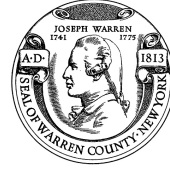


Warren County Board of Supervisors

**AGENDA
FRIDAY AUGUST 17, 2018
BOARD MEETING**



10:00 a.m. Call Meeting to Order

Pledge of Allegiance - Supervisor Strough

Roll Call

Motion to approve minutes of July 20, 2018 Board Meeting, subject to correction by the Clerk

Report by Chairman of the Board

Reports by Committee Chairmen on Past Month Meetings or Activities

Report by County Administrator

Report by County Attorney

Reading of Communications

Reading of Resolutions

Discussion and Public Comment on Proposed Resolutions

Vote on Resolutions

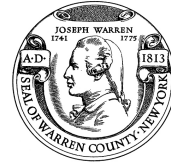
Privilege of the Floor

Announcements

Motion to Adjourn

Warren County Board of Supervisors

**BOARD MEETING
FRIDAY, AUGUST 17, 2018**



The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. Ronald F. Conover presiding.

Salute to the flag was led by Supervisor Strough.

Roll called, the following members present:

Supervisors Leggett, Diamond, McDevitt, Braymer, Loeb, Driscoll, Frasier, Simpson, Hogan, Dickinson, Merlino, Strough, Wild, Beaty, Magowan, Sokol, Thomas, Hyde, Geraghty and Conover- 20 ;Supervisors absent- 0

Commencing the Agenda review, Chairman Conover noted a motion was necessary to approve the minutes of the July 20th Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Braymer, seconded by Supervisor Driscoll and carried unanimously.

Continuing with the Agenda review with the report by the Chairman of the Board, Chairman Conover advised upon the invitation of Supervisor Hogan he had the pleasure of attending a public meeting on the evening of July 24th at the Train Station in the Town of Johnsbury and immediately following he toured the museum located there which he highly recommend everyone visit. He said he had also taken a walking/bus tour during this meeting, noting that Supervisors Leggett, Simpson and Wild were present, as well as Kevin Hajos, *Superintendent of Public Works*, and Mary Elizabeth Kissane, *County Attorney*. He informed he had attended the Lake Champlain-Lake George Regional Planning Board meeting on July 25th, advising there was a proposed Resolution before them today to approve the revised bylaws of the Regional Planning Board which were adopted by at the July 25th meeting. He added it was necessary for all five member Counties to adopt resolutions approving these Bylaws. He acknowledged Supervisor Strough for representing the County on the Governance Committee, whose sole purpose was to establish the revised bylaws for the Regional Planning Board. Chairman Conover advised upon the invitation of Supervisor Simpson, who served as the President of the Adirondack Association of Towns and Villages, he had attended a meeting with Assemblyman Jones on July 31st in the City of Plattsburg to discuss a number of matters including his proposed legislation concerning EMS, as well as the likelihood of the State Legislature being called back into session. Chairman Conover reminded them the County's request for the Mortgage Tax to be extended was pending before the State Legislature; he added there would be implications to the 2019 County Budget if the extension was not approved. He said he would provide updates on the matter as they became available. He reported on the August 14th meeting of the SAVE (*Stop Aquatic Invasives from Entering*) Group that he had attended where the discussion revolved around the organizations future efforts. He also apprised of the Health Insurance Working Group meeting he had attended on August 16th.

Chairman Conover then called for the reports by Committee Chairmen on the past months meetings or activities.

Supervisor Strough thanked Supervisor Leggett for chairing the August 13th Legislative & Rule

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Committee meeting in his absence. He informed the Committee had met on two occasions over the past month, approving proposed Resolutions 322-324, 346-347 and he provided a brief overview of each.

Supervisors Wild, Beaty and Magowan indicated they had nothing to report on.

Supervisor Sokol commenced with his report by acknowledging Supervisor Simpson for chairing the June 26th Finance Committee meeting in his absence, as well as reporting on the meeting at the July 20th Board Meeting. He informed the Finance Committee had met on August 2nd and again on August 13th, approving proposed Resolution Nos. 307-308, 337-342 and 348. He thanked the Lewis family for their annual \$5,000 contribution for the Up Yonda Environmental Education Center which was appreciated. Supervisor Sokol offered privilege of the floor to Mike Swan, *County Treasurer*, to provide the monthly update regarding the County's finances.

Mr. Swan advised he was pleased to report that both sales tax and occupancy tax collections were up and the Multi-Year Plan provided a better financial outlook for County in the future than the previous reports as a result of improvements to the economy. With regards to proposed Resolution No. 342, *Authorizing Glens Falls National Bank & Trust Company to Issue a Letter of Credit on Behalf of Warren County to Blue Shield of Northeastern New York as an Alternative to Pre-funding the Health Insurance Account*, Mr. Swan informed as a result of the County being self-insured, Blue Cross Blue Shield of Northeastern New York, who administered the County's health insurance claims for them, was requesting a letter of credit from Glens Falls National Bank in the amount of \$221,500 to provide them with the authority to reimburse themselves for the claims they paid on behalf of the County should a situation arise where the County had not reimbursed them for two months. He said this was a typical request, noting that the County continuously provided them with reimbursement. He apprised the purpose of proposed Resolution No. 347, *Introducing Proposed Local Law No. 5 of 2018 Entitled "A Local Law Amending the Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)" and Authorizing Public Hearing Thereon*, was to amend the definition of tourist accommodations to include short-term rentals. He mentioned he was aware that this was a hot topic for a number of towns due to enforcement and the issues that these short-term rentals created. He remarked he was in favor of taking the required steps to provide his Office with the authority to collect occupancy tax from these short-term rentals it would potentially increase additional occupancy collections by about \$90,000 per year.

Mr. Geraghty questioned whether the County was also going to pursue sales tax collections from these short-term rentals and Mr. Swan replied in the negative. Mr. Swan explained that he had no authority to collect sales tax, as the State was responsible for the enforcement and collection of sales tax. Mr. Geraghty asked whether Mr. Swan felt the County should notify the State once the Local Law was adopted and Mr. Swan replied in the affirmative.

Continuing with his Committee report, Supervisor Sokol advised that proposed Resolution No. 348, *Authorizing Advance of Funds from the General Fund Unappropriated Surplus to the Sheriff's Budget to Facilitate the Purchase of Vehicles with Said Advanced Funds to Be Reimbursed to the County upon Receipt of Grant Funds to the Sheriff's Office from the Dormitory Authority of the State of New York and Amending Warren County Budget for 2018*, was based on a request from the Sheriff's Office for the County to front the money until the grant funding was received. He stated that he and Supervisors Beaty and McDevitt had met with Mr. Hajos and Don Degraw, *Airport Manager*, on Tuesday to discuss the FBO negotiations, advising they hoped to be able to present their recommendation to Supervisor Diamond, who chaired the County Facilities Committee, relatively soon.

Supervisor Thomas reported on the August 2nd meeting of the Budget Committee during which the Five

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Year Multi-Year Plan was presented. He thanked Ryan Moore, *County Administrator*, and JoAnn McKinstry, *Assistant to the County Administrator-PT*, for their efforts on the development of this plan.

Supervisor Hyde indicated she had nothing to report on.

Supervisor Geraghty stated that the Personnel & Higher Education Committee had approved proposed Resolution Nos. 333-336 and he provided a brief overview of each. He mentioned proposed Resolution No. 335, *Authorizing Out-of-State Travel for Supervisors Kevin Geraghty, Eugene Merlino and Matthew Simpson to Attend the White House Conference with New York County Leaders in Washington, DC*, would need to be amended to include authorization for Supervisor Merlino, as well. He added he would be requesting a roll call vote on proposed Resolution No. 335 when appropriate.

Chairman Conover called for a motion to amend proposed Resolution No. 335 to include authorization for Supervisor Merlino to travel out-of-State with Supervisor Geraghty and Simpson. The necessary motion was made by Supervisor Geraghty, seconded by Supervisor Frasier and carried unanimously.

Supervisor Leggett reported the Criminal Justice & Public Safety Committee had met on July 23rd and again on August 13th, approving proposed Resolution Nos. 310-313 and 343 and he provided a brief summary of each. He acknowledged Brian LaFlure, *Fire Coordinator/Director, Office of Emergency Services*, for his assistance in securing the extension of the contract for I Am Responding software through the end of the year at no cost to the County, as well as his efforts to get all of the EMS responders in the County on board with using the software to ensure it worked in the manner they had originally intended it to. He concluded by urging support of proposed Resolution No. 348.

Supervisor Geraghty informed the DASNY funding to purchase the patrol vehicles had been secured by Assemblyman Stec which he felt they should recognize him for. Chairman Conover advised some correspondence indicating such would be sent to Assemblyman Stec.

Supervisor Diamond advised proposed Resolution No. 309 was approved at the July 30th meeting of the County Facilities Committee which he requested support of.

Supervisor McDevitt requested support of proposed Resolution No. 344, the purpose of which was to accept and approve the revised bylaws of the Lake Champlain-Lake George Regional Planning Board. He advised he had attended the executive session regarding the potential sale or lease of the railroad property during which two proposals were presented. He voiced his concern that they had put out a formal request for a potential buyer, as he thought the sale of County infrastructure would be a significant mistake on their part. He said he did not believe either written proposal consisted of leasing the property, but rather was for the purchase the County's railroad property. He spoke of his opposition to the sale of this property which he equated to being similar to Schermerhorn Aviation purchasing the Airport which he would also be against. He commented he believed this was poor public policy and he hoped when they put together an RFP (*Request for Proposal*) the terms included would be for a lease and not the sale of the County's railroad infrastructure. He informed the sale of government owned infrastructure was occurring on a nationwide basis in States such as Texas and Indiana, the outcome of which had mixed results. He said when municipalities were cash poor they would either enter into long-term leases or sell public infrastructure. He reiterated his hope that the RFP for the County Railroad property would be for a lease and not the sale of the property.

Supervisor Braymer apprised she had no Committee report, but she would like to briefly comment on the remarks Supervisor McDevitt had just made regarding the County Railroad. She said she thought

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it was ironic that she had only recently learned the State had filed their intent to move forward with an abandonment proceeding with through the STB (*Surface Transportation Board*). She said it would have been nice to be aware of this action prior to the meeting where they discussed the potential sale or lease of the railroad property, as some of the Supervisors had indicated at that meeting the only option for the County was to continue using the property for a railroad since the Sanford Branch Line north of the County was still an active railroad. She continued, if this property was abandoned then there were other options they needed to consider for this property such as a multi-use trail and she voiced her opposition to the sale of the property.

Supervisor Loeb advised he would defer to Supervisor Leggett for the Support Services Committee report and he thanked him and Supervisor Magowan for stepping in to chair the July 30th meeting in his absence.

Supervisor Driscoll indicated he had nothing to report on.

Supervisor Frasier advised the Health, Human & Social Services Committee had met on July 24th, approving proposed Resolution Nos. 318-321 and she provided a brief overview of each. She reminded everyone of the Summer Youth Ceremony and Picnic was scheduled for today at noon at Crandall Park and she encouraged all to attend.

Supervisor Simpson reported on the July 23rd meeting of the Cornell Cooperative Extension and he thanked the DPW staff for their work on pole barn. He apprised 150 golfers had signed up for Cornell Cooperative Extension's annual Golf Tournament and Silent Auction next Saturday at Cronin's Golf Course in the Town of Warrensburg. He stated that they were still searching for volunteers and items for the silent auction and he encouraged anyone who would like to participate to contact the office. He mentioned Cornell Cooperative Extension was working on a Farm to School grant which was designed to connect local producers with the school districts in the region. He said he believed this was a good idea due to the significant number of local crop producers in the region who could share their vast knowledge with the schools. He reported the Hunter Education Courses would be conducted on September 15th and 16th for gun and bow, advising anyone interested in signing up should contact the office; he mentioned the Warren County Youth Fair had been a success with over 300 participants. Supervisor Simpson stated the regular meeting of the Public Works Committee was held on July 24th during which proposed Resolution Nos. 327-329 were approved and he provided a brief summary of each. He advised during the meeting it was reported that the Warrensburg Bike Rally had been a success with an 18% increase in vehicles this year for a total count of 69,983 motorcycles, cars and trucks. He informed that Scott McLean, *Owner, Stony Creek Ranch Resort*, had indicated his interest in using the railroad for approximately thirty days for a Christmas themed train, but no information had been provided to the County about this proposal so he was unsure whether the event would come to fruition. Supervisor Simpson stated the Public Works Committee had held a special meeting on August 10th to discuss potential lease or sale opportunities for the County Railroad, following which it was determined the County Administrator would work with the Purchasing Agent to draft an RFP to lease the County Railroad, as well as one to sell the line. He informed the application for Notice of Intent for filing an abandonment would be recorded on August 29th following which there would be a forty-five day period for comments. Supervisor Simpson reported on the August 13th meeting of the Warren-Washington Counties Industrial Development Agency meeting during which the highlight was their approval of a project for the Greenwich Preservation Group, who would be developing the former Wally's Restaurant Building in the downtown area of the Town of Greenwich and they were executing delivery of the closing documents. He added there had been a recent increase in interest in the lots available in the organizations Industrial Park.

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Supervisor Hogan indicated she had no Committee report, but said she had attended the Cornell Cooperative Extension Youth Fair and she voiced her pride in the talented youth who lived in the County. She said during the Fair there was singing, dancing and artwork on display; she noted several of these youth would be representing the County at the State Fair. She apprised that she planned on attending the Summer Youth Ceremony and Picnic today, stating that the Town of Johnsbury had three of these youth working for them this year. She said she had observed how much these youth had matured over the summer and took responsibility for their positions. She remarked how beneficial the Summer Youth Program was and she urged them to continue their support of it. In conclusion, Supervisor Hogan urged the Public Works Committee to slow the process concerning the railroad down, as there was uncertainty as to how the abandonment efforts would turn out. She suggested they reconsider moving forward with drafting an RFP to lease the County Railroad, as well as one to sell the line, advising she believed this was premature on their part.

Supervisor Dickinson apprised the Environmental Concerns & Real Property Tax Services Committee had met on two occasions over the past month, the first of which was on July 30th wherein they approved proposed Resolution Nos. 314-316. He reported on the August 13th Last Chance Meeting, noting that due to the streamlining efforts of Lexie Delurey, *Director, Real Property Tax Services*, and Mr. Swan, only two people had attended as compared to prior years when the room had been full. He informed both of these individuals were granted extensions which removed their property from this year's foreclosure action. Supervisor Dickinson stated there were currently close to seventy parcels on the list to be foreclosed on, but this figure would be reduced to around forty parcels once all of the extensions that had been granted expired; he noted this was significantly less than any of the prior years auctions.

With regards to the Warrensburg Bike Rally, Supervisor Dickinson apprised that he believed the figure of 69,983 motorcycles, cars and trucks in attendance was misleading, as this pertained to an automobile count for the road, not all of which attended the Rally. He advised in comparison Americade, which was a significantly larger event, had an attendance of about 50,000 motorcyclists.

Supervisor Merlino stated the Tourism Committee did not meet this month, but there was an upcoming meeting on August 21st. He stated that they had a nice display at the Saratoga Race Track on Wednesday where around 600 people signed up to receive emails from the department. He added The Adirondack Fold School, Adirondack Pub and Brewery and the Hidden Hollow Maple Farm were in attendance with displays, as well. He said they would be airing the fall television advertisement beginning on August 27th. He informed the Smith Travel Report showed an increase of 4.1% for the month of June and they awaiting the figures for July. He mentioned according to the Tourism Economic Report for New York State travel spending had increased by 4.3%.

Supervisor Leggett reported on the July 30th meeting of the Support Services Committee where they approved proposed Resolution Nos. 330-332 and he provided a brief overview of each. Supervisor Leggett thanked Amy Clute, *Self-Insurance Administrator*, and her staff for providing chainsaw safety courses to County and Town employees resulting in a safer work environment. He acknowledged Ms. Kissane and her staff for pursuing the outstanding balances attributed to the former Westmount Health Facility.

Continuing to the report by the County Administrator, Mr. Moore recognized the following people for their years of service to the County which he said he was greatly appreciative of:

- * Barbara Mead for 35 years of service to the Department of Social Services;
- * Major James LaFarr for 25 years of service to the Sheriff's Office;
- * Patrol Sargent Robert Smith for 25 years of service to the Sheriff's Office;

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- * Communications Officer Anthony Fidd for 25 years of service to the Sheriff's Office; and
- * Tammy Morehouse for 20 years of service to Countryside Adult Home.

Mr. Moore apprised he had held a Department Head meeting on July 25th during which he and Supervisor Thomas provided Budget instruction and guidance documents to everyone and he requested participation in several administrative procedures that he believed required added emphasis. He explained with each of these items there had been at least two Board Members who shared his concerns and had spoken to him privately, requesting action. He apprised the first item concerned his request that all department heads provide details on their potential agenda items at least one week in advance of their Committee meeting and for this information to be distributed to himself, the Committee Chair, the Clerk of the Board and the County Attorney with the intent of providing the administrative team, as well as the Board members, more notice of the items that need to be considered and more time to give these items critical thought in the interest of promoting improved decision making. He stated if last minute action was needed, the Department Heads had been instructed to obtain approval from himself and the Committee Chair in order for this item to be added to the agenda. Second, he informed that he had reminded Department Heads of the importance of the auditing function to ensure the County met the expectations of the taxpayers. He mentioned the County Auditor had been working diligently to improve standards which he expected all Departments to cooperate fully with. He advised he concluded the meeting by requesting that Department Heads be mindful of when their contracts expired, as well as their annual reoccurring items which required resolutions at specific times of the year and were predictable to ensure timely approvals by the Board.

Mr. Moore informed he had also helped facilitate the Lake Champlain-Lake George Regional Planning Board meeting on July 25th which was held in this Board Room and was well attended by the Warren County Board of Supervisors. He added the meeting had resulted in the adoption of the much improved bylaws for the organization. He reported that he continued to have daily contact with Dave O'Brien, *Chairman, Lake Champlain-Lake George Regional Planning Board*, to assist with facilitating matters concerning the Regional Planning Board. Mr. Moore advised he had attended an all day FEMA (*Federal Emergency Management Agency*) training on NIMS (*National Incident Management System*) and the ICS (*Incident Command System*). He commended Amy Hirsch, *Emergency Services Coordinator*, for doing an exceptional job facilitating the training and he thanked her for taking on this task. He said aside from these activities it had been a busy month for him, with his days being filled with meetings on issues that included Airport negotiations, the multi-year forecast, the I am Responding contract, animal cruelty prevention services, FOIL (*Freedom of Information Law*) procedures, Collective Bargaining negotiations, the Railroad, savings opportunities with the County's Health Insurance program and the Shared Services Initiative. He informed as required by statute, he would be holding three public hearings and a final meeting of the State Mandated Shared Services Panel to approve the County's Plan prior to September 15th. He reported that Tammie Delorenzo, *Assistant to the County Administrator*, had officially become a member of his staff on August 6th and was doing a phenomenal job already.

Mr. Moore apprised he would like to bring to light that a revision had been made to proposed Resolution No. 332, *Amending Resolution No. 295 of 2018, Which Authorized a Settlement Agreement for a Resident at the Former Westmount Health Facility, to Change the Amount of the Settlement*, to include an additional paragraph ensuring it was clear the County Treasurer was authorized to write off a credit that could not be substantiated.

Privilege of the floor was extended to Ms. Kissane to provide a report from the County Attorney. Ms. Kissane advised she had nothing to report on.

Resuming the Agenda review, Chairman Conover called for the reading of communications, which Mrs.

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Allen read aloud, as follows:

Reports from:

1. Capital District Regional OTB Financial Report dated May 31, 2018. (*bound report - not emailed to the Board*)
2. Warren County Department of Weights & Measures Monthly Report for July 2018. (*emailed to the Board 08.08.18*)
3. Warren County Probation Department Monthly Reports of Criminal and Family Workloads for May and June of 2018. (*emailed to the Board on 08.08.18*)

Minutes from:

1. Warren & Washington Counties Civic Development Corporation:
 - June 18, 2018 Meeting (*emailed to the Board on 07.24.18*)
 - July 18, 2018 Executive Committee Meeting (*emailed to the Board on 08.08.18*)
 - July 23, 2018 Meeting (*emailed to the Board 08.14.18*)
2. Warren & Washington Counties Industrial Development Agency:
 - June 18, 2018 Meeting (*emailed to the Board on 07.24.18*)
 - July 18, 2018 Public Hearing for Firetek Sprinklers (*emailed to the Board on 07.24.18*)
 - July 18, 2018 Executive/Park Committee Meeting (*emailed to the Board on 08.08.18*)
 - July 23, 2018 Meeting (*emailed to the Board on 08.14.18*)

Letters/emails from:

1. FitzGerald, Morris, Baker, Firth - Notice of Real Property Transfer to Non Tax-Exempt Entity regarding Town of Queensbury parcels transferred from Warren-Washington Counties Industrial Development Agency to BBL Tribune LLC.
(*emailed to the Board on 08.08.18*)
2. New York State Office of Parks, Recreation & Historic Preservation - Informing that the New York State Historic Preservation has agreed to add the Queensbury Hotel to the State Register of Historic Places and has forwarded a nomination to the Keeper of the National Register in Washington, DC to request adding the property to the National Register, as well.
(*emailed to the Board on 08.09.18*)
3. Warren County Attorney Mary Elizabeth Kissane - appointing Amy Lavine as First Assistant County Attorney who shall be the only attorney with authority to exercise the powers and duties of the office in the event of a vacancy or in Ms. Kissane's absence or inability to perform the duties of her office.
(*Emailed to the Board on 08.15.18*)

Other:

1. Capital District Regional Off-Track Betting Corp. June payment in the amount of \$4,513.
(*emailed to the Board 08.08.18*)
2. Washington County Board of Supervisors Resolution No. 176 of 2018, *To Adopt Adirondack Community College Budget*. (*emailed to the Board 08.08.18*)

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 307-342 were mailed; she informed that proposed Resolution No. 332 was amended after mailing and a motion was needed to approve the revision. The necessary motion was made by Supervisor Geraghty, seconded by Supervisor Dickinson and carried unanimously. She stated Resolution Nos. 343-348 were developed after the mailing and a motion was required to bring them to the floor; the necessary motion was made by Supervisor Dickinson, seconded by Supervisor Magowan and carried unanimously.

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Chairman Conover called for discussion and public comment on the proposed resolutions, as well as requests for roll call votes.

Timothy J. Moriarty Sr., *Town of Queensbury Resident*, apprised he was present today to discuss the proposed ban on plastic bags. He informed the issue first caught his attention about a year ago when it was advertised in the local newspaper, at which time he felt, and still did so, that this was an unnecessary intrusion by government into the everyday lives of the residents of the County which would result in unintended consequences. He advised in June of 2017 the Resolution which urged the State Legislature to pass a law enforcing a State-wide ban that was brought before this Board failed. He mentioned those who were advocating for this resolution indicated this was not for a ban on plastic bags in the County, but rather to advocate for the State to take some action. He continued, this June an almost identical resolution was brought before the Board, but this time it was adopted. He advised two months later that resolution had morphed into another resolution with the purpose of unilaterally banning plastic bags in the County. He remarked that he believed a ban on plastic bags was more acceptable for places like Burlington, Vermont; Portland, Oregon; and San Francisco, California; however, he noted, it was a bad idea for this County, as he did not believe it was reflective of the thinking of the vast majority of the residents here.

Chairman Conover interjected that the intent of the proposed Resolution before them today was to set the public hearing for the Local Law during which Mr. Moriarty was more than welcome to attend and voice his opposition. He said because Mr. Moriarty had taken time out of his day to attend the meeting this morning he wanted to extend him the courtesy to voice his opinion, but the public hearing was the appropriate place. He apprised he was more than welcome to voice his objections to holding the public hearing, but again the appropriate place for Mr. Moriarty to voice his objections to a law which banned plastic bags in the County was at the public hearing. Mr. Moriarty remarked his point was to bring his objections to the Board so the proposed resolution did not move forward, adding he had voiced his objections at the Committee meeting in July, as well. Chairman Conover inquired whether Mr. Moriarty had other thoughts he would like to share and Mr. Moriarty replied that he did not if Chairman Conover was restricting him to only discussion the proposed resolution before them regarding the public hearing. He added his comments were directed on a more broader scale about the proposed legislation itself. Chairman Conover advised since Mr. Moriarty had taken the time to attend the meeting this morning he would like to extend privilege of the floor to him for a few more minutes to conclude his thoughts.

