

CALL TO ORDER

Chairman Purtell called the Regular Meeting of the Montgomery County Legislature for December 26, 2023 to order at 6:00 PM.

ROLL CALL OF MEMBERS

Roll call indicated that the following Legislators were present:

Martin P Kelly, Legislator, District 1
Brian D Sweet, Legislator, District 2
Herbert T Allen, Legislator, District 3
Robert Headwell, Jr., Legislator, District 4
Daniel P Wilson, Legislator, District 5
Michael J Pepe, Legislator, District 7
Maria Kowalczyk, Legislator, District 8
Robert A Purtell, Chair of the Legislature, District 9

SALUTE TO THE FLAG

Legislator Kowalczyk led the Salute to the Flag.

MOMENT OF SILENCE

A moment of silence was observed on the passing of the following individuals who had served our country:

Amsterdam - Otto K. Miller, Joseph A. Pepe, Donald Boyd MacVean, Robert W. Baumes and Robert E. Chandler.

Nelliston - Lee W. Sanders, Sr.

PUBLIC COMMENT AND PRESENTATION

Village of Canajoharie Trustee, Ed Watt - Asked for support for the proposed redevelopment of land located in the Village of Canajoharie

COMMUNICATIONS

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION TO ADOPT MINUTES OF PREVIOUS SESSION by Legislator Headwell, Jr., seconded by Legislator Pepe, passed with Aye(8). Legislator VACANT was absent.

ACCEPTANCE OF BUDGETARY TRANSFERS

MOTION TO ACCEPT BUDGETARY TRANSFERS by Legislator Wilson, seconded by Legislator Pepe, passed with Aye(8). Legislator VACANT was absent.

ACCEPTANCE OF PROCUREMENT RECORD

ACCEPTANCE OF PROCUREMENT RECORD by Legislator Kowalczyk, seconded by Legislator Sweet, passed with Aye(8). Legislator VACANT was absent.

OLD BUSINESS

NEW BUSINESS

A. Resolutions

B. Other

Resolution by Legislator: Pepe
Seconded by Legislator: Sweet

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN A CONTRACT WITH STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES 2024 (SOCIAL SERVICES)

WHEREAS, the Department of Social Services would like to renew its agreement with Steuben County for their Non-Secure Detention services; and

WHEREAS, Steuben County Department of Social Services operates an 8 bed co-ed non-secure detention service program (Steuben Youth Safe Center) certified by the New York State Office of Children and Family Services; and

WHEREAS, the Department wishes to place eligible and appropriate juveniles in this program on an as-needed and space-available basis at a rate of \$855.00 per bed per day from January 1, 2024 through December 31, 2024; and, be it

RESOLVED, that the County Executive, upon review and approval of the County Attorney, is hereby authorized and directed to sign a contract with Steuben County Department of Social Services for the period of January 1, 2024 through December 31, 2024.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Authorizing the County Executive to sign a contract with Steuben County Department of Social Services.

II. Justification:

This contract will provide us with a facility that provides lower-risk JDs with family-specific behavioral health services with a focus on rehabilitation.

III. Legislative Impact:

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

IV. Financial Impact:

The contract is for \$855.00 per diem on an as-needed, space available basis.

RESOLUTION NO. 289 of 2023

DATED: 12/26/2023

Resolution by Legislator: Purtell
Seconded by Legislator: Wilson

RESOLUTION AMENDING THE 2023 OPERATING BUDGET - NYSED 4410 3-5 PRESCHOOL PROJECTED YEAR END ACCOUNT SHORTAGE (PUBLIC HEALTH)

WHEREAS, the Montgomery County Health Department is mandated to pay for services provided in the NYSED 4410 3-5 Preschool Program; and

WHEREAS, a review of projected 4410 3-5 Preschool expenditures, through fiscal year end 2023, indicated an anticipated fund shortage for the tuition line expenditures due to greatly increased center based enrollment numbers, and a rate recon for many providers done by NYSED to make up for lower interim rates paid verses actual rates set by NYSED; and

WHEREAS, 4410 3-5 Preschool tuition is reimbursed by NYSED to counties at a rate of 59.5%, therefore, increasing revenue anticipated.

