Sick Leave Credit Upon Retirement**

First sentence: **replace** “credited with fifty (\$50.00) dollars” **with** “credited with sixty (\$60.00) dollars.

10. **Section 3 – Bereavement Leave**

Subsection b

**Replace** “step-parent, father-in-law, mother-in-law, grandparent, grandchildren, or any other person who lives in the household of the employee” **with** “step-parent, *step-son*, *step-daughter*, father-in-law, mother-in-law, *son-in-law*, *daughter-in-law*, grandparent, grandchildren, or any person who lives in the household of the employee”.

**ARTICLE VII**

**INSURANCE**

**Section 1 – Hospital and Medical Insurance**

11. Subsection a.

**Replace:** "Effective January 1, 2006, the County shall provide the Montgomery County Self-Insurance Plan Co-Pay 20, and HMO Co-Plan 20. Effective January 1, 2006, the County shall no longer offer CDPHP."

**With:** "Effective January 1, 2009, the County shall provide the Montgomery County Self-Insurance Plan Co-Pay 25, and HMO Co-Plan 25."

12. Subsection c.

"Montgomery County offers the Canadian Drug Program to employees."

13. Subsection e.

"Effective January 1, 2009, vision coverage shall be provided by Davis Vision. Coverage will be provided to the employee at no charge. Employees may purchase dependent coverage. The Vision Plan will be equal to or better then the CSEA Platinum 12 Vision Plan."

Section 2 - Dental Insurance

14. "Effective January 1, 2009, dental coverage shall be provided by Delta Dental. Coverage will be provided to the employee at no charge. Employees may purchase dependent coverage.

15. Insert Appendix "C" for Part-time employees.

16. The parties agree to establish a special Labor/Management Committee to address health insurance issues and make recommendations.


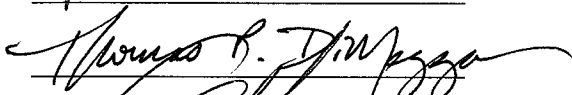
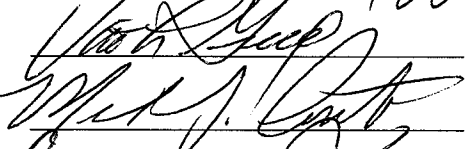
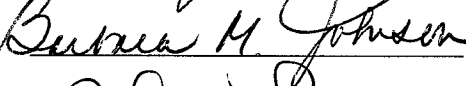
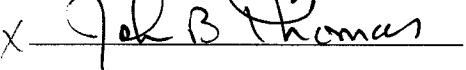
17. Adoption of "Housekeeping" corrections to contract as attached.

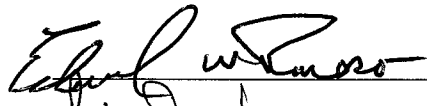
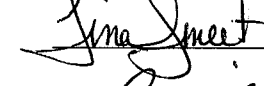

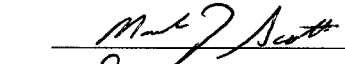
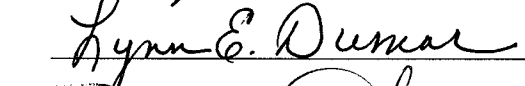
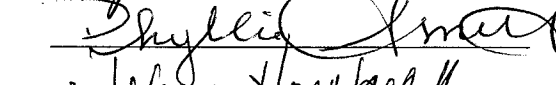

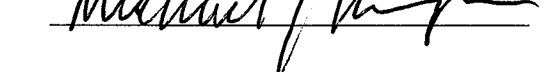
18. Changes in grade for various positions (see attached).

IN WITNESS WHEREOF, the duly authorized officers of the respective parties have signed this Agreement on the day and year first above written.

