

Warren County Board of Supervisors

**AGENDA
FRIDAY NOVEMBER 17, 2023
BOARD MEETING**



10:00 a.m. Call Meeting to Order

Pledge of Allegiance - Supervisor Runyon

Roll Call

Privilege of the floor and public comment

Motion to approve minutes of the October 20th Board Meeting and the November 3rd Special Board Meeting, subject to correction by the Clerk of the Board

Presentation of Employee of the Month Award

Chair declares Public Hearing open on Warren County Sewer District (Industrial Park) Tax Roll and requests Clerk of the Board read the Notice of Public Hearing aloud - privilege of the floor extended to anyone wishing to be heard

Chair declares Public Hearing open on 2024 Tentative Budget and requests Clerk of the Board read the Notice of Public Hearing aloud - privilege of the floor extended to anyone wishing to be heard

Reports by Committee Chairs

Report by County Administrator

Report by County Attorney

Reading of Communications

Reading of Resolutions

Discussion and Public Comment on Proposed Resolutions

Requests for roll call votes

Vote on Resolutions

Privilege of the Floor and Public Comment

Announcements

Motion to Adjourn

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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
STE		ESTIMATE OF SALES TAX
MTR02		MORTGAGE TAX REPORT
PROC40		PROCLAMATION - APPRENTICESHIP WEEK
PROC41		PROCLAMATION - ALZHEIMER'S AWARENESS MONTH
PROC42		PROCLAMATION - DIABETES AWARENESS MONTH
PROC43		PROCLAMATION - HOME CARE & HOSPICE MONTH
PROC44		PROCLAMATION - PANCREATIC CANCER AWARENESS MONTH
483	ROLL CALL	FINANCE - MAKING SUPPLEMENTAL APPROPRIATIONS
484	ROLL CALL	FINANCE - AMENDING WARREN COUNTY BUDGET FOR 2023 FOR VARIOUS DEPARTMENTS WITHIN WARREN COUNTY
485		COUNTY FACILITIES (<i>BUILDINGS & 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 & GAS ALLIANCE (MEGA) FOR VARIOUS WARREN COUNTY PROPERTIES
486		COUNTY FACILITIES (<i>BUILDINGS & GROUNDS</i>) - AUTHORIZING AN EXTENSION AGREEMENT WITH NRG BUSINESS MARKETING, LLC AS THE PREFERRED SUPPLIER FOR NATURAL GAS THROUGH THE MUNICIPAL ELECTRIC & GAS ALLIANCE (MEGA) FOR VARIOUS WARREN COUNTY PROPERTIES
487		COUNTY FACILITIES (<i>BUILDINGS & GROUNDS</i>)- RATIFYING THE ACTIONS OF THE CHAIRMAN OF THE BOARD REGARDING EXECUTION OF AN AGREEMENT WITH THE STATE OF NEW YORK UNIFIED COURT SYSTEM FOR COURT CLEANING AND MINOR REPAIR TO COURT FACILITIES
488		COUNTY FACILITIES (<i>BUILDINGS & GROUNDS</i>) - AWARDING BID AND AUTHORIZING AGREEMENT WITH BPI MECHANICAL SERVICE, INC. FOR HVAC REPAIRS, REHABILITATION AND INSTALLATION (WC 63-23)
489		COUNTY FACILITIES (<i>BUILDINGS & GROUNDS</i>)- AMENDING AGREEMENT WITH HOUR ELECTRIC CO., INC. FOR ON-CALL ELECTRICAL REPAIR, INSTALLATION AND UPGRADE SERVICES FOR WARREN COUNTY (WC 68-22), TO INCREASE LABOR RATES PER THE NEW PREVAILING WAGE SCHEDULE

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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
490		COUNTY FACILITIES (<i>BUILDINGS & GROUNDS</i>)- AUTHORIZING ONE-TIME PAYMENT TO BARRIER FREE ELEVATORS, INC. FOR EMERGENCY REPAIRS TO THE MAIN ELEVATOR IN THE HUMAN SERVICES BUILDING
491		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>ASSIGNED COUNSEL</i>)- AMENDING AGREEMENT WITH ICC COMMUNITY DEVELOPMENT SOLUTIONS, LLC F/K/A GENERAL CODE, CMS, LLC TO PURCHASE CASE MANAGEMENT SOFTWARE FOR THE ASSIGNED COUNSEL OFFICE, TO ADD ADDITIONAL LICENSES
492		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>OFFICE OF EMERGENCY SERVICES</i>)- AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE GRANT APPLICATIONS TO THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR THE OFFICE OF EMERGENCY SERVICES
493		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>OFFICE OF EMERGENCY SERVICES</i>) - ADOPTING THE 2023 WARREN COUNTY HAZARD MITIGATION PLAN UPDATE
494		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>PROBATION</i>) - AMENDING RESOLUTION NO. 333 OF 2023, WHICH AUTHORIZED AGREEMENTS WITH VARIOUS AGENCIES/INDIVIDUALS FOR A RE-ENTRY AMBASSADOR IN ASSOCIATION WITH THE Y-RECONNECTS GRANT, TO ADD KRISTY MOORE
495		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>PROBATION</i>) - AUTHORIZING AGREEMENT WITH BIG BROTHERS AND BIG SISTERS OF THE SOUTHERN ADIRONDACKS TO PROVIDE SCHOOL MENTORING PROGRAMMING IN COLLABORATION WITH VARIOUS SCHOOLS IN WARREN COUNTY IN ASSOCIATION WITH THE Y-RECONNECTS GRANT FOR THE PROBATION DEPARTMENT
496		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>PUBLIC DEFENDER</i>)- RATIFYING THE ACTIONS OF THE WARREN COUNTY PUBLIC DEFENDER IN EXECUTING A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR FUNDING UNDER THE THIRD UPSTATE FAMILY DEFENSE (CHILD WELFARE) QUALITY IMPROVEMENT & CASELOAD REDUCTION GRANT AND AUTHORIZING A GRANT AGREEMENT FOR SAME ON BEHALF OF THE WARREN COUNTY PUBLIC DEFENDER'S OFFICE
497		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>PUBLIC DEFENDER</i>) - AUTHORIZING EXTENSION OF THE CURRENT AGREEMENT WITH RELXD/B/A LEXISNEXIS FOR A SUBSCRIPTION FOR A LAW LIBRARY RESEARCH SYSTEM FOR THE PUBLIC DEFENDER'S OFFICE

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498		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>SHERIFF</i>) - RATIFYING THE ACTIONS OF THE WARREN COUNTY SHERIFF IN EXECUTING A GRANT APPLICATION TO THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR STATEWIDE POLICE TRAFFIC SERVICES PROGRAM FUNDING AND AUTHORIZING A GRANT AGREEMENT FOR SAME ON BEHALF OF THE WARREN COUNTY SHERIFF'S OFFICE
499		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>SHERIFF</i>) - RATIFYING THE ACTIONS OF THE WARREN COUNTY SHERIFF IN EXECUTING A GRANT APPLICATION TO THE NEW YORK STATE STOP-DWIF FOUNDATION FOR HIGH VISIBILITY ENGAGEMENT CAMPAIGN FUNDING AND AUTHORIZING A GRANT AGREEMENT FOR SAME ON BEHALF OF THE WARREN COUNTY SHERIFF'S OFFICE
500		CRIMINAL JUSTICE & PUBLIC SAFETY (<i>SHERIFF</i>) - AUTHORIZING AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING WITH VARIOUS AGENCIES/DEPARTMENTS CONCERNING STOP-DWI PROGRAM - TRAFFIC SAFETY
501		ECONOMIC GROWTH & DEVELOPMENT (<i>PLANNING & COMMUNITY DEVELOPMENT</i>) - ADOPTING THE AMERICANS WITH DISABILITIES ACT ("ADA") SECTION 504 COMPLIANCE POLICY
502		HEALTH SERVICES (<i>OFFICE OF COMMUNITY SERVICES</i>) - AUTHORIZING THE DIRECTOR OF THE OFFICE OF COMMUNITY SERVICES TO EXECUTE A TWO (2) YEAR LEASE AGREEMENT WITH THE WARREN-WASHINGTON ASSOCIATION FOR MENTAL HEALTH, INC. FOR OFFICE SPACE FOR THE OFFICE OF COMMUNITY SERVICES FOR WARREN AND WASHINGTON COUNTIES
503		HEALTH SERVICES (<i>PUBLIC HEALTH</i>) - AMENDING RESOLUTION NO. 65 OF 2022 - AUTHORIZING AMENDMENT AGREEMENTS TO INCREASE RATES WITH VARIOUS PHYSICAL, SPEECH AND OCCUPATIONAL THERAPISTS FOR REGION ONE AND TWO FOR THE HEALTH SERVICES DEPARTMENT, TO INCLUDE OASIS DISCHARGE RATE
504		HEALTH SERVICES (<i>PUBLIC HEALTH</i>) - AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF HEALTH, DIVISION OF FAMILY HEALTH, FOR EARLY INTERVENTION GRANT PROGRAM FUNDING FOR THE HEALTH SERVICES DEPARTMENT
505		LEGISLATIVE, RULES & GOVERNMENTAL OPERATIONS (<i>PURCHASING</i>) - APPROVING REVISIONS TO THE PURCHASING POLICY FOR WARREN COUNTY

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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
506		LEGISLATIVE, RULES & GOVERNMENTAL OPERATIONS (<i>SELF INSURANCE</i>) - ACCEPTING PROPOSAL AND AUTHORIZING AGREEMENT WITH NEEDHAM RISK MANAGEMENT RESOURCE GROUP, LLC FOR SAFETY SERVICES CONSULTANT/COMPANY FOR SELF-INSURED WORKERS' COMPENSATION PROGRAM (WC 48-23)
507		LEGISLATIVE, RULES & GOVERNMENTAL OPERATIONS (<i>SELF INSURANCE</i>) - AUTHORIZING JENNIFER SMITH, SELF-INSURANCE SPECIALIST, TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE EMPIRE STATE SAFETY ASSOCIATION
508		OCCUPANCY TAX COORDINATION - INTRODUCING PROPOSED LOCAL LAW NO. 7 OF 2023, ENTITLED "A LOCAL LAW AMENDING 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)", AND AUTHORIZING PUBLIC HEARING THEREON <i>RESOLUTION TABLED BACK TO COMMITTEE</i>
509		OCCUPANCY TAX COORDINATION - ADOPTING THE OCCUPANCY TAX GRANT APPLICATION FOR CONVENTIONS, TRADE SHOWS AND EVENTS
510		OCCUPANCY TAX COORDINATION - AUTHORIZING AGREEMENT WITH QUEENSBURY EMERGENCY MEDICAL SERVICES, INC. FOR REIMBURSEMENT OF EXPENSES INCURRED DURING THE 2023 ADIRONDACK HOT AIR BALLOON FESTIVAL AT THE WARREN COUNTY (FLOYD BENNETT MEMORIAL) AIRPORT
511		OCCUPANCY TAX COORDINATION - AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN WARREN COUNTY AND THE WARREN COUNTY SHERIFF'S OFFICE FOR REIMBURSEMENT OF PAYROLL EXPENSES INCURRED DURING 2023 SPECIAL EVENTS FROM OCCUPANCY TAX REVENUE HELD IN SUPPORT OF WARREN COUNTY TOURISM <i>RESOLUTION WITHDRAWN AND RETURNED TO COMMITTEE</i>
512		OCCUPANCY TAX COORDINATION - AMENDING RESOLUTION NO 735 OF 2022 AND AGREEMENT WITH WARREN COUNTY HISTORIAN, TO CHANGE THE AGREEMENT FROM WARREN COUNTY HISTORIAN TO WARREN COUNTY HISTORICAL SOCIETY
513		PUBLIC WORKS (<i>DPW</i>) - AWARDED BID AND AUTHORIZING AGREEMENT WITH ROZELL EAST, INC. FOR CRANE SERVICES (WC 65-23)

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514		PUBLIC WORKS (PARKS, RECREATION & RAILROAD) - ACCEPTING DONATION OF A PRINTER PLOTTER, BOX TURTLE ENCLOSURE AND A 125 GALLON SNAPPING TURTLE TANK FROM FRIENDS OF UP YONDA AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO SEND A LETTER OF APPRECIATION FOR SAID DONATION
515		PUBLIC WORKS (SEWER) - AMENDING INTERMUNICIPAL AGREEMENT BETWEEN WARREN COUNTY, WASHINGTON COUNTY, TOWN OF QUEENSBURY AND TOWN OF KINGSBURY CONCERNING THE ESTABLISHMENT OF DISTRICTS, CONSTRUCTION OF COLLECTION SYSTEMS AND DISPOSAL OF WASTE WATER AT THE CITY OF GLENS FALLS WASTE WATER TREATMENT PLANT, TO REFLECT THE DISSOLUTION OF THE KINGSBURY SEWER DISTRICT AND THE EXTENSION OF THE WASHINGTON COUNTY SEWER DISTRICT #1 TO ASSUME THE KINGSBURY SEWER DISTRICT OBLIGATIONS
516		PERSONNEL, ADMINISTRATION & HIGHER EDUCATION (COUNTY ATTORNEY) - AUTHORIZING ACCEPTANCE OF SETTLEMENT AND SETTLEMENT PROCEEDS FOR LAWSUITS AGAINST ESTATE OF JOSEPH A. GARRY AND THE GARRY FAMILY TRUST
517		PERSONNEL, ADMINISTRATION & HIGHER EDUCATION (COUNTY ATTORNEY) - AUTHORIZING COUNTY ATTORNEY TO NEGOTIATE AND TENDER AN AMOUNT UP TO THE COUNTY INSURANCE POLICY DEDUCTIBLE TO SETTLE ALL CLAIMS IN THE MATTER OF JULIA BARTON (AKA JULIA BENSON) AND MCKENNA S. FRANK (AKA MCKENNA S. BRODIE) V. WARREN COUNTY, ET AL.
518		PERSONNEL, ADMINISTRATION & HIGHER EDUCATION (COUNTY ATTORNEY) - AUTHORIZING COUNTY ATTORNEY TO NEGOTIATE AND TENDER AN AMOUNT UP TO THE COUNTY INSURANCE POLICY DEDUCTIBLE TO SETTLE ALL CLAIMS FILED BY TIMOTHY E. MCINTYRE AND BRENNAN R. MICHALAK
519		PERSONNEL, ADMINISTRATION & HIGHER EDUCATION (HUMAN RESOURCES) - AUTHORIZING AGREEMENT WITH ASCENTIS CORPORATION FOR SUBSCRIPTION SERVICES RELATIVE TO THE NOVATIME 5000 PROGRAM TIME AND ATTENDANCE SYSTEM FOR WARREN COUNTY
520	ROLL CALL	FINANCE (COUNTY ADMINISTRATOR) - AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND UNAPPROPRIATED SURPLUS AND COUNTY ROAD UNAPPROPRIATED SURPLUS TO VARIOUS DEPARTMENTAL BUDGETS TO COVER THE COST OF EQUIPMENT PURCHASES IN 2023; AND AMENDING 2023 WARREN COUNTY BUDGET

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521	ROLL CALL	FINANCE (<i>COUNTY ATTORNEY</i>) - AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND UNAPPROPRIATED SURPLUS TO THE SHERIFF'S BUDGET TO COVER THE COST OF THE INSURANCE DEDUCTIBLE IN THE MATTER OF JULIA BARTON (AKA JULIA BENSON) AND MCKENNA S. FRANK (AKA MCKENNA S. BRODIE) V. COUNTY OF WARREN; AND AMENDING 2023 WARREN COUNTY BUDGET
522	ROLL CALL	FINANCE (<i>DPW</i>) -INCREASING CAPITAL PROJECT NO. H390, COUNTY BRIDGE & CULVERT PROJECTS; AUTHORIZING TRANSFER OF FUNDS; AND AMENDING WARREN COUNTY BUDGET FOR 2023
523	ROLL CALL	ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES (<i>REAL PROPERTY TAX SERVICES</i>) - APPROVING AND ADOPTING THE WARREN COUNTY SEWER DISTRICT (INDUSTRIAL PARK) TAX ROLL FOR 2024 <i>STANDARD ANNUAL RESOLUTION - AUTHORIZED THROUGH OUT-OF-COMMITTEE RESOLUTION REQUEST PROCESS</i>
524	ROLL CALL	BUDGET - ADOPTING BUDGET FOR FISCAL YEAR 2024 <i>STANDARD ANNUAL RESOLUTION - AUTHORIZED THROUGH OUT-OF-COMMITTEE RESOLUTION REQUEST PROCESS</i> <i>RESOLUTION AMENDED BASED ON BUDGET AMENDMENTS MADE FROM THE FLOOR</i>
525	ROLL CALL	BUDGET - MAKING APPROPRIATIONS FOR THE CONDUCT OF COUNTY GOVERNMENT FOR THE FISCAL YEAR 2024 <i>STANDARD ANNUAL RESOLUTION - AUTHORIZED THROUGH OUT-OF-COMMITTEE RESOLUTION REQUEST PROCESS</i>
526	ROLL CALL	PERSONNEL, ADMINISTRATION & HIGHER EDUCATION - ADOPTING SALARY AND COMPENSATION PLAN FOR 2024 <i>STANDARD ANNUAL RESOLUTION - AUTHORIZED THROUGH OUT-OF-COMMITTEE RESOLUTION REQUEST PROCESS</i>
527		PERSONNEL, ADMINISTRATION & HIGHER EDUCATION - INTRODUCING PROPOSED LOCAL LAW NO. 1 OF 2024, ENTITLED "A LOCAL LAW FIXING THE SALARIES OF CERTAIN COUNTY OFFICERS AND EMPLOYEES OF WARREN COUNTY", AND AUTHORIZING PUBLIC HEARING THEREON <i>STANDARD ANNUAL RESOLUTION - AUTHORIZED THROUGH OUT-OF-COMMITTEE RESOLUTION REQUEST PROCESS</i> <i>RESOLUTION REVISED AFTER DISTRIBUTION</i>
528		BUDGET - LEVYING TAX - CITY OF GLENS FALLS - 2024 <i>STANDARD ANNUAL RESOLUTION - AUTHORIZED THROUGH OUT-OF-COMMITTEE RESOLUTION REQUEST PROCESS</i>

