

CALL TO ORDER

Chairman Dimond called the Regular Meeting of the Montgomery County Legislature for February 28, 2017 to order at 7:00 PM.

ROLL CALL OF MEMBERS

Legislators present were:

Martin P. Kelly, Legislator, District 1
Brian D. Sweet, Legislator, District 2
Roy S. Dimond, Chairman, Legislator, District 3
Robert Headwell, Jr., Legislator, District 4
Daniel P. Wilson, Legislator, District 5
John M. Duchessi, Legislator, District 6
Joseph A. Isabel, Legislator, District 8
Robert A. Purtell, Legislator, District 9

Absent:

Michael J. Pepe, Legislator, District 7

SALUTE TO THE FLAG

Deputy Chairman, John M. Duchessi, Legislator, District 6, led the Salute to the Flag.

MOMENT OF SILENCE

Chairman Dimond asked for a moment of silence for veterans who have passed away in Montgomery County

PUBLIC COMMENT AND PRESENTATION

Tolga Morowski took the floor to update the Legislature on the Land Bank.

Chairman Dimond read the following proclamation that was given to Edward Russo, a long time employee of the Montgomery County Department of Public Works:

WHEREAS, Edward W. Russo offered more than two decades of successful service to Montgomery County, and by using his outgoing personality, positive demeanor and ability to adapt and adjust, Eddie was someone who was always able to get the job done and truly a one of a kind character; and

WHEREAS, Mr. Russo began his career with Montgomery County, as a Structural Maintenance Helper, on December 6, 1993; and

WHEREAS, over the next nearly 25 years, Mr. Russo worked his way up the ranks at the Department of Public Works, becoming a supervisor, in 2006, and later a Deputy Commissioner of Buildings & Grounds, in 2015; and

WHEREAS, Mr. Russo has been a committed CSEA member, serving as CSEA Local President for Montgomery County for 10 years and for the Department of Public Works for two decades, while also serving on many regional and statewide CSEA Committees, as his commitment and passion for work with the union was something he learned from his father, who served as a CSEA Local President at the Air National Guard Base, where they worked together for four years; and

WHEREAS, Mr. Russo currently serves as an Alderman on the City of Amsterdam Common Council, representing Ward I, and previously served his community as a volunteer fire fighter in Tribes Hill; and

WHEREAS, Mr. Russo, who also previously managed a catering business and multiple restaurants, enjoys camping and spending time with friends and family, including his wife, Kim, his daughter Michele and his brother and sister.

NOW THEREFORE, be it resolved, County Executive Matthew L. Ossenfort and Legislative Chairman Roy S. Dimond and Legislator Joseph M. Isabel, on behalf of the Montgomery County Legislature, hereby proclaim Tuesday, February 28, 2017, as an official date in Montgomery County to most gratefully recognize, show appreciation to and wholeheartedly thank Edward W. Russo for more than 23

years of dedicated service to Montgomery County and its residents.

COMMUNICATIONS

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

There were no minutes for approval.

ACCEPTANCE OF PROCUREMENT RECORD

ACCEPTANCE OF PROCUREMENT RECORD, by Legislator Kelly, seconded by Legislator Headwell, Jr., passed with Aye(8). Legislator Pepe was absent.

ACCEPTANCE OF BUDGETARY TRANSFERS

MOTION TO ACCEPT BUDGETARY TRANSFERS by Legislator Wheeler, seconded by Legislator Quackenbush, passed with Aye(7). Legislators Dimond and Duchessi were absent.

OLD BUSINESS

SUSPEND RULES

SUSPEND THE RULES, by Legislator Headwell, Jr., seconded by Legislator Isabel, passed with Aye(8). Legislator Pepe was absent.

NEW BUSINESS

A. Resolutions

B. Other

RESOLUTION NO. 39 of 2017

DATED: 2/28/2017

Resolution by Legislator: Wilson
Seconded by Legislator: Isabel

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH CATHOLIC CHARITIES OF FULTON AND MONTGOMERY COUNTIES (MENTAL HEALTH)

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 County Executive 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 for calendar year January 1, 2017 to December 31, 2017 as listed below:

Catholic Charities of Fulton and Montgomery Counties for alcoholism, substance abuse, and gambling prevention services not to exceed \$310,000

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Renewal of contracts due to increased State Aid

II. *Justification:*

State funds have been increased to cover the contract amounts for 2017 budget year

III. *Legislative Impact:*

Pursuant to Article 3 of the Charter the Montgomery County Executive has the authority to enter into contracts.

IV. *Financial Impact:*

Funds are NY State pass through dollars as revenue recieved equals appropriations

RESOLUTION NO. 40 of 2017

DATED: 2/28/2017

Resolution by Legislator: Dimond
Seconded by Legislator: Wilson

RESOLUTION AMENDING 2017 BUDGET AND ESTABLISHING A FULL-TIME HEAD SOCIAL WELFARE EXAMINER POSITION (SOCIAL SERVICES)

WHEREAS, the Department of Social Services currently has a vacant position as a Principal Social Welfare Examiner (Grade H);

WHEREAS, the department has reviewed the workload and has determined a Head Social Welfare Examiner (Grade I) would better suit the needs of the department in the Amsterdam Office;

WHEREAS, the Commissioner of Social Services recommends the hiring of a Head Social Welfare Examiner;

RESOLVED, the Montgomery County Legislature hereby authorizes and directs, upon review and approval of the County Attorney, that the County Treasurer is hereby authorized and directed to amend the 2017 Operating budget as follows:

TRANSFER FROM:

A-18-4-6010-00-1110 (746)	Principal Social Welfare Examiner	\$42,985
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TRANSFER TO:

A-18-4-6010-00-1110(NEW)	Head Social Welfare Examiner	\$42,985
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RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. *Nature of Request:*

AMENDING 2017 BUDGET AND ESTABLISHING A FULL-TIME HEAD SOCIAL WELFARE EXAMINER POSITION

II. *Justification:*

The Department feels that a with the expansion move to Amsterdam, the Head Social Welfare Examiner position better suits the needs of the department.