FOR THE COUNTY:

FOR CSEA:

  
Richard E. Baia  
  
Thomas B. Dimpzio  
  
Mark J. Galt  
  
Barbara M. Johnson  
  
x John B. Thomas

  
Edward W. Russo  
  
Gina Sweet  
  
David Louche  
  
Mark J. Scott  
  
Lynn E. Dumas  
  
Shyllie Smart  
  
Jolene Hornbeck  
  
Michael J. [unclear]





# ***Attachment to Resolution***

**2008 – Resolution 407**



## **MEMORANDUM OF AGREEMENT**

***By and Between***

***The County of Montgomery,  
The Montgomery County Sheriff,***

***and***

***Council 82,  
Correction Supervisors***

The January 1, 2004 through December 31, 2008 Collective Bargaining Agreement by and between the parties is hereby modified as follows. All other provisions remain unchanged except modification of dates where applicable.

1. ***Term of Agreement.*** January 1, 2009 through December 31, 2012.
2. ***Article 6, Compensation.***
  - Corporals shall be paid at a differential of 12% above Correction Officers.
  - Sergeants shall be paid at a differential of 17% above Correction Officers.
  - Correction Lieutenant shall be paid at a differential of 19% above Correction Officers.
3. ***Longevity.*** See attached.
4. ***Article 16, Health Insurance.***
  - Montgomery County Self-Insurance Co-Plan 20 and HMO Co-Plan 20 shall be modified to Co-Plans 25 effective January 1, 2009.
  - Dental Plan modified to Delta Dental.
  - Vision changed to Davis.
  - Canadian Drug Program maintained.
5. ***Article 5, Section 5.***

Change "may" in last sentence to "shall"
6. ***Article 12, Section 11.*** Change fifty dollars (\$50.00) to sixty dollars (\$60.00).

7. *Article 11, Section 1, Vacations.* The last sentence shall be modified to read as follows:

“In order to carry over vacation time, it must be requested and denied sixty (60) days prior to their anniversary date.”

8. *Article 11, Section 7, Vacations.* Remove Section 7 from Article 11 and place under Article 10, Holidays.

9. *Article 12, Sick Leave.* Add a new Section to be Section 14 which shall read as follows:

“If an employee does not use any sick time during the course of the year, they shall receive a \$500 bonus at the start of the next year.”

Dated: December \_\_\_, 2008

**COUNTY OF MONTGOMERY**

By: \_\_\_\_\_

Dated: December \_\_\_, 2008

**MONTGOMERY COUNTY SHERIFF**

By: \_\_\_\_\_

Dated: December \_\_\_, 2008

**COUNCIL 82**

By: \_\_\_\_\_

MCPTGSPFgroup11S.xls

A	B	C	D	E	F	G	H	I	J	K	L	M
1	2009	Increase	1 YEAR	2 YEARS	3 YEARS	4 YEARS	5 - 9 YEARS	10 - 14 YEARS	15 - 19 YEARS	20-24 YEARS	25 - 29 YEARS	30 + YEARS
2		Multiplier	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
3		% of Base	1.00%	1.00%	1.00%	1.00%	1.40%	1.40%	1.40%	1.40%	1.40%	1.40%
4	19	\$ 36,324	\$ 41,272	\$ 41,680	\$ 42,089	\$ 42,498	\$ 43,723	\$ 44,295	\$ 44,868	\$ 45,440	\$ 46,012	\$ 46,584
5	20	\$ 37,580	\$ 43,114	\$ 43,541	\$ 43,968	\$ 44,394	\$ 45,675	\$ 46,273	\$ 46,870	\$ 47,468	\$ 48,066	\$ 48,663
6	21	\$ 40,357	\$ 43,851	\$ 44,285	\$ 44,720	\$ 45,154	\$ 46,456	\$ 47,064	\$ 47,672	\$ 48,280	\$ 48,888	\$ 49,495
		\$ 43,417	\$ 43,851	\$ 44,285	\$ 44,720	\$ 45,154	\$ 46,456	\$ 47,064	\$ 47,672	\$ 48,280	\$ 48,888	\$ 49,495

