

## **CALL TO ORDER**

Chairman Isabel called the Regular Meeting of the Montgomery County Legislature for August 25, 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 202.55, that suspended the Open Meetings Law, the Montgomery County Full Legislature meeting scheduled for Tuesday, August 18, 2020 will also be held electronically via teleconference at 7:00 pm.

Members of the public may also listen to the meeting by calling 1-224-501-3412, Access Code 740-704-725. 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**

**MOTION TO AMEND AGENDA** by Legislator Purtell, seconded by Legislator Pepe, to add Resolution 147 to New Business, passed with Aye(9).

## **NEW BUSINESS**

A. Resolutions

B. Other

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## **RESOLUTION NO. 138 of 2020**

**DATED: 8/25/2020**

Resolution by Legislator: Pepe  
Seconded by Legislator: Kelly

## **RESOLUTION ACCEPTING GRANT APPLICATION FOR CENSUS 2020 COMPLETE COUNT OUTREACH GRANTS – EMPIRE**

STATE DEVELOPMENT (ECONOMIC DEVELOPMENT & PLANNING)

**WHEREAS**, New York State Empire State Development has recommended a grant award for Montgomery County of up to \$46,649 from the Census 2020 Complete Count Outreach Grants; and

**WHEREAS**, Montgomery County submitted an application through the 2020 Complete Count Outreach grant program; and

**WHEREAS**, the grant requested funding in order to assist in providing outreach for the 2020 Census will follow the Grant Disbursement Agreement (GDA), which will describe key funding requirements, award disbursement terms, and other relevant ESD terms and conditions; and

**WHEREAS**, this award is contingent upon 75 percent of the proceeds being allocated to approved Not-For-Profits of libraries, but that all of the grand funding is being supplied by the state and there is no cost to local taxpayers; and

**RESOLVED**, that the Montgomery County Department of Economic Development & Planning is hereby authorized to accept and administer said grant on behalf of Montgomery County.

**MOTION TO AMEND** by Legislator Purtell, seconded by Legislator Kelly, to add the following:

**FURTHER RESOLVED**, that the County Treasurer hereby is authorized and directed to amend the 2020 Operating Budget as follows:

**INCREASE REVENUES:**

A-24-3-3789                                      Other Ec. Assistance and Opportunity \$46,649

**INCREASE APPROPRIATIONS:**

A-24-4-6430-00-.4431                      Professional Services                                      \$46,649

passed with Aye(9).(8/25/2020)

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

ACCEPTING GRANT APPLICATION FOR CENSUS 2020 COMPLETE COUNT OUTREACH GRANTS – EMPIRE STATE DEVELOPMENT

*II. Justification:*

Grant funding was awarded in the amount of up to \$46,649 from Empire State Development of New York State.

*III. Legislative Impact:*

Pursuant to Article 2 of the Charter the Montgomery County Legislature has the authority to appropriate funds.

*IV. Financial Impact:*

All revenue received through the grant funds will be used for census outreach. This contract is budget neutral. No county match.

**RESOLUTION AUTHORIZING THE CREATION OF A DISC GOLF COURSE AT THE THOMAS H. BURBINE MEMORIAL FOREST (COUNTY LEGISLATURE)**

**WHEREAS**, after research and consulting with experts it is apparent that there is a demand for disc golf courses in the Mohawk Valley; and

**WHEREAS**, an opportunity has arisen to create a disc golf course at the Thomas H. Burbine Memorial Forest; and

**WHEREAS**, the Montgomery County Legislature wishes to promote tourism and recreation in Montgomery County; and

**WHEREAS**, it is anticipated that creating a disc golf course at the Thomas H. Burbine Memorial Forest will not only be a resource for Montgomery County residents but also promote tourism to the area.

**NOW THEREFORE BE IT RESOLVED**, that the Montgomery County Legislature authorizes the creation of a disc golf course at the Thomas H. Burbine Memorial Forest; and

**BE IT FURTHER RESOLVED**, that the Montgomery County Executive is authorized and directed to enter into contracts to effectuate this resolution.

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

AUTHORIZING THE CREATION OF A DISC GOLF COURSE AT THE THOMAS H. BURBINE MEMORIAL FOREST

*II. Justification:*

After research and consulting with experts it is apparent that there is a demand for disc golf courses in the Mohawk Valley. It is anticipated that this disc golf course will not only be a resource for Montgomery County residents but also promote tourism to the area.