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<u>RES. NO.</u>	<u>VOTE</u>	<u>DESCRIPTION</u>
529		SUPERVISORS BRAYMER AND SMITH - WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE APPROVED THROUGH THE ESTABLISHED COMMITTEE STRUCTURE IN ADVANCE OF A BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION AMENDING RESOLUTION NO. 298 OF 2023, AUTHORIZING THE SALE AND CONVEYANCE OF TOWN OF QUEENSBURY TAX MAP PARCEL NO. 303.12-1-9.3 TO NICK CHIARAVALLE, TO REMOVE LANGUAGE REQUIRING TOWN OF QUEENSBURY PLANNING BOARD SITE PLAN APPROVAL
530		SUPERVISORS BRAYMER AND MAGOWAN - AMENDING RESOLUTION NO. 298 OF 2023, AUTHORIZING THE SALE AND CONVEYANCE OF TOWN OF QUEENSBURY TAX MAP PARCEL NO. 303.12-1-9.3 TO NICK CHIARAVALLE, TO REMOVE LANGUAGE REQUIRING TOWN OF QUEENSBURY PLANNING BOARD SITE PLAN APPROVAL
531		SUPERVISORS BRUNO AND RUNYON - WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE APPROVED THROUGH THE ESTABLISHED COMMITTEE STRUCTURE IN ADVANCE OF A BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION FURTHER AMENDING RESOLUTION NO. 22 OF 2023, APPOINTING MEMBERS TO THE WARREN-WASHINGTON COUNTIES INDUSTRIAL DEVELOPMENT AGENCY AND CIVIC DEVELOPMENT CORPORATION, TO FILL A VACANCY DUE TO RESIGNATION
532		SUPERVISORS BRUNO AND LEGGETT - FURTHER AMENDING RESOLUTION NO. 22 OF 2023, APPOINTING MEMBERS TO THE WARREN-WASHINGTON COUNTIES INDUSTRIAL DEVELOPMENT AGENCY AND CIVIC DEVELOPMENT CORPORATION, TO FILL A VACANCY DUE TO RESIGNATION
EA01		REPORT OF EQUALIZATION AND APPORTIONMENT OF COUNTY TAX LEVY

THE ESTIMATE OF SALES TAX; MORTGAGE TAX REPORT; PROCLAMATIONS 40-44; RESOLUTION NOS. 483-528; THE REPORT OF EQUALIZATION AND APPORTIONMENT OF COUNTY TAX LEVY; AND TWO FLOOR RESOLUTIONS WERE DISTRIBUTED TO THE MEMBERS OF THE BOARD OF SUPERVISORS AND POSTED TO THE WARREN COUNTY WEBSITE ON TUESDAY, NOVEMBER 14, 2023

FLOOR RESOLUTION NOS. 3-4 (LATER RESOLUTION NOS. 529-532) WERE DISTRIBUTED TO THE MEMBERS OF THE BOARD OF SUPERVISORS AND POSTED TO THE WARREN COUNTY WEBSITE ON THURSDAY, NOVEMBER 16, 2023

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Please note that the following is a summarization of the Board Meeting; the meeting, in its entirety, can be viewed using the following links on the Warren County website:
<https://warrencountyny.gov/mma>

Part 1 - <https://www.youtube.com/watch?v=M1bqVd49ivQ>

Part 2 - https://www.youtube.com/watch?v=a_YwKwceMDU

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York; meeting called to order at 10:02 a.m.

Mr. Kevin B. Geraghty presiding.

Salute to the flag was led by Supervisor Runyon.

Roll called, the following members present:

Supervisors Conover, Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Geraci, Smith, Merlino, Strough, Wild, Beaty, Magowan, Etu, Thomas, Runyon and Geraghty-18 Absent - 2 Supervisors Frasier and Dickinson.

Chairman Geraghty called for privilege of the floor/public comment:

Christopher Bradley, *Representing Warren-Washington Counties Topics on Tobacco Coalition*, provided an overview of their Coalition and its purpose, as well as some statistical data regarding smoking and/or vaping usage in Warren and Washington Counties.

Travis Whitehead, *Town of Queensbury Resident*, indicated the County received sufficient funding from a settlement paid by the tobacco companies every year, none of which was allocated to reduce the smoking rate within the County. He urged the Board to consider using some of these funds to provide funding to organizations such as the Warren-Washington Counties Topics on Tobacco Coalition.

Motion was made by Supervisor Geraci, seconded by Supervisor Smith and carried by a unanimous vote of those present (*Supervisors Frasier and Dickinson absent*), to approve the minutes of the October 20, 2023 Board Meeting and the November 3, 2023 Special Board Meeting, subject to correction by the Clerk of the Board.

Presentation of the Employee of the Month Award was made to Craig Briggs, *Nurse Leader, Health Services*.

Continuing with the Agenda review, Chair declared the Public Hearing open on Warren County Sewer District (Industrial Park) Assessment Roll open at 10:13 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

Chairman Geraghty announced he would keep the Public Hearing open.

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Proceeding with the Agenda review, Chair declared the Public Hearing on 2024 Tentative Budget open at 10:15 a.m. and requested the Clerk of the Board read aloud the Notice of Public Hearing. Chair called for public comment.

Mr. Whitehead voiced his concerns regarding the Sheriff's Budget and more specifically the funding for the County Jail, as well as the Department of Public Works.

Supervisor Leggett commended Supervisor Thomas for his efforts preparing the 2024 proposed County Budget. He suggested going forward reorganizing the budgeting process to allow for more active participation from the entire Board.

Supervisor Magowan spoke regarding the salary increase for the Chairman of the Board and Budget Officer which he was not in favor of, adding he concurred with Supervisor Leggett the budgeting process needed to be revamped to allow for more active participation from the entire Board. He apprised he would like to enter into an executive session at the appropriate time to discuss some personnel matters.

Christine Norton, *Warren County Resident*, advised according to NYSAC (*New York State Association of Counties*) several Counties within New York State designated a separate individual within the County to handle the budgeting process, while others tasked the County Administrator to manage the budget preparation, noting only five Counties designated an individual from within their Board of Supervisors and/or Legislative Board to carry out this process.

Returning to the Public Hearing pertaining to Warren County Sewer District (Industrial Park) Assessment, as well as the Public Hearing 2024 Tentative Budget, Chairman Geraghty once again asked for public comment; there being no response he closed both Public Hearings at 10:32 a.m.

Chairman Geraghty called for a motion to enter into an executive session. The necessary motion was made by Supervisor Magowan, seconded by Supervisor Runyon and carried by a unanimous vote of those present (*Supervisors Frasier and Dickinson absent*) to enter into an executive session.

Executive session was held from 10:33 a.m. until 11:32 a.m.

Report by the Chair of the Board was given.

Returning to the executive session, Amanda Allen, *Clerk of the Board*, clarified for the record the purpose of the executive session was for discussing matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation which fell under Section 105(1)(f) of the Public Officer's Law.

Reports by Committee Chairs were given.

Report by the County Administrator was given.

Report by the County Attorney was given.

Reading of communications was called for; Clerk of the Board noted there were none received this month.

Reading of resolutions by the Clerk of the Board was announced as follows:

Resolution Nos. Nos. 483-528 were distributed to the Board and posted to the Warren County

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website on Monday December 13th, along with Estimate of Sales Tax, Report of Equalization and Apportionment, Mortgage Tax Report and five Proclamations, adding this distribution met the deadline specified in the Rules of the Board. The five Proclamations were:

- Proclamation No. 40 - Apprenticeship Week
- Proclamation No. 41 - Alzheimer's Awareness Month
- Proclamation No. 42 - Diabetes Awareness Month
- Proclamation No. 43 - Home Care & Hospice Month
- Proclamation No. 44 - Pancreatic Cancer Awareness Month

Mrs. Allen noted proposed Resolution No. 527 was amended after mailing and a motion was required to approve the amendment to the resolution, as provided.

Motion was made by Supervisor Smith, seconded by Supervisor Runyon and carried by a unanimous vote of those present (*Supervisors Frasier and Dickinson absent*) to approve proposed Resolution No. 527 as amended.

Mrs. Allen indicated there were four Floor Resolutions which were not approved and a motion was needed to bring each to the floor.

Motion was made by Supervisor Braymer, seconded by Supervisor Smith and carried by a unanimous vote of those present (*Supervisor Frasier and Dickinson absent*), to bring proposed Floor Resolution No. 1 entitled "*Waive the Standing Rule of the Board Relating to the Requirement that all Resolutions be distributed to the Board no Later than the Tuesday Before the Board Meeting in Order to Entertain a Resolution Amending Resolution No. 298 of 2023, Authorizing the Sale and Conveyance of Town of Queensbury Tax Map Parcel No. 303.12-1-9.3 to Nick Chiaravalle, to Remove Language Requiring Town of Queensbury Planning Board Site Plan Approval*". Mrs. Allen announced proposed Floor Resolution No. 1 would now be referred to as proposed Resolution No. 529.

Motion was made by Supervisor Braymer, seconded by Supervisor Magowan and carried by a unanimous vote of those present (*Supervisor Frasier and Dickinson absent*) to bring proposed Floor Resolution No. 2 to the floor entitled "*Amending Resolution No. 298 of 2023, Authorizing the Sale and Conveyance of Town of Queensbury Tax Map Parcel No. 303.12-1-9.3 to Nick Chiaravalle, to Remove Language Requiring Town of Queensbury Planning Board Site Plan Approval*". Mrs. Allen stated proposed Floor Resolution No. 2 would now be referred to as proposed Resolution No. 530.

Motion was made by Supervisor Bruno, seconded by Supervisor Runyon and carried by a unanimous vote of those present (*Supervisor Frasier and Dickinson absent*), to bring proposed Floor Resolution No. 3 entitled "*Waive the Standing Rule of the Board Relating to the Requirement that all Resolutions be distributed to the Board no Later than the Tuesday Before the Board Meeting in Order to Entertain a Resolution Further Amending Resolution No. 22 of 2023, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*". Mrs. Allen advised Floor Resolution No. 3 would now be known as proposed Resolution No. 531.

Motion was made by Supervisor Bruno, seconded by Supervisor Leggett and carried by a unanimous vote of those present (*Supervisor Frasier and Dickinson absent*) to bring proposed Floor Resolution No. 4 entitled "*Further Amending Resolution No. 22 of 2023, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to Fill a Vacancy Due to Resignation*". Mrs. Allen stated Floor Resolution No. 4 would now be referred to as proposed Resolution No. 532.

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Mrs. Allen stated a motion was required to withdraw proposed Resolution No. 511, *Authorizing Memorandum of Understanding Between Warren County and the Warren County Sheriff's Office for Reimbursement of Payroll Expenses Incurred During 2023 Special Events from Occupancy Tax Revenue Held in Support of Warren County Tourism*, and refer it back to the Occupancy Tax Coordination Committee.

The necessary motion was made by Supervisor Wild, seconded by Supervisor Merlino and carried by a unanimous vote of those present (*Supervisors Frasier and Dickinson absent*) to withdraw proposed Resolution No. 511, *Authorizing Memorandum of Understanding Between Warren County and the Warren County Sheriff's Office for Reimbursement of Payroll Expenses Incurred During 2023 Special Events from Occupancy Tax Revenue Held in Support of Warren County Tourism*, and send it back to the Occupancy Tax Coordination Committee for further review.

Discussion and public comment on proposed resolutions was called for.

Supervisor Strough voiced his opposition to proposed Resolution No. 508, *Introducing Proposed Local Law No. 7 of 2023, Entitled "A Local Law Amending 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)'"*, and *Authorizing Public Hearing Thereon*, adding he would like a roll call vote on the proposed resolution.

A discussion ensued regarding proposed Resolution No. 508 during which a motion was made Supervisor Wild and seconded by Supervisor Strough to table the proposed Resolution and refer it back to Committee for further clarification. A discussion ensued during which Supervisor Braymer called for point of order, indicating the motion pertained to the tabling of proposed Resolution No. 508 and she requested they move forward with the vote on the motion to table. Chairman Geraghty responded in the affirmative, noting there would be a roll call vote on the motion. He called the question and the motion to table proposed Resolution No. 508, *Introducing Proposed Local Law No. 7 of 2023, Entitled "A Local Law Amending 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)'"*, and *Authorizing Public Hearing Thereon*, and send it back to Committee was carried, with 624 voting in favor (*Supervisors Conover, Leggett, McDevitt, Braymer, Driscoll, Geraci, Smith, Strough, Wild, Magowan and Etu*); 315 opposed (*Supervisors Runyon, Diamond, Bruno, Merlino, Beaty, Thomas and Geraghty*); and 63 absent (*Supervisors Frasier and Dickinson*).

Motion was made by Supervisor Braymer and seconded by Supervisor Magowan to amend the 2024 Tentative County Budget to reduce the salary increase of the Chairman of the Board and Budget Officer to a 2.85% salary increase over what they were currently being paid. Mrs. Allen noted this would reduce the proposed salary of the Chairman of the Board from \$25,000 to \$23,656 and the Budget Officer from \$15,000 to \$9,257.

Motion was made by Supervisor Leggett to amend the proposed amendment to the 2024 Tentative County Budget to keep the proposed salary for the Budget Officer at \$15,000 and reduce the salary of the Chairman of the Board from \$25,000 to \$23,656; Supervisor McDevitt seconded the motion. A discussion ensued during which Larry Elmen, *County Attorney*, indicated the motion they were voting on only pertained to keeping the Budget Officer's Salary at \$15,000 in the 2024 Tentative County Budget. A roll call vote on the motion was called for. Chairman Geraghty called the question and the motion was carried, with 614 voting in favor (*Supervisors Runyon, Conover, Leggett, McDevitt, Driscoll, Geraci, Smith, Merlino, Strough, Wild, Etu and Geraghty*); 325 opposed (*Supervisors Diamond, Braymer, Bruno, Magowan, Beaty and Thomas*); and 63 absent (*Supervisors Frasier and Dickinson*).

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY NOVEMBER 17, 2023

Returning to the original motion as amended which consisted of reducing the salary of the Chairman of the Board in the 2024 Tentative County Budget from \$25,000 to \$23,656, a roll call vote was called for. Chairman Geraghty called the question and the motion to amend the 2024 Tentative County Budget as outlined above was carried, with 510 voting in favor (*Supervisors Leggett, Diamond, McDevitt, Braymer, Bruno, Driscoll, Magowan, Beaty and Geraghty*); and 429 opposed (*Supervisors Runyon, Conover, Geraci, Smith, Merlino, Strough, Wild, Etu and Thomas*); and 63 absent (*Supervisors Frasier and Dickinson*).

With regard to proposed Resolution No. 509, *Adopting the Occupancy Tax Grant Application for Conventions, Trade Shows and Events*, Heather Bagshaw, *Director of Tourism*, clarified although the deadline to submit applications for occupancy tax funding for events in 2024 was November 1st, there was another timeframe for when a second round of applications were accepted. She added they also had the ability for the Occupancy Tax Coordination Committee to approve applications outside of those timeframes.

A discussion ensued regarding proposed Resolution No. 524, *Adopting Budget for Fiscal Year 2024*, during which Supervisors Leggett and Wild spoke in favor while Supervisors Magowan and Diamond voiced their opposition.

Voting on resolutions occurred. Resolution Nos. 483-528 were approved as presented, with the exception of Resolution No. 511 which was withdrawn, as well as Resolution No. 508 which was tabled and sent back to the Occupancy Tax Coordination Committee for further discussion and Resolution No. 524 which was amended from the floor.

Chairwoman Geraghty offered privilege of the floor and the following spoke:

Mike Swan, *County Treasurer*, clarified for the record currently 3% of the total Occupancy Tax collections were allocated to the Treasurer's Office as an administrative fee which amounted to around \$210,000 on an annual basis. He added if this fee had been increased to 6% today it would result in an increase of \$210,000 for a new total of \$420,000 which could be justified by the amount of time staff in his Office spent on these collections.

Supervisor Braymer questioned whether there were plans to let the Executive Order concerning refugees expire in Warren County and John Taflan, *County Administrator*, replied in the negative.

Supervisor Magowan suggested they look into whether it was permissible to charge sales tax on short-term rentals within the County as a way to bolster revenues and Chairman Geraghty replied he was unsure whether this was legal, but they would research the matter further.

Supervisor Wild spoke regarding the Warren County Housing Needs Study and Market Demand Analysis which would be discussed further at the next meeting of the Economic Growth & Development Committee.

In response to Supervisor Magowan's suggestion that the County look whether the County could charge sales tax on short-term rental to increase its revenue stream, Supervisor Merlino apprised according to the State this was not permitted.

Supervisor Braymer suggested considering charging a real property transfer tax on the sale of properties that were being sold to be used as short-term rentals, as this was permissible.

In regard to Resolution No. 515, *Amending Intermunicipal Agreement Between Warren County, Washington County, Town of Queensbury and Town of Kingsbury Concerning the Establishment of*

WARREN COUNTY BOARD OF SUPERVISORS

BOARD MEETING

FRIDAY NOVEMBER 17, 2023

Districts, Construction of Collection Systems and Disposal of Waste Water at the City of Glens Falls Waste Water Treatment Plant, to Reflect the Dissolution of the Kingsbury Sewer District and the Extension of the Washington County Sewer District #1 to Assume the Kingsbury Sewer District Obligations, Supervisor Merlino questioned whether the cost to the County was increasing and Chairman Geraghty replied in the negative.

Supervisor Magowan stated he believed the County should research whether it had the authority to charge its 3% share of the sales tax on short-term rentals.

Announcements were called for.

Chairman Geraghty wished everyone a safe and happy Thanksgiving next week and commended the Board for having a productive, civil discussions at the meeting today. He announced the annual meeting of the Adirondack Association of Towns's and Village's would be held December 2-4, 2023 at the Marriott Hotel in Lake George and he encouraged all to attend.

Supervisor Driscoll advised this upcoming Tuesday evening West Point would be playing the University of Albany in a basketball game and he encouraged all to attend. He also thanked Mr. Taflan for highlighting his meetings with local not-for-profits, as they had a significant impact on the local economy, as well as the quality of life of the residents.