A	B	C	D	E	F	G	H	I	J	K	L	M	
1	2010	3.00%	Increase	1 YEAR	2 YEARS	3 YEARS	4 YEARS	5 - 9 YEARS	10 - 14 YEARS	15 - 19 YEARS	20-24 YEARS	25 - 29 YEARS	30 + YEARS
2		Multiplier	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
3		% of Base	1.00%	1.00%	1.00%	1.00%	1.40%	1.40%	1.40%	1.40%	1.40%	1.40%	
4	18	\$ 40,863	\$ 42,089	\$ 42,510	\$ 42,931	\$ 43,352	\$ 43,773	\$ 45,035	\$ 45,624	\$ 46,214	\$ 46,803	\$ 47,392	\$ 47,981
5	19	\$ 42,687	\$ 43,968	\$ 44,408	\$ 44,847	\$ 45,287	\$ 45,727	\$ 47,046	\$ 47,661	\$ 48,277	\$ 48,892	\$ 49,508	\$ 50,124
6	20	\$ 43,417	\$ 44,719	\$ 45,166	\$ 45,613	\$ 46,061	\$ 46,508	\$ 47,849	\$ 48,475	\$ 49,101	\$ 49,728	\$ 50,354	\$ 50,980

## MCP TGSPFgroup11S.xls

A	B	C	D	E	F	G	H	I	J	K	L	M
1 2011	3.00%	increase	1 YEAR	2 YEARS	3 YEARS	4 YEARS	5 - 9 YEARS	10 - 14 YEARS	15 - 19 YEARS	20-24 YEARS	25 - 29 YEARS	30 + YEARS
2		Multiplier	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
3		% of Base	1.00%	1.00%	1.00%	1.00%	1.40%	1.40%	1.40%	1.40%	1.40%	1.40%
4	\$ 42,089	\$ 43,352	\$ 43,755	\$ 43,351	\$ 44,652	\$ 45,086	\$ 46,386	\$ 46,993	\$ 47,600	\$ 48,207	\$ 48,814	\$ 49,421
5	\$ 43,968	\$ 45,287	\$ 45,740	\$ 45,287	\$ 46,646	\$ 47,099	\$ 48,457	\$ 49,091	\$ 49,725	\$ 50,359	\$ 50,993	\$ 51,627
6	\$ 44,719	\$ 46,061	\$ 46,521	\$ 46,061	\$ 47,442	\$ 47,903	\$ 49,285	\$ 49,930	\$ 50,575	\$ 51,219	\$ 51,864	\$ 52,509

MCPTGSPFgroup11S.xls

A	B	C	D	E	F	G	H	I	J	K	L	M
1	2012	3.00% Increase	1 YEAR (1)	2 YEARS (2)	3 YEARS (3)	4 YEARS (4)	5 - 9 YEARS (5)	10 - 14 YEARS (6)	15 - 19 YEARS (7)	20-24 YEARS (8)	25 - 29 YEARS (9)	30 + YEARS (10)
2		Multiplier										
3		% of Base	1.00%	1.00%	1.00%	1.00%	1.40%	1.40%	1.40%	1.40%	1.40%	1.40%
4	18	\$ 43,352	\$ 44,652	\$ 45,099	\$ 45,545	\$ 45,992	\$ 46,438	\$ 47,778	\$ 48,403	\$ 49,028	\$ 49,653	\$ 50,278
5	19	\$ 45,287	\$ 46,645	\$ 47,111	\$ 47,578	\$ 48,044	\$ 48,511	\$ 49,910	\$ 50,563	\$ 51,216	\$ 51,869	\$ 52,522
6	20	\$ 46,061	\$ 47,443	\$ 47,917	\$ 48,392	\$ 48,866	\$ 49,341	\$ 50,764	\$ 51,428	\$ 52,092	\$ 52,757	\$ 53,421
												\$ 54,085