*III. Legislative Impact:*

Authorized pursuant to Articles 2 and 3 of the Montgomery County Charter.

*IV. Financial Impact:*

The creation of the Disc Golf Course will be funded through the Occupancy Tax Reserve Fund. We've currently allocated \$9,500 with the cost not expected to exceed \$13,000. Funds are available due to the fact that we did not have the Tourism Grant Program this year due to Covid-19.

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**RESOLUTION NO. 140 of 2020**  
Resolution by Legislator: Kelly  
Seconded by Legislator: Sweet

**DATED: 8/25/2020**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE CONTRACTS WITH BERKSHIRE FARMS CENTER AND FORT PLAIN CENTRAL SCHOOL DISTRICT FOR THE TURNABOUT PROGRAM (SOCIAL SERVICES)**

**WHEREAS**, Resolution 12 of 2020 authorized the County Executive to enter into contracts with Berkshire Farms Center and Services for Youth, Fonda Fultonville CSD, Fort Plain CSD, Oppenheim-Ephratah-St. Johnsville CSD, (Homerun) and the Greater Amsterdam School District (Turnabout); and

**WHEREAS**, Fort Plain Central School District has elected to also implement the Turnabout program in addition to the Homerun program beginning September 1, 2020.

**RESOLVED**, that the Montgomery County Legislature hereby authorizes and directs the County Executive to enter into a contract with Fort Plain Central School District and Berkshire Farms Center for implementation of the Turnabout Program after review and approval by the County Attorney, for a term of September 1, 2020 to December 31, 2021.

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE CONTRACTS WITH BERKSHIRE FARMS CENTER AND FORT PLAIN FOR THE TURNABOUT PROGRAM

*II. Justification:*

This program will reduce costly foster care placements by keeping children in their own homes

*III. Legislative Impact:*

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

*IV. Financial Impact:*

The Berkshire Farm Center and Services for Youth contract will be funded 62% State dollars (\$287,822.30) and 38% Local dollars (\$176,407.40).

The contracts with the school districts will reimburse the local dollar amount at a rate of \$35,281.48 to the County by each participating school district.

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**RESOLUTION NO. 141 of 2020**

**DATED:** 8/25/2020

Resolution by Legislator: Pepe  
Seconded by Legislator: Wilson

**RESOLUTION ADOPTING INTRODUCTORY LAW E (LOCAL LAW 4 OF 2020) - A LOCAL LAW CREATING THE DEPARTMENT OF ASSIGNED COUNSEL (COUNTY LEGISLATURE)**

**WHEREAS**, it is necessary to create a Department of Assigned Counsel to handle cases when the Public Defender's Office has a conflict; and

**WHEREAS**, a copy of this local law has been on the desks of the legislators for at least seven calendar days, exclusive of Sundays.

**NOW THEREFORE BE IT RESOLVED**, that Introductory Local Law No. E of 2020 (Local Law 4) entitled "A Local Law Creating the Department of Assigned Counsel" hereby is adopted and is incorporated as follows:

Be it enacted by the Montgomery County Legislature as follows:

**Section 1: Purpose**

The purpose of this local law is to create a Department of Assigned Counsel to handle cases when the Public Defender's Office has a conflict. The Department of Assigned Counsel shall ensure the provision of professional, skilled, ethical, and client-centered legal

representation for all clients.

## **Section 2: Assigned Counsel Administrator**

The Department of Assigned Counsel shall be under the direction of the Assigned Counsel Administrator who shall be an attorney appointed by the County Executive subject to confirmation by the Montgomery County Legislature. The Assigned Counsel Administrator's term of office shall be concurrent with the term of the County Executive. At the time of appointment and throughout the term of office, the Assigned Counsel Administrator shall be and remain duly licensed and entitled to practice law in the State of New York. The Assigned Counsel Administrator shall be appointed on the basis of required legal experience and other qualifications appropriate to the responsibilities of the office.