RESOLVED, that the Montgomery County hereby authorizes and directs the County Treasurer to amend the 2023 Operating Budget as follows:

INCREASE:

A-16-3-3277	Education Handicapped Children	\$606,931.27
A 599	Appropriated Fund Balance	\$422,121.28

INCREASE APPROPRIATIONS:

A-4046-00-4432	3-5 Preschool Tuition	\$1,029,052.55
----------------	-----------------------	----------------

RESOLUTION VOTE, passed with Aye(7). Legislator Headwell, Jr. voted Nay. Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Funds need to be transferred to provide for payment of 3-5 Preschool tuition for remainder of fiscal year 2023.

II. Justification:

NYSED mandates that counties pay for the cost of 3-5 Preschool tuition for children that qualify per their Individualized Education Plan (IEP).

III. Legislative Impact:

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

IV. Financial Impact:

Use of fund balance \$422,121.28 to cover costs of 3-5 Preschool tuition.

RESOLUTION NO. 290 of 2023

DATED: 12/26/2023

Resolution by Legislator: Kelly
Seconded by Legislator: Pepe

RESOLUTION AMENDING THE 2023 OPERATING BUDGET (SOCIAL SERVICES)

WHEREAS, the Department of Social Services currently needs funds for the 1 Venner Road, Amsterdam, NY project to combine all of Social Services into one office; and

WHEREAS, the Department had appropriated funds in the Medicaid (A-18-4-6011-00-6100) budget line for 2023; and

WHEREAS, the Department was unable to expend the entire appropriated amount before year end.

RESOLVED, that the Montgomery County Treasurer is hereby authorized and directed to amend the 2023 Operating Budget as follows:

TRANSFER FROM:

A-18-4-6011-00-6100 Medicaid \$378,800.00

TRANSFER TO:

H-18-4-1620-45-2202 Capital Project \$378,800.00

RESOLUTION VOTE, passed with Aye(7). Legislator Headwell, Jr. voted Nay. Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Amending the 2023 Operating Budget

II. Justification:

These expenses are necessary to make the Recorder building a functional building for all the Social Services staff.

III. Legislative Impact:

Pursuant to Section 2.04(b) the County Legislature has the power to make appropriations.

IV. Financial Impact:

This will be reimbursed at a percentage to be determined by the Cost Allocation Plan. The Cost Allocation plan is prepared by Venesky and allocates common costs such as office space across expenditure categories, each of which is reimbursed at varying respective rates.

RESOLUTION NO. 291 of 2023

DATED: 12/26/2023

Resolution by Legislator: Pepe
Seconded by Legislator: Wilson

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO AMEND RESOLUTION #254 OF 2023 AND SIGN AGREEMENTS FOR THE HOME RUN AND TURNABOUT AGREEMENTS 2024 (SOCIAL SERVICES)

WHEREAS, per Resolution 254 of 2023, the Montgomery County Legislature authorized the County Executive to sign agreements for Berkshire Farm Center & Services for Youth's Home Run and Turnabout Programs; and

WHEREAS, these programs target the cause of truancy and seek to improve the attendance of at-risk youth, while providing children and families with tools and strategies for academic and social success; and

WHEREAS, the Greater Amsterdam School District has identified a greater need to provide prevention and intervention to these at-risk youth through an additional Home Run program; and

WHEREAS, this addition increases the cost of the Berkshire Farm contract from \$1,116,606.00 to \$1,201,924.00 for the term of January 1, 2024 through December 31, 2024. In turn, it changes the cost per program for the 5 participating school districts in Montgomery County from \$42,431.00 to \$41,521.01; and be it

RESOLVED, that the County Executive upon review and approval of the County Attorney, is hereby authorized and directed to execute an agreement with Berkshire Farm Center and Services for Youth in the amount of \$1,201,924.00 for the period of January 1, 2024 through December 31, 2024; and

FURTHER RESOLVED, that the County Executive, upon review and approval of the County Attorney, is hereby authorized and directed to sign contracts with CCSD, FFCSD, FPCSD, GASD, OESJ, and HFM BOCES for the period of January 1, 2024 through December 31, 2024 in the amount of \$41,521.01 per program.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Authorizing the County Executive to Amend Resolution #254 of 2023 and Sign Agreements for Home Run and Turnabout Prevention Programs.