# ***Attachment to Resolution***

**2008 – Resolution 408**



# Memorandum of Agreement

By and Between

Montgomery County

and the

Civil Service Employees Association

Whereas Asbestos is known to be a carcinogen and its presence represents a potential danger to the public, and

Whereas the County is interested in properly remediating or removing Asbestos in selected buildings within the County, and

Whereas the remediation or removal of Asbestos requires that those who perform this work are licensed, and

Whereas this licensing is outside the terms and conditions of County employees, is resolved that:

County employees who are properly licensed will be offered the opportunity to perform asbestos remediation or removal, and

The County agrees to pay employees who perform this work time and one-half (1 ½) their regular rate only while performing this work.

The County also agrees that it will furnish all necessary safety equipment and supplies to perform this work.

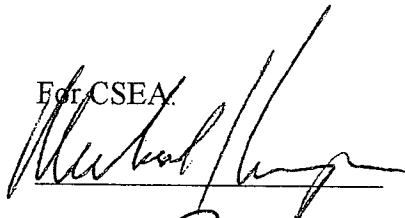
For Montgomery County:

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For CSEA:



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# ***Attachment to Resolution***

**2008 – Resolution 409**



**NON-BARGAINING AGREEMENT  
UPDATE  
DECEMBER 2008**

- **Effective 1/1/09 thru 12/31/12 increase Non-Bargaining employees base pay 3% per year plus increase Sheriff, Undersheriff, and Correction Administrator base pay by \$1,000.00 in years 2010 & 2012.**
- **Section 9 paragraph A (Sick Leave Buy-Back Plan)**  
**Remove and replace with "same as C.S.E.A."**
- **Section 10 paragraphs A – C (Sick Leave Credit Upon Retirement)**  
**Remove and replace with "same as C.S.E.A."**
- **Section 12 paragraph A – C (Bereavement Leave)**  
**Remove and replace with "same as C.S.E.A."**
- **Section 18 paragraph A – (Medical Insurance)**  
**Add \$25.00 co-pay for indemnity and HMO plan.**  
**Add CanaRx Drug Program.**
- **Section 21 paragraph B – (Longevity)**  
**Remove longevity schedule and replace with "Effective 1/1/09 employees shall be entitled to the following":**
  - Upon 3<sup>rd</sup> year \$750**
  - Upon 5<sup>th</sup> year \$1,000**
  - Upon 7<sup>th</sup> year \$1,500**
  - Upon 10<sup>th</sup> year \$2,000**
  - Upon 12<sup>th</sup> year \$2,500**
  - Upon 15<sup>th</sup> year \$3,000**
  - Upon 17<sup>th</sup> year \$3,500**
  - Upon 20<sup>th</sup> year \$4,000**
  - Upon 25<sup>th</sup> year \$4,500**
  - Upon 30<sup>th</sup> year \$5,000**





# ***Attachment to Resolution***

**2008 – Resolution 410**



**MEMORANDUM OF AGREEMENT**

*By and Between*

*The County of Montgomery,*

*The Montgomery County Sheriff,*

*and*

*Montgomery County Deputy Sheriff's Police Benevolent Association*

The January 1, 2004 through December 31, 2008 Collective Bargaining Agreement by and between the parties is hereby modified as follows. All other provisions remain unchanged except modification of dates where applicable.

1. *Wages and Longevity.* See attached.
2. *Article 4, Section 3.* Modify by adding "or to a recipient requested by the MCDS PBA in writing."
3. *Article 6, 1a and 1b.* Delete Chief Civil Officer and Civil Account Officer.
4. *Article 9, Section 5.* Delete.
5. *Article 10, Section 2.* Delete Civil Deputies from last paragraph.
6. *Article 10, Section 2.* Modify second sentence of paragraph 2 to provide as follows:

"If there are insufficient part-time employees, overtime shall be offered to employees by seniority, which lists shall be established by volunteers on a bi-monthly basis.

