
Office of the Legislature

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TO: Education/Government Committee

Robert Headwell, Jr., Chairman, Legislator, District 4
John Thayer, Legislator, District 3
Daniel P. Wilson, Legislator, District 5
John M. Duchessi, Legislator, District 6
Michael J. Pepe, Legislator, District 7



FROM: Cheryl A. Reese, Clerk of the Legislature

CC: Legislators, County Attorney, County Treasurer, FMCC, Workforce Development Board, Media

DATE: 7/24/2020

RE: Committee Meetings

Chairman Robert Headwell, Jr. has called a meeting of the Education/Government Committee for 6:15 p.m. on Tuesday, July 21, 2020 in the Legislative Chambers, County Office Building, 64 Broadway, Fonda, New York. Members from the public may also listen to the meeting by calling 1-646-749-3112, Access Code 598-894-717. Items on the agenda, at this time, are as follows:

1. DISCUSSION

A. Privilege of Committee Chair, Committee Members & Legislators to discuss items of interest, etc., regarding departments governed by this Committee

2. BOND RESOLUTION OF THE COUNTY OF MONTGOMERY, NEW YORK (THE "COUNTY"), DATED JULY 28, 2020, AUTHORIZING FULTON MONTGOMERY COMMUNITY COLLEGE IMPROVEMENTS, ESTIMATING THE AGGREGATE COST THEREOF TO BE \$125,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF THE COUNTY TO FINANCE SAID COST AND RELATED EXPENSES

3. RESOLUTION CONFIRMING RE-APPOINTMENT/TERM OF REPRESENTATIVES TO THE FULTON, MONTGOMERY AND SCHOHARIE COUNTY WORKFORCE DEVELOPMENT BOARD MADE BY THE COUNTY EXECUTIVE

4. RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN AGREEMENT - CONTINUATION OF CLEO AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE COUNTIES OF FULTON AND SCHOHARIE

5. OTHER

Proposed Resolutions

Res. #		Sponsor/Second	Recommendation
<u>131</u>	BOND RESOLUTION OF THE COUNTY OF MONTGOMERY, NEW YORK (THE "COUNTY"), DATED JULY 28, 2020, AUTHORIZING FULTON MONTGOMERY COMMUNITY COLLEGE IMPROVEMENTS, ESTIMATING THE AGGREGATE COST THEREOF TO BE \$125,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF THE COUNTY TO FINANCE SAID COST AND RELATED EXPENSES	Pepe/Wilson	Move to Full Legislature
<u>132</u>	RESOLUTION CONFIRMING RE-APPOINTMENT/TERM OF REPRESENTATIVES TO THE FULTON, MONTGOMERY AND SCHOHARIE COUNTY WORKFORCE DEVELOPMENT BOARD MADE BY THE COUNTY EXECUTIVE	Thayer/Wilson	Move to Full Legislature
<u>133</u>	RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN AGREEMENT - CONTINUATION OF CLEO AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE COUNTIES OF FULTON AND SCHOHARIE	Thayer/Pepe	Move to Full Legislature



DATED: July 28, 2020

RECOMMENDATION: Move to Full Legislature

BOND RESOLUTION OF THE COUNTY OF MONTGOMERY, NEW YORK (THE "COUNTY"), DATED JULY 28, 2020, AUTHORIZING FULTON MONTGOMERY COMMUNITY COLLEGE IMPROVEMENTS, ESTIMATING THE AGGREGATE COST THEREOF TO BE \$125,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF THE COUNTY TO FINANCE SAID COST AND RELATED EXPENSES

Resolution by Legislator: Pepe

Seconded by: Wilson

WHEREAS, the County Legislature has heretofore approved funding its twenty-five percent (25%) share of the cost of health and safety improvements at Fulton-Montgomery Community College (the "FMCC Project"), all as more particularly described in the County's approved plan of capital improvements and acquisitions (the "Capital Plan"); and

WHEREAS, the County Legislature desires to approve the method of financing the costs of the Projects;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Montgomery County Legislature 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 Projects as follows:

the FMCC Project, the maximum aggregate cost of the County's portion thereof being hereby estimated to be \$125,000.00, appropriating said amount therefor and authorizing the issuance of \$125,000.00 serial bonds to finance such cost and related expenses;

SECTION 2

It is determined that the period of probable usefulness of the aforesaid specific objects or purposes are as follows:

the FMCC Project - Ten (10) years pursuant to Section 11.00(a)(12)(a)(2) of the Law;

SECTION 3

The plan of financing includes the issuance of \$125,000.00 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 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 Montgomery County Legislature 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 Montgomery County Legislature in substantially the form provided in Section 81.00 of the Law.