Mr. Moriarty apprised he did not believe the proposed Local Law had been thought out too well, as there had been no detailed analysis of the cost of the proposed law, including administration and enforcement. He advised since this only related to setting the public hearing he would conclude with his statements at this time.

Supervisor Geraghty requested a roll call vote on proposed Resolution No. 335, *Authorizing Out-of-State Travel for Supervisors Kevin Geraghty, Eugene Merlino and Matthew Simpson to Attend the White House Conference with New York County Leaders in Washington, DC.*

Supervisor Magowan requested a roll call vote on proposed Resolution No. 309, *Authorizing a Public Hearing for Two Ground Lease Agreements with Schermerhorn Aviation, LLC for Construction of Hangar No. 7 and Hangar No. 8 at the Floyd Bennett Memorial Airport, Warren County, New York.*

Supervisor Thomas requested a roll call vote on proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and*

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Authorizing Public Hearing Thereon. He added while the proposed Resolution was setting a public hearing, it was also introducing proposed legislation. Chairman Conover informed the public hearing pertained to the proposed legislation.

Supervisor Hogan requested a roll call vote on proposed Resolution No. 327, *Authorizing a Lease Agreement with Revolution Rail Company for Use of the Railroad Ticket Sales Building for Parks, Recreation & Railroad.*

Supervisor Loeb requested a roll call vote on proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon.*

With regards to proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*, Supervisor Diamond queried what the total amount of the contract was for, pointing out there was no reference to the way the resolution currently stood. He requested going forward that any Resolutions which pertained to bids included a copy of the bid tabulation sheets for them to review and compare. He mentioned he would like to support the proposed Resolution, but he was unsure what they were voting on. Mr. Hajos interjected that he did not have the information with him; however, he noted, the tabulation sheets were always presented to the Committee when bids were involved. Mr. Diamond asked Mr. Hajos if he knew what the total amount was and Mr. Hajos replied in the negative, advising more than likely there was an hourly rate and call out fee. Chairman Conover informed Mrs. Allen would attempt to locate the requested information for Supervisor Diamond prior to voting on the proposed Resolution.

With regard to proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon*, Supervisor Loeb informed Ms. Kissane was working with the outside counsel for the lawsuit pertaining to the opioid epidemic to draft a resolution that would work not only for New York State, but also the County; however, he noted, input was required from the Board regarding the matter. He apprised the resolution as it stood did not identify any methods for recognizing the costs that were referred to nor did it reference any process for separately identifying the levels of responsibility the entities had for those costs. He remarked he believed they needed to put in black and white now what their intent was and not leave it open with the possibility of changes being made in the future. In regards to Section 5 which pertained to Public Nuisance, Supervisor Loeb stated that the proposed Resolution referred to opioids and how serious of an issue it was and who the transgressors were. He mentioned four years prior to last January he had open heart surgery during which time he was prescribed morphine and percocet. He continued, Section 5 of the proposed Local Law stated that the selling and prescribing of prescription opioid pain pills was a hazard to public health and safety. He questioned whether this statement meant they were putting the hospital where he had his surgery on notice that the next time they had a patient who had any type of surgery that they would be in violation of the Warren County Local Law if they prescribed these medications. He said it was possible for them to modify that statement with just a few words, apprising they could be made at the public hearing, as well as to address his concerns pertaining to the manufacturers and distributors abusing their privilege. He informed it was necessary for them to clarify what they were referring to ensure their constituents were fully aware of what outcome they were seeking from this law. In regards to the statement that the selling and distributing of opioid pills in the County had created a public health issue, Supervisor Loeb inquired whether large amounts referred to someone who distributed a large amount to a particular individual or if they were an active pharmacy and they were distributing large quantities. He pointed out Hudson Headwaters Health Network prescribed significantly more opioid

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medicines than any other doctors offices in the region, apprising it was necessary for these things to be delineated or they were leaving it open to governmental abuse in the future.

Supervisor Merlino remarked he hoped that they would do more than the usual advertisements that were placed for Public Hearings for the one which pertained to the ban on plastic bags, as he believed this was a hot topic the public would like to comment on.

Supervisor Wild advised his comment related to the timing of the Public Hearing for the ban on plastic bags, as he believed holding it at 10:00 a.m. on a Friday could preclude many residents who had both positive and negative input to relay to the Board on this matter. He proposed that they schedule the Public Hearing in the evening to make it accessible to the majority of the public to attend. He said he had received many comments from both aspects on the matter, some of which were quantified and others which were emotional that they needed to take into account as they moved forward. Chairman Conover questioned whether Supervisor Wild was advancing an amendment to the proposed Resolution and Supervisor Wild replied in the affirmative. Supervisor Wild inquired whether 6:00 p.m. was appropriate, adding he was open to suggestions from other Board members.

Chairman Conover questioned whether a resolution was required to schedule a special meeting for this purpose and Ms. Kissane replied in the affirmative. Chairman Conover called for a motion to schedule a special meeting in the evening; the necessary motion was made by Supervisor Wild and seconded by Supervisor Merlino.

Supervisor Dickinson suggested they hold two Public Hearings, one on the regularly scheduled Board Meeting day of September 21st at 10:00 a.m. and then another during the same week in the evening other than Friday because he believed the attendance on a Friday would be minuscule. Supervisor Hogan advised she was not opposed to a night meeting; however, she inquired whether the attendance at the meetings they held in the evening once a year were greater than the ones held in the daytime. Chairman Conover stated one night meeting was held a year to allow those who worked during the day to attend, but he felt the attendance was relative to the issues before them. Supervisor Braymer stated she would attend regardless of what time the meeting was scheduled; however, she noted, the attendance had been minimal during the meetings that were held in the evening. She remarked she was fully supportive of educating the public and felt it was necessary for them to ensure the public was aware of the current proposed local law so they did not confuse it with previous drafts. She questioned whether she was correct in stating the public could also provide their comments through email if they were unable to attend the meeting and Mrs. Allen could ready them as part of the communications and Chairman Conover responded in the affirmative. He added correspondence that was addressed to the Board was also distributed to them, as well.

Supervisor Driscoll suggested they provide an exhibit of what the options were pertaining to single use disposable bags and the thicker plastic bag alternative permitted in the absence of the disposable bags someplace in the Municipal Center Building to allow residents to get a better idea of what was being considered.

Supervisor Loeb remarked although the attendance during the last Board Meeting held in the evening was low he believed they were justified in scheduling a night meeting to allow the public multiple opportunities to attend and voice their opinions. He added it would also prevent their constituents from saying that the government was trying to avoid getting input from the public.

Chairman Conover asked Ms. Kissane whether he had the authority to schedule the meeting in the evening and Mrs. Kissane responded that the Chairman was authorized to schedule the meeting if it

was for that one particular issue. She said if they planned on changing the regularly scheduled Board Meeting to a meeting in the evening than the Rules of the Board would have to be waived. Chairman Conover advised the options before them were as follows: schedule a special meeting at which time he would establish such date and time following the review of each Town Supervisors Town Board Meeting schedule to try and select a date that would allow most if not all of them to attend; and amend the proposed Resolution to change the date and time of the September 21st Board Meeting. Mrs. Allen stated as it stood now the proposed Resolution indicated that a Public Hearing would be set for September 21st at 10:00 a.m.; therefore, she advised, if the desire was to keep the regular Board Meeting on September 21st at 10:00 a.m., but as an example hold another on Thursday September 20th at 6:00 p.m., as well than proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and Authorizing Public Hearing Thereon*, would need to be amended to indicate there would be multiple Public Hearings and then the date and time of each to allow for them to be publicly noticed accordingly. Mrs. Allen apprised the Rules of the Board would only need to be waived if the change was to the date and time of the regular Board Meeting.

Supervisor Wild commented that they could end up with a disproportionate amount of business representation versus the public if they were to hold only one Public Hearing during the day. Supervisor Dickinson suggested that Chairman Conover select the date and time of the special meeting rather than picking a date now that would have to be changed later and Chairman Conover concurred. Chairman Conover indicated this would allow him to work with Mrs. Allen in an attempt to schedule the meeting on an evening that was convenient for everyone if possible, although he could make no guarantee.

Supervisor Wild amended his motion and Supervisor Merlino amended his second to amend proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and Authorizing Public Hearing Thereon*, to add a special meeting at a date and time to be determined by the Chairman of the Board authorizing that a second Public Hearing be held in addition to the one scheduled to the regular Board Meeting during the evening.

Supervisor Simpson remarked he had an issue with the proposed legislation, as he was fully supportive of improving the environment, but he believed more work was required to determine the impacts. He stated as an example, if grocery stores switched to using the thicker plastic bags there would be no reduction in the amount of plastic in the environment or any improvements made to the environment. He advised while there were a number of positive aspects of the proposed Local Law, he did not believe it was ready to be presented to the public. He added the reason the State had not acted on the issue related to the fact that there were a number of things that still needed to worked out. He said he had supported the Resolution which urged the State to take action on the matter because the State had the required resources available to determine the impacts and how to accomplish the goal before them, unlike the County who did not have these resources available. He stated he was unable to support the proposed Resolution since there was no way to determine the end to the means.

Chairman Conover called the question and the motion to amend proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and Authorizing Public Hearing Thereon*, as outlined above was carried by majority vote, with Supervisors Dickinson and Merlino voting in opposition.

Supervisor McDevitt remarked since Chairman Conover had allowed Supervisor Simpson to state his position regarding the proposed Local Law even though it would have been more appropriate for this

to have been handled during the Public Hearing he was going to take a moment to voice his support of the ban on plastic bags. He said he believed it was sensible and appropriate for Warren County to be the first to act on this and he encouraged all to vote in favor of moving proposed Resolution No. 324 forward.

Supervisor Dickinson apprised he felt Supervisor Simpson had jumped from something that was an issue to something that was not with regards to the thicker plastic bags. He explained the issue with the ones that would be banned in the proposed Local Law related to their mobility since they were so thin. He continued, the problem would dissipate once thicker bags were used.

Supervisor Braymer acknowledged Tri County New York for bringing this issue to their attention about a year and a half ago, advising the County had been working on this since then. She said it was important to note Tri County New York had been laboring on this issue since at least 2015 during which time they brought it to the attention of the Town of Queensbury and the City of Glens Falls, supporting the fact that this was not an idea that had just been thought about a few months ago. She mentioned Tri County New York had delivered a petition to the County with over 1,000 signatures of residents in the region who were in support of the ban. She pointed out the region would benefit from the ban by keeping the environment free of plastic bags floating around due to their light weight aspect. She mentioned over the past few days she had been reviewing data in an attempt to determine the economic impact this had to the County, apprising one thing they needed to be mindful of was that plastic bag pollution could impact their tourism industry in the future. She added according to a scuba diver she spoke with there was a significant amount of plastic bags littering the bottom of Lake George. She advised this may be a difficult issue from the political perspective; however, he noted, the State had produced a report which provided many different options and this was the one she felt the region would benefit the most from and would be embraced by the residents. She informed there had been many drafts of the proposed Local Law, but this one would encourage the use of reusable bags that could be made of cloth, paper or even the thicker version of plastic as long as it was reusable. She added this also had the potential to result in bringing new business to the region such as some type of manufacturer of reusable bags. She stated she would like to share the following feedback she had received regarding the impact in the region: an engineer for the City of Glens Falls had indicated plastic bags were being washed into the screens at the Wastewater Treatment Center Facility which interfered with the sewage flow requiring them to use manpower to fix this issue, as well as the cost to repair the damage to the equipment; the Town of Queensbury had a paid crew travel around the Town up to three times a week to pick up litter, some of which consisted of plastic bags; the Village of Lake George conducted litter patrols on a daily basis during which numerous plastic bags were picked up; the Warren County DPW picked up plastic bags when they were out collecting other items on the highways; and the volunteer crews who carried out regular clean ups on streams. Hovey Pond and Adopt-a-Highway Programs picked up plastic bags, as well. She apprised that Jim Lieberum, *District Manager, Warren County Soil & Water Conservation District*, had indicated to her they picked up a number of plastic bags when they were conducting a clean up, but they were in pieces as a result of the length of time they had been in the waterway. She said he had also advised that a number of bags were missed due to this deterioration. She remarked the County should not wait for the State to take action first by moving proposed Resolution No. 324, *Introducing Proposed Local Law No. 4 of 2018 Entitled "A Local Law Promoting the Use of Re-Usable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County"* forward now due to the aforementioned reasons. She announced a stream clean-up of Hovey Pond would be conducted on August 28th and she encouraged anyone interested in participating to contact Mr. Lieberum.

Supervisor Hogan advised whether they were for or against the ban on plastic bags, the Board had discussed this issue for a few years and she felt now was the appropriate time for them to allow the public to voice their opinions on the matter.

Supervisor Geraghty stated he believed it was necessary for them to determine how many calls they received pertaining to the litter on the side of the road, since this, to him, was the real issue. He said he concurred that it was appropriate for them to hear the thoughts of the public on the matter; however, he noted, they needed to consider coming down harder on those who littered, as the amount of litter on the sides of the road which included plastic bags seemed to be steadily increasing and it took a lot of manpower and effort to clean them. He commented he did not plan on rendering a decision on the plastic bag ban until he heard the opinions of the public.

Chairman Conover advised Mr. Moriarty that he would be afforded another opportunity to voice his opinion during the privilege of the floor portion of the meeting. Mr. Moriarty pointed out that Chairman Conover had indicated to him the comments were limited the public hearing on plastic bags and yet he had allowed the Supervisors to voice their opinions regarding the proposed legislation. Chairman Conover interjected that he would afford Mr. Moriarty the opportunity to voice his opinion during the privilege of the floor portion of the meeting.

Supervisor Magowan voiced how he would like to discuss the County Railroad. Chairman Conover requested that Supervisor Magowan hold off on his comments until the conclusion of the ones pertaining to plastic bags.

Supervisor Leggett thanked Supervisor Wild for making a motion to add an additional public hearing regarding the proposed Local Law concerning a ban on plastic bags, as he believed it was an important piece of legislation that could result in unintended consequences. He mentioned during the Legislative & Rules Committee meeting he had voted in favor of moving this forward to allow the public to comment on the matter, as he believed it was a worthwhile subject matter to hold two public hearings on.

Supervisor Thomas informed he felt this was more of a human issue, as the plastic bags did not end up where they were by themselves nor did the litter. He opined a better approach would be to become proactive in stopping littering by increasing fines and stepping up enforcement efforts. He commented if you followed the logic of banning plastic bags, why not ban tin cans, plastic bottles, etc. and he questioned where the ban would stop.

Supervisor Wild encouraged the press to make their best efforts to ensure the public was made aware of the opportunity to comment on this matter. He remarked the most significant reason he was in support of this effort pertained to the fact that it had been a point of discussion for so long now that he was frustrated with “kicking the can down the road”. He stated it was time to make a decision and try to move something forward which he hoped they would be successful in doing so.

Chairman Conover advised prior to voting he felt obliged to allow Mr. Moriarty to comment on the proposed legislation since the majority of the comments made thus far had pertained to it. Mr. Moriarty stated the current format of the proposed Local Law called for the banning of plastic bags by all retail establishments; however, he noted the previous drafts had only pertained to grocery stores and other stores that sold food items. He informed the enforcement efforts were to be handled by the Director of Weights & Measures; however, he noted, he did not believe this Department had sufficient staffing to cover all of the retail stores in the County. He continued, he felt additional staff would need to be hired for this Department in order to be able to properly handle the enforcement duties. With regards to tourism, Mr. Moriarty stated he believed the tourists in the region would not be aware of the this ban and therefore not pack reusable bags for their trip. He said reusable bags had potential health hazards if they were not used properly by sanitizing them after each use. He advised even if anyone felt there was some merit to the proposed legislation they could concur that it would be more

appropriate for it to be handled by the State and not through local governments.

Travis Whitehead, *Town of Queensbury Resident*, stated although he was opposed to government overreach in almost every case this was not one of them, as he believed some unintended consequences had occurred over the last thirty years. He referred to the paper drives the Boy Scouts of America used to have or how grocery stores used to only offer paper bags which would decompose rather quickly if they ended up on the side of the road or in the woods. He stated not only did organizations such as the Boy Scouts of America benefit from paper drives, but there was also an economic benefit to the paper companies that manufactured them. He remarked he felt in this case going back to the mind set used during the sixties when disposable bags were not available was not a bad idea, as he believed they would be better off doing so.

Supervisor Strough requested that Ms. Kissane address the concerns raised by Supervisor Loeb pertaining to proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon*. Ms. Kissane advised that she shared the concerns stated by Supervisor Loeb; therefore, she said, she felt it would be worthwhile to continue review and revision of the proposed Local Law. She informed that she had indicated to Supervisor Loeb the revisions he had suggested could be addressed at the public hearing. She explained if they were brought forward at the Public Hearing they could be addressed through further revisions to the proposed Local Law. Supervisor Strough reminded the Board this was the third time the proposed Local Law had been brought before them.

Supervisor Braymer inquired whether the version of the proposed Local Law before them today had been drafted by the Special Counsel for the County on the opioid crisis and Ms. Kissane replied in the affirmative. Ms. Braymer asked whether Ms. Kissane felt the proposed Local Law should be modified further and Ms. Kissane replied in the affirmative. Ms. Kissane surmised that the Special Counsel had drafted the proposed Local Law with the idea of securing the most damages from those named in the lawsuit and not from the viewpoint of a municipality keeping the law in effect going forward.

Supervisor Strough suggested that they table proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation" and Authorizing Public Hearing Thereon*, until a proposed Local Law they were comfortable moving forward with was brought before them.

A motion was made by Supervisor Strough, seconded by Supervisor Dickinson and carried by majority vote, with Supervisor Wild voting in opposition, to table proposed Resolution No. 323 to allow for further review by the County Attorney to address Supervisor Loeb's concerns.

In regards to proposed Resolution No. 346, *Amending the Warren County Freedom of Information Law (FOIL) Policy*, Supervisor Braymer stated she felt this would make the County's replies to the public more responsive and hopefully better coordinated. She noted although the policy required individuals to go online to fill out the form on the County's website to make a FOIL request those who did not know how to use the form or did not have internet access had the option to call the County Administrator's Office to submit their FOIL request.

Supervisor Wild apprised the reason he had voted against the motion to table proposed Resolution No. 323, *Introducing Proposed Local Law No. 3 of 2018 Entitled "Municipal Opioid Cost Recovery and Public Nuisance Legislation"*, related to the fact that he was unaware if any consequences were associated with the tabling action. He suggested they consider updating the Rules of the Board to allow discussion if there were consequences associated with tabling a matter. Chairman Conover advised he felt the Rules

of the Board clearly outlined a motion to table took precedence and therefore no discussion was permitted. He added a rule could always be changed; however, he noted, he thought issues would arise if this one was changed. He referred Supervisor Wild to the County Attorney or Clerk of the Board's Office if he required further clarification.

Supervisor Leggett stated the appropriate time for the public and others to voice their thoughts on proposed Local Laws was during the Public hearings. He added these Public hearings were not just held to "rubber stamp" proposed legislation, but also to refer the proposed legislation back for further amendments. Chairman Conover apprised he attempted to provide as much latitude as possible during the discussion period of the Public hearing for that specific reason. He said some may even feel he allowed too much discussion, but it had always been his policy to allow those to voice their opinions to the extent possible. Supervisor Leggett informed a Public hearing was basically comprised of testimony which could result in them returning to the Committee to make changes to any proposed Local Law.

Chairman Conover requested that Ms. Kissane explain the process that followed a public hearing if a determination had been made to modify the Local Law. Ms. Kissane explained in the case of minor changes the Local Law could be revised following the public hearing and then forwarded to the full Board to vote on. She said in the case where substantial changes were involved the Local Law would need to be changed following which another public hearing would be held and then voted on by the Board.

Mr. Hajos stated he would like the opportunity to address Supervisor Diamond's question regarding proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*. He advised that there was no bid tabulation sheet in this case because it was a term agreement and sludge removal was carried out on an as needed basis which did not necessarily occur every year. He said since this was done on an as needed basis this was handled through obtaining verbal quotes.

Supervisor Braymer asked Mr. Hajos about the status of the equipment removal on the County Railroad property. Mr. Hajos advised a significant amount of material had been removed last week via trucks and possibly three other rail cars, but there was still an abundance of equipment that remained. Supervisor Dickinson inquired about the remaining equipment and Mr. Hajos responded there were twelve cars, as well as a substantial amount of equipment lingering there. Supervisor Braymer questioned whether SNCR (*Saratoga & North Creek Railway*) had a plan in place for removal and Mr. Hajos replied he thought a letter had been submitted to them requesting a plan. He said he had talked to the individual SNCR contracted with to manage the removal which was moving along at a slow but steady pace; however, he noted, he did not have anything in writing which indicated a specific date for when everything would be removed. Supervisor Hogan interjected that she had been under the impression that September 1st was when all of their equipment would be gone. Mr. Hajos apprised he had nothing in writing along those lines. Chairman Conover informed the County Attorney had been instructed to commence with legal action if they felt the removal process was not occurring at the desired pace. He suggested anyone with concerns regarding this should discuss them with Mr. Moore and Ms. Kissane. Supervisor Hogan indicated she had been under the impression that the Committee had requested a written work plan with deadlines. Ms. Kissane advised the County had asked for a written timeline; however, she noted the County's outside counsel for matters concerning the railroad had been on vacation. She stated she anticipated they would have an answer to the question when they returned from their vacation next week. Chairman Conover apprised the Board should be notified if there was no activity going on in terms of the removal process. Supervisor Hogan remarked she felt

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compelled to notify them there were piles of equipment located all around the North Creek Station. She said it was visibly noticeable to those who visited the museum located there, as well as those driving to the weekly Farmers Market on Thursday's. She remarked this had a substantial impact on her community.

With regards to the September 1st date, Mr. Hajos informed the individual who SNCR was contracting with to handle the removal process had indicated to him that he believed the removal process would be completed by September 1st, adding he did not have anything in writing that indicated same. Supervisor Hogan stated she could tolerate the eyesore if it was only for two more weeks, but she would be more comfortable if it was in writing. Mr. Hajos advised he was awaiting notification from the County Attorney that something had been received in writing. Chairman Conover requested that Mr. Hajos keep the Board updated as the process moved along.

Supervisor Magowan informed he had attended the Public Works Committee meeting last week where the railroad was the sole topic for discussion. He remarked that he felt the railroad was an asset to the County and he requested that the Board members ponder what they would like the outcome for the railroad to be, as it appeared there were a number of differing opinions regarding such. He apprised even if the northern portion of the railroad was abandoned the County would still have a railroad. He opined the purpose of government was not to manage businesses and overseeing the railroad was a business. He advised the purpose of discussing the proposals regarding the railroad and the RFP process related to economic growth. He informed the Town of Corinth's interest in the railroad related to the former International Paper site and their desire to attract a new business to locate there. He stated individuals had indicated an interest in developing additional economic growth for the railroad, advising he believed some of the northern communities located along the railroad could benefit from this. He mentioned the difference between leasing the railroad and selling would be that those who entered a lease were less inclined to invest in the property than if they were to purchase it. He said should they move forward with selling the railroad they should consider including language in the contract that indicated the property would automatically returned to the County if the owners were unsuccessful with their operation. He said this would ensure the railroad was owned by someone whose desire was to build upon it and assist the northern communities located along the railroad.

Supervisor McDevitt advised that while he concurred with the statements made by Supervisor Magowan, he had serious concerns with selling public infrastructure. He pointed out the County would be giving up control over what could be done with the railroad tracks such as whether polluted rail cars could be stored on the tracks. He commented his point was selling versus leasing was a substantial step for this County; advising he believed there was the potential for economic growth, but he was vehemently opposed to the sale of the railroad.

Chairman Conover stated he believed there was a significant process in front of them pertaining to the railroad during which time there would be a number of opportunities for the Supervisors to voice their opinions. He added he did not feel they needed to air all of their thoughts at this meeting.