III. *Legislative Impact:*

Pursuant to Article 2 of the Charter, the Montgomery County Legislature has the power to make appropriations.

IV. *Financial Impact:*

There will be a 13% decrease in funding by Local dollars as the additional position (Line NEW) is covered further by Federal and State funding compared to Line 746.

In the 2018 Budget the Head Social Welfare Examiner would be 37% local share compared to the position eliminated in this resolution which is a 50% local share.

RESOLUTION NO. 41 of 2017

DATED: 2/28/2017

Resolution by Legislator: Wilson
Seconded by Legislator: Sweet

RESOLUTION AMENDING THE 2017 OPERATING BUDGET (DEPARTMENT OF SOCIAL SERVICES)

WHEREAS, the New York State Office of Temporary and Disability Assistance (OTDA) authorized a Home Energy Assistance Program (HEAP) regular benefit to active public assistance, SNAP, and HEAP cases; and

WHEREAS, the Department of Social Services requires an additional \$23,013 in the HEAP appropriation line to fund the additional benefit; and

WHEREAS, the additional benefit will be 100% federally funded; and

RESOLVED, that the Montgomery County Legislature hereby supports, and authorizes the additional funds for the HEAP program; and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2017 Operating Budget as follows:

INCREASE REVENUES:

A-18-3-4610-00 Social Services Administration \$23,013

INCREASE APPROPRIATIONS:

A-18-4-6011-00.6141 Home Energy Assist/Program \$23,013

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. *Nature of Request:*

The Department is requesting to increase the HEAP Appropriation in the amount of \$21,812. HEAP is 100% federally funded, therefore we are requesting that the Revenue line be increased by the same amount.

II. *Justification:*

The funds are being requested to fund the additional benefits being granted to clients.

III. *Legislative Impact:*

Pursuant to Article 2 of the Charter, the Montgomery County Legislature has the power to make appropriations.

IV. Financial Impact:

The HEAP program is 100% federally funded, at this time, we have received the funds from the federal government to cover the appropriation.

RESOLUTION NO. 42 of 2017

DATED: 2/28/2017

Resolution by Legislator: Headwell, Jr.
Seconded by Legislator: Isabel

RESOLUTION AMENDING THE 2017 OPERATING BUDGET FOR THE PURCHASE OF A MARKED PATROL VEHICLE (SHERIFF)

WHEREAS, due to a motor vehicle accident a 2016 Sheriff's Office patrol vehicle was declared a total loss; and

WHEREAS, the County's insurance company has offered to purchase said vehicle from the County for \$21,735 plus the cost to remove and re-install all equipment, stripping and replace any damaged equipment on said vehicle based on actual cost; and

RESOLVED, the Montgomery County Legislature authorizes the purchase of a vehicle not to exceed \$27,201 with all equipment.

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2017 Operating Budget as follows:

INCREASE REVENUES:

A-31-3-2680-00	Insurance Recoveries	\$21,735
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INCREASE APPROPRIATIONS:

A-15-4-3110-00-.2230	Motor Vehicle Equipment	\$21,735
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TRANSFER FROM:

A-30-4-1990-00-.4400	Contingent Account	\$5,466
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TRANSFER TO:

A-15-4-3110-00-.2230	Motor Vehicle Equipment	\$5,466
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RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

AMENDING THE 2017 OPERATING BUDGET FOR THE PURCHASE OF A MARKED PATROL VEHICLE

II. Justification:

There is a need to replace the patrol vehicle that was totaled.

III. Legislative Impact:

Pursuant to the Montgomery County Charter Article 2 the legislature has the authority to make appropriations.

IV. Financial Impact:

A increase of \$27,201 to the 2017 Sheriff's Office budget is necessary to replace a vehicle that was totaled. This will be partially offset by insurance payment for the loss of the vehicle.

RESOLUTION NO. 43 of 2017

DATED: 2/28/2017

Resolution by Legislator: Headwell, Jr.
Seconded by Legislator: Sweet

RESOLUTION AMENDING THE 2017 OPERATING BUDGET - CARRY-OVER GRANT FUNDS (PUBLIC DEFENDER)

WHEREAS, there are unexpended Indigent Legal Services Grant funds available for carry-over the 2017 Public Defender budget; and

WHEREAS, funds from said grant monies are needed to purchase supplies, legal reference: manuals and attend conferences and training.

RESOLVED, that the Montgomery County Treasurer is hereby authorized and directed to amend the 2017 Operating Budget as follows:

INCREASE REVENUES:

A-28-3-3025-01	Indigent Legal Services	\$13.67
A-28-3-3025-05	Ingident Legal Services	\$4,845.19

INCREASE APPROPRIATIONS:

A-28-4-1170-01-.4408	Office Supplies	\$13.67
A-28-4-1170-05-.4470	Travel: Related Costs	\$1,000.00
A-28-4-1170-05-.4408	Office Supplies	\$14.00
A-28-4-1170-05-.4438	Legal Reference: Manuals	\$3,831.19

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

AMENDING 2017 OPERATING BUDGET - CARRY-OVER GRANT FUNDS

II. Justification:

To Utilize needed grant funds and further enhance the abilities of the Public Defenders and office staff to provide the Public with up to date services.