## **Section 3: Assigned Counsel Administrator Duties**

The Assigned Counsel Administrator shall

- a.) Develop and monitor program policies, standards, and operational procedures;
- b.) Ensure that standards of eligibility are developed;
- c.) Ensure that applicants for counsel meet these standards, through investigation where necessary;
- d.) Supervise and/or locate attorneys to handle assignments;
- f.) Review and act upon attorney vouchers for work performed;

## **Section 4: Insulation**

The Assigned Counsel Administrator and all attorneys participating in the program shall at all times be free from direct and indirect partisan or other political pressure and influence in exercising their best professional judgment in providing services to qualified indigent persons. It shall at all times be the responsibility of the attorneys participating in the program to act in the best interests of the persons for whom they are rendering services.

## **Section 5: Severability**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

## **Section 6: Conflict**

To the extent that this local law is inconsistent with any other laws or regulations it shall supersede those laws.

## **Section 7: Effective Date**

This law shall be effective upon recording with the Secretary of State.

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

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

### *I. Nature of Request:*

RESOLUTION ADOPTING INTRODUCTORY LAW E (LOCAL LAW 4 OF 2020) - A LOCAL LAW CREATING THE DEPARTMENT OF ASSIGNED COUNSEL (LEGISLATURE)

### *II. Justification:*

It is necessary to create a Department of Assigned Counsel to handle cases when the Public Defender's Office has a conflict

### *III. Legislative Impact:*

Section 2.04 (f) of the Montgomery County Charter grants the Montgomery County Legislature the authority to create by local

law County administrative units not headed by elected officials.

*IV. Financial Impact:*

Initial funding for the Department of Assigned Counsel will be offset by the NYS Indigent Legal Services Grant.

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**RESOLUTION NO. 142 of 2020**

**DATED: 8/25/2020**

Resolution by Legislator: Pepe  
Seconded by Legislator: Wilson

**RESOLUTION ESTABLISHING POSITIONS AND AMENDING THE 2020 OPERATING BUDGET (ASSIGNED COUNSEL)**

**WHEREAS**, the Montgomery County Legislature authorized the creation of the Department of Assigned Counsel to oversee administration of assigned counsel; and

**WHEREAS**, the NYS Indigent Legal Services Grant provided the funds to offset the creation of the Department of Assigned Counsel; and

**WHEREAS**, it is necessary to appropriate funds and create positions of employment for the Department of Assigned Counsel.

**NOW THEREFORE BE IT RESOLVED**, that the Montgomery County Legislature hereby establishes the position of Assigned Counsel Administrator (PT) with a total salary of \$65,000 (Group U in the non-bargaining Policy); and

**BE IT FURTHER RESOLVED**, that the Montgomery County Legislature hereby establishes the position of Secretary to the Assigned Counsel Administrator (PT) with a total salary of \$15,593.76 (Group U in the non-bargaining Policy); and

**BE IT FURTHER RESOLVED**, that the Montgomery County Treasurer is authorized and directed to amend the 2020 Operating Budget as follows:

**INCREASE REVENUES:**

A-23-3-3025-00	Indigent Legal Services	\$112,945.00
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**INCREASE APPROPRIATIONS:**

A-23-4-1171-.00-.1120 (NEW)	Assigned Counsel Administrator (PT)	\$65,000.00
A-23-4-1171-.00-.1120 (NEW)	Assigned Counsel Admin. Secr. (PT)	\$15,595.00
A-23-4-1171-.00-.4431	Adolescent Crim. Defense Prof. Services	\$10,000.00
A-23-4-1171-.00-.4433	Court Related Expenses	\$13,000.00
A-23-4-1171-.00-.4470	Conferences/Training/Travel	\$5,000.00
A-23-4-1171-.00-.4408	Office Supplies	\$4,350.00
A-10-4-9001-00-.8810	FICA	\$6,165.52
A-10-4-9001-00-.8820	Retirement	\$7,253.55
A-10-4-9001-00-.8830	Worker's Compensation	\$3,964.83

**MOTION TO AMEND** by Legislator Kelly, seconded by Legislator Pepe, to replace the second "BE IT FURTHER RESOLVED" clause as follows:

**BE IT FURTHER RESOLVED**, that the Montgomery County Treasurer is authorized and directed to amend the 2020 Operating Budget as follows:

**INCREASE REVENUES:**

A-23-3-3025-00	Indigent Legal Services	\$130,329
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**INCREASE APPROPRIATIONS:**