II. Justification:

These programs aim to reduce costly out-of-home placements and improve truancy among at-risk youth.

III. Legislative Impact:

Pursuant to Article 2 of the Charter, the Montgomery County Legislature has the authority to amend resolutions.

IV. Financial Impact:

62% of the total cost of the Berkshire Farm Center & Services for Youth contract will be reimbursed by New York State and 38% of the total is contributed by local dollars. The contracts with the school districts will reimburse the local dollar amount by \$41,521.01 per program.

RESOLUTION NO. 292 of 2023

DATED: 12/26/2023

Resolution by Legislator: Kelly
Seconded by Legislator: Sweet

RESOLUTION AMENDING THE 2023 OPERATING BUDGET (SOCIAL SERVICES)

WHEREAS, the Department of Social Services continues to see an increase in need for various services, such as programs for Foster Care, Family Assistance, and Rental Supplement Programs; and

WHEREAS, these increases have caused a need for the Department to transfer funds to certain lines in the 2023 budget; and

RESOLVED, that the Montgomery County Treasurer is hereby authorized and directed to amend the 2023 Operating Budget as follows:

TRANSFER FROM:

A-18-4-6011-00-6143 Raise the Age \$300,000.00

TRANSFER TO

A-18-4-6011-00-6109 Family Assistance \$300,000.00

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Amending the 2023 Operating Budget

II. Justification:

Some of these increases are directly related to an increase in services provided to accommodate the increase in eligibility for qualifying individuals.

III. Legislative Impact:

Pursuant to Section 2.04(b) the County Legislature has the power to make appropriations.

IV. Financial Impact:

There is no financial impact as this money is already budgeted. It is being transferred between current appropriation lines.

RESOLUTION NO. 293 of 2023

DATED: 12/26/2023

Resolution by Legislator: Kelly
Seconded by Legislator: Sweet

RESOLUTION AMENDING THE 2023 OPERATING BUDGET (SOCIAL SERVICES)

WHEREAS, the Department of Social Services continues to see an increase in need for various services, such as programs for Daycare; and

WHEREAS, a change in the percentage of eligibility has made it so more families qualify for services; and

WHEREAS, these increases have caused a need for the Department to transfer funds to certain lines in the 2023 budget; and

RESOLVED, that the Montgomery County Treasurer is hereby authorized and directed to amend the 2023 Operating Budget as follows:

INCREASE APPROPRIATIONS:

A-18-4-6011-00-6055 Daycare \$430,000.00

INCREASE REVENUE:

A-18-3-3655 Daycare \$430,000.00

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Amending the 2023 Operating Budget

II. Justification:

23-OCFS-LCM-12 This OCFS memo expanded the block grant allocation for FFY 2024.

23-OCFS-ADM-18 This OCFS directive expanded income eligibility for childcare assistance

III. Legislative Impact:

Pursuant to Section 2.04(b) the County Legislature has the power to make appropriations.

IV. Financial Impact:

The increase to the appropriation is offset by the increase in revenue. This expense will be 100% reimbursed by the New York State Child Care Block Grant.

RESOLUTION NO. 294 of 2023

DATED: 12/26/2023

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

RESOLUTION AUTHORIZING COUNTY EXECUTIVE TO SIGN AMENDED AGREEMENT FOR PROFESSIONAL SERVICES-COMMUNITY WIDE HAZARDOUS SUBSTANCES BROWNFIELD ASSESSMENT GRANT (ECONOMIC DEVELOPMENT AND PLANNING)

WHEREAS, Resolution #78 of 2021 accepted a grant funding award in amount of \$300,000 from the United States Environmental Protection Agency (EPA) to inventory, characterize, assess and conduct cleanup, planning and community involvement related activities for brownfield sites along the Mohawk River; and

