

# Warren County Board of Supervisors

**AGENDA  
FRIDAY SEPTEMBER 21, 2018  
BOARD MEETING**



**10:00 a.m. Call Meeting to Order**

**Pledge of Allegiance - Supervisor Wild**

**Roll Call**

**Motion to approve minutes of the August 17, 2018 Board Meeting, subject to correction by the Clerk**

**Chairman calls public hearing open on proposed 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 and requests the Clerk of the Board read the Notice of Public Hearing aloud**

**Chairman calls public hearing open on proposed Warren County Local Law No. 4 of 2018 Entitled, "A Local Law Promoting the Use of Re-Useable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" and requests the Clerk of the Board read the Notice of Public Hearing aloud**

*(Note: due to the need for a SEQRA review, the Board will not act on proposed Local Law No. 4 of 2018 until the October 19, 2018 Board Meeting)*

**Chairman calls public hearing open on proposed Warren County 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 requests the Clerk of the Board read the Notice of Public Hearing aloud**

**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**

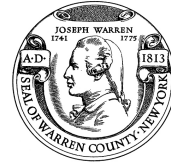
**Privilege of the Floor**

**Announcements**

**Motion to Adjourn**

# Warren County Board of Supervisors

**BOARD MEETING  
FRIDAY, SEPTEMBER 21, 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 10:01 a.m.

Mr. Ronald F. Conover presiding.

Salute to the flag was led by Supervisor Wild.

Roll called, the following members present:

Supervisors Leggett, McDevitt, Braymer, Driscoll, Frasier, Simpson, Hogan, Dickinson, Strough, Wild, Beauty, Magowan, Sokol, Thomas, Hyde, Geraghty and Conover- 20 ;Supervisors Diamond, Loeb and Merlino absent- 3

Commencing the Agenda review, Chairman Conover noted a motion was necessary to approve the minutes of the August 17<sup>th</sup> Board Meeting, subject to correction by the Clerk of the Board. The motion was made by Supervisor Hogan, seconded by Supervisor Dickinson and carried unanimously.

Proceeding with the Agenda review, Chairman Conover declared the Public Hearing on proposed 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 open at 10:03 a.m. and he requested that Amanda Allen, *Clerk of the Board*, read aloud the Notice of Public Hearing, which she proceeded to do. Chairman Conover then called for any public comment; there being no response, he declared the Public Hearing closed at 10:04 a.m.

Continuing with the Agenda review, Chairman Conover declared the Public Hearing open on proposed Warren County Local Law No. 4 of 2018 Entitled, "A Local Law Promoting the Use of Re-Useable Bags and Reducing Use of Single-Use Carry-Out Bags by Prohibiting the Distribution of Plastic Bags in Warren County" at 10:04 a.m. and he requested that Mrs. Allen read aloud the Notice of Public Hearing, which she proceeded to do. Chairman Conover then called for any public comment, noting the comments should be limited to five minutes.

Supervisor Merlino entered the meeting at 10:05 a.m.

A gentlemen advised that he had read in the local paper this morning that someone who attended the previous public hearing on the matter had suggested that the citizens take the ball on this issue through moving this to the market, indicating he would typically agree with this; however, he noted, in some cases individuals only focused on the present. He remarked that the Supervisors were responsible for ensuring that their constituents kept the future in mind. He requested that the Board assist the region in moving toward being environmentally responsible by supporting the ban on plastic bags.

Anne Lassell, *City of Glens Falls Resident*, suggested the Board members walk through their homes and take note of everything that was manufactured from plastic, noting none of these products would biodegrade back into the earth. She continued, in the middle of the Pacific Ocean there was a flotilla

made up entirely of plastic bags that was more than two times the size of the State of Texas and killed marine mammals that crossed into its pathway. She apprised she located no fewer than seven plastic grocery bags flying around during her walk at Haviland Cove Beach in the City of Glens Falls earlier this week. She remarked it was necessary to resolve this issue through the use of alternative bags. She urged the Board to approve the ban so that children did not have to live in a world with such a mess.

Ann Marie, *Warren County Taxpayer*, apprised her thoughts were from the health perspective. She said she had discussed the matter at length with her daughter, who was an environmental engineer, and her granddaughter, who was studying to be one. She stated she made a point to sit outside a grocery store the other day to observe where shoppers stored their reusable bags during which she observed a woman whose wet dogs had been sitting on the bags she brought into the store and another woman who had her children in diapers sit in top of her bags in the shopping cart. She mentioned she was aware from her prior experience working for the County in residents homes that there were several communities with bed bug and lice infestations. She pointed out if the County banned plastic bags and residents commenced with using fabric reusable ones, some of them would be from the homes with the bed bugs and lice resulting in the infestation spreading even further. She remarked she believed educating the public about proper disposal and recycling was a better way to deal with this issue than adopting a ban on plastic bags. She added she was aware that many people did not wash their reusable bags, noting she saw a gentlemen in the store the other day whose bag was covered in dried meat juice. She stated bags that were not properly washed and sanitized or were from home with bed bug infestations would cause health issues.

Lionel Lemery, *Town of Queensbury Resident*, stated he was a retired professional forester and land manager who had spent his entire life promoting professional stewardship. He voiced his support of banning the use of single-use plastic bags, advising the Board had a professional responsibility to read the June issue of *National Geographic* if they had not already done so which was entitled "Planet or Plastics". He informed the article indicated 18 billion pounds of plastic ended up in the ocean each year. He said humans had created a global environmental disaster due to their inability to manage plastic waste. In regard to the comments made at the prior public hearing regarding government intrusion, Mr. Lemery remarked he believed the Board of Supervisors not only had a duty, but a responsibility to address this issue and not kick the can down the road waiting for a higher form a government to do their job for them. He continued, the number one responsibility of the Board was to protect the health, welfare and safety of their constituents. He apprised the unregulated and un-managed plastic waste that was in society was a threat not so much to those presently here, but to future generations which was why this was being discussed today. In regards to the comment made that the marketplace and citizens should move the ball, he stated the marketplace was who created this environmental disaster as a result of it being more profitable and cheaper to produce throw away items from a non-renewable resource and continue to let the public do as they please. In response to the statement made that the ban would hurt businesses and in particular with tourism, Mr. Lemery countered with the fact that tourists could be provided with an attractive reusable bag which contained a message that explained the beauty of the region while also demonstrating the County's commitment for protecting the environment to allow tourists to continue to come here and enjoy it. He remarked he felt it would be appropriate for occupancy tax funds to be used to subsidize the production of a large quantity of these reusable bags with this message to allow the tourists to take them home with them to use in their daily life, as these bags would advertise the region to their friends and families through the promotional message on the bag about this region. In regards to the comment made that it would significantly increase costs, he advised he had obtained the large quantity of reusable bags he had in his home for free. He added that he did not believe requiring tourists to expend an extra dollar or so for a reusable bag would deter them from returning to the area. In summary, Mr. Lemery stated the County needed to address this issue, informing the most effective way to make a change was at the grass roots level

and not waiting for a higher level to do so for them. He continued, they had waited long enough for it to become a problem as supported by the fact that it was not uncommon for him to pick up a half a dozen plastic bags when he was volunteering for the Feeder Canal Alliance to clean up the waters edge and waterway. He added he had also noticed several plastic bags just out of view on the side of the road when he rode his bicycle to the Town of Queensbury Offices. He implored with them to research the global issue with plastic waste and to do the right thing by adopting a the ban on plastic bags.

Willow Hogan, *Town of Johnsbury Resident*, advised there was only one real thing they were present today to discuss and that was the future. She pointed out she had not observed anyone who was arguing against the plastic bag ban state that plastic bags were not bad for the environment or that they did not biodegrade because it was a fact that these would still be here long after a decision on the matter was made. She said she could expend an entire day providing statistics such as the fact that the average American family used 1,500 bags per year or that less than 1% of plastics in the United States were recycled, but this would not change anyone's mind. She apprised statistics assisted with helping individuals understand and surveys and studies provided background information for arguments; however, she noted, this did not really matter because it was not necessary to have those in order to see what was occurring right in front of them. She mentioned she had observed eleven plastic bags on her drive to the County today on the roadside, hanging from trees and bushes. She said there was other plastic, as well, but that could be a discussion for another day. She advised it was necessary to start somewhere to solve the issue with plastic bags. She informed since she was only sixteen she was too young to vote or to run for office herself which was why she was requesting that the Board act on this matter. She requested that they look beyond the problems of today and to look to the health and well being of tomorrow. She stated that most individuals under the age of twenty- five were in favor of the ban, as this was their future and she asked that they not add to the list of issues they were going to have to solve. She said although this was the Board's decision to make it was theirs to live with.

Bernice Menna, *Town of Fort Ann Resident*, informed although she did not live in Warren County she did the majority of her shopping there. She voiced her support of the ban on plastic bags because she felt it was the right thing to do and it could be done. She apprised it was their responsibility as individuals and as a community to move beyond the convenience and realize there is something larger than them. She stated she believed individuals littered because it was easy, but she believed society could be retrained to become more aware of the impact of their actions. She stated although banning plastic bags here would only have a minuscule impact on this global issue, it supported the fact that the community was doing its part to assist with alleviating the issue. She said this was part of that probing to ask that they look beyond individual convenience and be aware that there was a world that everyone wanted to save. She remarked she felt responsible for the world, apprising she would leave it in a better place. With regards to the comments made about the difficulties associated with the ban, Ms. Menna pointed out several cities and countries had moved forward with either a ban or imposing restrictions that made it difficult to use plastic bags thereby supporting that it was possible to implement. She stated although it was not feasible to change the entire world it was possible to make small changes that would assist with addressing the environmental issues. She concluded by urging the Board to move forward with adopting a ban on plastic bags, noting this was one of the little things that could be done to assist with the overall well being of the world which was the right thing to do.

Carol La Grasse, *Town of Stony Creek Resident*, stated that she had worked as a civil engineer for a firm whose work centered around solid waste disposal. She indicated that China was no longer accepting recycling from the United States due to the one stop recycling carried out here. She provided an overview of her and her families background with recycling, which she had been doing for seventy years. She remarked she did not believe that the plastic bags shoppers received were the cause of the issue with plastic, pointing out a lot of the clothes individuals wore contained plastic in them. She

stated she found it hard to believe the 18 million pounds of plastic mentioned by someone earlier was comprised solely of plastic bags. She informed the plastic bags provided by stores were recyclable and could be reused, re-processed and were heat generating, as well as being a good source of fuel. She stated she and her husband did not use the plastic bags from the store unless they forgot their reusable bags at home, noting Price Chopper offered a \$.03 rebate for those who brought their plastic bags back to the store to recycle. She commented she believed the proposed legislation missed the mark, as the small difference this would not have much of an impact and this was more of what she would refer to as "feel good" legislation. She informed the solution she offered consisted of the Board creating a line in the County Budget to facilitate a recycling program which made it easier for residents to access places to recycle products including plastic bags.

Joel Bobick, *City of Glens Falls Resident*, advised he fully supported the proposal made by the prior speaker, as he felt this was the most sensible solution since the majority of the issues with plastic did not necessarily relate to plastic bags. He said he did not think it was appropriate to place an unfair burden on those who purchased more groceries than what could fit in their reusable bags because they purchased more than they had originally anticipated. He remarked while he understood upon occasion plastic bags did end up in the waterways or on the side of the road he believed most responsible people tried to reuse the plastic bags they obtained from the store. He advised as previously stated the Board should be encouraging shoppers to properly recycle their plastic bags.

Chris Harrington, *City of Glens Falls Resident*, stated he would like to make a few points, the first of which pertained to the impact this would have on small businesses. He said it appeared as if the government whether it be local or State were repeatedly passing laws that negatively impacted small businesses, apprising his hope was for some of these laws to be redacted or changed. With regards to the argument that plastic bag litter was present everywhere, Mr. Harrington advised during his bike rides from the City to the Town of Lake Luzerne he had observed a significant amount of cans, disposable coffee cups, do not litter signs, but no plastic bags. He apprised if the purpose was to fix the problem than an effective law should be developed. He remarked he understood the desire to be conscious about the world and take the lead; however, he noted, he did not believe this was an issue here. He mentioned his final comment pertained to personal responsibility which he believed had gone to the wayside, noting said he always recycled plastic bags when he was done using them. He stated with regards to the fact that China was no longer accepting recycling from the United States, Mr. Harrington suggested the Board contact Hannaford or Price Chopper and inquire where these bags were taken to be recycled. He advised from his perspective of having a family of five, he felt this change would be challenging for families as large as his. He remarked that he thought a significant amount of effort was being expended for a local law that would not have a large impact on this region. He implored with the Board to listen to the public, who he felt the majority of were not in support of this law.

Travis Whitehead, *Town of Queensbury Resident*, advised if this proposed bag ban would truly reduce the hydrocarbon waste and littering that everyone was aware of than he would be requesting that the Board pursue the ban. He said he had supported the proposed ban over the past several months because he had assumed the ban would result in a reduction; however, he noted, upon further review he had grave doubts about this working. He said this was not referring to turning off a spicate on a plastic chain, but rather changing the behavior of people which would be difficult to do. He informed the plastic bags used in stores today were a half a mil thick and the County's proposal would not permit bags under 2.5 mils thick which, he noted, was five times thicker than the ones presently used. He remarked if behaviors did not change than this law would result in five times as much plastic being placed into the environment as was going in today. He mentioned even if half the residents switched to using reusable bags there would still be 2.5 times the amount of plastic put into the environment

than what was being done presently. With regards to behaviors and incentives, Mr. Whitehead stated grocery stores currently paid around \$.02 per plastic bag, but a heavier bag would more than likely cost them about five times more than that and paper bags were even more expensive with an estimated cost of \$.015 per bag. He pointed out stores attracted customers through sales, coupons and incentives which was why he doubted they would consider increasing their costs by purchasing more expensive bags for their customers to use. He continued, this was the "American Way", noting he was unsure whether the proposed legislation even addressed this. He referred to stores such as Aldi's, Sam's Club, and BJ's Wholesale Club, who required shoppers to bring their own bags or use the cardboard containers they provided in store to carry out the products purchased. He suggested that these stores be used as a model for a solution to this issue and determine what worked and encourage others to follow by offering awards to stores such as Aldi's or working with the management of stores to determine what could be done to persuade them not offer plastic bags. He apprised it would not take a lot of thought once individuals had adjusted to going without plastic bags. With regards to the water fountain outside of the Board Room which included a dispenser for plastic cups, Mr. Whitehead informed he could guarantee that unless a deposit was required for these cups that every one of them ended up being burned at the trash plant. He apprised another thing they should consider was to not miss the mark,

Bob Fallmann, *Town of Queensbury Resident*, voiced his opposition to the proposed ban on plastic bags due to the fact that he found them to be useful for several things such as lining garbage cans, picking up the trash along the road and to dispose of pet waste. He said he felt plastic bags had an "afterlife" meaning it did not have to be reprocessed to use for other purposes. He said while he did not doubt they could be found in trees upon occasion he had never found a plastic bag on the 1,250 feet of road front property he owned in the Town of Queensbury other than the once and it contained a dirty diaper which was another use he neglected to mention earlier. He remarked he did not support adopting what he referred to as patch work legislation that was not universal across the State. He cautioned the Board that adopting the proposed legislation could negatively impact tourism which the County so heavily relied on, as it was placing a burden on the visitors who came here. In response to those who had indicated plastic bags littered the bottom of Lake George, Mr. Fallman countered that he had never observed plastic bags in the portion of Schroon Lake that bordered his properties when he was snorkeling nor had one ever washed up on his beach. He stated he believed unless something had changed the trash in Warren County was burned at the burn plant in Washington County meaning these plastic bags were not contributing the filling up landfills nor were they on barges that dumped the trash in the middle of the ocean. He added these bags also provided fuel for the incinerator that produced electricity.

Jim Calvin, *President, New York State Association of Convenient Stores*, informed that their association represented chain and independent retailers in Warren County and across the State. He thanked the Board for giving him the opportunity for offering the perspective of a mini mart that would have to comply with whatever action deemed appropriate by the Board on plastic bags. He advised that thousands of Warren County resident had started their day today with a stop at a local convenience store for coffee, food, gas, etc. He explained these stores purpose was to be open and have in stock what the customer needed and to get them in an out as quickly as possible in a friendly manner. He mentioned their members strived to be environmentally responsible by recycling a significant amount of corrugated cardboard every year, hundreds of thousands of beverage containers and constantly upgraded their lighting, HVAC systems and fixtures to improve energy efficiency. He stated these businesses invested millions of dollars to ensure compliance to stringent EPA and NYS DEC standards on underground petroleum storage tanks. He informed convenient stores were in the convenience business of which one convenience they provided was a plastic bag to customers who needed them, especially for frozen or refrigerated products such as milk, ice cream or bagged ice for which paper

bags were not a viable alternative and more specifically for senior citizens or customers who were on foot. He mentioned that they had been trying to eliminate unnecessary plastic bag consumption, but they were opposed to banning plastic bags altogether. He requested that the Board keep in mind the high percentage of customers who visited their stores were unplanned unlike those to a grocery store where people are more likely to remember to bring the cloth reusable bags. He advised his association was open to discussing alternatives with the Board such as incentives to provide consumers with encouragement to switch to using reusable bags, but to date no one had contacted them to ask their opinion. He opined the only thing worse than a ban on plastic bags would be a partial ban that arbitrarily allowed favorite businesses to continue handing out plastic bags. He advised some of today's convenient stores had a wider selection of prepared foods than some restaurants and yet under the proposed law restaurants would be exempt. He questioned why this would be since a plastic bag was a plastic bag no matter where it originated from and if there was going to be a ban he felt the Board had an obligation to be fair and ban them across the board. In conclusion, he stated that their association cared about the County's environment; however, he noted a ban on plastic bags would turn convenient stores into "inconvenient stores" which was why they were opposed, but open to discussing other alternatives that would assist with achieving the goals of the full Board.