III. Legislative Impact:

Pursuant to Article 2 of the Charter, the Montgomery County Legislature has the power to make appropriations.

IV. Financial Impact:

Budget Neutral

Resolution by Legislator: Headwell, Jr.
Seconded by Legislator: Isabel

RESOLUTION AMENDING THE 2017 OPERATING BUDGET -MONTGOMERY COUNTY PUBLIC SAFETY BUILDING EQUIPMENT REPLACEMENT (PUBLIC WORKS)

WHEREAS, the Commissioner of Public Works is requesting funds for equipment replacement at the Montgomery County Public Safety Facility, to include the replacement of the jail computer server room A/C Liebert Unit and Central Control UPS unit; and

WHEREAS, the A/C unit for the server room is not capable of handling the heat load any longer with the computer equipment in the room; and

WHEREAS, the UPS System is inoperable, which controls the Central Command Center back-up system for power outages; and

WHEREAS, there is an urgent need for the replacement of said equipment.

RESOLVED, that the Montgomery County Treasurer is hereby authorized and directed to amend the 2017 Operating Budget as follows:

INCREASE:

A599 Appropriated Fund Balance \$119,489.16

INCREASE APPROPRIATIONS:

A-12-4-1620-00-.2250 Technical Equipment \$119,489.16

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Legislation is required to amend the 2017 operating budget for an increase in A-12-4-1620-2250 Technical Equipment to fund said proposals.

II. Justification:

Budget amendment needed to secure funds for this project, which is not included in the 2017 operating budget. This project is necessary to protect county equipment at the Montgomery County Public Safety Facility. There is an anticipated insurance payment that may offset the total cost. The claim is pending.

III. Legislative Impact:

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the power to make appropriations.

IV. Financial Impact:

\$119,489.16 needed from Fund Balance. Some insurance funds may offset this cost. The claim is currently being negotiated by the COunty Executive, County Attorney and the County's Insurance Broker.

Resolution by Legislator: Headwell, Jr.
Seconded by Legislator: Sweet

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH JOHN M. MCDONALD ENGINEERING P.C. TO PROVIDE ENGINEERING SERVICES FOR THE APPROVED CAPITAL PROJECTS AT THE MONTGOMERY COUNTY SANITARY DISTRICT NO.1

WHEREAS, resolution # 214 of 2016 authorizes the issuance of \$320,000.00 serial bonds to finance the cost of the implementation of a clarifier rehabilitation project and leachate acceptance project for the Montgomery County Sanitary District No.1, and

WHEREAS, the Montgomery County Sanitary District No.1 Board of Directors recommends retaining the services of John M. McDonald Engineering P.C. to prepare design specifications, solicit bids, and oversee the construction phase of said projects at a cost not to exceed \$48,700.00; and

WHEREAS, the aforementioned work is a professional service.

RESOLVED, the County Executive is hereby authorized and directed, upon the review and approval of the County Attorney, to execute an agreement with John M. McDonald Engineering P.C. to provide design specifications, solicit bids in accordance with municipal bidding procedures, and oversee the construction phase of said capital projects.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

To authorize the County Executive to execute an agreement with John M. McDonald Engineering P.C. for engineering services on the approved capital projects at the Montgomery County Sanitary District No.1.

II. Justification:

Professional Engineering services are needed to prepare design specifications, help solicit bids, and oversee construction phases of the capital projects.

III. Legislative Impact:

Pursuant to Article 3 of the County Charter the Montgomery County Executive has the authority to sign contracts.

IV. Financial Impact:

Budget Neutral

RESOLUTION NO. 46 of 2017

DATED: 2/28/2017

Resolution by Legislator: Pepe
Seconded by Legislator: Sweet

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN ORDER ON CONSENT BEING ISSUED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO THE MONTGOMERY COUNTY SANITARY DISTRICT NO.1

WHEREAS, the New York State Department of Environmental Conservation is issuing an Order on Consent to the Montgomery County Sanitary District No.1, and

WHEREAS, the Montgomery County Attorney has negotiated a reduced fine and a longer Schedule of Compliance with the New York State Department of Environmental Conservation, and

WHEREAS, the Montgomery County Sanitary District No.1 Board of Directors have reviewed and approve of the execution of said Order

on Consent,

RESOLVED, the Montgomery County Legislature hereby authorizes and directs the Montgomery County Executive, upon the review and approval of the County Attorney, to execute said Order on Consent.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

To authorize the County Executive to execute an Order on Consent issued by the New York State Department of Environmental Conservation.

II. Justification:

To comply with the New York State Department of Environmental Conservation.

III. Legislative Impact:

Pursuant to Article 3 of the Montgomery County Charter the County Executive has the authority to sign contracts.

IV. Financial Impact:

Budget Neutral

RESOLUTION NO. 47 of 2017

DATED: 2/28/2017

Resolution by Legislator: Sweet
Seconded by Legislator: Headwell, Jr.