Add provision to provide that:

If an employee works on a scheduled day off (i.e., vacation, personal leave) during the employee's normally assigned shift, the employee shall be paid time and one-half for the time worked. The employee shall also receive his regular pay (holiday, vacation, personal leave) and be charged with the time off.

7. *Article 10, Section 3.* Modify to provide that:

An employee who is called back to work, but who subsequently receives a call cancelling the call back shall not receive call back pay if the employee receives the cancelling call while at his or her residence.

8. *Article 10, Section 14.* Modify in first sentence fifty dollars with "credited with sixty dollars."

9. *Article 14, Section 2.* Modify to provide a maximum of 255 days of sick leave accruals.

10. *Article 14, Section 11.* Replace first sentence with:

"Any employee with over 100 days of sick leave accumulated, may sell accumulated sick leave credits back to the employer at the rate of \$75 per day with a maximum sell back of 12 days in any fiscal year."

Modify second sentence by replacing "by the first of October" with "by the first of August."

Insert: "Such notice is irrevocable except for extraordinary circumstances. Sick leave buy back will be paid in January."

11. *Article 14, Section 15.* Add new sentence to provide that:

"A bargaining unit member who uses one (1) sick day in a calendar year shall be paid \$250.00, which payment shall be made in January of the following year. A bargaining unit member who uses more than one (1) sick day shall receive no payment."

12. *Article 23, Section 1.* Eliminate reference to sections of Rules and Regulations and replace with "Policies and Procedures."

13. *Article 28, Section 3.* Modify to provide July 31<sup>st</sup>.

14. *Appendix A.* Remove Chief Civil Officer and Civil Accounts Officer.

15. Effective 2009, health insurance change to Co-pay 25. Change to Delta Dental and Davis (vision).

12.5.08

16. Maintain Canadian drugs.
17. At the discretion of the Sheriff, an employee may start at Step I as a lateral transfer.

Dated:

**COUNTY OF MONTGOMERY**

By: \_\_\_\_\_

Dated:

**MONTGOMERY COUNTY SHERIFF**

By: \_\_\_\_\_

Dated:

**MONTGOMERY COUNTY DEPUTY  
SHERIFF'S POLICE BENEVOLENT  
ASSOCIATION**

By: \_\_\_\_\_

Deputy Sheriff

2009	3% Increase 10% Multiplier 15% % of Base	1 YEAR (1) 1.00%	2 YEARS (2) 1.00%	3 YEARS (3) 1.00%	4 YEARS (4) 1.00%	5 - 9 YEARS (5) 1.40%	10 - 14 YEARS (6) 1.40%	15 - 19 YEARS (7) 1.40%	20-24 YEARS (8) 1.40%	25 - 29 YEARS (9) 1.40%	30 + YEARS (10) 1.40%
18a	\$ 32,668	\$ 33,648	\$ 33,985	\$ 34,321	\$ 34,657	\$ 36,003	\$ 36,474	\$ 36,946	\$ 37,417	\$ 37,888	\$ 38,359
18	\$ 38,137	\$ 39,281	\$ 39,674	\$ 40,067	\$ 40,460	\$ 42,031	\$ 42,581	\$ 43,131	\$ 43,681	\$ 44,231	\$ 44,780
19	\$ 40,403	\$ 43,209	\$ 43,641	\$ 44,073	\$ 44,505	\$ 46,234	\$ 46,839	\$ 47,444	\$ 48,049	\$ 48,654	\$ 49,259
20	\$ 43,317	\$ 45,173	\$ 45,625	\$ 46,077	\$ 46,528	\$ 48,335	\$ 48,968	\$ 49,600	\$ 50,233	\$ 50,865	\$ 51,498
ADD	0										