Mona J. Golub, *Representing Price Chopper/Market 32*, advised she had been misquoted in an article featuring her which was why she was pleased to have the opportunity to be present today and directly address the Board. She commenced by thanking the Board for their persistence on this issue and their desire to drive a sustainable result. She informed Price Chopper/Market 32 was fully supportive of the effort to reduce the number of plastic disposable bags in the waste stream and as such had been encouraging the conversion to heavy duty reusable bags since the early 2000's by collecting and recycling single thin film plastic from each of their stores through their resource recovery center located in Rotterdam, New York for about thirty-five years now. She mentioned unlike most retailers, as had been stated by a few different speakers today, they offered a \$.03 rebate for each bag returned to them for reuse; however, she said, their thinking expanded upon the Board's in a few notable ways. She stated the proposed legislation equated single-use carry out bags to thin film plastic alone and defined handleless paper bags as heavy duty reusable alternatives, but her organization considered handleless to be as disposable as thin film single-use plastic. She remarked failing to acknowledge the disposability of handleless paper bags and presuming that they would replace plastic ones was neither an environmentally or financially sustainable solution. She informed the carbon footprint behind the production and distribution of paper bags was wholly inefficient and reeked habit on the forests. She added despite popular myth they were more costly to recycle and they did not biodegrade easily in landfills given their inherit lack of oxygen. She apprised from the consumer perspective paper bags made an equally compelling case due to the fact that they were difficult to carry and ripped easily meaning they were rarely used for a second time. She stated the nature of disposable bags was for them to be used once, as they were not customer friendly which was essentially why paper bags went out of style forty years ago and why fewer than 1% of customers asked for them today. She added they also cost three times more than the plastic bags. She stated relative to another of the three heavy duty reusable alternatives that were proposed in the legislation was that they did not foresee slightly thicker plastic bags as a solution, as they were only fancier versions of thin film plastic bags. She pointed out the proposed law allowed for banned thin-film plastic bags to be returned to the store for reuse, advising this would create an unnecessary challenge for those attempting to comply with and/or enforce the law. She questioned why they had made an exception for take out restaurants if they were going to ban the bags for environmental reasons than the noble intent should be across all lines. She stated more conversation regarding WIC and SNAP recipients and how they would be equipped to comply with an outright ban was imperative, but she had not heard anything about this despite the fact that she had brought it to their attention similar public hearings across the State others. She advised that retailers could not be expected to supply heavy duty reusable bags to these individuals each time

they shopped and by law SNAP recipients could not be stigmatized by receiving a disposable bag that had been banned for everyone else. She informed given the \$.03 rebate their stores offered they were able to measure something their competitors were not which was that 10% of their customers returned to their stores for reuse. She said this meant 90% of the community did not meaning all of these individuals would need to change their behavior in order to comply with a ban, noting this would be a real challenge. She pointed out in Great Barrington Massachusetts where a bag ban was adopted about six years ago neither plastic nor handless paper bags were given out for free. She explained that handled paper bags were sold at cost for \$.10 as a transitional reusable alternative and as a result 75% of that community had converted to heavy duty reusable bags. She continued, in Shrewsbury Massachusetts and Brattleboro Vermont where a plastic only ban was adopted the majority of the community had converted to handless paper bags and only about 15% of those communities converted to heavy duty reusable bags. She apprised that in Suffolk County in Long Beach, New York had adopted legislation which charged \$.05 each for paper or plastic bag last year following which 80% of the community converted to heavy duty reusable bags and Warwick, New York was preparing to pass the same. She stated several other communities were discussing hybrid legislation which banned plastic bags and charged a fee for paper bags so as to discourage the use of both. She mentioned they were supportive of State-wide legislation which had a noble intent and leveled the playing field for all businesses and all consumers so as to not create inconsistencies from one municipality to the next they acknowledged the State's hesitation and believe that the best crafted legislation would come from collaborative efforts through engaged municipalities that took all of the details into consideration and applied them accordingly. She stated simply enough of those whose results most effectively diminished the disposable waste stream would serve as models for the State. She noted some retailers avoided this issue like the plague as if it would go away while others quietly accepted whatever legislation was proposed however incomplete or unsustainable without sharing their perspective or the valuable insight of their experience. She advised as integral partners to the execution of whatever legislation was ultimately adopted she felt it was important to voice their truths and contribute to its crafting. She pointed out the ultimate goal would be to diminish the use of disposable bags, both paper and plastic and how best to decrease reliance on them in favor of heavy duty reusable alternatives whether that be bags, boxes, totes, etc. She advised that they at Price Chopper/Market 32 were committed to working with engaged elected officials, consumers and environmental advocates on a long-term solution everyone could be proud of.

Stephanie Mason, *Cleverdale Resident*, commented she had no doubt that everyone who had spoken today wanted to be responsible to the environment, noting she felt a number of good suggestions had been made specifically regarding changing behaviors. She mentioned she had just returned from the United Kingdom where they required shoppers to pay for bags if they did not bring their own. She said this reminded shoppers of two things, the first of which was that they did not want to expend money for a bag and also to remember to bring a cloth bag to the store the next time they went shopping. She apprised she was not in favor of going back to using paper bags because she was aware they were not easily recycled; however, she noted, she did not like plastic bags either due to the fact that as a nation of convenience this was part of the issue in that individuals tended to ignore what was not visible to them. She stated the research supported that these plastics broke down over time into small pieces that were no bigger than a sesame seed and were in the air and were found in people's lungs, the soil, water, food, seafood, animals, waste water systems, sewer pipes and oceans, adding the floating debris that was between Hawaii and California was currently twice the size of Texas. She remarked she thought it was indicative for the United States to remain using what was convenient and she urged the Board to keep in mind even though they may not be visible, this was impacting everyone. She said she was hopeful a solution would be developed which would begin to work on changing people's behaviors.

Diane Collins, *City of Glens Falls Resident*, stated she would like to discuss the momentum that was on-

going in the community pertaining to caring for the environment. She said as an example the Town of Queensbury and the City of Glens Falls had recently been named clean energy communities. She stated the City had formed a task force comprised of citizens and elected officials to work on the steps to become a smart community. She pointed out caring about the environment had become a standard here, and she informed SUNY Adirondack was featuring a film series about the environment. She mentioned she had been expecting a louder outcry to ban plastic bags, but she did not believe this was occurring. She advised the residents were aware of the incredible waste these plastic bags created and the damage they did to the environment. She indicated her willingness to become a member of a task force whose purpose was to assist with implementing the ban. She said although the ban here would be what was considered to be a small action, it would have a significant impact through the increase of environmental awareness as the public was educated as to why this was occurring. She apprised it could not be underestimated that everyone would be allowed to participate in caring about the environment through the ban on plastic bags. She stated rather than being a deterrent to tourists it could highlighted why this action was being taken which she believed could in fact increase tourism, as visitors would enjoy coming here and the residents here would be pleased they were here. She reiterated a task force could be established with members of the public and elected officials to develop approaches for enacting the ban. She concluded by urging the Board to vote in favor of a ban on plastic bags, adding going forward they might run into some difficulties along the way, but it was in the right direction.

Michael Bittel, *President/CEO, Adirondack Regional Chamber of Commerce*, advised he had taken away a significant amount of useful information from the meeting on Wednesday night and he thanked Don Lehman, *The Post Star*, for reporting on this issue. He mentioned he and his wife were huge proponents of reusable bags and they used them, adding he was also a supporter of the environment who regularly went hunting and fishing. He stated one thing he neglected to mention the other night was that he enjoyed how much intellect and talent there was in Warren, Washington and Saratoga Counties. He mentioned during his employment at B. King Arthur Flour Company he was charged with being the lead on all of the environmental initiatives for the company which included working with their farmers to reduce water intake and output by 80% thus mitigating the fall and drop in the Ogallala Aquifer which was located in the middle of the Country. He added he also worked with the transportation division to ensure all of their transportation and energy costs were cut by 60%. He remarked it was imperative to save the environment and be mindful of the future health of the planet. He apprised that he believed everyone present had the best intentions for the environment. He said the reason he mentioned winners and losers at the previous meeting was because the proposed legislation included exceptions for certain segments of the population with regards to businesses and this to him was picking winners and losers. He stated either the bags were bad or they were good. He concluded by stating the reusable bags would have to be used 133 times in order to overcome the footprint of the ½ mil non reusable bag and the thicker plastic bags which were part of the proposed legislation they would have to be reused at minimum of five times. He stated this was referring to changing human behavior which Ms. Golub had indicated was extremely difficult to do with 90% of human behavior not changing even when bag bans were in place. He reiterated changing human behavior was difficult to do, apprising those who used reusable bags needed to be mindful that not everyone thought the same or went with the same behavior. He concluded by stating while the current proposed legislation did have good intentions it would result in more harm to the environment than good and he urged the Board to review the proposed legislation thoroughly, consider other solutions and utilize the large stores in the region, as well as the Chamber and their 800 members to develop a more appropriate action. He suggested that they review minimal recycled content in a bag, as this was something they had carried out at his previous employer which did make a difference while still overcoming the consumer habits in the United States which was hard to change even when it was with the best intentions.

Phil Wettersten, *Town of Queensbury Resident*, apprised he had spoken at the last meeting about some environmental and health concerns relating to plastic waste in the County during which he mentioned that Darren Fresh Water Institute did not currently measure for plastics content in Lake George as part of its Jefferson Project Initiative. He mentioned although it may not appear that there was plastic in the Lake everyone should remember the remarks from the diver he quoted at the last meeting. He said he had also referred to micro plastics which were remnants of larger plastics polymers that were invisible to the human eye which made their way into our bodies and the surrounding eco systems similar to BPA and other molecular health concerns. He advised ultimately environmental and other health issues were his own motivation for supporting this ban. He said he understood that others had different priorities and perspectives, more specifically those with an economic stake in the County. He remarked he was present today to address some of the concerns that those individuals had expressed about the ban. He stated before he began he would like to ensure they were aware that he had no intention of disparaging anyone with opposing views both today and at the last meeting. He apprised that many individuals had made points that he and presumably others had not considered when forming their own opinions. He mentioned he was present today because he had conducted some research and he would like to offer counterpoints and hopefully expand the conversation on five of those concerns mentioned at the last public hearing, the first of which was that the ban would result in higher costs for businesses and retail owners. He advised one thing that he found was overlooked at the previous meeting was the fact that selling reusable bags could function as an additional source of revenue for local businesses. He indicated the burdened business owners would not be the difference in price between paper and plastic bags and their reusable alternatives. He said during the five minutes he had expended researching bulk reusable bags he found reusable bags that could be purchased in quantities of 100 at \$.59 per bag. He added although this was more expensive than plastic bags they could be sold for up to \$2.00 per unit resulting in a profit. He remarked that he felt this was an excellent way to offset costs associated with switching to reusable bags. To those who would state he was not focusing on paper, he advised that he had found the grocery paper bags with handles online at a cost of \$.59 per bag and as previously mentioned the profit margin on reusable bags would be an appropriate way to offset this cost for local businesses. He informed the next remark made that he would like to respond to concerned how the County was dependent on tourism and revenue generated from such would go to neighboring counties if the ban was passed. He apprised from the business perspective he would like to point out the success of the individual at the last public hearing who mentioned he owned a store that sold beef jerky. He said this individual had indicated that his store boasted the second highest sales in the County of any firm within that institution and yet his executives did not know where Lake George was located. Mr. Wettersten mentioned first and foremost visitors come for the lake and this would not change as a result of a bag ban. He continued, companies would not pull out of the County because they were aware of that fact that if they did five other companies would be competing to take their place due to the revenue potential. He stated it was the same for local businesses and regional and international corporations where they could earn money by selling reusable bags. He informed of a great point brought up earlier pertaining to how this could function as a way to advertise Warren County tourism to other regions of the Country. He said from the perspective of a consumer Warren County was an isolated retail hub, pointing out you would have to drive over thirty minutes from the hotels in Lake George to the Wilton Mall in order to have a shopping experience similar to the outlets with the closest outlet stores located in Manchester, Vermont. He indicated the third comment he would like to provide a counter to was that this was going to feel like a tax on the consumer, advising that according to the U.S. Labor Statistics the average U.S. household expended \$550 on groceries per month which equated to about \$135 per week. He stated if he estimated worst case scenario for reusable bags and the consumer expended \$20 on an annual basis on reusable bags than over the span of the year this would equate to about \$.38 per trip to the store which had different impacts on the different classes of people; however, he noted, in the grand scheme of things \$.38 was a minimal addition to any grocery budget. He stated the fourth comment he would like to provide a rebuttal to

pertained to health concerns associated with the bags. He informed that bed sheets could cause eczema and spread MRSA if they were not washed as was the case with clothing and dish rags, as well. He stated reusable bags could be cleaned in the washing machine or just by using soap and water. With regards to the comments made by Mr. Bittel at the last meeting that they should let the market move this ball, Mr. Wettersten advised he did not claim to be an expert on the business climate in the County like Mr. Bittel; however, he noted, he had recently completed his undergraduate degree in economics and he was well aware of the theory Mr. Bittel was referencing. He informed capitalist economic theorists suggested that there were economically efficient levels of pollution which were impossible to quantify at the end of the day, but these levels fell to very specific marginal cost benefit analysis. He said this meant if a local community was expending \$400,000 to save an additional one pound of waste from entering the environment it would be interpreted as the cost outweighed the benefit; however, he noted, in the majority of scenarios this economically efficient level in communities was above what was considered to be socially optimal. He continued, socially optimal was an admittedly subjective concept and difference between individuals, but the notion of guiding the market in this theoretical area was why there were real world policies, admission taxes and miles per gallon requirements on cars. He explained the issue with this theory in the instance of Warren County was that the market required perfect information to reach a truly optimal point meaning perfect knowledge and the exact benefits and consequences associated with plastic bag use in order to arrive at a truly optimal market level. He continued, unfortunately as he had previously mentioned scientific organizations within Warren County did not have data on plastic levels in the environment so there was no way to know for sure how bad the issue may be. With regard to cost, he stated that he had demonstrated that the cost to businesses and consumers might not be as daunting as individuals originally thought at first glance. He mentioned after all this was said he did not feel the plastic bag was the most significant threat to human environmental health in the County, but he did believe that everyone would agree they would be making the ecologically safe decision by implementing the ban. He remarked he believed shaving the top off of the iceberg mentioned earlier may not be the most meaningful in sense of its gross size, but it was a very symbolic and important step in laying the first brick on the road to a cleaner future. He apprised with what he had presented today he felt it made perfect sense to implement this ban in the County, noting retailers would not suffer decreased profits, tourists would not flock to other counties to make their purchases, households would not bear the burden of a substantial bag tax and human health would not deteriorate from human bag usage. He continued, all the while the County would be invaluable reducing the amount of plastic making its way into our bodies and the ecosystem even if we were unsure as to the exact magnitude. He implored with the County to take the lead on this issue because of the beautiful landscape, noting they should not be gambling with the place they were fortunate enough to call home.

Catherine Atherdon, *Town of Queensbury Resident*, apprised that she would be pleased if the County concentrated more efforts on recycling, but according to the statistics she had read even after offering a significant amount of education on the matter only 5-15% of plastic was recycled. She said she interpreted this to the fact that the community was so addicted to convenience that they were not paying too much attention. She stated she could attest to the fact that change was not easy through her work over the past three years on this initiative. She encouraged anyone who had not watched the movie "Bag It" to do so, as it was as informative as the article regarding plastics featured in *National Geographics*. She mentioned she would be pleased if individuals took responsibility for their environment and did the right thing, but they did not. She informed single-use plastic bags had a cost which was passed on to the consumer. In response to the comments made by Mr. Bittel at the previous public hearing pertaining to the States that had originally imposed a bag ban and/or reduction, but then rescinded them, Ms. Atherdon countered according to her research this was not accurate. She said what really occurred was certain municipalities in the State instituted bag bans following which the State adopted a law that essentially negated any bans from transpiring due to the pressure the State

had gotten from the plastic bag industry. She remarked it made no sense to her nor should it make sense to anyone that a non-renewable resource which took hundreds of thousands of years to create was being used to produce products such as single-use plastic bags which were only used typically once or twice at the most before they were thrown away. She added as previously stated by others plastics were never truly thrown away since they broke down into tiny particles which ended up in waterways, air and fish ultimately impacting everyone. She informed the County was not an island where plastic only existed outside of its borders, apprising it was part of the world. She concluded by urging the Board to move forward with implementing a ban or reduction on single-use plastic bags either through a ban or some other method, encouraging the Board not to set this aside and take no action in the long-term. She concluded by suggesting that they involve the community and take some form of action.