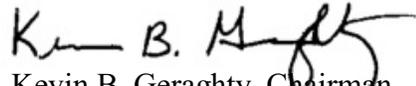
There being no further business to come before the Board of Supervisors, on motion made by Supervisor Conover, seconded by Supervisor Strough and carried by a unanimous vote of those present (*Supervisors Frasier and Dickinson absent*) Chairman Geraghty adjourned the Board Meeting at 12:47 p.m.

REPORT OF EQUALIZATION AND APPORTIONMENT OF COUNTY TAX LEVY

To the Board of Supervisors:

As provided by Local Law No. 1 of 1968, I herewith submit the Report of Equalization and Apportionment of County taxes based on ratios determined by the Real Property Tax Services Committee of the Board, and I hereby certify that the amounts of levy for County purposes are apportioned on these rates.

Dated: November 17, 2023



Kevin B. Geraghty, Chairman
Warren County Board of Supervisors

2024 Equalization & Apportionment Table.xls
Adopted

	EQUALIZATION RATE	ASSESSED VALUE	FULL VALUE	PERCENTAGE	AMOUNT TO BE RAISED	SALES TAX CREDIT	Exemption Removal	NET AMOUNT TO BE RAISED	COLUMN 2 OF FOOTINGS	2024 TAX RATES	2023 TAX RATES	DIFFERENCE	PERCENTAGE
Bolton	75.00%	\$1,926,609,576	\$2,568,812,768	16.931880	\$8,434,854.59	650,000	\$ -	\$7,784,854.59	\$1,926,609,576	\$4.041	\$3.636	\$0.405	11.14%
Chester	91.00%	\$764,263,499	\$839,849,999	5.535724	\$2,757,698.91	*	\$ 2,223.17	\$2,755,475.74	\$764,261,999	\$3.606	\$3.666	-\$0.060	-1.64%
Glens Falls	94.00%	\$1,298,012,011	\$1,380,863,841	9.101722	\$4,534,151.06	*	\$ 4,618.67	\$4,529,532.39	\$1,298,012,011	\$3.490	\$3.574	-\$0.084	-2.35%
Hague	100.00%	\$972,453,321	\$972,453,321	6.409756	\$3,193,110.26	300,000	\$ 1,220.38	\$2,891,889.88	\$972,448,821	\$2.974	\$4.508	-\$1.534	-34.03%
Horicon	98.00%	\$820,579,914	\$837,326,443	5.519091	\$2,749,412.95	*	\$ -	\$2,749,412.95	\$820,578,414	\$3.351	\$3.578	-\$0.227	-6.34%
Johnsburg	86.00%	\$589,747,205	\$685,752,564	4.520018	\$2,251,710.65	*	\$ 3,102.93	\$2,248,607.72	\$589,742,705	\$3.813	\$3.578	\$0.235	6.57%
Lake George In Out	84.00% 84.00%	\$255,451,997 \$1,139,421,918	\$304,109,520 \$1,356,454,664	2.004485 8.940834	\$998,562.45 \$4,454,002.43	*	\$ - \$ -	\$998,562.45 \$4,454,002.43	\$255,451,997 \$1,139,421,918	\$3.910 \$3.910	\$3.977 \$3.977	-\$0.067 -\$0.067	-1.68% -1.68%
Lake Luzerne	74.00%	\$430,340,666	\$581,541,441	3.833129	\$1,909,527.22	*	\$ -	\$1,909,527.22	\$430,336,166	\$4.438	\$4.157	\$0.281	6.76%
Queensbury	85.00%	\$4,104,641,440	\$4,828,989,929	31.829441	\$15,856,284.51		\$ 20,467.12	\$15,835,817.39	\$4,104,622,740	\$3.859	\$3.974	-\$0.115	-2.89%
Stony Creek	0.82%	\$1,403,956	\$171,214,146	1.128528	\$562,192.12	*	\$ 103.00	\$562,089.12	\$1,401,606	\$401.033	\$416.899	-\$15.866	-3.81%
Thurman	73.46%	\$171,184,456	\$233,030,841	1.535982	\$765,171.08	*	\$ 413.62	\$764,757.46	\$171,182,956	\$4.468	\$4.093	\$0.375	9.16%
Warrensburg	86.00%	\$353,508,963	\$411,056,934	2.709410	\$1,349,730.77	*	\$ 615.01	\$1,349,115.76	\$353,508,963	\$3.817	\$3.718	\$0.099	2.66%
TOTALS		\$12,827,618,922	\$15,171,456,411	100.000000	\$49,816,409.00	\$ 950,000.00	\$ 32,763.90	\$48,833,645.10	\$12,827,579,872				

Warren County Board of Supervisors

MORTGAGE TAX REPORT

To the Board of Supervisors of Warren County:

Your committee on Finance would respectfully report from the financial statement relative to mortgage tax receipts made by the County Clerk and County Treasurer of Warren County for the period ending September 30, 2023, and filed in the Office of the Board of Supervisors of Warren County. It appears that the amount received by the County Clerk from mortgage taxes for the period ending September 30, 2023, from current taxes was \$1,242,074.59 and that after receipt of all interest and payment of all expenses, the County's share to be distributed among the several tax districts amounts to \$1,242,122.01.

The amounts to be distributed to the several districts are as follows:

Bolton	\$ 96,581.12
Chester	44,700.71
Glens Falls	163,975.91
Hague	5,518.71
Horicon	32,742.25
Johnsburg	21,944.34
Lake George	196,569.24
Lake Luzerne	28,275.58
Queensbury	578,391.01
Stony Creek	9,986.88
Thurman	8,035.31
Warrensburg	28,789.60
Village of Lake George	26,611.35

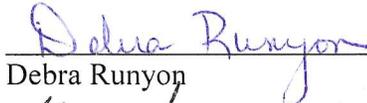
Your committee recommends the adoption of this report and recommends that the Chairman and the Clerk of the Board be authorized and directed to issue the proper warrant to the Treasurer of Warren County for the distribution of said tax.

Dated: November 17, 2023

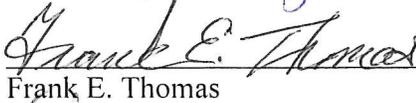
Respectfully submitted,
FINANCE COMMITTEE



Craig Leggett, Chair



Debra Runyon



Frank E. Thomas



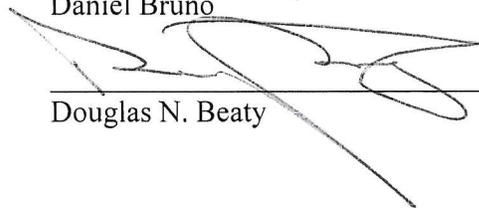
Edna A. Frasier



Michael Geraci



Daniel Bruno



Douglas N. Beaty

Warren County Board of Supervisors

Proclamation

WHEREAS, National Apprenticeship Week (November 13-19) is celebrating its ninth anniversary of raising awareness of the vital role that Registered Apprenticeships provide in creating opportunities by allowing apprentices to earn while they learn and preparing a pathway to well-paying careers in Warren County, and across the Nation, and

WHEREAS, Registered Apprenticeship programs enable employers to develop and train their future workforce while offering career seekers affordable paths to secure high-paying jobs, and

WHEREAS, Warren County recognizes the role of Registered Apprenticeships in expanding opportunities in our workforce that are inclusive of individuals who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequity, thus providing a path for all qualified individuals, including women, youth, people of color, rural communities, justice-involved individuals and individuals with disabilities, to become apprentices and contribute to America's industries, and

WHEREAS, Warren County recognizes that Registered Apprenticeships, a proven and industry-driven training model, provide a critical talent pipeline that can train and build up our workforce to address our Nation's pressing issues such as responding to climate change, modernizing our cybersecurity response, addressing public health issues, and rebuilding our nation's infrastructure, and

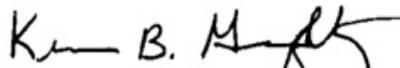
WHEREAS, the Warren County Department of Workforce Development, the Warren County Career Center, and the New York State Department of Labor promote and advocate for Registered Apprenticeship programs which are a time-honored approach to training skilled workers through a combination of on-the-job training and classroom instruction, now, therefore, be it

RESOLVED, that I, Kevin B. Geraghty, Chairman, upon a majority vote of the Board of Supervisors, do hereby declare the week of November 13-19, 2023 to be

APPRENTICESHIP WEEK

in Warren County, and encourage all Warren County residents to observe this month with appropriate ceremonies, activities and programs.

DATED: NOVEMBER 17, 2023



**KEVIN B. GERAGHTY, CHAIRMAN
WARREN COUNTY BOARD OF SUPERVISORS**

Warren County Board of Supervisors

Proclamation

WHEREAS, Alzheimer's Disease is a common form of dementia that is a cruel and fatal condition that erodes the ability to think, recall precious memories, and to live independently, and

WHEREAS, Alzheimer's Disease devastatingly affects more than six million Americans, as well as the family members and friends who love them, exacting a heartbreaking human toll, in addition to the deep economic impact with the cost of treatment exceeding \$300 billion nationally in 2021 alone, and

WHEREAS, the greatest known risk factor for Alzheimer's Disease, which is the leading cause of death in seniors, is increasing age with the majority of people afflicted being aged 65 and over, and

WHEREAS, while there is no current cure for Alzheimer's Disease, recent advances in biomedical science offer hope for strides toward a better understanding of this debilitating disease, improved treatments, and ultimately a cure, and

WHEREAS, there are many regional facilities in Warren County that provide compassionate care and assistance to individuals with Alzheimer's Disease, such as the Alzheimer's Association's Adirondack Office, Countryside Adult Home, Glen at Hiland Meadows and the Warren County Office for the Aging, and

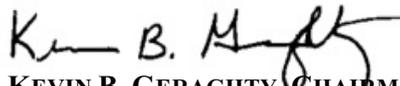
WHEREAS, during the month of November we stand with all those families confronting this challenging disease and recommit ourselves to improving treatment and finding a cure, now, therefore, be it

RESOLVED, that I, Kevin B. Geraghty, Chairman, upon a majority vote of the Board of Supervisors, do hereby declare the month of November 2023 to be

ALZHEIMER'S AWARENESS MONTH

in Warren County, and encourage all Warren County residents to observe this month with appropriate ceremonies, activities and programs.

DATED: NOVEMBER 17, 2023



**KEVIN B. GERAGHTY, CHAIRMAN
WARREN COUNTY BOARD OF SUPERVISORS**

Warren County Board of Supervisors

Proclamation

WHEREAS, over the last 20 years, our Nation has seen a significant rise in the number of adults diagnosed with diabetes, a chronic condition that can lead to heart disease, kidney disease, vision loss, and other serious health problems, and

WHEREAS, today, more than 34 million American adults are living with diabetes, and an estimated 88 million more may be at risk of developing the disease, and

WHEREAS, over the last year and a half people living with diabetes have faced heightened risks to their health, as their illness makes them more vulnerable to the worst effects of COVID-19, and

WHEREAS, more young Americans are also living with Type 2 Diabetes than ever before, putting them at risk of developing serious health problems later in life, and

WHEREAS, the 2021 Warren County Community Health Assessment and Community Health Improvement Plan, as produced by the Warren County Department of Public Health and adopted by Resolution No. 41 of 2020, lists Diabetes as a chronic disease that should be considered a higher priority area as the diabetes death rate for Warren County is higher than other areas of Upstate New York and the Adirondack Rural Health Network Region, and indicates that preventive health screening, for conditions like diabetes, is a valuable tool that can assist in the prevention and control of this chronic disease, and

WHEREAS, during National Diabetes Month, we draw awareness to all forms of this dangerous condition - including Type 1, Type 2 and Gestational Diabetes and Prediabetes - and recommit ourselves to finding a cure, and

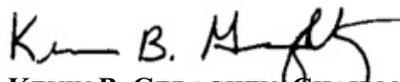
WHEREAS, the health and wellbeing of the residents of Warren County are enhanced as a direct result of increased awareness of all forms of Diabetes and the work being done to prevent and treat the disease, now, therefore, be it

RESOLVED, that I, Kevin B. Geraghty, Chairman, upon a majority vote of the Board of Supervisors, do hereby declare the month of November 2023 to be

DIABETES AWARENESS MONTH

in Warren County, and encourage all Warren County residents to observe this month with appropriate ceremonies, activities and programs.

DATED: NOVEMBER 17, 2023



**KEVIN B. GERAGHTY, CHAIRMAN
WARREN COUNTY BOARD OF SUPERVISORS**

Warren County Board of Supervisors

Proclamation

WHEREAS, home care services provide high quality and compassionate health care services to more than five million Americans annually, especially in times of community or personal health care crisis, and

WHEREAS, ninety percent of Americans want to age in place, and home care is the preferred method of health care delivery among the disabled, elderly, and chronically ill individuals eager to live independently in their own homes as long as they possibly can, and

WHEREAS, home care services, such as those offered by Warren County Health Services, allow families to stay together and provide for greater health, dignity, and comfort in our communities, and

WHEREAS, home care in the United States is a growing alternative to hospitalization or other institution-based forms of health care for acute and chronic illnesses, providing care to millions of Americans each year, and

WHEREAS, two million everyday heroes - including home care nurses, therapists, and aids - will travel almost a billion miles to deliver care and work tirelessly to provide professional support to millions of Americans in need to quality health services, and

WHEREAS, these dedicated home care professionals and volunteers form a support network that continues to play a vital role in health care delivery for our nation's disabled, infirm, and aging population, and

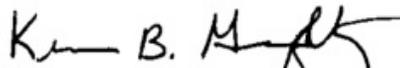
WHEREAS, Warren County Health Services, the National Association for Home Care & Hospice, and thousands of home care agencies across Warren County, the State of New York, and the U.S. have declared the month of November as National Home Care & Hospice Month and are calling on all Americans to observe the occasions with appropriate ceremonies and activities, now, therefore, be it

RESOLVED, that I, Kevin B. Geraghty, Chairman, upon a majority vote of the Board of Supervisors, do hereby declare the month of November 2023 to be

HOME CARE & HOSPICE MONTH

in Warren County, and encourage the support and participation of all citizens in learning more about the home care and hospice concepts of care for the elderly, disabled, and infirm.

DATED: NOVEMBER 17, 2023



KEVIN B. GERAGHTY, CHAIRMAN
WARREN COUNTY BOARD OF SUPERVISORS

Warren County Board of Supervisors

Proclamation

WHEREAS, Pancreatic Cancer is one of the deadliest forms of cancer, ranking as the fourth-leading cause of cancer death in the United States, from which an estimated 50,000 individuals will die from in 2023, and

WHEREAS, an estimated 60,000 individuals will be diagnosed with Pancreatic Cancer in 2022, and

WHEREAS, up to 30% of cases of Pancreatic Cancer are thought to be preventable, and

WHEREAS, chronic pancreatitis, often linked to long-term alcohol consumption, smoking and repeat incidents of acute pancreatitis, increase the risk of pancreatic cancer by two to three times that of the general population, and

WHEREAS, it is the mission of the nationally accredited C.R. Wood Cancer Center at Glens Falls Hospital to provide preventive care and clinically advanced treatments for regional cancer patients, as well as to provide innovative education and support programs for early detection and cancer prevention, and

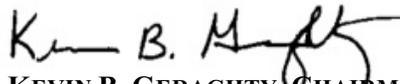
WHEREAS, the health and well-being of the residents of Warren County are enhanced as a direct result of increased awareness of pancreatic cancer and the work being done to prevent and treat the disease, now, therefore, be it

RESOLVED, that I, Kevin B. Geraghty, Chairman, upon a majority vote of the Board of Supervisors, do hereby declare the month of November 2023 to be

PANCREATIC CANCER AWARENESS MONTH

in Warren County, and encourage all Warren County residents to observe this month with appropriate ceremonies, activities and programs.

DATED: NOVEMBER 17, 2023



KEVIN B. GERAGHTY, CHAIRMAN
WARREN COUNTY BOARD OF SUPERVISORS

Warren County Board of Supervisors

RESOLUTION NO. 483 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, RUNYON, THOMAS, FRASIER, GERACI, BRUNO AND BEATY

MAKING SUPPLEMENTAL APPROPRIATIONS

WHEREAS, the Finance Committee has recommended amending the Warren County Budget for 2023 as set forth herein, now, therefore, be it

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

FROM CODE		TO CODE		AMOUNT
DEPARTMENT: PROBATION				
A.3140 110	Probation, Salaries- Regular	A.3140 120	Probation, Salaries- Overtime	\$1,500.00
DEPARTMENT: PUBLIC WORKS				
D.5112 8342 280	County Road, County Roads, 2022 CR#74 Atateka Drive, Projects	D.9950 910	County Road, Transfers- Capital Projects, Interfund Transfers	20,097.67
D.5112 8344 280	2021 CR#11 Bolton- Riverbank Road, Projects	D.9950 910		15,383.10
D.5112 8345 280	2022 CR#53 Watering Tub Road, Projects	D.9950 910		943.00
D.5112 8346 280	2022 CR#46 Atateka Drive, Projects	D.9950 910		214,788.50
D.5112 8347 280	2022 CR#38 Pilot Knob Road, Projects	D.9950 910		164,682.40
DEPARTMENT: SHERIFF				
A.3150 110	Sheriff's Correction Division, Salaries- Regular	A.3150 445	Sheriff's Correction Division, Foods	62,000.00
A.3150 110		A.3110 441	Sheriff's Law Enforcement, Auto- Supplies & Repair	40,000.00

Warren County Board of Supervisors

RESOLUTION NO. 484 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, RUNYON, THOMAS, FRASIER, GERACI, BRUNO AND BEATY

AMENDING WARREN COUNTY BUDGET FOR 2023 FOR VARIOUS DEPARTMENTS WITHIN WARREN COUNTY

WHEREAS, the Finance Committee has recommended amending the Warren County Budget for 2023 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>
DEPARTMENT: COUNTY ADMINISTRATOR		
<u>ESTIMATED REVENUES</u>		
DM.5130 5031	Road Machinery, Machinery, Interfund Transfers	\$50,000.00
<u>APPROPRIATIONS</u>		
DM.5130 260	Road Machinery, Machinery, Other Equipment	50,000.00
DEPARTMENT: PUBLIC WORKS - AIRPORT		
<u>ESTIMATED REVENUES</u>		
A.5610 1710	Airport (D.P.W.), Public Works Charges	8,315.00
<u>APPROPRIATIONS</u>		
A.5610 120	Airport (D.P.W.), Salaries-Overtime	6,804.00
A.5610 810	Retirement	1,033.00
A.5610 830	Social Security	387.00
A.5610 831	Medicare Contribution	91.00
DEPARTMENT: SHERIFF		
<u>ESTIMATED REVENUES</u>		
A.3110 3384	Sheriff's Law Enforcement, Other Sheriff's State Aid	23,947.00
A.3315 3615	STOP DWI Program, STOP DWI Grant	24,000.00
<u>APPROPRIATIONS</u>		
A.3110 120	Sheriff's Law Enforcement, Salaries-Overtime	23,947.00
A.3110 120		24,000.00

RESOLUTION NO. 484 OF 2023

PAGE 2 OF 2

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 2023 for the estimated revenues, appropriations and codes indicated, and be it further

RESOLVED, that the Warren County budget for 2023 is hereby amended accordingly.