Deputy Sheriff

2010	3% Increase	1 YEAR	2 YEARS	3 YEARS	4 YEARS	5 - 9 YEARS	10 - 14 YEARS	15 - 19 YEARS	20-24 YEARS	25 - 29 YEARS	30 + YEARS
	10% Multiplier	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	15% % of Base	1.00%	1.00%	1.00%	1.00%	1.40%	1.40%	1.40%	1.40%	1.40%	1.40%
18a	\$ 33,648	\$ 36,014	\$ 36,371	\$ 36,727	\$ 37,084	\$ 38,154	\$ 38,653	\$ 39,152	\$ 39,651	\$ 40,150	\$ 40,650
18	\$ 39,281	\$ 41,460	\$ 42,289	\$ 42,703	\$ 43,118	\$ 44,362	\$ 44,942	\$ 45,523	\$ 46,103	\$ 46,683	\$ 47,264
19	\$ 43,209	\$ 45,605	\$ 46,062	\$ 46,974	\$ 47,430	\$ 48,798	\$ 49,436	\$ 50,075	\$ 50,713	\$ 51,352	\$ 51,990
20	\$ 45,173	\$ 47,678	\$ 48,155	\$ 49,109	\$ 49,586	\$ 51,016	\$ 51,683	\$ 52,351	\$ 53,018	\$ 53,686	\$ 54,353
ADD	1000										

Deputy Sheriff

2011	3% Increase 10% Multiplier	1 YEAR (1)	2 YEARS (2)	3 YEARS (3)	4 YEARS (4)	5 - 9 YEARS (5)	10 - 14 YEARS (6)	15 - 19 YEARS (7)	20-24 YEARS (8)	25 - 29 YEARS (9)	30 + YEARS (10)
	15% % of Base	1.00%	1.00%	1.00%	1.00%	1.40%	1.40%	1.40%	1.40%	1.40%	1.40%
18a	\$ 35,657	\$ 36,727	\$ 37,094	\$ 37,462	\$ 37,829	\$ 38,196	\$ 39,298	\$ 40,326	\$ 40,841	\$ 41,355	\$ 41,869
18	\$ 41,460	\$ 42,703	\$ 43,130	\$ 43,557	\$ 43,984	\$ 44,411	\$ 45,693	\$ 46,290	\$ 47,486	\$ 48,084	\$ 48,682
19	\$ 45,605	\$ 46,974	\$ 47,443	\$ 47,913	\$ 48,383	\$ 48,853	\$ 50,262	\$ 50,919	\$ 52,235	\$ 52,892	\$ 53,550
20	\$ 47,678	\$ 49,109	\$ 49,600	\$ 50,091	\$ 50,582	\$ 51,073	\$ 52,546	\$ 53,234	\$ 54,609	\$ 55,297	\$ 55,984
ADD	0										



Deputy Sheriff

2012	3% Increase 10% Multiplier 15% % of Base	1 YEAR (1) 1.00%	2 YEARS (2) 1.00%	3 YEARS (3) 1.00%	4 YEARS (4) 1.00%	5 - 9 YEARS (5) 1.40%	10 - 14 YEARS (6) 1.40%	15 - 19 YEARS (7) 1.40%	20-24 YEARS (8) 1.40%	25 - 29 YEARS (9) 1.40%	30 + YEARS (10) 1.40%
18a	\$ 36,727	\$ 39,217	\$ 39,606	\$ 39,994	\$ 40,382	\$ 41,547	\$ 42,091	\$ 42,634	\$ 43,178	\$ 43,721	\$ 44,265
18	\$ 42,703	\$ 45,434	\$ 45,884	\$ 46,334	\$ 46,784	\$ 48,133	\$ 48,763	\$ 49,393	\$ 50,023	\$ 50,652	\$ 51,282
19	\$ 46,974	\$ 49,978	\$ 50,473	\$ 50,967	\$ 51,462	\$ 52,947	\$ 53,639	\$ 54,332	\$ 55,025	\$ 55,718	\$ 56,410
20	\$ 49,109	\$ 52,249	\$ 52,767	\$ 53,284	\$ 53,801	\$ 55,353	\$ 56,078	\$ 56,802	\$ 57,526	\$ 58,250	\$ 58,975
ADD	1000										

