

### **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  
Michael J. Pepe, Legislator, District 7  
Joseph A. Isabel, Legislator, District 8  
Robert A. Purtell, Legislator, District 9

Absent:

Joseph A. Isabel, Legislator, District 8

### **SALUTE TO THE FLAG**

Matt Wemple, Troop 51 Eagle Scout Project leader, led the Salute to the Flag.

### **MOMENT OF SILENCE**

Chairman Dimond asked for a moment of silence for the Clerk of the Legislature who recently lost her father.

### **PUBLIC COMMENT AND PRESENTATION**

Gina DaBiere-Gibbs, Director of Tourism, took the floor to update the Legislature on the Fulton-Montgomery Regional Chamber of Commerce.

Chairman Dimond invited Jeff Smith, Director of Emergency Management, Matt Ossenfort, County Executive, and Matt Wemple, Troop 51, to the floor to give a presentation on the Troop 51 Eagle Scout Project at the Montgomery County Public Safety Building in Fultonville. Chairman Dimond presented a certificate to Mr. Wemple in appreciation of his hard work.

### **COMMUNICATIONS**

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

There were no minutes for approval.

### **ACCEPTANCE OF BUDGETARY TRANSFERS**

**MOTION TO ACCEPT BUDGETARY TRANSFERS** by Legislator Kelly, seconded by Legislator Headwell, Jr., passed with Aye(8). Legislator Isabel was absent.

### **ACCEPTANCE OF PROCUREMENT RECORD**

**ACCEPTANCE OF PROCUREMENT RECORD** by Legislator Wilson, seconded by Legislator Pepe, passed with Aye(8). Legislator Isabel was absent.

### **OLD BUSINESS**

## **SUSPEND RULES**

**SUSPEND THE RULES** by Legislator Pepe, seconded by Legislator Kelly, to add resolutions 205-208 to the agenda, passed with Aye(8). Legislator Isabel was absent.

## **NEW BUSINESS**

A. Resolutions

B. Other

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### **RESOLUTION NO. 181 of 2017**

**DATED:** 7/25/2017

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

### **RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN AGREEMENT WITH GENUINE PARTS COMPANY, D/B/A AS NAPA (PUBLIC WORKS)**

**WHEREAS**, Montgomery County Department of Public Works (hereinafter "DPW") has a need to purchase mechanical parts for Equipment & Materials for Buildings and Grounds; and

**WHEREAS**, for efficiency purposes, the Montgomery County DPW is recommending outsourcing running the parts department to a private entity; and

**WHEREAS**, pursuant to a competitive bidding and selection process by the National Joint Powers Alliance, a public entity from Minnesota, NAPA (doing business as Genuine Parts Company) was awarded a contract to establish a source of supply for auto, truck and bus parts as well as to provide Integrated Business Solution Services; and

**WHEREAS**, Genuine Parts Company will be required to abide by the Montgomery County Procurement Policy.

**RESOLVED**, that the County Executive following review and approval by the County Attorney is authorized and directed to execute an agreement with Genuine Parts Company under the terms set forth as awarded by the National Joint Powers Alliance with an amendment requiring them to abide by the Montgomery County Procurement Policy.

### **RESOLUTION WITHDRAWN BY SPONSOR(7/25/2017)**

**RESOLUTION VOTE**, passed with Aye(6). Legislators Kelly and Purtell voted Nay. Legislator Isabel was absent. (8/22/2017)

### ***Statement of Legislative and Financial Impact:***

#### *I. Nature of Request:*

Resolution Authorizing County Executive to Sign Agreement with Genuine Parts Company (d/b/a as NAPA auto parts).

#### *II. Justification:*

DPW has a need to purchase parts and materials and is looking to do so at a savings to the County.

#### *III. Legislative Impact:*

Article 3 of the Montgomery County Charter authorizes the Montgomery County Executive to execute contracts. General Municipal Law 103 (16) authorizes awarding contracts to the lowest responsible bidder of contracts bid from other government entities.