Warren County Board of Supervisors

RESOLUTION NO. 485 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO, MAGOWAN, DIAMOND, GERACI, STROUGH, CONOVER AND THOMAS

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) FOR VARIOUS WARREN COUNTY PROPERTIES

WHEREAS, pursuant to Resolution No. 293 of 2014 (amended by Resolution Nos. 225 of 2015, 346 of 2015, 351 of 2018 and 265 of 2020), 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 thirty-six (36) months, commencing with the first meter reading occurring on or after October 30, 2023 and terminating November 21, 2026, at a fixed rate of \$0.09661 per kilowatt hour, and

WHEREAS, the Chairman of the Board of Supervisors executed the agreement prior to the November 17, 2023 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., as the preferred supplier of electricity through the Municipal Electric & Gas Alliance (MEGA) for various Warren County properties for a term of thirty-six (36) months, commencing with the first meter reading occurring on or after October 30, 2023 and terminating November 21, 2026, at a fixed rate of \$0.09661 per kilowatt hour, in a form approved by the County Attorney, and be it further

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

Warren County Board of Supervisors

RESOLUTION NO. 486 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO, MAGOWAN, DIAMOND, GERACI, STROUGH, CONOVER AND THOMAS

AUTHORIZING AN EXTENSION AGREEMENT WITH NRG BUSINESS MARKETING, LLC AS THE PREFERRED SUPPLIER FOR NATURAL GAS THROUGH THE MUNICIPAL ELECTRIC & GAS ALLIANCE (MEGA) FOR VARIOUS WARREN COUNTY PROPERTIES

WHEREAS, pursuant to Resolution No. 185 of 2016 (amended by Resolution No. 484 of 2018 and 266 of 2020), Warren County entered into agreements through the Municipal Electric & Gas Alliance (MEGA) to obtain natural gas at lower costs, and

WHEREAS, the Superintendent of the Department of Public Works has requested that Warren County execute an agreement with NRG Business Marketing, LLC, as the preferred supplier of natural gas through MEGA for a term commencing January 1, 2024 and terminating November 21, 2026, at a fixed rate of \$4.388 per Dth, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with NRG Business Marketing, LLC, as the preferred supplier of natural gas through the Municipal Electric & Gas Alliance (MEGA) for various Warren County properties for a term commencing January 1, 2024 and terminating November 21, 2026 at a fixed rate of \$4.388 per Dth, in a form approved by the County Attorney, and be it further

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

Warren County Board of Supervisors

RESOLUTION NO. 487 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO, MAGOWAN, DIAMOND, GERACI, STROUGH, CONOVER AND THOMAS

RATIFYING THE ACTIONS OF THE CHAIRMAN OF THE BOARD REGARDING EXECUTION OF AN AGREEMENT WITH THE STATE OF NEW YORK UNIFIED COURT SYSTEM FOR COURT CLEANING AND MINOR REPAIR TO COURT FACILITIES

WHEREAS, the Superintendent of the Department of Public Works has requested that Warren County execute an agreement with the State of New York Unified Court System, for court cleaning and minor repair to court facilities, for an amount not to exceed Two Hundred Ninety-Seven Thousand Five Hundred Twenty-Three Dollars (\$297,523), for a term commencing April 1, 2023 and terminating March 31, 2028, and

WHEREAS, the Chairman of the Board of Supervisors executed the agreement prior to the November 17, 2023 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 the State of New York Unified Court System, 65 South Broadway, Suite 101, Saratoga Springs, New York 12866, for an amount not to exceed Two Hundred Ninety-Seven Thousand Five Hundred Twenty-Three Dollars (\$297,523), for a term commencing April 1, 2023 and terminating March 31, 2028, and be it further

RESOLVED, that the funds shall be expended from various Departmental budget codes.

Warren County Board of Supervisors

RESOLUTION NO. 488 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO, MAGOWAN, DIAMOND, GERACI, STROUGH, CONOVER AND THOMAS

AWARDING BID AND AUTHORIZING AGREEMENT WITH BPI MECHANICAL SERVICE, INC. FOR HVAC REPAIRS, REHABILITATION AND INSTALLATION (WC 63-23)

WHEREAS, the Purchasing Agent has advertised for sealed bids for HVAC Repairs, Rehabilitation and Installation (WC 63-23), and

WHEREAS, the bids were opened on October 19, 2023 and the Superintendent of Public Works has recommended that Warren County award the agreement to BPI Mechanical Service, Inc. located at 95 Hudson River Road, Waterford, New York 12188, now, therefore, be it

RESOLVED, that the Warren County Purchasing Agent be, and hereby is, authorized and directed to notify BPI Mechanical Service, Inc. located at 95 Hudson River Road, Waterford, New York 12188 of the acceptance of its bid, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with BPI Mechanical Service, Inc. relative to HVAC Repairs, Rehabilitation and Installation, pursuant to the terms and provisions of the bid documents and proposal (WC 63-23), for a term commencing January 1, 2024 and terminating December 31, 2024, with the option for two (2) additional one (1) year terms upon the same terms and conditions and upon mutual agreement of the parties, subject to the prices defined in the attached Schedule "A," in a form approved by the County Attorney, and be it further

RESOLVED, that in the event the contract is extended beyond the initial one year term, the Bidder may request a one-time increase in the hourly rate for any classification of worker up to the same amount that the New York State Department of Labor prevailing wage rates has increased since the opening of the bids or the last time the contract was extended, whichever is later, and be it further

RESOLVED, that the funds for this agreement shall be expended from various Departmental budget codes.

WARREN COUNTY BID TABULATION SHEET

BID NO: WC 63-23 ITEM(S): HVAC REPAIRS, REHABILITATION & INSTALLATION DATE: OCTOBER 19, 2023 TIME: 3:00 P.M.	NAME & ADDRESS OF BIDDER	NAME & ADDRESS OF BIDDER	NAME & ADDRESS OF BIDDER
	BPM Mechanical Service, Inc. Attn: Dan Keating 95 Hudson River Road Waterford, NY 12188 Ph: 518-362-6414	Postler & Jacckle Corp. Attn: George Woons 615 South Avenue Rochester, NY 14620 Ph: 585-546-7450 Fax: 585-423-6241	Eckert Mechanical, LLC. Attn: Russell Lincoln 1062 Central Avenue Albany, NY 12205 Ph: 518-459-4116 Fax: 518-459-1208
DESCRIPTION OF ITEM	BID PRICE		
SCHEDULE #1 - HOURLY LABOR RATES:	Hourly	Overtime	Emergency
HVAC FORMAN	\$101.00	\$140.00	\$140.00
HVAC TECHNICIAN	\$101.00	\$140.00	\$140.00
PLUMBER, JOURNEYMAN	\$101.00	\$140.00	\$140.00
PLUMBER, APPRENTICE	\$101.00	\$140.00	\$140.00
SHEET METAL WORKER, JOURNEYMAN	\$101.00	\$140.00	\$140.00
SHEET METAL WORKER, APPRENTICE	\$101.00	\$140.00	\$140.00
BOILER MAKER, JOURNEYMAN	\$101.00	\$140.00	\$140.00
BOILER MAKER, APPRENTICE	\$101.00	\$140.00	\$140.00
SCHEDULE #2 - RESPONSE TIME & MARK-UP %	Hourly	Overtime	Emergency
RESPONSE TIME FOR REPAIRS DURING NORMAL WORK HOURS:	2 Hours	2 Hours	2 Hours
RESPONSE TIME FOR EMERGENCY REPAIRS:	2 Hours	2 Hours	2 Hours
SPECIALIZED EQUIPMENT FURNISHED % MARK UP	18%	18%	15%
MATERIALS USED % MARK UP	20%	18%	20%
PARTS USED % MARK UP	20%	18%	20%
COMMENTS:	n/a	n/a	I have listed the manufacture vendors which we work with or have worked with, who sell or have recommended us to do installs as well as repairs & rebuilding of their products.
BID AWARDED TO:	TERM OF BID: JANUARY 1, 2024 THROUGH DECEMBER 31, 2024		
RESOLUTION NO.: xx OF 2023	√ JULIE A. BUTLER, PURCHASING AGENT		

WARREN COUNTY BID TABULATION SHEET

<p>BID NO: WC 63-23 ITEM(S): HVAC REPAIRS, REHABILITATION & INSTALLATION DATE: OCTOBER 19, 2023 TIME: 3:00 P.M.</p>	<p>NAME & ADDRESS OF BIDDER Energy Management Technologies Attn: David O' Connor 5 Hemlock Street Latham, NY 12110 Ph: 518-783-7810 Fax: 518-783-2079</p>		
<p>DESCRIPTION OF ITEM</p>	<p>BID PRICE</p>		
<p>SCHEDULE #1 - HOURLY LABOR RATES:</p>	<p>Hourly</p>	<p>Overtime</p>	<p>Emergency</p>
<p>HVAC FORMAN</p>	<p>\$154.00</p>	<p>\$215.00</p>	<p>\$262.00</p>
<p>HVAC TECHNICIAN</p>	<p>\$138.00</p>	<p>\$193.00</p>	<p>\$234.00</p>
<p>PLUMBER, JOURNEYMAN</p>	<p>\$138.00</p>	<p>\$193.00</p>	<p>\$234.00</p>
<p>PLUMBER, APPRENTICE</p>	<p>\$98.00</p>	<p>\$137.00</p>	<p>\$167.00</p>
<p>SHEET METAL WORKER, JOURNEYMAN</p>	<p>\$138.00</p>	<p>\$193.00</p>	<p>\$234.00</p>
<p>SHEET METAL WORKER, APPRENTICE</p>	<p>\$98.00</p>	<p>\$137.00</p>	<p>\$167.00</p>
<p>BOILER MAKER, JOURNEYMAN</p>	<p>\$142.00</p>	<p>\$199.00</p>	<p>\$241.00</p>
<p>BOILER MAKER, APPRENTICE</p>	<p>\$105.00</p>	<p>\$147.00</p>	<p>\$178.00</p>
<p>SCHEDULE #2 - RESPONSE TIME & MARK-UP %</p>			
<p>RESPONSE TIME FOR REPAIRS DURING NORMAL WORK HOURS:</p>	<p>4 Hours</p>		
<p>RESPONSE TIME FOR EMERGENCY REPAIRS:</p>	<p>2 Hours</p>		
<p>SPECIALIZED EQUIPMENT FURNISHED % MARK UP</p>	<p>15%</p>		
<p>MATERIALS USED % MARK UP</p>	<p>20%</p>		
<p>PARTS USED % MARK UP</p>	<p>25%</p>		
<p>COMMENTS:</p>	<p>n/a</p>		

Warren County Board of Supervisors

RESOLUTION NO. 489 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO, MAGOWAN, DIAMOND, GERACI, STROUGH, CONOVER AND THOMAS

AMENDING AGREEMENT WITH HOUR ELECTRIC CO., INC. FOR ON-CALL ELECTRICAL REPAIR, INSTALLATION AND UPGRADE SERVICES FOR WARREN COUNTY (WC 68-22), TO INCREASE LABOR RATES PER THE NEW PREVAILING WAGE SCHEDULE

WHEREAS, pursuant to Resolution No. 739 of 2022, the Warren County Board of Supervisors authorized the Chair of the Board of Supervisors to execute an agreement with Hour Electric Co., Inc., for On-Call Electrical Repair, Installation and Upgrade Services for Warren County (WC 68-22), and

WHEREAS, the Public Works Committee has approved a request to increase the labor rates per the new prevailing wage schedule, for a term commencing January 1, 2024 and terminating December 31, 2024, with the option for one (1) additional one (1) year renewal upon mutual agreement of the parties, now, therefore be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an amendment agreement with Hour Electric Co., Inc., 30 East Street, Fort Edward, New York 12828, to include increase the labor rates per the new prevailing wage schedule, for a term commencing January 1, 2024 and terminating December 31, 2024, with the option for one (1) additional one (1) year renewal upon mutual agreement of the parties, in a form approved by the County Attorney, and be it further

RESOLVED, that other than the changes outlined herein, all other terms and conditions of Resolution No. 739 of 2022 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 490 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO, MAGOWAN, DIAMOND, GERACI, STROUGH, CONOVER AND THOMAS

AUTHORIZING ONE-TIME PAYMENT TO BARRIER FREE ELEVATORS, INC. FOR EMERGENCY REPAIRS TO THE MAIN ELEVATOR IN THE HUMAN SERVICES BUILDING

WHEREAS, pursuant to Resolution No. 375 of 2010, the Superintendent of Public Works was authorized to execute an agreement with Barrier Free Elevators, Inc. for repairs to elevators in the Warren County Municipal Center and Human Services Building, for an amount not to exceed Twenty Thousand Dollars (\$20,000), which is the amount that the Superintendent of Public Works is authorized to sign, and

WHEREAS, emergency repairs to the main elevator in the Human Services Building were required that exceeded the Twenty Thousand Dollars (\$20,000) limit, and

WHEREAS, the County Facilities Committee has approved the request to make a one-time payment in the amount of Twelve Thousand Four Hundred Thirteen Dollars and Fifty Cents (\$12,413.50) to Barrier Free Elevators, Inc. to cover the cost of emergency repairs to the main elevator in the Human Services Building, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Warren County Auditor to make a one-time payment in the amount of Twelve Thousand Four Hundred Thirteen Dollars and Fifty Cents (\$12,413.50) to Barrier Free Elevators, Inc. to cover the cost of emergency repairs to the main elevator in the Human Services Building, and be it further

RESOLVED, that the funds for said payment shall be expended from Budget Code A.1624 413 Health & Human Services Building, Repair & Maint.-Bldg/Property.

Warren County Board of Supervisors

RESOLUTION NO. 491 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

AMENDING AGREEMENT WITH ICC COMMUNITY DEVELOPMENT SOLUTIONS, LLC F/K/A GENERAL CODE, CMS, LLC TO PURCHASE CASE MANAGEMENT SOFTWARE FOR THE ASSIGNED COUNSEL OFFICE, TO ADD ADDITIONAL LICENSES

WHEREAS, pursuant to Resolution No. 330 of 2019, the Chair of the Board of Supervisors was authorized to execute an agreement with General Code, CMS, LLC, 781 Elmgrove Road, Rochester, New York 14624, to purchase case management software, in an amount not to exceed Forty-Two Thousand Two Hundred Twenty-Eight Dollars and Seventeen Cents (\$42,228.17), plus an additional annual support fee to begin in the second year of Eight Thousand Three Hundred Eighty Dollars and Seventy-Six Cents (\$8,380.76) per year, and

WHEREAS, pursuant to Resolution No. 55 of 2023, the Chair of the Board of Supervisors was authorized to execute an amendment agreement to increase the annual support fee from Eight Thousand Three Hundred Eighty Dollars and Seventy-Six Cents (\$8,380.76) per year to Eight Thousand Five Hundred Twelve Dollars and Fifty-Four Cents (\$8,512.54) per year, which agreement shall automatically renew on an annual basis unless terminated upon thirty (30) days written notice by either party, provided there is not more than a 3% rate increase, and

WHEREAS, the Criminal Justice & Public Safety Committee has approved a request to amend the agreement to add additional licenses to the Laserfiche software package, for an amount not to exceed One Thousand Five Hundred Fifteen Dollars (\$1,515) for initial setup and one year of support, with a support fee of Five Hundred Ninety Dollars (\$590) per year for the additional licenses to begin in year two, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an amendment agreement with ICC Community Development Solutions, LLC f/k/a General Code, CMS, LLC, to add additional licenses to the Laserfiche software package, for an amount not to exceed One Thousand Five Hundred Fifteen Dollars (\$1,515) for the initial setup and one year of support, with a support fee of Five Hundred Ninety Dollars (\$590) per year for the additional licenses to begin in year two, in a form approved by the County Attorney, and be it further

RESOLVED, other than the changes outlined herein, all other terms and conditions of Resolution Nos. 330 of 2019 and 55 of 2023 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 492 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE GRANT APPLICATIONS TO THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR THE OFFICE OF EMERGENCY SERVICES

WHEREAS, Warren County is a pass-through recipient (sub-recipient) of several federally funded grant programs that are implemented by the New York State Division of Homeland Security and Emergency Services, and

WHEREAS, there is an increasingly short application period of time to file these grant applications, and

WHEREAS, the Criminal Justice & Public Safety Committee has approved a request to have the Chair of the Board of Supervisors execute grant applications to the New York State Division of Homeland Security and Emergency Services to meet the short application deadline to file, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute grant applications to the New York State Division of Homeland Security and Emergency Services, without prior approval from the Board of Supervisors, in a form approved by the County Attorney.

Warren County Board of Supervisors

RESOLUTION NO. 493 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

ADOPTING THE 2023 WARREN COUNTY HAZARD MITIGATION PLAN UPDATE

WHEREAS, Warren County recognizes the threat that natural hazards pose to people and property with Warren County, and

WHEREAS, Warren County has prepared a multi-hazard mitigation plan, hereby known as the 2023 Warren County Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, the 2023 Warren County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Warren County from the impacts of future hazards and disasters, and

WHEREAS, adoption by the Warren County Board of Supervisors demonstrates their commitment to hazard mitigation and achieving the goals outline in the 2023 Warren County Hazard Mitigation Plan, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby adopts the 2023 Warren County Hazard Mitigation Plan, which is located and accessible at www.warrencountynewyorkhmp.com, and incorporated by reference herein, and be it further

RESOLVED, that this Plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations and only applies to this specific Plan and does not absolve the community from updating the Plan in 5 years.