Tom Krivitski, *City of Glens Falls Resident*, advised his search this morning found studies by Governor Cuomo and the NYS DEC regarding this issue and how it had a worldwide impact. He said changing behavior was difficult to do since everyone was habitual with their thoughts and actions. He mentioned it was human nature not to think very far into the future and what was really required was a paradigm shift away from the chemical industry. He said while he understood this issue was a small facet of the global issue with plastics, but the longest journey's started with single steps. He implored with the Board on behalf of their constituents health and the future of the world to adopt the proposed law.

Chairman Conover called once again called for any comments regarding the proposed Local Law No. 4 of 2018; there being none, he declared the Public Hearing closed at 11:19 and he announced there would be a short recess.

Recess was held from 11:19 a.m. until 11:28 a.m.

Upon reconvening, Chairman Conover announced for the record all correspondence both for and against the proposed ban on plastic bags would be entered into the record and copies had been distributed to the full Board.

Resuming the Agenda review, Chairman Conover declared the Public Hearing open 11:29 a.m. on proposed Warren County 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 he requested that Mrs. Allen read aloud the Notice of Public Hearing, which she proceeded to do. Chairman Conover then called for any public comment.

Gina Mintzer, *Executive Director, Lake George Regional Chamber of Commerce & CVB*, applauded everyone involved with writing this amendment, as she believed this was an appropriate first step to take for them to work with short-term vacation rentals with the goal of leveling the playing field of the short-term vacation rentals with those who were currently abiding by the Warren County Occupancy Tax Law within the hospitality and accommodations industry. She stated looking to the future she hoped they could all work together on what the next steps would be once the amendment took place in terms of regulating those short-term vacation rentals.

Mr. Whitehead stated he had no issue with the proposed legislation other than the fact that it changed a definition that was placed in there by the State in 2003. He said he felt the State should be the one who should change this definition, adding he did not believe this would be difficult to get them to do and he hoped Assemblyman Stec and Senator Little would review matters such as this.

Chairman Conover called once again called for any comments regarding proposed Warren County Local Law No. 5 of 2018 Entitled, "A Local Law Amending the Warren County Occupancy Tax as Authorized

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 21, 2018**

---

by Act of the New York State Legislature (Chapter 422 of the Laws of 2003)”; there being none, he declared the Public Hearing closed at 11:31 a.m.

Continuing with the Agenda review with the report by the Chairman of the Board, Chairman Conover advised he had attended the joint Personnel & Higher Education and Finance Committees meeting on August 7<sup>th</sup> along with representatives from Washington County at SUNY Adirondack during which their Capital Plan was reviewed and approved. He mentioned later that afternoon he had attended the ribbon cutting ceremony for Adirondack Hall at SUNY Adirondack with Supervisors Sokol, Geraghty and McDevitt and he encouraged all who had not had the chance to take a tour to do so, as he was thoroughly impressed by this facility which was an asset for the College. He advised he had applauded the efforts of the County Administrator for his work on the Warren County Shared Services Property Tax Savings Plan at the August 13<sup>th</sup> meeting of the State-Mandated Shared Services Panel which was subsequently approved by the Panel members. Chairman Conover apprised he had toured Countryside Adult Home with Supervisors Frasier and Simpson on August 18<sup>th</sup>, noting he was pleased with how clean and well managed the facility was. He added due to the age of the facility he felt it was likely they would be entertaining some requests for items that needed to be addressed in the future. He informed he had attended a meeting of the EMS Task Force later that day during which they reviewed a substantial amount of information that would aid them with future decision making. In conclusion, Chairman Conover advised he had the opportunity to attend the grand opening of the new Adirondack Information Center located between exits 17 and 18 of the Adirondack Northway and he encouraged anyone who had not had a chance to visit the facility to do so. He stated he thought the Center was an asset to the region as a gateway along the Corridor.

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

Supervisor Wild indicated he had nothing to report on.

Supervisor Beaty advised the County’s Shared Services Committee had not met last month, but he would like to acknowledge Ryan Moore, *County Administrator*, for the outstanding work he had done preparing the Warren County Shared Services Property Tax Savings Plan. He thanked the public who attended the meeting today and voiced their opinions, as he believed this was democracy at its very best. He said everyone’s comments were civil and well thought out and all were respectful of each individuals view point. He remarked what he had observed today and Wednesday night provided him with hope that at least in Warren County they were headed into the right direction.

Supervisor Magowan stated that he was thoroughly impressed with the plan Mr. Moore had put together pertaining to shared services. He added he would also like to thank everyone who had attended the public hearing on Wednesday night and this morning on plastic bags, as he found all of the comments to be very informative.

Supervisor Sokol informed the Finance Committee had met on August 30<sup>th</sup> and again on September 7<sup>th</sup>, approving proposed Resolution Nos. 349-350 and 377-383. He acknowledged the staff of SUNY Adirondack for the exceptional work growing the College to where it was today. Supervisor Sokol advised he was not only impressed, but also energized by the attendance at the meeting on Wednesday night, as well as this morning and he pointed out how this demonstrated the interest in this matter. He said he believed they should take one of the suggestions made and create a task force to assist with determining what the next step would be moving forward. 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 sales tax collections remained slightly more than 5% than the previous year and Standard & Poor's had continued the County's stellar bond rating of AA stable. He apprised yesterday the County had its annual independent audit review which was attended by Chairman Conover and Mr. Thomas following which no deficiencies were found. He explained this meant his offices records were accurate and a true representation of the financial state of the County. He mentioned everyone would receive a copy of the final audit by the end of this month as required by law. With regards to occupancy tax collections, Mr. Swan stated they were up over 20% from the same time last year; he apprised the new employee in his office who was charged with conducting audits of businesses to determine if they were providing the County with the correct amount of occupancy tax had already conducted four on-site audits, as well as several desk audits during which they determined one property should not be collecting occupancy tax and two properties that had not been paying should have been. He added they also discovered a property who had been paying considerably less than they were supposed to be.

Supervisor Beaty asked for clarification as to what the audits had found thus far pertaining to occupancy tax and Mr. Swan responded of the four on-site audits conducted, one property should not have been collecting occupancy tax and the other audits found no issues. He continued, following the completion of a desk audit they had determined one of the properties was significantly underpaying and while out in the field they had come across a few properties that had not been paying at all that should be. Mr. Geraghty questioned what action was taken on the properties that were not paying that should be and Mr. Swan replied that he was in the process of working on a policy. He stated his office worked well with the County Attorney's Office to collect from those who did not make payments or who underpaid. In regards to the individual who paid, but should not have, he informed they would be refunded for the amount they paid in. Supervisor Dickinson inquired whether occupancy tax collection was up 20% for the year and Mr. Swan responded that it was up slightly more than that. Supervisor Wild questioned how many years back they went when they audited properties and Mr.. Swan replied currently they were conducting audits for 2017. Supervisor Wild asked whether there were any plans to review years prior to 2017 and Mr. Swan replied they would look further back on any properties who had underpaid severely.

Supervisor Sokol advised he had been a part of the on-going negotiations with Rich Airt for FBO (*Fixed Based Operator*) services at the Airport. He said he hoped to bring forth an agreement for the Committee to consider at next month's County Facilities Committee meeting. Supervisor McDevitt added that he was aware that the information had been forwarded to the County Attorney's Office to draft an agreement with Mr. Schermerhorn to enable the process to move forward. Ms. Kissane stated she had been directed to put together a list of all of the financial agreements which would be presented at the October 1<sup>st</sup> County Facilities Committee meeting following which the Committee would determine how they would like to move forward.

Supervisor Thomas stated the Budget Committee did not meet over the past month; however, he noted he, Mr. Moore and the Budget Team had met individually with each Department Head and their corresponding Committee Chair to review their 2019 Budget Requests. He said all of the Department Heads had submitted their Budget requests by the deadline of last Friday and he was in the process of reviewing what had been submitted. He informed expenses were up 5.35% or \$2.3 million and in next few weeks each Department Head would review their Budget Requests with their respective Committees. He indicated that he believed it was possible to cut the expenses to ensure they remained at a more reasonable level.

Supervisor Hyde indicated she had nothing to report on.

**WARREN COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING**

**FRIDAY, SEPTEMBER 21, 2018**

---

Supervisor Geraghty stated that the Personnel & Higher Education Committee had approved proposed Resolution Nos. 374-376 and he provided a brief overview of each. He thanked the Board for allowing he and Supervisors Simpson and Merlino to attend the conference at the White House along with other local government representatives from around the State and from New Jersey on August 22-23, 2018. He said on August 23<sup>rd</sup> they had met with various White House staff over a four hour period which he found to be very informative regarding matters such as the opioid crisis, farming, education, etc. He advised this was the first year anything like this had been offered to local governments and he encouraged all to attend if another opportunity were to arise in the future. With regards to the sewer project for Countryside Adult Home, Supervisor Geraghty informed work would commence on installation of the pipeline in the ground on Monday. He said this would pose some challenges for the Town of Warrensburg due to the fact that the Worlds Largest Garage sale was scheduled for the upcoming weekend which attracted about 50,000 visitors, but they would make due so as not to delay the work. Supervisor Geraghty informed the APLGRB (*Adirondack Park Local Government Review Board*) had attended a meeting with the new acting APA (*Adirondack Park Agency*) Commissioner last Friday during which they had been able to make their case regarding the lack of cell phone coverage in the County's portion of the Adirondack Park. He stated he felt it was imperative for everyone to be aware that many of the Board members served on outside agency Committees such as the APLGRB advocating on behalf of the residents of the County.

Supervisor Leggett reported the Criminal Justice & Public Safety Committee had met on August 27<sup>th</sup>, approving proposed Resolution Nos. 353-359 and he provided a brief summary of each. He reported on the September 18<sup>th</sup> meeting of the EMS Task Force during which the EMS Coordinators for the Office of Emergency Services reviewed budget comparisons of the five EMS Squads in the northern portion of the County. Supervisor Leggett stated he would fill in for Supervisor Loeb, who was absent today due to the fact that he was conducting first aid relief in the Carolinas and report on the August 27<sup>th</sup> Support Services Committee meeting where no resolutions were approved.

Supervisor McDevitt echoed Chairman Conover's comments relative to the new Visitors Center located between Exits 17 and 18 of the Adirondack Northway, as he was thoroughly impressed with the facility. He remarked he thought this was one of the nicest visitors center he had ever been to and set the stage for tourism in the Adirondacks. He pointed out the Center included kiosks, audio visual graphics and vending machines which only sold products produced in New York State such as Nettle Farms located in the Town of Thurman. He stated the building incorporated all of the latest environmental technology and met all the higher standards and the parking area included an electrical charging area for electrical vehicles which would become more common in the future. He acknowledged the State leaders for recognizing that tourism was a major source of revenue for the local municipalities, as well as the State.

Supervisor Braymer apprised she had nothing to report on.

Supervisor Driscoll indicated he had no Committee report, but he would like to state for the record that he was impressed with the turnout for the public hearing on Wednesday evening, as well as the one that took place this morning. He added that the public was always welcome to attend any of the Board or Committee meetings during which time was set aside for the public to comment on any matters.

Supervisor Frasier advised the Health, Human & Social Services Committee had met on August 21<sup>st</sup>, approving proposed Resolution Nos. 362-366 and she provided a brief overview of each. She stated that she had attended the Summer Youth Picnic and Awards Ceremony last month which was a success and she commended Chris Hunsinger, *Director, Employment & Training Administration*, and his staff for their work on this program. Supervisor Frasier acknowledged the work the Department Heads did to keep their budgets down, as she believed they were looking out for the best interest of the County and

its taxpayers.

Supervisor Simpson stated the Public Works Committee had met on two occasions this month, the first of which was on August 20<sup>th</sup>, approving proposed Resolution Nos. 368-372 and he provided a brief summary of each. He said the purpose of the August 30<sup>th</sup> meeting was to discuss the ongoing issues with the County Railroad and the removal of the equipment off of the property that was not County-owned, apprising County Attorney's Office was working with the legal counsel for the County on the matter to ensure the removal occurred in as timely of a manner as possible. Supervisor Simpson thanked the Board for affording him the opportunity to go to Washington D.C., as he found everyone they had met to be very helpful and open to assisting the County on any matters they could be provide assistance on. He encouraged anyone who had not taken a trip there to do so, as it was someplace he felt they should familiarize themselves with as elected officials. He thanked Supervisors Driscoll, Sokol and Thomas for taking the time this morning to attend the ribbon cutting ceremony with him for the new greenhouse at Cornell Cooperative Extension. He voiced how impressed he was with the professional grown plants and he encouraged anyone whose schedule permitted to stop by this weekend to pick up their fall flowers. He said this was a testament to what their organization was all about and what they did and how they were integrated into the community. With regard to broadband and cellular service, Supervisor Simpson informed the Association for Towns and Villages were working as diligently as possible to solve this issue in the Adirondacks and in the County, as these services were critical to public safety.

Supervisor Hogan indicated she had no Committee report, but would like to make a few comments, the first of which pertained to the EMS Task Force meeting. She acknowledged Brian LaFlure, *Director, Office of Emergency Services/Fire Coordinator*, and the EMS Coordinator for the work they had done compiling all of the financial data from the EMS squads in the northern portion of the County, as she was well aware of the amount of effort they had expended to gather this information. She apprised she had also attended the Youth Bureau meeting where they recapped the summer recreation programs and she said she could not stress enough how impressed she was with the number of youth being served through that program.

Supervisor Dickinson apprised much like many of them he was impressed with the two public hearings and how a significant number of people who were all well spoken and had valid points had voiced their opinions. He said he had taken notes on some of the things that were brought up that he would like to look into further. He encouraged everyone who had not had a chance to visit the Visitors Center located on the Adirondack Northway between exits 17 and 18 to do so, as he was thoroughly impressed with the facility. He pointed out sandwiches from a local café were sold there, as well as ice cream, products from Oscars Smoke House and many other business that were located in the Adirondacks. He thanked Ms. Mintzer for taking charge of the vending offered at the facility, as this had been a significant job to take on. He said all of this was managed by the Lake George Chamber of Commerce & CVB who presently had four employees to maintain the facility. He explained all of the vendors would be receiving records pertaining to how much of their products were selling and what was not.

Supervisor Merlino stated the Tourism Committee had not met last month, but they would be meeting on October 2<sup>nd</sup>. He commented he believed the sign for the new Visitors Center should state "Gateway to the Adirondacks Tourism Facility" and he suggested everyone check out the vending machines at the facility, apprising they were specifically made so that local products could be packaged for the vending machines which, he noted, took a significant amount of effort. He credited Governor Cuomo for taking care of the County and he acknowledged Senator Little for ensuring the project was completed. He indicated the Facility was one of the nicest in the State and he believed they should all be proud that it was located here. Supervisor Merlino advised he was encouraged by the information

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 21, 2018**

---

presented at the EMS Task Force meeting and he hoped a plan would come to fruition. He apprised he had a great time in Washington D.C., advising that he found it to be very informative.

Supervisor Strough advised that the Legislative & Rules Committee had sponsored proposed Resolution No. 367 which he provided a brief summary of. He stated that he had participated in the Cornell Cooperative Extension Golf Tournament Ar Cronins Golf Resort in the Town of Warrensburg. Supervisor Strough informed he had attended the ribbon cutting ceremony for the Visitors Center, as well and was thoroughly impressed with the facility. He thanked Mr. Moore and provided him with admiration for his efforts working on Warren County's Shared Services Property Tax Savings Plan. Supervisor Strough mentioned he found the two public hearings held on the proposed plastic bag ban to be very informative and he acknowledged Supervisor Braymer for brining this matter to the forefront. He said he found great value in the discussion concerning the harm plastic caused to the environment, apprising the Board would continue to work on the matter.

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

- \* Gregory Riley for 20 years of service to the Sheriff's office;
- \* Dana Hall for 30 years of service to Public Health;
- \* Diane Decesare for 25 years of service to Public Health;

Mr. Moore read aloud a listing of the meetings he attended since the August 17<sup>th</sup> Board Meeting; a copy of which is on file with the items distributed at the Board Meeting.

Privilege of the floor was extended to Ms. Kissane to provide a report from the County Attorney. Ms. Kissane advised she had three items she would like to bring to their attention, the first of which pertained to proposed Resolution No. 379, *Approving Settlement Agreement to Deed Tax Map Parcel No. 211.17-2-19 Located at 30 River Street in the Town of Warrensburg to Cynthia L. Commarto*, apprising that she would like to confirm that the property was current on all of its taxes. She recognized Amy Lavine, *Second Assistant County Attorney*, for her excellent work arguing in front of the Appellate Division Third Department on September 6<sup>th</sup>. She encouraged anyone who would like to discuss this litigation to contact her or Ms. Lavine directly. In conclusion, Mr. Kissane announced she had hired a new employee to replace Joan Sady, *Secretary to the County Attorney*, when she retired in December. She said Mrs. Sady was working with this individual four days per week to get them up to speed before she left in December.