#### *IV. Financial Impact:*

The county will realize an annual savings on parts purchasing at an estimate of \$92,000. Parts are purchased from Genuine Parts Company at a net 10% profit. The county will benefit by a reduction of employee hours spent on the road as well as fuel and vehicle maintenance. The program is part of the Shared Services initiative with other municipalities in the county.

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**RESOLUTION NO. 189 of 2017**

**DATED: 7/25/2017**

Resolution by Legislator: Dimond  
Seconded by Legislator: Sweet

**RESOLUTION ADOPTING INTRODUCTORY LAW G (LOCAL LAW 7 OF 2017) - A LOCAL LAW AUTHORIZING A LEASE AGREEMENT BETWEEN FRANK GRECO AND MONTGOMERY COUNTY**

**WHEREAS**, Frank Greco, wishes to lease property from Montgomery County to facilitate an Agreement between Genuine Parts Company and Montgomery County; and

**WHEREAS**, the lease would be for a period of three (3) years; and

**WHEREAS**, the lease would be for the stock room which is located on the east side of the first floor of the Montgomery County Department of Public Works Building at 6 Park Street, Fonda, NY; and

**WHEREAS**, the total dimensions of the space to be leased are approximately 222 feet by 20 feet (4440 square feet); and

**WHEREAS**, a copy of this local law in final form has been on the desks of the Montgomery County Legislature for ten days, excluding Sundays.

**NOW THEREFORE BE IT RESOLVED**, that Introductory Local Law G (Local Law 7) of 2017 hereby is enacted and incorporated as follows:

**LOCAL LAW 7 of 2017 - A LOCAL LAW AUTHORIZING A LEASE AGREEMENT BETWEEN FRANK GRECO AND MONTGOMERY COUNTY**

**BE IT ENACTED** by the Legislature of the County of Montgomery as follows:

**SECTION 1.** The purpose of this local law is to authorize the Montgomery County Executive to sign a lease with Frank Greco to facilitate an Agreement between Genuine Parts Company and Montgomery County.

**SECTION 2.** That the lands to be leased are described as follows:

The stock room that is located on the east side of the first floor of the Montgomery County Department of Public Works Building at 6 Park Street, Fonda, NY with total dimensions that are approximately 222 feet by 20 feet (4440 square feet).

**SECTION 3.** That the property to be leased pursuant to the provisions of this law shall be used by Frank Greco to run the Montgomery County stockroom. No private sales shall be conducted on the property.

**SECTION 4.** That the lands described in Section 2 are not being used by the general public.

**SECTION 5.** The interests of Montgomery County in the lands described in Section 2 were not acquired solely to build a County highway or through tax sale. They may only be leased pursuant to the provisions of this law.

**SECTION 6.** That the lands described in Section 2 may be leased to Frank Greco without advertising or competitive bidding.

**SECTION 7.** That monthly rent payments by Frank Greco during the 3-year lease shall be \$100 a month.

**SECTION 8.** That the County Executive is hereby authorized to sign a lease between Frank Greco and Montgomery County to facilitate an Agreement between Genuine Parts Company and Montgomery County

**SECTION 9.** To the extent that this local law is inconsistent with Section 215 of the County Law of the State of New York it shall

supersede that section.

**SECTION 10.** If any clause, sentence or paragraph of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder of the local law, which shall as to such remainder remain in effect.

**SECTION 11.** This Local Law shall take effect when all applicable statutory requirements for its passage and adoption have been fully complied with and it has been filed in the Office of the Secretary of State.

**RESOLUTION WITHDRAWN BY SPONSOR(7/25/2017)**

**RESOLUTION VOTE**, passed with Aye(7). Legislator Kelly voted Nay. Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

ADOPTING INTRODUCTORY LAW G (LOCAL LAW 7 OF 2017) - A LOCAL LAW AUTHORIZING A LEASE AGREEMENT BETWEEN FRANK GRECO AND MONTGOMERY COUNTY

*II. Justification:*

Frank Greco has requested to lease said the property from Montgomery County for three (3) years to facilitate an Agreement between Genuine Parts Company and Montgomery County.

*III. Legislative Impact:*

The Legislature is empowered by the Municipal Home Rule Law to pass local laws relating to leasing County owned property.

*IV. Financial Impact:*

Will result in three years of lease payments at \$100 a month being received by Montgomery County.