Supervisor Braymer stated even if the Board was not supportive of her suggestion that they convert the railroad property into a multi-use trail and it was used for the purpose of economic development it would still be considered a transportation corridor similar to a road. She pointed out they would never consider selling a County Road that was used to reach businesses so why would they consider selling the railroad to a third party resulting in the loss of control over a County asset that was used for transportation.

Supervisor Wild advised they were running the risk of having these discussions now, which, in his mind

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was very premature. He reminded them this was a complicated process regarding the decision they needed to make, noting as a member of the Public Works Committee he was confident they would thoroughly review all of the options before them along with the benefits and consequences associated with them to make a decision that was in the best interest of the County. He said he felt by continuing the discussion they were misleading the public to think that they were close to rendering a decision which, in his mind, they were nowhere near.

With regards to the total amount of the contract referenced in proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*, Supervisor Diamond informed he had calculated the total amount to be around \$34,665 and he asked that this be substantiated. Supervisor Geraghty pointed out since the work was completed on an as needed basis there was no total included in the proposed Resolution.

Mr. Hajos apprised they did not remove sludge from every tank in the County every year, as this work was only done when trucks were not running well and they tested the tanks which generally determined there was water and sludge in them following which they would have this particular tank cleaned. He advised since they used this contract once last year and the three years prior to that they had not used it at all the contract was established on an as needed basis to ensure there was one in place in case a need for those services arose.

Supervisor Diamond apprised he did not disagree with Mr. Hajos; however, he said, he felt they should amend the resolution to place a limit on the amount that could be expended for this purpose on an annual basis. Mr. Hajos informed the contract was specific to County tanks, and he noted there were seven sites each having a few different tanks located there. Supervisor Geraghty questioned whether Mr. Hajos was aware of how much had been expended in prior years for this purpose and Mr. Hajos responded that only one tank was cleaned last year. Supervisor Geraghty asked about how many tanks were cleaned on an annual basis and Mr. Hajos estimated that one tank per year was cleaned. Supervisor Braymer suggested they amend the resolution to place a cap on it of \$33,000 per year to ensure this would be brought before them again if the expenditures exceeded the set limit. Mr. Hajos stated he had handled this contract through obtaining verbal quotes over the phone and not through the bidding process. Chairman Conover asked Mr. Hajos if he had an issue placing a cap on the total amount of the contract and Mr. Hajos replied that based upon the County's Purchasing Policy he was not permitted to expend more than \$20,000 on these services; he added he did not believe he would ever expend \$20,000 in a year on these services. Supervisor Diamond pointed out according to the proposed Resolution there was a sealed bid issued by the County's Purchasing Agent. Mr. Hajos stated he submitted a resolution request which he would review, but he could attest to the fact that verbal quotes were used in this case and not a sealed bid.

Mr. Hajos explained based upon the County's Purchasing Policy if he did not exceed the \$20,000 on an annual basis he was within his authority to execute a service provider agreement or if it exceeded \$4,000 the Purchasing Policy called for verbal quotes. Supervisor Geraghty advised Mr. Hajos was limited by the Purchasing Policy to not exceed more than \$20,000 on an annual basis. Chairman Conover stated he thought the concern related to the open ended nature of the contract. Supervisor Geraghty suggested they amend the proposed Resolution to include an annual limit of \$20,000 to ensure it was in line with the Purchasing Policy. He said anything over \$20,000 would require Mr. Hajos to return to Committee with an additional request.

Motion was made by Supervisor Braymer and seconded by Supervisor Geraghty to amend proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental*

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Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18), to include an amount not to exceed for the contract of \$20,000 on an annual basis.

Supervisor Thomas asked whether the amount not to exceed was on an annual basis and Mr. Hajos replied in the affirmative. Supervisor Thomas pointed out the proposed Resolution indicated the contract could be extended for additional years. Supervisor Magowan inquired what the average price for cleaning out the tanks was and Mr. Hajos replied that he estimated the cost to be between \$1,000 and \$1,400 depending upon the tank. Supervisor Magowan questioned how many tanks were cleaned on an annual basis and Mr. Hajos responded they cleaned one to two tanks per year. Supervisor Magowan pointed out this meant they were placing a \$20,000 cap on an expense that equated to around \$3,000 per year.

Chairman Conover called the question and the motion to amend proposed Resolution No. 329, *Awarding Bid and Authorizing Agreement with National Vacuum Environmental Services Corporation as the Lowest Responsible Bidder for Water/Sludge Removal, Transport & Disposal from Bulk Petroleum Storage Tanks (WC 39-18)*, as outlined above was carried by majority vote, with Supervisor Dickinson voting in opposition.

There being no further discussion, Chairman Conover called for a vote on resolutions, following which Resolution Nos. 307-348 were approved as presented, with the exception of proposed Resolution No. 323 which was tabled and Resolution Nos. 324, 329 and 335 which were approved in the form amended from the floor.

Chairman Conover called for public comments from anyone wishing to address the Board on any matter

George Weinschenk, *Warren County Resident*, advised that during the 1980's the State had formed a Land Use Committee for Lake George of which he was a member. He said during the time period when the King of England owned all of the property in the region, the King at that time had given the entire property bordering the west side of Lake George to a farmer he was friendly with. He said this farmer had installed an access road on every mile of his property along Lake George to allow the public to have swimming, fishing and ice harvesting rights on the Lake. He advised over the years those who lived on property located on the access roads had taken over these roads and attempted to restrict access to them, but in fact everyone had the right to use these access roads, one of which went directly through the Hearthstone Point Campground. He said the State opened this road up for ice fishing, etc. in the winter because by law they required to do so. He pointed out this law had never been changed meaning Diamond Point Beach could not restrict access to residents of Lake George only. He stated another law that remained in tact from this era indicated trees over thirty inches in diameter belonged to the Queen of England.

Mr. Weinschenk remarked the condition of County roads was rapidly dwindling, and, he noted, he had expended over \$2,000 on wheel alignments for his vehicle. He pointed out over the past week someone had totaled their car when they hit a pot hole on a road located within the County. He mentioned the roads would not be repaired because according to a story featured on the news a few years ago the money for the roads was allocated to build a new bridge in New York City so the Head of the NYSDOT (*New York State Department of Transportation*) would not have to be stuck in traffic on the way home from work every night. He said the construction for this bridge was not scheduled to be completed for another three years meaning the repairs to roads here would not commence for another few years. He pointed out the exit signs located at Exits 16S and 17N of the Adirondack Northway had been knocked

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down six months ago and yet the State had no money to repair them. He stated the steel from the former bridge mentioned above was being used to erect barriers for fish to create a habitat for them and yet the needs of the citizens were not being taken into consideration. He advised his point was the roads would not survive the four years it would take for money to be made available to fix them. He stated it had taken him making a total of twenty-one phone calls before the four pot holes he was contacting the State about to be repaired on the Adirondack Northway. He suggested they name the pot holes after the State politicians in an attempt to garner attention to them so they would be taken care of. He questioned where all the revenue for license fees etc. were going since none of the pot holes were being repaired. He said on the southbound side of the Adirondack Northway by the Great Escape there was a pot hole which had returned due to being improperly filled last year. He commented it was time for some action to be taken and not just sit back and wait for the State to make repairs since it was not just a State issue anymore and the County residents were the ones responsible for letting it go this far. He continued, it was time for everyone to contact Senator Little and Assemblyman Stec, etc. to demand to know when the roads located in the County would be repaired. He said the steel from the former bridge that was being erected in New York City could be used here for guard rails and County bridges rather than being used for fish habitats since most of those in the County were in deplorable conditions. He mentioned the mind set regarding County bridges was that if they reached a certain point of disrepair than the Federal Government would repair them, but this never occurred meaning the responsibility fell upon the County. He stated now was the time for everyone to take action and make complaints about the poor quality of the roads located here. He added when a pot hole reached a point where a car was totaled it was to the point where it was dangerous and someone could get killed, noting it was time to take action.

Fred Austin, *Warren County Resident*, commended Supervisor Thomas for warning them to be mindful that they did not know what would come out of the ban on plastic bags, as the State of California was now considering a ban on plastic straws.

Chairman Conover called for announcements.

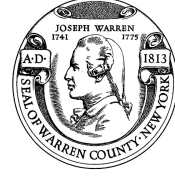
Supervisor Dickinson apprised he would like to respond to the comments made by Mr. Weinschenk regarding public access to the beaches. He informed the Town of Lake George did in fact own Diamond Point Beach whose actual name was Jacob's Beach. He stated this beach was not part of the common beach areas that were located along Lake George that Mr. Weinschenk referred to, as it was gifted to the Town of Lake George in 1913 by Ms. Jacob's for the Town residents use.

Supervisor Geraghty questioned when the dedication at SUNY Adirondack was and Mrs. Allen replied she believed it was on the same day as the September Board meeting, but she would verify the date and notify the Board members via email following the conclusion of the meeting.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Strough, Chairman Conover adjourned the Board Meeting at 12:05 p.m.

Warren County Board of Supervisors

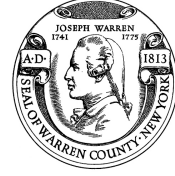
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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
307	ROLL CALL	FINANCE - MAKING SUPPLEMENTAL APPROPRIATIONS
308	ROLL CALL	FINANCE - AMENDING WARREN COUNTY BUDGET FOR 2018 FOR VARIOUS DEPARTMENTS WITHIN WARREN COUNTY
309	ROLL CALL	COUNTY FACILITIES (<i>AIRPORT</i>) - AUTHORIZING A PUBLIC HEARING FOR TWO GROUND LEASE AGREEMENTS WITH SCHERMERHORN AVIATION, LLC FOR CONSTRUCTION OF HANGAR NO. 7 AND HANGAR NO. 8 AT THE FLOYD BENNETT MEMORIAL AIRPORT, WARREN COUNTY, NEW YORK
310		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>SHERIFF</i>) - AUTHORIZING AGREEMENT WITH CHIC'S MARINA, INC. TO PROVIDE BOAT MAINTENANCE AND EMERGENCY REPAIR SERVICE FOR MARINE VESSELS FOR THE WARREN COUNTY SHERIFF'S OFFICE
311		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>SHERIFF</i>) - AMENDING AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR SOFTCODE SOFTWARE TO DELETE TWO (2) CIVIL MOBILE SOFTWARE LICENSES AND ADD ONE (1) CIVIL SERVICE LICENSE FOR THE SHERIFF'S OFFICE CIVIL DIVISION
312		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>SHERIFF</i>) - AUTHORIZING AN AGREEMENT WITH FIRST LIGHT TO PROVIDE ETHERNET 100 MB SERVICE FOR THE SHERIFF'S OFFICE RADIO SIMULCAST SITE LOCATED AT STATE ROUTE 149 IN LAKE GEORGE
313		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>SHERIFF</i>) - AUTHORIZING AN AGREEMENT WITH HANK'S QUALITY FLOORING, INC. FOR REPLACEMENT OF CARPET AND TILE FOR THE SHERIFF'S OFFICE
314		ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES (<i>REAL PROPERTY TAX SERVICES</i>)-DELETING STONY CREEK TAX MAP PARCEL NO. 231.-1-17.2 FROM THE WARREN COUNTY TAX MAPS AND MERGING PARCEL INTO WARREN COUNTY ROUTE 22/HARRISBURG ROAD FOR REAL PROPERTY TAX SERVICES

Warren County Board of Supervisors

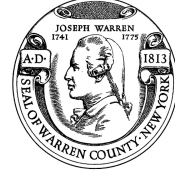
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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
315		ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES (<i>REAL PROPERTY TAX SERVICES</i>) - DELETING OUTSTANDING TAXES AND ANY ADDITIONAL FORECLOSURE CHARGES ON TOWN OF STONY CREEK TAX MAP PARCEL NO. 231.-1-17.2 FOR REAL PROPERTY TAX SERVICES
316		ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES (<i>REAL PROPERTY TAX SERVICES</i>) - AUTHORIZING SALE OF TOWN OF QUEENSBURY TAX MAP PARCEL NO. 309.10-1-99 TO THE CITY OF GLENS FALLS FOLLOWING THE 2018 WARREN COUNTY TAX FORECLOSURE ACTION
317		HEALTH, HUMAN & SOCIAL SERVICES (<i>DEPARTMENT OF SOCIAL SERVICES</i>) - AUTHORIZING 2018 AGREEMENT WITH THE TOWN OF QUEENSBURY TO PROVIDE CERTAIN YOUTH SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES (YOUTH BUREAU)
318		HEALTH, HUMAN & SOCIAL SERVICES (<i>PUBLIC HEALTH</i>) - AWARDED BID AND AUTHORIZING AGREEMENT WITH DURRIN, INC. TO PROVIDE TRANSPORTATION FOR PRESCHOOL CHILDREN WITH DISABILITIES AND THE EARLY INTERVENTION PROGRAM IN WARREN COUNTY (WC 42-18)
319		HEALTH, HUMAN & SOCIAL SERVICES (<i>PUBLIC HEALTH</i>) - AMENDING AGREEMENT WITH DELTA HEALTH TECHNOLOGIES, LLC FOR MIGRATION OF PATIENT DATA FROM ENCORE TO CRESCENDO, TO AUTHORIZE A SITE OPTIMIZATION VISIT FOR WARREN COUNTY HEALTH SERVICES
320		HEALTH, HUMAN & SOCIAL SERVICES (<i>PUBLIC HEALTH</i>) - AMENDING AGREEMENT WITH EMILY RUSSOM, OCCUPATIONAL THERAPIST, TO INCLUDE STAFF EDUCATION SERVICES FOR THERAPISTS, PARENTS AND OTHERS WITH CHILDREN INVOLVED IN THE EARLY INTERVENTION AND/OR PRESCHOOL CHILDREN WITH DISABILITIES PROGRAM FOR WARREN COUNTY HEALTH SERVICES
321		HEALTH, HUMAN & SOCIAL SERVICES (<i>PUBLIC HEALTH</i>) - APPROVING WARREN COUNTY HEALTH SERVICES AGENCY EVALUATION OF SERVICES AND ANNUAL REPORT FOR 2017 FOR THE DIVISION OF HOME CARE AND THE DIVISION OF PUBLIC HEALTH

Warren County Board of Supervisors

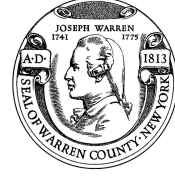
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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
322		LEGISLATIVE & RULES - RESOLUTION SUPPORTING THE ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD'S RESOLUTION IN SUPPORT OF THE HIGH PEAKS WILDERNESS COMPLEX AND VANDERWHACKER MOUNTAIN WILD FOREST UNIT MANAGEMENT PLAN AMENDMENTS
323		LEGISLATIVE & RULES - INTRODUCING PROPOSED LOCAL LAW NO. 3 OF 2018 ENTITLED "MUNICIPAL OPIOID COST RECOVERY AND PUBLIC NUISANCE LEGISLATION" AND AUTHORIZING PUBLIC HEARING THEREON RESOLUTION TABLED
324	ROLL CALL	LEGISLATIVE & RULES - INTRODUCING PROPOSED LOCAL LAW NO. 4 OF 2018 ENTITLED "A LOCAL LAW PROMOTING THE USE OF RE-USABLE BAGS AND REDUCING USE OF SINGLE-USE CARRY-OUT BAGS BY PROHIBITING THE DISTRIBUTION OF PLASTIC BAGS IN WARREN COUNTY" AND AUTHORIZING PUBLIC HEARING THEREON <i>RESOLUTION AMENDED FROM THE FLOOR AT THE BOARD MEETING</i>
325		PARK OPERATIONS & MANAGEMENT (O&M) - AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE VILLAGE OF LAKE GEORGE AND WARREN COUNTY TO ALLOW THE COUNTY TO BE REIMBURSED FOR COSTS RELATING TO MOVING THE STAGE FOR EVENTS AT THE CHARLES R. WOOD PARK
326		PARK OPERATIONS & MANAGEMENT (O&M) - AMENDING RESOLUTION NO. 463 OF 2017, WAIVING THE FEE FOR USE OF THE COUNTY-OWNED WEST BROOK PARKING LOT BY THE NEW YORK STATE POLICE PEDESTRIAN SCHOOL FOR SAFETY DEMONSTRATIONS, TO WAIVE THE FEE FOR USE OF THE FESTIVAL COMMONS
327	ROLL CALL	PUBLIC WORKS (PARKS, RECREATION & RAILROAD)- AUTHORIZING A LEASE AGREEMENT WITH REVOLUTION RAIL COMPANY FOR USE OF THE RAILROAD TICKET SALES BUILDING FOR PARKS, RECREATION & RAILROAD
328		PUBLIC WORKS (PARKS, RECREATION & RAILROAD) - RESCINDING RESOLUTION NO. 410 OF 2017, WHICH AUTHORIZED AN AGREEMENT WITH GREATER GLENS FALLS TRANSIT TO UTILIZE UP YONDA ENVIRONMENTAL CENTER AS A TROLLEY STOP, DUE TO THE CONTRACTOR WITHDRAWING THE OFFER

Warren County Board of Supervisors

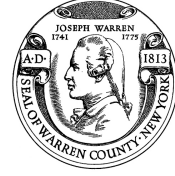
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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
329		PUBLIC WORKS (DPW) - AWARDING BID AND AUTHORIZING AGREEMENT WITH NATIONAL VACUUM ENVIRONMENTAL SERVICES CORPORATION AS THE LOWEST RESPONSIBLE BIDDER FOR WATER/SLUDGE REMOVAL, TRANSPORT & DISPOSAL FROM BULK PETROLEUM STORAGE TANKS (WC 39-18) <i>RESOLUTION AMENDED FROM THE FLOOR AT THE BOARD MEETING</i>
330		SUPPORT SERVICES (INFORMATION TECHNOLOGY) - AUTHORIZING AN AGREEMENT WITH NETAPP TO PROVIDE MAINTENANCE AND SUPPORT SERVICES FOR THE NETAPP STORAGE DEVICE FOR INFORMATION TECHNOLOGY
331		SUPPORT SERVICES (SELF-INSURANCE) - AMENDING RESOLUTION NO. 500 OF 2017, WHICH AUTHORIZED AN AGREEMENT WITH BILL LINDLOFF OF PRO CUTS TO PROVIDE A CHAINSAW SAFETY TRAINING COURSE, TO INCREASE THE NUMBER OF DAYS OF SAFETY TRAINING
332		SUPPORT SERVICES (COUNTY ATTORNEY) - AMENDING RESOLUTION NO. 295 OF 2018, WHICH AUTHORIZED A SETTLEMENT AGREEMENT FOR A RESIDENT AT THE FORMER WESTMOUNT HEALTH FACILITY, TO CHANGE THE AMOUNT OF THE SETTLEMENT <i>RESOLUTION REVISED AFTER MAILING</i>
333	ROLL CALL	PERSONNEL & HIGHER EDUCATION - AMENDING TABLE OF ORGANIZATION AND WARREN COUNTY SALARY AND COMPENSATION PLAN FOR 2018
334		PERSONNEL & HIGHER EDUCATION - APPROVING THE RECOMMENDATIONS OF THE REALLOCATION COMMITTEE
335	ROLL CALL	PERSONNEL & HIGHER EDUCATION - AUTHORIZING OUT-OF-STATE TRAVEL FOR SUPERVISORS KEVIN GERAGHTY, EUGENE MERLINO AND MATTHEW SIMPSON TO ATTEND THE WHITE HOUSE CONFERENCE WITH NEW YORK COUNTY LEADERS IN WASHINGTON, DC <i>RESOLUTION AMENDED FROM THE FLOOR AT THE BOARD MEETING</i>
336		PERSONNEL & HIGHER EDUCATION - AMENDING RESOLUTION NO. 215 OF 2015, APPOINTING MEMBERS TO THE WARREN COUNTY BOARD OF ETHICS, TO APPOINT AND REPLACE MEMBERS

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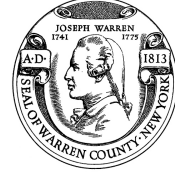
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337		FINANCE - AUTHORIZING NEW AGREEMENT WITH TYLER TECHNOLOGIES TO PROVIDE UPGRADE ASSISTANCE TO THE INFORMATION TECHNOLOGY DEPARTMENT FOR THE LATEST VERSION OF NEW WORLD ERP FOR THE WARREN COUNTY TREASURER'S OFFICE
338	ROLL CALL	FINANCE - AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE VEHICLE RESERVE TO A DEPARTMENTAL BUDGET TO PURCHASE A VEHICLE; AMENDING 2018 WARREN COUNTY BUDGET
339	ROLL CALL	FINANCE - AUTHORIZING THE APPROPRIATION OF FUNDS FROM DEFERRED REVENUE - GASLIGHT VILLAGE PARKING FEES TO THE CHARLES R. WOOD PARK BUDGET; AUTHORIZING REIMBURSEMENT TO THE VILLAGE OF LAKE GEORGE FOR VARIOUS EXPENSES AT THE CHARLES R. WOOD PARK; AND AMENDING 2018 WARREN COUNTY BUDGET
340	ROLL CALL	FINANCE - AUTHORIZING THE APPROPRIATION OF FUNDS FROM DEFERRED REVENUE - GASLIGHT VILLAGE PARKING FEES TO THE CHARLES R. WOOD PARK BUDGET; AUTHORIZING REIMBURSEMENT TO THE VILLAGE OF LAKE GEORGE FOR VARIOUS EXPENSES AT THE CHARLES R. WOOD PARK; AND AMENDING 2018 WARREN COUNTY BUDGET
341		FINANCE - AUTHORIZING REIMBURSEMENT TO THE VILLAGE OF LAKE GEORGE FOR SPRINKLER REPAIRS AT THE CHARLES R. WOOD PARK FOR DAMAGE INCURRED DURING THE AMERICADE EVENT
342		FINANCE - AUTHORIZING GLENS FALLS NATIONAL BANK & TRUST COMPANY TO ISSUE A LETTER OF CREDIT ON BEHALF OF WARREN COUNTY TO BLUE SHIELD OF NORTHEASTERN NEW YORK AS AN ALTERNATIVE TO PRE-FUNDING THE HEALTH INSURANCE ACCOUNT
<i>RESOLUTION Nos. 307-342 MAILED TO THE BOARD OF SUPERVISORS ON AUGUST 9, 2018</i>		
343		CRIMINAL JUSTICE & PUBLIC SAFETY (OFFICE OF EMERGENCY SERVICES) - AMENDING RESOLUTION NO. 253 OF 2017, WHICH WAS SUBSEQUENTLY AMENDED BY RESOLUTION NO. 355 OF 2017, AUTHORIZING AN AGREEMENT WITH EMERGENCY SERVICES MARKETING CORPORATION, INC. FOR THE PURCHASE OF I AM RESPONDING SOFTWARE FOR THE OFFICE OF EMERGENCY SERVICES, TO EXTEND THE TERMINATION DATE OF THE AGREEMENT

Warren County Board of Supervisors

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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
344		ECONOMIC GROWTH & DEVELOPMENT - ACCEPTING AND APPROVING THE REVISED BYLAWS OF THE LAKE CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD
345		ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES - REMOVING PARCEL FROM THE 2018 TAX FORECLOSURE AUCTION
346		LEGISLATIVE & RULES - AMENDING THE WARREN COUNTY FREEDOM OF INFORMATION LAW (FOIL) POLICY
347		LEGISLATIVE & RULES - INTRODUCING PROPOSED LOCAL LAW NO. 5 OF 2018 ENTITLED "A LOCAL LAW AMENDING THE WARREN COUNTY OCCUPANCY TAX AS AUTHORIZED BY ACT OF THE NEW YORK STATE LEGISLATURE (CHAPTER 422 OF THE LAWS OF 2003)" AND AUTHORIZING PUBLIC HEARING THEREON
348	ROLL CALL	FINANCE - AUTHORIZING ADVANCE OF FUNDS FROM THE GENERAL FUND UNAPPROPRIATED SURPLUS TO THE SHERIFF'S BUDGET TO FACILITATE THE PURCHASE OF VEHICLES WITH SAID ADVANCED FUNDS TO BE REIMBURSED TO THE COUNTY UPON RECEIPT OF GRANT FUNDS TO THE SHERIFF'S OFFICE FROM THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND AMENDING WARREN COUNTY BUDGET FOR 2018