WHEREAS, Resolution #84 of 2021 awarded a contract to Weston and Sampson to carry out said services for a cost not to exceed \$300,000; and

WHEREAS, the former Department of Public Works facility has been vacated and a Phase I Environmental Site Assessment is necessary to prepare the site to be marketed; and

RESOLVED, the Montgomery County Legislature hereby authorizes an amendment to the contract with Weston and Sampson to conduct a Phase I Environmental Site Assessment for an additional \$4,500 with the amended contract not to

Resolution by Legislator: Kowalczyk
Seconded by Legislator: Sweet

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN CONTRACTS - INSURANCE COVERAGE (COUNTY EXECUTIVE)

WHEREAS, the county's current Property, General Liability and Insurance policies expire on January 1, 2024; and

WHEREAS, at the recommendation of the County's Broker, Gallagher, it is the desire of the County to maintain insurance including Property and General Liability Insurance through NYMIR, and crime insurance through Travelers; and

RESOLVED, that the County Executive, following the review and approval by the County Attorney, is hereby authorized and directed to sign a contract for the provision of insurance including Property and General Liability policies through NYMIR at a cost not to exceed \$615,000, and crime insurance through Travelers at a cost not to exceed \$6,000 for a term from January 1, 2024 through January 1, 2025.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

AUTHORIZING COUNTY EXECUTIVE TO SIGN CONTRACT - INSURANCE COVERAGE

II. Justification:

Insurance policies are about to expire.

III. Legislative Impact:

Authorized pursuant to Article 2 of the Montgomery County Charter.

IV. Financial Impact:

\$700,000 included in the 2024 Operating Budget

RESOLUTION NO. 296 of 2023

DATED: 12/26/2023

Resolution by Legislator: Pepe
Seconded by Legislator: Wilson

RESOLUTION ADOPTING INTRODUCTORY LAW J (LOCAL LAW 9 OF 2023) - A LOCAL LAW ESTABLISHING THE DUTIES OF THE DEPUTY COMMISSIONER OF HEALTH AND HUMAN SERVICES (COUNTY LEGISLATURE)

WHEREAS, Montgomery County is in the process of restructuring the Department of Social Services to increase efficiencies and improve workflow; and

WHEREAS, part of this restructuring is transferring the duties of the Deputy Commissioner of Social Services to the Deputy Commissioner of Health and Human Services; and

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

NOW THEREFORE BE IT RESOLVED, that Introductory Local Law J (Local Law 9 of 2023) entitled "A Local Law Establishing the Duties of the Deputy Commissioner of Health and Human Services" hereby is adopted and is incorporated as follows:

Be it enacted by the Montgomery County Legislature as follows:

Section 1:

The purpose of this local law is to establish the duties of the Deputy Commissioner of Health and Human Services.

Section 2:

The Deputy Commissioner of Health and Human Services shall assume all the duties held by the Deputy Commissioner of Social Services as set forth in law.

Section 3:

The Deputy Commissioner of Health and Human Services, during the absence or inability of the Commissioner of Health and Human Services, shall perform the powers and duties of the office of Commissioner of Health and Human Services as set forth in Social Services Law §65, County Law §750 and Article 10 of the Montgomery County Charter.

Section 4:

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 5:

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

Section 7:

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

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

A local law to establish the duties of the Deputy Commissioner of Health and Human Services.

II. Justification:

Part of the ongoing restructuring of the Department of Social Services.

III. Legislative Impact:

Authorized pursuant to Article 2 of the Montgomery County Charter.

IV. Financial Impact:

Budgeted in the 2024 Operating Budget. This local law is to establish the powers and duties of the position.

