

## **CALL TO ORDER**

Chairman Pepe called the Regular Meeting of the Montgomery County Legislature for June 22, 2021 to order at 7:00 PM.

In conjunction with Governor Cuomo's Executive Order, this meeting **will also be** held electronically via teleconference on June 22, 2021 at 7:00 pm. Members of the public may participate in the meeting by attending or by calling 1-571-317-3122, Access Code 971-347-253. Minutes of the hearing 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  
Michael J. Pepe, Chairman of the Legislature, Legislator, District 7  
Robert A. Purtell, Legislator, District 9

## **SALUTE TO THE FLAG**

Chairman Pepe led the Salute to the Flag.

## **MOMENT OF SILENCE**

A moment of silence was observed for the following:

Marlene Augustine - Aunt of Roy S. Dimond, Legislator, District 3  
Dr. Daniel Greco - US Army Veteran  
John Politi - US Army Veteran  
Patricia Catello - US Army Veteran  
John Putnam - US Navy Veteran  
Ronald Milonovich - US Army Veteran  
Linda Stevens - Mother of Judge Christopher Stevens, Town of Minden  
William Grzyb Jr. - former City of Amsterdam Supervisor  
James Wickham - former Purchasing Agent for Montgomery County  
James (Jerry) D. Ottati - former City of Amsterdam Supervisor and Chairman of the Montgomery County Board of Supervisors

## **PUBLIC COMMENT AND PRESENTATION**

There was no public comment

## **COMMUNICATIONS**

none

## **OLD BUSINESS**

## **MOTION TO AMEND THE AGENDA**

MOTION TO AMEND AGENDA by Legislator Pepe, seconded by Legislator Purtell, to add Resolution 145 to the agenda passed with Aye(7). Legislators Duchessi and Isabel were absent.

## **NEW BUSINESS**

A. Resolutions

B. Other

Resolution by Legislator: Dimond  
Seconded by Legislator: Kelly

**RESOLUTION AMENDING THE 2021 OPERATING BUDGET - (MENTAL HEALTH)**

**WHEREAS**, the Director of Community Services has determined there is additional funding due from the Office of Addiction Services and Supports (OASAS) and the Office of Mental Health (OMH) due to NYS not holding funds back as a result of the COVID-19 pandemic; and

**WHEREAS**, funds provided by the Office of Addiction Services and Supports (OASAS) and the Office of Mental Health (OMH) can only be passed to the not-for-profit organizations that provided services in Montgomery County with proper budget authorization.

**RESOLVED**, that the County Treasurer hereby is authorized and directed to amend the 2021 Operating Budget as follows:

**INCREASE REVENUES:**

A-17-3-3472	Special Health Program OASAS	\$153,588.00
A-17-3-3490	Mental Health	\$267,651.00

**INCREASE APPROPRIATIONS:**

A-17-4-4230.00.4555	Drug Abuse Prevention	\$115,296.00
A-17-4-4250.00.4565	Community Support System	\$42,292.00
A-17-4-4320.00.4565	Community Support System	\$267,651.00

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

To accept pass through funding as per NY State Offices of Mental Health and Office of Addiction Services and Supports.

*II. Justification:*

To accept and utilize funds through the grant funding end date of December 31, 2021.

*III. Legislative Impact:*

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

*IV. Financial Impact:*

Budget neutral, no impact on General Fund.

Resolution by Legislator: Purtell  
Seconded by Legislator: Sweet

**RESOLUTION AMENDING 2021 OPERATING BUDGET-2021 PUBLIC HEALTH CORONAVIRUS (COVID-19) CRISIS RESPONSE**

**GRANT FUNDS (PUBLIC HEALTH)**

**WHEREAS**, the Montgomery County Public Health Department has been awarded grant funds provided through existing Public Health Coronavirus (COVID -19) grant for response activities; and

**WHEREAS**, the Health Research Inc./New York State Department of Health has awarded the Montgomery County Public Health Department funding in the amount of \$329,051 based on the population of Montgomery County to fund allowable activities as outlined by NYSDOH.

**RESOLVED**, that the Montgomery County Legislature hereby authorizes and directs the County Treasurer to amend the 2021 Operating Budget as follows:

**INCREASE REVENUES:**

A-16-3-3401-09                      COVID-19                      \$234,051

**INCREASE APPROPRIATIONS:**

A-16-4-4010-09-.4490              COVID-19 - Related Expenses \$234,051

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

Funds need to be adjusted via budget in order for reimbursement as costs for COVID-19 overtime pay and supplies were not anticipated

*II. Justification:*

Funds need to be approved in order to be received and utilized via grants.

*III. Legislative Impact:*

Pursuant to Article 2 of the Charter, the Montgomery County Legislature has the authority to make appopriations

*IV. Financial Impact:*

No financial impact, revenues offset expenses via grant funds to counties for COVID-19 pandemic.

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**RESOLUTION NO. 125 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Kelly  
Seconded by Legislator: Sweet

**RESOLUTION AMENDING THE 2021 OPERATING BUDGET-CHIPS (CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM) FUNDS (PUBLIC WORKS)**

**WHEREAS**, the final allocation of State Consolidated Highway Improvement Program (CHIPS) funds has been clarified; and

**WHEREAS**, it is necessary to adjust the County Road Fund to reflect increased revenues and appropriations.

**RESOLVED**, that the County Treasurer is hereby authorized and directed to amend the 2021 Operating Budget as follows:

**INCREASE REVENUES:**

D-12-3-3501 Consolidated Highway Aid \$2,530,506.87

**INCREASE APPROPRIATIONS:**

D-12-4-9900-00.0050 Interfund Transfer-Capital Project Fund \$2,530,506.87

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

Amend the 2021 Operating Budget to adjust for an increase in CHIPS Funds so they can be spent in 2021

*II. Justification:*

The final state allocation of CHIPS Funds is now known

*III. Legislative Impact:*

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

*IV. Financial Impact:*

2021 Budgeted "CHIPS" funds	\$2,419,679.00
<u>Actual funds received</u>	<u>\$2,995,991.62</u>
Difference (Increased)	\$ 576,312.62
2020 Rollover 2021 "CHIPS"	\$ 364,272.66
2020 Rollover PAVE NY	\$ 110,463.18
2021 PAVE NY	\$ 828,582.04
2020 Rollover Extreme Winter Recovery	\$ 74,879.51
2021 Extreme Winter Recovery	\$ 575,996.24
Plus the difference between 2021 budgeted and actual	\$ <u>576,312.62</u>
<b>Total to be increased (Interfund Transfer-Capital Project Fund):</b>	<b>\$ 2,530,506.87</b>