SECTION 14

This resolution shall take effect immediately.

Statement of Legislative and Financial Impact:

I. Nature of Request:

AUTHORIZING COMMUNITY COLLEGE IMPROVEMENTS, ESTIMATING THE AGGREGATE COST THEREOF TO BE \$125,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000.00 SERIAL BONDS OF THE COUNTY TO FINANCE SAID COST AND RELATED EXPENSES

II. Justification:

Authorization of the legislature needed to incur indebtedness to the county

III. Legislative Impact:

Pursuant to law 2/3 of legislature is needed for all bonding resolutions

IV. Financial Impact:

Issuance of \$125,000.00 debt to be paid for the next 10 years. To be included as indebtedness payments in subsequent years

cc: County Clerk
County Treasurer



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

Resolution by Legislator: Thayer**Seconded by:** Wilson

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, the current board consists as follows:

APPOINTEE	SECTOR REPRESENTING	TERM
Dave Fariello	Private Sector	06/30/2020
Erin Clemons	Private Sector	06/30/2020
Marty Callahan	Private Sector	06/30/2021
Pamela Goldswear	Private Sector	06/30/2021
Amy Rogers	Private Sector	06/30/2022
Jeff Stark	Public Sector	06/30/2020
Kenneth Rose	Public Sector	06/30/2020
Andrea Schribner	Public Sector	06/30/2020
Melissa Johnston	Public Sector	06/30/2022

RESOLVED, there are five members that terms expire on 6/30/2020;

FURTHER RESOLVEED, the Montgomery County Legislature hereby confirms the re-appointments made by the County Executive as follows:

APPOINTEE	SECTOR REPRESENTING	TERM
Dave Fariello	Private Sector	06/30/2023
Erin Clemons	Private Sector	06/30/2023
Jeff Stark	Public Sector	06/30/2023
Kenneth Rose	Public Sector	06/30/2023
Andrea Schribner	Public Sector	06/30/2023

Statement of Legislative and Financial Impact:

I. Nature of Request:

CONFIRMING RE-APPOINTMENT/TERM OF REPRESENTATIVES TO THE FULTON, MONTGOMERY AND SCHOHARIE COUNTY WORKFORCE DEVELOPMENT BOARD MADE BY THE COUNTY EXECUTIVE

II. Justification:

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

III. Legislative Impact:

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

IV. Financial Impact:

appointment resolution no financial impact

cc: County Clerk
County Treasurer



RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN AGREEMENT - CONTINUATION OF CLEO AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE COUNTIES OF FULTON AND SCHOHARIE

Resolution by Legislator: Thayer

Seconded by: Pepe

WHEREAS, in accordance with the Workforce Innovation and Opportunity Act (WIOA) of 2014, Fulton, Montgomery, and Schoharie Counties entered into an agreement prescribed by WIOA to oversee the management of WIOA funding and supported activities coordinated by the Grant Sub-recipient and Fiscal Agent the Fulton Montgomery and Schoharie Counties Workforce Development Board, Inc.; 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; and

WHEREAS, the CLEO Agreement was recently revised to meet new regulations.

RESOLVED, the County Executive, upon review and approval of the County Attorney, is hereby authorized and directed by the Montgomery County Legislature to sign the Chief Local Elected Officials (CLEO) Agreement between the Counties of Fulton, Montgomery, and Schoharie to meet the requirements of the Workforce Innovation and Opportunity Act; and

FURTHER RESOLVED, this Agreement is effective July 1, 2020 and continues through June 30, 2021.

[Attachment](#)

Statement of Legislative and Financial Impact:

I. Nature of Request:

AUTHORIZING COUNTY COUNTY EXECUTIVE TO SIGN AGREEMENT - CONTINUATION OF CLEO AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE COUNTIES OF FULTON AND SCHOHARIE

II. Justification:

CONTINUATION OF CLEO AGREEMENT BETWEEN THE COUNTY OF MONTGOMERY AND THE COUNTIES OF FULTON AND SCHOHARIE

III. Legislative Impact:

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

IV. Financial Impact:

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. There is no financial requirement from the county.

cc: County Clerk
County Treasurer