RESOLUTION Nos.343-348 WERE PRODUCED FOLLOWING ACTION TAKEN AT COMMITTEE MEETINGS HELD ON AUGUST 13, 2018 - ALL WERE EMAILED TO THE BOARD AND POSTED TO THE COUNTY WEBSITE ON AUGUST 14, 2018

Warren County Board of Supervisors

RESOLUTION NO. 307 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, MCDEVITT, GERAGHTY, BRAYMER AND HYDE

MAKING SUPPLEMENTAL APPROPRIATIONS

WHEREAS, the Finance Committee has recommended amending the Warren County Budget for 2018 as set forth herein, now, therefore, be it

RESOLVED, that the following budget amendments are approved and authorized:

<u>FROM CODE</u>		<u>TO CODE</u>		<u>AMOUNT</u>
<u>DEPARTMENT: COUNTY ATTORNEY</u>				
A.1420 110	Law (County Attorney), Salaries-Regular	A.1420 130	Law (County Attorney), Salaries-Part Time	\$12,000.00
		A.1420 440	Law (County Attorney), Legal/Transcript Fees	35,000.00
<u>DEPARTMENT: PUBLIC WORKS</u>				
D.5110 110	County Roads, Maintenance of Roads, Salaries-Regular	D.5110 130	County Roads, Maintenance of Roads, Salaries-Part Time	44,000.00
<u>DEPARTMENT: SPECIAL ITEMS:</u>				
A.1990 469	Contingent Account, Other Payments/Contributions	A.1325 470	County Treasurer, Contract	1,200.00
		A.7113 410	Railroad, Supplies	3,000.00
		A.7113 413	Repair&Maint-Bldg/Property	5,000.00
		A.7113 415	Electricity	2,600.00
		A.7113 416	Oil & Gas-Heating	2,000.00
		A.7113 417	Water/Sewer/Taxes	22,000.00
		A.7113 418	Ins-General Liability	3,000.00
		A.7113 465	Road/Bridges Materials	1,200.00
		A.7113 470	Contract	30,000.00

Warren County Board of Supervisors

RESOLUTION NO. 308 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, MCDEVITT, GERAGHTY, BRAYMER AND HYDE

AMENDING WARREN COUNTY BUDGET FOR 2018 FOR VARIOUS DEPARTMENTS WITHIN WARREN COUNTY

WHEREAS, the Finance Committee has recommended amending the Warren County Budget for 2018 as set forth herein, now, therefore, be it

RESOLVED, that the following budget amendments are approved and authorized:

<u>CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
EMPLOYMENT AND TRAINING		
<u>ESTIMATED REVENUE</u>		
40.6293.0300 4791	Workforce Invest Act, WIA/WIOA, Adult, Workforce Invest Act/Workforce Innovation & Opportunity Act	\$208,294.00
40.6293.0305 4791	Dislocated Worker, Workforce Invest Act/Workforce Innovation & Opportunity Act	119,793.00
40.6293.0310 4791	Youth, Workforce Invest Act/Workforce Innovation & Opportunity Act	201,841.00
40.6293.0313 4791	Administrative, Workforce Invest Act/Workforce Innovation & Opportunity Act	57,839.00
<u>APPROPRIATIONS</u>		
40.6293.0300 110	Workforce Invest Act, WIA/WIOA, Adult, Salaries-Regular	108,000.00
40.6293.0300 220	Office Equipment	300.00
40.6293.0300 410	Supplies	1,650.00
40.6293.0300 411	Rent-Building/Property	23,500.00
40.6293.0300 433	Training-Client	8,244.00
40.6293.0300 810	Retirement	16,000.00
40.6293.0300 830	Social Security	6,700.00
40.6293.0300 831	Medicare Contribution	1,600.00

RESOLUTION NO. 308 OF 2018

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<u>CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
EMPLOYMENT AND TRAINING -cont.		
<u>APPROPRIATIONS</u>		
40.6293.0300 860	Hospitalization	\$29,000.00
40.6293.0300 861	Retirees Hospitalization	13,300.00
40.6293.0305 110	Workforce Invest Act, WIA/WIOA, Dislocated Worker, Salaries-Regular	58,000.00
40.6293.0305 220	Office Equipment	200.00
40.6293.0305 410	Supplies	900.00
40.6293.0305 411	Rent-Building/Property	12,600.00
40.6293.0305 433	Training-Client	12,443.00
40.6293.0305 810	Retirement	8,600.00
40.6293.0305 830	Social Security	3,600.00
40.6293.0305 831	Medicare Contribution	850.00
40.6293.0305 860	Hospitalization	15,400.00
40.6293.0305 861	Retirees Hospitalization	7,200.00
40.6293.0310 110	Workforce Invest Act, WIA/WIOA, Youth, Salaries-Regular	66,191.00
40.6293.0310 130	Salaries-Part Time	40,200.00
40.6293.0310 220	Office Equipment	200.00
40.6293.0310 410	Supplies	900.00
40.6293.0310 411	Rent-Building/Property	14,200.00
40.6293.0310 433	Training-Client	14,500.00
40.6293.0310 470	Contract	22,000.00
40.6293.0310 810	Retirement	9,800.00
40.6293.0310 830	Social Security	6,600.00

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<u>CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
EMPLOYMENT AND TRAINING -cont.		
<u>APPROPRIATIONS</u>		
40.6293.0310 831	Medicare Contribution	\$1,550
40.6293.0310 860	Hospitalization	17,800.00
40.6293.0310 861	Retirees Hospitalization	7,900.00
40.6293.0313 110	Workforce Invest Act, WIA/WIOA, Administrative, Salaries-Regular	30,989.00
40.6293.0313 220	Office Equipment	100.00
40.6293.0313 410	Supplies	600.00
40.6293.0313 411	Rent-Building/Property	7,300.00
40.6293.0313 810	Retirement	4,600.00
40.6293.0313 830	Social Security	1,900.00
40.6293.0313 831	Medicare Contribution	450.00
40.6293.0313 860	Hospitalization	8,300.00
40.6293.0313 861	Retirees Hospitalization	3,600.00

HEALTH SERVICES

ESTIMATED REVENUE

A.4010 3426	Health Services, DSRIP Engagement Funds	10,349.51
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APPROPRIATIONS

A.4010 428	Health Services, Data Processing & Internet Fees	10,349.51
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PUBLIC WORKS - UP YONDA FARM

ESTIMATED REVENUE

A.7111 2706	Up Yonda Farm, Donation-Up Yonda Farm	5,000.00
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APPROPRIATIONS

A.7111 130	Up Yonda Farm, Salaries-Part Time	500.00
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<u>CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
PUBLIC WORKS - UP YONDA FARM-cont.		

APPROPRIATIONS

A.7111 260	Up Yonda Farm, Other Equipment	\$1,500.00
A.7111 410	Supplies	3,000.00

SHERIFF

ESTIMATED REVENUE

A.3110 2680	Sheriff's Law Enforcement, Insurance Recoveries	839.90
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APPROPRIATIONS

A.3110 441	Auto-Supplies & Repair	839.90
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SOCIAL SERVICES

ESTIMATED REVENUE

A.6010 3610	Social Services, Social Services Admin	25,000.00
A.6010 4610	Social Services Admin	25,000.00

APPROPRIATIONS

A.6010 220	Social Services, Office Equipment	45,000.00
A.6010 470	Contract	5,000.00

RESOLVED, that the supplemental appropriations or reductions in estimated revenues and appropriations set forth above are authorized and the County Treasurer be, and he hereby is, authorized and directed to amend the budget of Warren County for 2018 for the estimated revenues, appropriations and codes indicated, and be it further

RESOLVED, that the Warren County budget for 2018 is hereby amended accordingly.

Warren County Board of Supervisors

RESOLUTION NO. 309 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS DIAMOND, BEATY, LEGGETT, LOEB, GERAGHTY, STROUGH, SIMPSON, FRASIER, WILD, MCDEVITT AND SOKOL

AUTHORIZING A PUBLIC HEARING FOR TWO GROUND LEASE AGREEMENTS WITH SCHERMERHORN AVIATION, LLC FOR CONSTRUCTION OF HANGAR NO. 7 AND HANGAR NO. 8 AT THE FLOYD BENNETT MEMORIAL AIRPORT, WARREN COUNTY, NEW YORK

WHEREAS, Schermerhorn Aviation, LLC has requested permission from the County to construct two hangars, Hangar No. 7 and Hangar No. 8 as outlined on the attached Schedule "A" - Map of Premises and would like to enter into two ground lease agreements with the County for the two hangars, and

WHEREAS, the portion of Airport real property to be leased is Sixteen Thousand Eight Hundred (16,800) square feet for Hangar No. 7 and Sixteen Thousand Eight Hundred (16,800) square feet for Hangar No 8, and

WHEREAS, the County Facilities Committee has reviewed and approved this construction and ground lease and recommend that such construction and ground lease agreements be reviewed at a public hearing to be held thereon, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors will hold a public hearing on September 21, 2018 at 10:00 a.m. at the Supervisors' Room in the Warren County Municipal Center, Route 9, Queensbury, New York to consider the proposed ground lease agreements with Schermerhorn Aviation, LLC for construction of two hangars, Hangar No. 7 and Hangar No. 8, as outlined on the attached Schedule "A" - Map of Premises.

Warren County Board of Supervisors

RESOLUTION NO. 310 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, GERAGHTY, SIMPSON, WILD, MAGOWAN, DIAMOND, SOKOL, HOGAN, BRAYMER, DRISCOLL AND VACANT

AUTHORIZING AGREEMENT WITH CHIC'S MARINA, INC. TO PROVIDE BOAT MAINTENANCE AND EMERGENCY REPAIR SERVICE FOR MARINE VESSELS FOR THE WARREN COUNTY SHERIFF'S OFFICE

RESOLVED, that Warren County enter into an agreement with Chic's Marina, Inc., 4782 Lake Shore Drive, P.O. Box 1237, Bolton Landing, New York 12814, to provide boat maintenance and emergency repair service for marine vessels for the Warren County Sheriff's Office, for a term commencing retroactive to January 1, 2018 and terminating December 31, 2018, with an option to extend the agreement for two (2) additional years upon the same terms and conditions for a total amount not to exceed Eight Thousand Two Hundred Eighty-Five Dollars (\$8,285) for routine boat maintenance; and the hourly labor rate of One Hundred Ten Dollars (\$110) per hour for additional and/or emergency boat repairs; and the Chairman of the Board of Supervisors be, and hereby is, authorized to execute said agreement, in a form approved by the County Attorney, to be paid from Code A.3110 441 Sheriff's Law Enforcement, Auto - Supplies & Repair.

Warren County Board of Supervisors

RESOLUTION NO. 311 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, GERAGHTY, SIMPSON, WILD, MAGOWAN, DIAMOND, SOKOL, HOGAN, BRAYMER, DRISCOLL AND VACANT

AMENDING AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR SOFTCODE SOFTWARE TO DELETE TWO (2) CIVIL MOBILE SOFTWARE LICENSES AND ADD ONE (1) CIVIL SERVICE LICENSE FOR THE SHERIFF'S OFFICE CIVIL DIVISION

WHEREAS, pursuant to Resolution No. 400 of 2017, the Chairman of the Board of Supervisors was authorized to execute an agreement with Tyler Technologies, Inc., 5101 Tennyson Parkway, Plano, Texas 75024, to provide Softcode Software for the Sheriff's Office Civil Division for a lump sum amount not to exceed Eighty Thousand Six Hundred Eleven Dollars (\$80,611), and

WHEREAS, the Undersheriff has requested that the agreement be amended to remove two (2) civil mobile licenses including maintenance and support resulting in a credit of Six Thousand Three Hundred Fifty-Three Dollars (\$6,353) and to add one (1) civil service license including maintenance and support resulting in an additional amount of Twelve Thousand Sixty-Four Dollars (\$12,064), now, therefore, be it

RESOLVED, that the agreement with Tyler Technologies, Inc., be, and hereby is, amended to increase the total lump sum amount not to exceed Eighty-Six Thousand Three Hundred Twenty-Two Dollars (\$86,322), which includes an increase in software license fees in the amount of Four Thousand Seven Hundred Twenty Dollars (\$4,720) and an increase in maintenance and support services in the amount of Nine Hundred Ninety-One Dollars (\$991), commencing upon execution by both parties and continuing until termination of the original contract term, in a form approved by the County Attorney, to be paid from Budget Code A.3110 250, Sheriff's Law Enforcement, Technical Equipment, and be it further

RESOLVED, other than the changes outlined herein, all other terms and conditions of Resolution No. 400 of 2017 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 312 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, GERAGHTY, SIMPSON, WILD, MAGOWAN, DIAMOND, SOKOL, HOGAN, BRAYMER, DRISCOLL AND VACANT

AUTHORIZING AN AGREEMENT WITH FIRST LIGHT TO PROVIDE ETHERNET 100 MB SERVICE FOR THE SHERIFF'S OFFICE RADIO SIMULCAST SITE LOCATED AT STATE ROUTE 149 IN LAKE GEORGE

WHEREAS, the Sheriff has requested an agreement with First Light to provide Ethernet (EPL) 100 mb service for the Sheriff's Office radio simulcast site located at 373 State Route 149 in Lake George, New York for a term commencing upon execution by both parties and terminating sixty months from the commencement date, for an amount not to exceed Nine Hundred Ninety Dollars (\$990) per month, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to execute an agreement with First Light, 41 State Street, Floor 10, Albany, New York 12207, to provide Ethernet (EPL) 100 mb service for the Sheriff's Office radio simulcast site located at 373 State Route 149 in Lake George, New York for a term commencing upon execution by both parties and terminating sixty months from the commencement date, for an amount not to exceed Nine Hundred Ninety Dollars (\$990) per month, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code A.3020 428 Sheriff's 911 Center, Data Processing & Internet Fees.

Warren County Board of Supervisors

RESOLUTION NO. 313 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, GERAGHTY, SIMPSON, WILD, MAGOWAN, DIAMOND, SOKOL, HOGAN, BRAYMER, DRISCOLL AND VACANT

AUTHORIZING AN AGREEMENT WITH HANK'S QUALITY FLOORING, INC. FOR REPLACEMENT OF CARPET AND TILE FOR THE SHERIFF'S OFFICE

WHEREAS, the Sheriff has requested an agreement with Hank's Quality Flooring, Inc. for replacement of walk-off carpet tile and replacement of broken tiles at various entrances to the Sheriff's Office and Correctional Facility, for a term commencing upon execution by both parties and terminating upon completion of the work, for a lump sum amount not to exceed Three Thousand Thirty-Three Dollars (\$3,033), now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to execute an agreement with Hank's Quality Flooring, Inc., 28 Elm Street, Glens Falls, New York 12801, to replace walk-off carpet tile and broken tiles at various entrances at the Sheriff's Office and Correctional Facility, for a term commencing upon execution by both parties and terminating upon completion of the work, for a lump sum amount not to exceed Three Thousand Thirty-Three Dollars (\$3,033), in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code A.3110 413 Sheriff's Law Enforcement, Repair & Maint-Bldg/Property.

Warren County Board of Supervisors

RESOLUTION NO. 314 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, BRAYMER, SIMPSON, STROUGH, McDEVITT, MERLINO, LOEB, HOGAN AND HYDE

DELETING STONY CREEK TAX MAP PARCEL NO. 231.-1-17.2 FROM THE WARREN COUNTY TAX MAPS AND MERGING PARCEL INTO WARREN COUNTY ROUTE 22/HARRISBURG ROAD FOR REAL PROPERTY TAX SERVICES

WHEREAS, the Director of Real Property Tax Services has requested that Stony Creek Tax Map Parcel No. 231.-1-17.2 be deleted from the Warren County tax maps and that said parcel be merged into Warren County Route 22/Harrisburg Road, and

WHEREAS, the Environmental Concerns & Real Property Tax Services Committee has considered and approved the request, now, therefore, be it

RESOLVED, that Stony Creek Tax Map Parcel No. 231.-1-17.2 be, and hereby is, deleted from the Warren County tax maps and said parcel is merged into Warren County Route 22,Harrisburg Road.

Warren County Board of Supervisors

RESOLUTION NO. 315 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, BRAYMER, SIMPSON, STROUGH, McDEVITT, MERLINO, LOEB, HOGAN AND HYDE

DELETING OUTSTANDING TAXES AND ANY ADDITIONAL FORECLOSURE CHARGES ON TOWN OF STONY CREEK TAX MAP PARCEL NO. 231.-1-17.2 FOR REAL PROPERTY TAX SERVICES

WHEREAS, the Director of the Real Property Tax Services Department is requesting that the Town & County and School taxes for the years 2015, 2016, 2017 and 2018 for Tax Map Parcel No. 231.-1-17.2 located in the Town of Stony Creek be deleted, as well as any additional foreclosure charges on said parcel, and

WHEREAS, the property is being deleted from the Warren County tax maps and merged into Warren County Route 22/Harrisburg Road, and

WHEREAS, the total amount of the Town & County and School taxes for the years 2015, 2016, 2017 and 2018 including any additional foreclosure charges is Seven Hundred Seventy-One Dollars and Seventy-Four Cents (\$771.74), now, therefore, be it

RESOLVED, that the Town & County and School taxes for 2015, 2016, 2017 and 2018 for Tax Map Parcel No. 231.-1-17.2 located in the Town of Stony Creek in the amount of Seven Hundred Seventy-One Dollars and Seventy-Four Cents (\$771.74) be, and hereby are deleted and/or canceled, as well as any additional foreclosure charges on said parcel, and be it further

RESOLVED, that the Warren County Treasurer and the Director of Real Property Tax Services be, and hereby are, authorized and directed to perform all acts necessary to effectuate the actions authorized herein.

Warren County Board of Supervisors

RESOLUTION NO. 316 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, BRAYMER, SIMPSON, STROUGH, McDEVITT, MERLINO, LOEB, HOGAN AND HYDE

**AUTHORIZING SALE OF TOWN OF QUEENSBURY TAX MAP
PARCEL NO. 309.10-1-99 TO THE CITY OF GLENS FALLS FOLLOWING THE 2018
WARREN COUNTY TAX FORECLOSURE ACTION**

WHEREAS, Town of Queensbury Tax Map Parcel No. 309.10-1-99 is a small parcel of land adjacent to City-owned property on Luzerne Road and is included in the 2018 County Tax Foreclosure proceeding for delinquent taxes in the amount of One Thousand Nine Hundred Ninety-Seven Dollars and Twenty-Four Cents (\$1,997.24), and

WHEREAS, City of Glens Falls Mayor Daniel Hall has advised that the City of Glens Falls desires to purchase the above-referenced parcel for the amount of the back taxes, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the sale of Town of Queensbury Tax Map Parcel No. 309.10-1-99 to the City of Glens Falls, for an amount of One Thousand Nine Hundred Ninety-Seven Dollars and Twenty-Four Cents (\$1,997.24), provided, however, that if the City of Glens Falls re-sells the property within five (5) years following acquisition, the City of Glens Falls shall pay to the County fifty percent (50%) of the profit made on such sale with profit being defined as that amount received by the City of Glens Falls in excess of the cost of acquisition and the cost of any improvements made to the property paid by the City of Glens Falls, and be it further

RESOLVED, that upon payment of the amount due for the parcel the Chairman of the Board of Supervisors be, and hereby is, authorized to execute a Quitclaim Deed and any other necessary documents to facilitate the conveyance in a form approved by the County Attorney.

Warren County Board of Supervisors

RESOLUTION NO. 317 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRAYMER, LEGGETT, LOEB, DIAMOND, HYDE, MAGOWAN AND SOKOL

**AUTHORIZING 2018 AGREEMENT WITH THE TOWN OF QUEENSBURY
TO PROVIDE CERTAIN YOUTH SERVICES FOR THE
DEPARTMENT OF SOCIAL SERVICES (YOUTH BUREAU)**

RESOLVED, that the Chairman of the Warren County Board of Supervisors be, and hereby is, authorized to execute an agreement with the Town of Queensbury on behalf of the Warren County Department of Social Services for the year 2018, to provide certain youth services to the youth who reside in the Town of Queensbury, including, but not limited to, Warren County Youth Court activities, for a total amount not to exceed One Thousand Seven Hundred Fifteen Dollars (\$1,715), in a form approved by the County Attorney, with funding for these services to be paid from Budget Code A.7312 470 Special Delinquency Prev., Contract.

Warren County Board of Supervisors

RESOLUTION NO. 318 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRAYMER, LEGGETT, LOEB, DIAMOND, HYDE, MAGOWAN AND SOKOL

AWARDING BID AND AUTHORIZING AGREEMENT WITH DURRIN, INC. TO PROVIDE TRANSPORTATION FOR PRESCHOOL CHILDREN WITH DISABILITIES AND THE EARLY INTERVENTION PROGRAM IN WARREN COUNTY (WC 42-18)

WHEREAS, the Purchasing Agent has advertised for sealed bids for Transportation for Preschool Children with Disabilities and Early Intervention Program in Warren County (WC 42-18), and

WHEREAS, the Director of Public Health/Patient Services has issued correspondence recommending award of the bid to Durrin, Inc., the sole bidder, now, therefore, be it

RESOLVED, that the Purchasing Agent notify Durrin, Inc. of the acceptance of their bid, and be it further

RESOLVED, that Warren County enter into an agreement with Durrin, Inc., 124A Ingersoll Road, Saratoga Springs, New York 12866, for Transportation of Preschool Children with Disabilities and the Early Intervention Program in Warren County, pursuant to the terms and provisions of the specifications (W42-18) and proposal, at a rate of Fifty-Four Dollars and Forty Cents (\$54.40) per child per day and Two Hundred Dollars (\$200) per child per day for those requiring a vehicle with a wheelchair lift, for a term commencing September 1, 2018 and terminating August 31, 2019, which agreement may be extended for two (2) additional one year terms under the same terms and conditions, upon written agreement between the parties and without the need for further Resolution and the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an agreement in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code A.4054 444 Ed/Physically Hand. Children, Travel/Education/Conference and from Budget Code A.4054.0060 444 Ed/Physically Hand. Children, Ed. Phys. Hndcppd/Early Intervnt, Travel/Education/Conference.

Warren County Board of Supervisors

RESOLUTION NO. 319 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRAYMER, LEGGETT, LOEB, DIAMOND, HYDE, MAGOWAN AND SOKOL

**AMENDING AGREEMENT WITH DELTA HEALTH TECHNOLOGIES, LLC FOR
MIGRATION OF PATIENT DATA FROM ENCORE TO CRESCENDO, TO AUTHORIZE A
SITE OPTIMIZATION VISIT FOR WARREN COUNTY HEALTH SERVICES**

WHEREAS, pursuant to Resolution No. 311 of 2017, the Chairman of the Board of Supervisors was authorized to execute an amendment agreement with Delta Health Technologies, LLC to allow for migration of patient information data from Encore, the current electronic medical system, to Crescendo for an approximate cost of Thirty-Nine Thousand Nine Hundred Ten Dollars (\$39,910) to be paid from Budget Code A.4010 428, Health Services, Data Processing & Internet Fees, and

WHEREAS, pursuant to Resolution No. 214 of 2018, the agreement with Delta Health Technologies, LLC was further amended to correct the amount of the Crescendo Implementation update to an approximate cost of Thirty-Six Thousand Nine Hundred Ten Dollars (\$36,910) and to include additional annual/monthly support fees which were previously omitted, and

WHEREAS, the Director of Public Health/Patient Services has requested that the agreement with Delta Health Technologies, LLC be further amended to authorize a site optimization visit for an amount not to exceed Eight Thousand Dollars (\$8,000) commencing on August 1, 2018, now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an amendment agreement with Delta Health Technologies, LLC, 400 Lakemont Park Boulevard, Suite 200, Altoona, PA. 16602, to authorize a site optimization visit for an amount not to exceed Eight Thousand Dollars (\$8,000) commencing on August 1, 2018, to be paid from Budget Code A.4010 428, Health Services, Data Processing & Internet Fees, in a form approved by the County Attorney, and be it further

RESOLVED, that other than the changes outlined above, all other terms and conditions of Resolution No. 311 of 2017 and Resolution No. 214 of 2018 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 320 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRAYMER, LEGGETT, LOEB, DIAMOND, HYDE, MAGOWAN AND SOKOL

AMENDING AGREEMENT WITH EMILY RUSSOM, OCCUPATIONAL THERAPIST, TO INCLUDE STAFF EDUCATION SERVICES FOR THERAPISTS, PARENTS AND OTHERS WITH CHILDREN INVOLVED IN THE EARLY INTERVENTION AND/OR PRESCHOOL CHILDREN WITH DISABILITIES PROGRAM FOR WARREN COUNTY HEALTH SERVICES

WHEREAS, Warren County entered into an agreement with Emily Russom (Resolution No. 356 of 2015, and amended by Resolution No. 287 of 2016) to provide certain occupational therapy services to children with disabling conditions under the Early Intervention and/or Preschool Children with Disabilities Programs, for amounts set per visit, and for the term commencing July 20, 2015 and terminating upon thirty (30) days written notice by either party, and

WHEREAS, the Director of Public Health/Patient Services has requested to amend the above agreement to include a provision for staff education services for therapists, parents or other individuals with children involved in the Early Intervention and Preschool Special Needs Programs at a rate of Two Hundred Fifty Dollars (\$250) per session, for a term to commence on August 1, 2018, now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an amendment agreement with Emily Russom, 8 Middleton Drive, South Glens Falls, New York 12803, to include a provision for staff education services for therapists, parents or other individuals with children involved in the Early Intervention and Preschool Special Needs Programs at a rate of Two Hundred Fifty Dollars (\$250) per session, for a term to commence on August 1, 2018 in a form approved by the County Attorney, and be it further

RESOLVED, that other than the amendment outlined above, all other terms and conditions of Resolution No. 356 of 2015 and Resolution No. 287 of 2016 shall remain in full force and effect.