RESOLUTION NO. 297 of 2023

DATED: 12/26/2023

Resolution by Legislator: Pepe
Seconded by Legislator: Wilson

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW K OF 2023 (LOCAL LAW 10 OF 2023) - A LOCAL LAW AMENDING SECTIONS 11.03 AND TITLE II OF THE MONTGOMERY COUNTY CHARTER , LOCAL LAW 2 OF 2012 (COUNTY LEGISLATURE)

WHEREAS, pursuant to §15.02 of the Charter of Montgomery County, the County Legislature is empowered to clarify and elaborate on any provision of said Charter in a local law; and

WHEREAS, the Montgomery County Legislature wishes to combine the Department of Emergency Management with the Sheriff's office; and

WHEREAS, to effectuate this change it is necessary to amend § 11.03 and Title II of the Montgomery County Charter; and

WHEREAS, a copy of this law has been on the desks of all legislators for a period of seven days not inclusive of Sundays.

RESOLVED, that Introductory Local Law K of 2023 (LOCAL LAW 10 of 2023) hereby is submitted to the Montgomery County Legislature for consideration:

A LOCAL LAW AMENDING SECTIONS 11.03 AND TITLE II OF THE MONTGOMERY COUNTY CHARTER , LOCAL LAW 2 OF 2012

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

Local Law Number 2 of 2012 is amended as follows:

The provision stating TITLE II Bureau of Emergency Services, and §12.9 and §12.10 of the Montgomery County Charter are stricken in their entirety.

§11.03 County Sheriff is amended to read as follows:

There shall be elected from the County at large a County Sheriff. The Sheriff shall be elected for a four-year term of office and, at the time of his or her election and throughout his or her term of office, shall be a qualified elector of the County. He or she shall hold no other elected public or elected political office during his or her term of office and shall devote his or her full working time to the duties of the office. The Sheriff shall perform the duties prescribed by law as an officer of the court and conservator of the peace within the County. The Sheriff's office shall assume the powers and duties of the Emergency Management Office as set forth in law and shall appoint and oversee the Director of Emergency Management and all Emergency Management staff. The Sheriff shall have and exercise all of the powers and duties now or hereafter conferred or imposed by applicable law, and shall perform such additional and related duties as may be directed by the County Legislature.

SAVING CLAUSE: If any clause, sentence, paragraph, section or part 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 thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect; and

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

RESOLVED, that the Clerk of the Montgomery County Legislature hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW K OF 2023 (LOCAL LAW 10 OF 2023) - A LOCAL LAW AMENDING SECTIONS 11.03 AND TITLE II OF THE MONTGOMERY COUNTY CHARTER , LOCAL LAW 2 OF 2012 (COUNTY LEGISLATURE)

II. Justification:

The Montgomery County Legislature wishes to combine the Department of Emergency Management with the Sheriff's office to increase efficiencies.

III. Legislative Impact:

Section 15.01 authorizes the amendment of the Charter via a local law, subject to referendum on petition. This law must be passed by a 2/3 vote of the Montgomery County Legislature.

IV. Financial Impact:

Anticipated to lead to more efficiencies within county operations.

Discussion before res #298:

Legislator Sweet thanked the officials from Canajoharie for attending the meeting, but felt that before a final decision was made, more information was needed to make an informed decision. Legislators Headwell & Martin concurred with the action to table the resolution expressing that complete and accurate communication was needed to move forward.

RESOLUTION NO. 298 of 2023

DATED: 12/26/2023

Resolution by Legislator: Pepe
Seconded by Legislator: Kelly

RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY ACQUIRED BY TAX FORECLOSURE IN THE VILLAGE OF CANAJOHARIE

WHEREAS, Montgomery County has obtained the real property parcel by tax foreclosure known as SBL #63.14-1-9.1 located at 68 Church Street in the Village of Canajoharie; and

WHEREAS, Montgomery County subdivided the property into three parcels which are now known as 63.14-1-9.11, 63.14-1-9.12 and 63.14-1-9.13; and

WHEREAS, parcel 63.14-1-9.11 and a portion of 63.14-1-9.12 is not needed for County purposes; and

WHEREAS, Montgomery County has been marketing this property for the purposes of redevelopment that will lead to job creation and increase in tax base for the County, Village and School District; and

WHEREAS, the County has identified a purchaser for an approximately 6 acre portion of said real property on what is currently SBL's #63.14-1-9.11 and 63.14-1-19.12 located at 68 Church Street in the Village of Canajoharie; and