Funding is a 100% reimbursable program

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**RESOLUTION NO. 126 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Purtell  
Seconded by Legislator: Sweet

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN INTERMUNICIPAL AGREEMENT BETWEEN THE VILLAGE OF CANAJOHARIE WASTEWATER TREATMENT PLANT AND THE MONTGOMERY COUNTY SANITARY DISTRICT NO.1 FOR SLUDGE TREATMENT/DISPOSAL**

**WHEREAS**, Montgomery County through the Montgomery County Sanitary District No.1 operates a wastewater treatment plant that generates digested sludge which requires treatment/disposal; and

**WHEREAS**, the Village of Canajoharie is the owner and operator of wastewater treatment facilities which can be used to treat/dispose of said sludge; and

**WHEREAS**, Montgomery County and the Village of Canajoharie are municipal corporations; and

**WHEREAS**, the Sludge Disposal Agreement is expected to benefit Montgomery County and the Village of Canajoharie; and

**WHEREAS**, the Montgomery County Sanitary District No.1 Board of Directors approves of said Sludge Disposal Agreement; and

**WHEREAS**, the Village of Canajoharie has approved the Sludge Disposal Agreement.

**NOW THEREFORE RESOLVED**, the Montgomery County Legislature hereby authorizes and directs the County Executive, following the review and approval of the County Attorney, to execute the Sludge Agreement, which is an intermunicipal agreement for sludge treatment/disposal with the Village of Canajoharie at a cost of \$0.050 per gallon terminating May 31, 2022.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

*I. Nature of Request:*

Resolution authorizing the County Executive to execute an intermunicipal agreement between the Village of Canajoharie Wastewater Treatment Plant and the Montgomery County Sanitary District No.1 for sludge treatment/disposal.

*II. Justification:*

The Montgomery County Sanitary District No.1 generates sludge which requires treatment/disposal. The Village of Canajoharie operates a wastewater treatment plant that is capable of treating said sludge at a small cost saving to the Montgomery County Sanitary District No.1

*III. Legislative Impact:*

Pursuant to General Municipal Law 119-o, municipal corporations have the power to enter into agreements for the performance among themselves or one for the other respective functions, powers, and duties on a cooperative basis. These agreements must be entered into by a majority voting strength of its governing body.

Pursuant to Article 2 of the Charter, the Montgomery County Executive has the authority to enter into contracts.

*IV. Financial Impact:*

Savings for the Disitrcet, revenue for Canajoharie.

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**RESOLUTION NO. 127 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Kelly  
Seconded by Legislator: Wilson

**RESOLUTION ACCEPTING CRIMINAL JUSTICE DISCOVERY REFORM GRANT AND AUTHORIZING COUNTY EXECUTIVE TO SIGN AGREEMENT (DISTRICT ATTORNEY)**

**WHEREAS**, the District Attorney has been advised that Montgomery County has been awarded a \$206,781.00 Criminal Justice Discovery Reform Grant by the new York State Division of Criminal Justice Services for the period of April 1, 2020 through March 31, 2021; and

**WHEREAS**, these are grant funds awarded to the Montgomery County District Attorney's office which is used to support local law enforcement agencies and the District Attorney's Office with expenses related to implementation of discovery and bail reforms that took effect January 1, 2020.

**NOW THEREFORE BE IT RESOLVED**, that the Montgomery County Legislature hereby authorizes acceptance of the \$206,781.00 Criminal Justice Discovery Reform Grant approved by the New York State Division of Criminal Justice Services for the period of April 1, 2020 through March 31, 2021.

**FURTHER RESOLVED**, that the Montgomery County Executive is hereby authorized and directed following review and approval by the County Attorney, to sign an agreement accepting the \$206,781.00 Criminal Justice Discovery Reform Grant approved by the New York State Division of Criminal Justice Services for the period of April 1, 2020 through March 31, 2021.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

*I. Nature of Request:*

Request for County Executive to accept Criminal Justice Discovery Reform Grant in amount of \$206,781.00 covering period from 4/1/2020 through 3/31/2021 awarded to the Office of Montgomery County District Attorney from NYS Division of Criminal Justice Services.

*II. Justification:*

Request for County Executive to accept Criminal Justice Discovery Reform Grant in amount of \$206,781.00 covering period from 4/1/2020 to 3/31/2021 for expenses relating to implementation of discovery and bail reforms that took place January 1, 2020.

*III. Legislative Impact:*

Pursuant to Article 3 of the Charter, the County Executive has the power to sign the \$206,781.00 Criminal Justice Discovery Reform Grant approved by the New York State Division of Criminal Justice Services for the period of 4/1/20 to 3/31/2021.

*IV. Financial Impact:*

\$206,781.00 was already received.

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**RESOLUTION NO. 128 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Sweet  
Seconded by Legislator: Purtell

**RESOLUTION APPROVING RETIREMENT AND TRANSFER OF K-9 GAJ (SHERIFF)**

**WHEREAS**, K-9 GAJ has worked for the Sheriff's office and with Sergeant Jason R. Nare for just over 9 years; and

**WHEREAS**, K-9 GAJ had a successful career with the Montgomery County Sheriff's office locating many items of contraband, locating many suspects and people in need after completing tracks and responding to emergencies while serving the patrol division; and

**WHEREAS**, the County Executive and the County Legislature desire to allow K-9 GAJ to remain with his handler, Sergeant Jason R. Nare.

**RESOLVED**, that the County Legislature hereby authorizes and approves the retirement of K-9 GAJ as of June 22, 2021; and

**FURTHER RESOLVED**, that the County Legislature hereby authorizes ownership of K-9 GAJ to be permanently transferred to Jason R. Nare as of June 22, 2021 upon execution by Sergeant Jason R. Nare of an agreement with release of liability to be prepared by the County Attorney.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

*I. Nature of Request:*

RESOLUTION APPROVING RETIREMENT AND TRANSFER OF K-9 GAJ (SHERIFF)

II. *Justification:*

K-9 GAJ is over 10 years old, he has worked for the Sheriff's office and with Sergeant Jason R. Nare for just over 9 years. He has done an amazing job for the Sheriff's Office, locating many items of contraband, assisting by conducting searches, locating suspects and persons in need after completing tracks and by responding to emergencies while assigned to the patrol division.

