

### **CALL TO ORDER**

Chairman Isabel called the Regular Meeting of the Montgomery County Legislature for July 28, 2020 to order at 7:00 PM.

Given the current State, Federal and County bans on large meetings due to COVID-19 in conjunction with Governor Cuomo's Executive Order 202.1, extended by Executive Order 202.38, that suspended the Open Meetings Law, the Montgomery County Legislature Committee Meetings scheduled for Tuesday, July 28, 2020 will be held electronically via teleconference at 7:00 pm. Members of the public may listen to the meeting by calling 1-405-650-3123, Access Code 819-655-277. Minutes of the meeting will be transcribed and later posted on the Montgomery County website at [www.co.montgomery.ny.us](http://www.co.montgomery.ny.us).

### **ROLL CALL OF MEMBERS**

Legislators present were:

Martin P. Kelly, Legislator, District 1  
Brian D. Sweet, Legislator, District 2  
John W. Thayer, 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, Chairman of the Legislature, Legislator, District 8  
Robert A. Purtell, Legislator, District 9

### **SALUTE TO THE FLAG**

Chairman Isabel led the Salute to the Flag.

### **MOMENT OF SILENCE**

### **PUBLIC COMMENT AND PRESENTATION**

There was no public comment

### **COMMUNICATIONS**

none

### **OLD BUSINESS**

### **MOTION TO AMEND THE AGENDA**

<b>MOTION TO AMEND AGENDA</b> by Legislator Kelly, seconded by Legislator Purtell, passed with Aye(9).

### **NEW BUSINESS**

A. Resolutions

B. Other

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### **RESOLUTION NO. 127 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Pepe  
Seconded by Legislator: Kelly

**RESOLUTION AMENDING THE 2020 OPERATING BUDGET FOR GRANT AGREEMENT- DOLLAR GENERAL DISTRIBUTION CENTER PROJECT – HOMES AND COMMUNITY RENEWAL (ECONOMIC DEVELOPMENT & PLANNING)**

**WHEREAS**, Resolution 223 of 2018 authorized the County Executive to sign contracts with the New York State Office of Homes and Community Renewal (NYSHCR) accepted open round applications for projects that would further the goals and objectives of the Economic Development and Small Business Programs; and

**WHEREAS**, Montgomery County submitted an application through the process for the Dollar General Distribution Center project in which Montgomery County was awarded and said funds were included in the 2018 Operating Budget; and

**WHEREAS**, the Department of Economic Development & Planning is implementing and administering said grant on behalf of Montgomery County to complete the project; and

**WHEREAS**, the project requested funding in order to further economic development efforts and create 242 new jobs along with the purchase of equipment; and

**WHEREAS**, that said grant funding was awarded in the amount of \$750,000 from the New York State Office of Homes and Community Renewal (NYSHCR) with a share of \$6 million in owner equity;

**WHEREAS**, to date, said funds for program were not completely received or expended as of December 31, 2019, and **WHEREAS**, it is necessary to carry forward said funding in the 2020 Operating Budget to bring said project to fruition.

**RESOLVED**, that the County Treasurer is hereby authorized and directed to amend the 2020 Operating Budget to receive and provide for grant funding to allow for completion of the New York State Office of Homes and Community Renewal grant.

**INCREASE REVENUES:**

CD-24-3-4911                      CD/SML Cities Program Income                      \$750,000

**INCREASE APPROPRIATIONS:**

CD-24-4-8668-00.4570                      Grants, Other Government Agencies                      \$750,000

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

Amends 2020 Operating budget to account for the \$750,000 received from a CDBG Grant and also allows funds to be disbursed for said grant.

*II. Justification:*

Allows for County to disburse funds to Dollar General for grant received from Office of Community Renewal.

*III. Legislative Impact:*

County Legislature per Charter is authorized to amend budget.

*IV. Financial Impact:*

None. Grant Revenues received offset the appropriations.

**RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN FEDERAL TRANSIT OPERATING ASSISTANCE AGREEMENT (ECONOMIC DEVELOPMENT & PLANNING)**

**WHEREAS**, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the States; and

**WHEREAS**, Montgomery County makes an application annually to the New York State Department of Transportation for such federal aid for operating assistance for the annual provision of public mass transportation (transit) services on a continuing basis in Montgomery County; and

**WHEREAS**, New York State Public Law No. 116-136 (3/27/20) and the CARES Act authorized temporary additional funding for operating activities related to COVID-19 that occur on or after January 20, 2020; and

**WHEREAS**, Montgomery County desires to enter into a continuing agreement with the State of New York for the undertaking of the provision of public mass transportation (transit) services on a continuing basis.

**RESOLVED**, that the County Executive, upon review and approval of the County Attorney, is hereby authorized and directed to sign the agreement between the County of Montgomery and the State of New York providing and undertaking of the provision of public mass transportation (transit) services on a continuing basis and authorizing annual grant applications for such Section 5311 funds.

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

AUTHORIZING COUNTY EXECUTIVE TO SIGN FEDERAL TRANSIT OPERATING ASSISTANCE AGREEMENT -  
CONTRACT NO: C004175 - NYSDOT 01/20/20 - 12/31/22

*II. Justification:*

Montgomery County desires to enter into an agreement with the State of New York for the usage of additional 5311 Federal transportation grant funding, related to COVID-19.

*III. Legislative Impact:*

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

*IV. Financial Impact:*

All revenue received through the grant funds are used for transportation services. This contract is budget neutral.

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**RESOLUTION NO. 129 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Pepe  
Seconded by Legislator: Thayer

**RESOLUTION TO AWARD BIDS AND AUTHORIZE COUNTY EXECUTIVE TO EXECUTE CONTRACTS - 2020 ROAD MAINTENANCE PROGRAM (PUBLIC WORKS)**

**WHEREAS**, the Department of Public Works has solicited bids for the 2020 season; and

**WHEREAS**, the Department of Public Works advertised for bids pursuant to section 103, Article 5-a of General Municipal Law, for a period of 30 days; and

**WHEREAS**, bids were opened and read aloud on March 3, 2020, at 10 a.m., per bid specifications.

**RESOLVED**, that bids for materials and/or professional services will be awarded to the lowest responsible responsive bidder with an option to extend the contracts for a period of one (1) year per the 2020 bid specifications; and

**FURTHER RESOLVED**, that the Montgomery County Executive is authorized to enter into contracts, upon review by the Montgomery County Attorney, with the following companies for material and professional services for 2020 as the lowest , responsible, responsive bidders as follows:

**A-67**

**Pnumatically placed concrete (shotcrete)**

Town & County Bridge and Rail  
P.O. Box 16395  
Albany, NY 12212

R & B Construction  
1094 Bullshead Rd.  
Amsterdam, NY 12010

**A-93**

**Application of silane sealer to various bridge decks in Montgomery County**

Town & County Bridge and Rail  
P.O. Box 16395  
Albany, NY 12212

**A-94**

**Bridge repair and maintenance equipment and labor rental**

R & B Construction  
1094 Bullshead Rd.  
Amsterdam, NY 12010

**RESOLUTION VOTE**, passed with Aye(8). Legislator Kelly abstained.(7/28/2020)

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

*I. Nature of Request:*

To award bids for material and professional services for the 2020 construction season to the lowest, most responsible responsive bidder.

*II. Justification:*

Montgomery County Department of Public Works has a need to award bids to the lowest responsible responsive bidder for the purchase of materials and award of professional services on county highways for the construction season.

*III. Legislative Impact:*

Authorized pursuant to Article 2 of the Montgomery County Charter.

*IV. Financial Impact:*

Funds for materials and all services are included in the 2020 County Road Fund Budget, both maintenance and CHIPS funding.