Warren County Board of Supervisors

RESOLUTION NO. 321 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRAYMER, LEGGETT, LOEB, DIAMOND, HYDE, MAGOWAN AND SOKOL

APPROVING WARREN COUNTY HEALTH SERVICES AGENCY EVALUATION OF SERVICES AND ANNUAL REPORT FOR 2017 FOR THE DIVISION OF HOME CARE AND THE DIVISION OF PUBLIC HEALTH

WHEREAS, the Director of Public Health/Patient Services of the Warren County Health Services Department has submitted an annual evaluation of Services and Annual Report for 2017 for the Division of Home Care and the Division of Public Health to the Warren County Board of Supervisors for approval, now, therefore, be it

RESOLVED, that the Warren County Health Services Evaluation of Services and Annual Report for the year 2017, as presented to the Warren County Board of Supervisors be, and hereby is, accepted and approved and a copy of same is on file with the Clerk of the Board of Supervisors.

Warren County Board of Supervisors

RESOLUTION NO. 322 OF 2018

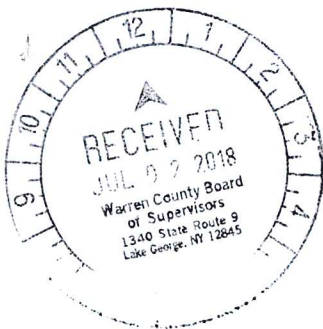
RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, LEGGETT, BRAYMER, WILD, MCDEVITT, DIAMOND, DICKINSON, GERAGHTY, MAGOWAN, SOKOL AND DRISCOLL

RESOLUTION SUPPORTING THE ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD'S RESOLUTION IN SUPPORT OF THE HIGH PEAKS WILDERNESS COMPLEX AND VANDERWHACKER MOUNTAIN WILD FOREST UNIT MANAGEMENT PLAN AMENDMENTS

WHEREAS, the Adirondack Park Local Government Review Board adopted Resolution No. 3 of 2018, supporting the High Peaks Wilderness Complex and Vanderwhacker Mountain Wild Forest Unit Management Plan Amendments, a copy of which is attached hereto as Schedule "A", and is requesting that the Warren County Board of Supervisors lend their support to the proposed plan amendments, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby supports the High Peaks Wilderness Complex and Vanderwhacker Mountain Wild Forest Unit Management Plan Amendments, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to forward copies of this resolution to Governor Andrew M. Cuomo; Senator Elizabeth O'C. Little; Assemblyman Daniel G. Stec; the New York State Association of Counties; Intercounty Legislative Committee of the Adirondacks and the Adirondack Park Local Government Review Board.

**Resolution #3 of 2018****IN SUPPORT OF THE HIGH PEAKS WILDERNESS COMPLEX AND VANDERWHACKER MOUNTAIN WILD FOREST UNIT MANAGEMENT PLAN AMENDMENTS.**

Whereas, DEC has drafted High Peaks Wilderness Complex and Vanderwhacker Mountain Wild Forest Unit Management Plan Amendments in consultation with the APA; and

Whereas, the DEC and APA are holding concurrent public hearings and public comment periods on the amended plans; and

Whereas, the Review Board has reviewed the amendments and generally supports the proposed actions; and

Whereas, the Board believes that concurrent APA and DEC public hearings and comment periods are beneficial to the public because it allows the public to make comments regarding both the specific plans (DEC) and state land master plan (SLMP) conformance (APA) without having to draw technical distinctions between them; and

Whereas, the Board specifically supports the proposed parking lot near the Boreas Ponds Dam for disabled visitors as well as universal access, and generally appreciates the attention paid to the needs of disabled and limited mobility visitors; and

Whereas, the Board supports the proposal for seasonal hunting vehicular access on the Boreas Road; and

Whereas, the Board specifically supports the proposed changes and reroutes to the Wright Peak Ski Trail to connect to the Whale's Tale Ski Trail and the completion of Ski Trail Guidance as soon as possible; and

Whereas, the Board requests that any necessary SLMP amendments to allow further backcountry ski trails, as requested by the Adirondack Powder Skiers, be approved as soon as possible, and that additional backcountry ski trails be added to the High Peaks Wilderness and Vanderwhacker Mountain Wild Forest, because it may be many years before new amendments to those plans are proposed; and

Whereas, the Board supports prevention of the introduction and spread of invasive species, particularly aquatic invasive species by watercraft;

Now, therefore it is hereby

Resolved that the Review Board supports APA and DEC concurrent public hearings and public comment periods; and it is further

Resolved that the Board generally supports the proposed UMP amendments and requests that the Ski Trail Guidance Document and any necessary SLMP amendments be completed and approved, and that additional backcountry ski trails be added to the High Peaks Wilderness Complex UMP; and it is further

Resolved that the Board requests the addition of at least one watercraft inspection and decontamination station at the Frontier Town Visitors Center, or near the Gulf Brook Road, to prevent the introduction of aquatic invasive species; and it further

Resolved, that a copy of this resolution be forwarded to Governor Andrew Cuomo, Deputy Secretary for the Environment Venetia Lannon, DEC Commissioner Basil Seggos, Senator Kirsten Gillibrand, Senator Charles Schumer, Congresswoman Elise Stefanik, Senator Elizabeth Little, Senator Jim Tedisco, Senator Joseph Griffo, Senator Patty Ritchie, Senator Kathy Marchione, Senator David Valesky, Senator Liz Krueger, Assemblyman Dan Stec, Assemblyman Billy Jones, Assemblyman Mark Butler, Assemblyman Ken Blankenbush, Assemblyman Steve Englebright, Assembly Speaker Carl Heastie, DEC Region 5 Director Bob Stegemann, DEC Region 6 Director, Judy Drabicki, the twelve Counties of the Adirondacks, the Adirondack Park Agency and the Adirondack Association of Towns and Villages.

Warren County Board of Supervisors

RESOLUTION NO. 323 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, LEGGETT, BRAYMER, WILD, MCDEVITT, DIAMOND, DICKINSON, GERAGHTY, MAGOWAN, SOKOL AND DRISCOLL

INTRODUCING PROPOSED LOCAL LAW NO. 3 OF 2018 ENTITLED “MUNICIPAL OPIOID COST RECOVERY AND PUBLIC NUISANCE LEGISLATION” AND AUTHORIZING PUBLIC HEARING THEREON

RESOLUTION TABLED

RESOLVED, that proposed Local Law No. 3 of 2018 entitled “Municipal Opioid Cost Recovery and Public Nuisance Legislation, attached hereto and made a part hereof, be, and the same is introduced before the Warren County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold a public hearing at the Supervisors Rooms in the Warren County Municipal Center on the 21st day of September, 2018 at 10:00 a.m. on the matter of the adoption of said proposed Local Law No. 3 of 2018, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

**COUNTY OF WARREN
PROPOSED LOCAL LAW NO. 3 OF 2018**

**A LOCAL LAW ENTITLED MUNICIPAL OPIOID COST RECOVERY AND PUBLIC
NUISANCE LEGISLATION**

I. Purpose and Statement of Intent

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Warren County. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance. 0

II. Definitions

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

“Wrongful Conduct” means conduct which causes the County to incur costs related to the opioid epidemic, causing it to be a public nuisance.

III. Governmental Function Cost Recovery

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

IV. Effect of Criminal or Civil Proceedings on Governmental Function Cost Recovery

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

V. Public Nuisance

The County hereby finds and declares the following:

- 1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- 2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;
- 3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- 4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;

- 5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- 6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;
- 7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- 8) That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

VI. Retroactive Application

This legislation applies retroactively.

Warren County Board of Supervisors

RESOLUTION NO. 324 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, LEGGETT, BRAYMER, WILD, MCDEVITT, DIAMOND, DICKINSON, GERAGHTY, MAGOWAN, SOKOL AND DRISCOLL

INTRODUCING PROPOSED LOCAL LAW NO. 4 OF 2018 ENTITLED “A LOCAL LAW PROMOTING THE USE OF RE-USABLE BAGS AND REDUCING USE OF SINGLE-USE CARRY-OUT BAGS BY PROHIBITING THE DISTRIBUTION OF PLASTIC BAGS IN WARREN COUNTY” AND AUTHORIZING PUBLIC HEARINGS THEREON

RESOLVED, that proposed Local Law No. 4 of 2018 entitled “A Local Law Promoting the Use of Re-Usable Bags and Reduce Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County”, attached hereto and made a part hereof, be, and the same is introduced before the Warren County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold two public hearings on the matter of the adoption of said proposed Local Law No. 4 of 2018 at the Supervisors Rooms in the Warren County Municipal Center, the first being on the 19th day of September, 2018 at 6:00 p.m. and the second on the 21st day of September, 2018 at 10:00 a.m., and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

**COUNTY OF WARREN
PROPOSED LOCAL LAW NO. 4 OF 2018**

A LOCAL LAW ENTITLED “A LOCAL LAW PROMOTING THE USE OF RE-USABLE BAGS AND REDUCING USE OF SINGLE-USE CARRY-OUT BAGS BY PROHIBITING THE DISTRIBUTION OF PLASTIC BAGS IN WARREN COUNTY

Part I: Legislative Intent

- (1) Warren County has a responsibility to protect the natural environment and the health of its citizens and visitors; and
- (2) The use of Single-use Carryout Bags (as defined in this proposal) has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; data released by the United States Environmental Protection Agency shows that between 500 billion and one trillion plastic bags are consumed worldwide each year; and
- (3) Single-use Carryout Bags represent an unnecessary use of non-renewable resources. Plastic shopping bags are made from polyethylene, a thermoplastic made from oil. Accordingly, reducing the use of plastic bags will decrease our dependence on fossil fuels. Re-usable Bags (as defined in this proposal) represent a sustainable alternative to single use bags because they consume less resources overall and produce less waste; and
- (4) Plastic bags are the least desirable type of all single use bags because they consume non-renewable fossil fuels, never fully degrade, and harm wildlife: birds can become entangled in the bags and different species of sea life can die from ingesting plastic bags which they mistake for food; and
- (5) Despite recycling and voluntary solutions to control pollution from Single-use Carryout Bags, these bags end up littering our environment, impeding waterways, contaminating water and soil, clogging sewers, overwhelming landfills, and endangering wildlife; and
- (6) From an environmental and economic perspective, re-usable bags are considered to be a better alternative to Single-use Carryout Bags because re-usable bags reduce waste and litter, protect wildlife and conserve resources. They are readily available and affordable for the customer; and
- (7) Studies document, and participating municipalities report, that prohibiting the distribution of Single-use Carryout Bags will dramatically reduce the use of those types of bags; and
- (8) Warren County aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife; all of which increase the quality of life for the County’s residents and tourists; and
- (9) Warren County taxpayers must bear costs associated with the effects of Single-use Carryout Bags on the solid waste stream, drainage, litter, and wildlife. It is in the best interests of the health, safety and welfare of citizens and visitors of Warren County to reduce the cost to the County of solid waste disposal, and to protect our environment and our natural resources; and

- (10) Therefore, Warren County concludes that prohibiting the distribution of Single-use Carryout Bags will promote the use of Re-usable bags, and will begin to reduce the negative impacts that result from the unrestricted distribution of Single-use Carryout Bags.

Part II: Definitions.

As used in this Local Law the following terms have the following meanings:

Re-usable Bag means a bag that is specifically designed and manufactured for multiple reuse, and is either:

- (a) made of cloth or other machine-washable material, but not film plastic;
- (b) made of paper that is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; or
- (c) made of durable plastic that is at least 2.25 mils thick and that has handles.

Single-use Carryout Bag means a plastic bag other than a Re-usable bag, including those advertised as compostable, biodegradable, photodegradable or similar, provided at the check-out stand, cash register, point of sale or other point of departure for the purpose of transporting merchandise out of the establishment. The term Single-use Carryout Bag does not include:

1. Re-usable Bags;
2. Plastic bags used solely to contain or wrap meat, fish or poultry;
3. Plastic bags used by a customer solely to package bulk items, including, but not limited to, fruits, vegetables, nuts, grains, candy, baked goods, and other non-prepackaged items;
4. Plastic bags used solely to contain food sliced to order;
5. Plastic bags sold in bulk and plastic bags prepackaged for sale to a customer including, but not limited to, a trash bag and a food storage bag;
6. Plastic garment bags;
7. Plastic bags provided by a restaurant, tavern or similar establishment to carry out or deliver food;
8. Product Bags provided by pharmacists that are used to carry prescription medications to the point of sale.
9. Bags brought to the store by the consumer for reuse including plastic and paper bags the consumer may have obtained previously.

Part III: Prohibition of Single-use Carryout Bags

- (1) Beginning January first, two thousand nineteen, the provision of plastic Single-use Carryout Bags at any point of sale to customers is prohibited.
- (2) No store shall charge a fee for, or prevent a customer from using, any bag brought by the customer to such store to carry purchased goods from such store.
- (3) Nothing in this section shall preclude a store from making Re-usable Bags available to customers for a fee or for free.

Part IV: Violations and Enforcement

The Warren County Director of the Weights and Measures Department shall have the primary responsibility for enforcement of this Local Law. If the Director of the Weights and Measures Department determines that a violation has occurred, he/she shall issue a written notice to the store that a violation has

RESOLUTION No. 324 OF 2018

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occurred and that the violation must be remedied within two weeks. Failure of the store to remedy the violation within said two week period shall constitute a violation that is subject to a civil fine of \$500.00, with subsequent separate violations occurring every day thereafter until the violation is remedied. It shall not be necessary for the Director of the Weights and Measures Department to issue a written notice for each subsequent day, after the two-week period has elapsed, to constitute a subsequent violation.

Part V: Reverse Preemption

This article shall be null and void on the day that statewide or federal legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Warren. The Board of Supervisors may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Part VI: Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Part VII: Effective Date

This Local Law shall take effect on January 1, 2019.

Warren County Board of Supervisors

RESOLUTION NO. 325 OF 2018

**RESOLUTION INTRODUCED BY SUPERVISORS MERLINO, DICKINSON, STROUGH AND FRASIER
(ALTERNATE MEMBER - SUPERVISOR HOGAN)**

**AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE VILLAGE OF
LAKE GEORGE AND WARREN COUNTY TO ALLOW THE COUNTY TO BE
REIMBURSED FOR COSTS RELATING TO MOVING THE STAGE FOR EVENTS
AT THE CHARLES R. WOOD PARK**

WHEREAS, the Village of Lake George (“Village”) has requested that the Warren County Department of Public Works (“County”) staff move the stage for events at the Charles R. Wood Park, and

WHEREAS, the Park Operations & Management Committee has considered and approved the request, and

WHEREAS, upon submission by the County of an invoice to the Village, including receipts and verified documentation of the costs incurred by moving the stage for each event, the Village will reimburse the County for said expenses, now, therefore, be it

RESOLVED, that the Chairman of the Warren County Board of Supervisors be, and hereby is authorized to execute an intermunicipal agreement between the Village of Lake George and Warren County to allow Warren County Department of Public Works staff to move the stage for events at the Charles R. Wood Park for a term commencing upon execution of the agreement by both parties and continuing until terminated by either party with or without cause and in a form approved by the County Attorney.

Warren County Board of Supervisors

RESOLUTION NO. 326 OF 2018

**RESOLUTION INTRODUCED BY SUPERVISORS MERLINO, DICKINSON, STROUGH AND FRASIER
(ALTERNATE MEMBER - SUPERVISOR HOGAN)**

**AMENDING RESOLUTION NO. 463 OF 2017, WAIVING THE FEE FOR USE OF THE
COUNTY-OWNED WEST BROOK PARKING LOT BY THE NEW YORK STATE POLICE
PEDESTRIAN SCHOOL FOR SAFETY DEMONSTRATIONS, TO WAIVE THE FEE FOR
USE OF THE FESTIVAL COMMONS**

WHEREAS, pursuant to Resolution No. 463 of 2017, the Warren County Board of Supervisors approved the request by the Village of Lake George to waive the fee for use of the County-owned West Brook Parking Lot for use by the New York State Police Pedestrian School for safety demonstrations to be held on October 19, 2018, and

WHEREAS, the Village of Lake George has requested that in addition to the fee for use of the County-owned West Brook Parking Lot, that the fee for use of the Festival Commons be waived as well for this Event, and

WHEREAS, the Park Operations & Management Committee has considered and approved this request, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the request to amend Resolution No. 463 of 2017 to waive the fee for use of the Festival Commons by the New York State Police Pedestrian School for safety demonstrations to be held on October 19, 2018, as well as the fee for use of the County-owned West Brook Parking Lot, and be it further

RESOLVED, that other than the change outlined herein, all other terms and conditions of Resolution No. 463 of 2017 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 327 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SIMPSON, MERLINO, FRASIER, DICKINSON, DIAMOND, LOEB, HYDE, MAGOWAN AND WILD

**AUTHORIZING A LEASE AGREEMENT WITH REVOLUTION RAIL COMPANY
FOR USE OF THE RAILROAD TICKET SALES BUILDING FOR
PARKS, RECREATION & RAILROAD**

WHEREAS, Robert Harte, on behalf of Revolution Rail Company, has approached the Public Works Committee requesting a lease agreement for use of the Railroad Ticket Sales Building located at 5 Railroad Place in Johnsbury, New York for a ticket sales building, and

WHEREAS, the County has agreed to a fee of Seven Hundred Fifty Dollars (\$750) per month for use of the building for a term commencing upon execution and continuing until terminated by either party, upon thirty (30) days written notice, with all utilities, trash removal and daily maintenance costs during the lease period to be the responsibility of Revolution Rail Company, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Superintendent of the Department of Public Works to execute a lease agreement with Revolution Rail Company consistent with the terms and provisions set forth in the preambles of this resolution, in a form approved by the County Attorney.

Warren County Board of Supervisors

RESOLUTION NO. 328 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SIMPSON, MERLINO, FRASIER, DICKINSON, DIAMOND, LOEB, HYDE, MAGOWAN AND WILD

RESCINDING RESOLUTION NO. 410 OF 2017, WHICH AUTHORIZED AN AGREEMENT WITH GREATER GLENS FALLS TRANSIT TO UTILIZE UP YONDA ENVIRONMENTAL CENTER AS A TROLLEY STOP, DUE TO THE CONTRACTOR WITHDRAWING THE OFFER

WHEREAS, pursuant to Resolution No. 410 of 2017, the Warren County Board of Supervisors approved the request of Greater Glens Falls Transit to establish a trolley stop at the Up Yonda Environmental Center, and

WHEREAS, since that time, Greater Glens Falls Transit has advised the Director of Parks, Recreation and Railroad that due to the cost to potential passengers, impact on ridership and the economic impact to Greater Glens Falls Transit, it is not feasible for them to enter into such agreement with the County, now, therefore, be it

RESOLVED, that Resolution No. 410 of 2017 be, and hereby is rescinded.

Warren County Board of Supervisors

RESOLUTION NO. 329 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SIMPSON, MERLINO, FRASIER, DICKINSON, DIAMOND, LOEB, HYDE, MAGOWAN AND WILD

AWARDING BID AND AUTHORIZING AGREEMENT WITH NATIONAL VACUUM ENVIRONMENTAL SERVICES CORPORATION AS THE LOWEST RESPONSIBLE BIDDER FOR WATER/SLUDGE REMOVAL, TRANSPORT & DISPOSAL FROM BULK PETROLEUM STORAGE TANKS (WC 39-18)

WHEREAS, the Purchasing Agent has advertised for sealed bids for Water/Sludge Removal, Transport & Disposal From Bulk Petroleum Storage Tanks (WC 39-18), and

WHEREAS, the Department of Public Works has issued correspondence recommending that Warren County award the contract to National Vacuum Environmental Services Corporation, the low bidder for the project, now, therefore, be it

RESOLVED, that the Warren County Purchasing Agent notify National Vacuum Environmental Services Corporation of the acceptance of their proposal, and be it further

RESOLVED, that the Chairman of the Board be, and hereby is, authorized to execute an agreement with National Vacuum Environmental Services Corporation, 80 Park Road, Queensbury, New York 12804, for Water/Sludge Removal, Transport & Disposal From Bulk Petroleum Storage Tanks, pursuant to the terms and provisions of the specifications (WC39-18) and proposal, at the prices listed on the proposal, for a term commencing on September 9, 2018 and terminating on September 8, 2019, without an increase in price, with an option to extend the agreement for up to two (2) additional one (1) year terms without the need for further resolution, upon mutual agreement of the parties and in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code DM5140.470 Road Machinery, Motor Fuel Farms, Contract, in accordance with the rules of the County Purchasing Policy which limits expenditures for this purpose to a maximum of \$20,000 per calendar year.

Warren County Board of Supervisors

RESOLUTION NO. 330 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LOEB, LEGGETT, SOKOL, HYDE, MAGOWAN, HOGAN, WILD, DRISCOLL AND VACANT

AUTHORIZING AN AGREEMENT WITH NETAPP TO PROVIDE MAINTENANCE AND SUPPORT SERVICES FOR THE NETAPP STORAGE DEVICE FOR INFORMATION TECHNOLOGY

RESOLVED, that Warren County enter into an agreement with NetApp, 1395 Crossman Avenue, Sunnyvale, California, 94089, for maintenance and support services for the NetApp storage device for a lump sum amount of Four Thousand Nine Hundred Seventy Dollars and Seventy Cents (\$4,970.70) per year, for a term commencing on May 1, 2018 and terminating on April 30, 2019, and be it further

RESOLVED, that this agreement may be automatically renewed on an annual basis provided there is no change in terms or conditions and that funding for the agreement has been appropriated in the departmental budget, and be it further

RESOLVED, that this agreement may be terminated by either party, with or without cause, upon thirty (30) days written notice, and be it further

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is authorized to execute an agreement with NetApp as outlined above, as well as any other documents necessary to carry out the terms of the agreement, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code A.1680 220.1 Information Technology, Office Equipment - Reserve.