It is time for K-9 GAJ to retire, his replacement has already been purchased with donations and is currently certified in patrol, articles and tracking all while continuing to train in narcotics.

III. *Legislative Impact:*

Authorized pursuant to County Law 215 and Article 2 of the Montgomery County Charter.

IV. *Financial Impact:*

There is no financial impact for this resolution.

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**RESOLUTION NO. 129 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Wilson  
Seconded by Legislator: Kelly

**RESOLUTION AMENDING THE 2021 OPERATING BUDGET - COVID-19 CRISIS RESPONSE GRANT CARRY-OVER FUNDS (PUBLIC HEALTH)**

**WHEREAS**, the Montgomery County Legislature accepted Coronavirus (COVID-19) Grant funds per Resolution 61 of 2020; and

**WHEREAS**, the 2020-21 COVID-19 Grant funds, for the period of March 5, 2020 - March 15, 2021, were appropriated in the 2020 Public Health budget; and

**WHEREAS**, there are unexpended 2020-21 COVID-19 Grant funds available for carry-over to the 2021 Public Health budget.

**RESOLVED**, that the Montgomery County Legislature hereby authorizes and directs the County Treasurer to amend the 2021 Operating Budget as follows:

**INCREASE REVENUES:**

A-16-3401-09                      Public Health Grant - COVID-19 Grant    \$11,644.59

**INCREASE APPROPRIATIONS:**

A-16-4-4010-09-4490            Public Health Grant - Special Costs        \$11,644.59

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

I. *Nature of Request:*

To carry over unspent 2020 grant funds to the current 2021 budget.

II. *Justification:*

To utilize available COVID-19 grant funds for approved NYSDOH expenditures.

*III. Legislative Impact:*

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

*IV. Financial Impact:*

Unexpended 2020-21 COVID-19 Grant funds are available for carry-over to the 2021 Public Health budget. All increased grant expenditures will be offset by these carry-over funds.

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**RESOLUTION NO. 130 of 2021**

**DATED: 6/22/2021**

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

**RESOLUTION AMENDING THE 2021 OPERATING BUDGET - EQUIPMENT (SHERIFF)**

**WHEREAS**, the Sheriff has a need to utilize asset forfeiture money to purchase equipment and assist with future drug investigations;  
and

**WHEREAS**, asset forfeitures have been awarded from recent drug arrests.

**RESOLVED**, that the County Treasurer hereby is authorized and directed to amend the 2021 Operating Budget as follows:

**INCREASE REVENUES:**

A-15-3-2626                      Forfeiture of Crime Proceeds \$13,783.13

**INCREASE APPROPRIATIONS:**

A-15-3-3110-00-.4449              Special Supplies & Materials \$7,000.00  
A-15-3-3110-00-.4438              Misc Supporting Services     \$5,000.00  
A-15-3-3110-00-.4495              Criminal Investigations        \$1,783.13

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

*I. Nature of Request:*

RESOLUTION AMENDING THE 2021 OPERATING BUDGET - EQUIPMENT (SHERIFF)

*II. Justification:*

This money was seized at a drug arrest for sales conducted by our office with the assistance of many other agencies. As a result, this forfeiture will result in each agency receiving some of the money.

Amsterdam Police \$1,500 (Already provided and sent direct from the Federal Government)

St. Johnsville Police \$500

Fort Plain Police \$1,500

Canajoharie Police \$500

DA's Office \$2,500



Sheriff's Office \$8,783.13

This is a great example of how working together can benefit all of us.

*III. Legislative Impact:*

Pursuant to section 2.04 (b) of the charter the Montgomery County Legislature has the power to make appropriations.

*IV. Financial Impact:*

There is no financial impact as all of this money has been obtained through asset forfeiture and durg arrests!

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**RESOLUTION NO. 131 of 2021**

**DATED: 6/22/2021**

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

**RESOLUTION AMENDING THE 2021 OPERATING BUDGET - MOTOR VEHICLE EQUIPMENT (SHERIFF)**

**WHEREAS**, the Purchasing Department has already received insurance recoveries for a totaled patrol car that was involved in a motor vehicle accident for an amount of \$26,909.33; and

**WHEREAS**, the accident occurred when a Deputy Sheriff struck a pole in a parking lot while doing a security check. The vehicle totaled was a 2106 Ford; and

**WHEREAS**, the Sheriff's Office has a need to keep its fleet at current levels and this purchase is a simple replacement vehicle for the one that was totaled but is essential for us.

**RESOLVED**, the County Treasurer is hereby authorized and directed to amend the 2021 Operating Budget as follows:

**INCREASED REVENUES:**

A-31-3-2680	Insurance Recoveries	\$26,909.33
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**INCREASE APPROPRIATIONS:**

A-15-4-3110-00-2230	Motor Vehicle Equipment	\$26,909.33
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**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

*I. Nature of Request:*

RESOLUTION AMENDING THE 2021 OPERATING BUDGET - MOTOR VEHICLE EQUIPMENT (SHERIFF)

*II. Justification:*

This resolution and request to purchase a vehicle is the direct result of a motor vehicle accident where a Deputy Sheriff struck a pole in a parking lot while doing a security check of the Amsterdam High School. The vehicle was a 2016 Ford and was totaled. Our insurance company purchased the new vehicle minus our deducatable and salvage money for the car. So insurance issued a check for \$26,909.33. This accident was handled as a personnel matter with the Deputy Sheriff. This purchase is a replacement purchase only.

*III. Legislative Impact:*

Pursuant to section 2.04 (b) of the charter the Montgomery County Legislature has the power to make appropriations.

*IV. Financial Impact:*

This resolution will expend \$1,421.67 of budgeted money.

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**RESOLUTION NO. 132 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Wilson  
Seconded by Legislator: Purtell

**RESOLUTION TRANSFERRING FUNDS AND AMENDING THE 2021 OPERATING BUDGET (PUBLIC DEFENDER)**

**WHEREAS**, Resolution 141 of 20 established the Montgomery County Assigned Counsel Conflict Office; and

**WHEREAS**, portions of fund to pay said department costs in the Public Defender's Office should now be utilized as established, by the new Assigned Counsel Conflict Office.