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**RESOLUTION NO. 197 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Purtell  
Seconded by Legislator: Sweet

**RESOLUTION AMENDING 2017 OPERATING BUDGET (DISTRICT ATTORNEY)**

**WHEREAS**, forfeiture monies from drug related cases in the amount of \$473.00 has been deposited with the Montgomery County Treasurer; and

**WHEREAS**, said forfeiture money is to be used to purchase equipment for various law enforcement agencies throughout Montgomery County, it is

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

**INCREASE REVENUES:**

A-25-4-1165-00-.2626

Forfeiture Crime Proceeds - Restricted \$473.00

**INCREASE APPROPRIATIONS:**

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

To use forfeiture money from drug related prosecutions in Montgomery County to purchase equipment and provide money for training for law enforcement agencies throughout Montgomery County.

*II. Justification:*

Law enforcement agencies throughout Montgomery County benefit from using these forfeiture monies to purchase equipment and attend 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 power to make appropriations.

*IV. Financial Impact:*

Increase of \$473.00 to the DA/Law Enforcement Program

**RESOLUTION NO. 198 of 2017**

**DATED:** 8/22/2017

Resolution by Legislator: Isabel  
Seconded by Legislator: Purtell

**RESOLUTION AUTHORIZING EASEMENT FOR INSTALLATION OF A TELEPHONE POLE ON THE FMCC CAMPUS (BOCES)**

**WHEREAS**, the Montgomery County Legislature approved the installation of a solar array on the FMCC Campus in Resolution 148 of 2015; and

**WHEREAS**, it is necessary for National Grid to install a telephone pole to allow the solar array to be hooked into the energy grid.

**BE IT FURTHER RESOLVED** that the Montgomery County Legislature hereby authorizes the easement with National Grid at the location shown on the map attached hereto and made a part hereof to allow the installation of a telephone pole on the FMCC Campus at the HFM BOCES side of State Highway 67 to allow for the hook up of the previous approved solar energy system to the electric grid; and

**BE IT FURTHER RESOLVED** that the Montgomery County Executive is authorized and directed to complete any paper necessary to effectuate the easement.

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

RESOLUTION AUTHORIZING EASEMENT FOR INSTALLATION OF A TELEPHONE POLE ON THE FMCC CAMPUS

II. *Justification:*

The Montgomery County Legislature approved the installation of a solar array on the FMCC Campus in Resolution 148 of 2015 and it is necessary for National Grid to install a telephone pole to allow the solar array to be hooked into the energy grid

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 impact to fund balance anticipated.

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**RESOLUTION NO. 199 of 2017**

**DATED: 8/22/2017**

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

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY AGRICULTURAL SOCIETY PROMOTING YOUTH DAYS AT THE MONTGOMERY COUNTY FONDA FAIR**

**WHEREAS**, this is the 176th year of the Montgomery County Fonda fair, one of the largest tourist attractions in Montgomery County; and

**WHEREAS**, Local Law 4 of 2011 established a Hotel and Motel Occupancy Tax (hereinafter "Bed Tax"); and

**WHEREAS**, funds from the Bed Tax are "to enhance and develop the general economy of the County and the towns therein through promotion of tourism, conventions, trade shows, and other directly related and supporting activities"; and

**WHEREAS**, in 2016 1500 youth a day attended the fair at a rate of \$15,000 a day; and

**WHEREAS**, the Montgomery County Ag Society has agreed to accept a flat rate of \$7,500 a day to pay for all youth who may attend the fair on Wednesday, August 30th and Friday, September 1st; and

**WHEREAS**, allowing youth to attend free-of-charge on Wednesday, August 30th and Friday, September 1st promotes tourism and a fun-family experience in the heart of Montgomery County.

**RESOLVED**, the Montgomery County Legislature hereby authorizes and directs the County Executive to enter into an agreement with the Montgomery County Agricultural Society to pay a flat rate of \$15,000.00 in return for all youth being given free admission to the fair on Wednesday, August 30th and Friday, September 1st 2017 to assist in promoting tourism in Montgomery County.