Warren County Board of Supervisors

RESOLUTION NO. 494 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

AMENDING RESOLUTION NO. 333 OF 2023, WHICH AUTHORIZED AGREEMENTS WITH VARIOUS AGENCIES/INDIVIDUALS FOR A RE-ENTRY AMBASSADOR IN ASSOCIATION WITH THE Y-RECONNECTS GRANT, TO ADD KRISTY MOORE

RESOLVED, pursuant to Resolution No. 333 of 2023 the Warren County Board of Supervisors authorized the Chair of the Board of Supervisors to execute agreements with various agencies/individuals for a Re-Entry Ambassador in association with the Y-ReConnects grant, for amounts not to exceed those set forth on the attached Schedule "A," for a term commencing April 1, 2023 and terminating March 31, 2024, and

WHEREAS, the Director of Probation has requested that Resolution No. 333 of 2023 be amended to reflect changes to Schedule "A" to add Kristy Moore for an amount not to exceed One Thousand Three Hundred Fifty Dollars (\$1,350), now, therefore, be it

RESOLVED, Resolution No. 333 of 2023 be, and hereby is, amended to change the attached Schedule "A" and the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with Kristy Moore for an amount not to exceed One Thousand Three Hundred Fifty Dollars (\$1,350), in a form approved by the County Attorney, and be it further

RESOLVED, that if any further funding becomes available or is decreased during the term of this agreement, no further resolution to accept or decrease said monies be necessary, and be it further

RESOLVED, that other than the changes outlined herein, all other terms and conditions of Resolution No. 333 of 2023 will remain the same.

RESOLUTION No. 494 OF 2023

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SCHEDULE "A"

<u>NAME</u>	<u>AMOUNT</u>	<u>BUDGET CODE</u>
WAIT House	\$1,350.00	A.3140 470
Maureen Buckley Johnson	\$1,350.00	A.3140 470
Kristy Moore	<u>\$1,350.00</u>	A.3140 470
TOTAL	\$4,050.00	

Warren County Board of Supervisors

RESOLUTION NO. 495 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

AUTHORIZING AGREEMENT WITH BIG BROTHERS AND BIG SISTERS OF THE SOUTHERN ADIRONDACKS TO PROVIDE SCHOOL MENTORING PROGRAMMING IN COLLABORATION WITH VARIOUS SCHOOLS IN WARREN COUNTY IN ASSOCIATION WITH THE Y-RECONNECTS GRANT FOR THE PROBATION DEPARTMENT

WHEREAS, the Director of Probation has requested to enter into an agreement with Big Brothers and Big Sisters of the Southern Adirondacks, 1 Lawrence Street, Suite 1B, Glens Falls, New York 12801, in an amount not to exceed Six Thousand Eighty-Nine Dollars (\$6,089), to provide school mentoring programming in collaboration with various schools in Warren County in association with the Y-ReConnects Grant over the term commencing April 1, 2023 and terminating March 31, 2024, and

WHEREAS, the Criminal Justice & Public Safety Committee has approved the request for an agreement with Big Brothers and Big Sisters of the Southern Adirondacks as outlined above, now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors be, and hereby is, authorized to execute said agreement in a form approved by the County Attorney, and be it further

RESOLVED, that if any further state aid funding becomes available or is decreased during the term of this agreement, no further resolution to accept or decrease said monies be necessary, and be it further

RESOLVED, that the funds for this agreement shall be expended from Budget Code A.3140 470 Probation, Contract.

Warren County Board of Supervisors

RESOLUTION NO. 496 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

RATIFYING THE ACTIONS OF THE WARREN COUNTY PUBLIC DEFENDER IN EXECUTING A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR FUNDING UNDER THE THIRD UPSTATE FAMILY DEFENSE (CHILD WELFARE) QUALITY IMPROVEMENT & CASELOAD REDUCTION GRANT AND AUTHORIZING A GRANT AGREEMENT FOR SAME ON BEHALF OF THE WARREN COUNTY PUBLIC DEFENDER'S OFFICE

WHEREAS, the Public Defender is requesting approval to submit an application to the New York State Office of Indigent Legal Services for the Third Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction grant for an amount to be determined, for a term commencing in March 2024 and terminating three (3) years from date of commencement, and

WHEREAS, the Public Defender executed the grant application prior to the November 17, 2023 Board of Supervisors meeting, now therefore be it

RESOLVED, that the actions of the Public Defender be, and hereby are, ratified with regard to executing the grant application to the New York State Office of Indigent Legal Services for the Third Upstate Family Defense (Child Welfare) Quality Improvement and Caseload Reduction grant for an amount to be determined, for a term commencing in March 2024 and terminating three (3) years from date of commencement, in a form approved by the County Attorney, and be it further

RESOLVED, that upon notification of the grant award the Chair of the Board of Supervisors be, and hereby is, authorized to execute the grant agreement(s), and any and all other necessary documents relating to said agreement, in a form approved by the County Attorney, and be it further

RESOLVED, that if any further funding becomes available during the term of this contract, no further resolution will be necessary to accept these funds and the Chair of the Board of Supervisors is authorized to execute any documents necessary to receive the funds, in a form approved by the County Attorney, and be it further

RESOLVED, that should the term of this grant be extended, the Chair of the Board of Supervisors is hereby authorized to execute any relative grant extensions, in a form approved by the County Attorney without the need for further Board resolution.

Warren County Board of Supervisors

RESOLUTION NO. 497 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

AUTHORIZING EXTENSION OF THE CURRENT AGREEMENT WITH RELX D/B/A LEXISNEXIS FOR A SUBSCRIPTION FOR A LAW LIBRARY RESEARCH SYSTEM FOR THE PUBLIC DEFENDER'S OFFICE

WHEREAS, the Public Defender has requested to extend the agreement with RELX d/b/a 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, for an amount not to exceed Seven Hundred Thirty-Seven Dollars (\$737) per month, for a total amount not to exceed Eight Thousand Eight Hundred Forty-Four Dollars (\$8,844), for a term commencing January 1, 2024 and terminating December 31, 2024, and

WHEREAS, the Criminal Justice & Public Safety Committee has approved the request for an extension of the current agreement with RELX d/b/a LexisNexis as outlined above, now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors be, and hereby is, authorized to execute said agreement, 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 and Budget Code A.1171.4202 426 Public Defender, Hurrell-Harring, Subscriptions.

Warren County Board of Supervisors

RESOLUTION NO. 498 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

RATIFYING THE ACTIONS OF THE WARREN COUNTY SHERIFF IN EXECUTING A GRANT APPLICATION TO THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR STATEWIDE POLICE TRAFFIC SERVICES PROGRAM FUNDING AND AUTHORIZING A GRANT AGREEMENT FOR SAME ON BEHALF OF THE WARREN COUNTY SHERIFF'S OFFICE

WHEREAS, based upon a request from the Warren County Sheriff, the Criminal Justice & Public Safety Committee approved a request to execute a grant application with the New York State Governor's Traffic Safety Committee for Statewide Police Traffic Services Program funding, in an amount not to exceed Twenty-Three Thousand Nine Hundred Forty-Seven Dollars (\$23,947), for a term commencing October 1, 2023 and terminating September 30, 2024, and

WHEREAS, the Sheriff executed the grant application prior to the November 17, 2023 Board of Supervisors Meeting, now, therefore, be it

RESOLVED, that the actions of the Sheriff be, and hereby are, ratified with regard to executing the grant application to the New York State Governor's Traffic Safety Committee, 6 Empire State Plaza, Albany, New York 12228, for Statewide Police Traffic Services Program funding, in an amount not to exceed Twenty-Three Thousand Nine Hundred Forty-Seven Dollars (\$23,947), for a term commencing October 1, 2023 and terminating September 30, 2024, and be it further

RESOLVED, that upon notification of the grant award, the Chair of the Board of Supervisors be, and hereby is, authorized to execute the grant agreement(s), and any and all other necessary documents relating to said agreement, in a form approved by the County Attorney, and be it further

RESOLVED, that if any further funding becomes available during the term of this contract, no further resolution will be necessary to accept these funds and the Chair of the Board of Supervisors is authorized to execute any documents necessary to receive the funds.

Warren County Board of Supervisors

RESOLUTION NO. 499 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

RATIFYING THE ACTIONS OF THE WARREN COUNTY SHERIFF IN EXECUTING A GRANT APPLICATION TO THE NEW YORK STATE STOP-DWI FOUNDATION FOR HIGH VISIBILITY ENGAGEMENT CAMPAIGN FUNDING AND AUTHORIZING A GRANT AGREEMENT FOR SAME ON BEHALF OF THE WARREN COUNTY SHERIFF'S OFFICE

WHEREAS, based upon a request from the Warren County Sheriff, the Criminal Justice & Public Safety Committee approved a request to execute a grant application to the New York State STOP-DWI Foundation, Inc., 1170 Phoenix Avenue, Schenectady, New York 12387, for high visibility engagement campaign funding, in an amount not to exceed Twenty-Four Thousand Dollars (\$24,000), for a term commencing October 1, 2023 and terminating September 30, 2024, and

WHEREAS, the Sheriff executed the grant application prior to the November 17, 2023 Board of Supervisors meeting, now, therefore, be it

RESOLVED, that the actions of the Sheriff be, and hereby are, ratified to executing the grant application to the New York State STOP-DWI Foundation, Inc., 1170 Phoenix Avenue, Schenectady, New York 12387, for high visibility engagement campaign funding, in an amount not to exceed Twenty-Four Thousand Dollars (\$24,000), for a term commencing October 1, 2023 and terminating September 30, 2024, and be it further

RESOLVED, that upon notification of the grant award, the Chair of the Board of Supervisors be, and hereby is, authorized to execute the grant agreement(s), and any and all other necessary documents relating to said agreement, in a form approved by the County Attorney, and be it further

RESOLVED, that if any further funding becomes available during the term of this contract, no further resolution will be necessary to accept these funds and the Chair of the Board of Supervisors is authorized to execute any documents necessary to receive the funds.

Warren County Board of Supervisors

RESOLUTION NO. 500 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS GERACI, MAGOWAN, SMITH, CONOVER, MCDEVITT, DRISCOLL, AND LEGGETT

AUTHORIZING AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING WITH VARIOUS AGENCIES/DEPARTMENTS CONCERNING STOP-DWI PROGRAM - TRAFFIC SAFETY

RESOLVED, that Warren County continue the contractual relationship with the following agencies/departments for various STOP-DWI programs and activities, (the previous contracts and memorandums of understanding being authorized by Resolution No. 329 of 2021 as amended by Resolution No. 433 of 2021), in the amounts set forth below, for a term commencing January 1, 2024 and terminating December 31, 2024, with the option for two (2) additional one (1) year terms and the Chair of the Board of Supervisors be, and hereby is, authorized to execute agreements and memorandums of understanding in a form approved by the County Attorney:

<u>AGENCIES/DEPARTMENTS/ADDRESS</u>	<u>AMOUNT NOT TO EXCEED</u>
Warren County Sheriff's Office 1400 State Route 9 Lake George, NY 12845	\$44,375.00
City of Glens Falls Glens Falls Police Department 42 Ridge Street Glens Falls, NY 12801	\$44,375.00
Warren County District Attorney's Office Warren County Municipal Center 1340 State Route 9 Lake George, NY 12845	\$28,875.00
Warren County Probation Department Warren County Municipal Center 1340 State Route 9 Lake George, NY 12845,	\$26,250.00

and be it further

RESOLVED, that the funds for these contracts shall be expended from Budget Code A.3315 470 STOP-DWI Program, Contract.

Warren County Board of Supervisors

RESOLUTION NO. 501 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS MCDEVITT, WILD, BRAYMER, SMITH, STROUGH, MAGOWAN AND LEGGETT

ADOPTING THE AMERICANS WITH DISABILITIES ACT (“ADA”) SECTION 504 COMPLIANCE POLICY

RESOLVED, that the Warren County Board of Supervisors hereby adopts the Americans with Disabilities Act (“ADA”) Section 504 Compliance Policy attached hereto as Schedule “A,” to apply to all Warren County buildings, programs, services and activities, County employment and contracts, and be it further

RESOLVED, that Resolution No. 356 of 2013 be repealed.

SCHEDULE "A"

**ADA/SECTION 504 POLICY
WARREN COUNTY, NEW YORK**

I. POLICY STATEMENT

As provided by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and ADA Title II Regulations:

A. Warren County Programs, Services and Activities

1. Warren County, New York ("Warren County") will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services or activities. Warren County further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.
2. Warren County shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.
3. Warren County shall generally permit the use of a service animal (including miniature horses, to the extent any particular facility can accommodate these animals) by an individual with a disability, except that:
 - a) Warren County may ask an individual with a disability to remove a service animal from the premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is not housebroken. If Warren County properly excludes a services animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.
 - b) Warren County shall not be responsible for the care or supervision of a service animal.
 - c) Warren County shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. Warren County may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. Warren County shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, Warren County will not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

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- d) Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.
 - e) Warren County shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If Warren County normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.
4. a) Warren County shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.
- b) Warren County shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless Warren County can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements adopted by resolution of the Warren County Board of Supervisors.
- c) Warren County shall not ask an individual using a wheelchair or other manually powered mobility device questions about the nature and extent of the individual's disability.
- d) Warren County may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability.
- e) If Warren County permits the use of another power-driven mobility device by an individual with a mobility disability, it shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power -driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, Warren County shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.
5. a) Warren County shall ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating:
- i) During the same hours;
 - ii) During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales;

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- iii) Through the same methods of distribution;
 - iv) In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and
 - v) Under the same terms and conditions as other tickets sold for the same event or series of events.
- b) Warren County shall, upon inquiry:
- i) Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility;
 - ii) Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs; and
 - iii) Provide materials, such as seating maps, plans, brochures, pricing charts or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public.
- c) Purchasing of multiple tickets, holding and releasing of tickets, transfer and secondary market of tickets shall be governed by ADA Title II Regulations.
6. All Warren County offices and programs shall be accessible to users of TTYs (Teletypewriter) either by having a TTY to provide direct TTY access or by way of the NY Relay Service.
7. Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.
8. Warren County shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities and facilities. Warren County shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.
9. a) Warren County is not required to permit an individual to participate in or benefit from services, programs or activities of that public entity when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, Warren County will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the

probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

- b) Warren County is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service program, or activity or would result in undue financial and administrative burdens, Warren County has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Warren County Administrator or his or her designee after considering all resources available for use in the funding and operation of the service, program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required that would result in such an alteration or such burdens, Warren County shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by Warren County.

10. a) Warren County shall not discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under the Act or regulations adopted in furtherance thereof.

- b) Warren County shall not coerce, intimidate, threaten or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act or regulations adopted in furtherance thereof.

B. Warren County Employment

Warren County will ensure that no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

C. Warren County Administration of 504 Contracts

All Warren County departments administering Section 504 contracts whereupon the contractor, other than another government entity, provides programs, services or activities to the public, shall require the contractor to comply with the Section 504/ADA requirements applicable to governments. The contracting county department shall monitor respective contracts for compliance with Section 504/ADA.

D. Word/Phrase Meaning

For our purposes, a disabled person is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activity,
2. Has a record of such an impairment, or
3. Is regarded as having such impairment.

II. ORGANIZATION AND SECTION 504/ADA COORDINATORS RESPONSIBILITIES

Administration of the County's 504/ADA responsibilities shall be as follows:

- A. The Self Insurance Administrator for Warren County, 1340 State Route 9, Lake George, New York 12845, acts as the Warren County ADA Coordinator and coordinates ADA compliance activities, inquiries, accommodation requests, and complaints.
- B. The Department Head (and the County Planner for the Department of Planning & Community Development) of each department involved with federally funded programs, services and activities, acts as the Section 504 Coordinator for that department and coordinates Section 504 compliance activities, inquiries, accommodation requests, and complaints.
- C. The Personnel Officer for Warren County, Civil Service Department, 1340 State Route 9, Lake George, New York 12845, shall handle all employment related activities, inquiries, accommodation requests and complaints.

III. SECTION 504/ADA NOTICE TO THE PUBLIC

Notice required by 504/ADA shall read as follows:

In accordance with the requirements of Title II of the ADA and Section 504 of the Rehabilitation Act of 1973, Warren County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. Warren County does not discriminate on the basis of disability in its hiring or employment practices. Warren County departments administering Section 504 contracts shall require the contractors to comply with Section 504/ADA regulations applicable to governments. Warren County has adopted a policy that sets forth in more detail how it complies with said laws and regulations adopted pursuant thereto. A copy of that policy is accessible through the County's website or upon request to the ADA Coordinator.

This notice is provided as required by Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. Questions, complaints or requests for additional information or accommodation regarding the ADA may be forwarded to the designated ADA Coordinator:

Self Insurance Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845

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(518) 761-6529

Office Hours: Monday - Friday, 7 a.m. to 5 p.m.

Questions, complaints or requests for additional information or accommodation regarding the ADA and employment matters may be forwarded to the Personnel Office for Warren County:

Personnel Office

Warren County Civil Service Department

1340 State Route 9

Lake George, New York 12845

(518) 761-6440

Office Hours: Monday - Friday, 8 a.m. to 5 p.m.

Questions, complaints or requests for additional information or accommodation regarding Section 504 contract matters may be forwarded to the Department Head of the department administering the federally funded program by filing the complaint with the Warren County Administrator:

Warren County Administrator

County of Warren, New York

1340 State Route 9

Lake George, New York 12845

(518) 761-6539

Office Hours: Monday - Friday, 8 a.m. - 5 p.m.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Warren County should contact the ADA/Section 504 Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require Warren County to take any action that would fundamentally alter the nature of its programs or services, or impose on it an undue financial or administrative burden.

Complaints that a program, service or activity of Warren County is not accessible to persons with disabilities should be directed to the ADA Coordinator.