**RESOLVED**, that the Montgomery County Legislature hereby authorizes and directs the Montgomery County Treasurer to Amend the 2021 operating budget as follows:

**TRANSFER FROM:**

A-28-4-1170-00-4431	Assigned Counsel, Professional Services	\$150,000
A-28-4-1170-03-4431	Assigned Counsel, Professional Services	6,406
A-28-4-1170-03-4408	Office Supplies	4,213
A-28-4-1170-03-4470	Travel: Related Costs	1,375

**TRANSFER TO:**

A-23-4-1170-00-4431	Assigned Counsel, Professional Services	\$156,406
A-23-4-1170-03-4408	Office Supplies	4,213
A-23-4-1170-03-4470	Travel: Related costs	1,375

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

*I. Nature of Request:*

TRANSFER FUNDS AND AMEND THE 2021 OPERATING BUDGET

*II. Justification:*

TO TRANSFER FUNDS IN ORDER TO UTILIZE GRANT FUNDING NEEDED IN APPROPRIATE DEPT., AND THEREBY ENHANCE THE SERVICES PROVIDED TO THE INDIGENTS OF MONTGOMERY COUNTY

*III. Legislative Impact:*

PURSUANT TO ARTICLE 3 OF THE CHARTER, THE COUNTY LEGISLATURE HAS THE AUTHORITY TO APPROVE THE TRANSFER OF FUNDS

*IV. Financial Impact:*

**RESOLUTION NO. 133 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Purtell  
Seconded by Legislator: Sweet

**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	06/30/2023
VACANT	VACANT	06/30/2023
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	06/30/2023
Kenneth Rose	Public Sector	06/30/2023
Andrea Schribner	Public Sector	06/30/2023
Melissa Johnston	Public Sector	06/30/2022

**RESOLVED**, there are two members that terms expire on 6/30/2021;

**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>
Marty Callahan	Private Sector	06/30/2024
Pam Goldswear	Private Sector	06/30/2024

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**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. 134 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Purtell  
Seconded by Legislator: Wilson

**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, 2021 and continues through June 30, 2022.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

***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. 135 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Dimond  
Seconded by Legislator: Wilson

**RESOLUTION ADOPTING INTRODUCTORY LAW C (LOCAL LAW 3 OF 2021) - A LOCAL LAW DESIGNATING SCENIC BYWAYS IN MONTGOMERY COUNTY (LEGISLATURE)**

**WHEREAS**, the rural tranquility, scenic beauty and historic character of Montgomery County are community assets that enhance quality of life and property values and promote tourism in Montgomery County; and

**WHEREAS**, there are many scenic byways in Montgomery County that are integral to preserving the rural tranquility, scenic beauty and historic character in Montgomery County; and

**WHEREAS**, the Montgomery County Legislature recognizes the importance of preserving the visual quality of the scenic byways in Montgomery County; and

**WHEREAS**, upon consultation with the Commissioner of Public Works the following local law is submitted; and

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

**WHEREAS**, this law is a Type II action under the State Environmental Quality Review Act.

**NOW THEREFORE BE IT RESOLVED**, that Introductory Local Law C (Local Law 3) of 2021 hereby is submitted to the Legislature of the County of Montgomery for consideration:

**INTRODUCTORY LOCAL LAW C (LOCAL LAW 3 OF 2021) - A LOCAL LAW PROMOTING SCENIC BYWAYS IN MONTGOMERY COUNTY**

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

**SECTION 1. Purpose.**

The purpose of this local law is to preserve the aesthetic resource of the scenic byways in Montgomery County that enhance the quality of life, promote tourism, and protect property values in Montgomery County. These scenic byways are unique to Montgomery County, a primarily agricultural community that is nestled in the foothills of the Adirondack Mountains with swooping scenic vistas of the Mohawk Valley. These scenic byways provide the public with a scenic resource within Montgomery County.

**SECTION 2. Objectives.**

The objective of the Scenic Byways Local Law is to:

- A. Preserve and protect the scenic byways in Montgomery County;
- B. Recognize the contribution the scenic byways make to the agricultural character, scenic beauty, and unique beauty of Montgomery County.

**SECTION 3. Designation of Scenic Byways.**

A. The initial Scenic Byways designated by this local law are as follows in their entirety:

1. Stone Arabia Road (CR 34)

2. Thayer Road (CR 165)
3. Logtown Road (CR 110)
4. Latimer Hill Road (CR 89)
5. Auriesville Road (CR 122)
6. Pattersonville Road (CR 152)
7. Bulls Head Road (CR 151)
8. Fuller Road (CR 139)
9. Miller Corners Road (CR 142)
10. Sulphur Springs Road (CR 154)
11. Swart Hill Road (CR 1)
12. Widow Susan Road (CR 8)
13. Antlers Road (CR 3)
14. Morrow Road (CR 12)
15. Truax Road (CR 7)
16. Hickory Hill Road (CR 33)
17. Old Trail Road (CR 30)
18. Van Epps Road (CR 116)
19. Borden Road (CR 115)
20. Hyney Hill Road (CR 123)
21. Noeltner Road (CR 164)
22. Burtonville Road (CR 127)
23. Hughes Road (CR 129)
24. Esperance Road (CR 131)
25. Corbin Hill Road (CR 104)
26. East Lykers Road (CR 103)
27. West Lykers Road (CR 102)
28. Carlisle Road (CR 93)
29. Hilltop Road (CR 96)
30. Currytown Road (CR 105)
31. Old Sharon Road (CR 94)
32. Latimer Hill Road (CR 89)
33. Clinton Road (CR 80)
34. Seebers Lane (CR 87)
35. Wagners Hollow Road (CR 48)
36. Indian Road (CR 37)
37. Caswell Road (CR 45)
38. McKinley Road (CR 42)
39. Crum Creek Road (CR 57)
40. Clay Hill Road (CR 59)
41. Fordsbush Road (CR 70)
42. Freybush Road (CR 79)
43. Pickle Hill Road (CR 69)
44. Paris Road (CR 68)
45. Salt Springville Road (CR 75)
46. Sanders Road (CR 66)
47. Brookmans Corners Road (CR 73)
48. River Road (CR 65)
49. Fisher Road (CR 118)
50. Ingersoll Road (CR 117)
51. Noeltner Spur (CR 166)

B. Additional roads can be designated by the Montgomery County Legislature by resolution following the procedures set forth herein.