A-23-4-1171-.00-.1120 (NEW)	Assigned Counsel Administrator (PT)	\$65,000
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A-23-4-1171-.00-.1120 (NEW)	Assigned Counsel Admin. Secr. (PT)	\$15,595
A-23-4-1171-.00-.4431	Adolescent Crim. Defense Prof. Services	\$10,000
A-23-4-1171-.00-.4433	Court Related Expenses	\$13,000
A-23-4-1171-.00-.4470	Conferences/Training/Travel	\$5,000
A-23-4-1171-.00-.4408	Office Supplies	\$4,350
A-10-4-9001-.00-.8810	FICA	\$6,165
A-10-4-9001-.00-.8820	Retirement	\$7,254
A-10-4-9001-.00-.8830	Worker's Compensation	\$3,965

passed with Aye(9).(8/25/2020)

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

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

*I. Nature of Request:*

RESOLUTION CREATING THE DEPARTMENT OF ASSIGNED COUNSEL , ESTABLISHING POSITIONS AND AMENDING THE 2020 OPERATING BUDGET (LEGISLATURE)

*II. Justification:*

The Montgomery County Legislature authorized the creation of the Department of Assigned Counsel to oversee administration of assigned counse

*III. Legislative Impact:*

Authorized pursuant to Article 2 of the Montgomery County Charter which grants the Montgomery County Legislature the authority to create positions and appropriate funds.

*IV. Financial Impact:*

Initial funding of the Department will be offset by the NYS Indigent Legal Services Grant.

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**RESOLUTION NO. 143 of 2020**

**DATED: 8/25/2020**

Resolution by Legislator: Wilson  
Seconded by Legislator: Pepe

**RESOLUTION AMENDING THE 2020 OPERATING BUDGET AND ESTABLISHING A PART TIME DATA OFFICER POSITION (PUBLIC DEFENDER)**

**WHEREAS**, Resolution 100 of 2020 accepted the NYS Indigent Legal Services Grant: State Wide Hurrel-Harring (2nd Year); and

**WHEREAS**, part of the funds are earmarked to establish a Data Officer (PT) position within the Public Defender's Office with a total salary of \$37,000.00 (Group U in the non-bargaining Policy); and

**WHEREAS**, it is necessary to also appropriate additional funds from the grant.

**RESOLVED**, that the Montgomery County Legislature hereby establishes the position of Data Officer (PT) to be established within the Public Defender's Office with a total grant salary of \$37,000.00 (Group U in the non-bargaining Policy); and

**FURTHER RESOLVED**, that the Montgomery County Legislature hereby authorizes and directs the Montgomery County Treasurer to amend the 2020 Budget as follows:

**INCREASE REVENUES:**

A-28-3-3025-.50	NYS Indigent Legal Services	\$272,367.65
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**INCREASE APPROPRIATIONS:**

A-28-4-1170-.50-.1120 (NEW)	Data Officer (PT)	\$37,000.00
A-28-4-1170-.50-4433	Investigator Services	\$14,047.26
A-28-4-1170-.50-4459	Case Management Software	\$2,025.00
A-28-4-1170-.50-4438	Legal Reference/Subscriptions/Manual	\$7,000.00
A-28-4-1170-.50-.4408	Office Supplies	\$4,000.00
A-28-4-1170-.50-.4471	Mileage/Travel	\$7,000.00
A-10-4-9001-00-.8810	FICA	\$2,830.50
A-10-4-9001-00-.8820	Retirement	\$3,330.00
A-10-4-9001-00-.8830	Workers Compensation	\$1,820.20

**MOTION TO AMEND** by Legislator Kelly, seconded by Legislator Thayer, to replace the FURTHER RESOLVED clause with:

**FURTHER RESOLVED**, that the Montgomery County Legislature hereby authorizes and directs the Montgomery County Treasurer to amend the 2020 Budget as follows:

**INCREASE REVENUES:**

A-28-3-3025-.50	NYS Indigent Legal Services	\$79,053
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**INCREASE APPROPRIATIONS:**