Warren County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

IV. SECTION 504/ADA SELF-EVALUATION

Warren County will complete the self-evaluation required by 504/ADA as follows:

- A. Warren County shall evaluate its current services, policies and practices, and the effects thereof, that do not or may not meet the requirements of Section 504 of the Rehabilitation Act of 1973, the ADA and the rules and regulations promulgated thereunder and, to the extent modification of any such

services, policies and practices is required, Warren County shall proceed to make the necessary modifications.

- B. Warren County shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by advertising in the official newspaper, posting the same on the website and surveying employees with the request to submit comments.
- C. Warren County shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:
 - i) A list of the interested persons consulted;
 - ii) A description of areas examined and any problems identified; and
 - iii) A description of any modifications made.

V. GRIEVANCE PROCEDURES

This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, employment and/or Section 504 contracts.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but not later than 60 calendar days after the alleged violations to:

- A. In the case of complaints involving services activities or programs, the designated ADA Coordinator:

Self Insurance Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6529
Office Hours: Monday - Friday, 7 a.m. to 5 p.m.

- B. In the case of complaints relating to Federal or State funding requiring Section 504 compliance, to the Section 504 Coordinator for that department by filing the complaint with the Warren County Administrator:

Warren County Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845

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(518) 761-6539

Office Hours: Monday - Friday, 8 a.m. - 5 p.m.

C. In the case of employment complaints, to the Personnel Officer:

Personnel Office

Warren County Civil Service Department

1340 State Route 9

Lake George, New York 12845

(518) 761-6440

Office Hours: Monday - Friday, 8 a.m. to 5 p.m.

For all complaints, within 15 calendar days after receipt of the complaint, the ADA/Section 504 Coordinator/Personnel Officer or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA/Section 504 Coordinator/Personnel Officer or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audiotape. The response will explain the position of Warren County and, if appropriate, offer options for substantive resolution of the complaint.

If the response by the ADA/Section 504 Coordinator or the Personnel Officer or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Administrator of Warren County or his/her designee. Within 15 calendar days after receipt of the appeal, the County Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Warren County Administrator or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA/Section 504 Coordinator or his/her designee, appeals to the Warren County Administrator or his/her designee, and responses from these two offices will be retained by Warren County for at least three (3) years.

VI. REASONABLE ACCOMMODATION PROCEDURES

Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by Warren County should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event:

Self Insurance Administrator

County of Warren, New York

1340 State Route 9

Lake George, New York 12845

(518) 761-6529

Office Hours: Monday - Friday, 7 a.m. to 5 p.m.

VII. ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Warren

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County desiring to avail itself of federal financial assistance from the United States Department of Transportation, hereby gives assurance that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any services, program or activity that receives or benefits from this federal financial assistance.

Warren County further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 C.F.R. Part 27, 28 C.F.R. Part 35, and 42 U.S.C. 12101-12213.

Adopted November 17, 2023, at Lake George, Warren County, New York.

BY THE WARREN COUNTY BOARD OF SUPERVISORS

Warren County Board of Supervisors

RESOLUTION NO. 502 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRUNO, RUNYON, GERACI, SMITH AND ETU

AUTHORIZING THE DIRECTOR OF THE OFFICE OF COMMUNITY SERVICES TO EXECUTE A TWO (2) YEAR LEASE AGREEMENT WITH THE WARREN-WASHINGTON ASSOCIATION FOR MENTAL HEALTH, INC. FOR OFFICE SPACE FOR THE OFFICE OF COMMUNITY SERVICES FOR WARREN AND WASHINGTON COUNTIES

WHEREAS, the Office of Community Services is authorized each year to enter into contracts with various agencies and institutions to provide community mental health services pursuant to provisions of the Mental Hygiene Law as demonstrated in Resolution No. 60 of 2022, and

WHEREAS, the Office of Community Services currently leases office space from the Warren-Washington Association for Mental Health, Inc., on an annual basis, and the Director of the Office of Community Services desires to continue leasing the current premises for an additional two (2) year term, commencing on January 1, 2024 and terminating on December 31, 2025, in an annual amount of Thirty-Three Thousand Dollars (\$33,000) for 2024, payable in equal monthly installments of Two Thousand Seven Hundred Fifty Dollars (\$2,750), with a three percent (3%) increase in 2025, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Director of the Office of Community Services to execute a two (2) year lease agreement with the Warren-Washington Association for Mental Health, Inc., to provide office space for the Office of Community Services for Warren and Washington Counties as described in the preambles above, and be it further

RESOLVED, that funding for the agreement shall be provided from Budget Code A.9788 610, Leases, Principal-Indebtedness, and Budget Code A.9788 710, Leases, Interest-Indebtedness.

Warren County Board of Supervisors

RESOLUTION NO. 503 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRUNO, RUNYON, GERACI, SMITH AND ETU

AMENDING RESOLUTION NO. 65 OF 2022 - AUTHORIZING AMENDMENT AGREEMENTS TO INCREASE RATES WITH VARIOUS PHYSICAL, SPEECH AND OCCUPATIONAL THERAPISTS FOR REGION ONE AND TWO FOR THE HEALTH SERVICES DEPARTMENT, TO INCLUDE OASIS DISCHARGE RATE

WHEREAS, Resolution No. 65 of 2022, as amended by Resolution No. 74 of 2023, authorized amendment agreements with various physical, speech and occupational therapists under the Long-Term Home Health Care (“LTHHC”) and Certified Home Health Agency (“CHHA”) Programs within the Warren County Health Services Department to adopt a schedule of payment for services based solely upon Region Two location for services, and

WHEREAS, the Health Services Committee has approved a request to include Oasis discharge rate, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute amendment agreements with various therapists, commencing December 1, 2023 and automatically renewing upon the same terms and conditions, or until such time as the agreements are terminated by either party, at rates as set forth below for Region One and Two, with all other terms and rates remaining the same:

Certified Home Health Agency

Services	Rates - Region One	Rates - Region Two
Evaluation Visit	\$70.00	\$80.00
Revisit	\$58.00	\$77.00
Meetings	\$40.00 for 1 st hour \$15.00 per each additional 30 minutes	\$40.00 for 1 st hour \$15.00 per each additional 30 minutes
Oasis Discharge	\$15.00 per discharge	\$15.00 per discharge

Physical Therapists Start of Care (SOC) Rate

Services	Rates - Region One	Rates - Region Two
SOC	\$100.00	\$100.00

*Physical Therapists are only therapists that do SOC’s which include first visit and evaluation

Early Intervention Services Only

Services	Rates - Region One	Rates - Region Two
Evaluation	\$50.00	\$57.00
Revisit	\$50.00	\$57.00
Extended Visit (with IFSP Approval)	\$70.00	\$70.00
Meetings	\$40.00 for 1 st hour \$15.00 per each additional 30 minutes	\$40.00 for 1 st hour \$15.00 per each additional 30 minutes
Supplemental Evaluations	\$117.00	\$117.00

Preschool CPSE/Approved IEP

Services	Rates - Region One	Rates - Region Two
Basic Visit	\$55.00	\$60.00
Group Visit (per child)	\$44.00	\$44.00
Meetings	\$40.00 for 1 st hour \$15.00 per each additional 30 minutes	\$40.00 for 1 st hour \$15.00 per each additional 30 minutes

Region One: Towns of Lake George, Queensbury, Warrensburg and City of Glens Falls, and
Region Two: Towns of Bolton, Chester, Hague, Horicon, Johnsbury, Lake Luzerne, Stony Creek and
Thurman, and be it further

RESOLVED, that other than the changes outlined herein, all other terms and conditions of
Resolution. Nos. 65 of 2022 and 74 of 2023 will remain the same.

Warren County Board of Supervisors

RESOLUTION NO. 504 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS FRASIER, MCDEVITT, BRUNO, RUNYON, GERACI, SMITH AND ETU

AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF HEALTH, DIVISION OF FAMILY HEALTH, FOR EARLY INTERVENTION GRANT PROGRAM FUNDING FOR THE HEALTH SERVICES DEPARTMENT

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute and submit a grant application to the New York State Department of Health, Division of Family Health, ESP CT Room 859, Albany, New York 12237, for Early Intervention Grant Program funding for an annual amount of Twenty-Eight Thousand Five Hundred Twenty-Nine Dollars (\$28,529), for a total amount not to exceed One Hundred Forty-Two Thousand Six Hundred Forty-Five Dollars (\$142,645), with a term commencing October 1, 2021 and terminating September 30, 2026, in a form approved by the County Attorney, and be it further

RESOLVED, that upon notification of the grant award, the Chair of the Board of Supervisors be, and hereby is, authorized to execute the grant agreement(s), and any and all other necessary documents relating to said agreement, in a form approved by the County Attorney, and be it further

RESOLVED, that if any further funding becomes available during the term of this contract, no further resolution will be necessary to accept these funds and the Chair of the Board of Supervisors is authorized to execute any documents necessary to receive the funds, in a form approved by the County Attorney, and be it further

RESOLVED, that should the term of this grant be extended, the Chair of the Board of Supervisors is hereby authorized to execute any relative grant extensions in a form approved by the County Attorney without the need for further Board resolution.

Warren County Board of Supervisors

RESOLUTION NO. 505 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, CONOVER, FRASIER, GERACI, THOMAS, DRISCOLL AND WILD

APPROVING REVISIONS TO THE PURCHASING POLICY FOR WARREN COUNTY

WHEREAS, the Purchasing Agent for Warren County has updated and clarified the Warren County Purchasing Policy and the Legislative, Rules & Governmental Operations Committee has recommended that the same be advanced to the full Board of Supervisors for consideration, and

WHEREAS, the updated and clarified Warren County Purchasing Policy is included with this resolution as Schedule "A," now, therefore, be it

RESOLVED, that the proposed revisions to the Purchasing Policy for Warren County, annexed hereto as Schedule "A," be and the same is hereby adopted as the official policy for Warren County, and be it further

RESOLVED, that any and all prior Purchasing Policies, Resolutions or parts thereof inconsistent with the new Purchasing Policy are hereby repealed, except that the former Purchasing Policy, as amended, shall continue to apply to any purchases made under the former Policy and to those purchases started but not completed under said former Policy.

WARREN COUNTY PURCHASING POLICY

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SECTION I

I. INTRODUCTION

Goods and services must be procured in a manner so as to assure the prudent and economical use of public monies in the best interest of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Adopted by the Warren County Board of Supervisors as internal policies and procedures, this Purchasing Policy governs all procurement of goods and services required to be made pursuant to the competitive bidding requirements of General Municipal Law §103 and those goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding as per General Municipal Law §104-b.

The County of Warren is hereby authorized to make all purchases of necessary goods and services by any means legal within the State of New York and in compliance with all applicable laws, rules and regulations.

The responsibilities and authority for purchasing are assigned by the governing board to Julie Butler, Purchasing Agent, Jason Shpur, Deputy Purchasing Agent and the Purchasing Assistant. The keynote of any successful purchasing system is cooperation between the employees, Department Heads, staff, Auditor, Treasurer, and the governing board.

For purposes of this policy please note the following definitions:

Bid: Typically applies to commodities and public works. Awards are based solely on lowest price.

RFP: Applies to professional services where negotiations may be required and price is not the sole criteria when evaluating.

Best Value: See Best Value Methodology explanation beginning on page 13

True Lease: Lease of equipment whereby said equipment will be turned into the vendor at the end of the lease term with no option for buy out.

SECTION II

II. PURCHASING PROCEDURES

A. Procedures Applicable to all Purchases Regardless of Dollar Amount

Before making any purchase, the following steps must be taken.

1. Confirm that there isn't already a County bid for the item(s).
2. If there's no County bid, check Preferred Source Offerings in the following order:
 - a. Corcraft
New York State Department of Correctional Services
Division of Industries
550 Broadway, Menands, NY 12204
Ph: 518-436-6321
Fax: 518-436-6007
website: <http://www.corcraft.org>
 - b. NYS Preferred Source Program for People Who are Blind (NYSPSP)
136 State Street, 2nd Floor
Albany, NY 12207
Ph: 518-621-0605
Fax: 518-456-3587
website: <http://www.nyspsp.org>
 - c. New York State Industries for the Disabled, Inc.
11 Columbia Circle Drive
Albany, NY 12203
Ph: 518-463-9706
Fax: 518-463-9708
e-mail: administrator@nysid.org
website: <http://www.nysid.org>

Items must meet the form, function and utility of the Department. Catalogs and guidelines may be obtained in the Purchasing Department. If the price from a Preferred Source is within 15% of the lowest quote and meets the specifications of the Department, the item must be purchased from the Preferred Source.

3. If the item/service is not available from a Preferred Source, search the New York State Office of General Services (NYS OGS) website <https://www.ogs.state.ny.us/Purchase/Search/default.asp> for a State Contract. Purchases should be made through available State Contracts (OGS), or under County contract pursuant to Section 408-a of the County Law, and Subd 3 of General Municipal Law (hereinafter "GML") §103 revised in 2013 to allow purchases of materials, equipment or supplies, or to contract for services through any county within the state, whenever such purchases are deemed by the Purchasing Agent to be in the best interest of the County. When contemplating the use of State Contract, you MUST read the contract terms and "How To Use" attachment which will outline whether or not quotes or a mini-bid is required.
4. If no State Contract is available, or you feel the County can obtain better pricing than State Contract, then Purchasing will proceed with a County bid or the Department may obtain quotes, depending on the dollar thresholds (see pages 9-16).
5. The County is also authorized to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, as authorized by the addition of Subdivision 16 (extended through 2026) as an amendment to GML §103 through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be let in a manner that constitutes competitive bidding to the lowest responsible bidder, or on the basis of best value, "consistent with state law", meaning in harmony with New York State Law, and made available for use by other governmental entities. Purchases made in accordance with GML §103(16) are not subject to the competitive bidding requirements of GML §103 at the local level as bidding has already been done in accordance

with GML §103 by the lead agency. The stated purpose of GML §103(16) is to reduce costs, and increase efficiencies. The prerequisites that must be met are as follows:

- a. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by one of the listed governmental entities. Contracts developed for use by local governments that are let by private parties (e.g. a private company, association or not-for-profit corporation is the party awarding the contract to the vendor), and not by the United States or any agency thereof, any state or any other political subdivision or district therein, would not fall within the exception.
 - b. The contract must have been made available for use by other governmental entities. This means that the other governmental entity has taken steps to make its contract available for New York local governments by including a clause extending the terms and conditions of the contract to other governmental entities. Unilateral offers by vendors to extend contract pricing and other terms and conditions would not fall within the exception.
 - c. The contract must have been let in a manner that constitutes competitive bidding “consistent with state law”. “State law” refers to New York State’s bidding law applicable to its political subdivisions (GML §103 and related case law). Departments exercising the option to purchase under this exemption will be required to obtain background information on the procedures used to let the contract and, as necessary, consult with counsel, to determine whether this prerequisite is met.
6. As allowed by law (see paragraph 5 above), the County has become a member of several National Cooperatives including: National Joint Powers Alliance (NJPA) now known as Sourcewell; US Communities and National IPA/TCPN now known as Omnia Partners; National Cooperative Purchasing Alliance (NCPA); and Pennsylvania Education Purchasing Program for Microcomputers (PEPPM). The Purchasing Department utilizes these cooperatives on a regular basis in determining the best course of action for particular purchases. Vendors may reference one of these cooperatives in discussions with departmental employees. Purchasing should be consulted to confirm that the company is, in fact, a participating vendor.
7. Vendor numbers must be requested for each vendor receiving payment from Warren County. All requests for new or changed vendor numbers must be submitted to the Purchasing Department. Vendor numbers are necessary in order to complete a Purchase Order and must contain the following information:
- a. Correct and full name of the individual/organization
 - b. Remittance address for payment & phone number
 - c. Federal ID or Social Security Number
 - d. Reason for payment (so that Purchasing can identify 1099 status)

County Departments are responsible for obtaining W-9 forms from the vendors confirming that payment information provided to the County is valid. A W-9 form must be submitted with each new vendor request in order for a vendor number to be issued.

8. Prevailing Wages apply any time a vendor employs laborers, workmen or mechanics. Vendors are required to pay prevailing rates according to Article 8 of the New York State Labor Law, no matter what the dollar amount. Pursuant to Article 9 of the New York State Labor Law, prevailing wages must also be paid for building service contracts such as moving, landscaping, elevator maintenance, etc., for any contract exceeding \$1,500 per year. Owners/operators, who have no employees, are exempt and do not need to pay themselves Prevailing Wages. Certified payrolls must be provided by the Contractor to the applicable County Department, prior to submitting an invoice. The Certified Payroll forms are required to be kept on file by the Departments for which the contract applies. The form can be found at <https://warrencountyny.gov/purchasing/forms>

All prevailing wage schedules must be requested through the Purchasing Department prior to obtaining quotes or bids. All vendors must be provided with the New York State Department of Labor PRC number assigned to each individual project so that appropriate labor rates are included in their quotes/bids. If the contract is cancelled at any time, Purchasing must be notified in order to cancel the prevailing wage schedule for that project.

On occasion, the New York State Department of Labor, Bureau of Public Works, upon receiving complaints for non-payment of prevailing wages shall direct the County to withhold monies due to

a vendor. The original notice is forwarded to the Superintendent of the Department of Public Works, a copy is kept in Purchasing and a copy forwarded to the Treasurer's Office. These monies are held until notification is received from the Department of Labor on how they are to be disbursed. Contractors and the applicable County Department must check prevailing wage schedules for each project on the 1st of each month. The Department of Labor posts corrections to each schedule (when applicable), and both parties must be informed of all updates to ensure proper payment to Contractor's employees, and for the purpose of checking certified payrolls.

New York State Office of General Services obtains a prevailing wage schedule for the State when awarding a State Contract. However, if the County uses the State Contract, the County is required to obtain a separate prevailing wage schedule specific to the County project.

It is the County's responsibility to confirm that the Prime Contractor has provided all sub-contractors with a copy of the prevailing wage schedule. A verified, signed statement must be obtained from each sub-contractor, certifying that they were provided with a copy of the schedule.