**FURTHER RESOLVED**, that the County Treasurer is hereby authorized and directed to disburse \$15,000.00 to the Montgomery County Agricultural Society from the Bed Tax Contribution - Tourism line item# A-24-4-6430-00-.4577.

**RESOLUTION VOTE**, passed with Aye(7). Legislator Kelly abstained. Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

I. *Nature of Request:*

AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE MONTGOMERY COUNTY AGRICULTURAL SOCIETY PROMOTING TOURISM AT THE MONTGOMERY COUNTY FONDA FAIR

II. *Justification:*

It is the intent of Montgomery County to promote tourism by allowing youth to attend the Montgomery County Fonda Fair for free on Wednesday, August 30th and Friday, September 1st 2017 .

III. *Legislative Impact:*

Pursuant to Article 3 of the Charter the Montgomery County Executive has the authority to sign contracts. Pursuant to Section 2 of Local Law 4 of 2011, funds are to be used to “to enhance and develop the general economy of the County and the towns therein through promotion of tourism, conventions, trade shows, and other directly related and supporting activities.”

IV. *Financial Impact:*

\$15,000 will be taken from the Bed Tax line. No impact to fund balance anticipated.

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**RESOLUTION NO. 200 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Dimond  
Seconded by Legislator: Sweet

**RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY, INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE NYS TAX LAW (COUNTY LEGISLATURE)**

**BE IT ENACTED** by the Legislature of the County of Montgomery, as follows: **SECTION 1.** Section 4-A of Resolution No. 311, enacted by the Board of Supervisors of the County of Montgomery on December 5, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

**Section 4-A.** Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of Section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by Sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning June 1, 2003, and ending November 30, 2020. Such additional taxes shall be identical to the taxes imposed by such Sections 2 and 4 and shall be administered and collected in the same manner as such taxes.

All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such Sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

**SECTION 2.** Paragraph (B) of subdivision (1) of Section 11 of Resolution No. 311 enacted by the Board of Supervisors of the County of Montgomery on December 5, 1967, imposing sales and use taxes, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning June 1, 2003, and ending November 30, 2020, in respect to the use of property used by the purchaser in this County prior to June 1, 2003.

**SECTION 3.** This enactment shall take effect December 1, 2017.

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

I. *Nature of Request:*

RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY, INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE NYS TAX LAW

II. *Justification:*

NYS Legislature empowered the County of Montgomery to raise an additional 1% sales tax and the authorization to do so expires on November 30, 2020

III. *Legislative Impact:*

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the power to levy taxes

IV. *Financial Impact:*

The additional 1% represents approximately 5 million dollars of county revenue each year.

This additional sales tax revenue has been critical to the fiscal well-being of Montgomery County.

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**RESOLUTION NO. 201 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Dimond  
Seconded by Legislator: Isabel

**RESOLUTION APPOINTING MEMBER TO THE AUDIT COMMITTEE (COUNTY LEGISLATURE)**

**WHEREAS**, pursuant to Section 2.10 of the Montgomery County Charter and Section 2.03 (A) xiv of the Rules of Procedure of the Montgomery County Legislature, there shall be an Audit Committee composed of the Chairperson of the Legislature, the Chairperson of the Standing Committee on Budget & Finance and one additional Legislator; and

**WHEREAS**, the Montgomery County Legislature appoints a member each month to fill the position of the additional Legislator on the Audit Committee; and

**RESOLVED**, Legislator Duchessi is hereby appointed to serve on the Audit Committee for the month of September 2017, and Legislator Isabel is hereby appointed to serve on the Audit Committee for the month of October 2017.

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

I. *Nature of Request:*

APPOINTING MEMBER TO THE AUDIT COMMITTEE

II. *Justification:*

The Legislature has chosen to make appointments to fill the third position on the Audit Committee.

III. *Legislative Impact:*



Pursuant to Section 2.10 of the Montgomery County Charter and Section 2.03 (A) xiv of the Rules of Procedure of the Montgomery County Legislature, there shall be an Audit Committee composed of the Chairperson of the Legislature, the Chairperson of the Standing Committee on Budget & Finance and one additional Legislator.

*IV. Financial Impact:*

To ensure that there is no negative impact of the Operating Budget.