RESOLUTION ADOPTING A NEW COMMERCIAL AND RESIDENTIAL OPERATION & MAINTENANCE RATE STRUCTURE FOR THE MONTGOMERY COUNTY SANITARY DISTRICT NO.1

WHEREAS, the Montgomery County Sanitary District No. 1 Sewer Use Law states that specific user charges (also referred to as Operation & Maintenance Rates) shall be subject to approval by MCSD No. 1 Board; and

WHEREAS, the Montgomery County Sanitary District No. 1 Sewer Use Law states that these rates shall be recalculated annually; and

WHEREAS, the Montgomery County Sanitary District No.1 Board of Directors proposes the establishment of an increased Operation & Maintenance Rate Structure for all properties within the District boundaries that have public sewer available, and

WHEREAS, the Montgomery County Sanitary District No.1 Board of Directors held a Public Hearing on February 25, 2017 in regard to said increase,

RESOLVED, that the Montgomery County Legislature hereby adopts a new Commercial and Residential Operation & Maintenance Rate Structure for the Montgomery County Sanitary District No.1 as follows:

<u>Type of Structure</u>	<u>No. of Available Units</u>	<u>Operation & Maintenance Rate</u>
Single Family House	One	\$275.00/Available Unit
Multiple Family House	Same as the number of available	\$275.00/Available Unit
Mobile Home Parks	Same as the number of available connections	\$275.00/Available Unit
Apartment/Boarding House	Same as the number of available dwelling quarters	\$275.00/Available Unit

Hospitals/Nursing Homes	One per every three (3) beds and each fraction thereof	\$275.00/Available Unit
Schools	One per 17.5 pupils plus one per 17.5 employees rounded to the nearest whole unit	\$275.00 Available Unit
Motels/Hotels	One for every three (3) beds and each fractional part thereof	\$275.00 Available Unit
RV Parks/Camping Facility	One for every three (3) available campsites and each fraction thereof	\$275.00/Available Unit
Commercial	Base rate for 0 - 75,000 gallons and each additional 75,000 gallons or fractional part thereof	\$275.00/Available Unit
Multiple Use	Sum of units determined for all separate usages	\$275.00/Available Unit
Industrial	Discharge By Permit Issued by M.C.S.D. #1	

"No users, residential or commercial, will pay less than \$275.00 per available unit", and

FURTHER RESOLVED, that all of the above listed usages, or combination or separate parts thereof, are subject to an additional per unit charge, or charges, if the Montgomery County Sanitary District No.1 Board of Directors determines that a particular usage, or combination of separate part thereof, is having an "extraordinary impact" on the publicly owned treatment works of the Montgomery County Sanitary District No.1.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Adopting a new Commercial and Residential O & M Rate Structure for the Montgomery County Sanitary District No.1.

II. Justification:

Increased revenues were needed to balance the 2017 Sanitary District Budget.

III. Legislative Impact:

Increased revenues were needed to balance the 2017 Sanitary District Budget.

IV. Financial Impact:

These fees support costs incurred by the Montgomery County Sanitary District No. 1

RESOLUTION NO. 48 of 2017

DATED: 2/28/2017

Resolution by Legislator: Purtell
 Seconded by Legislator: Sweet

RESOLUTION AMENDING 2017 OPERATING BUDGET - ELIMINATING COMPUTER CONSOLE OPERATOR POSITION AND ESTABLISHING AN ACCOUNT CLERK TYPIST POSITION (DEPARTMENT OF SOCIAL SERVICES)

WHEREAS, the Department of Social Services currently has a vacant Computer Console Operator position (Grade C) in the Data Department; and

WHEREAS, the Department of Social Services has reviewed the workload and determined that an Account Clerk Typist title (Grade C) would better suit the needs of the department; and

WHEREAS, this change in title would not financially impact the Department of Social Services.

RESOLVED, the Montgomery County Legislature hereby eliminates the Computer Console Operator position; and

FURTHER RESOLVED, the Montgomery County Legislature hereby establishes a new Account Clerk Typist position at a Grade Level C with a base salary of \$28,656.00; and

FURTHER RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2017 Operating Budget as follows:

TRANSFER FROM:

A-18-4-6010-00.1110(92) Computer Console Operator \$30,899.00

TRANSFER TO:

A-18-4-6010-00.1110(NEW) Account Clerk Typist \$30,899.00

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

The Department of Social Services currently has a vacant Computer Console Operator position. After review of the department needs, it has been determined that an Account Clerk Typist would satisfy the needs of the department.

II. Justification:

This resolution changes the title from computer console operator position to an Account Clerk Typist position.

III. Legislative Impact:

Pursuant to Section 2.04 (l) of the Charter the Montgomery County Legislature has the power to establish positions of employment. Pursuant to Section 2.04 (b) of the Charter the Montgomery County Legislature has the power to make appropriations.

IV. Financial Impact:

There will be a 14% increase to local share, however, these are offset by additional monthly incentives (revenue) received from federal funds, which is approximately \$33,000 annually. This sufficiently covers any increase and the remaining portion of the salary is covered by federal funding.

RESOLUTION NO. 49 of 2017

DATED: 2/28/2017

Resolution by Legislator: Purtell
Seconded by Legislator: Sweet

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AGREEMENT WITH TRINITY SERVICES GROUP (SHERIFF)

WHEREAS, Resolution 36 of 205 awarded an RFP to Trinity Services Group, Inc. to provide food and kitchen management to the jail; and

WHEREAS, said contract is expiring and provides for one year extensions for up to three (3) years; and

WHEREAS, this is the second of the one year extensions allowable under the original contract; and

WHEREAS, the proposed contract includes an increase in the current meal price by 1.5% and a copy of the fee schedule is attached to this resolution.