RESOLVED, the Montgomery County Legislature hereby authorizes to convey all the right, title and interests of the County in what is currently SBL #63.14-1-9.11 and a portion of 63.14-1-9.12 located at 68 Church Street in the Village of Canajoharie to Penn Rose NY Developer, LLC, 45 Main Street, Suite 539 Brooklyn, NY for the sum of \$450,000 or the amount of an agreed upon appraisal and per the terms of a Purchase and Sale Agreement; and

FURTHER RESOLVED, the County Executive and County Treasurer, upon review and approval by the County Attorney, is hereby authorized and directed to execute a Purchase and Sale Agreement and all related documents associated with the conveyance of said property to Penn Rose NY Developer, LLC, 45 Main Street, Suite 539 Brooklyn, NY for the sum of \$450,000 or agreed upon appraisal.

MOTION TO TABLE by Legislator Kelly, seconded by Legislator Headwell, Jr., passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Transfer tax foreclosed property owned by the County to private entity for an economic development project.

II. Justification:

Property transfer will allow property to be put on tax that will lead to job creation for the Village of Canajoharie.

III. Legislative Impact:

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

IV. Financial Impact:

Property would be sold for \$450,000, and some proceeds will be shared with EPA pursuant to the 106 Order and Memorandum of Agreement and new owner would be responsible to pay for all future taxes

RESOLUTION NO. 299 of 2023

DATED: 12/26/2023

Resolution by Legislator: Wilson
Seconded by Legislator: Pepe

RESOLUTION RECLASSIFYING THE POSITION OF DIRECTOR OF LABOR MANAGEMENT RELATIONS AND ESTABLISHING A HUMAN RESOURCES LABOR RELATION SPECIALIST (PERSONNEL)

WHEREAS, recently the position of Director of Labor Management Relations became vacant; and

WHEREAS, the position has been evaluated by the Personnel Officer and it is her recommendation that the position be reclassified to a Human Resources Labor Relations Specialist full-time; and

WHEREAS, this professional level work remains vital in the maintenance of effective labor-management relations which is aimed to improve administrative direction, accountability in the work place and is a highly successful tool to increase efficiency and ultimately save taxpayer dollars; and

WHEREAS, to accomplish the reclassification, the Personnel Officer requests the elimination of the Director of Labor Management and the reallocation of established funds in the 2024 operating budget to create the position of Human Resources Labor Relations Specialist with a base salary for 2024 of \$52,182 a grade movement M in the Non-Bargaining Policy.

RESOLVED, the Montgomery County Legislature hereby eliminates the position of Director of Labor Management Relations and establishes the position of Human Resources Labor Relations Specialist for the 2024 Operating budget with a base salary of \$52,182, a grade movement M in the Non-Bargaining Policy; and

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

AMENDING 2024 OPERATING BUDGET AND RECLASSIFYING THE POSITION OF DIRECTOR OF LABOR MANAGEMENT RELATIONS AND ESTABLISHING A HUMAN RESOURCES LABOR RELATION SPECIALIST

II. Justification:

This professional level work remains vital in the maintenance of effective labor-management relations which is aimed to improve administrative direction, accountability in the work place and is a highly successful tool to increase efficiency and ultimately save taxpayer dollars in addition, the incumbent will make recommendations regarding the development and revision of standard employment rules and regulations governing employees as well assisting department representatives on the interpretation of rules, questions of procedure and technical problems.

III. Legislative Impact:

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

IV. Financial Impact:

There is no financial impact to the 2024 Operating Budget at funds will be transferred from the Dir. of Labor Management line and the Professional services line.