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**RESOLUTION NO. 130 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Purtell  
Seconded by Legislator: Wilson

**RESOLUTION AMENDING RESOLUTION 72 OF 2020- CHILD CARE FACILITIES AGREEMENTS (SOCIAL SERVICES)**

**WHEREAS**, Resolution 72 of 2020 authorized the County Executive to enter into contract with New York State Office of Children and Family Services (OCFS) whom require counties to enter into contract with state approved child care facilities that provide services to our foster care, and/or behavioral children of the county; and

**WHEREAS**, there is an additional facilities that the Department would like to add to the list of facilities; and

**RESOLVED**, the facilities that are used in Montgomery County shall be amended to include

- *The Devereux Foundation*
- *Cayuga Home for Children*
- *Timothy Hill Children's Ranch*

**FURTHER RESOLVED**, that the Montgomery County Legislature, after review and approval by the County Attorney, hereby authorizes and directs the County Executive to sign, and execute prospective contract documents for a term of June 1, 2020 to May 31, 2021 entered into between the County and OCFS-approved agencies providing services to county children in need of foster care and/or behavioral services.

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

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

*I. Nature of Request:*

Amend Resolution 72 of 2020 to include an additional facility for Foster Care thus Authorizing of the County Executive to sign the state approved child care facility agreement

*II. Justification:*

The department is mandated to contract with state approved agencies to provide services to children in foster care

*III. Legislative Impact:*

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

*IV. Financial Impact:*

Foster Care funding is currently budgeted.

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**RESOLUTION NO. 131 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Pepe  
Seconded by Legislator: Wilson

**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**

**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.

**RESOLUTION VOTE**, passed with Aye(8). Legislator Thayer voted Nay. (7/28/2020)

**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 indebtness 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 indebtness payments in subsequent years

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**RESOLUTION NO. 132 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Thayer  
Seconded by Legislator: Wilson

**RESOLUTION CONFIRMING RE-APPOINTMENT/TERM OF REPRESENTATIVES 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**, the current board consists as follows:

<b>APPOINTEE</b>	<b>SECTOR REPRESENTING</b>	<b>TERM</b>
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:

<b>APPOINTEE</b>	<b>SECTOR REPRESENTING</b>	<b>TERM</b>
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

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

**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

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**RESOLUTION NO. 133 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Thayer  
Seconded by Legislator: Pepe

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

**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.

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

***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.

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**RESOLUTION NO. 134 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Purtell  
Seconded by Legislator: Sweet

**RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY ACQUIRED BY TAX FORECLOSURE IN THE TOWN OF ST. JOHNSTOWN (COUNTY TREASURER)**

**WHEREAS**, Montgomery County has obtained the real property parcel by tax foreclosure known as SBL 8.52-3-6 (12 Main Street), located in the Village of St. Johnstown, Town of St. Johnstown; and

**WHEREAS**, this property is not needed for County purposes; and

**WHEREAS**, this property previously was offered at tax foreclosure auctions but successful bidders failed to close on the property; and

**WHEREAS**, a neighboring property owner has expressed interest in obtaining said real property parcel with the intent of demolishing the property; and

**RESOLVED**, the Montgomery County Legislature hereby authorizes to convey all the right, title and interests of the County in and to said real property to Carmen A. Licari for the sum of \$1.00 plus associated deed filing fees; and

**FURTHER RESOLVED**, the County Treasurer is hereby authorized and directed to execute the deed and all related documents related to the conveyance of said property to Carmen A. Licari.

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

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

*I. Nature of Request:*

Transfer tax foreclosed property owned by the County to Carmen A. Licari (neighboring property owner)

*II. Justification:*

Property was offered at previous tax foreclosure auctions with successful bidders failing to pay balance due and close on the property.

*III. Legislative Impact:*

Approval of the Montgomery County Legislature is required for the transfer of County owned property

*IV. Financial Impact:*

Property would be sold for \$1.00 and new owner would be responsible to pay all future taxes. No tax revenue has been received on this property since 2015.

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**RESOLUTION NO. 135 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Kelly  
Seconded by Legislator: Thayer

**RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY EXTENDING ADDITIONAL 1% SALES AND COMPENSATING USE TAXES 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 by Resolution No. 189 of 2011 and other amendments, 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, 2023. 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 compensating use taxes, as amended by Resolution No. 189 of 2011 and other amendments, is amended to read as follows:

With respect to the additional tax of one percent imposed for the period beginning June 1, 2003 and ending November 30, 2023 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, 2020.