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**RESOLUTION NO. 202 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Dimond  
Seconded by Legislator: Purtell

**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 July 26, 2017 through August 22, 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 Isabel was absent. (8/22/2017)

***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:*

No impact to the fund balance

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

**RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO EXECUTE CHANGE ORDER NO. 1 WITH CME ASSOCIATES FOR FMCC ALLEN HOUSE PROJECT**

**WHEREAS**, the FMCC Allen House Project is being constructed with no dollars from Montgomery and Fulton Counties, and

**WHEREAS**, Resolution #133 of 2017 authorized the County Executive to execute certain Agreements for the FMCC Allen House Project, and

**WHEREAS**, one of these Agreements was with CME Associates to provide Special Inspection Services, and

**WHEREAS**, CME Associates is now being required to perform additional inspection and testing services not included in their original scope of work

**NOW THEREFORE BE IT RESOLVED**, that the County Executive is hereby authorized and directed to execute Change Order No. 1 in the amount of \$4,690 with CME Associates, and be it further

**RESOLVED**, that CME Associates revised contract amount will now be:

ORIGINAL CONTRACT AMOUNT:	\$9,000
<u>CHANGE ORDER NO 1:</u>	<u>(+) \$4,690</u>
REVISED CONTRACT AMOUNT:	\$13,690

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO EXECUTE CHANGE ORDER NO. 1 WITH CME ASSOCIATES FOR FMCC ALLEN HOUSE PROJECT

*II. Justification:*

The Montgomery County Legislature is authorized to pass this Resolution in support pursuant to Section 2.04 of the Montgomery County Charter

*III. Legislative Impact:*

The Montgomery County Legislature is authorized to pass this Resolution in support pursuant to Section 2.04 of the Montgomery County Charter

*IV. Financial Impact:*

No impact - falls within the 2017 FMCC Capital Project

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Resolution by Legislator: Dimond  
Seconded by Legislator: Sweet

**RESOLUTION CONFIRMING APPOINTMENT/TERM OF REPRESENTATIVE TO THE FULTON, MONTGOMERY AND  
SCHOHARIE COUNTY WORKFORCE DEVELOPMENT BOARD MADE BY THE COUNTY EXECUTIVE**

**WHEREAS**, In accordance with The Workforce Innovation and Opportunity Act of 2014 (WIOA) (P.L. 113-128), the Counties of Fulton, Montgomery, and Schoharie entered into an agreement as described in WIOA to organize and implement activities pursuant to WIOA and in accordance with requirements established by the Governor of the State of New York (Governor) for purposes of implementing programs and services under WIOA; and

**WHEREAS**, the membership of the WDB shall be appointed by the Chief Local Elected Officials (CLEO); and

**WHEREAS**, each CLEO shall appoint an equal number of Workforce Development Board members. There shall be four public sector and five private sector members appointed by each CLEO. The CLEOs shall among themselves agree so that all of the mandatory representatives listed under WIOA Section 107 will be represented; and

**WHEREAS**, Carrie Armenio was appointed by the Montgomery County Executive to fill a private sector position; and

**WHEREAS**, Carrie Armenio has since vacated this position effective May 22, 2017; and

**WHEREAS**, the County Executive has appointed Christopher Darling to replace the vacated position in the private sector.

**RESOLVED**, the Montgomery County Legislature hereby confirms the following appointment and term of representative to the Fulton, Montgomery and Schoharie Workforce Development Board made by the County Executive; effective immediately.

**APPOINTEE            SECTOR REPRESENTING    TERM**

Christopher Darling   Private Sector                                  06/30/2020

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

Confirming Appointment/term of representative to the Fulton, Montgomery and Schoharie County Workforce Development Board made by the County Executive

*II. Justification:*

There is a vacancy in the board that needs to be filled by an appointment from the Montgomery County Executive.

*III. Legislative Impact:*

Pursuant to the charter the County Executive has authority to make appointments which the County Legislature confirms.

*IV. Financial Impact:*

There is no financial obligation.