Supervisor Braymer inquired about the Second Assistant County Attorney position, which she recently learned had been filled with an individual who was not a licensed attorney. She questioned how this occurred since in March of this year the full Board had unanimously voted to not permit that office to create a new position of Attorney Intern for a salary of \$48,000 for an individual who had recently graduated, but not yet an attorney. She continued, in that same month the salary of the Second Assistant County Attorney position was increased from \$52,000 to \$60,567. She stated her point was that she was unsure why they had an individual working in this capacity who was not yet a licensed attorney when in fact they did not want to pay that individual \$48,000. Chairman Conover advised he was sure Ms. Kissane would be pleased to meet with Supervisor Braymer at any time to discuss the matter further. He added this matter could be taken up during the Support Services Committee meeting. Ms. Kissane apprised the individual in question had taken the New York State Bar Exam in July and the results would be available by October 20<sup>th</sup>. She informed the Committee had approved her request in February of this year to fill the Second Assistant County Attorney position. She said in an attempt to keep the best interest of the County in mind she had requested change that position into an Attorney Intern position, but the request was denied by the full Board. She indicated as a result of

**WARREN COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING**  
**FRIDAY, SEPTEMBER 21, 2018**

---

this action her only choice was to hire that individual for the Second Assistant County Attorney position. Supervisor Braymer remarked she thought the point of the discussion at that Board meeting was to prevent hiring someone who was not qualified for the position. Chairman Conover advised that Ms. Kissane had placed this individual into the only one that was available within her offices organizational structure and the appropriate place for this discussion to take place was during the Committee meeting. Supervisor Braymer indicated she felt the departments organizational structure and the salary of that position should be reviewed. She added she also wanted to ensure this individual was not meeting with the County Department Heads and advising them with no supervision. Resuming the Agenda review, Chairman Conover called for the reading of communications, which Mrs. Allen read aloud, as follows:

Reports from:

1. Warren County Probation Department Monthly Reports of Criminal and Family Workloads for May and July of 2018 (*emailed to the Board 09.17.18*)
2. Adirondack North Country Association 2017 Annual Report (*emailed to the Board 09.06.04*)
3. National Grid semi-annual PCB Inventory Report dated August 31, 2018 (*emailed to the Board 09.06.18*)

Minutes from:

None.

Letters/emails from:

1. North Country Chamber of Commerce encouraging continued preservation of the Saratoga - North Creek rail line, as well as the extension to Tahawus, as commitments to the Adirondack transportation infrastructure (*emailed to the Board 09.06.18*)
2. New York State Office of Parks, Recreation & Historic Preservation Informing that on September 14, 2018 the Queensbury Hotel was added to the National Register of Historic Places (*emailed to the Board on 09.20.18*)
3. United States of America Federal Energy Regulatory Commission order approving revised Exhibit F Drawings, as issued on September 4, 2018 (*emailed to the Board 09.17.18*)

Other:

1. Capital District Regional Off-Track Betting Corp. July payment in the amount of \$5,034. (*emailed to the Board 09.06.18*)
2. Washington County Board of Supervisors Resolution No. 203 of 2018, *Appointing Michael Wild as a member of the Warren and Washington Counties Industrial Development Agency and Civic Development Corporation* (*emailed to the Board 09.06.18*)

Supervisor Hyde exited the meeting at 12:25 p.m.

Continuing to the reading of resolutions, Mrs. Allen announced proposed Resolution Nos. 349-383 were mailed. She informed that Resolution Nos. 384 and 385 were developed after the mailing and a motion was required to bring them to the floor; the necessary motion was made by Supervisor Simpson and seconded by Supervisor Dickinson.

Mr. Wild apprised that proposed Resolution No, 384, *Authorizing Airport Real Property Lease Agreements with Schermerhorn Aviation, LLC for Hanger No. 7 and Hangar No. 8 at the Floyd Bennett Memorial Airport, Warren County, New York*, was not discussed at the last Committee meeting, apprising he had some concerns with the forty year length of the contract. He said he would have liked to have some time to discuss this, as he believed they needed to consider valuing the rate based upon

the value of the property after a ten year period. He continued, instead they were locking themselves into a good deal for a private entity for a forty year term. Chairman Conover stated the matter was discussed and approved at the July 30<sup>th</sup> County Facilities Committee meeting, but this could be investigated further during the portion of the meeting where resolutions were discussed. Supervisor Braymer inquired when this had been discussed in Committee and Chairman Conover reiterated that they could discuss the matter further before they voted on resolutions. He said the motion before them was to bring the proposed resolution to the floor so they could discuss the matter further. Chairman Conover called the question and the motion to bring proposed Resolution Nos. 384 and 385 to the floor was carried unanimously.

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

Supervisor Driscoll requested a roll call vote on proposed Resolution No. 366, *Amending Agreement with Northeast Parent & Child Society, Inc. to Provide Specialized Mental Health Respite Services for the Office of Community Services to Increase the Amount of the Agreement*, due to the fact that he worked on a per diem basis for the organization articulated in the proposed Resolution.

Supervisor Sokol requested a roll call vote on proposed Resolution No. 377, *Authorizing Payment to Lake Champlain-lake George Regional Planning Board*.

Supervisor Strough requested a roll call vote on proposed Resolution No. 383, *Supporting the Adirondack Community College Capital Improvement Plan for 2019-20*.

Returning to discussion on proposed Resolution No. 384, *Authorizing Airport Real Property Lease Agreements with Schermerhorn Aviation, LLC for Hanger No. 7 and Hangar No. 8 at the Floyd Bennett Memorial Airport, Warren County, New York*, Supervisor Braymer stated she had asked whether the proposed lease had been discussed by the Committee because had it not been she would have voted in opposition of it being brought to the floor today. She questioned how long the leases were on the other T-Hangars that were leased to Mr. Schermerhorn at the Airport and Ms. Kissane responded these leases were all for forty years. Mr. Dickinson asked whether the forty year term related to the life expectancy of the building and Chairman Conover responded he thought what they were dealing with was a land lease and at the end of the term the buildings became County property. Ms. Kissane added she could only assume the reason for the forty year term related to the fact that the General Municipal Law permitted specifically a forty year lease for ones located at airports; however, she noted, she could not state this was why Schermerhorn had requested this term.

Supervisor Wild apprised he had just reviewed the Committee meeting minute from July where this matter was discussed, but there appeared to be minimal discussion regarding such. He stated for this reason he would like to table proposed Resolution No. 384.

Motion was made by Supervisor Wild, seconded by Supervisor Braymer and carried by majority vote, with Supervisor Magowan abstaining, to table proposed Resolution No. 384, *Authorizing Airport Real Property Lease Agreements with Schermerhorn Aviation, LLC for Hanger No. 7 and Hangar No. 8 at the Floyd Bennett Memorial Airport, Warren County, New York*, and to return to Committee for further discussion.

Supervisor McDevitt advised he would like to comment on what just occurred in terms of equity and fairness. He said they had an arrangement that everyone was aware of for a significant amount of time which was discussed at the Committee meeting and yet at the last possible moment it was tabled due

**WARREN COUNTY BOARD OF SUPERVISORS**

**BOARD MEETING**

**FRIDAY, SEPTEMBER 21, 2018**

---

---

to the suggestion that a forty year land lease was too generous to Mr. Schermerhorn. He indicated his only comment was that it was unfair to wait until the last minute to table the matter. Chairman Conover interjected that there was no debate on a motion to table.

Supervisor Braymer remarked while she was fully supportive of proposed Resolution No. 371, *Authorizing an Agreement with Thurman Connection Snowmobile Club to Allow Snowmobiles to Use County Railroad Right-of-way Property from Mp68.30 (Town of Stony Creek) to Mp72.85 (Town of Thurman)*, she wondered why they could not use it for other purposes, as well such as hiking and bicycling.

There being no further discussion, Chairman Conover called for a vote on resolutions, following which Resolution Nos. 349-385 were approved as presented, with the exception of proposed Resolution No. 384, which was tabled.

Chairman Conover called for public comments from anyone wishing to address the Board on any matter, but no response was given.

Chairman Conover called for announcements.

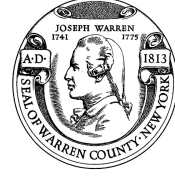
Supervisor Braymer asked that everyone keep a watchful out for the thousands of individuals, including herself, who were running in the Reebok Ragnar Adirondacks race this weekend heading up to Ticonderoga and then over to Lake Placid.

Supervisor Driscoll thanked the Board for including the Proclamation which recognized October as Domestic Violence Month in Warren County, as well as the one declaring September National Youth Court Month.

There being no further business to come before the Board of Supervisors, on motion made by Supervisor Dickinson and seconded by Supervisor Thomas, Chairman Conover adjourned the Board Meeting at 12:38 p.m.

# Warren County Board of Supervisors

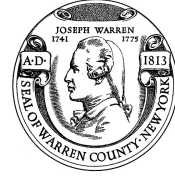
**SEPTEMBER 21, 2018**  
**BOARD MEETING**  
**INDEX**



<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
PR08		<b>PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH</b>
PR09		<b>PROCLAMATION - NATIONAL YOUTH COURT MONTH</b>
349	ROLL CALL	<b>FINANCE - MAKING SUPPLEMENTAL APPROPRIATIONS</b>
350	ROLL CALL	<b>FINANCE - AMENDING WARREN COUNTY BUDGET FOR 2018 FOR VARIOUS DEPARTMENTS WITHIN WARREN COUNTY</b>
351		<b>COUNTY FACILITIES (<i>BUILDINGS &amp; GROUNDS</i>) - RATIFYING THE ACTIONS OF THE CHAIRMAN OF THE BOARD REGARDING EXECUTION OF AN EXTENSION AGREEMENT WITH CONSTELLATION ENERGY SERVICES OF NEW YORK, INC. AS THE PREFERRED ELECTRICAL SUPPLIER THROUGH THE MUNICIPAL ELECTRIC &amp; GAS ALLIANCE (MEGA)</b>
352		<b>COUNTY FACILITIES (<i>AIRPORT</i>) - AUTHORIZING AGREEMENT WITH ADIRONDACK HOT AIR BALLOON FESTIVAL, INC., AND AUTHORIZING USE OF FLOYD BENNETT MEMORIAL AIRPORT - WARREN COUNTY, NEW YORK FOR 2018 ADIRONDACK HOT AIR BALLOON FESTIVAL</b>
353		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>DISTRICT ATTORNEY</i>) - RATIFYING THE ACTIONS OF THE DISTRICT ATTORNEY AND THE CHAIRMAN OF THE BOARD WITH REGARD TO SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR A STATE AID TO PROSECUTION GRANT AND ACCEPTING GRANT FUNDING</b>
354		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>DISTRICT ATTORNEY</i>) - AUTHORIZING SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR A LEGISLATIVE INITIATIVES GRANT AND ACCEPTANCE OF GRANT FUNDING</b>
355		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>DISTRICT ATTORNEY</i>) - AUTHORIZING EXECUTION OF AN APPLICATION TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR CRIMES AGAINST REVENUE PROSECUTION (CARP) FUNDING FOR THE DISTRICT ATTORNEY'S OFFICE</b>

# Warren County Board of Supervisors

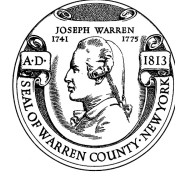
**SEPTEMBER 21, 2018**  
**BOARD MEETING**  
**INDEX**



<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
356		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>PUBLIC DEFENDER</i>) - AUTHORIZING EXTENSION OF THE CURRENT AGREEMENT WITH LEXISNEXIS FOR A SUBSCRIPTION FOR A LAW LIBRARY RESEARCH SYSTEM AND AUTHORIZING CONTINUATION OF THE AGREEMENT FOR AN ADDITIONAL THREE YEAR TERM FOR THE PUBLIC DEFENDER'S OFFICE</b>
357		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>SHERIFF</i>) - AUTHORIZING CONTINUATION OF INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT BETWEEN WARREN COUNTY AND NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) TO PROVIDE FOR THE INSTALLATION OF HARDWARE, SOFTWARE AND USER MUTUALINK EDGE SUBSCRIPTIONS</b>
358		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>SHERIFF</i>) - AWARDING BID AND AUTHORIZING AGREEMENT WITH NEMER FORD AS PROPRIETARY DEALER FOR REPAIRS OF VARIOUS FORD MAKES AND MODELS FOR THE WARREN COUNTY SHERIFF'S OFFICE (WC 52-18)</b>
359		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>SHERIFF</i>) - AUTHORIZING AN AGREEMENT WITH THE BOLTON CENTRAL SCHOOL DISTRICT FOR THE WARREN COUNTY SHERIFF'S OFFICE TO PROVIDE LAW ENFORCEMENT SERVICES AT THE BOLTON CENTRAL SCHOOL</b>
360		<b>CRIMINAL JUSTICE &amp; PUBLIC SAFETY (<i>SHERIFF</i>) - INTRODUCING PROPOSED LOCAL LAW NO. 6 OF 2018, "A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 1996, WHICH ESTABLISHED RESIDENCY REQUIREMENTS FOR WARREN COUNTY DEPUTY SHERIFFS, TO CHANGE THE TITLE FROM DEPUTY SHERIFFS TO PATROL OFFICERS AND CORRECTION OFFICERS INCLUDING SUPERVISORY TITLES</b>
361		<b>ENVIRONMENTAL CONCERNS &amp; REAL PROPERTY TAX SERVICES (<i>REAL PROPERTY TAX SERVICES</i>) - CANCELLING OR CORRECTING OF ASSESSMENTS AND REFUNDS OR CHARGEBACKS OF TAXES</b>
362		<b>HEALTH, HUMAN &amp; SOCIAL SERVICES (<i>DEPARTMENT OF SOCIAL SERVICES</i>) - AMENDING RESOLUTION NO. 388 OF 2009, WHICH AMENDED AN AGREEMENT WITH KMG MONITORING SERVICES TO PROVIDE ELECTRONIC MONITORING SERVICES FOR JUVENILES, TO CHANGE THE TERM OF THE AGREEMENT AND TO TRANSFER OVERSIGHT TO THE PROBATION DEPARTMENT</b>

# Warren County Board of Supervisors

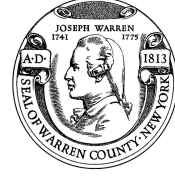
**SEPTEMBER 21, 2018**  
**BOARD MEETING**  
**INDEX**



<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
363		<b>HEALTH, HUMAN &amp; SOCIAL SERVICES (<i>EMPLOYMENT &amp; TRAINING ADMINISTRATION</i>)</b> - AUTHORIZING AGREEMENT WITH WASHINGTON-SARATOGA-WARREN-HAMILTON-ESSEX BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES) FOR YOUTH EDUCATIONAL PROGRAM SERVICES FOR THE WORKFORCE INVESTMENT ACT YOUTH EMPLOYMENT PROGRAM AND PREPARE YOUTH FOR THE TEST ASSESSING SECONDARY COMPLETION (TASC) HIGH SCHOOL EQUIVALENCY ASSESSMENT
364		<b>HEALTH, HUMAN &amp; SOCIAL SERVICES (<i>OFFICE FOR THE AGING</i>)</b> - AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR THE NY CONNECTS EXPANSION AND ENHANCEMENT PROGRAM
365		<b>HEALTH, HUMAN &amp; SOCIAL SERVICES (<i>OFFICE OF COMMUNITY SERVICES</i>)</b> - EXTENDING AGREEMENT WITH PARSONS CHILD & FAMILY CENTER FOR HOME-BASED CRISIS INTERVENTION SERVICES FOR OFFICE OF COMMUNITY SERVICES
366	ROLL CALL	<b>HEALTH, HUMAN &amp; SOCIAL SERVICES (<i>OFFICE OF COMMUNITY SERVICES</i>)</b> - AMENDING AGREEMENT WITH NORTHEAST PARENT & CHILD SOCIETY, INC. TO PROVIDE SPECIALIZED MENTAL HEALTH RESPITE SERVICES FOR THE OFFICE OF COMMUNITY SERVICES TO INCREASE THE AMOUNT OF THE AGREEMENT
367	ROLL CALL	<b>LEGISLATIVE &amp; RULES</b> - TO ENACT 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)"
368		<b>PUBLIC WORKS (<i>DPW</i>)</b> - AWARDING BID AND RATIFYING THE ACTIONS OF THE CHAIRMAN OF THE BOARD IN AUTHORIZING AN AGREEMENT WITH DRILLING TECHNOLOGIES, INC. AS THE LOWEST RESPONSIBLE BIDDER FOR DIRECTIONAL BORING SERVICES FOR THE SEWER EXTENSION PROJECT FOR HORICON AVENUE IN THE TOWN OF WARRENSBURG, NEW YORK (WC 50-18)
369		<b>PUBLIC WORKS (<i>DPW</i>)</b> - AMENDING AGREEMENT WITH REALE CONSTRUCTION COMPANY, INC. TO AUTHORIZE CHANGE ORDER NO. 1 FOR THE COUNTY BRIDGE ABATEMENT & PAINTING PROJECT (H353) FOR THE DEPARTMENT OF PUBLIC WORKS

# Warren County Board of Supervisors

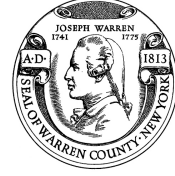
**SEPTEMBER 21, 2018**  
**BOARD MEETING**  
**INDEX**