RESOLVED, that the Montgomery County Legislature hereby authorizes and directs the County Executive, following review and approval by the County Attorney, to sign an agreement with Trinity Services Group, Inc. March 1, 2017 through February 28, 2018 using the fee schedule attached to this Resolution, which is incorporated herein and made a part hereof.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

To provide food and management of the jail kitchen.

II. Justification:

The current contract is expiring and has an option to renew for an additional year.

III. Legislative Impact:

Pursuant to Article 3 of the Charter the Montgomery County Executive is authorized to sign contracts.

IV. Financial Impact:

Included in 2017 budget.

RESOLUTION NO. 50 of 2017

DATED: 2/28/2017

Resolution by Legislator: Pepe
Seconded by Legislator: Wilson

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT WITH THE VILLAGE OF NELLISTON FOR THE USE OF A SUB-STATION (SHERIFF)

WHEREAS, in April 2015 the Village of Nelliston offered the use of space, without cost, in the Village Office building for a Sheriff's Sub-station; and

WHEREAS, the Village is now seeking to enter into an agreement to rent the space to the Sheriff's Office for \$100 a month to continue each month until such a time as the Sheriff vacates the space; and

WHEREAS, the Sheriff sees a need for the use of the Sub-Station for the efficiency of the department.

RESOLVED, the Montgomery County Legislature hereby approves and authorizes the County Executive, upon the review and approval of the County Attorney, to sign an Agreement with the Village of Nelliston to rent space at the Village for a Sheriff's sub-station at an amount of \$100 a month for a five year term.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

To enter into a rental agreement with the Village of Nelliston.

II. *Justification:*

The cost of the use of the sub-station is off-set by the time and vehicle usage saved by not traveling back and forth to Fultonville.

III. *Legislative Impact:*

Need Legislators approval.

IV. *Financial Impact:*

Sheriff will find the current year rental money in the 2017 Sheirff's Office Budget.

RESOLUTION NO. 51 of 2017

DATED: 2/28/2017

Resolution by Legislator: Sweet
Seconded by Legislator: Dimond

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AGREEMENT WITH IMPACT FOR SOFTWARE MAINTENANCE (SHERIFF)

WHEREAS, Resolution 52-10 awarded a contract to Impact to provided software and maintenance service to the Montgomery County E-911 Center, and

WHEREAS, the current maintenance agreement is expiring on February 28, 2017, and

WHEREAS, the new maintenance agreement provides for a one (1) year extention from March 1, 2017 - February 28, 2018 with a \$3,182 increase with a copy of the fee schedule attached to this resolution.

RESOLVED, that the Montgomery County Legislature hereby authorizes and directs the County Executive, following review and approval by County Attorney, to sign an agreement with Impact for software maintenance services for a term of March 1, 2017-February 28, 2018 at an amount not to exceed \$53,966.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. *Nature of Request:*

To have Impact provided software maintenance to the Montgomery Couty E-911 Center.

II. *Justification:*

It is required to provided maintenace on the E-911 software to keep it running.

III. *Legislative Impact:*

Pursuant to Article 3 of the Charter the Montgomery County Executive is authorized to sign contracts

IV. *Financial Impact:*

Budgeted in the 2017 budget using 911 revenues.

RESOLUTION NO. 52 of 2017**DATED: 2/28/2017**Resolution by Legislator: Sweet
Seconded by Legislator: Kelly**RESOLUTION AMENDING THE 2017 OPERATING BUDGET - FORFEITURE MONIES (DISTRICT ATTORNEY)**

WHEREAS, forfeiture monies from drug related cases in the amount of \$1,237.14 have been deposited with the Montgomery County Treasurer; and

WHEREAS, said forfeiture monies are to be used to purchase equipment and aid various law enforcement agencies throughout Montgomery County, it is

RESOLVED, that the Montgomery County Treasurer is hereby authorized and directed to amend the 2017 operating budget as follows:

INCREASE REVENUES:

A-25-3-1165-2626	Forfeiture Crime Proceeds - Restricted	\$1,237.14
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INCREASE APPROPRIATIONS:

A-25-4-1165-00-4522	DA/Law Enforcement Program	\$1,237.14
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RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:*I. Nature of Request:*

To use forfeiture money from drug prosecutions in Montgomery County to purchase equipment and aid in any costs for law enforcement agencies throughout Montgomery County.

II. Justification:

Law enforcement agencies throughout Montgomery County will benefit from using forfeiture money to purchase necessary equipment and attend beneficial training without any cost to the County of Montgomery.

III. Legislative Impact:

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the authority to make appropriations.