A-28-4-1170-.50-.1120 (NEW)	Data Officer (PT)	\$37,000
A-28-4-1170-.50-4433	Investigator Services	\$14,047
A-28-4-1170-.50-4459	Case Management Software	\$2,025
A-28-4-1170-.50-4438	Legal Reference/Subscriptions/Manual	\$7,000
A-28-4-1170-.50-.4408	Office Supplies	\$4,000
A-28-4-1170-.50-.4471	Mileage/Travel	\$7,000
A-10-4-9001-00-.8810	FICA	\$2,831
A-10-4-9001-00-.8820	Retirement	\$3,330
A-10-4-9001-00-.8830	Workers Compensation	\$1,820

passed with Aye(9).(8/25/2020)

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

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

*I. Nature of Request:*

RESOLUTION AMENDING THE 2020 OPERATING BUDGET AND ESTABLISHING A PART TIME DATA OFFICER POSITION

*II. Justification:*

Grant funds need to be distributed.



### III. *Legislative Impact:*

Pursuant to Article 2 of the Montgomery County Charter, the County Executive has the authority to create positions of employment and appropriate funds.

### IV. *Financial Impact:*

Additional positions will initially be 100% State Funded. Increased appropriations are offset by grant funding - No initial financial impact to the County.

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## **RESOLUTION NO. 144 of 2020**

**DATED: 8/25/2020**

Resolution by Legislator: Thayer  
Seconded by Legislator: Wilson

## **RESOLUTION ADOPTING LOCAL GOVERNMENT RECORDS RETENTION AND DISPOSITION SCHEDULE LGS-1 FOR USE BY MONTGOMERY COUNTY AND RESCINDING RESOLUTION NO. 167 OF 1990**

**WHEREAS**, the New York State Archives is revising and consolidating its local government records retention and disposition schedule and issuing a single, comprehensive retention schedule for all types of local governments on August 1<sup>st</sup>, 2020; and

**WHEREAS**, the new schedule, *Retention and Disposition for New York Local Government Records* or LGS-1, will supersede and replace the Schedule CO-2 currently in use by counties; and

**WHEREAS**, local governments must adopt LGS-1 prior to utilizing it, even if they adopted and have been using the CO-2 schedule, before January 1<sup>st</sup> 2021 when the CO-2 schedule is set to expire; and

**WHEREAS**, local government records may not be legally destroyed after the end of 2020 unless the LGS-1 is formally adopted.

**RESOLVED**, that the Montgomery County Legislature does hereby adopt for use by all County departments and agencies the *Retention and Disposition for New York Local Government Records* or LGS-1; and

**FURTHER RESOLVED**, that Resolution No. 167 of 1990 is hereby superseded and rescinded.

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

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

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

Adopting a comprehensive records retention and disposition schedule for all types of local governments that supersedes the current CO-2 schedule (used by counties) and the MU-1, MI-1 or ED-1 schedules used by other types of local governments.

#### ***II. Justification:***

By consolidating multiple, disparate retention schedules, the LGS-1 helps to ensure consistent retention and disposition guidance for records that are common to various local governments. It also makes it easier to apply revisions necessitated by changes to laws, regulations or other mandates that affect retention.

#### ***III. Legislative Impact:***

Pursuant to Article 2 of the Montgomery County Charter the Montgomery County Legislature is the policy making body of Montgomery County.

*IV. Financial Impact:*

None

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**RESOLUTION NO. 145 of 2020**

**DATED: 8/25/2020**

Resolution by Legislator: Thayer  
Seconded by Legislator: Wilson

**RESOLUTION AUTHORIZING THE EXTENSION OF THE LAST DATE OF REDEMPTION FOR DELINQUENT TAXES (COUNTY LEGISLATURE)**

**WHEREAS**, the last date of redemption for properties with outstanding 2018 taxes was February 21, 2020; and

**WHEREAS**, during the COVID 19 pandemic the court system closed and the County's foreclosure paperwork was not able to be filed; and

**WHEREAS**, there is currently an executive order in place that limits foreclosure filings with the court system.

**RESOLVED**, the Montgomery County Legislature authorizes and directs the Montgomery County Treasurer to extend the last date of redemption to September 30, 2020; and

**FURTHER RESOLVED**, that delinquent taxpayers shall be allowed to pay their taxes to prevent properties from going to auction; and

**FURTHER RESOLVED**, the County Treasurer will send an additional notice to any taxpayer having outstanding 2018 taxes advising them of such extension.