Warren County Board of Supervisors

RESOLUTION NO. 331 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LOEB, LEGGETT, SOKOL, HYDE, MAGOWAN, HOGAN, WILD, DRISCOLL AND VACANT

AMENDING RESOLUTION NO. 500 OF 2017, WHICH AUTHORIZED AN AGREEMENT WITH BILL LINDLOFF OF PRO CUTS TO PROVIDE A CHAINSAW SAFETY TRAINING COURSE, TO INCREASE THE NUMBER OF DAYS OF SAFETY TRAINING

WHEREAS, pursuant to Resolution No. 500 of 2017, the Warren County Board of Supervisors authorized an agreement with Bill Lindloff of Pro CUTS, 1387 Tidbury Hill, Endicott, New York 13760 to provide up to six (6) days of safety training during 2018, in an amount of Eight Hundred Fifty Dollars (\$850) per day plus travel (hotel and mileage from the Binghamton area) to commence on January 1, 2018 and terminate on December 31, 2018, and

WHEREAS, the Self-Insurance Administrator has requested that the Resolution be amended to increase the number of days of safety training from six (6) days to ten (10) days, now, therefore, be it

RESOLVED, that Resolution No. 500 of 2017 be, and hereby is, amended to increase the number of days of safety training from six (6) days to ten (10) days, and be it further

RESOLVED, that other than the changes outlined herein, all other terms and conditions of Resolution No. 500 of 2017 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 332 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LOEB, LEGGETT, SOKOL, HYDE, MAGOWAN, HOGAN, WILD, DRISCOLL AND VACANT

AMENDING RESOLUTION NO. 295 OF 2018, WHICH AUTHORIZED A SETTLEMENT AGREEMENT FOR A RESIDENT AT THE FORMER WESTMOUNT HEALTH FACILITY, TO CHANGE THE AMOUNT OF THE SETTLEMENT

WHEREAS, pursuant to Resolution No. 295 of 2018, the Warren County Board of Supervisors authorized a settlement agreement for a resident at the former Westmount Health Facility in the amount of Four Thousand Eight Hundred Thirteen Dollars and Fifty-Seven Cents (\$4,813.57), and

WHEREAS, the County Attorney has advised that the County could not substantiate a credit in the amount of One Thousand One Hundred Fifty-Six Dollars (\$1,156) and therefore, could not collect that amount in the settlement, now, therefore be it

RESOLVED, that Resolution No. 295 of 2018 be, and hereby is, amended to correct the amount of the settlement agreement as follows:

<u>RESIDENT NUMBER</u>	<u>AMOUNT</u>
1081	\$3,657.57*

*Paid in monthly installments of \$200 per month

and be it further

RESOLVED, that \$1,156 be written off from account A.382.01, Private Pay Room & Board, and be it further

RESOLVED, that other than the changes outlined herein, all other terms and conditions of Resolution No. 295 of 2018 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 333 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS GERAGHTY, FRASIER, MCDEVITT, LEGGETT, BRAYMER, SIMPSON, HYDE, DIAMOND, LOEB, MERLINO AND SOKOL

AMENDING TABLE OF ORGANIZATION AND WARREN COUNTY SALARY AND COMPENSATION PLAN FOR 2018

RESOLVED, that the Table of Organization and the Warren County Salary and Compensation Plan for 2018 are hereby amended as follows:

SOCIAL SERVICES

Deleting Position:

A.6010.110

TITLE:

Deputy Commissioner/Chief
Legal Counsel

EFFECTIVE DATE

August 20, 2018

ANNUAL SALARY

\$84,408

Creating Position:

A.6010.110

TITLE:

Deputy Commissioner

EFFECTIVE DATE

August 20, 2018

ANNUAL SALARY

\$78,500-\$82,500

Creating Position:

A.6010.130

TITLE:

Assistant Social Services
Attorney - PT

EFFECTIVE DATE

August 20, 2018

ANNUAL SALARY

\$35.37/hourly*
*20 hours per week

Warren County Board of Supervisors

RESOLUTION NO. 334 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS GERAGHTY, FRASIER, MCDEVITT, LEGGETT, BRAYMER, SIMPSON, HYDE, DIAMOND, LOEB, MERLINO AND SOKOL

APPROVING THE RECOMMENDATIONS OF THE REALLOCATION COMMITTEE

WHEREAS, the Reallocation Committee has reviewed requests for changes to grade allocations for certain titles as set forth in the current Civil Service Employees Association (CSEA) contract, and

WHEREAS, the Reallocation Committee has submitted their recommendations for grade adjustments to the Personnel and Higher Education Committee for implementation on January 1, 2019, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the recommendations of the Reallocation Committee as outlined on the attached Schedule "A" to become effective on January 1, 2019.

REALLOCATION COMMITTEE RECOMMENDATIONS FOR 2019											
Department Description	Position Title	Current Grade	Step	Hourly Rate	2019 Annual Rate	Proposed Grade	Step	Hourly Rate	2019 Annual Rate	Hourly Increase	Annual Increase
DPW/Airport	Building Maintenance Mechanic	13	3	\$20.1899	\$41,995	15	3	\$21.2529	\$44,206	\$1.0630	\$2,211
DPW/Airport	Airport Maintenance Worker	8	2	\$17.3938	\$36,179	10	2	\$18.6885	\$38,872	\$1.2947	\$2,693
DPW/Buildings and Grounds	Building Maintenance Worker #2	06	03	\$16.1178	\$33,525	7	3	\$17.0024	\$35,365	\$0.8846	\$1,840
DPW/Parks and Recreation	Building Maintenance Worker #11	06	00	\$15.3000	\$31,824	7	0	\$16.1538	\$33,600	\$0.8538	\$1,776
DPW/Parks and Recreation	Building Maintenance Worker #12	06	01	\$15.5779	\$32,402	7	1	\$16.4322	\$34,179	\$0.8543	\$1,777
DPW/Health & Human Services Building	Building Maintenance Worker #6	06	23	\$19.7197	\$41,017	7	23	\$20.6904	\$43,036	\$0.9707	\$2,019
DPW/Parks and Recreation	Building Maintenance Worker #8	06	03	\$16.1178	\$33,525	7	3	\$17.0024	\$35,365	\$0.8846	\$1,840
DPW/Health & Human Services Building	Maintenance Mechanic #1	08	12	\$20.9668	\$43,611	9	12	\$21.6361	\$45,003	\$0.6692	\$1,392
DPW/Health & Human Services Building	Building Maintenance Worker II #1	10	30	\$23.3726	\$48,615	12	30	\$24.0188	\$49,959	\$0.6462	\$1,344
DPW/Health & Human Services Building	Carpenter/Maintenance Worker	10	10	\$22.4111	\$46,615	12	10	\$23.0572	\$47,959	\$0.6462	\$1,344
DPW/Traffic Control	Sign Maintenance Worker #1	10	13	\$22.4111	\$46,615	11	13	\$22.7337	\$47,286	\$0.3226	\$671
DPW/Traffic Control	Sign Maintenance Worker #2	10	13	\$22.4111	\$46,615	11	13	\$22.7337	\$47,286	\$0.3226	\$671
DPW/Buildings and Grounds	Building Maintenance Mechanic #4	13	15	\$23.9462	\$49,808	15	15	\$25.1125	\$52,234	\$1.1663	\$2,426
DPW/Buildings and Grounds	Building Maintenance Mechanic #5	13	25	\$24.4269	\$50,808	15	25	\$25.6365	\$53,324	\$1.2096	\$2,516
DPW/Parks and Recreation	Building Maintenance Mechanic	13	11	\$23.7058	\$49,308	15	11	\$24.8721	\$51,734	\$1.1663	\$2,426
Countryside Adult Home	Building Maintenance Mechanic	13	02	\$19.8476	\$41,283	15	2	\$20.8928	\$43,457	\$1.0452	\$2,174
Building & Fire Code	Secretary Fire Prevention & BCEO	14	13	\$24.2231	\$50,384	15	13	\$24.8721	\$51,734	\$0.6490	\$1,350
DPW/Buildings and Grounds	Senior Building Maintenance Mechanic #2	16	14	\$25.5514	\$53,147	18	14	\$27.2457	\$56,671	\$1.6942	\$3,524
DPW/Buildings and Grounds	Senior Building Maintenance Mechanic #3	16	18	\$25.7918	\$53,647	18	18	\$27.4861	\$57,171	\$1.6942	\$3,524
										\$37,518	

Warren County Board of Supervisors

RESOLUTION NO. 335 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS GERAGHTY, FRASIER, MCDEVITT, LEGGETT, BRAYMER, SIMPSON, HYDE, DIAMOND, LOEB, MERLINO AND SOKOL

AUTHORIZING OUT-OF-STATE TRAVEL FOR SUPERVISORS KEVIN GERAGHTY, EUGENE MERLINO AND MATTHEW SIMPSON TO ATTEND THE WHITE HOUSE CONFERENCE WITH NEW YORK COUNTY LEADERS IN WASHINGTON, DC

RESOLVED, that Supervisor Kevin Geraghty, Supervisor Eugene Merlino and Supervisor Matthew Simpson are authorized to attend the White House Conference with New York County Leaders in Washington, DC on August 23, 2018 with all expenses paid from Budget Code A.1010 444 Legislative Board, Travel/Education/Conference.

Warren County Board of Supervisors

RESOLUTION NO. 336 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS GERAGHTY, FRASIER, MCDEVITT, LEGGETT, BRAYMER, SIMPSON, HYDE, DIAMOND, LOEB, MERLINO AND SOKOL

AMENDING RESOLUTION NO. 215 OF 2015, APPOINTING MEMBERS TO THE WARREN COUNTY BOARD OF ETHICS, TO APPOINT AND REPLACE MEMBERS

WHEREAS, pursuant to Resolution No. 215 of 2015, the Warren County Board of Supervisors appointed members to serve on the Warren County Board of Ethics, and

WHEREAS, the Personnel & Higher Education Committee has recommended changes to the membership of the committee as follows:

Gail Seaman, government member for the Town of Thurman be replaced by Diana Palmer, 3rd Ward Common Council for the City of Glens Falls;

Chris Scoville, non-government member be replaced by Edna Wells, now therefore, be it

RESOLVED, that Resolution No. 215 of 2015 be, and hereby is, amended as outlined above to replace and appoint members to serve on the Warren County Board of Ethics, and be it further

RESOLVED, that other than the changes outlined herein, all other terms and conditions of Resolution No. 215 of 2015 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 337 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, McDEVITT, GERAGHTY, BRAYMER AND HYDE

**AUTHORIZING NEW AGREEMENT WITH TYLER TECHNOLOGIES
TO PROVIDE UPGRADE ASSISTANCE TO THE INFORMATION TECHNOLOGY
DEPARTMENT FOR THE LATEST VERSION OF NEW WORLD ERP FOR THE WARREN
COUNTY TREASURER'S OFFICE**

WHEREAS, the Warren County Treasurer has requested a new agreement with Tyler Technologies to provide upgrade assistance to the Information Technology Department for the latest version of New World ERP, now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an agreement with Tyler Technologies, 840 West Long Lake Road, Troy, Michigan 48098, for upgrade assistance to the Information Technology Department for the latest version of New World ERP, for a lump sum amount not to exceed One Thousand Two Hundred Dollars (\$1,200) for a term commencing upon execution and terminating upon completion of the project, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds for said agreement will be expended from Budget Code A.1325 470, County Treasurer, Contract.

Warren County Board of Supervisors

RESOLUTION NO. 338 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, McDEVITT, GERAGHTY, BRAYMER AND HYDE

**AUTHORIZING THE APPROPRIATION OF FUNDS FROM
THE VEHICLE RESERVE TO A DEPARTMENTAL BUDGET
TO PURCHASE A VEHICLE; AMENDING 2018 WARREN COUNTY BUDGET**

RESOLVED, that the Warren County Board of Supervisors hereby appropriates funds in the amount of Sixteen Thousand Three Hundred Forty-One Dollars (\$16,341) from the Reserve, Vehicles (A 896.00), to the following Departmental budget to purchase a vehicle:

CODE	DEPARTMENT	AMOUNT
A.6010.230.1	Social Services, Auto Equipment-Reserve	\$ 16,341.00
	TOTAL	\$ 16,341.00

and be it further

RESOLVED, that the Warren County Budget for 2018 be, and hereby is, amended accordingly.

Warren County Board of Supervisors

RESOLUTION NO. 339 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, McDEVITT, GERAGHTY, BRAYMER AND HYDE

AUTHORIZING THE APPROPRIATION OF FUNDS FROM DEFERRED REVENUE - GASLIGHT VILLAGE PARKING FEES TO THE CHARLES R. WOOD PARK BUDGET; AUTHORIZING REIMBURSEMENT TO THE VILLAGE OF LAKE GEORGE FOR VARIOUS EXPENSES AT THE CHARLES R. WOOD PARK; AND AMENDING 2018 WARREN COUNTY BUDGET

WHEREAS, the Superintendent of the Department of Public Works has advised that the Village of Lake George has submitted an invoice totaling Four Thousand Sixty-Four Dollars and Sixty-Eight Cents (\$4,064.68) for property maintenance expenses associated with the Festival Space of the Charles R. Wood Park, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby appropriates funds in the amount of Four Thousand Sixty-Four Dollars and Sixty-Eight Cents (\$4,064.68) from Deferred Revenue - Gaslight Village Parking Fees (A.691.07) to the following Budget Codes: A.1625 410 Charles R. Wood Park, Supplies (\$938.18); A.1625 413 Charles R. Wood Park, Repair & Maint.-Bldg./Property (\$3,126.50), and be it further

RESOLVED, that the Warren County Board of Supervisors does hereby authorize reimbursement in a total amount of Four Thousand Sixty-Four Dollars and Sixty-Eight Cents (\$4,064.68) to the Village of Lake George for property maintenance expenses associated with the Festival Space of the Charles R. Wood Park, and be it further

RESOLVED, that the Warren County Budget for 2018 be, and hereby is, amended accordingly.

Warren County Board of Supervisors

RESOLUTION NO. 340 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, MCDEVITT, GERAGHTY, BRAYMER AND HYDE

AUTHORIZING THE APPROPRIATION OF FUNDS FROM DEFERRED REVENUE - GASLIGHT VILLAGE PARKING FEES TO THE CHARLES R. WOOD PARK BUDGET; AUTHORIZING REIMBURSEMENT TO THE VILLAGE OF LAKE GEORGE FOR VARIOUS EXPENSES AT THE CHARLES R. WOOD PARK; AND AMENDING 2018 WARREN COUNTY BUDGET

WHEREAS, the Superintendent of the Department of Public Works has advised that the Village of Lake George has submitted an invoice totaling Two Thousand Six Hundred Ninety-Six Dollars and Twenty-Five Cents (\$2,696.25) for property maintenance expenses associated with the Festival Space of the Charles R. Wood Park, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby appropriates funds in the amount of Two Thousand Six Hundred Ninety-Six Dollars and Twenty-Five Cents (\$2,696.25) from Deferred Revenue - Gaslight Village Parking Fees (A.691.07) to Budget Code A.1625 413 Charles R. Wood Park, Repair & Maint.-Bldg./Property (\$2,696.25), and be it further

RESOLVED, that the Warren County Board of Supervisors does hereby authorize reimbursement in a total amount of Two Thousand Six Hundred Ninety-Six Dollars and Twenty-Five Cents (\$2,696.25) to the Village of Lake George for property maintenance expenses associated with the Festival Space of the Charles R. Wood Park, and be it further

RESOLVED, that the Warren County Budget for 2018 be, and hereby is, amended accordingly.

Warren County Board of Supervisors

RESOLUTION NO. 341 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, McDEVITT, GERAGHTY, BRAYMER AND HYDE

**AUTHORIZING REIMBURSEMENT TO THE VILLAGE OF LAKE GEORGE FOR
SPRINKLER REPAIRS AT THE CHARLES R. WOOD PARK FOR DAMAGE INCURRED
DURING THE AMERICADE EVENT**

WHEREAS, the Superintendent of the Department of Public Works has advised that the Village of Lake George has submitted an invoice totaling Sixty-Five Dollars and Eighty-Four Cents (\$65.84) for repairs to a sprinkler at the Charles R. Wood Park, which was damaged during the 2018 Americade event, and

WHEREAS, the cost of this repair will be deducted from a deposit submitted to Warren County by Americade event organizers, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves payment in the amount of Sixty-Five Dollars and Eight-Four Cents (\$65.84) from Budget Code T.030.00, Trust & Agency, Guaranty & Deposits and, and be it further

RESOLVED, that the Warren County Board of Supervisors does hereby authorize reimbursement in a total amount of Sixty-Five Dollars and Eighty-Four Cents (\$65.84) to the Village of Lake George for repairs to a sprinkler at the Charles R. Wood Park as outlined above.

Warren County Board of Supervisors

RESOLUTION NO. 342 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, McDEVITT, GERAGHTY, BRAYMER AND HYDE

AUTHORIZING GLENS FALLS NATIONAL BANK & TRUST COMPANY TO ISSUE A LETTER OF CREDIT ON BEHALF OF WARREN COUNTY TO BLUE SHIELD OF NORTHEASTERN NEW YORK AS AN ALTERNATIVE TO PRE-FUNDING THE HEALTH INSURANCE ACCOUNT

WHEREAS, pursuant to Resolution No. 324 of 2017, the Warren County Board of Supervisors authorized the transition to a self-funded health insurance/prescription plan for County officers, employees and retirees (less than sixty-five years of age), and

WHEREAS, the County's health insurance broker, Jaeger & Flynn Associates, Inc. has suggested that Warren County request a letter of credit from Glens Falls National Bank & Trust Company in the amount of Two Hundred Twenty-One Thousand Five Hundred Dollars (\$221,500) to be submitted to Blue Shield of Northeastern New York as an alternative to pre-funding the account with Blue Shield of Northeastern New York, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes Glens Falls National Bank & Trust Company to issue a letter of credit on behalf of Warren County to Blue Shield of Northeastern New York in the amount of Two Hundred Twenty-One Thousand Five Hundred Dollars (\$221,500).

Warren County Board of Supervisors

RESOLUTION NO. 343 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, GERAGHTY, SIMPSON, WILD, MAGOWAN, DIAMOND, SOKOL, HOGAN, BRAYMER, DRISCOLL AND VACANT

AMENDING RESOLUTION NO. 253 OF 2017, WHICH WAS SUBSEQUENTLY AMENDED BY RESOLUTION NO. 355 OF 2017, AUTHORIZING AN AGREEMENT WITH EMERGENCY SERVICES MARKETING CORPORATION, INC. FOR THE PURCHASE OF I AM RESPONDING SOFTWARE FOR THE OFFICE OF EMERGENCY SERVICES, TO EXTEND THE TERMINATION DATE OF THE AGREEMENT

WHEREAS, pursuant to Resolution No. 253 of 2017, the Chairman of the Board of Supervisors was authorized to execute an agreement with Emergency Services Marketing Corporation, Inc., P.O. Box 93, Dewitt, New York 13214, for the purchase of I Am Responding Software, for a lump sum amount not to exceed Nineteen Thousand Two Hundred Dollars (\$19,200) for a term commencing on July 1, 2017 and terminating on June 30, 2018, and

WHEREAS, pursuant to Resolution No. 355 of 2017, the agreement was amended to reflect a revised commencement date of September 1, 2017 and termination date of August 31, 2018, and

WHEREAS, the Director of the Office of Emergency Services has requested that the agreement be further amended to extend the termination date from August 31, 2018 to December 31, 2018 at no additional cost to the County, now, therefore, be it

RESOLVED, that Resolution No. 253 of 2017, amended by Resolution No. 355 of 2017, be, and hereby is, further amended to extend the agreement with Emergency Services Marketing Corporation, Inc. to terminate on December 31, 2018, in a form approved by the County Attorney, and be it further

RESOLVED, that other than the changes outlined above, all other terms and conditions of Resolution No. 253 of 2017 and Resolution No. 355 of 2017 will remain unchanged.

Warren County Board of Supervisors

RESOLUTION NO. 344 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS McDEVITT, BEATY, LEGGETT, BRAYMER, STROUGH, HOGAN, MAGOWAN, SIMPSON AND WILD

ACCEPTING AND APPROVING THE REVISED BYLAWS OF THE LAKE CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD

WHEREAS, the Lake Champlain-Lake George Regional Planning Board has revised their bylaws as per the request of the five oversight Counties and has submitted them for approval, and

WHEREAS, the Economic Growth and Development Committee has reviewed the revised bylaws and does suggest approval of same, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors does hereby accept and approve the revised bylaws submitted by the Lake Champlain-Lake George Regional Planning Board, attached hereto as Schedule "A".

Schedule "A"



**BY-LAWS OF THE
LAKE CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD**

The By-laws, as amended, were adopted by the Board on July 25, 2018

WHEREAS, the Lake Champlain-Lake George Regional Planning Board ("LCLGRP") was established in accordance with an agreement among the counties of Warren, Washington, Essex, Clinton and Hamilton (the "Counties") in 1967, as may have been amended, (the "5 County agreement") as a Regional Planning Board pursuant to New York General Municipal Law ("GML") Article 12-B, Section 329-h; and

WHEREAS, pursuant to GML §239-h(3)(g), the LCLGRP shall adopt by-laws governing its operations which shall be approved by the collaborating legislative bodies and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record; and

WHEREAS, pursuant to GML § 239-h(3)(a), the LCLGRP shall be considered an agency of a political subdivision or municipality for purposes of section 103, 104 and Article 18 of the GML and Articles 6 and 7 of the Public Officers Law; and

WHEREAS, pursuant to and in accordance with the 5 County agreement and GML §239-h(3)(g), the LCLGRP hereby desires to adopt bylaws for the efficient and proper administration of its affairs; it is

THEREFORE, DULY RESOLVED that the LCLGRP hereby adopts the following By-laws:

ARTICLE I. NAME

The name of the organization shall be the Lake Champlain-Lake George Regional Planning Board.

ARTICLE II. PURPOSE, POWERS AND JURISDICTION

PURPOSE:

The Lake Champlain-Lake George Regional Planning Board was created in 1967 as a development organization operating in New York State under Article 12-B, Section 239-b of the General Municipal Law. The specific section governing operations is 239-h. The LCLGRP’s mission is to promote sustainable economic development that strengthens our communities, provides quality jobs and preserves the unique natural, historical and cultural characteristics of the region.

POWERS:

The LCLGRP shall have all the powers and shall conduct its affairs in accordance with the Provisions of Article 12-B of the New York State General Municipal Law, including amendments thereto.

JURISDICTION:

The Board shall have and exercise the powers, duties, and functions hereby conferred with respect to the area encompassing the participating Counties.

ARTICLE III. COUNTY MEMBERSHIP

The LCLGRP is one of nine regional planning and development organizations operating in New York State. The LCLGRP covers the five counties of Clinton, Essex, Hamilton, Warren, and Washington.

Each county has evidenced its membership in the LCLGRP by the adoption of the 5 County agreement. In addition, each county must make all necessary appointments to the Board of Directors and provide its respective share of funds for the annual operation of the LCLGRP as spelled out in the Memorandum of Agreement executed by the five participating counties.

ARTICLE IV. BOARD OF DIRECTORS

SECTION 1. REPRESENTATION:

The LCLGRP shall be governed by a Board of Directors (Board). The number of directors constituting the entire Board shall be thirty (30). Each member-county shall appoint six directors to the Board. The Chairperson of the Board of Supervisors, the Chief Financial Officer and the Highway Superintendent of each member county shall be Ex-Officio members of the LCLGRP. Three additional directors shall be appointed by the Chairperson of the Board of Supervisors of each member county. Ex-Officio members are deliberative members of the board but are not voting members nor do they count towards a quorum.

SECTION 2. APPOINTMENTS:

All persons appointed to the Board (except ex-officio) shall be appointed by their respective county chair of the Board of Supervisors or chief elected officer (“Appointing Body”).

SECTION 3. TENURE:

The tenure of Ex-Officio Officers shall be consistent with their terms of office. The additional three (3) members shall be appointed to terms of three (3) years and staggered so that one director term shall expire each

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year. Reappointment by the Appointing Body shall therefore consist of the appointment of one director to the LCLGRP annually. Directors may serve more than one term. Initial appointments to the Board should be staggered on a three year basis so that one term expires every year.

SECTION 4. VACANCIES:

Any vacancy that occurs on the Board shall be filled by the respective county's Appointing Body.

SECTION 5. DESIGNEES:

No designee, transfer, or assignment on the Board will be permitted.

SECTION 6. COMPENSATION:

No director shall receive a salary or compensation for their service, except that the Board may authorize reimbursement of a director's expenses if reasonably incurred on behalf of and for the benefit of the LCLGRP.

SECTION 7. REMOVAL:

Upon the majority vote of all directors of the Board, the Chairperson shall have the authority to request, and the respective county's Appointing Body shall have the power to remove for cause, any non-ex-officio director.

SECTION 8. VOTING RIGHTS:

At all meetings of the LCLGRP, each director with voting rights (15 total) who is properly appointed and present shall be entitled to cast one vote on each matter properly submitted to a vote of the Board. The affirmative vote of a majority of all directors of the LCLGRP who have voting rights shall be necessary for the adoption of any proposed action, resolution or for any business for which the LCLGRP was established. A director must attend the meeting in person or via video conference in order to vote. **Vote by proxy, unanimous written consent or teleconference is not permitted.**

SECTION 9. RESIGNATION:

A non-ex-officio director may resign from office by delivering a resignation in writing to the Chairperson and the acceptance of such resignation, unless required by the terms thereof, shall not be necessary to make such resignation effective.