IV. Financial Impact:

None

RESOLUTION NO. 53 of 2017**DATED: 2/28/2017**Resolution by Legislator: Pepe
Seconded by Legislator: Kelly**RESOLUTION IN SUPPORT OF SENATE BILL S-1411, ASSEMBLY BILL A-711, THE CANCER PRESUMPTIVE BILL EXTENDING**

THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW TO COVER ALL INSTANCES OF MELANOMA, AS WELL AS CANCERS OF THE DIGESTIVE HEMATOLOGICAL, LYMPHATIC, URINARY, PROSTATE, NEUROLOGICAL, BREAST AND REPRODUCTIVE SYSTEMS (EMERGENCY MANAGEMENT)

WHEREAS, it is firmly established in the occupational medicine literature that firefighters are exposed to many known and suspected carcinogens every time they respond to a fire scene; and

WHEREAS, numerous studies have measured levels of chemical carcinogens at structural and vehicle fires at concentrations that are considered hazardous and well in excess of permissible workplace levels; and

WHEREAS, these carcinogens include polycyclic aromatic hydrocarbons (PAHs) in soot and tars; benzene; formaldehyde; 1,4-butadiene; arsenic; polychlorinated biphenyls (PCBs); dioxins; asbestos; and diesel engine exhaust; and

WHEREAS, the uncontrolled environment conditions that occur during the knockdown and overhaul phases at fire scenes guarantee that firefighters are routinely exposed to these toxic chemicals; and

WHEREAS, studies of cancer in career firefighters find significant associations between firefighting and certain forms of cancer; and

WHEREAS, SENATE BILL S-1411, ASSEMBLY BILL A-711 amends the Volunteer Firefighters' Benefit Law to cover all instances of melanoma, as well as cancers of the digestive hematological, lymphatic, urinary, prostate, nuerological, breast and reproductive systems.

RESOLVED, that the Montgomery County Legislature requests Governor Andrew Cuomo, the New York State Senate and Assembly, to pass the Cancer Presumptive Bill for volunteer firefighters so that volunteers can be protected from the dangers they face with cancer each and every day.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Resolution advising our State partners that Montgomery County supports the passage of SENATE BILL S-1411, ASSEMBLY BILL A-711

II. Justification:

This resolution is in response to a statewide push from volunteer firefighters to ensure passing of these important bills. On behalf of all volunteer firefighters in Montgomery County and the State I encourage your support on this resolution. Cancer in the fire service has become one of the leading concerns, topics and education pieces as we move forward. Practices are being changed, education is developing and laws are being passed to protect these volunteers.

III. Legislative Impact:

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the authority to exercise all powers of local legislation.

IV. Financial Impact:

No financial impact.

RESOLUTION NO. 54 of 2017

DATED: 2/28/2017

Resolution by Legislator: Headwell, Jr.
Seconded by Legislator: Dimond

RESOLUTION AMENDING THE 2017 OPERATING BUDGET (PURCHASING)

WHEREAS, the Purchasing Buyer has been performing the duties of a Purchasing Agent; and

WHEREAS, upon review it has been determined that the duties and responsibilities of the Puchasing Buyer should be properly allocated to the position of Purchasing Agent.

RESOLVED, the County Treasurer is authorized and directed to amend the 2017 Operating Budget as follows:

TRANSFER FROM:

A-06-4-1325-00-.1110 (888) Payroll Coordinator \$12,455.00
A-31-4-1345-00-.1110 (1312) Purchasing Buyer \$32,530.00

TRANSFER TO:

A-31-4-1345-00-.1110 (701) Purchasing Agent \$44,985.00

RESOLUTION VOTE, passed with Aye(7). Legislator Kelly voted Nay. Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

AMENDING THE 2017 OPERATING BUDGET (PURCHASING)

II. Justification:

The duties and responsibilities that are currently being performed by the Purchasing Buyer are that of a Purchasing Agent, which is a higher classificaton. This was determined through a desk audit performed by the Personnel Officer.

III. Legislative Impact:

This resolution transfers funds from the Purchasing Buyer position and reestablishes the Purchasing Agent position which is subject to appointment by the County Executive and confirmation by the County Legislature.

IV. Financial Impact:

Due to the absorbtion of Payroll into the Personnel Department, the Payroll Coordinator postion (Total Salary \$40,873) has been unfilled and will be eliminated in the 2018 budget. The funds currently in the 2017 budget will be used to offset salary and fringe.

RESOLUTION NO. 55 of 2017

DATED: 2/28/2017

Resolution by Legislator: Pepe
Seconded by Legislator: Headwell, Jr.

RESOLUTION AMENDING THE 2017 OPERATING BUDGET (ECONOMIC DEVELOPMENT/PLANNING)

WHEREAS, on October 5, 2016 a desk audit was completed in which it was determined that the Senior Planner (GIS) is misplaced in the CSEA contract; and

WHEREAS, the Senior Planner (GIS) is in Grade L which is significantly lower than that of the Senior Planner which is placed in Grade R; and

WHEREAS, the duties of the positions are very similar and are both complex in nature and have a specific higher level of experience required; and

WHEREAS, to eliminate these discrepancies it has been determined that the Senior Planner GIS position should be a Grade R, Base Salary \$61,079; and

RESOLVED, the County Treasurer is authorized and directed to amend the 2017 Operating Budget as follows:

TRANSFER FROM:

A-06-4-1325-00-.1110 (888) Payroll Coordinator \$14,485

TRANSFER TO:

A-24-4-6430-00-.1110 (29) Senior Planner (GIS) \$14,485

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. *Nature of Request:*

AMENDING THE 2017 OPERATING BUDGET (ECONOMIC DEVELOPMENT/PLANNING)

II. *Justification:*

The Personnel Officer performed a desk audit to determine the need for a change in the base salary of position as outlined in the resolution body.

III. *Legislative Impact:*

Pursuant to the Montgomery County Charter the Legislature has the authority reclassify positions.

IV. *Financial Impact:*

Due to the absorption of Payroll into the Personnel Department, the Payroll Coordinator position (Total Salary \$40,873) has been unfilled and will be eliminated in the 2018 budget. The funds currently in the 2017 budget are proposed to be used to offset salary and fringe.