**RESOLUTION NO. 205 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Pepe  
Seconded by Legislator: Wilson

**RESOLUTION AMENDING THE 2017 OPERATING BUDGET, MONTGOMERY COUNTY TRANSFER STATIONS- EQUIPMENT - POST CLOSURE (PUBLIC WORKS)**

**WHEREAS**, the Commissioner of the Department of Public Works is requesting a transfer of funds for equipment replacement for the Montgomery, Otsego, Schoharie counties transfer stations landfill; and

**WHEREAS**, a meeting was held on June 27, 2017, by the post closure committee of the three counties, and it was decided to replace equipment for the landfill sites; and

**WHEREAS**, the post closure fund is part of the Montgomery County Operating Budget under the Department of Public Works; and

**WHEREAS**, there is an urgent need to replace equipment for site maintenance;

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

**INCREASE:**

PC 599 Post Closure Fund Balance \$25,200.00

**INCREASE APPROPRIATIONS:**

PC-12-4-8160-00-.2230 Equipment \$25,200.00

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

LEGISLATION IS REQUIRED TO AMEND THE 2017 OPERATING BUDGET FOR AN INCREASE IN POST CLOSURE FUND - PC 12 4 8160 2230

*II. Justification:*

EQUIPMENT IS NEEDED TO MAINTAIN THE TRANSFER STATION LANDFILLS IN ALL COUNTIES; MONTGOMERY COUNTY, OTSEGO COUNTY, AND SCHOHARIE COUNTY ARE ALL IN FAVOR OF THE EQUIPMENT PURCHASE

*III. Legislative Impact:*

PURSUANT TO ARTICLE 2 OF THE MONTGOMERY COUNTY CHARTER, THE MONTGOMERY COUNTY LEGISLATURE HAS THE AUTHORITY TO MAKE APPROPRIATIONS.

*IV. Financial Impact:*

NO FINANCIAL IMPACT TO COUNTY FUND BALANCE

POST CLOSURE IS A SEPARATE ACCOUNT CREATED BY THE THREE COUNTIES WITH FUNDS TO BE SUED FOR THESE CIRCUMSTANCES; FUNDS ARE MANAGED BY THE MONTGOMERY COUNTY TREASURER

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**RESOLUTION NO. 206 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Kelly  
Seconded by Legislator: Sweet

**RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN FEDERAL SECTION 5311 2017-2018 THIRD PARTY AGREEMENT – BROWN COACH, INC. (ECONOMIC DEVELOPMENT/PLANNING)**

**WHEREAS**, the County of Montgomery has submitted a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project(s) to provide public mass transportation service for Montgomery County for the 2017-2018 fiscal years, and

**WHEREAS**, the County of Montgomery and the State of New York have entered into a continuing agreement which authorizes the undertaking of the project(s) and payment of the Federal Share and State Share, and

**WHEREAS**, the County of Montgomery is contracting with a third party subcontractor for the project(s) described above.

**RESOLVED**, that the County Executive, following review and approval by the County Attorney, is hereby authorized and directed to sign the agreement between Montgomery County and Brown Coach, Inc. to complete the public transportation project(s).

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

This resolution authorizes the County Executive to sign a contract with Brown Coach to provide public mass transportation service for Montgomery County.

*II. Justification:*

This contract provides for commuter run and Montgomery Area Express Services.

*III. Legislative Impact:*

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

*IV. Financial Impact:*

Revenue received through the consolidated grant funds are passed through to Brown Coach, Inc. This contract is budget neutral.

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**RESOLUTION NO. 207 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Pepe  
Seconded by Legislator: Purtell

**RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN REVOLVING LOAN FUND AGREEMENT- FOR LEE NEWSPAPER/LEE VILLAGE PROPERTIES/LEE SHOPS AT WAGNER'S SQUARE (ECONOMIC DEVELOPMENT/PLANNING)**

**WHEREAS**, Montgomery County administers an Economic Development Program for the purpose of creating and retaining jobs in Montgomery County; and

**WHEREAS**, the Montgomery Industrial Development Agency (MCIDA) has reviewed and recommended approval of a business loan application from Lee Newspaper/Lee Village Properties/Lee Shops At Wagner's Square; and

**WHEREAS**, the said applicant has requested a loan for the purpose of purchasing real estate located at 24 Church Street, Canajoharie NY and for the assistance of purchasing inventory for the new business; and

**WHEREAS**, said applicant has agreed to create ten (10) full time employee jobs over the next three (3) years and retain 5 (5) full time employees in conjunction with receiving the loan.