RESOLUTION NO. 300 of 2023

DATED: 12/26/2023

Resolution by Legislator: Sweet
Seconded by Legislator: Pepe

RESOLUTION RESCINDING RESOLUTION 58 OF 2011 AND ABANDONING A SECTION OF CARLISLE ROAD IN THE TOWN OF ROOT(PUBLIC WORKS)

WHEREAS, the Commissioner of Public Works recommends abandoning a section of Carlisle Road in the Town of Root, as described in the deed description attached hereto and made a part hereof, to the adjoining landowners; and

WHEREAS, there is a section of the old road which is of no further use for highway purposes to Montgomery County; and

WHEREAS, the Montgomery County Legislature, upon recommendation of the Commissioner of Public Works, wishes to abandon to the adjoining landowners the section of the road which is of no further use for highway purposes; and

WHEREAS, Carlisle Road after this abandonment shall not be less than three rods in width.

THEREFORE BE IT RESOLVED, that Resolution No. 58 of 2011 is hereby rescinded; and

BE IT FURTHER RESOLVED, that the Montgomery County Executive, upon review and approval of the County Attorney, is authorized to execute and acknowledge in the name of Montgomery County and affix the seal of Montgomery County to a quit-claim deed of the land containing a section of the old road described in the deed description attached hereto and made a part hereof and deliver it to the abutting landowners, Deborah Brusco and Diana Atchinson, for the consideration of \$1.00.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

[Attachment](#)

Statement of Legislative and Financial Impact:

I. Nature of Request:

RESOLUTION RESCINDING RESOLUTION 58 OF 2011 AND ABANDONING A SECTION OF CARLISLE ROAD IN THE TOWN OF ROOT (PUBLIC WORKS)

II. Justification:

A section of Carlisle Road in the Town of Root is no longer needed for highway purposes and it is recommended by the Superintendent of Highways that this portion of the road be abandoned and conveyed to the abutting landowners.

III. Legislative Impact:

Authorized pursuant to Highway Law 118-a.

IV. Financial Impact:

No impact.

RESOLUTION AWARDING GENERATOR SERVICE CONTRACT AT MONTGOMERY COUNTY DPW FACILITY (PUBLIC WORKS)

WHEREAS, the Department of Public Works is responsible for the maintenance of generators to all county-owned properties;
and

WHEREAS, there is a need to maintain and service the generator at the DPW Facility to provide emergency back-up power;
and

WHEREAS, Montgomery County DPW has a current 2 year warranty on the facility generator and the manufacturer is offering a 5 year extension to lock in pricing for service and maintenance.

RESOLVED, the Montgomery County Legislature, after review by the County Attorney, authorizes the County Executive to sign a five-year maintenance agreement with Cummins Sales & Service for generator maintenance at a cost not to exceed \$10,625.40 for generator over the course of five years.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

To authorize the County Executive to sign a maintenance agreement with Cummins Sales & Service to perform generator maintenance at the Montgomery County DPW Facility for a five-year agreement.

II. Justification:

Annual maintenance is necessary to ensure the generators will perform as needed in an emergency situation.

III. Legislative Impact:

Pursuant to Article 3 of the County Charter, the County Executive has the authority to enter into contracts.

IV. Financial Impact:

Funding for generator maintenance will be included in the 2026, 2027, 2028, 2029 & 2030 Operating Budgets under line A 12 4 1620 4425 at the following rates

2026 \$2,125.08

2027 \$2,125.08

2028 \$2,125.08

2029 \$2,125.08

2030 \$2,125.08

Resolution by Legislator: Kowalczyk
Seconded by Legislator: Pepe

RESOLUTION AMENDING THE 2023 OPERATING BUDGET FOR ASSIGNED COUNSEL (CONFLICT DEFENDER)

WHEREAS, the State has increased the rate of pay from \$60 per hour to \$158 per hour for assigned counsel attorneys, and

WHEREAS, the County Legislature passed Resolution#59 of 2023 to pay for mileage and travel time for the assigned counsel attorneys, and

WHEREAS, the funding has been exhausted to pay for these assigned counsel attorneys.