ARTICLE V. OFFICERS

SECTION 1. OFFICERS:

The officers of the LCLGRP shall be a Chairperson, a Vice Chair, a Secretary and a Treasurer to be elected by the directors at the Annual Meeting. All officers must be members of the Board. The Chair and Vice Chair must be voting members of the Board of Directors. The Secretary and Treasurer may be an ex-officio member of the board. A maximum of two (2) officers may come from one county.

SECTION 2. DUTIES AND ATTENDANCE:

DUTIES:

The Chairperson shall call and preside at all meetings of the Board. He or she shall have the power to sign all necessary documents in the name of the LCLGRP, unless the Board shall specifically require additional signatures, and in general perform all duties incident to the office of Chair as may be prescribed by the Board from time to time. The Chairperson can appoint directors to the committees.

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A Vice-Chair so designated by the Board, shall perform the duties of the Chair in case of the Chairperson's absence and shall perform such other duties as the Board may prescribe from time to time.

The Secretary shall keep or cause to be kept by staff the minutes of all meetings of the Board in books to be kept for this purpose, serve or cause to be served by staff, all notices of the LCLGRP, and perform all duties incident to the office of the Secretary and such other duties as from time to time may be assigned by the Board.

The Treasurer shall keep or cause to be kept by staff complete and accurate accounts of receipts and disbursements of the LCLGRP and shall deposit or cause to be deposited all moneys and other valuable effects of the LCLGRP in the name and to the credit of the LCLGRP in such banks and depositories as the Board may designate. Whenever required by the Board, he or she shall render a statement of the accounts. He or she shall at all reasonable times and with adequate notice exhibit or cause to be exhibited by staff the books and accounts of the LCLGRP to any officer or director, and shall perform all duties incident to the office of the Treasurer, and such other duties as may be assigned by the Board.

The Treasurer shall present to the Board or cause to be presented by staff on an annual basis an audit report showing in detail the assets, liabilities, revenue, and expenses of the LCLGRP for a twelve month period that covers the prior fiscal year. Such report must be presented to the Board within six months of the completion of the fiscal year. The report must be filed with the minutes of the Board meeting.

The Treasurer also shall ensure that quarterly financial reports shall be submitted to the Board of Directors on a timely basis. Copies of any other required financial reporting documents shall be provided on a timely basis.

In addition to any report required herein or otherwise, the Board shall submit an annual report prepared by a certified public accountant to the legislative bodies of the member counties and to the NYS Comptroller pursuant to and in accordance with GML Section 239-h(5).

ATTENDANCE:

Appointed directors and officers:

Should any director or officer appointed to the LCLGRP fail to attend any regular meeting of said LCLGRP, or Committees thereof, for three consecutive times and fail to explain his or her absence in writing addressed to the Chairman, immediate notice thereof shall be given to his or her respective County Board of Supervisors by the Secretary with the recommendation of removal from the Board by the respective Appointing Body.

Ex-Officio members:

Should any of the ex-officio members serving on the LCLGRP be unable to attend any of the meetings, or committees thereof, immediate notice thereof shall be given by the ex-officio member to his or her deputy. The deputy officer so notified shall attend the meeting of the LCLGRP, or Committees thereof, and shall act as the ex-officio member for said meetings.

SECTION 3. ELECTION:

The election of officers shall be conducted by a vote of the voting directors of the Board at the annual meeting. The officers shall be elected for one year terms and serve at the pleasure of the Board.

Each officer shall continue in office until his or her successor shall have been elected at the annual meeting, or until his or her death, resignation or removal. Any officer may be removed, with or without cause, by a vote of the majority of the Board.

SECTION 4. VACANCIES:

Any officer may resign at any time by notifying the directors in writing. In the event of a vacancy in the Office

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of the Chair, the Vice Chair shall preside at the next Board meeting, at which time an election shall be held to fill the unexpired term of the office. All other officer vacancies shall be filled for the unexpired term by appointment of the Chairperson, such appointments to be ratified at the next meeting of the Board.

ARTICLE VI. MEETINGS

SECTION 1. REGULAR:

Regular meetings of the Board shall be held on a bi-monthly basis, unless otherwise ordered by the Chairperson, at a place designated by the Chairperson.

SECTION 2. ANNUAL:

An annual meeting of the Board shall be held the second Tuesday of January each year.

SECTION 3. SPECIAL:

Special meetings of the Board may be called with five days' notice and be held by order of the Chairperson, Vice Chair, Executive Director, or on request of three (3) of the directors.

SECTION 4. NOTICE OF MEETINGS:

Notice of each regular and annual meeting, and minutes from the previous meeting, must be mailed or provided electronically ten days prior to the meeting. All scheduled meetings will be posted on the LCLGRPB web site.

SECTION 5. QUORUM:

At all meetings of the LCLGRPB, a quorum shall consist of a majority of the voting directors (8 total) of the Board. A quorum must be present for the transaction of any business and for the exercise of any power or function of the Board. If a quorum is not present at any meeting of the Board, a majority of the directors present may adjourn the meeting and set a special meeting if needed at a subsequent date. A director must attend the meeting in person or via video conference in order to vote. **Vote by proxy, unanimous written consent or teleconference is not permitted.**

SECTION 6. MANNER OF ACTING:

The affirmative vote of a majority of all voting directors (8 total) present at a meeting at which a quorum is present, shall be necessary for the adoption of any proposed action, resolution or any business thereof unless a greater proportion is required by law or by these by-laws.

SECTION 7. RULES OF PROCEDURE:

Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at all meetings of the Board, or committees. All meetings are subject to and shall be in compliance with the Open Meetings Law contained in Article 7 of the New York Public Officers Law ("POL") and shall be open to the general public except when such meetings are voted into executive session by a majority of all voting directors pursuant to and in accordance with POL Section 105.

SECTION 8. PROXIES:

No proxies shall be permitted at any meeting.

ARTICLE VII. COMMITTEES

The Board may appoint committees of any number with such authority as shall be designated by the Board; however, no Committee shall take financial authority unless specifically authorized by the Board.

Executive Committee:

The officers and one additional at large member elected by the Board shall compose a standing committee

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consisting of five (5) directors called the Executive Committee. The Executive Committee shall act at the direction of the Board. The Board may modify the powers of the Executive Committee by resolution.

The Executive Committee shall not have the authority to amend, alter, or repeal the by-laws, elect, appoint or remove any director, officer, or the executive director of the LCLGRP, alter or repeal any resolution of the Board, or authorize the dissolution of the LCLGRP

The designation and appointment of any such committee and the delegation thereto of authority shall not relieve the Board, or any individual director, of any responsibility imposed upon it or them by law.

Loan Committee:

The Board may appoint a Loan Committee who shall operate in the manner adopted by the Board with policies or by-laws governing the conduct and authority of the Loan Committee.

ARTICLE VIII. STAFF

SECTION 1. EXECUTIVE DIRECTOR:

The LGLCRPB shall be managed by an Executive Director with such title as appropriate under civil service rules, who shall serve as the chief operating and financial manager of the organization and attend all Board meetings.

ARTICLE IX. FINANCES, CONTRACTS, AND POLICIES

The Board shall review and adopt at an annual organizational meeting, an annual work plan and operating budget.

Except as otherwise required by law or provided for by the Board, all contracts, which are consistent with the purpose, program, policies, and financial resources of the LCLGRP, may be executed on behalf of the LCLGRP by the Chairperson or Executive Director. All such action is subject to the review and approval of the Board.

In accordance with the policies of the LCLGRP, the Board is authorized to select the banks and depositories it deems proper for the funds of the LCLGRP.

The Executive Director, Chairperson, Vice Chair, Secretary or Treasurer shall be authorized to sign checks, drafts, or other orders for payment of money, acceptances, notes, or other evidences of indebtedness. Said authority shall be subject to the signature requirements adopted by the Board. Two of the five officers named above signatures are required on every check.

At every meeting, the Board shall review a current financial statement that lists the LCLGRP's assets, liabilities, revenues, expenses, and accounts payable/check register report.

The LCLGRP shall have a handbook, which outlines the policies, procedures, and employee practices of the organization. Said handbook is subject to review and approval by the Board.

The fiscal year of the LCLGRP shall be for a twelve-month period, which shall run from January through December of each calendar year.

ARTICLE X. OFFICE AND BOOKS

The office of the LCLGRP shall be located at such place as the Board may from time to time determine.

ARTICLE XI. DEFENSE AND INDEMNIFICATION

The LCLGRP shall provide for the defense of each member, director, officer and employee (collectively "Employee") in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the Employee was acting within the scope of his or her official capacity. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the LCLGRP. The LCLGRP shall also indemnify and save harmless its Employees in the amount of any judgment obtained against such Employee in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which the judgment or claim arose occurred while the Employee was acting within the scope of his or her duties and also provided that in the case of settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of settlement by the Board. The duty to indemnify and save harmless as set forth herein shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of such Employee.

Article XII. CONFLICTS OF INTEREST

Every member, director, officer and employee of the LCLGRP is subject to the conflict of interest provisions contained in Article 18 of the GML.

Article XIII. NOTICES

Any notice required or provided for in these Bylaws shall be made in writing and sent by mail, electronic mail or facsimile to the last known address on record of the LCLGRP. Attendance at a meeting shall confirm receipt of proper notice.

Article XIV. RECORDS

All records of the LCLGRP are subject to public disclosure in accordance with the Freedom of Information Law contained in Article 6 of the POL.

Article XV. PROCUREMENTS

Procurements of the LCLGRP are subject to the competitive bidding requirements of GML Sections 103 and 104.

ARTICLE XVI. AMENDMENTS

These By-Laws can be amended, on ten days given notice of such amendment, at any regular or special meeting of the Board by a two-thirds vote of eligible voting members, provided that the requested amendment(s) is presented by a director and has been reviewed by the Board. All amendments must be approved by the five County governing boards.

Warren County Board of Supervisors

RESOLUTION NO. 345 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, BRAYMER, SIMPSON, STROUGH, MCDEVITT, MERLINO, LOEB, HOGAN AND HYDE

REMOVING PARCEL FROM THE 2018 TAX FORECLOSURE ACTION

WHEREAS, based on a request made at the “Last Chance Meeting” held on August 13, 2018, the Environmental Concerns and Real Property Tax Services Committee has recommended removing Town of Queensbury Tax Map Parcel No. 309.18-1-34 from the 2018 Tax Foreclosure Action, now, therefore, be it

RESOLVED, that Town of Queensbury Tax Map Parcel No. 309.18-1-34 be, and hereby is, removed from the 2018 Tax Foreclosure Action.

Warren County Board of Supervisors

RESOLUTION No. 346 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, LEGGETT, BRAYMER, WILD, MCDEVITT, DIAMOND, DICKINSON, GERAGHTY, MAGOWAN, SOKOL AND DRISCOLL

AMENDING THE WARREN COUNTY FREEDOM OF INFORMATION LAW (FOIL) POLICY

WHEREAS, pursuant to Resolution No. 173 of 1974, later amended by Resolution No. 77 of 1978, the Warren County Board of Supervisors adopted regulations establishing the rules and procedures governing the public access to records of the County of Warren and its authorized agencies, and

WHEREAS, the Warren County Board of Supervisors adopted the Warren County Plans and Policies set forth in the Warren County, New York Plans and Policies and Municipal Code, which includes Section III.075 - .083 Freedom of Information Law (FOIL) Policy, by Resolution No. 416 of 2015, and

WHEREAS, the Legislative & Rules Committee of the Warren County Board of Supervisors has recommended revising several portions of the FOIL Policy, now, therefore, be it

RESOLVED, that Chapter III of the Warren County Plans and Policies, entitled County Administrator/Board of Supervisors, is hereby amended to revise Sections III.075-.084, as per the attached Schedule "A" document.

Schedule "A"

FREEDOM OF INFORMATION LAW FOIL

§ III.075 PURPOSE AND SCOPE.

The purpose of these regulations are to set forth the rules, methods and procedures governing the availability, location and nature of records (as that term is defined herein) of the County of Warren subject to the provisions of N.Y. State Pub. Off. Law Article 6, known as the Freedom of Information Law. (Res. 77 of 1978, passed - -1978)

§ III.076 DEFINITIONS.

For the purpose of these regulations, the following terms are defined as set forth below:

FISCAL OFFICER. The Warren County Treasurer or his or her authorized representative.

PAYROLL RECORD. An itemized record setting forth the name, business address, title and salary of every officer and employee of the County of Warren or its authorized agencies.

RECORD. Any information kept, filed, held, produced or reproduced by, with or for the County of Warren, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilm, computer tapes or discs, rules, regulations or codes.

WORKDAY. Any day except Saturday, Sunday, a public holiday or a day on which the Warren County Municipal Center is otherwise closed for general business. (Res. 77 of 1978, passed - -1978)

§ III.077 PROCEDURE FOR OBTAINING RECORDS.

(A) Records Access Officer and Custody of Records.

(1) The Warren County Administrator shall serve as Records Access Officer for all county records excepting payroll records. All FOIL requests directed to any department of Warren County are to be sent to the attention of the Warren County Administrator through the form provided on the Warren County website at <http://www.warrencountyny.gov/contact.php>.

(2) The following Warren County officers or their authorized representatives are hereby designated as the custodian of records maintained by the department listed, excepting payroll records:

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Office of the County Administrator	County Administrator
Assigned Counsel	Administrator
Auditor	Auditor
Board of Elections	Commissioners
Board of Supervisors	Clerk of the Board of Supervisors
Budget Officer	Budget Officer
Countryside Adult Home	Director
County Attorney	County Attorney
County Clerk	County Clerk
County Treasurer	County Treasurer
District Attorney	District Attorney
Emergency Services	Director/Fire Coordinator
Employment and Training/One-Stop Career Center	Director
Fire Prevention and Building Codes Enforcement	Administrator
Historian	Historian
Human Resource and Civil Service	Human Resources Director
Information Technology	Director
Motor Vehicles	County Clerk
Office for the Aging	Director
Planning	County Planner
Probation	Director
Purchasing	Purchasing Agent
Public Defender	Public Defender
Public Health	Director
Public Works (incl. Buildings & Grounds, Airport, Parks, Recreation and Railroad, Up Yonda Farm)	Superintendent of Public Works
Real Property Tax Services	Director
Self-Insurance	Administrator
Social Services	Commissioner of Social Services

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Sheriff	Sheriff or his/her designee
Tourism	Director
Veterans Services	Director
Weights and Measures	Sealer of Weights and Measures

(3) Any FOIL request directed to any department of Warren County not specifically set forth herein is to be sent to the attention of the Warren County Administrator through the form provided on the Warren County website at <http://www.warrencountyny.gov/contact.php>. FOIL is not generally applicable to courts within the Warren County Municipal Center, which are operated by the Office of Court Administration, an agency of New York State.

(B) (1) Any person who wishes to inspect or obtain a copy of any such record may request access to the record by making application to the Records Access Officer. Such application shall be made through the form provided on the Warren County website and shall reasonably describe the record or records sought. A person requesting records should supply information regarding dates, file designations or any other information that may help to describe the records sought.

(2) Requests for access to records may be submitted to the Records Access Officer. Any request received after 4:30 p.m. is deemed to have been received on the next workday. Upon the receipt of an application in the proper form and at the appropriate time, the Records Access Officer shall cause a search to be made for the requested record. Within five business days of receipt of a FOIL request, the following actions will be taken by the Records Access Officer or his or her designee:

(a) Produce the record(s) for inspection at the Records Access Officer's office or send the requested records to the applicant (and if so requested and upon payment of the appropriate fee, make and certify a copy of the record).

(b) Deny the request as provided in § III.081 of these regulations, providing the reason for the denial and sending a copy of such denial to the County Attorney.

(c) Partially grant and partially deny the request.

(d) Advise the applicant that the record(s) are not in the custody of that specific department, but may be in the custody of another specified department or may be available on the Warren County website or other site on the internet.

(e) Certify that the records cannot be located after diligent search.

(f) Acknowledge receipt of the request, setting an approximate date for a full response and seeking clarification if the request is overly voluminous or unspecific. If circumstances prevent a response within 20 workdays, a statement specifying the reasons for the inability to do so and a date certain must be supplied. The failure to comply with this time limit constitutes a denial which may be appealed.

(3) The Records Access Officer, in his or her discretion, may waive compliance with any formality prescribed by this section.

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(C) Any person wishing to inspect and/or obtain a copy of a payroll record may make written application to the Fiscal Officer pursuant to the provisions of the above section of these regulations at the office of the Fiscal Officer at the Warren County Municipal Center, Lake George, New York. Upon receipt of such an application, the Fiscal Officer shall search for and produce for inspection the payroll record. If the applicant requests a copy of such payroll record, the Fiscal Officer shall provide him or her with one, upon payment of the appropriate fee.

(Res. 77 of 1978, passed - -1978)

§ III.078 SUBJECT MATTER LIST.

(A) On behalf of the County of Warren, the custodian of records for each department pursuant to III.077 (A)(2) above shall maintain and make available for inspection and copying at their office a current list, reasonably detailed by subject matter, of all records in the possession of the department, whether or not available under N.Y. Pub. Off. Law Article 6. Such list shall be in conformity with such regulations as may be promulgated by the Committee on Open Government. Any person desiring a copy of such list may request a copy thereof personally, by mail or through the Warren County website and he or she shall be supplied with one copy.

(B) Each county department shall maintain:

(1) A record setting forth the name, public office address, title and salary of every officer or employee of the department; and

(2) A reasonably detailed current list by subject matter, of all records in the possession of the department whether or not available under this article.

(Res. 77 of 1978, passed - -1978)

§ III.079 FEES.

(A) The fees for copies of records shall not exceed \$0.25 per photocopy not in excess of nine inches by 14 inches, or the actual cost of reproducing any other record except when a different fee is otherwise prescribed by law or pursuant to such general rules and regulations as may be promulgated by the Committee on Open Government and any additional fees that may be applicable pursuant to N.Y. Pub. Off. Law Article 6.

(B) Additionally, the Records Access Officer and/or County Attorney has the authority to redact portions of a record pursuant to N.Y. Pub. Off. Law Article 6 and do so prior to disclosure of the record by making a photocopy from which the proper redactions are made. If redaction must be made to an electronic record, and the record must be printed and/or copied several times prior to being produced in response to the FOIL request, the standard copying fee will be charged.

(C) Further fees may be charged based on the actual cost of reproduction as set forth in N.Y. Pub. Off. Law § 87(1)(c), which may include the hourly salary of the lowest paid employee with the needed skill required to prepare a copy of the requested record in the event two or more hours are required as well as the actual cost of any storage device or media provided in response or if necessary, the actual cost of an outside professional to prepare a copy of a record.

(D) The agency shall inform the requestor of the estimated cost of copying, reproducing or preparing a copy and may require the fee to be paid prior to release of any records.

(Res. 77 of 1978, passed - -1978)

§ III.080 PREVENTION OF INVASIONS OF PRIVACY.

In accordance with the provisions of N.Y. Pub. Off. Law § 89 regarding the prevention of unwarranted invasion of personal privacy, the Records Access Officer and/or County Attorney may delete from any record identifying details, the disclosure of which would result in an unwarranted invasion of personal privacy prior to making such record available for inspection and/or copying. In the event that one or more deletion is made from any document, the Records Access Officer shall provide written notice of that fact to the person given access to the record.

(Res. 77 of 1978, passed - -1978)

§ III.081 DENIAL OF ACCESS TO RECORDS.

(A) In accordance with N.Y. Pub. Off. Law Article 6 as well as these regulations, the Records Access Officer shall make available for public inspection and copying a record as described herein, except that the Records Access Officer may deny access to a record or portions thereof that:

- (1) Is specifically exempted from disclosure by state or federal statute;
- (2) If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of N.Y. Pub. Off. Law Article 6, § 89(2);
- (3) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (4) Is a trade secret or is maintained for the regulation of commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- (5) Is compiled for law enforcement purposes and which, if disclosed, would:
 - (a) Interfere with law enforcement investigations or judicial proceedings;
 - (b) Deprive a person of a right to a fair trial or impartial adjudication;
 - (c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - (d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.
- (6) If disclosed would endanger the life or safety of any person;
- (7) Is an inter-departmental or intradepartmental material which is not:
 - (a) Statistical or factual tabulations or data;
 - (b) Instructions to staff that affect the public; or

(c) Final agency policy or determinations.

(8) Are examination questions or answers which are requested prior to the final administration of such questions.

(B) Denial of access to records shall be in writing stating the reason therefore and advising the applicant of the right to appeal as set forth below.

(Res. 77 of 1978, passed - -1978)

§ III.082 APPEALS.

Within 30 days of a denial, any person whose application to inspect and/or copy records has been denied pursuant to § III.081 of this regulation may appeal such denial to the Chairman of the Board of Supervisors at the Warren County Municipal Center, 1340 State Route 9, Lake George, New York. Such appeal shall be in writing and must set forth: the name and address of the applicant; the specific record(s) requested; the date of denial; and the reasons given for such denial. The Chairman shall, upon receipt of a written appeal, review the matter and in writing, either affirm, modify or reverse the denial. If the Chairman either affirms or modifies the denial, he or she shall, within ten workdays of receipt of the appeal, communicate his or her reasons for such affirmation or modification to the person making the appeal. N.Y. Pub. Off. Law Article 6 notes that in the event of a denial to access to a record, such person may appeal such determination under N.Y. Civ. Prac. L. & R. Article 78. Failure to respond to an appeal within the statutory time period shall constitute a denial of the appeal. The Committee on Open Government and the Warren County Board of Supervisors shall be furnished with copies of the application, and the underlying denial of the application as well as the appeal and the determination of that appeal.

(Res. 77 of 1978, passed - -1978)

§ III.083 SEVERABILITY.

If any provision(s) of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

(Res. 77 of 1978, passed - -1978)

§ III.084 EFFECTIVE DATE.

These regulations shall take effect immediately upon adoption by the Warren County Board of Supervisors.

(Res. 77 of 1978, passed - -1978)

Warren County Board of Supervisors

RESOLUTION NO. 347 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, LEGGETT, BRAYMER, WILD, MCDEVITT, DIAMOND, DICKINSON, GERAGHTY, MAGOWAN, SOKOL AND DRISCOLL

INTRODUCING PROPOSED LOCAL LAW NO. 5 OF 2018 ENTITLED “A LOCAL LAW AMENDING THE WARREN COUNTY OCCUPANCY TAX AS AUTHORIZED BY ACT OF THE NEW YORK STATE LEGISLATURE (CHAPTER 422 OF THE LAWS OF 2003)” AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 5 of 2018 entitled “A Local Law Amending the Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)”, attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and a public hearing shall be held at the Supervisors' Rooms in the Warren County Municipal Center on the 21st day of September, 2018, at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 5 of 2018, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and she hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

SCHEDULE "A"

COUNTY OF WARREN
PROPOSED LOCAL LAW NO. 5 OF 2018

A LOCAL LAW AMENDING THE WARREN COUNTY OCCUPANCY TAX AS
AUTHORIZED BY ACT OF THE NEW YORK STATE LEGISLATURE (CHAPTER 422 OF
THE LAWS OF 2003)

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

Section 1. Title & Statement of Intent.

This local law shall be entitled "A Local Law Amending The Warren County Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)". The intent of this local law is to continue an occupancy tax authorized by act of the New York State Legislature (Chapter 422 of the Laws of 2003) and originally imposed by Warren County Local Law No. 4 of 2003 entitled "A Local Law to Enact an Occupancy Tax as Authorized by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)" in addition to incorporating all of the amendments made to this Local Law since its original enactment as set forth above (the previous amendments being Local Law # 3 of 2006; Local Law #10 of 2006; Local Law #13 of 2011 and Local Law No. 6 of 2015). *This local law is intended to incorporate all of the prior amendments, and to further amend Section 3, paragraph (c) so as to clarify that the definition of hotels and motels includes short-term vacation rentals, as well as adding a new paragraph (o) to define the term "short term vacation rental."*

Section 2. Authority.