**RESOLVED**, that the County Executive, 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 \$400,000 to Lee Newspaper/Lee Village Properties/Lee Shops At Wagner's Square; 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 two hundred and forty (240) equal monthly installments, with an interest of 4.25% (percent); and

**FURTHER RESOLVED**, that, at the time of closing, no more than the sum of \$1,500 shall be deducted, to allow for closing fees.

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

Resolution authorizes County Executive to sign all documents associated with the approval of a loan through the County Revolving Loan Fund.

*II. Justification:*

Montgomery County administers a Revolving Loan Fund for the purposes of providing an opportunity for businesses to create and retain jobs within the County.

*III. Legislative Impact:*

The County Executive has the authority to sign contracts on behalf of the County pursuant to Article 3 of the Charter.

*IV. Financial Impact:*

All loan proceeds and closing costs are appropriated through the County's CD Fund. This has no impact on the County's General Fund.

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**RESOLUTION NO. 208 of 2017**

**DATED: 8/22/2017**

Resolution by Legislator: Pepe  
Seconded by Legislator: Kelly

**RESOLUTION TO AMEND 2017 BUDGET - STATE TRAINING PROGRAM (SOCIAL SERVICES)**

**WHEREAS**, the Department of Social Services (State Training Program) is over budget for 2017. This program covers children who are in Office of Children and Family Services (OCFS) Custody with respect to Juvenile Detention; and

**WHEREAS**, the Department currently has \$250,000 in said budget line (A-18-4-6011-00-.6129), and has received invoices from

OCFS covering calendar year 2015 in the amount of \$399,368.31; and

**WHEREAS**, the Department requires additional funding in the amount of \$149,368.31 for the 2017 year for the following program; and

**WHEREAS**, the State Training Program is currently 100% locally funded; and

**WHEREAS**, the remaining funds in the amount of \$149,368.31 needed will be transferred from the Juvenile Delinquent Appropriation Account A-18-4-6011-00-.6123.

**RESOLVED**, that the Montgomery County Legislators hereby supports, and authorizes the additional funds for the State Training Program.

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

**TRANSFER FROM:**

A-18-4-6011-00-.6129 State Training Schools \$149,368.31

**TRANSFER TO:**

A-18-4-6011-00-.6123 Juvenile Delinquent \$149,368.31

**RESOLUTION VOTE**, passed with Aye(8). Legislator Isabel was absent. (8/22/2017)

***Statement of Legislative and Financial Impact:***

*I. Nature of Request:*

The Department is requesting that \$149,368.31 be transferred from the Juvenile Delinquent Appropriations Account to the State Training Program Account to cover the invoices from calendar year 2015 just received from OCFS.

*II. Justification:*

The funds are needed to pay for children in Juvenile Detention under OCFS Custody. The additional expense is due to significant rate increases from the State facilities as the number of children in their care has remained somewhat consistent from the prior year's invoice.

*III. Legislative Impact:*

Pursuant to Article 2 of the Charter, the Montgomery County Legislature has the power to make appropriations and the County Executive has the authority to sign contracts.

*IV. Financial Impact:*

The request for transfer will be 100% funded with local dollars and is non-reimbursable by either Federal or State monies as the State already pays for one half of the expense.

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**EXECUTIVE SESSION**

**MOTION TO ENTER EXECUTIVE SESSION** by Legislator Pepe, seconded by Legislator Purtell, passed with Aye(8). Legislator

Isabel was absent.

**MOTION TO EXIT EXECUTIVE SESSION** by Legislator Headwell, Jr., seconded by Legislator Wilson, passed with Aye(8). Legislator Isabel was absent.

**ADJOURNMENT**

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

Chairman Dimond adjourned the meeting at 7:45 pm

Respectfully submitted,

Deborah L. Chan  
Deputy Clerk of the Montgomery  
County Legislature