RESOLVED, the County Treasurer is hereby authorized and directed to amend the 2023 operating budget as follows:

INCREASE:

A599	Appropriated Fund Balance	\$135,000
A-23-4-1171-00-4431	Professional Services	\$135,000

RESOLUTION VOTE, passed with Aye(7). Legislator Kelly voted Nay. Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:*I. Nature of Request:*

AMENDING THE 2023 OPERATING BUDGET FOR ASSIGNED COUNSEL (CONFLICT DEFENDER)

II. Justification:

2023 adopted budget amount has been exhausted

III. Legislative Impact:

County Legislature approval required to amend budget and appropriate fund balance

IV. Financial Impact:

\$135,000 in additional funds needed to cover expenses for the remainder of year 2023

Resolution by Legislator: Kelly
Seconded by Legislator: Purtell

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 \$250,683.00 Criminal Justice Discovery Reform Grant by the New York State Division of Criminal Justice Services for the period of April 1, 2023 through March 31, 2024; and

WHEREAS, these are grant funds awarded to the Montgomery County District Attorney's Office which are 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 \$250,683.00 Criminal Justice Services Discovery Reform Grant approved by the New York State Division of Criminal Justice Services for the period of April 1, 2023 through March 31, 2024.

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 \$250,683.00 Criminal Justice Discovery Reform Grant approved by the New York State Division of Criminal Justice Services for the period of April 1, 2023 through March 31, 2024.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

[Attachment](#)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Request for County Executive to accept Criminal Justice Discovery Reform Grant in the amount of \$250,683.00 covering period from April 1, 2023 through March 31, 2024 awarded to the Office of Montgomery County District Attorney from the NYS Division of Criminal Justice Services.

II. Justification:

Request for County Executive to accept Criminal Justice Discovery Reform Grant in the amount of \$250,683.00 covering period from April 1, 2023 through March 31, 2024 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 \$250,683.00 Criminal Justice Discovery Reform Grant approved by the New York State Division of Criminal Justice Services for the period of April 1, 2023 through March 31, 2024.

IV. Financial Impact:

\$250,683.00 received will be used to offset expenses in the DA's office.

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 November 29, 2023 through December 26, 2023 and the County Auditor recommends the payment of the claims as attached hereto in the "Abstract of Audited Claims".

RESOLVED, after examination and review of the claims by the County Auditor, the claims are audited and attached hereto, are hereby approved for payment by the Montgomery County Legislature.

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

[Click here for resolution attachment](#)

[Click here for resolution attachment](#)

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 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.

IV. Financial Impact:

no impact on the fund balance

RESOLUTION NO. 305 of 2023

DATED: 12/26/2023

Resolution by Legislator: Purtell
Seconded by Legislator: Sweet

RESOLUTION AMENDING THE 2023 OPERATING BUDGET

WHEREAS, it is necessary to move funds to pay a deductible on an insurance claim.

THEREFORE, the Montgomery County Treasurer is authorized and directed to amend the 2023 Operating Budget as follows:

DECREASE:

A-01-4-1910-00.4480 Unallocated Insurance Insurances \$11,217.02

INCREASE:

A-01-4-1930-00.4431 Judgement and Claims Professional Services \$11,217.02

RESOLUTION VOTE, passed with Aye(8). Legislator VACANT was absent. (12/26/2023)

Statement of Legislative and Financial Impact:

I. Nature of Request:

Amending 2023 Operating budget

II. Justification:

Moving money to pay an insurance deductible.

III. Legislative Impact:

Authorized pursuant to Article 2 of the Montgomery County Charter.

IV. Financial Impact:

Moving funds within the budget.

CHAIR'S COMMENT

Presiding over his last official meeting, Chair Robert Purtell expressed his appreciation to all Legislators for their commitment to working together and with the County Executive during the past year. Adding that they were all a part of good number of accomplishments for the county. Chair Purtell ended by saying "I applaud you all, and thank you."

Legislator Pepe took the opportunity to commend Chair Purtell for his leadership and a "job well done," during a year that the Chair had been faced with a number of personal challenges yet filled his responsibilities admirably.

ADJOURNMENT

MOTION TO ADJOURN by Legislator Kelly, seconded by Legislator Sweet, passed with Aye(8). Legislator VACANT was absent.

Respectfully submitted,

Patricia Beck
Clerk of the Montgomery County
Legislature