#### SECTION 4. Criteria for Designation of Scenic Byways.

In order for a road to be designated as a Scenic Byway the following criteria must be met:

A. The road offers views of near or distant landscapes;

B. The road has significant scenic, recreational, cultural, natural or historic features that once altered are irreplaceable. Examples of these features might include:

1. Memorable or unusual landscape elements bordering the road;

2. A section of road that is particularly appealing to bikers, hikers, or horseback riders for its specific characteristics;

3. A road that passes through or abuts upon a traditional working landscape such as farming or orchards;

4. A road that passes through or abuts unusual geologic formations, topography, water resources, wetlands or habitats for rare or endangered wildlife; or

5. A road passes through or abuts a site of historical importance.

C. The road enhances the quality of life of Montgomery County residents . Examples of enhancing the quality of life of Montgomery County residents might include:

1. Contributing to tourism;
2. Enhancing property values in Montgomery County;
3. Providing the public with a scenic resource.

#### SECTION 5. Designation procedure.

The Montgomery County Legislature may designate additional roads as scenic byways upon the following:

A. Upon submission of either a resolution from the Montgomery County Legislature introducing a local law to amend this local law, a resolution signed by the local Town or Village nominating a road to be a scenic byway, or a petition by landowners on the road . The nominating document must set forth the following:

1. The name of the road requested to be designated as a scenic byway;
2. Identify the length of the road to be designated and, when only a portion of the road is proposed for designation, identify the starting and ending points of the proposed portion in terms of feet from the nearest intersection;
3. Describe the characteristics of the road which enable it to qualify for scenic road status as set forth in Section 4.

B. Within thirty days of receipt of a resolution or an application, the Montgomery County Legislature shall submit a copy of the application or resolution to the Commissioner of Public Works and hold a public hearing regarding the designation of the road as a scenic byway.

C. The Montgomery County Legislature shall act upon the proposed designation within forty-five (45) calendar days after the public hearing. Adding an additional scenic byway must be done by amending this Local Law.

#### SECTION 6. Scenic Byway Guidelines

The following standards shall apply to scenic byways in Montgomery County.

A. Vistas. Roadside views of near and distant scenic landscapes are vital to the quality of life and economy of Montgomery County and shall be preserved and, where possible, enhanced through vegetative management and selective cutting to maintain or open up such views. Roadside views from scenic byways shall remain visually consistent with the views at the time of designation. For the purposes of this paragraph, visually consistent shall mean not obviously different from or in sharp contrast to views at the time of designation taking into consideration the scale and context of the existing conditions at the time of designation.

B. Vegetation. Vegetation on the side of the road shall be maintained in such a way as to preserve the scenic value and beauty of existing flowers, shrubs, and trees.

C. Grades. Hills and valleys and corresponding changes in typography and road grades are correlated with scenic values. Changing grades through cuts and fills shall be undertaken only when necessary for road maintenance and safety.

SECTION 7. To the extent that this local law is inconsistent with existing laws it shall supersede them.

SECTION 8. 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 9. This law shall take effect upon filing with the Secretary of State.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

I. *Nature of Request:*

RESOLUTION ADOPTING INTRODUCTORY LAW C (LOCAL LAW 3 OF 2021) - A LOCAL LAW PROMOTING SCENIC BYWAYS IN MONTGOMERY COUNTY (LEGISLATURE)

II. *Justification:*

The purpose of this local law is to preserve the rural tranquillity, scenic beauty and historic character of scenic byways in Montgomery County that enhance the quality of life, promote tourism, and protect property values in Montgomery County.

III. *Legislative Impact:*

Authorized pursuant to the Municipal Home Rule Law and Article 2 of the Montgomery County Charter

IV. *Financial Impact:*

None.

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**RESOLUTION NO. 136 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Kelly  
Seconded by Legislator: Purtell

**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW D, LOCAL LAW 4 OF 2021, A LOCAL LAW ADOPTING A PILOT YOUTH HUNTING PROGRAM (COUNTY LEGISLATURE)**

**WHEREAS**, Environmental Conservation Law §11-0935, established a pilot program wherein a hunting license holder who is 12 or 13 years of age may hunt deer with a crossbow, rifle, shotgun or muzzle loading firearm in areas where and during the hunting season in which such implements may be used; and

**WHEREAS**, Environmental Conservation Law §11-0935 requires that in order to be an “eligible area”, a county must pass a local law authorizing participation in the pilot program; and

**WHEREAS**, according to a 2011 U.S. Fish and Wildlife Service study, the community spends approximately \$4.95 billion per year in the State of New York in pursuit of sporting activities, and sporting activities are responsible for the support of approximately 56,000 jobs across New York State; and

**WHEREAS**, sporting activities have a positive impact on the local and statewide economy; and

**WHEREAS**, public interest and participation in sporting activities, including deer hunting, has significantly increased, including the number of individuals completing hunter education programs and purchasing hunting and other sporting licenses; and

**WHEREAS**, the universal hunting age of 12 is supported by the 2012 – 2016 NYS Deer Management Plan and the draft 2021 – 2025 NYS Deer Management Plan; and

**WHEREAS**, prior to the adoption of Environmental Conservation Law §11-0935, 49 out of 50 States with New York being the exception, permitted 12 and 13 year olds to participate in hunting under varying circumstances; and

**WHEREAS**, hunting with youth provides quality time for parents, guardians and other mentor figures to bond with their children, other family members and friends in an outdoor setting and presents an excellent opportunity to introduce youth to nature, stewardship, conservation, and responsible wildlife management; and

**WHEREAS**, hunting with youth provides an opportunity to mentor and instruct youth hunters regarding safe and responsible hunting; 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 D (Local Law 4 of 2021) hereby is submitted to the Legislature of the County of Montgomery for consideration:

**INTRODUCTORY LOCAL LAW D (LOCAL LAW 4 OF 2021) - A LOCAL LAW ADOPTING A PILOT YOUTH HUNTING PROGRAM**

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

**SECTION 1. Title**

This Local Law shall be known as "A Local Law Adopting a Pilot Youth Hunting Program."