<b><u>RES. NO.</u></b>	<b><u>VOTE</u></b>	<b><u>DESCRIPTION</u></b>
370		<b>PUBLIC WORKS (DPW) - AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE FOR THE COUNTY BRIDGE ASBESTOS ABATEMENT &amp; PAINTING PROJECT, TOWNS OF JOHNSBURG &amp; STONY CREEK</b>
371		<b>PUBLIC WORKS (PARKS, RECREATION &amp; RAILROAD)- AUTHORIZING AN AGREEMENT WITH THURMAN CONNECTION SNOWMOBILE CLUB TO ALLOW SNOWMOBILES TO USE COUNTY RAILROAD RIGHT-OF-WAY PROPERTY FROM MP68.30 (TOWN OF STONY CREEK) TO MP72.85 (TOWN OF THURMAN)</b>
372		<b>PUBLIC WORKS (PARKS, RECREATION &amp; RAILROAD) - AUTHORIZING A LEASE AGREEMENT WITH REVOLUTION RAIL COMPANY FOR USE OF THE OFFICE BUILDING LOCATED IN THE TOWN OF JOHNSBURG AND OWNED BY WARREN COUNTY FOR PARKS, RECREATION AND RAILROAD</b>
373		<b>SUPPORT SERVICES (INFORMATION TECHNOLOGY) - RESCINDING RESOLUTION NO. 330 OF 2018, WHICH AUTHORIZED AN AGREEMENT WITH NETAPP TO PROVIDE MAINTENANCE AND SUPPORT SERVICES FOR THE NETAPP STORAGE DEVICE FOR INFORMATION TECHNOLOGY, AS THE AGREEMENT IS NOT NEEDED</b>
374	ROLL CALL	<b>PERSONNEL &amp; HIGHER EDUCATION - AMENDING TABLE OF ORGANIZATION AND WARREN COUNTY SALARY AND COMPENSATION PLAN FOR 2018</b>
375		<b>PERSONNEL &amp; HIGHER EDUCATION - AUTHORIZING HEALTH, DENTAL AND VISION INSURANCE FOR COUNTY OFFICERS, EMPLOYEES AND RETIREES</b>
376		<b>PERSONNEL &amp; HIGHER EDUCATION - AUTHORIZING CONTINUATION OF A MEDICARE ADVANTAGE INSURANCE PLAN FOR WARREN COUNTY RETIREES</b>
377	ROLL CALL	<b>FINANCE - AUTHORIZING PAYMENT TO LAKE CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD</b>

# Warren County Board of Supervisors

**SEPTEMBER 21, 2018**  
**BOARD MEETING**  
**INDEX**



<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
378	ROLL CALL	<b>FINANCE - AUTHORIZING THE COUNTY TREASURER TO TRANSFER FUNDS FROM THE COMPUTER RESERVE FUND TO DEPARTMENTAL BUDGETS FOR THE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT AND SOFTWARE AND AMENDING 2018 WARREN COUNTY BUDGET</b>
379		<b>FINANCE - APPROVING SETTLEMENT AGREEMENT TO DEED TAX MAP PARCEL NO. 211.17-2-19 LOCATED AT 30 RIVER STREET IN THE TOWN OF WARRENSBURG TO CYNTHIA L. COMMARTO</b>
380	ROLL CALL	<b>FINANCE - DECREASING CAPITAL PROJECT NO. H351 CR44 OVER HUDSON RIVER BRIDGE PAINTING PROJECT; AUTHORIZING TRANSFER OF FUNDS; AND AMENDING WARREN COUNTY BUDGET FOR 2018</b>
381	ROLL CALL	<b>FINANCE - INCREASING CAPITAL PROJECT NO. H353 COUNTY BRIDGE ABATEMENT &amp; PAINTING PROJECT; AUTHORIZING ADVANCE OF FUNDS; AND AMENDING WARREN COUNTY BUDGET FOR 2018</b>
382		<b>FINANCE - AUTHORIZING PAYMENT OF PAST DUE TAXES ON COUNTY RAILROAD PROPERTY LOCATED IN SARATOGA COUNTY</b>
383	ROLL CALL	<b>FINANCE - SUPPORTING THE ADIRONDACK COMMUNITY COLLEGE CAPITAL IMPROVEMENT PLAN FOR 2019-20</b>
<i>RESOLUTION NOS. 349 - 383 AND TWO PROCLAMATIONS WERE MAILED TO THE BOARD OF SUPERVISORS ON SEPTEMBER 13, 2018</i>		
384	ROLL CALL	<b>COUNTY FACILITIES (AIRPORT) - AUTHORIZING AIRPORT REAL PROPERTY LEASE AGREEMENTS WITH SCHERMERHORN AVIATION, LLC FOR HANGER NO. 7 AND HANGAR NO. 8 AT THE FLOYD BENNETT MEMORIAL AIRPORT, WARREN COUNTY, NEW YORK - <b>RESOLUTION TABLED</b></b>
385		<b>SUPPORT SERVICES (INFORMATION TECHNOLOGY) - AMENDING AGREEMENTS WITH CHARTER COMMUNICATIONS OPERATING, LLC (ON BEHALF OF SPECTRUM) TO INCREASE FIBER INTERNET SPEED AND LOWER MONTHLY FEES FOR THE WARREN COUNTY MUNICIPAL CENTER AND THE SHERIFF'S OFFICE FOR INFORMATION TECHNOLOGY DEPARTMENT</b>

*RESOLUTION NOS. 384 AND 385 WERE PRODUCED AFTER MAILING*

# Warren County Board of Supervisors

## Proclamation

**WHEREAS**, domestic violence affects all New Yorkers, and far too many people suffer abuse at the hands of a spouse or intimate partner; these victims can be of any age, race, religion, or economic status and the resulting damage is inflicted not only on victims, but their children, families and communities; and

**WHEREAS**, the documented instances of domestic violence are only a small representation of the breadth of the problem, and yet even these numbers are staggering and growing; and

**WHEREAS**, passage of critical laws to help protect and assist domestic violence victims and their children and to hold offenders accountable continues, with legislation signed into law in 2010 to establish the crime of strangulation in New York's penal law; and

**WHEREAS**, New York State's commitment to ending domestic violence is also exemplified by the work of its state and county agencies that, in the face of declining revenues, have continued to recognize that sustaining our response to domestic violence is critical through efforts including strengthening systems' response to domestic violence in both the criminal justice and human services fields, and improving our efforts to measure the incidence and prevalence of domestic violence crimes in addition to the daily work carried out by agencies that are dedicated to working with those who respond to and assist victims; and

**WHEREAS**, New York State remains dedicated to increasing the public's knowledge of domestic violence through the dissemination of informational materials and through collaborative efforts such as the State's annual "Shine the Light on Domestic Violence" initiative, which connects communities across the State by turning New York purple in October, an electronic campaign targeted at informing teens, and providing a social media presence; now, therefore, be it

**RESOLVED**, that the Warren County Board of Supervisors does hereby proclaim October 2018 to be

### ***DOMESTIC VIOLENCE AWARENESS MONTH IN WARREN COUNTY***

and does urge all citizens to join in supporting victims of domestic violence and sharing the worthy goals of the month-long observance, and likewise, supporting the work of public and private entities that strive to provide the best coordinated response to domestic violence in communities across the State.

**Dated: September 21, 2018**



**Ronald F. Conover, Chairman  
Warren County Board of Supervisors**

# Warren County Board of Supervisors

## Proclamation

**WHEREAS**, September 2018 is National Youth Court Month, and

**WHEREAS**, more than 1000 youth court programs operate in juvenile justice systems, schools and community-based organizations in the United States and in the District of Columbia, and

**WHEREAS**, since 1999, the Warren County Youth Court has heard more than 900 cases of criminal and juvenile offenses committed by youth, and continues to build partnerships with Probation, police agencies, schools, and communities to address juvenile crime, minor delinquency, and problem behaviors, and

**WHEREAS**, the Warren County Youth Court promotes character improvement for youth by creating an atmosphere with positive adult role models where youth not only hold their peers to a higher standard, but also themselves, and

**WHEREAS**, in the past eighteen years, about 1,200 Warren County youth have completed more than 30,000 hours of community service, education on the legal system, development of skills in leadership, decision-making, teamwork, the appropriate and positive use of peer pressure, and prevention education through the Alcohol and Drug Awareness Classes, and

**WHEREAS**, all citizens of Warren County support measures and programs that help build safer and healthier communities in which to live, work and raise families and recognize the Warren County Youth Court for helping to maintain the integrity of life in our county, state and nation; Now, therefore be it,

**RESOLVED**, that I, Ronald F. Conover, Chairman of the Warren County Board of Supervisors, do proclaim the month of September as

### ***NATIONAL YOUTH COURT MONTH***

in Warren County, New York.

**DATED: September 21, 2018**



**Ronald F. Conover, Chairman  
Warren County Board of Supervisors**

# Warren County Board of Supervisors

## RESOLUTION NO. 349 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, MCDEVITT, GERAGHTY, BRAYMER, 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>
<b><u>DEPARTMENT: INFORMATION TECHNOLOGY</u></b>				
A.1680 110	Information Technology, Salaries-Regular	A.1680 130	Information Technology, Salaries-Part Time	\$3,000.00
<b><u>DEPARTMENT: PUBLIC WORKS</u></b>				
D.5148 110	County Road, Services to Other Govts, Salaries-Regular	D.5148 120	County Road, Services to Other Govts, Salaries- Overtime	1,709.73
DM.5130 410	Road Machinery, Machinery, Supplies	DM.5130 230	Road Machinery, Machinery, Automotive Equipment	5,112.05
<b><u>DEPARTMENT: SHERIFF</u></b>				
A.3110 110	Sheriffs Law Enforcement, Salaries-Regular	A.3110 120	Sheriffs Law Enforcement, Salaries, Overtime	25,000.00
A.3110 110		A.3110 130	Sheriffs Law Enforcement, Salaries- Part Time	30,000.00
A.3150 110	Sheriffs Correction Division, Salaries-Regular	A.3150 120	Sheriffs Correction Division, Salaries- Overtime	50,000.00
A.3150 130	Sheriffs Correction Division, Salaries-Part Time	A.3150 120	Sheriffs Correction Division, Salaries- Overtime	125,000.00

**RESOLUTION No. 349 OF 2018**

**PAGE 2 OF 2**

<b><u>FROM CODE</u></b>		<b><u>TO CODE</u></b>		<b><u>AMOUNT</u></b>
<b><u>DEPARTMENT: SOCIAL SERVICES</u></b>				
A.6010 110	Social Services, Salaries- Regular	A.6010 120	Social Services, Salaries- Overtime	\$25,000.00
A.6010 110		A.6010 130	Social Services, Salaries- Part Time	20,000.00
A.6010 850	Social Services, Unemployment Insurance	A.6010 862	Social Services, Health Insurance Cost Reimbursement	1,000.00
<b><u>DEPARTMENT: SPECIAL ITEMS:</u></b>				
A.1990 469	Contingent Account, Other Payments/Contributions	A.1320 410	County Auditor, Supplies	500.00

# Warren County Board of Supervisors

## RESOLUTION NO. 350 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS SOKOL, SIMPSON, MERLINO, DICKINSON, STROUGH, BEATY, FRASIER, MCDEVITT, GERAGHTY, BRAYMER, 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>
<b>MENTAL HEALTH</b>		
<u>ESTIMATED REVENUE</u>		
A.4320.0120 3490	Mental Health Programs, Mental Health Association, Mental Health	\$4,482.00
<u>APPROPRIATIONS</u>		
A.4320.0120 470	Mental Health Programs, Mental Health Association, Contract	4,482.00
<b>PUBLIC WORKS</b>		
<u>ESTIMATED REVENUE</u>		
D.5010 5031	County Road, Highway Administration, Interfund Transfer	13,729.58
<u>APPROPRIATIONS</u>		
D.9950 910	County Road, Transfers-Capital Projects, Interfund Transfers	13,729.58
<b>SHERIFF</b>		
<u>ESTIMATED REVENUE</u>		
A.3110 2692	Sheriff's Law Enforcement, Other Compensation for Loss	350.00
A.3110 2260	Sheriff's Law Enforcement, Public Safety-Other Govt	24,560.50
<u>APPROPRIATIONS</u>		
A.3110 441	Sheriff's Law Enforcement, Auto-Supplies & Repair	350.00
A.3110 130	Salaries-Part Time	12,218.46

**RESOLUTION NO. 350 OF 2018**

**PAGE 2 OF 2**

<u>CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
<b>SHERIFF-<i>cont.</i></b>		
<u>APPROPRIATIONS</u>		
A.3110 260	Sheriff's Law Enforcement, Other Equipment	\$6,755.92
A.3110 453	Uniforms & Clothing	2,901.40
A.3110 455	Safety Equipment	1,750.00
A.3110 830	Social Security	757.54
A.3110 831	Medicare Contribution	177.18

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. 351 OF 2018

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

**RATIFYING THE ACTIONS OF THE CHAIRMAN OF THE BOARD REGARDING EXECUTION OF AN EXTENSION AGREEMENT WITH CONSTELLATION ENERGY SERVICES OF NEW YORK, INC. AS THE PREFERRED ELECTRICAL SUPPLIER THROUGH THE MUNICIPAL ELECTRIC & GAS ALLIANCE (MEGA)**

WHEREAS, pursuant to Resolution Nos. 293 of 2014 (amended by Resolution No. 225 of 2015 and Resolution No. 346 of 2015), Warren County entered into agreements through the Municipal Electric & Gas Alliance (MEGA) to obtain energy resources at lower costs, and

WHEREAS, the Superintendent of the Department of Public Works has requested that Warren County execute an agreement with Constellation Energy Services of New York, Inc., as the preferred supplier of electricity through MEGA for a term of twenty-six (26) months, commencing with the first meter reading occurring on or after October 1, 2018 in an amount of \$0.05713 per kilowatt hour, and

WHEREAS, the Chairman of the Board of Supervisors executed the agreement prior to the September 21, 2018 Board of Supervisors Meeting, now, therefore, be it

RESOLVED, that the actions of the Chairman of the Board of Supervisors be, and hereby are, ratified with regards to execution of an agreement with Constellation Energy Services of New York, Inc. for a term of twenty-six (26) months commencing with the first meter reading occurring on or after October 1, 2018 in an amount of \$0.05713 per kilowatt hour in a form approved by the County Attorney, and be it further

RESOLVED, that the funds for the agreement shall be expended from the various Budget Codes for any County departmental operations being provided with electrical service.

# Warren County Board of Supervisors

## RESOLUTION NO. 352 OF 2018

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

**AUTHORIZING AGREEMENT WITH ADIRONDACK HOT AIR BALLOON FESTIVAL, INC., AND AUTHORIZING USE OF FLOYD BENNETT MEMORIAL AIRPORT - WARREN COUNTY, NEW YORK FOR 2018 ADIRONDACK HOT AIR BALLOON FESTIVAL**

WHEREAS, Adirondack Hot Air Balloon Festival, Inc. has requested permission to hold the 2018 Adirondack Hot Air Balloon Festival at the Floyd Bennett Memorial Airport - Warren County, New York, on September 21, 22 and 23, 2018, now, therefore, be it

RESOLVED, that permission is hereby granted to Adirondack Hot Air Balloon Festival, Inc. to hold the 2018 Hot Air Balloon Festival at the Floyd Bennett Memorial Airport - Warren County, New York on September 21, 22, and 23, 2018, and be it further

RESOLVED, that Warren County enter into an agreement with Adirondack Hot Air Balloon Festival, Inc., 202 Ridge Street, P. O. Box 883, Glens Falls, New York 12801, which agreement shall provide that: (1) use of the Airport will not be on an exclusive basis; (2) all participating balloonists and participating organizations and vendors shall indemnify and hold the County harmless from and against any and all liability for claims for damage or injury arising out of the Festival activity relating to their participation; (3) insurance policy endorsements naming the County as an additional insured shall be delivered to the County Attorney's Office by Adirondack Hot Air Balloon Festival, Inc. no later than Tuesday prior to the event; (4) Adirondack Hot Air Balloon Festival, Inc. shall supply its own employees, workers and agents to do any work required on the premises for the conduct of the Festival; (5) Adirondack Hot Air Balloon Festival, Inc. shall, at its own costs and expense, repair any damage caused to County property and restore the same to the condition as it existed prior to the damage; (6) the County shall be responsible for the removal of all garbage, refuse and debris deposited on County property and resulting from the use and occupancy of the Floyd

***RESOLUTION No. 352 OF 2018***

***PAGE 2 OF 2***

Bennett Memorial Airport - Warren County property by the visitors only to the Festival (not by the vendors or other activities sponsored by the Balloon Festival who are to remove their own garbage); (7) no pets shall be allowed on the premises; (8) prior approval by the County regarding the deduction of incidental expenses of the Adirondack Hot Air Balloon Festival associated with pedestrian and airfield parking collections, if any; (9) the Festival shall deliver to the County eighty-five percent (85%) of all pedestrian and airfield parking collections, less approved administrative expenses, received by the Festival not later than October 8, 2018 together with an accounting of all such revenue received by the Festival and, in turn, the Festival shall pay to the local charitable organization (VFW or similar) a sum equal to fifteen percent (15%) of all pedestrian and airfield parking collections received, less approved administrative expenses; and (10) such other terms and conditions as may be required by the County Attorney, and such agreement shall be in a form approved by the County Attorney, and be it further

RESOLVED, that this agreement may be extended annually without the need for further resolution upon mutual agreement of the parties and provided that the terms and conditions contained herein remain unchanged.