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

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

*I. Nature of Request:*

RESOLUTION AUTHORIZING THE EXTENSION OF THE LAST DATE OF REDEMPTION FOR DELINQUENT TAXES  
(COUNTY LEGISLATURE)

*II. Justification:*

To allow property owners to redeem properties through September 30, 2020 rather than having them proceed through foreclosure and auction.

*III. Legislative Impact:*

Authorized pursuant to Article 2 of the Montgomery County Charter.

*IV. Financial Impact:*

Should result in additional tax revenue being collected by Montgomery County.

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Resolution by Legislator: Isabel  
Seconded by Legislator: Wilson

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 July 29, 2020 through August 25, 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(9). (8/25/2020)

**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

Resolution by Legislator: Kelly  
Seconded by Legislator: Pepe

RESOLUTION ESTABLISHING THE MONTGOMERY COUNTY COVID-19 PANDEMIC LOAN PROGRAM

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

**WHEREAS**, as part of this program Montgomery County administers a County Revolving Loan Fund; and

**WHEREAS**, businesses are faced with expenditures related to being in compliance with the various requirements of the New York State Forward Plan and are in immediate need of financing assistance; and

**RESOLVED**, the Montgomery County Covid-19 Pandemic Loan Fund Program is hereby established for Montgomery County businesses that need to acquire equipment in order to be in compliance with the New York State Re-Opening Guidelines; and

**FURTHER RESOLVED**, financing from the fund shall come from Montgomery County’s Revolving Loan fund and shall be in the form of short term loans at 1% interest with a term not to exceed two years and shall not be more than \$10,000 per business; and

**FURTHER RESOLVED**, loan repayments shall commence six months after loan closing ; and

**FURTHER RESOLVED**, the project for which financing is requested must be a commercial or industrial activity which employs people in the production, sale, distribution or handling of goods or services for sale to individuals, companies or organizations other than the applicant; and

**FURTHER RESOLVED**, permissible uses for this loan will fall under purview to the actionable items outlined in the NYS Forward Plan and borrowers will have to demonstrate that their purchase or upgrade is associated to the business safety plan for their specific industry as outlined per New York State re-opening regulations.

**FURTHER RESOLVED**, upon review of loan applications and a positive recommendation by the Department of Economic Development and Planning as well as the County Attorney, the County Executive is authorized to sign all loan documents associated with this program without further Legislative approval.

**MOTION TO AMEND** by Legislator Thayer, seconded by Legislator Purtell, to add to the end of the first **FURTHER RESOLVED** clause:

"and shall not exceed \$240,000 in total loans"

passed with Aye(9).(8/25/2020)

**RESOLUTION VOTE**, passed with Aye(9). (8/25/2020)

**Statement of Legislative and Financial Impact:**

- I. *Nature of Request:*
- Resolution authorizes the establishment of the Montgomery County Covid-19 Pandemic Loan Program.
- 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 and the current COVID-19 crises as caused undue hardship to various businesses throughout the County.
- III. *Legislative Impact:*
- Authorized pursuant to Article 2 of the Montgomery County Charter.
- IV. *Financial Impact:*
- All loans are appropriated through the County’s Loan Fund Program and not the general fund. Original funds for the Loan Fund Program came from HUDCDBG in the 1990’s and do not come from County taxes.

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**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**MOTION TO ADOPT MINUTES OF PREVIOUS SESSION** by Legislator Thayer, seconded by Legislator Wilson, passed with Aye(9).

**ACCEPTANCE OF BUDGETARY TRANSFERS**

**MOTION TO ACCEPT BUDGETARY TRANSFERS** by Legislator Kelly, seconded by Legislator Thayer, passed with Aye(9).

**ACCEPTANCE OF PROCUREMENT RECORD**

**ACCEPTANCE OF PROCUREMENT RECORD** by Legislator Headwell, Jr., seconded by Legislator Kelly, passed with Aye(9).

**ADJOURNMENT**

**MOTION TO ADJOURN** by Legislator Kelly, seconded by Legislator Pepe, passed with Aye(9).

Respectfully submitted,

Cheryl A. Reese  
Clerk of the Montgomery County  
Legislature