**SECTION 2. Purpose**

Consistent with the provisions of Environmental Conservation Law section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

**SECTION 3. Eligibility and Requirements.**

1. Notwithstanding subdivision one-a of Environmental Conservation Law Section 11-0701 and the crossbow prohibition of subdivision one of Environmental Conservation Law Section 11-0929, a hunting license holder who is twelve or thirteen years of age may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm as provided in this title in Montgomery County provided that:

(a) such minor is accompanied by their parent or legal guardian, or by a person designated in writing by such parent or legal guardian on a form prescribed by the Department of Environmental Conservation who is twenty-one years of age or older; and

(b) such parent, guardian or person has had at least three year's experience in hunting deer; and

(i) such parent, guardian or person holds a hunting license; and

(ii) such parent, guardian or person maintains physical control over the minor at all times while hunting. For the purposes of this paragraph "physical control" shall mean that the physical proximity of such minor to the parent, guardian or person is such that the parent, guardian or person is reasonably able to issue verbal directions and instructions, maintain constant visual contact, and otherwise provide guidance and supervision to the minor; and

(iii) such parent, guardian or person and the minor remain at ground level at all times while hunting; and

(c) such parent, guardian or person and the minor shall each display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

**SECTION 4. Severability**

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 5. Consistency**

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

**SECTION 6. Effective Date**

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. A copy of this Local Law shall also be filed with the New York State Department of Environmental Conservation.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

A LOCAL LAW ADOPTING A PILOT YOUTH HUNTING PROGRAM

*II. Justification:*

Environmental Conservation Law §11-0935, established a pilot program wherein a hunting license holder who is 12 or 13 years of age may hunt deer with a crossbow, rifle, shotgun or muzzle loading firearm in areas where and during the hunting season in

which such implements may be used as long as local counties opt in.

III. *Legislative Impact:*

Authorized by Environmental Conservation Law section 11-0935 and Municipal Home Rule Law.

IV. *Financial Impact:*

None anticipated.

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**RESOLUTION NO. 137 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Dimond

Seconded by Legislator: Sweet

**RESOLUTION CONFIRMING APPOINTMENT OF ASSIGNED COUNSEL ADMINISTRATOR MADE BY THE COUNTY EXECUTIVE (COUNTY LEGISLATURE)**

**WHEREAS**, Local Law 4 of 2020 created the Department of Assigned Counsel; and

**WHEREAS**, it is necessary to appoint an Assigned Counsel Administrator; and

**WHEREAS**, pursuant to §3.02 and §3.03 of the Montgomery County Charter, the County Executive has the power to make appointments; and

**WHEREAS**, pursuant to Local Law 4 of 2020 the Assigned Counsel Administrator shall be appointed on the basis of required legal experience and other qualifications appropriate to the responsibilities of the office; and

**WHEREAS**, pursuant to Local Law 4 of 2020 the powers and duties of the Assigned Counsel Administrator are as follows:

- 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;
- e.) Review and act upon attorney vouchers for work performed; and

**WHEREAS**, pursuant to §2.08 of the Montgomery County Charter the County Legislature shall confirm appointments no longer than sixty (60) days after the appointment has been filed with the Clerk of the Legislature; and

**WHEREAS**, pursuant to §2.08 of the Montgomery County Charter the County Legislature shall undergo a committee review of appointees; and

**WHEREAS**, the County Executive appointed Kimberly Van Wormer, Esq. as the Assigned Counsel Administrator on the basis of her required legal experience and other qualifications appropriate to the responsibilities of the office; and

**WHEREAS**, the Montgomery County Legislature has undergone a committee review of Kimberly Van Wormer, Esq.; and

**WHEREAS**, the Montgomery County Legislature has approved the appointment of Kimberly Van Wormer, Esq. as Assigned Counsel Administrator; and

**WHEREAS**, it has been less than sixty (60) days after the appointment was filed with the Clerk of the Legislature.

**THEREFORE BE IT RESOLVED**, that the Montgomery County Legislature hereby confirms the appointment of Kimberly Van Wormer,

Esq. as Assigned Counsel Administrator for a term concurrent with that of the County Executive, terminating on December 31, 2021; and

**FURTHER RESOLVED**, that it is understood and agreed that such benefits of defense and indemnification are conferred upon Kimberly Van Wormer, Esq. as Assigned Counsel Administrator for any acts or omissions while acting within the scope of her duties as Assigned Counsel Administrator.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

RESOLUTION CONFIRMING APPOINTMENT OF ASSIGNED COUNSEL ADMINISTRATOR MADE BY THE COUNTY EXECUTIVE (COUNTY LEGISLATURE)

*II. Justification:*

An appointment is necessary to fill the Assigned Counsel Administrator position.

*III. Legislative Impact:*

Pursuant to §3.02 and §3.03 of the Montgomery County Charter, the County Executive has the power to make appointments, and pursuant to Article 2 of the Montgomery County Charter the Montgomery County Legislature has the power to confirm these appointments.

*IV. Financial Impact:*

This position was included in the 2021 Operating Budget.

**RESOLUTION NO. 138 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Sweet  
Seconded by Legislator: Wilson

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH MA SCHAFFER CONSTRUCTION INC. FOR THE FMCC FINANCIAL TECHNOLOGY LAB RENOVATIONS PROJECT**

**WHEREAS**, Fulton County’s 2021 Capital Plan contains an appropriation of \$200,000 for the FMCC Financial Technology Lab Project; and

**WHEREAS**, JMZ Architects and Planners, P.C. was retained by the FM Foundation to provide cost estimating, bidding and construction services for the project; and

**WHEREAS**, there are no County dollars associated with this project; and

**WHEREAS**, any additional funding for the project shall be borne by the FM Foundation; and

**WHEREAS**, the FM Foundation has agreed to front \$75,000 to the County at the start of the project; and

**WHEREAS**, Resolution No. 99 dated April 27, 2021 authorized advertisement for bids to the project; and

**WHEREAS**, on Wednesday, May 26, 2021, the following bid was received:

<b>Contractor</b>	<b>Base</b>	<b>Add Alt. 1 (Air</b>	<b>Add Alt. 2 (Oak Panels at</b>	<b>Add Alt. 3 (Data</b>	<b>Add Alt. 4 (New Lights</b>
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	Bid	Conditioning)	Teaching Lab)	Jacks)	and Ceiling)	
MA Schafer Construction, Inc.	\$216,500	\$115,200		\$ 21,800	\$ 11,800	\$ 27,500

**AND**

**WHEREAS**, based upon the Base Bid and Alternate Bids received, FMCC and JMZ Architects and Planners, P.C. are recommending that only the Base Bid be awarded in the amount of \$216,500.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the County Executive is hereby authorized to execute an Agreement with MA Schafer Construction, Inc. in the amount of \$216,500.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH MA SCHAFFER CONSTRUCTION INC. FOR THE FMCC FINANCIAL TECHNOLOGY LAB RENOVATIONS PROJECT

*II. Justification:*

Fulton County's 2021 Capital Plan contains an appropriation of \$200,000 for the FMCC Financial Technology Lab Project,

*III. Legislative Impact:*

The Montgomery County Legislature is authorized to pass this Resolution in support pursuant to Article 2 of the Montgomery County Charter.