# Warren County Board of Supervisors

## RESOLUTION NO. 353 OF 2018

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

**RATIFYING THE ACTIONS OF THE DISTRICT ATTORNEY AND THE CHAIRMAN OF THE BOARD WITH REGARD TO SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR A STATE AID TO PROSECUTION GRANT AND ACCEPTING GRANT FUNDING**

RESOLVED, that the Warren County Board of Supervisors hereby authorizes and ratifies the actions of the District Attorney and the Chairman of the Board of Supervisors with regard to submission of an application for a State Aid to Prosecution Grant and execution of an agreement with the New York State Division of Criminal Justice Services for said grant, DCJS number AP18-1056-R01, for a term commencing on October 1, 2018 and terminating on September 30, 2019 with funding in the amount of Thirty-Eight Thousand One Hundred Seventy-Two Dollars (\$38,172), in a form approved by the County Attorney, and be it further

RESOLVED, that upon receipt of grant funds, the Chairman of the Board of Supervisors be and hereby is authorized to execute any and all grant documents necessary in regard to the aforementioned State Aid to Prosecution Grant.

# Warren County Board of Supervisors

## RESOLUTION NO. 354 OF 2018

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

**AUTHORIZING SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR A LEGISLATIVE INITIATIVES GRANT AND ACCEPTANCE OF GRANT FUNDING**

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the District Attorney and the Chairman of the Board of Supervisors to submit an application for a Legislative Initiatives Grant to support the Warren and Washington Counties drug task force, as well as execution of an agreement with the New York State Division of Criminal Justice Services for said grant, DCJS number LG18-103231 for a term commencing on October 1, 2018 and terminating on September 30, 2019 with funding in the amount of Ten Thousand Dollars (\$10,000), in a form approved by the County Attorney, and be it further

RESOLVED, that upon receipt of grant funds, the Chairman of the Board of Supervisors be and hereby is authorized to execute any and all grant documents necessary in regard to the aforementioned Legislative Initiatives Grant.

# Warren County Board of Supervisors

## RESOLUTION NO. 355 OF 2018

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

**AUTHORIZING EXECUTION OF AN APPLICATION TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR CRIMES AGAINST REVENUE PROSECUTION (CARP) FUNDING FOR THE DISTRICT ATTORNEY'S OFFICE**

WHEREAS, the District Attorney has requested approval to submit a grant application to the New York State Division of Criminal Justice Services, for Crimes Against Revenue Prosecution (CARP) funding for the 2019 year, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the District Attorney and the Chairman of the Board to execute a grant application to the New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, for Crimes Against Revenue Prosecution (CARP) funding in an amount to be determined for a term commencing January 1, 2019 and terminating December 31, 2019, and be it further

RESOLVED, that upon receipt of grant funds, the Chairman of the Board of Supervisors be, and hereby is, authorized to execute any and all grant documents necessary in regard to the aforementioned CARP funding.

# Warren County Board of Supervisors

## RESOLUTION NO. 356 OF 2018

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

**AUTHORIZING EXTENSION OF THE CURRENT AGREEMENT WITH LEXISNEXIS FOR A SUBSCRIPTION FOR A LAW LIBRARY RESEARCH SYSTEM AND AUTHORIZING CONTINUATION OF THE AGREEMENT FOR AN ADDITIONAL THREE YEAR TERM FOR THE PUBLIC DEFENDER'S OFFICE**

WHEREAS, the Public Defender has requested to extend the agreement with LexisNexis, P.O. Box 9584, New York, New York 10087 for a subscription for a law library research system for the Warren County Public Defender's Office until December 31, 2018 and to continue the agreement for an additional three year term commencing on January 1, 2019 and terminating on December 31, 2021 for the following amounts:

October 1, 2018 - December 31, 2018 - \$298 per month, not to exceed \$894;

January 1, 2019 - December 31, 2019 - \$355.12 per month, not to exceed \$4,261.44;

January 1, 2020 - December 31, 2020 - \$358.67 per month, not to exceed \$4,304.04;

January 1, 2021 - December 31, 2021 - \$362.25 per month not to exceed \$4,347, now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute any and all documents necessary for extension and continuation of the agreement with LexisNexis for a subscription for a law library research system for the Warren County Public Defender's Office, as outlined above, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds for this agreement shall be expended from Budget Code A.1171 426 Public Defender, Subscriptions.

# Warren County Board of Supervisors

## RESOLUTION NO. 357 OF 2018

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

**AUTHORIZING CONTINUATION OF INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT BETWEEN WARREN COUNTY AND NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) TO PROVIDE FOR THE INSTALLATION OF HARDWARE, SOFTWARE AND USER MUTUALINK EDGE SUBSCRIPTIONS**

WHEREAS, pursuant to Resolution No. 344 of 2015, the Warren County Board of Supervisors authorized a Memorandum of Agreement between Warren County and the New York State Division of Homeland Security and Emergency Services (DHSES) to allow DHSES to provide to the County, on a temporary loan basis, installation of hardware, software and user Mutualink Edge subscriptions as part of Governor Cuomo's NY Responds Initiative, which provides a common platform for sharing radio, video, telephone and data to the County through the Office of Interoperable and Emergency Communications in Albany, and

WHEREAS, DHSES has announced that the original agreement has been extended to January 31, 2021, now, therefore, be it

RESOLVED, that the Chairman of the Warren County Board of Supervisors be, and hereby is authorized to execute the Intergovernmental Memorandum of Agreement with NYS Division of Homeland Security and Emergency Services, 1220 Washington Ave., State Office Campus, Building 7A, 1<sup>st</sup> Floor, Albany, NY 12226, to continue to provide on a temporary loan basis, installation of hardware, software and user Mutualink Edge subscriptions, at no charge to Warren County, with a term to commence upon execution of the agreement by all parties and terminating on January 31, 2021, in a form approved by the Warren County Attorney.

# Warren County Board of Supervisors

## RESOLUTION NO. 358 OF 2018

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

**AWARDING BID AND AUTHORIZING AGREEMENT WITH NEMER FORD AS PROPRIETARY DEALER FOR REPAIRS OF VARIOUS FORD MAKES AND MODELS FOR THE WARREN COUNTY SHERIFF'S OFFICE (WC 52-18)**

WHEREAS, the Purchasing Agent has advertised for sealed bids for proprietary dealer only repairs for various Ford makes and models for the Warren County Sheriff's Office (WC 52-18), and

WHEREAS, the Sheriff's Office has issued correspondence recommending award of the bid to Nemer Ford, the sole bidder, now, therefore, be it

RESOLVED, that the Purchasing Agent notify Nemer Ford of the acceptance of their bid, and be it further

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to enter into an agreement with Nemer Ford, 323 Quaker Road, Queensbury, New York 12804, for Proprietary Dealer Only Repairs for Various Ford Makes and Models for the Warren County Sheriff's Office, pursuant to the terms and provisions of the specifications (WC 52-18) and proposal, for a term commencing upon execution of the agreement by both parties and terminating on September 30, 2019, in a form approved by the County Attorney, and be it further

RESOLVED, that funds for this agreement will be paid from Budget Code A.3110441 Sheriff's Law Enforcement, Auto Supplies & Repair.

# Warren County Board of Supervisors

## RESOLUTION NO. 359 OF 2018

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

**AUTHORIZING AN AGREEMENT WITH THE BOLTON CENTRAL SCHOOL DISTRICT FOR THE WARREN COUNTY SHERIFF'S OFFICE TO PROVIDE LAW ENFORCEMENT SERVICES AT THE BOLTON CENTRAL SCHOOL**

WHEREAS, the Bolton Central School District ("School") has requested that the Warren County Sheriff provide law enforcement services by assigning a school resource officer/school security officer at the Bolton Central School, and

WHEREAS, the Sheriff has agreed to provide these services during normal school hours throughout the school calendar year and for such other events as may be requested by the school district, and

WHEREAS, the school has agreed to pay the County an amount not to exceed Thirty Thousand Dollars (\$30,000) per school year for such School Resource Officer/School Security Officer to be assigned to the Bolton Central School, for a term commencing upon execution of the agreement by both parties and continuing under the same terms and conditions, unless terminated by either party, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chairman of the Board and the Warren County Sheriff to enter into an agreement with the Bolton Central School District, 26 Horicon Avenue, Bolton Landing, New York 12814 to provide law enforcement services by assigning a school resource officer/school security officer at the Bolton Central School, 26 Horicon Avenue, Bolton Landing, New York 12814 during normal school hours throughout the school calendar year and for such other events as may be requested by the school district for an amount not to exceed Thirty Thousand Dollars (\$30,000) per school year with the School providing liability insurance and indemnification of Warren County, commencing upon execution by both parties and continuing until terminated by either party, provided there are no changes in the terms and conditions and in a form approved by the County Attorney.

# Warren County Board of Supervisors

## RESOLUTION NO. 360 OF 2018

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

**INTRODUCING PROPOSED LOCAL LAW NO. 6 OF 2018, “A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 1996, WHICH ESTABLISHED RESIDENCY REQUIREMENTS FOR WARREN COUNTY DEPUTY SHERIFFS, TO CHANGE THE TITLE FROM DEPUTY SHERIFFS TO PATROL OFFICERS AND CORRECTION OFFICERS INCLUDING SUPERVISORY TITLES**

WHEREAS, the Personnel Officer and the Warren County Sheriff have recommended that Local Law No. 4 of 1996, A Local Law Establishing Residency Requirements for Warren County Sheriffs, be amended to update the titles which are currently used by the Sheriff’s Office to correction officers and patrol officers, including supervisory titles, now, therefore, be it

RESOLVED, that proposed Local Law No. 6 of 2018 entitled “A Local Law Amending Local Law No. 4 of 1996, which established residency requirements for Warren County Deputy Sheriffs to change the title to Patrol Officers and Correction Officers including supervisory titles”, 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 19<sup>th</sup> day of October, 2018, at 10:00 a.m. on the matter of the adoption of said proposed Local Law No. 6 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, NEW YORK  
LOCAL LAW NO. 6 OF 2018**

**A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 1996, ESTABLISHING RESIDENCY REQUIREMENTS FOR WARREN COUNTY DEPUTY SHERIFFS, TO CHANGE THE TITLE OF DEPUTY SHERIFFS TO PATROL OFFICERS AND CORRECTION OFFICERS AND INCLUDING SUPERVISORY TITLES**

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

SECTION 1. Title.

This Local Law shall be known as the Local Law Establishing Residency Requirements for Warren County Patrol Officers and Correction Officers Including Supervisory Titles.

SECTION 2. Purpose.

The purpose of this Local Law is to establish the residency requirements for the appointed Warren County Patrol Officers and Correction Officers Including Supervisory Titles.

SECTION 3. Residency Requirements for a Warren County Patrol Officer and Correction Officer Including Supervisory Titles.

- A. A person appointed as patrol officer or correction officer including supervisory titles by the Sheriff of Warren County shall at the time of his or her appointment be a resident of 1) the State of New York and 2) the County of Warren or of a county contiguous to the County of Warren. As allowed or provided under the Civil Service Law of the State of New York, preference in appointment may be given by Warren County Civil Service and the appointing officer to those candidates who reside in Warren County.
- B. A patrol officer or correction officer including supervisory titles who ceases to be a resident of New York State and Warren County or of a county contiguous to Warren County shall be deemed to have resigned his or her employment and vacated the position.

SECTION 4. Public Officers Law - Superseded and/or Amended.

This Local Law is intended to supersede and/or amend the provision of Paragraph 1 of Public Officers Law Section 3, concerning residency requirements for local officers as the same concerns or affects the position of patrol officer or correction officer including supervisory titles in Warren County. The provision of Section 3 of the Public Officers Law requiring a person to be a resident of the political subdivision for which he or she shall be chosen shall not prevent a person from holding the office of patrol officer or correction officer including supervisory titles of the County of Warren provided that such person resides in the County of Warren or an adjoining or contiguous county within the State of New York.

SECTION 5. Effective Date.

This Local Law shall take effect immediately and upon filing in the Office of the Secretary of State.

# Warren County Board of Supervisors

## RESOLUTION NO. 361 OF 2018

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

### **CANCELLING OR CORRECTING OF ASSESSMENTS AND REFUNDS OR CHARGEBACKS OF TAXES**

WHEREAS, a listing of cancellations or corrections of assessments and refunds or chargebacks of taxes have been reviewed and approved by the Department of Real Property Tax Services and the Supervisors of the towns wherein the property is located, and

WHEREAS, Article 5, Title 3 of the Real Property Tax Law empowers the Board of Supervisors to cancel or correct assessments and direct refunds or chargebacks of taxes when the same is found to be appropriate, now, therefore, be it

RESOLVED, that the following cancellation or correction of assessments and refunds or chargebacks of taxes set forth on Schedule "A" annexed hereto, are hereby approved, and be it further

RESOLVED, that the County Treasurer and the Director of the Department of Real Property Tax Services be, and they hereby are, authorized and directed to perform all acts necessary to effectuate the corrections set forth herein.

**SCHEDULE "A"**  
**CHARGEBACK OF TAXES**

<b>Town</b>	<b>Year</b>	<b>Assessed To &amp; Tax Map No.</b>	<b>Location</b>	<b>Breakdown</b>	<b>Coding</b>	<b>Reason</b>
Wsbg.	2018	David C. Rowley 137.-2-17.7 Court Order	Green Mansions Road	County 161.75 Town 146.76 Fire Prot. <u>38.12</u>  Total \$346.63		Court Order Lowered Assessment

# Warren County Board of Supervisors

## RESOLUTION NO. 362 OF 2018

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

**AMENDING RESOLUTION NO. 388 OF 2009, WHICH AMENDED AN AGREEMENT WITH KMG MONITORING SERVICES TO PROVIDE ELECTRONIC MONITORING SERVICES FOR JUVENILES, TO CHANGE THE TERM OF THE AGREEMENT AND TO TRANSFER OVERSIGHT TO THE PROBATION DEPARTMENT**

WHEREAS, pursuant to Resolution No. 388 of 2009 (as amended by Resolution No. 464 of 2009), the Chairman of the Board of Supervisors was authorized to execute an amendment agreement with KMG Monitoring Services for electronic monitoring services for juveniles to increase the amount of the agreement to One Thousand Four Hundred Fifty Dollars (\$1,450) per month to provide sixty (60) days of usage per month for a term commencing on July 20, 2009 and terminating on June 30, 2010, with the option to renew for additional one year terms, and

WHEREAS, the Commissioner of the Department of Social Services has requested that the agreement with KMG Monitoring Services be amended to change the term of the agreement to commence on July 1, 2018 and terminate on December 31, 2018 in order to align the term with a similar agreement for electronic monitoring services for adults, and

WHEREAS, the Commissioner of the Department of Social Services has also requested that oversight of the electronic monitoring agreement, including annual renewals, be transferred to the Director of the Warren County Probation Department, now, therefore, be it

RESOLVED, that the agreement with KMG Monitoring Services, 9 Cranberry Lane, Queensbury, New York 12804, for electronic monitoring services for juveniles be, and hereby is, amended to change the term of the agreement to commence on July 1, 2018 and terminate on December 31, 2018 in order to align the term with a similar agreement for electronic monitoring services for adults, in a form approved by the County Attorney, and be it further

RESOLVED, that oversight for this agreement will be transferred to the Director of the Warren County Probation Department, and be it further

RESOLVED, other than the changes outlined herein, all other terms and conditions of Resolution No. 388 of 2009 (as amended by Resolution No. 464 of 2009) will remain the same.

# Warren County Board of Supervisors

## RESOLUTION NO. 363 OF 2018

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

**AUTHORIZING AGREEMENT WITH WASHINGTON-SARATOGA-WARREN-HAMILTON-ESSEX BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES) FOR YOUTH EDUCATIONAL PROGRAM SERVICES FOR THE WORKFORCE INVESTMENT ACT YOUTH EMPLOYMENT PROGRAM AND PREPARE YOUTH FOR THE TEST ASSESSING SECONDARY COMPLETION (TASC) HIGH SCHOOL EQUIVALENCY ASSESSMENT**

RESOLVED, that Warren County enter into an agreement with the Washington-Saratoga-Warren-Hamilton-Essex Board of Cooperative Educational Services (BOCES), 1153 Burgoyne Avenue, Suite 2, Fort Edward, New York 12828, to provide youth employment program services for the Workforce Investment Act Youth Employment Program and prepare Youth for the Test Assessing Secondary Completion (TASC) High School Equivalency Assessment, in an amount not to exceed Fourteen Thousand Five Hundred Fifty Dollars (\$14,550) for a term commencing September 18, 2018 and terminating June 28, 2019, and be it further

RESOLVED, that the agreement shall be funded from Budget Code 41.6293.0310.470 Workforce Investment & Opport. Act, WIA/WIOA, Youth, Contract.