9. A contract is always required when a service is being provided to the County (regardless of dollar amount). Where appropriate, short form contracts are available for longer or indefinite terms, only if under the quote threshold and contract amounts don't increase. When determining the term of a contract, please take into consideration the nature of the procurement: What is the likelihood that the original term may be extended? Most contracts are capped at 3 years, with an initial one year term and two additional (optional) one year extensions. More involved contracts with larger investments by the Contractors may have longer terms which will be negotiated as part of the contract process.

In consultation with and in a form approved by the County Attorney, the Chair of the Board of Supervisors (or the Vice-Chair in his/her absence) shall have authority to execute contracts without the need for a Board Resolution for contracts under \$1,000.99 annually. The Department Head must provide the Chair of the Board with their approval prior to execution of the contract. Contracts over \$1,001.00 annually shall require Board Resolutions unless blanket authority (by Resolution) has already been given to the Department.

10. Each set of Specifications will identify the person to which questions should be directed. This is a control mechanism so that all vendors fairly receive the same information relative to the Specifications. In the event the Purchasing Agent does not know the answer, he/she will contact the appropriate department to obtain the correct response. The appropriate information will then be distributed to the vendors in the form of a written addendum. Written addenda must be issued at least five (5) business days prior to the bid opening. If the five (5) day requirement is not met, the bid opening date will be changed in order to comply.
11. GML §103 makes it possible for the County to standardize on a particular type of material or equipment. A Resolution approved by the Department's standing committee and at least two-thirds majority of the Board of Supervisors, shall state that for reasons of efficiency or economy, there is a need for standardization. Such reasons may include, but are not limited to the following:
 - a. Larger quantities of fewer items;
 - b. More economical buying;
 - c. Flexibility of inventory;
 - d. Reduction of purchasing time;
 - e. Lower departmental operating costs; and
 - f. Reduced inventories

Adoption of such a Resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization restricts the purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.

12. Anticipate your needs! Once you have determined what you need, within the limitations of your budget, contact Purchasing to help you develop the specifications for the quote or bid to get the best value possible for the expenditure of tax dollars. The key is time and preparation. Turn around time is dependant on many factors ranging from the complexity of the specifications, and the need for a pre-bid meeting and addendums to the number of bids and quotes currently in process with Purchasing. **Remember, poor planning does not move your request to the top of the list!**

13. Warren County takes the position, consistent with County Law §369 and good business sense, that prepayments should not be made using County funds.
14. As standard business procedure, all County vendors are entitled to prompt payment. Invoices should be processed as soon after goods/services are obtained and in accordance to batch deadlines established by the County Auditor. **If the Auditor receives any claims for goods or services for which no Purchase Order was issued, the Purchasing Agent in conjunction with the County Auditor will have the authority to nullify the payment of such claim.**
15. The Purchasing Department endeavors to aide in getting Departments the right material on time. There will be occasions when inferior goods or services are received or they are not received in a reasonable amount of time. If the problem cannot be resolved by the Department it should be reported to Purchasing as soon as possible. This can be done via e-mail or phone. Remember to include the vendors name, bid number, the problem you have with the order and your name and extension. Purchasing will contact the vendor and try to come to a resolution of the problem. If necessary the County Attorney's Office will be contacted for assistance.
16. When developing specifications, it is understood that Departments may require the expertise of vendors. When consulting with vendors it must be clearly stated that their services, in no way, give them an advantage in the bidding or proposal process. Departments must be especially diligent in this situation to ensure that the specifications are not written in such a way that the consulting vendor is given such an advantage (i.e. writing the specifications so narrowly that only their company or firm can respond).
17. When the County is seeking commodities, public works and/or professional services to be funded by New York State and/or Federal Grants, the Purchasing Department will actively and affirmatively solicit bids for supplies and/or contracts from qualified New York State certified MBEs or WBEs as more fully set forth in Warren County Resolution No. 635 of 2014. In the event the County receives Federal grant funding, Uniform Guidance provisions apply as required by CFR Title 2 Part 200, which are attached hereto as Appendix "A".

Expenditures and contracts funded by New York State must be in compliance with New York State Executive Law Article 15-A revised on June 16, 2019 which expands the provisions for meeting M/WBE utilization goals and awarding bids to MWBE's. The law applies to professional services public works and commodities, or any combination thereof, in excess of \$25,000; and acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon in excess of \$100,000. Whether or not such procurements meet bidding thresholds, the Purchasing Department must be consulted to ensure compliance with the requirements of said Law.

The following language shall be included in all solicitations involving NYS and/or Federal Funding:

To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status or domestic violence victim status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000 whereby the owner of a County assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where th Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The County shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

18. P-Cards may be utilized on a limited basis for purchases in accordance with the Credit Card Policy adopted by the Board of Supervisors via Resolution No. 222 of 2015 and subsequently amended by Resolution Numbers 460 of 2015, 133 of 2019, 411 of 2019, 72 of 2020, 140 of 2020, 147 of 2021, 346 of 2021, 583 of 2021 and 435 of 2023. Even when using a P-Card, procurements must be made in compliance with this policy.

B. Procedures Specific to Each Type of Purchase¹

1. Commodity/Equipment/Furniture Purchases

These purchases may be made without a Resolution of the Board of Supervisors to the extent your Department budgeted/planned for the same. Most often, purchases made under State Contract do not require quotes, however, there are instances where quotes or a mini-bid process are required. Please read each State Contract carefully to make sure all requirements are being met before making the purchase. Some vendors may offer GSA (federal) pricing to the County. Please note, this does not exempt the County from following State and/or County procurement requirements. The GSA pricing may be used as a quote, but additional pricing is still required in accordance with the guidelines set forth below. The only exceptions to this are for Information Technology purchases offered under GSA Federal Supply Schedule 70 and Law Enforcement products under Schedule 84. Additionally, some vendors may offer to sell products as part of an Alliance or Private Cooperative. If authorized by Board Resolution, the County may purchase through National Cooperatives such as, and by way of example, Sourcewell. Please contact the Purchasing Department if a vendor has offered pricing from a national cooperative in order to determine whether or not you have authority to proceed.

a. Competitive Bidding:

Legal notices are published in the official County newspapers, informing the public of the products or services being bid. The advertisement for bids shall contain a statement of the time and place where all bids will be publicly opened and read. All bid openings will be conducted at a public meeting and all interested parties may attend.

Where bids are required, the Department Head will assist the Purchasing Agent in the preparation of specifications and contracts. It is the responsibility of the Department Head to provide an adequate description of items needed so that the Purchasing Agent may be able to prepare the specifications to procure the desired commodity or service. The Purchasing Agent will send specifications to vendors from a list prepared jointly by the Purchasing

¹Commodities vs. Public Works

Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of over \$20,000.00 and public works contracts involving over \$35,000.00 shall be awarded to the lowest responsible bidder only after public advertising soliciting formal sealed bids (GML §103). The term public works contracts would apply to those projects involving labor or both materials and labor where the labor portion exceeds the material component. Included in this category would be construction, paving, printing, and repair contracts.

Although not defined in GML §103, the Office of the State Comptroller has expressed the opinion that the term “contract for public work” encompasses contracts for services, or labor or construction by a “laborer, workman or mechanic service requiring wage rates”. When a bid involves acquisition of both goods and services, such as a commodity where installation is required, the contract should be viewed as a purchase for purposes of the competitive bidding monetary threshold only if the service portion is minor, incidental, or customarily provided by the vendor as a component of the purchase. Conversely, if the services are extensive, substantial, or involve specialized skills, so that the acquisition of the commodity is incidental to the work, the contract should be treated as a contract for public work (1987 Opns St Comp No. 87-46, p 70). For example, a contract for interior painting of a building involves both material and labor. In most cases, the labor component of the contract will be predominant, making it a contract for public work. In contrast, replacing a boiler or furnace, while involving both labor and equipment will, in most cases, consist primarily of a charge for the equipment, making it a commodity purchase.

In determining the necessity for competitive bidding and quoting, the aggregate cost of an item or commodity estimated to be purchased in a fiscal year would have to be considered. As a general guide, items of the same or similar nature which are customarily handled by the same vendor or kind of vendor should be treated as a single item for purposes of determining whether the dollar threshold will be exceeded, i.e. plumbing materials, electrical materials, lumber, hardware, etc. It is the responsibility of the Purchasing Agent and/or County Auditor to note where purchases over the course of a fiscal year are exceeding the bidding thresholds from the purchase orders submitted by the various departments.

Items purchased through Warren County bid or the New York State Office of General Services (OGS) on State Contract have already been subject to bidding and are therefore exempt. However, all political subdivisions must purchase from the vendor holding a current State or County contract, even if another vendor’s price is equal or lower, or said political subdivision must go to separate bid. The purchasing exemption made through the NYS OGS does not apply to a purchase from the State Contract vendor upon terms and conditions which materially or substantially vary from the State Contract. Used items are not exempt from bidding requirements except as noted in the exceptions section of this policy.

Agent and the Department Head for all bids. Warren County does NOT accept faxed documents where original (ink) signatures are required, i.e. on proposal pages, Non-Collusive Certifications, Corporate Resolutions and Iran Divestment Act Certifications.

1. Commodity/Equipment/Furniture Purchases (continued)

When soliciting bids, a “Statement of General Conditions” will be included with all specifications and contracts provided to vendors. These General Conditions will be incorporated into contracts awarded for the purchase of commodities and the procurement of public works services.

Vendor lists shall not be released prior to a bid opening as this may adversely affect the bids received and/or encourage collusion. Any requests received by a County department for this information are to be directed to Purchasing.

After the public opening of a sealed bid, a tabulation sheet shall be prepared, recording all pricing as submitted by the responding vendors. The appropriate Department(s) shall evaluate the bid responses and prepare a recommendation letter.

b. Bid Approval Process:

Bids for commodities will be awarded by the Purchasing Department after the following conditions are met:

- i. Sufficient appropriations are contained within the Department’s current budget (or after a budget transfer has been completed).
- ii. The Department Head provides the Purchasing Agent with a written recommendation for award indicating that the lowest bid meets the intent of the specifications. **NOTE: Commodity bids do not require a Resolution unless the lowest bid is not accepted.**

c. Bidding Timeline:

The following represents the estimated amount of time required to complete a bidding cycle. Timelines for commodities and services will be different. Times may change depending on the complexity of the project. Not all items pertain to all bids. The cycle does not begin until Purchasing is able to move your project to the top of its system. ie: first come, first served. If in doubt of the Purchasing workload at any given time, give the Purchasing Department a call to see how long it will be before you can get your project started. These are meant as a guideline, not a rule. Times may be shorter or longer depending on the circumstances.

1. Requisition or request for bid comes to Purchasing
2. Plus up to 15 working days until Purchasing begins bidding process
3. Plus 5 working days for Purchasing to review documents
4. Plus appropriate time to supply Purchasing with approved set of documents
5. Plus 1 working day for printing of documents (except large Construction projects)
6. Plus 5 working days for papers to publish Notice to Bidders (Saturdays only, Purchasing Department’s deadline is the Monday before the Saturday publication)
7. Plus 5-20 working days for vendors to pick up bids
8. Plus 1 day for prebid meeting (if applicable)
9. Plus 1-3 working days for tabulation / evaluation by Purchasing Department
10. Plus 5 working days for each addendum
11. Plus 1 day for opening of bids
12. Plus a minimum of 7 calendar days for review of bid results by the using department or by consultants.
13. Get on the agenda for all appropriate committees including sending all necessary documentation, evaluations, resolutions, etc.
14. Plus appropriate days to receive all necessary committee endorsements
15. Board of Supervisors Meeting (this may require 2 meetings)
16. Plus 1 working day for “Notice of Award” to be mailed to successful vendor
17. Plus 10 calendar days to receive contracts, bonds etc.
18. Plus anticipated delivery time (best guess or check with vendors)

I. Commodity/Equipment/Furniture Purchases (continued)

d. Dollar limit guidelines:

\$1 - \$3,000.99:
(.2 & .4 codes): Purchases can be made at the discretion of the Purchasing Department and/or Department Head. All equipment/furniture costing more than \$3000.00 aggregate, (ex. 10 chairs costing \$350 each for a total of \$3,500) requires 3 verbal quotes. For coding purposes, ANY equipment/furniture with a useful life of more than one year shall be a .2 object code regardless of cost.

\$3,001 - \$10,000.99: Documented verbal quotes from at least 3 separate vendors, if available. If 3 quotes cannot be obtained, the Purchasing Agent must be consulted before the goods are ordered. When the lowest quoted item is deemed as not acceptable, documented facts must support the decision and approval must be obtained from Purchasing BEFORE the item is ordered.

\$10,001 - \$19,999.99: Formal written or fax quotes from at least 3 separate vendors, if available. If 3 quotes cannot be obtained, the Purchasing Agent must be consulted before the goods are ordered. When the lowest quoted item is deemed as not acceptable, documented facts must support the decision and approval must be obtained from the appropriate committee, and a Board of Supervisors Resolution adopted BEFORE the item is ordered.

\$20,000 & Up: Sealed bids in conformance with GML §103. When the lowest bid is deemed as not acceptable, documented facts must support the decision and approval must be obtained from the appropriate committee, and a Board of Supervisors Resolution adopted BEFORE the item is ordered.

COMMODITY PURCHASES	AS PER PURCHASING AND/OR DEPT. HEAD	3 VERBAL QUOTES	WRITTEN QUOTES	
			3	Other
Under \$3,000.99 (.2 & .4 codes)	X			
\$3,001 - \$10,000.99		X		
\$10,001 - \$19,999.99			X	
\$20,000 & up				Bid

e. Best Value Methodology - see section II(B)(3) for complete guidelines.

2. Public Works Projects/Contracts

A Board of Supervisors Resolution must be adopted to award a Public Works bid and authorize a contract and hence acquisition of the services. In some instances, Departments have been provided, by Resolution, with general authority to enter into Public Works contracts within certain parameters. On-call service contracts may be entered into for smaller projects (quotes or bids must be obtained on a per hour basis with a mark-up for materials). However, if a project is expected to exceed the public works threshold of \$35,000, then a bid specific to that project, or portions thereof, must be established. The \$35,000 threshold includes public works expenditures, as well as materials/commodities purchased as part of the public works project. However, if a project is undertaken by the County workforce, the commodity needed for that project shall be acquired pursuant to the County Purchasing Policy in accordance with the commodity thresholds. If contract labor or services should be needed for that project, the same will be independently bid or otherwise acquired pursuant to the County Purchasing Policy in accordance with the public works threshold. Regardless of the source of funding, i.e. grant funding or County funding, the County Purchasing Policy must be adhered to. (Please note that a "project" can be 2 or more construction projects lumped together for bidding purposes.)

Plan holders lists shall not be released prior to a bid opening as this may adversely affect the bids received and/or encourage collusion. Any requests received by a County department for this information are to be directed to Purchasing. Construction bids are an exception as allowing subs to contact bidders will most likely result in better pricing.

After the public opening of a sealed bid, a tabulation sheet shall be prepared, recording all pricing as submitted by the responding vendors. The appropriate Department(s) shall evaluate the bid responses and prepare a recommendation letter. When required, the using Department will request a Resolution to be presented to their standing committee and then sent to the Board of Supervisors for final award. The using Department shall also handle any renewal Resolutions through their standing committee submitted with the proper supporting documentation provided by Purchasing.

Resolutions for multi-department use are handled by the predominant Department and are submitted to the appropriate Committee for approval.

a. Competitive Bidding:

See Paragraph II(B)(1)(a) above.

b. Bid Approval Process:

- a. Bids for public works projects will be awarded by a Board of Supervisor's Resolution after the following conditions are met:
 - i. Sufficient appropriations are contained within the Department's current budget (or after a budget transfer has been completed).
 - ii. The Department Head provides the Purchasing Agent with a written recommendation for award indicating that the bids received meet the intent of the specifications.

c. Bidding Timeline:

See Paragraph II(B)(1)(c) above.

Note: The amount of time required is dependant on the frequency the Board meets. Remember, if you miss the Board meeting you may delay the start of the project for up to a month.

- \$1 - \$5,000.99: At the discretion of the Department Head.
- \$5,001 - \$19,000.99: Written or fax quotes from at least 3 separate vendors, if available. When the lowest quote is deemed as not acceptable, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.
- \$19,001 - \$34,999.99: Formal written or fax quotes from at least 4 separate vendors, if available. When the lowest quote is deemed as not acceptable, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.
- \$35,000 & Up: Formal sealed bids according to GML §103. When the lowest bid is deemed as not acceptable, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.

PUBLIC WORKS Wage rates and Board Approval Required	AS PER PURCHASING AND/OR DEPT. HEAD	WRITTEN QUOTES		
		3	4	Other
Under \$5,000.99	X			
\$5,001 - \$19,000.99		X		
\$19,001 - \$34,999.99			X	
\$35,000 & up				Bid

e. **Best Value Methodology - see section II(B)(3) for complete guidelines.**

f. **Retainage:**

Retainage is a form of security for proper completion of the work under construction contracts. Under General Municipal Law section 106-b(1), the County will retain five percent of each progress payment to the Contractor if the Contractor is required to provide a performance bond and a labor and material bond in the full amount of the contract. In all other cases, the County will retain 10 percent of each progress payment. The contract dollar amount that will be subject to this provision will follow the capitalization threshold as follows:

<u>Contract Purpose</u>	<u>Retainage Threshold</u>
Land Improvements	\$25,000
Buildings & Improvements	\$50,000
Infrastructure	\$250,000

Exceptions - This policy does not apply to the following:

1. Unit price contracts where Contractors are paid per unit of work when complete and approved by the County.
2. Contracts subject to administrative requirements for Disadvantaged Business Enterprise Programs for Federally-assisted contracts.
3. Contracts which require only one payment in full after the County has reviewed and approved work.
4. Term agreement contracts which cover emergency work and work as needed during the term of the contract.

3. Best Value Methodology

General Municipal Law §103 now provides local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work (but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) on the basis of best value. With the increased complexity of the goods and services that the County must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the County's performance requirements, including, but not limited to, selection factors such as useful life span, quality and options and incentives for more timely performance and/or additional services. Best value procurement can provide much needed flexibility in obtaining important goods and services at favorable prices, and can reduce the time to procure such goods and services.

"Best value" means the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, whenever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor of offerors that are small businesses or certified minority or women-owned business enterprises as defined in subdivision one, seven, fifteen and twenty of section three hundred ten of the Executive Law to be used in evaluation of offers for awarding of contracts for services.