*IV. Financial Impact:*

there are no County dollars associated with this project

**RESOLUTION NO. 139 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Purtell  
 Seconded by Legislator: Sweet

**RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE MUNICIPAL LOAN AND REIMBURSEMENT AGREEMENT DATED MARCH 1, 1997 (COUNTY LEGISLATURE)**

**WHEREAS**, Resolution No. 108 of 1997 authorized the Montgomery County Legislature to bond for \$900K in conjunction with projects at the Glen Business Park; and

**WHEREAS**, thereafter, the County and the Montgomery County Industrial Development Agency (hereinafter "IDA") entered into a Municipal Loan and Reimbursement Agreement dated March 1, 1997 (hereinafter the "Agreement"); and

**WHEREAS**, the County and the IDA wish to add additional property as collateral to this Agreement to help effectuate paying off the proceeds owed under the Agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Montgomery County Legislature authorizes and directs, upon review and approval of the County Attorney, the Montgomery County Executive entering into Amendment No. 1 to the Municipal Loan and Reimbursement Agreement to add Tax Map Parcel No. 52.-4-3.41 consisting of approximately 212.8 acres as collateral and clarifying that Tax Map Parcel No.'s 52.-4-3.3 and 52.-4-3.11 remain from Phase I; and

**BE IT FURTHER RESOLVED**, that the Montgomery County Legislature, pursuant Paragraph 3 of the Municipal Loan and Reimbursement Agreement dated March 1, 1997 requests that the IDA prepare and execute documentation that can be filed against each property in Phase II as well as the remaining properties from Phase I showing that proceeds from sale or rent are due to Montgomery County.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

AUTHORIZING AMENDMENT NO. 1 TO THE MUNICIPAL LOAN AND REIMBURSEMENT AGREEMENT DATED MARCH 1, 1997

*II. Justification:*

The County and the IDA wish to add additional property as collateral to this Agreement to help effectuate paying off the proceeds owed under the Agreement

*III. Legislative Impact:*

Authorized by Article 2 of the Montgomery County Charter.

*IV. Financial Impact:*

Will add additional collateral to the loan owed to Montgomery County.

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**RESOLUTION NO. 140 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Sweet  
Seconded by Legislator: Dimond

**RESOLUTION SETTING THE DATE OF THE PUBLIC HEARING ON FMCC'S PROPOSED 2021-22 BUDGET (COUNTY LEGISLATURE)**

**WHEREAS**, the Fulton-Montgomery College Board of Trustees has presented its sponsoring counties with a 2021-22 budget request; and

**WHEREAS**, a public hearing related to the adoption of said FMCC budget is required prior to approval of said budget by its sponsoring counties.

**RESOLVED** the Montgomery County Legislature hereby approves the scheduling of a Public Hearing on the proposed 2021-22 Budget of Fulton-Montgomery Community College for July 27, 2021 at 6:50 pm in the Legislative Chambers, County Office Building, 64 Broadway, Fonda, NY 12068; and

**FURTHER RESOLVED** the Clerk of the Montgomery County Legislature hereby is directed to cause legal notice of said public hearing to be published according to local law.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

I. *Nature of Request:*

SETTING THE DATE OF THE PUBLIC HEARING ON FMCC'S PROPOSED 2021-22 BUDGET

II. *Justification:*

A public hearing related to the adoption of said FMCC budget is required prior to approval of said budget by its sponsoring counties

III. *Legislative Impact:*

Authorized pursuant to Article 2 of the Charter.

IV. *Financial Impact:*

Scheduling of public hearing - contingent upon Fulton County passing the same resolution

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**RESOLUTION NO. 141 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Dimond  
Seconded by Legislator: Wilson

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

**WHEREAS**, Montgomery County has obtained the real property parcel by tax foreclosure known as SBL 63.70-2-14 (33 Reed Street), located in the Village and Town of Canajoharie; and

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

**WHEREAS**, this property previously was offered at the 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.

**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 Bruce A. Parslow for the sum of \$500.00 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 Bruce A. Parslow.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

I. *Nature of Request:*

Transfer tax foreclosed property owned by the County to Bruce A. Parslow (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 \$500.00 and taxes would be collected moving forward. No tax revenue has been received on this property since 2016.

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**RESOLUTION NO. 142 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Purtell  
Seconded by Legislator: Dimond

**RESOLUTION AUTHORIZING COUNTY TREASURER TO DISBURSE MORTGAGE TAX MONEY (COUNTY TREASURER)**

**WHEREAS**, Montgomery County collects a Mortgage Tax which pursuant to local law must be distributed to local municipalities of the County; and

**WHEREAS**, the County Treasurer disburses the Mortgage Tax funds bi-annually.

**RESOLVED**, that the Montgomery County Legislature hereby authorizes the County Treasurer to disburse Mortgage Tax money for the period October 1, 2020 through March 31, 2021; and

**FURTHER RESOLVED**, that said Treasurer is directed to take all necessary steps, under proper accounting procedure, to adjust the books of his office, effective immediately.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

I. *Nature of Request:*

Authorization to disburse mortgage tax held in trust

II. *Justification:*

Authorization of governing body required to disburse mortgage tax.

III. *Legislative Impact:*

Authorized pursuant to Article 2 of the Charter.

IV. *Financial Impact:*

No financial impact to County, disbursing funds that have already been collected and being held in Trust account.

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**RESOLUTION NO. 143 of 2021**

**DATED: 6/22/2021**

Resolution by Legislator: Purtell

**RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY FROM THE MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY (COUNTY LEGISLATURE)**

**WHEREAS**, the Montgomery County Industrial Development Agency (hereinafter "IDA") is currently the fee title owner to approximately twenty (20) acres of certain real property within the Glen Canal View Business Park located on Park Drive in the Town of Glen, Montgomery County, New York (the "Property") as more particularly described on Exhibit A attached hereto; and

**WHEREAS**, Resolution 11 of 2021 authorized entering into a license agreement with the IDA to begin construction of the Shared Services Project, a new facility to house the Department of Public Works and the Department of Economic Development; and

**WHEREAS**, pursuant to PAL Section 2897(6)(d)(ii), the IDA filed an explanatory statement with the (i) the New York State Comptroller, (ii) the Director of the Budget, (iii) the Commissioner of General Services, (iv) the State Legislature, and (v) the Authority Budget Office, respectively, dated February 18, 2021 relating to the Disposition (the "Explanatory Statement"); and