# Warren County Board of Supervisors

## RESOLUTION NO. 364 OF 2018

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

### **AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR THE NY CONNECTS EXPANSION AND ENHANCEMENT PROGRAM**

WHEREAS, the Warren Hamilton Counties Office for the Aging has been given the opportunity to submit an application for grant funding for the NY Connects Expansion and Enhancement Program in the amount of One Hundred Ninety-Five Thousand Three Hundred Ninety-Eight Dollars (\$195,398), which requires no County matching funds and is one hundred percent (100%) reimbursable, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes and directs the Chairman of the Board to execute a grant application for grant funding for the NY Connects Expansion and Enhancement Program in the amount of One Hundred Ninety-Five Thousand Three Hundred Ninety-Eight Dollars (\$195,398) for a term commencing April 1, 2018 and terminating March 31, 2019, in a form approved by the County Attorney, and be it further

RESOLVED, that upon notification and receipt of the grant award and/or additional funding, the Chairman of the Board of Supervisors be, and hereby is, authorized and directed to execute any and all documents necessary to effectuate the terms of this resolution.

# Warren County Board of Supervisors

## RESOLUTION NO. 365 OF 2018

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

**EXTENDING AGREEMENT WITH PARSONS CHILD & FAMILY CENTER FOR HOME-BASED CRISIS INTERVENTION SERVICES FOR OFFICE OF COMMUNITY SERVICES**

WHEREAS, pursuant to Resolution No. 414 of 2013, the Warren County Board of Supervisors authorized an agreement with Parsons Child & Family Center for Home-Based Crisis Intervention Services (WC 40-13) on behalf of the Warren and Washington Counties Office of Community Services, for a one year term commencing on August 28, 2013 and terminating on August 27, 2014 with up to four (4) one year extensions, expiring on August 27, 2018, and

WHEREAS, the Director of the Office of Community Services has requested that the agreement be further extended to December 31, 2018 in order to align the agreement with the calendar year for State Aid funding, now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an extension agreement with Parsons Child and Family Center, 60 Academy Road, Albany, New York 12208, for the provision of home-based crisis intervention services for an annual amount not to exceed Four Hundred Twenty-Six Thousand Four Hundred Seventy-Six Dollars (\$426,476) for a term commencing on August 28, 2018 and terminating on December 31, 2018, in a form approved by the County Attorney, and be it further

RESOLVED, that funding for the agreement will be expended from Budget Code A.4320.0165 470-Mental Health Programs, Parsons Child & Family Center, Contract.

# Warren County Board of Supervisors

## RESOLUTION NO. 366 OF 2018

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

**AMENDING AGREEMENT WITH NORTHEAST PARENT & CHILD SOCIETY, INC. TO PROVIDE SPECIALIZED MENTAL HEALTH RESPITE SERVICES FOR THE OFFICE OF COMMUNITY SERVICES TO INCREASE THE AMOUNT OF THE AGREEMENT**

WHEREAS, pursuant to Resolution No. 507 of 2017, the Warren County Board of Supervisors authorized an agreement with Northeast Parent & Child Society, Inc., 530 Franklin Street, Schenectady, New York 12304, to provide Specialized Mental Health Respite Services for a term commencing January 1, 2018 and terminating December 31, 2018 for a total amount not to exceed Six Thousand Forty-Four Dollars (\$6,044), and

WHEREAS, pursuant to Resolution No. 69 of 2018, the amount of the agreement with Northeast Parent & Child Society, Inc. was corrected to an amount not to exceed Sixteen Thousand Forty-Four Dollars (\$16,044), and

WHEREAS, the Director of the Office of Community Services has requested that the amount of the agreement be increased to an amount not to exceed Nineteen Thousand Nine Hundred Ninety-Nine Dollars (\$19,999) for the current term, now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an amendment agreement with Northeast Parent & Child Society, Inc. as outlined above to increase the total amount of the agreement to an amount not to exceed Nineteen Thousand Nine Hundred Ninety-Nine Dollars (\$19,999) in a form approved by the County Attorney, and be it further

RESOLVED, that the funds for the agreement will be expended from Budget Code A.4310 470, Mental Health Admin., Contract.

# Warren County Board of Supervisors

## RESOLUTION NO. 367 OF 2018

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

**TO ENACT 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)”**

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed Local Law 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

WHEREAS, the Board of Supervisors adopted Resolution No. 347 of 2018 on August 17, 2018, authorizing a public hearing to be held by the Board of Supervisors on the 21<sup>st</sup> day of September 21, 2018 at 10:00 a.m. in the Supervisors’ Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 21<sup>st</sup> day of September, 2018 does hereby enact and adopt Local Law No. 5 of 2018 as annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, the Clerk of the Board of Supervisors and the County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and take all necessary actions for the promulgation thereof.

**SCHEDULE "A"**  
**COUNTY OF WARREN**  
**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.

**RESOLUTION NO. 367 OF 2018**

**PAGE 3 OF 19**

- (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 1<sup>st</sup> 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 1<sup>st</sup> 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

**RESOLUTION NO. 367 OF 2018**

**PAGE 6 OF 19**

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 1<sup>st</sup> 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

*RESOLUTION No. 367 OF 2018*

*PAGE 7 OF 19*

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 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

**RESOLUTION NO. 367 OF 2018**

**PAGE 8 OF 19**

- (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 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 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 quarterly 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

*RESOLUTION NO. 367 OF 2018*

*PAGE 13 OF 19*

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 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 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
- (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. 368 OF 2018

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

**AWARDING BID AND RATIFYING THE ACTIONS OF THE CHAIRMAN OF THE BOARD IN AUTHORIZING AN AGREEMENT WITH DRILLING TECHNOLOGIES, INC. AS THE LOWEST RESPONSIBLE BIDDER FOR DIRECTIONAL BORING SERVICES FOR THE SEWER EXTENSION PROJECT FOR HORICON AVENUE IN THE TOWN OF WARRENSBURG, NEW YORK (WC 50-18)**

WHEREAS, the Purchasing Agent has advertised for sealed bids for Directional Boring Services for the Sewer Extension Project for Horicon Avenue in the Town of Warrensburg, New York (WC 50-18), and

WHEREAS, Cedarwood Engineering Services, PLLC, the engineer for the project, has issued correspondence recommending that Warren County award the contract to Drilling Technologies, Inc., the low bidder for the project, and

WHEREAS, in order to avoid delaying the project, it was necessary for the Chairman of the Board to execute the agreement prior to the September 21, 2018 Board of Supervisors Meeting, now, therefore, be it

RESOLVED, that the actions of the Chairman of the Board be, and hereby are, ratified with regards to execution of an agreement with Drilling Technologies, Inc., 38 Geneva Boulevard, Wynantskill, New York 12198, for Directional Boring Services for the Sewer Extension Project for Horicon Avenue located in the Town of Warrensburg, New York, pursuant to the terms and provisions of the specifications (WC50-18) and proposal, for a term commencing upon execution of the agreement by both parties and terminating upon completion of the work at a rate of Four Thousand Nine Hundred Fifty Dollars (\$4,950) per day, not to exceed a total of Fifty-One Thousand Seven Hundred Fifty Dollars (\$51,750) and in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Capital Project H371 Horicon Avenue Sewer Extension.

# Warren County Board of Supervisors

## RESOLUTION NO. 369 OF 2018

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

**AMENDING AGREEMENT WITH REALE CONSTRUCTION COMPANY, INC. TO AUTHORIZE CHANGE ORDER NO. 1 FOR THE COUNTY BRIDGE ABATEMENT & PAINTING PROJECT (H353) FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, pursuant to Resolution No. 445 of 2017, the Chairman of the Board of Supervisors was authorized to enter into an agreement with Reale Construction Company, Inc., the lowest responsible bidder for the County Bridge Abatement & Painting Project (H353), and

WHEREAS, the Superintendent of the Department of Public Works has requested approval to execute Change Order No. 1 with Reale Construction Company, Inc. to authorize the removal and reconstruction of the 13<sup>th</sup> Lake Road bridge concrete deck slab in an amount not to exceed Sixty-Seven Thousand Four Hundred Thirty-Seven Dollars and One Cent (\$67,437.01), effective upon execution of the change order by all parties, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Superintendent of the Department of Public Works to execute Change Order No. 1 with Reale Construction Company, Inc., P.O. Box 231, 411 County Route 56, Ticonderoga, New York 12883 in an amount not to exceed Sixty-Seven Thousand Four Hundred Thirty-Seven Dollars and One Cent (\$67,437.01) as outlined above and in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Capital Project No. H353 County Bridge Abatement & Painting Project.

# Warren County Board of Supervisors

## RESOLUTION NO. 370 OF 2018

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

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE FOR THE COUNTY BRIDGE ASBESTOS ABATEMENT & PAINTING PROJECT, TOWNS OF JOHNSBURG & STONY CREEK**

WHEREAS, a County Bridge Asbestos Abatement & Painting Project, Towns of Johnsburg & Stony Creek, P.I.N. 1760.02 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Warren desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design & Construction/Construction Inspection, now, therefore, the County of Warren duly convened does hereby

RESOLVE, that the Warren County Board of Supervisors hereby approves the above-subject Project, and it is further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the County of Warren to pay in the first instance 100% of the federal and non-federal share of the cost of Design & Construction/Construction Inspection work for the Project or portions thereof, and it is further

RESOLVED, that the sum of Seven Hundred Eighty-Five Thousand Three Hundred Twenty-Three Dollars and no cents (\$785,323) has been appropriated from Capital Project H353.9550 280 County Bridge Asbestos & Abatement Painting Project and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that the additional sum of Sixty-Seven Thousand Four Hundred Thirty-Seven Dollars and No Cents (\$67,437) is hereby appropriated from Capital Project H353.9550 280 County Bridge Asbestos & Abatement Painting Project and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Warren County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Chairman of the Warren County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Warren with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the

*RESOLUTION No. 370 OF 2018*

*PAGE 2 OF 2*

administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible in a form approved by the County Attorney, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

# Warren County Board of Supervisors

## RESOLUTION NO. 371 OF 2018

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

**AUTHORIZING AN AGREEMENT WITH THURMAN CONNECTION SNOWMOBILE CLUB TO ALLOW SNOWMOBILES TO USE COUNTY RAILROAD RIGHT-OF-WAY PROPERTY FROM MP68.30 (TOWN OF STONY CREEK) TO MP72.85 (TOWN OF THURMAN)**

WHEREAS, the Director of Parks, Recreation and Railroad has advised that the Thurman Connection Snowmobile Club has requested permission to allow snowmobiles to use County railroad right-of-way property from MP68.30 (Town of Stony Creek) to MP72.85 (Town of Thurman), and

WHEREAS, the Public Works Committee has considered and approved the request, now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an agreement with the Thurman Connection Snowmobile Club, 133 Bear Pond Road, Athol, New York 12810, to allow public use of snowmobiles on County railroad right-of-way property from MP68.30 (Town of Stony Creek) to MP72.85 (Town of Thurman), for a term commencing upon execution of the agreement by both parties and terminating on April 15, 2019, in a form approved by the County Attorney.

# Warren County Board of Supervisors

## RESOLUTION NO. 372 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 OFFICE BUILDING LOCATED IN THE TOWN OF JOHNSBURG AND OWNED BY WARREN COUNTY FOR PARKS, RECREATION AND RAILROAD**

WHEREAS, Robert Harte, on behalf of Revolution Rail Company has requested a lease agreement for use for the office building located at 3 Railroad Place in the Town of Johnsburg and owned by Warren County, and

WHEREAS, the County has agreed to a fee of Seven Hundred Fifty Dollars (\$750) per month for use of the office building for a term commencing upon execution of the agreement by both parties and continuing until terminated by either party, upon thirty (30) days written notice, with all utility costs, 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, 3 Railroad Place, Johnsburg, New York 12853, consistent with the terms and conditions set forth in the preambles of this resolution and in a form approved by the County Attorney.

# Warren County Board of Supervisors

## RESOLUTION NO. 373 OF 2018

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

**RESCINDING RESOLUTION NO. 330 OF 2018, WHICH AUTHORIZED AN AGREEMENT WITH NETAPP TO PROVIDE MAINTENANCE AND SUPPORT SERVICES FOR THE NETAPP STORAGE DEVICE FOR INFORMATION TECHNOLOGY, AS THE AGREEMENT IS NOT NEEDED**

WHEREAS, pursuant to Resolution No. 330 of 2018, the Warren County Board of Supervisors authorized an agreement with NetApp 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, and

WHEREAS, the Director of Information Technology has advised that the services to be provided by NetApp are available under New York State Contract, so the agreement with NetApp is not needed, now, therefore, be it

RESOLVED, that Resolution No. 330 of 2018 be, and hereby is rescinded.

# Warren County Board of Supervisors

## RESOLUTION NO. 374 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:

<u>AIRPORT</u>		<u>ANNUAL</u>
<u>Creating Position:</u>	<u>EFFECTIVE DATE</u>	<u>SALARY</u>
<u>A.5610.110</u>		
<u>TITLE:</u>	09/24/2018	\$38,990
Building Maintenance Mechanic #6		Grade 13
<u>Deleting Position:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL</u>
<u>A.5610.110</u>		<u>SALARY</u>
<u>TITLE:</u>	09/24/2018	\$48,558
Airport Facilities Maintenance Mechanic		Grade 13
<u>Deleting Position:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL</u>
<u>A.5610.110</u>		<u>SALARY</u>
<u>TITLE:</u>	09/24/2018	\$53,223
Senior Airport Facilities Maintenance Mechanic		Grade 16
<u>Deleting Position:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL</u>
<u>A.5610.110</u>		<u>SALARY</u>
<u>TITLE:</u>	09/24/2018	\$850
Airport Maintenance Mechanic- STA		

**RESOLUTION No. 374 OF 2018**

**PAGE 2 OF 3**

**AIRPORT**

Deleting Position:

A.5610.110

TITLE:

Senior Airport Facilities  
Maintenance Mechanic - STA

EFFECTIVE DATE

09/24/2018

ANNUAL

SALARY

\$850

**COUNTRYSIDE ADULT HOME**

Reclassifying Position From:

A.6030.130

TITLE:

Account Clerk #2 (Part-time)

EFFECTIVE DATE

09/24/2018

ANNUAL

SALARY

\$33,529\*

Grade 4

\*pro-rated to \$16.12 hourly

Reclassifying Position To:

A.6030.130

TITLE:

Senior Account Clerk (Part-time)

EFFECTIVE DATE

09/24/2018

ANNUAL

SALARY

\$38,328\*

Grade 7

\*pro-rated to \$18.43 hourly

**INFORMATION TECHNOLOGY**

Creating Position:

A.1680.130

TITLE:

Computer Help Desk  
Technician I - Temp

EFFECTIVE DATE

09/24/2018 -  
12/31/2018

ANNUAL

SALARY

\$21.15/hourly\*

\*Not to exceed \$3,000 total

**PUBLIC WORKS**

Creating Position:

D.5020.110

TITLE:

Engineer I #3

EFFECTIVE DATE

10/01/2018

ANNUAL

SALARY

\$55,000

Creating Position:

D.5020.110

TITLE:

Environmental Analyst

EFFECTIVE DATE

10/01/2018

ANNUAL

SALARY

\$39,917

Grade 14

*RESOLUTION No. 374 OF 2018*

*PAGE 3 OF 3*

**PUBLIC WORKS**

<u>Deleting Position:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL SALARY</u>
<u>D.5020.110</u>		
<u>TITLE:</u> Deputy Superintendent of Public Works	10/01/2018	\$96,035

<u>Deleting Position:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL SALARY</u>
<u>D.5020.110</u>		
<u>TITLE:</u> Assistant Engineer #2	10/01/2018	\$46,260

<u>Increasing Salary From:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL SALARY</u>
<u>D.5020.110</u>		
<u>TITLE:</u> Senior Civil Engineer	10/01/2018	\$73,649

<u>Increasing Salary To:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL SALARY</u>
<u>D.5020.110</u>		
<u>TITLE:</u> Senior Civil Engineer	10/01/2018	\$83,000

<u>Increasing Salary From:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL SALARY</u>
<u>D.5020.110</u>		
<u>TITLE:</u> Highway Manager #2	10/01/2018	\$73,989

<u>Increasing Salary To:</u>	<u>EFFECTIVE DATE</u>	<u>ANNUAL SALARY</u>
<u>D.5020.110</u>		
<u>TITLE:</u> Highway Manager #2	10/01/2018	\$76,989

# Warren County Board of Supervisors

## RESOLUTION NO. 375 OF 2018

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

### **AUTHORIZING HEALTH, DENTAL AND VISION INSURANCE FOR COUNTY OFFICERS, EMPLOYEES AND RETIREES**

WHEREAS, on December 1, 2017 Warren County transitioned to a self-funded health insurance/prescription plan for County officers, employees and retirees (pre-Medicare eligible), and

WHEREAS, the County's health insurance broker, Jaeger & Flynn Associates, Inc., has recommended that Warren County continue its insurance/prescription plan with Blue Shield for officers, employees (30 hrs./week) and retirees (pre-Medicare eligible), as well as its dental insurance plan with Delta Dental and further authorize a vision insurance plan with Empire Blue View Vision, now, therefore, be it

RESOLVED, that Warren County renew its health insurance coverage with Blue Shield for County officers, employees and retirees (pre-Medicare eligible) in accordance with the terms and provisions provided for above, at premium equivalents not to exceed those listed below:

#### Blue Shield EPO \$25/\$40

Individual	\$ 746.02
Two Person	\$ 1529.32
Family	\$ 2144.54

#### Blue Shield HDEPO 6398

Individual	\$ 573.20
Two Person	\$ 1175.06
Family	\$ 1647.76

#### Delta Dental

Individual	\$ 29.75
Family	\$ 76.56

#### Empire Blue View Vision

Individual	\$ 5.30
Family	\$ 13.78

*RESOLUTION No. 375 OF 2018*

*PAGE 2 OF 2*

and be it further

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute any and all documents and/or agreements of any kind or nature that may be necessary to renew the health insurance with Blue Shield, to renew the Voluntary High Deductible Option with Blue Shield including a Medical Expense Reimbursement Plan (MERP), to renew the agreement with Delta Dental and to execute the agreement with Empire Blue View Vision, in a form approved by the County Attorney, for a term commencing December 1, 2018 and terminating November 30, 2019, at which time all policies will once again be reviewed.