RESOLUTION NO. 56 of 2017

DATED: 2/28/2017

Resolution by Legislator: Kelly
Seconded by Legislator: Wilson

RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)

WHEREAS, pursuant to the Audit Guidelines, Section 13.2 (2), requires after examination and review of the claims by the audit committee, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment; and

WHEREAS, the Audit Committee has audited claims for the period of January 24, 2017 through February 28, 2017 and recommends the payment of the claims as attached hereto in the "Abstract of Audited Claims".

RESOLVED, after examination and review of the claims by the Audit Committee, the claims are audited and attached hereto, are hereby approved for payment by the Montgomery County Legislature.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. *Nature of Request:*

APPROVING ABSTRACT OF AUDITED CLAIMS

II. *Justification:*

Pursuant to the Audit Guidelines, Section 13.2 (2), requires after examination and review of the claims by the audit committee, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment.

III. *Legislative Impact:*

Pursuant to the Audit Guidelines, Section 13.2 (2), requires after examination and review of the claims by the audit committee claims as audited are approved and presented to the Board for approval of payment.

IV. *Financial Impact:*

Budget neutral

RESOLUTION NO. 57 of 2017

DATED: 2/28/2017

Resolution by Legislator: Headwell, Jr.
Seconded by Legislator: Wilson

RESOLUTION CORRECTING APPLICATION FOR 2017 TOWN AND COUNTY TAX ROLL (REAL PROPERTY)

WHEREAS, a property owner has filed an Application for Correction of the 2017 County & Town Tax Rolls, pursuant to Section 554 of the Real Property Tax Law, with the Real Property Director, alleging errors on the 2017 Tax Roll, and

WHEREAS, said Director has investigated and filed reports, pursuant to said statute, and

WHEREAS, the Montgomery County Legislature has reviewed the Real Property Tax Director's reports and application, and

WHEREAS, the Montgomery County Legislature finds that there was an Error in Essential Fact that is applicable in the application for correction.

Application for Correction to the 2017 County and Town Tax Rolls

Approved -

Thomas J Farone Home Builders

677 Route 9

Gansvoort, NY 12831

The property in question is vacant and the assessor placed an assessment for buildings that do not exist on this parcel. The assessment should be lowered to vacant land.

WHEREAS, Resolution 11 of 2017 only allows the Auditing Committee to sign correction that does not exceed \$2,500

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 corrected extension of taxes, and

RESOLVED, that said County Director is also authorized and directed to make an order setting forth the corrected taxes, and directing

the officer having jurisdiction over the 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

RESOLVED, that the County Director shall immediately submit, to the officers having jurisdiction over the tax rolls, and above order, all approved applications, and

RESOLVED, that the County Director shall mail Notices of Approval of the Application to the applicants and the Auditing Department shall submit a monthly report, setting forth all corrections and/or refunds processed, to the Legislators, and

RESOLVED, that, provided the applications were filed pursuant to Paragraph 7A of Section 554 of the Real Property Tax Law, the application shall have eight days, from the date of the mailing of the Notice of Approval, to pay such corrected taxes, without interest, and

RESOLVED, that the said officers having charge of the tax rolls hereby are ordered and directed to immediately collect the correct tax, and

FURTHER RESOLVED, that the 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 the Treasurer is directed to notify the appropriate districts, prior to May 1, 2017 or any relevy cancelled by this resolution and will be charged back on the ensuing tax roll.

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Approving application for correction to the 2017 County and Town Tax Rolls

II. Justification:

Review of the application for Correction of Errors

III. Legislative Impact:

Pursuant to the RPTL 554, applications for corrections were filed with the Real Property Tax Director. The Real Property Tax Director is recommending that the applications be approved, for over the \$2,500 limit, making them subject to review by the Montgomery County Legislature.

IV. Financial Impact:

Loss to the County is \$263,458.61

RESOLUTION NO. 58 of 2017

DATED: 2/28/2017

Resolution by Legislator: Purtell
Seconded by Legislator: Headwell, Jr.

RESOLUTION AMENDING THE 2017 OPERATING BUDGET (DPW)

WHEREAS, Resolution 249 of 2016 authorized the sale of a 2000 - Gradall Model SL4100 to the Town of Charleston for the sum of \$15,000.00; and

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2017 Operating Budget as follows:

INCREASE REVENUES:

DM-12-3-2665 Sales of Equipment \$15,000.00

INCREASE APPROPRIATIONS:

DM-12-4-5130-00-2230 Motor Vehicle Equipment \$15,000.00

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. Nature of Request:

AMENDING THE 2017 OPERATING BUDGET

II. Justification:

The equipment was no longer needed for county purposes

III. Legislative Impact:

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the power to make appropriations.

IV. Financial Impact:

Increase in revenues of \$15,000.00

Increase in expenditures of \$15,000.00

RESOLUTION NO. 59 of 2017

DATED: 2/28/2017

Resolution by Legislator: Isabel
Seconded by Legislator: Wilson

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN SERVICE AGREEMENT WITH SPECTRUM BUSINESS - DPW BUILDING (DATA PROCESSING)

WHEREAS, the Montgomery County DPW Building requires an open internet line in order for the new ADP time clocks to function; and

WHEREAS, it has been recommended by the Data Processing Director to enter into this agreement with Spectrum Business to provide the services necessary connect the DPW building to the internet for the DPW time clock; and

WHEREAS, said agreement includes a monthly charge of \$89.98 for an ongoing time period with a 30 day option out for Montgomery County.