**WHEREAS**, the IDA has determined that pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), it appears that the Disposition constitutes a "Type II action" (as said quoted term is defined in the Regulations), and therefore it appears that no further determination or procedure under SEQRA is required with respect to the Disposition; and

**WHEREAS**, the IDA passed Resolution 21-10 authorizing the sale of the Property to Montgomery County; and

**WHEREAS**, the cost for the property will be deducted from the funds owed to Montgomery County pursuant to the Municipal Loan and Reimbursement Agreement entered into between Montgomery County and the IDA on March 1, 1997; and

**WHEREAS**, Montgomery County wishes to move forward with this purchase.

**NOW THEREFORE BE IT RESOLVED**, that, upon review and approval of the County Attorney, the Montgomery County Legislature authorizes and directs the Montgomery County Executive to execute any documents necessary to effectuate the purchase of the Property from the IDA for a cost not to exceed \$170,000, to be deducted from the funds owed to Montgomery County pursuant to the Municipal Loan and Reimbursement Agreement entered into between Montgomery County and the IDA on March 1, 1997.

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

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

*I. Nature of Request:*

RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY FROM THE IDA (Legislature)

*II. Justification:*

Purchase of this land is necessary for construction of the Shared Services Facility.

*III. Legislative Impact:*

Authorized by County Law 215.

*IV. Financial Impact:*

The Municipal Loan and Reimbursement Agreement entered into between Montgomery County and the IDA on March 1, 1997 stated that IDA would reimburse the County for any funds for the acquisition, construction, and installation of improvements on the Property. Resolution 108 of 1997 authorized the County to bond for \$900K to fund these costs for the IDA. To date nothing has been paid back.

The IDA has received \$155K in land sales of the Property to date. These funds will be transferred to the County.

As additional collateral, the IDA has agreed to enter into an amendment to the Municipal Loan and Reimbursement Agreement



to add the Phase II properties from the Business Park as additional collateral for the \$570K owed to Montgomery County.

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**RESOLUTION NO. 144 of 2021**

**DATED: 6/22/2021**

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

**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 May 26, 2021 through June 22, 2021; 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(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

***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. 145 of 2021**

**DATED: 6/22/2021**

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

**RESOLUTION AMENDING THE 2021 OPERATING BUDGET FOR THE DISTRICT ATTORNEY BY ESTABLISHING A FULL-TIME NETWORK SYSTEMS ADMINISTRATOR AND ELIMINATING A MICROCOMPUTER TECHNICIAN (DISTRICT ATTORNEY)**

**WHEREAS**, it is necessary that a Network Systems Administrator (FT) position be established in the office of the Montgomery County

District Attorney; and

**WHEREAS**, this position will be shared with the Montgomery County Sheriff's Department to meet the needs of both offices with regard to all computer related administration, requirements and server and systems management; and

**WHEREAS**, this position will replace and eliminate line 57, the Micro Computer Technician (PT) position that was previously established under Resolution No. 59 of 2021.

**RESOLVED**, that the Montgomery County Legislature hereby establishes the position of Network Systems Administrator with an annual salary of \$62,130 which will contractually increase July 1, 2021 to \$62,751.00 equivalent to Grade Q in the CSEA Bargaining Agreement in the District Attorney's office who will share said position with the Montgomery County Sheriff's Office; and

**RESOLVED**, that the Micro Computer Technician (PT) position is hereby eliminated; and

**FURTHER RESOLVED**, the Montgomery County Legislature hereby authorizes and directs the Montgomery County Treasurer to amend the 2021 Operating Budget as follows:

**TRANSFER FROM:**

A-24-4-1165-00.1120 (57)	Micro Computer Technician - PT	\$20,244.12
A-24-4-1165-00.1120 (66)	Assistant District Attorney	\$31,141.16

**TRANSFER TO:**

A-25-4-1165-00-.1110 (NEW)	Network System Administrator (FT)	\$28,850.98
A-10-4-9001-00-.8810	FICA	\$2,207.10
A-10-4-9001-00-.8820	Retirement	\$2,596.59
A-10-4-9001-00-.8830	Workers Comp	\$1,419.31
A-10-4-9001-00-.8850	Health Insurance	\$16,311.30

**RESOLUTION VOTE**, passed with Aye(7). Legislators Duchessi and Isabel were absent. (6/22/2021)

**Statement of Legislative and Financial Impact:**

*I. Nature of Request:*

To create a full time Network Systems Administrator in the Office of the District Attorney to be shared with the Office of the Sheriff.

*II. Justification:*

This increase in the Part-Time position to a full time position at a higher skill level is necessary to meet the escalating demands of the offices due to bail reform and increasing crime rates that in turn have significantly increased the demands of these offices relating to all aspects of computer technology, management, administration and networking.

*III. Legislative Impact:*

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

#### IV. *Financial Impact:*

For the remainder of 2021, the prorated amount of funds needed for the position of Network Systems Administrator is \$51,385.28 inclusive of salary and fringe. This position will replace and eliminate line 57, the Micro Computer Technician (PT) position that was established under Resolution No. 59 of 2021.

The necessary funds needed for the remainder of 2021 will be transferred from line 57 the Micro Computer Technician, as well as from line 66 which is the Assistant District Attorney FT that was created in February and recently hired leaving a surplus in said line for 2021.

This position will need to be funded in the 2022 Operating Budget.

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

<b>MOTION TO ADOPT MINUTES OF PREVIOUS SESSION</b> by Legislator Headwell, Jr., seconded by Legislator Dimond, passed with Aye(7). Legislators Duchessi and Isabel were absent.

#### **ACCEPTANCE OF BUDGETARY TRANSFERS**

<b>MOTION TO ACCEPT BUDGETARY TRANSFERS</b> by Legislator Kelly, seconded by Legislator Wilson, passed with Aye(7). Legislators Duchessi and Isabel were absent.

#### **ACCEPTANCE OF PROCUREMENT RECORD**

<b>ACCEPTANCE OF PROCUREMENT RECORD</b> by Legislator Duchessi, seconded by Legislator Kelly, passed with Aye(7). Legislators Duchessi and Isabel were absent.

#### **ADJOURNMENT**

<b>MOTION TO ADJOURN</b> by Legislator Kelly, seconded by Legislator Wilson, passed with Aye(7). Legislators Duchessi and Isabel were absent.

Respectfully submitted,

Cheryl A. Reese  
Clerk of the Montgomery County  
Legislature