# Warren County Board of Supervisors

## RESOLUTION NO. 376 OF 2018

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

### **AUTHORIZING CONTINUATION OF A MEDICARE ADVANTAGE INSURANCE PLAN FOR WARREN COUNTY RETIREES**

WHEREAS, Warren County has heretofore offered health insurance through Empire Blue Cross and CDPHP for Medicare eligible retirees receiving Medicare benefits, and

WHEREAS, as a result of a review of the Medicare Advantage health insurance programs performed by the County's health insurance broker, Jaeger & Flynn Associates, Inc., it has been recommended that the County offer the Humana Medicare Advantage plan for Medicare eligible County retirees, now, therefore, be it

RESOLVED, that Warren County selects Humana as its Medicare Advantage insurance provider at a monthly premium of One Hundred Ninety-One Dollars and Eighty-Eight Cents (\$191.88), and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to execute any and all documents and/or agreements that may be necessary to implement the Medicare Advantage Plan with Humana; said documents and/or agreements to be in a form approved by the County Attorney, for a term commencing January 1, 2019 and terminating December 31, 2019, at which time all policies will once again be reviewed.

# Warren County Board of Supervisors

## RESOLUTION NO. 377 OF 2018

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

### **AUTHORIZING PAYMENT TO LAKE CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD**

WHEREAS, the General Municipal Law authorizes the board of supervisors of a county participating in a regional planning board to appropriate money for the expenses of such regional planning board, and that the county shall not be chargeable with any expense incurred by such planning board except pursuant to such appropriation, and

WHEREAS, it has been recommended that Warren County participate in the financing of the Lake Champlain-Lake George Regional Planning Board in the amount of Seven Thousand Dollars (\$7,000) as its proportionate share, in conjunction with the other participating Counties of Clinton, Essex, Hamilton and Washington, and

WHEREAS, the amount of Seven Thousand Dollars (\$7,000) has been appropriated in the Warren County budget for 2018 for such purpose, now, therefore, be it

RESOLVED, in 2018 that the Warren County Treasurer be, and hereby is, authorized and directed to pay to the Treasurer of the Lake Champlain-Lake George Regional Planning Board the amount of Seven Thousand Dollars (\$7,000), said funds to be expended from Budget Code A.8025 470 Regional Planning Board, Contract, upon receipt of a duly executed voucher for said amount, and that the Treasurer of the Regional Planning Board shall execute and deliver an official undertaking conditioned for the faithful performance of his duties and in the form approved by the governing body of each participating County.

# Warren County Board of Supervisors

## RESOLUTION NO. 378 OF 2018

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

**AUTHORIZING THE COUNTY TREASURER TO TRANSFER FUNDS FROM THE COMPUTER RESERVE FUND TO DEPARTMENTAL BUDGETS FOR THE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT AND SOFTWARE AND AMENDING 2018 WARREN COUNTY BUDGET**

RESOLVED, that the Warren County Board of Supervisors does hereby authorize the Warren County Treasurer to transfer funds in the total amount of Seven Hundred Dollars (\$700.00) from the Reserve, Computers & Telecommunications (A 895.00), to purchase a computer and all computer related network and support equipment and material including, but not limited to hardware, software and servers to the following Departmental budget:

<b>CODE</b>	<b>DEPARTMENT</b>	<b>AMOUNT</b>
A.1355.220.1	Real Property Tax Services, Office Equipment - Reserve	\$ 700.00
	<b>TOTAL</b>	<b>\$ 700.00</b>

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. 379 OF 2018

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

**APPROVING SETTLEMENT AGREEMENT TO DEED TAX MAP PARCEL NO. 211.17-2-19  
LOCATED AT 30 RIVER STREET IN THE TOWN OF WARRENSBURG TO  
CYNTHIA L. COMMARTO**

WHEREAS, the County obtained Tax Map Parcel No. 211.17-17-2-19 located at 30 River Street in Warrensburg, New York in the 2013 Warren County Tax Foreclosure Action, and

WHEREAS, the County has been in litigation of ownership of this property since 2013, and

WHEREAS, since 2013 all unpaid taxes and penalties have been paid and the taxes are currently up to date, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes and directs the Chairman of the Board to execute any and all documents necessary to transfer ownership of Tax Map Parcel No. 211.17-2-19 located at 30 River Street in the Town of Warrensburg to Cynthia Commarto, the previous owner of the property.

# Warren County Board of Supervisors

## RESOLUTION NO. 380 OF 2018

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

### **DECREASING CAPITAL PROJECT NO. H351 CR44 OVER HUDSON RIVER BRIDGE PAINTING PROJECT; AUTHORIZING TRANSFER OF FUNDS; AND AMENDING WARREN COUNTY BUDGET FOR 2018**

RESOLVED, that the Warren County Board of Supervisors does hereby decrease Capital Project No. H351 CR44 Over Hudson River Bridge Painting Project, as follows:

1. Capital Project No. H351 CR44 Over Hudson River Bridge Painting Project is hereby decreased in the amount of Eighty-Three Thousand Eight Hundred Seventy-Three Dollars and Fifty-Five Cents (\$83,873.55).
2. The estimated total cost of Capital Project No. H351 CR44 Over Hudson River Bridge Painting Project is now Eight Hundred Eighty-Three Thousand Seven Hundred Seven Dollars and Forty-Five Cents (\$883,707.45).
3. The decrease in such Capital Project consists of the following:
  - a. Decrease in Federal share in the amount of Sixty-Seven Thousand Ninety-Nine Dollars (-\$67,099);
  - b. Decrease in State Marchiselli grant funding in the amount Twelve Thousand Five Hundred Eighty Dollars and Ninety-Three Cents (-\$12,580.93); and
  - c. Decrease in Local Share funding in the amount of Four Thousand One Hundred Ninety-Three Dollars and Sixty-Two Cents (-\$4,193.62), (decrease to both Warren and Saratoga County local match shares of Two Thousand Ninety-Six Dollars and Eighty-One Cents (\$2,096.81) each - Warren County's share of \$2,096.81 to be returned to the funding source - Budget Code D.9950 910, County Road, Transfers-Capital Projects, Interfund Transfers);

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. 381 OF 2018

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

### INCREASING CAPITAL PROJECT NO. H353 COUNTY BRIDGE ABATEMENT & PAINTING PROJECT; AUTHORIZING ADVANCE OF FUNDS; AND AMENDING WARREN COUNTY BUDGET FOR 2018

RESOLVED, that the Warren County Board of Supervisors does hereby increase Capital Project No. H353 County Bridge Abatement & Painting Project, as follows:

1. Capital Project No. H353 County Bridge Abatement & Painting Project is hereby increased in the amount of Sixty-Seven Thousand Four Hundred Thirty-Seven Dollars and One Cent (\$67,437.01).
2. The estimated total cost of Capital Project No. H353 County Bridge Abatement & Painting Project is now Eight Hundred Fifty-Two Thousand Seven Hundred Sixty Dollars and One Cent (\$852,760.01).
3. The proposed method of financing the increase in such Capital Project consists of the following:
  - a. Federal grant funding in the amount of Fifty Three Thousand Nine Hundred Fifty Dollars (\$53,950);
  - b. State Marchiselli grant funding in the amount of Ten Thousand One Hundred Sixteen Dollars (\$10,116);
  - c. Warren County's local share funding in the amount of Three Thousand Three Hundred Seventy-One Dollars and One Cent (\$3,371.01), shall be transferred from Budget Code D.9950 910 County Road, Transfers - Capital Projects, Interfund Transfers.
4. The sum of Seven Hundred Eight-Five Thousand Three Hundred Twenty-Three Dollars (\$785,323) has been provided by prior resolutions adopted by the Board of Supervisors, and be it further

RESOLVED, that the Warren County budget for 2018 be, and hereby is, amended accordingly, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes and approves the County Treasurer to transfer the funds up to the amount indicated below on an as-needed basis:

<u>TRANSFER TO</u>	<u>AMOUNT</u>
H353 County Bridge Abatement & Painting Project	\$67,437.01

# Warren County Board of Supervisors

## RESOLUTION NO. 382 OF 2018

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

### **AUTHORIZING PAYMENT OF PAST DUE TAXES ON COUNTY RAILROAD PROPERTY LOCATED IN SARATOGA COUNTY**

WHEREAS, the County Treasurer has advised that Saratoga & North Creek Railway (SNCR) has not paid the property taxes for years 2017 and 2018 on County railroad property located in Saratoga County, and

WHEREAS, in order to avoid commencement of foreclosure proceedings against the County, the Treasurer has recommended that Warren County pay the delinquent taxes, as well as the school taxes which will be due in September of 2018, and

WHEREAS, the total delinquent and current year school taxes on the County railroad property will not exceed Fifty Thousand Dollars (\$50,000), now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the County Treasurer to remit to Saratoga County the delinquent taxes on County railroad property located in Saratoga County, as well as the current school taxes due in September of 2018 in an amount not to exceed Fifty Thousand Dollars (\$50,000), and be it further

RESOLVED, that actual amount of the funds owed for this expenditure shall be appropriated from the Contingent Account to Budget Code A.7113 417, Railroad, Water/Sewer/Taxes.

# Warren County Board of Supervisors

## RESOLUTION NO. 383 OF 2018

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

### SUPPORTING THE ADIRONDACK COMMUNITY COLLEGE CAPITAL IMPROVEMENT PLAN FOR 2019-20

WHEREAS, the need for improvements to Adirondack Community College's facilities is necessary to provide an improved learning environment, necessary repairs to old equipment and upgrades to existing facilities which have deteriorated, and

WHEREAS, the following capital projects exist to support the need for critical/deferred maintenance and rehabilitation of Scoville Learning Center, Warren Hall, Dearlove Hall, Bryan Hall, the gymnasium and the campus phone system, as well as for the purchase of furniture, fixtures and equipment for the Culinary Center, all of which are required for the Campus:

CAPITAL EXPENDITURE	BUILDING/ AREA	CATEGORY	LOCAL SHARE	ESTIMATED COST
Critical/Deferred Maintenance	Scoville	Instruction and Support Services	\$254,950	\$409,900
FF&E	Culinary Center	Program Enhancement	\$100,000	\$200,000
Rehabilitation	Warren Hall	Instruction and Support Services	\$ 42,500	\$ 85,000
Critical/Deferred Maintenance	Dearlove	Instruction and Support Services	\$ 25,000	\$ 50,000
Critical/Deferred Maintenance	Bryan Hall	Instruction and Support Services	\$100,000	\$200,000
Critical/Deferred Maintenance	Gym	Student Life/Services	\$ 50,000	\$100,000
Critical/Deferred Maintenance	Campus Wide	Instruction and Support Services	\$210,000	\$420,000

and,

*RESOLUTION NO. 383 OF 2018*

*PAGE 2 OF 2*

WHEREAS, the total cost of the above referenced capital projects is One Million Four Hundred Sixty-Four Thousand Nine Hundred Dollars (\$1,464,900), of which forty-seven percent (47%) will be funded by the State of New York and the remaining fifty-three percent (53%) will be funded by Sponsors (Warren County and Washington County), and which total includes the cost of upgrades to the Campus phone system of Four Hundred Twenty Thousand Dollars (\$420,000) of which the local share is Two Hundred Ten Thousand Dollars (\$210,000), and

WHEREAS, the Sponsor share in the amount of Seven Hundred Eighty-Two Thousand Four Hundred Fifty Dollars (\$782,450) shall be borne by capital chargebacks collected by the College and/or other resources, including donations that the College may receive, now, therefore, be it,

RESOLVED, that the Warren County Board of Supervisors hereby supports the Adirondack Community College Capital Improvement Plan for 2019-20, and be it further

RESOLVED, that the Sponsor share of project costs in the amount of Seven Hundred Eighty-Two Thousand Four Hundred Fifty Dollars (\$782,450) shall be paid from accumulated capital chargeback funds and/or other resources, including donations that the Collage may receive.

# Warren County Board of Supervisors

## RESOLUTION NO. 384 OF 2018

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

**AUTHORIZING AIRPORT REAL PROPERTY LEASE AGREEMENTS WITH SCHERMERHORN AVIATION, LLC FOR HANGER NO. 7 AND HANGAR NO. 8 AT THE FLOYD BENNETT MEMORIAL AIRPORT, WARREN COUNTY, NEW YORK**

### **RESOLUTION TABLED**

WHEREAS, ground lease agreements for construction of Hangar #7 and Hangar #8 at the Floyd Bennett Memorial Airport with Schermerhorn Aviation, LLC are proposed to provide, among other things, for:

1. Ground lease space of sixteen thousand eight hundred (16,800) square feet for Hangar #7 and sixteen thousand eight hundred (16,800) square feet for Hangar #8. The payment of annual rent at Twenty-Nine Cents (\$.29) per square foot of real property leased approximately Four Thousand Eight Hundred Seventy-Two Dollars (\$4,872) per year for Hangar #7 and Four Thousand Eight Hundred Seventy-Two Dollars (\$4,872) per year for Hangar #8, with subsequent annual rental to be based on the previous year's rental as increased by the percentage change in Consumer Price Index ("C.P.I.") of the previous calendar year and with the percentage of increase of such annual rent not to exceed five percent (5%) in any one (1) year and the percentage of increase not to exceed twenty-five percent (25%) in any five (5) year period; in the event of deflation of C.P.I., no adjustment will be made, and
2. the term of the lease agreement is to commence upon execution of the lease agreement by both parties and continue for forty (40) years pursuant to General Municipal Law §352; and
3. at the end of the lease agreement the County to have the right, at its option, to purchase the buildings for One Dollar (\$1) or have the tenant remove the same if not purchased

by the County at the end of the lease term, and

WHEREAS, the proposed lease with Schermerhorn Aviation, LLC shall also contain a number of other terms and provisions, and

WHEREAS, the Board of Supervisors adopted Resolution No. 309 of 2018 on August 17, 2018, authorizing a public hearing to be held by the Board of Supervisors on the 21<sup>st</sup> day of September, 2018, at the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed leases, and notice of such public hearing was duly published as required by law, and said public hearing was held on this date and all persons appearing at said public hearing desiring to be heard, having been heard, and,

WHEREAS, an Environmental Assessment concerning the ground leases for Hangar #7 and Hangar #8 has been prepared and a Finding of No Significant Impact was determined, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the proposed construction and ground lease agreements with Schermerhorn Aviation, LLC as outlined on the attached Schedule "A" - Map of Premises, and authorizes the Chairman of the Board of Supervisors to execute the Short Environmental Assessment Form, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby determines that it would be appropriate to enter into Airport Real Property Lease Agreements with Schermerhorn Aviation, LLC, and authorizes the Chairman of the Board of Supervisors to execute said lease agreements upon the terms and conditions as described in the preambles of this resolution, in a form approved by the County Attorney, and be it further

RESOLVED, that the officers of Warren County are hereby authorized to make such minor non-substantive modifications as may be necessary to the lease agreements and are directed to execute and deliver such other documents and to take such other action that may be necessary or appropriate in order to effectuate the execution of the documents described above and consummation of the transactions described in the foregoing recitals, including, without limitation, the furnishing of such certificates, agreements and other documents that may be required by the Federal Aviation Administration.

# Warren County Board of Supervisors

## RESOLUTION NO. 385 OF 2018

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

**AMENDING AGREEMENTS WITH CHARTER COMMUNICATIONS OPERATING, LLC (ON BEHALF OF SPECTRUM) TO INCREASE FIBER INTERNET SPEED AND LOWER MONTHLY FEES FOR THE WARREN COUNTY MUNICIPAL CENTER AND THE SHERIFF'S OFFICE FOR INFORMATION TECHNOLOGY DEPARTMENT**

WHEREAS, the Director of Information Technology has requested to amend the agreements with Charter Communications Operating, LLC (on behalf of Spectrum), for the Sheriff's Office and for the Municipal Center to increase the fiber internet speed from 50 Mbps to 100 Mbps and to lower the monthly fees for both agreements, for a term commencing upon execution of the agreements by both parties and terminating thirty-six months thereafter, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chairman of the Board to execute amendment agreements with Charter Communications Operating, LLC (on behalf of Spectrum) to increase fiber internet speed from 50 Mbps to 100 Mbps and to lower the monthly fees for the Sheriff's Office and for the Municipal Center, effective upon execution of the agreements by both parties and terminating thirty-six months thereafter, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds shall be expended from Budget Code A.1680 428, Information Technology, Data Processing & Internet Fees, and Budget Code A. 3020 428, Sheriff's 911 Center, Data Processing & Internet Fees.