The authority for this local law is Chapter 422 of the Laws of 2003 of New York State. The authority to amend same exists by virtue of §1202-u of the New York State Tax Law and the Municipal Home Rule Law of the State of New York.

Section 3. Definitions.

When used in this local law, the following terms shall mean:

- (a) *County* - Warren County, New York.
- (b) *Effective Date* - The date set forth in Section 29 of this local law.
- (c) *Hotel or Motel* - Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast", "inn", "housekeeping cottages with four (4) or more units" and "tourist" facilities, *"short-term vacation rentals", and any other similar accommodations by whatever name designated.*
- (d) *Occupancy* - The use or possession, or the right to the use or possession, of any room in a hotel or motel. The right to the use or possession includes the right of a room remarketer as described in paragraph (n) of this section.

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- (e) *Occupant* - A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise. The right to use or possess includes the right of a room remarketer as described in paragraph (n) of this section.
- (f) *Operator* - The owner of the hotel or motel room occupied or if the owner is not operating the hotel or motel and not being paid the rent or charge for the room occupied, then any other person entitled to be paid the rent or charge for the hotel or motel room occupied, including but not limited to the proprietor, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel. Such term shall also include a room remarketer as such room remarketer shall be deemed to operate a hotel or motel, or portion thereof, thereby conferring the same rights and obligations of a hotel or motel operator on a room remarketer.
- (g) *Permanent Resident* - Any person occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days.
- (h) *Person* - An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited liability partnership, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and/or any combination of the foregoing.
- (i) *Rent* - The charge and/or consideration received for occupancy, including any and all service or charge or amount required to be paid as a condition for occupancy, valued in money, whether received in money or otherwise and whether received by the operator, including a room remarketer, or another person on behalf of either of them.
- (j) *Return* - Any document filed or required to be filed as herein provided.
- (k) *Room* - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.
- (l) *Tax Imposition Date* - The date set forth in Section 4 of this local law.
- (m) *Treasurer* - The Warren County Treasurer, or such other fiscal officer(s) as may be designated by the Board of Supervisors.
- (n) *Room remarketer* - A person who reserves, arranges for, conveys or furnishes occupancy, whether directly or indirectly, to an occupant for rent in an amount to be determined by the room remarketer, directly or indirectly, whether pursuant to written or other agreement, such person's ability or authority to reserve, arrange for, convey or furnish occupancy, whether directly or indirectly, and to determine the rent therefor, shall be "the rights of the room remarketer". A room remarketer is not a permanent resident with respect to a room for which such person has the rights of a room remarketer.

- (o) *Short-term vacation rental - "Short-term vacation rental" is defined as the rental of any dwelling unit, or any portion thereof, for fewer than thirty (30) consecutive days, including single family residences, condominiums, duplexes, town homes, apartments and other residential units. Short-term vacation rentals shall include units rented directly by the owner, as well as those rented or leased through an owner's agent or room marketer.*

Section 4. Imposition of Tax.

(a) On and after January 1, 2007, and in addition to any other tax previously authorized and imposed pursuant to Article 28 or 29 of the Tax Law or any other law, there is imposed and there shall be paid a tax of four percent (4%) upon the rent for every occupancy of a room or rooms in a hotel or motel located within the County, except that such tax shall not be imposed upon (a) a permanent resident of a hotel or motel or (b) housekeeping cottages having less than four (4) rentable units and the tax herein imposed upon the rent received by a room remarketer shall hereby be imposed and paid on or after the 1st day of September, 2015.

(b) When occupancy is provided, for a single consideration, with property, services, amusement charges or other items, the separate sale of which is not subject to tax under this local law, the entire consideration shall be treated as rent subject to tax under paragraph (a) of this section; provided, however, that where the amount of the rent for occupancy is stated separately from the price of such property, services, amusement charges or other items, on any sales slip, invoice, receipt, or other statement given to the occupant, and such rent is reasonable in relation to the value of such property, services, amusement charges or other items, only such separately stated rent will be subject to tax under paragraph (a) of this section.

(c) (1) In regards to the collection of tax on occupancies by room remarketer, when occupancy is provided for a single consideration with property, services, amusement charges or any other items, whether or not such items are taxable, the rent portion of the consideration for such transaction shall be computed as follows: either the total consideration received by the room remarketer multiplied by a fraction, the numerator of which shall be the consideration payable for the occupancy by the room remarketer and the denominator of which shall be such consideration payable for the occupancy, plus the consideration payable by the remarketer for the other items being sold, or by any other method as may be authorized by the Commissioner of the New York State Department of Taxation and Finance for the tax imposed by subdivision (c) of section eleven hundred five of the Tax Law of the State of New York, or by any other method as may be authorized by the County Treasurer. If the room remarketer fails to separately state the tax on the rent so computed on a sales slip, invoice, receipt or other statement given to the occupant in the manner prescribed in subparagraph (2) of this paragraph or fails to maintain records of all prices of all components of a transaction covered by this paragraph, the entire consideration shall be treated as rent subject to tax under Section 4(a) of this local law. Nothing herein shall be construed to subject to tax or exempt from tax any service or property or amusement charge or other items otherwise subject to tax or exempt from tax pursuant to Articles 28 or 29 of the New York State Tax Law. A room remarketer's records of the consideration payable for all components of a transaction covered by this paragraph are the records required to be maintained by Section 10 of this local law.

(2) In regard to the collection of tax on occupancies by room remarketers, including a transaction described in subparagraph (1) of this paragraph, the requirements of paragraph(b) of this section shall be

deemed satisfied if the remarketer gives the customer a sales slip, invoice receipt, or other statement of the price prior to the customer's completion of his or her occupancy, on which the amount of tax due under this local law is stated. The room remarketer must keep a copy of this invoice as required by Section 10 of this local law, or electronic records that accurately reflect the information that is on the invoice provided to the customer.

(3) In regards to the reporting and payment to the County Treasurer by room remarketers of tax due on occupancies, a room remarketer shall report such tax due, including transaction(s) described in subparagraph (1) of this paragraph, on the return due date for the filing period in which the occupancy ends, and at the time of filing such return to pay to the County Treasurer the total amount due.

Section 5. Transitional Provisions.

(a) Except as provided in paragraph (b) herein the tax imposed by this local law shall be paid upon any occupancy on and after the date set forth in Section 4 hereof, although such occupancy is pursuant to a prior contract, lease, or other arrangement. Except as provided in paragraph (b) herein, where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the date set forth in Section 4 hereof.

(b) The tax imposed by this local law upon the rent received by a room remarketer shall be paid upon any occupancy on and after the 1st day of September, 2015 although such occupancy may be pursuant to a prior contract, lease or other arrangement. Where rent is paid to a room remarketer on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent it covers any period on or after the 1st day of September, 2015.

Section 6. Exempt Organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

(a) The State of New York, any public corporation (including those created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the State;

(b) The United States of America, insofar as it is immune from taxation; and

(c) Any corporation or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 7. Territorial Limitations.

The tax imposed by this local law shall apply only within the territorial limits of Warren County.

Section 8. Registration.

(a) Unless an operator is already registered with the Treasurer under the previous local law, within twenty (20) days after the effective date of this local law, or in the case of an operator commencing business after such effective date within three (3) days after such commencement or opening, or in the case of a room remarketer conducting business on or after the 1st day of September, 2015, within twenty days after such commencement, every such operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

(b) The Treasurer shall, within five (5) days after receipt of a registration application, issue without charge to the operator a certificate of authority empowering such operator to collect the tax from the occupant for each additional hotel or motel of such operators.

(c) Each certificate shall state the hotel or motel or room remarketer for which it is applicable.

(d) Each certificate of authority shall be prominently displayed by the operators who are not room remarketers in such manner that it may be seen and brought to the notice of all occupants and persons seeking occupancy.

(e) Certificates shall not be assignable or transferable, and shall be surrendered immediately to the Treasurer upon the cessation of business at, or upon the sale or conveyance of the operator's business named in such certificate(s).

Section 9. Administration and Collection.

(a) The tax imposed by this local law shall be administered and collected by the Treasurer, or such other employees of the County as the Treasurer may designate, by such means and in such manner as other taxes which are now collected and administered or as is otherwise provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and payment of the tax.

(c) The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such rent shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer shall

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be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(d) The Treasurer may, whenever he deems it necessary for the proper enforcement of this local law, provide by order that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made by the operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after the tax imposition date, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date; and where rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the tax imposition date.

(f) Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by order provide for credit and/or refund of the amount of such tax upon application therefor as provided in Section 15 of this local law.

(g) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where, by the directive pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax imposed, the burden of proving that a rent for occupancy if not taxable, shall be upon the occupant.

(h) Where an occupant claims exemption(s) from the tax under the provisions of Section 6 of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption.

- (1) a copy of a certificate issued by the Treasurer certifying that the organization named therein is exempt from the tax pursuant to Section 6 of this local law, together with a certificate duly executed by the exempt organization setting forth the occupant's name and certifying that
 - (i) the occupant is a duly authorized agent, representative or employee of the exempt organization,
 - (ii) the occupant's occupancy is paid or to be paid by such exempt organization, and
 - (iii) the occupant's occupancy is necessary or required in the course and furtherance of, and/or in connection with, the affairs of said exempt organization; or
- (2) a properly completed, executed and certified Exemption Certificate from taxes imposed pursuant to Articles 28 and 29 of the New York State Tax Law, such certificate to be in the form and to contain the content approved and required by the New York State Department of Taxation.

Section 10. Records to be Kept.

(a) Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer may by regulation or order require.

(b) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer's duly authorized agent or employee, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 11. Returns.

(a) After the date set forth in Section 4 of this local law, and except as provided in subdivision (b) of this section, every operator and occupant, directed by the Treasurer, shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon, for the same quarterly periods and on the same dates as returns for New York State Sales and Use Taxes are filed or to be filed, except for room remarketers the return for the month of September, 2015 shall be filed with the quarterly period filing which follows September, 2015.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may by order require returns to be made and filed for shorter periods than those prescribed pursuant to subdivision (a) of this section, on such dates as the Treasurer may specify in such rule or order, where the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law.

(c) All returns shall be filed with the Treasurer within twenty (20) days from the expiration of the period covered thereby.

(d) The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this local law.

(e) The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(f) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient on its face or otherwise, the Treasurer shall take the necessary steps to enforce the filing of a properly completed and sufficient return or of a corrected return.

Section 12. Payment of Tax.

(a) Any tax imposed by this local law shall be paid by the occupant to the operator of the hotel or motel room occupied for and on account of the County, and such operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of tax to the County.

(b) The operator of the hotel or motel room shall have the same right in respect to collecting the

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tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge. In any action or proceeding brought by an owner or a person entitled to be paid the rent or charge for the purpose of collecting the rent or charge, or the tax imposed by this local law, the Treasurer shall be joined as a party.

(c) At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this local law.

(d) All taxes and other moneys required to be paid under and pursuant to this local law shall be due from the operator and paid to the Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon.

(e) Notwithstanding paragraphs (a) and (b) of this section, the occupant shall pay the tax imposed by this local law directly to the Treasurer if so ordered by the Treasurer, in which case the operator shall be relieved of the responsibility and no right to collect the same until so authorized by the Treasurer

Section 13. Bonds & Security for Payment of Tax.

(a) Where the Treasurer, in the exercise of the Treasurer's discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may by rule or order require any operator required to collect the tax imposed by this local law to file with the Treasurer a bond to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(b) Any bond so required by the Treasurer shall be issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix.

(c) In the event the Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required.

(d) The operator shall file such bond within five (5) days after the issuance of such notice, unless within such five (5) days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within five (5) days after the giving of notices thereof.

- (e) In lieu of a bond the Treasurer, in the Treasurer's sole discretion, may accept or require
- (1) securities approved by the Treasurer in such amount as the Treasurer may prescribe, with such securities to be kept in the custody of the Treasurer, and/or
 - (2) cash in such amount as the Treasurer may prescribe, with such cash to be deposited

and kept in the custody of the Treasurer.

(f) The Treasurer shall have the right at any time without notice to the operator to apply all or any portion of the bond(s), securities and/or cash to the payment of any tax and/or interest or penalties due, and for such purpose the Treasurer may exercise all rights under the bond(s) and/or may sell the securities at public or private sale without notice to the depositors thereof.

Section 14. Determination of Tax.

(a) Upon the filing of a return, the Treasurer shall determine the amount of tax due under and pursuant to this local law.

(b) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient as to the amount of tax due, the amount of tax due under and pursuant to this local law shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors.

(c) Notice of a determination under subdivision (b) of this section shall be furnished in writing to the affected operator or occupant (if the occupant has been directed to pay the occupancy to the Treasurer).

(d) Any determination by the Treasurer under subdivision (b) of this section shall finally and irrevocably fix the tax, unless

- (1) within thirty (30) days after the issuance of the notice of such determination the operator or person against whom it is assessed shall apply in writing to the Treasurer for a hearing, or
- (2) the Treasurer shall, in the Treasurer's sole discretion, reconsider and re-determine the amount of tax due.

(e) Within fifteen (15) days after the conclusion of a hearing conducted pursuant to subdivision (d) (1) of this section, the Treasurer shall give written notice of the Treasurer's determination to the person against whom the tax is assessed.

(f) Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return; provided, however, that where no return has been filed as provided by this local law the tax may be assessed at any time.

Section 15. Refunds.

(a) (1) In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid provided

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that written application for such refund shall be made to the Treasurer within one year from the payment thereof. Such application shall be in a form as the County Treasurer may prescribe.

(a) (2) Subject to the conditions and limitations provided in this section, a room remarketer shall be allowed a refund or credit against the amount of tax collected and required to be remitted under Section 4. of this local law in the amount of the tax it had previously paid to an operator or a hotel. Provided, however, that in order to qualify for a refund or credit under this section for any occupancy tax quaterly period, the room remarketer must, for that quarter, (A) be registered for occupancy tax purposes under Section 8 of this local law; (b) collect the taxes imposed by Section 4 of this local law; and furnish the certificate of authority number to the operator to whom the applicant paid the tax in its application for refund or credit if required on that form or upon request. Provided, however, that if the room remarketer requests the operator's certificate of authority number and is not provided with that number, the room remarketer may satisfy this requirement by providing the operator's name, business address, telephone number, and the address of the hotel where the occupancy took place. An application for a refund or credit under this paragraph must be filed with the County Treasurer within the time provided by subparagraph (a)(1) of this section. Where an application for credit has been properly filed, the applicant may immediately take the credit on the return due coincident with or immediately subsequent to the time the applicant files the application for credit. However, the taking of the credit on the return is deemed to be part of of the application for credit. The procedure for granting or denying the application for a credit or refund and review of these determinations shall be as provided in this section. An operator, including a room remarketer, who is paid tax by a room remarketer must upon request provide the other room remarketer with its certificate of authority number, provided that the operator's failure to do so does not change the requirement set forth in paragraph (c) herein.

(b) An application for refund or credit may be made only by the occupant, operator, or other person who has actually paid the tax.

(c) An application for a refund or credit made as herein provided shall not be complete unless the same includes copies of all documentation and evidence upon which the applicant relies in support thereof, but nothing shall prohibit or prevent the Treasurer from receiving any other evidence with respect thereto.

(d) No application for a refund or credit shall be accepted or considered unless such application has been actually received by the Treasurer within one (1) year of the payment of the tax.

(e) The determination to deny or allow a refund or credit shall be made by the Treasurer in writing, stating the reason(s) therefor, and the Treasurer shall give notice of such determination to the applicant.

(f) No refund shall be made to an operator who has collected and paid over such tax to the Treasurer unless and until such operator shall first establish, to the satisfaction of the Treasurer under such regulations as the Treasurer may prescribe, that such operator has repaid to the occupant(s) the amount of tax for which a refund is sought.

(g) The Treasurer may, in the Treasurer's discretion and in lieu of the payment of any refund

determined to be due, allow credit therefor on and against payments due from the applicant.

Section 16. Disposition of Revenues.

All revenues resulting from the imposition of the tax under this local law shall be paid into the Treasury of the County of Warren and shall be credited to and deposited in the general fund of the County, thereafter to be allocated only for tourism promotion and tourist and convention development; provided, however, that a portion of such revenue may be specifically allocated to the expense of the County in administering such tax. The revenues derived from such tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of the County of Warren, and its city, towns and villages through the promotion of tourist activities, conventions, trade shows, special events and other directly-related and supported activities. The amount retained by Warren County with respect to administering said tax shall not exceed three percent (3%) of the revenues collected from the imposition of this tax.

Section 17. Reserves.

Whenever the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 18. Remedies Exclusive.

The remedies provided by Sections 14 and 15 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under Article 78 of the Civil Practice Law and Rules pursuant to Section 24 of this local law.

Section 19. Proceedings to Recover Tax.

(a) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of Warren County in any court of the State of New York or of any other state or of the United States.

(b) Whenever an operator or other person shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or of such operator's business assets, other than in the ordinary course of business, the following provisions shall apply:

- (1) the purchaser, transferee or assignee shall at least twenty (20) days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms

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and conditions thereof and whether or not the operator has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing;

- (2) for failure to comply with the provisions of this paragraph, including but not limited to subdivision (1) above, the purchaser, transferee or assignee shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the operator, seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law;
- (3) whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by subdivision (1) of this paragraph, or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor, and shall withhold any such sums of money, property or choses in action, or other consideration, to the extent of the amount of the County's claim;
- (4) within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor, of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Treasurer claims to be due from the operator, seller, transferor or assignor, to the County;
- (5) whenever the Treasurer shall fail to give the notice required by subdivision (4) of this paragraph, within fifteen (15) days from receipt of notice of the sale, transfer and assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor;
- (6) upon receipt of the Treasurer's notice issued pursuant to subdivision (4) above stating the total amount of the County's claim, the purchaser, transferee or assignee may make payment of such claim to the Treasurer from any sums of money, property, or choses in action withheld in accord with the provisions of subdivision (3) of this paragraph, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor, and such amounts paid to the Treasurer shall be deemed satisfaction of the

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tax liability of the operator, seller, transferor or assignee to the extent of the amount of such payment.

(c) Whenever the liability of any operator or other person, including that of any purchaser, transferee or assignee, covered by this section has been wholly paid or satisfied or no longer exists, except where the liability is discharged by an order or decree in bankruptcy, the Treasurer shall

- (1) mail to such operator or other person a notice, addressed to the last known address of such operator or other person, setting forth
 - (i) the amount of the tax liability paid or satisfied,
 - (ii) that such liability has been wholly paid or satisfied or no longer exists, and
 - (iii) a statement to the effect that consumer reporting agencies must delete from a credit file any reference to the particular tax lien or claim within thirty (30) days of receipt from such operator or other person of a copy of such notice.

Section 20. General Powers of the Treasurer.

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(b) To extend for cause shown the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or such Treasury Department relative to any person, any other provision of this local law to the contrary notwithstanding;

(d) To delegate his functions hereunder to any employee or employees of the County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator within the county to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

Section 21. Administration of Oaths and Compelling Testimony.

(a) The Treasurer, or the Treasurer's duly designated and authorized employee(s) or agent(s), shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(b) The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(c) A justice of the supreme court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand (\$1,000) dollars or imprisonment for not more than one (1) year, or both such fine and imprisonment.

(e) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(f) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

Section 22. Reference to Tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

Section 23. Penalties, Interest & Violations.

(a) Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this local law shall be subject to

- (1) a penalty of five percent (5%) of the amount of tax due; plus

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- (2) interest at the rate of one percent (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may, if satisfied that the delay was excusable, cancel and remit all or part of such penalty, but may not cancel or remit any portion of the interest.

(c) All penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law.

(d) Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(e) Officers and/or members of an owner or operator corporation, limited liability company, limited liability partnership, or partnership shall be personally liable for the tax collected or required to be collected and paid by such corporation under this local law, and shall also be personally liable for the penalties and interest herein imposed.

(f) In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand (\$1,000) dollars or imprisonment for not more than one (1) year, or both such fine and imprisonment:

- (1) failing to file a return required by this local law;
- (2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is wilfully false;
- (3) wilfully failing to file a bond required to be filed pursuant to this local law;
- (4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require;
- (5) failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this local law;
- (6) assigning or transferring such a certificate of authority;
- (7) wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator;
- (8) wilfully failing or refusing to collect any tax imposed by this local law from the

occupant;

- (9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law; or
- (10) failing to keep or maintain the records required by this local law.

(g) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

Section 24. Judicial Review.

(a) Any final determination of the amount of any tax payable pursuant to this local law, as well as any final determination on an application for refund or credit under section 15 of this local law, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

- (1) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or
- (2) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(b) Where any tax imposed pursuant to this section shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 25. Returns to be Kept Confidential.

- (a) Except in accordance with proper judicial order, or as otherwise provided by law,
 - (1) it shall be unlawful for the Treasurer or any agent, employee or designee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of an operator contained in any return required under this local law; and
 - (2) the officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

(b) Notwithstanding the provisions of paragraph (a) of this section, nothing herein shall be construed to prohibit

- (1) the delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this local law; or
- (2) the publication of statistics so classified as to prevent the identification of particular returns and items thereof, or
- (3) the inspection by the county attorney or other legal representatives of the county, or by the district attorney of any county, of the return(s) of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

(c) Returns shall be preserved by the Treasurer for not less than three (3) years or for such longer period of time as the Treasurer determines.

(d) Any violation of paragraph (a) of this section shall be punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the county such officer or employee shall be disciplined in accordance with the Civil Service Law and/or any applicable collective bargaining agreements.

Section 26. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed pursuant to the provisions of this local law, or in any application made by such person, or if no return has been filed or application made then to such address as may be obtainable.

(b) The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed.

(c) Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(d) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law.

Section 27. Effect of Local Law.

This local law shall remain in full force and effect until amended, rescinded or repealed by a local law adopted by the Board of Supervisors.

Section 28. Separability.

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 29. Effective Date.

This local law shall take effect upon filing with the Secretary of State of New York.

Warren County Board of Supervisors

RESOLUTION NO. 348 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, MCDEVITT, GERAGHTY, BRAYMER AND HYDE

AUTHORIZING ADVANCE OF FUNDS FROM THE GENERAL FUND UNAPPROPRIATED SURPLUS TO THE SHERIFF'S BUDGET TO FACILITATE THE PURCHASE OF VEHICLES WITH SAID ADVANCED FUNDS TO BE REIMBURSED TO THE COUNTY UPON RECEIPT OF GRANT FUNDS TO THE SHERIFF'S OFFICE FROM THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND AMENDING WARREN COUNTY BUDGET FOR 2018

WHEREAS, the Warren County Undersheriff has advised the Criminal Justice and Public Safety Committee of the anticipated award of grant funds in the amount of One Hundred Thousand Dollars (\$100,000) to be provided by the Dormitory Authority of the State of New York (DASNY) for the purchase of four (4) police sedans, and

WHEREAS, the Undersheriff has expressed a need to order said vehicles prior to receipt of the aforementioned grant monies due to ordering deadlines for the Ford Taurus vehicles specified for purchase in the grant documents submitted for funding, and

WHEREAS, the Criminal Justice and Public Safety Committee has recommended the Finance Committee approve this request and identify a source of funding to support the vehicle purchases in anticipation of DASNY grant funding due to a public safety concern related to the lack of vehicles in the Sheriff's current fleet, and

WHEREAS, the Finance Committee has recommended the appropriation of funds in the amount of \$100,000 from the General Fund Unappropriated Surplus, with said advanced funds to be reimbursed to the County upon receipt of the DASNY grant funds, now, therefore, be it

RESOLVED, that the Warren County Treasurer, be, and hereby is, authorized to advance the sum of One Hundred Thousand Dollars (\$100,000) from the General Fund Unappropriated Surplus account to the Sheriff's Office budget to facilitate the purchase of four (4) police sedans, and, be it further

RESOLVED, that the 2018 Warren County Budget is hereby amended to increase estimated revenues in Budget Code A.3110 3384, Sheriff's Law Enforcement, Other Sheriff's State Aid, in the amount of \$100,000 upon award of grant funds and execution of related contract and to increase appropriations in Budget Code A.3110 230, Sheriff's Law Enforcement, Auto Equipment, in the amount of \$100,000, and, be it further

RESOLVED, that reimbursement will be made upon receipt by the Sheriff's Office of grant funds from DASNY.