RESOLVED, the Montgomery County Legislature hereby authorizes and directs the County Executive, upon review and approval of the County Attorney, to sign service agreement Order

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. *Nature of Request:*

AUTHORIZING THE COUNTY EXECUTIVE TO SIGN SERVICE AGREEMENT WITH SPECTRUM BUSINESS- DPW

II. *Justification:*

This open internet line will enable the new ADP time clocks to connect to the cloud and transmit time information to ADP.

III. *Legislative Impact:*

This money has not been budgeted in the Data Processing budget, and will need to come from contingent funds. The total for 12 months will be \$1,079.76

IV. *Financial Impact:*

This line will cost \$89.98 per month, with a total of \$1,079.76 for 12 months.

RESOLUTION NO. 60 of 2017

DATED: 2/28/2017

Resolution by Legislator: Kelly
Seconded by Legislator: Headwell, Jr.

RESOLUTION AUTHORIZING ADDENDUM TO A CURRENT TOWER LICENSE AGREEMENT WITH CROWN ATLANTIC COMPANY, LLC

WHEREAS, Crown Atlantic Company, LCC of Canonsburg, Pennsylvania, owns the radio tower on Sanders Road in the Town of Minden, and

WHEREAS, use of this tower is essential for the completion of the new radio project, and

WHEREAS, the cost of the license and use of the license space is increasing by \$500.00 per month for the additional equipment being installed, and

WHEREAS, there exists a current lease agreement in place with Crown Atlantic Company, this addendum will allow the current radio project work to be completed and provide for an increase in fees of \$500.00 per month. The signature of this agreement is necessary for the radio company to move forward with the install of an additional antenna and to remove some of the old equipment currently in place on the tower,

RESOLVED, that the County Executive, upon review and approval of the County Attorney, is hereby authorized and directed to execute the addendum to the current lease agreement between Montgomery County and Crown Atlantic Company, LCC of Canonsburg, Pennsylvania.

MOTION TO AMEND by Legislator Kelly, seconded by Legislator Sweet, to add **FURTHER RESOLVED**, at an amount not to exceed \$1200 per month., passed with Aye(8). Legislator Pepe was absent.(2/28/2017)

RESOLUTION VOTE, passed with Aye(8). Legislator Pepe was absent. (2/28/2017)

Statement of Legislative and Financial Impact:

I. *Nature of Request:*

RESOLUTION AUTHORIZING ADDENDUM TO A CURRENT TOWER LICENSE AGREEMENT WITH CROWN ATLANTIC COMPANY, LLC

II. *Justification:*

The radio project previously approved is heading towards its completion. This radio tower (Sanders Road) is the last tower for the necessary completion of the antenna work for the new frequencies. This agreement will allow the radio company to install the new antennas and remove the old equipment currently in place. This tower is essential for the project as it drastically affects the radio communications for the western part of Montgomery County. Although there is a monthly increase with this agreement, the Emergency Management Office is hopeful to handle the increase in the current budget.

III. *Legislative Impact:*

The legislative impact is really the completion of the radio project. This was one of the first capital projects approved by the Legislature and will be a benefit for every first responder in Montgomery County. We are nearing the end stages and hope to continue to move forward and implement the new radios soon.

IV. *Financial Impact:*

The financial impact is an increase of \$500.00 per month for a total of \$1300.00. I am hopeful that I can handle this increase in this year's budget without requesting any further funds.

OTHER

MOTION TO RESCIND by Legislator Weitz, seconded by Legislator Quackenbush, to rescind Resolution 74 of 2015:

Legislator Quackenbush explained the intent of the original resolution which he believed was to fill each position with a resident from the perspective districts of each nine legislator. He said this appointment goes against the Legislature's local law and state law and therefore should be rescinded. He stated this was not a reflection on the person but a matter of now knowing that the Legislature made a wrong appointment and needs to make it right.

Legislator Weitz stated that it doesn't matter who's appointment it was out of respect of Montgomery County, the Legislature should respect the law as opposed to a colleague on the board.

Upon roll call Legislators Quackenbush, Weitz and Wheeler voted Aye (3), Legislators Kelly, Bieniek and Purtell voted Nay(3) and Legislator Isabel Abstained(1). Legislators Dimond and Duchessi were absent (2). Legislator Bieniek stated that out of respect for Legislator Dimond not being present he would be voting nay. Legislator Quackenbush stated out of respect for the law he would be voting in favor. The motion required a 2/3 vote, therefore, it failed.

MOTION TO RECONSIDER by Legislator Kelly, seconded by Legislator Isabel, to reconsider the rescinding of Resolution 74 of 2015, passed with Aye(5). Legislators Bieniek and Purtell voted Nay. Legislators Dimond and Duchessi were absent.

MOTION TO RESCIND by Legislator Weitz, seconded by Legislator Quackenbush, to rescind Resolution 74 of 2015 was defeated with Aye(5). The motion required a 2/3 vote, therefore, it failed. Legislators Bieniek and Purtell voted Nay. Legislators Dimond and Duchessi were absent.

ADJOURNMENT

MOTION TO ADJOURN by Legislator Kelly, seconded by Legislator Purtell, passed with Aye(8). Legislator Pepe was absent.

Chairman Dimond adjourned the meeting at 7:44 pm

Respectfully submitted,

Cheryl A. Reese
Clerk of the Montgomery County
Legislature