**SECTION 4.** The Montgomery County Clerk of the Legislature is authorized and directed to file a certified copy of this enactment with the New York State Secretary of State, the New York State Comptroller and the Montgomery County Clerk within five days of this enactment via certified mail. The Montgomery County Clerk of the Legislature is further authorized and directed to certify that these mailings have been done and to mail this certification with the Clerk's raised seal via certified mail to the New York State Office of Taxation and Finance.

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

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

*I. Nature of Request:*

RESOLUTION OF THE LEGISLATURE OF MONTGOMERY COUNTY EXTENDING ADDITIONAL 1% SALES AND COMPENSATING USE TAXES PURSUANT TO ARTICLE 29 OF THE NYS TAX LAW (COUNTY LEGISLATURE)

*II. Justification:*

Current authorization under State Law for the 1% sales tax expires on November 30, 2020. NYS Legislature empowered the County of Montgomery to raise an additional 1% sales tax.

*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. 136 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Wilson  
Seconded by Legislator: Thayer

**RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)**

**WHEREAS**, pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, 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 County Auditor has audited claims for the period of June 24, 2020 through July 28, 2020; and the County Auditor 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 County Auditor, the claims are audited and attached hereto, are hereby approved for payment by the Montgomery County Legislature.

**RESOLUTION VOTE**, passed with Aye(8). Legislator Sweet abstained. (7/28/2020)

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

*I. Nature of Request:*

APPROVING ABSTRACT OF AUDITED CLAIMS

*II. Justification:*

Pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, 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 2.02 (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.

IV. *Financial Impact:*

no impact on the fund balance

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**RESOLUTION NO. 137 of 2020**

**DATED: 7/28/2020**

Resolution by Legislator: Kelly  
Seconded by Legislator: Pepe

**RESOLUTION ADOPTING 2020-2021 FMCC OPERATING BUDGET (COUNTY LEGISLATURE)**

**WHEREAS**, the Fulton-Montgomery Community College Board of Trustees has presented Fulton and Montgomery County, the sponsoring counties, with a 2020-2021 budget request, proposing a total FMCC budget of \$16,045,000; and

**WHEREAS**, a public hearing related to the adoption of said FMCC Budget was held on July 28, 2020; and

**WHEREAS**, that the amount to be appropriated by the County of Montgomery, as its sponsor share of said Budget, shall be \$1,545,821; which is 9% of the Operating Budget.

**FURTHER RESOLVED**, that said sponsor's share shall be included in the Montgomery County Operating Budget for 2020, as provided for in Section 6304 of the Education Law of the State of New York; and

**FURTHER RESOLVED**, that this Resolution shall take effect upon adoption of a similar Resolution by the Fulton County Board of Supervisors.

**RESOLUTION VOTE**, passed with Aye(9). (7/28/2020)

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

I. *Nature of Request:*

ADOPTING 2020-2021 FMCC OPERATING BUDGET

II. *Justification:*

The Fulton-Montgomery Community College Board of Trustees has presented Fulton and Montgomery County, the sponsoring counties, with a 2020-2021 budget request, proposing a total FMCC budget of \$16,045,000.

III. *Legislative Impact:*

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

IV. *Financial Impact:*

Montgomery County's sponsor share remains the same and will be \$1,545,821

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**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

<b>MOTION TO ADOPT MINUTES OF PREVIOUS SESSION</b> by Legislator Kelly, seconded by Legislator Pepe, passed with Aye (9).

**ACCEPTANCE OF BUDGETARY TRANSFERS**

<b>MOTION TO ACCEPT BUDGETARY TRANSFERS</b> by Legislator Headwell, Jr., seconded by Legislator Wilson, passed with Aye(9).

**ACCEPTANCE OF PROCUREMENT RECORD**

<b>ACCEPTANCE OF PROCUREMENT RECORD</b> by Legislator Pepe, seconded by Legislator Wilson, passed with Aye(9).

**ADJOURNMENT**

<b>MOTION TO ADJOURN</b> by Legislator Thayer, seconded by Legislator Kelly, passed with Aye(9).

Chairman Isabel adjourned the meeting at 7:12 pm

Respectfully submitted,

Cheryl A. Reese  
Clerk of the Montgomery County  
Legislature