When developing solicitation documents for competitive bids for the award of purchase contracts including contracts for service work, the Purchasing Agent may, and subject to the requirements herein and the applicable requirements set forth in this policy, determine that an award of a purchase contract shall be based upon best value methodology. In making such determination, the Purchasing Agent shall consider the recommendation, if any, of the Department Head or designee of the Department the purchase contract is being procured for. The Department Head or designee shall, in all instances, obtain the approval of the Purchasing Agent to utilize best value methodology prior to issuance of the competitive bid documents.

Requirements: Where the basis for an award of a purchase contract will be the best value offer, the Purchasing Agent shall, in all instances:

- a. Document in the procurement record as a component of the competitive award process and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- b. Shall select a formal competitive procurement process in accordance with guidelines established under this policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.
- c. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County in its determination of best value.

4. Professional Services

Professional Services are not subject to competitive sealed bidding requirements, but are subject to the guidelines of GML §104-b for competitive pricing to be obtained for these services. When a Department Head determines that professional services, except for legal services pursuant to §501 of County Law are necessary, they must solicit proposals by obtaining written quotes and/or letting RFPs depending upon the anticipated cost for service (see below). Upon receiving responses, the Department Head will then bring proposals before the appropriate committee. The cost of said services shall be outlined as price per hour and/or total cost, and the names of qualified, licensed persons to perform said services will be presented to the committee. Data from other counties or individuals may be used at this time to compare costs. Department questions as to which services require Requests for Proposals should be directed to the Purchasing Department.

Engineers and other professionals may be retained in accordance with any of the following award methods:

- a. The "Lowest Cost for Service" method which allows for awarding to the lowest proposer, **OR** other than the lowest proposer when the lowest proposal is deemed as non-responsive. Documented facts must support the decision and approval must be obtained from the appropriate committee. A Board of Supervisors Resolution is required prior to award.
- b. The "Best Value" method, based on weighted average scores from all criteria stated in the RFP specifications and submitted by sealed proposals; or
- c. The "Two Envelope" method where criteria is stated in the RFP specifications and professionals submit two separate sealed envelopes, one with the Proposal, the other with the Price. First, all Proposals are opened and the three "best" are selected. Only the "best" Proposal price envelopes will be opened and the low price will determine the award.

Proposals must be formally opened at a set time. The aforesaid methods must be authorized by the appropriate Board of Supervisors committee or used when required by Federal or State Law, Rule or Regulation.

When the County is seeking professional services to be funded by Community Development Block Grant ("CDBG") funding, a Notice to Professionals must be advertised in the official County newspapers, as well as the appropriate MWBE publications required by New York State. The Purchasing Department is responsible for placing said ads as part of the procurement process provided an RFP is required, and in all other instances the Department Head shall bare similar responsibility.

Proposals for professional services will be awarded by a Warren County Board of Supervisor's Resolution after the following conditions are met:

- a. Sufficient appropriations are contained within the Department's current budget (or after a budget transfer has been completed).
- b. The Department Head provides the Purchasing Agent with a written recommendation for award indicating that the bids received meet the intent of the specifications.

If passed, a service contract shall be prepared by the County Attorney and signed by the Professional before services are rendered. Contracts may contain the option for an extension for a second or third year, or more, before new RFP's need to be processed.

A Board of Supervisors Resolution must be adopted before services are ordered and shall be referenced on the Purchase Order together with the appropriate quotes.

See Paragraph II(B)(1)(c) above for bidding/RFP timeline.

3. Professional Services (continued)

Thresholds for seeking proposals is determined by the anticipated cost as follows:

\$1 - \$5,000.99: No solicitation of quotes or proposals is required at the discretion of the Department Head (quotes or proposals are encouraged when practical).

\$5,001-\$19,999.99: Written quotes from at least 3 qualified sources, where available. When the lowest quote is deemed as not acceptable, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.

\$20,000 & Up: RFP through the Purchasing Department from at least 3 qualified sources, where available. When the lowest proposal is deemed as non-responsive, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.

PROFESSIONAL SERVICES Board Approval Required	AS PER PURCHASING AND/OR DEPT. HEAD	WRITTEN QUOTES	
		3	RFP
\$1 - \$5,000.99	X		
\$5,001 - \$19,999.99		X	
\$20,000 & Up			X

****For purchase contracts and service contracts that must be procured pursuant to competitive bidding or RFP under General Municipal Law §103 and §104-b, in the event that no bids or proposals are received, the Purchasing Department shall re-advertise in a manner that provides for broader circulation, if at all possible. If no bids or proposals are received after re-advertisement, the goods or services may then be procured on the open market.****

C. Exemptions and Exceptions to Purchasing Policy:

1. It will NOT be necessary to seek quotes, RFP's or bids to comply with this Purchasing Policy for the following, however, contracts for services shall still be required (unless it's determined by the County Administrator, Chair of the Board and/or the County Attorney that one is not required):
 - a. Emergencies: GML §103(4) describes an emergency as an urgent need affecting the health and safety of citizens, which requires immediate action, where the occurrence or condition is "unforeseen". Lack of anticipation or planning cannot be deemed as a cause for declaring an emergency. A true emergency does not exclude the need for securing competitive pricing, only the formal bidding process. An exception to the competitive bidding requirements exists for emergency situations. There are three basic statutory criteria to be met in order to fall within this exception. These are that: (1) the situation arises out of an accident or unforeseen occurrence or condition; (2) public buildings, public property or the life, health, safety or property of the political subdivision's residents are affected; and (3) the situation requires immediate action which cannot await competitive bidding. When the Board of Supervisors passes a Resolution that a public emergency exists, the public interest dictates that purchases are made at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances. The County Attorney and the Chair[man] of the Board shall be consulted and will make a recommendation as to how to proceed. The Board of Supervisors' committee chairperson (and committee, if time permits) shall also be advised.
 - b. Employment and Training Services obtained through SUNY Adirondack and/or Washington-Saratoga-Warren-Hamilton-Essex (WSWHE) Board of Cooperative Educational Services for educational services.
 - c. Membership dues and conference fees.
 - d. All Physicians, Dentists and any Medical Providers for departments including, but not limited to, the Health Services Department, Warren County Sheriff's Office, Office of Emergency Services, Self-Insurance, Countryside Adult Home and the Department of Public Works. Also included shall be counseling services for the Office of Community Services. Data from other counties or individuals may be used to compare costs.
 - e. Attorneys needed for a particular or specialized requirement as reviewed and approved by the Finance Committee.
 - f. Situations not required by Law such as New York State Executive Law, Article 2B, State and Local Natural and Man-Made Disaster Preparedness Subsection 29A Suspension of Other Laws.
 - g. Subscriptions for updates to existing Law Libraries.
 - h. Public works services where, upon the determination by the Department Head, it is not feasible to determine the amount to be spent for repairs to vehicles, equipment or machinery (outside of standard repairs to be handled by County employees including auto body repairs), until the item is inspected and/or dismantled and a cost for inspection or diagnosis has already been incurred and for which it would not be practical to transport the equipment or machinery for multiple quotes. If auto repairs are authorized by the Insurance Carrier as a result of an accident, Department Head may proceed upon the recommendation of the Insurance Adjuster.

- i. Pursuant to GML §103(6), surplus and second hand supplies, material or equipment may be purchased without competitive bidding or competitive offering from the Federal Government, the State of New York or from any other political subdivision, district or public benefit corporation.
 - j. When procurements for goods or services are funded by State and/or Federal agencies, and procurement policies other than Warren County's are required, by law, to be followed, the Federal and/or State procurement policies shall supercede the County's Purchasing Policy.
 - k. Produce purchases which shall not exceed \$20,000 in the aggregate on an annual basis, due to the volatility of the market, large minimum order requirements, and remoteness of some County sites. In the event of large orders over \$1,500 per site, quotes must be obtained.
2. Quotes or proposals are not required for Sole Source & Single Source Commodities or Services

Competitive bidding is not required under GML §103 where the subject of the contract is controlled by a monopoly, or where there is only one possible (sole) source from which to procure certain patented goods or services, and therefore no possibility of competition exists. Should certain supplies or materials be obtainable only from a specific manufacturer, then a true monopoly would exist and the purchase would not be subject to bidding requirements. The mere likelihood that only one firm will bid, however, is insufficient to justify a sole source procurement. Further, a political subdivision may not artificially create a sole source situation such as by, without proper justification, tailoring bid specifications to limit competition to only one bidder.

In determining whether a sole source item is required in the public interest, the County should show, at a minimum:

- a. The unique benefits to the County of the item or service as compared to other products or services available in the marketplace;
- b. That no other product or service provides substantially equivalent or similar benefits;
- c. And that, considering the benefits received, the cost of the item or service is reasonable in comparison to other products or services in the marketplace.

In addition, the County should document that, as a matter of fact, there is no possibility of competition, as from competing dealers or distributors. The sole source exception may apply, for example, in those instances when:

- d. Services from a regulated public utility are available from only one source;
- e. There is only one source from which to acquire equipment which meets state-mandated requirements; or
- f. A political subdivision, which owns equipment uniquely suited to or compatible with a particular make of equipment, has adopted a standardization resolution for that make of equipment and the equipment is only available from one source.

A sole source can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an "or equal". Prior to a vendor being considered a sole source, a letter on the vendor's official letterhead must be on file with the Purchasing Department detailing their sole source status.

A single source could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Should you have a situation involving a single source supplier, a letter on the manufacturer's letterhead must be on file with the Purchasing Department confirming the single source authorized vendor.

Should there be ANY possibility of purchasing the item from two or more vendors, sealed bids should be requested after public advertising. Contracts ARE required when services are being provided regardless of sole source or single source status.

3. True Leases are not subject to the previous purchasing rules but rather must comply with the following requirements.

True leases are neither purchases nor contracts for public works, and thus, are not subject to bidding under the General Municipal Law. County policy however, requires that:

- a. After a Department has been given budget funding and approval to lease equipment, unless the lease is on State Contract, RFP's must be obtained through the Purchasing Department. Where a lease will not exceed a total of \$2,000 annually, no RFP shall be required. Quotes must be obtained and the Purchasing Agent shall sign the lease as indicated in Section II(C)(3)(e) below.
- b. A written explanation must be sent to Purchasing when the lowest lease quotation or response to an RFP is not taken, and a Board of Supervisors Resolution must be obtained;
- c. Appropriations must be specifically available for the lease (this will be considered authorization by the Board to enter into the lease);
- d. The lease agreement entered into may be for multiple years but must:
 - i. not contain any automatic buyout or automatic renewal clauses;
 - ii. contain a non-appropriation clause; and
 - iii. address the disposition of the equipment at the end of the lease so that the vendor pays the cost for return of the equipment, etc.
- e. All lease agreements shall be treated as purchases and signed by the Purchasing Agent; and
- f. While the lease agreement may not contain an automatic renewal clause, at the end of the lease term, departments may extend the lease agreement beyond the original term for a period of up to 18 months without securing additional quotes or engaging in an RFP process provided that:
 - i. the lease payments do not increase;
 - ii. the department has appropriations therefore; and
 - iii. Purchasing Agent approval is received.Any extension longer than eighteen (18) months must be justified to, and authorized by, the Purchasing Agent.

SECTION III

III. PURCHASE ORDERS

A. General

The Purchasing Department is designated to review and approve Purchase Orders. It is the individual Department Heads responsibility to insure that expenditures are within the budgetary appropriations and that the proper Department account is charged.

Should there be insufficient funds available, Departments must do a budget transfer and secure all the necessary approvals before the order can be processed.

Most purchases exceeding \$499.99 require a Purchase Order. The Purchase Order provides a formal document authorizing the purchase of goods and services as well as the necessary authority to pay vendor claims and proof of tax-exempt sales. Purchase Orders are prepared by the Department with all the necessary documentation such as contracts, quotes and insurance forms (where applicable) on file.

The Purchasing Department verifies the following information when approving a Purchase Order:

1. Vendor/vendor number
2. County contract/resolution/bid number/quotation information/state contract number
3. Comments/special instructions
4. Description of goods and services being ordered
5. Quantity/unit of measure
6. Unit price/extension and total cost
7. Commodity codes/budget codes
8. Asset status (if over \$1,500)
9. Attached documents are correct/complete (i.e. state & national contracts, piggyback documents from other Municipalities, Travel Authorization Forms, etc.)

The Purchasing Department will determine if the best method of procurement has been followed. If available, a current County bid, NYS contract or National Contract may be suggested. If none apply, the formal bid or quotation process may be commenced depending on estimated annual expenditures.

Once the Purchase Order has been approved by the Purchasing Department, it is posted by the Treasurer's Office and is then available for use.

In all instances, Purchase Orders are to be completed before a purchase is made. The only exceptions are exempt and emergency purchases as described below.

If at any time a Department finds they will exceed the competitive bidding threshold for a particular product or service, they should notify the Purchasing Department to allow time for specifications to be developed and the formal bid process to be completed, to meet their anticipated needs.

Purchases of \$499.99 or under do NOT require a Purchase Order. The following additional purchases do NOT require a Purchase Order. Purchases billed to the Department on a monthly basis not requiring Purchase Orders are Postal costs, Internet and Telephone charges, and routine Printing needs, which are to be handled by the Print Shop, via a Printing Order Form. Also exempt from the Purchase Order requirement are mileage, utilities and gas. To obtain routine maintenance and repairs, a Work Order Form must be completed and submitted to the Buildings & Grounds Department at the Municipal Center. Requests for shelving, bookcases, bulletin boards, and computer work stations may also be handled in this manner. When Buildings & Grounds funds are available for such requests, there will be no charge for Work Order requests to the individual

departments. However, if Buildings & Grounds funds are not available or otherwise committed, it is the responsibility of the department to purchase required materials. Department Heads must be responsible for making sure that all these procedures are complied with as outlined in this Purchasing Policy.

B. Blanket Purchase Orders

A Blanket Purchase Order (BPO) is created for products or services that are purchased on an “as needed” basis from a vendor throughout the year where the dollar value will vary for each purchase. These are issued for a maximum period of twelve (12) months and must be reissued at the beginning of each fiscal year.

For vendors used by all County Departments, each Department will issue a BPO for their Department only. There has to be quotes, a bid and/or a contract established with the vendor and insurance on file (if required) before a BPO can be issued.

PLEASE NOTE: Whenever possible, BPO’s must be for the total amount (or aggregate) amount to be spent with the vendor annually or for the term of the bid and/or contract. The Purchasing Department issues several commodity bids that are for less than one-year terms. The BPO’s for the commodity bids should only include enough funding for the term of the bid and not an annual total. If multiple budget codes are involved in the purchase, the department may either assign multiple codes to one PO, or individual PO’s may be submitted for each code even if the PO’s are less than \$500.00

Departments are responsible for providing the BPO number to the vendor and verify that the number also appears on the documentation sent to Audit for payment processing.

C. Emergency Purchase Order

General Municipal Law Section 103 (4) defines an emergency as “a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants requires immediate action”.

If an emergency arises, the department must contact the Chair[man] of the Board of Supervisors and the County Administrator to obtain approval prior to making any emergency purchases. Purchasing may be contacted for assistance in procuring products or services required to deal with the emergency. If the Chair[man] of the Board of Supervisors and the County Administrator determine there is a true emergency, the vendor who can immediately provide the required goods or services will be given prime consideration for the purchase.

The Purchasing Department will **not** approve an Emergency Purchase Order when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is a lack of proper planning.

D. Purchase Order Checklist

For reference purposes, the following checklist should be used when submitting PO’s:

- √ Is the vendor remit to address correct (submit vendor form to Purchase if a change is required).
- √ Is the description complete? (One-time message should include bid number, state contract number, quotes and/or any other information relevant to the purchase). If the one-time message indicates that the purchase is from a sole source vendor, a copy of the sole source letter must be [provided to the Purchasing Department or] attached as a document to the PO.
- √ Is the form type “REGULAR-REGULAR”? (“REG-Regular” should not be selected.)
- √ Deliver by Date and Expiration Date fields must be left blank.

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- √ Is the correct Resolution Number referenced in the Resolution Field (not in the one-time message)? Confirm that the authorizing resolution is current.
- √ Is the dollar amount correct? Does it match the contract or quote amount? We cannot approve PO's that exceed the authorized amount.
- √ Create New Asset Box - if the item is less than \$1,500 use the item code for items <\$1500 which will automatically uncheck the asset box.
- √ Contracts - If applicable, has the contract been signed? The Purchasing Department will not approve PO's until it's confirmed that the contract is fully executed. If the contract is for an exact dollar amount, it must be attached to the PO prior to approval.

SECTION IV

IV. ASSET MANAGEMENT

The purpose of the asset inventory management system is to establish proper procedures for monitoring the movement of fixed assets to maintain accurate reporting of assets values as required by NYS Audit and Control.

A. Fixed Assets

Fixed assets are defined as those properties the County of Warren retains more or less permanently, not for sale, but for utilization in the normal course of operations.

Fixed assets will always imply tangible fixed assets. The general accepted practice, as in Warren County, is to record and report fixed assets at their historical acquisition cost. The cost of a fixed asset should include all expenses of transporting the asset to the proper location and placing it in the condition necessary for its intended use. Only items costing One Thousand Five Hundred Dollars (\$1,500.00) or more and with a useful life of more than one year will be inventoried.

Upon receipt of an asset valued at \$1,500 or more, the Treasurer’s Office will issue a numbered inventory sticker to be attached to the new asset. Stickers are necessary to provide positive identification of assets. They also provide a quick and accurate method of identifying assets during the annual physical inventory. If a sticker is lost or damaged the Department should contact the Treasurer’s Office.

Please note that all stickers must remain on the item until the time of sale or disposition. When sold or scrapped, the sticker shall be removed and placed on the Treasurer’s Office copy of the Physical Inventory Deletion Form.

Each Department Head has the ultimate responsibility to conduct and maintain the individual inventory pertaining to that Department. It is also the responsibility of the Department Head to evaluate on a continuing basis the suitability and need for materials, supplies and equipment. If they should become obsolete by reason of age, wear or technical advancement or should become surplus, unnecessary for the operation of his/her department, the department inventory manager should send an e-mail to the Purchasing Agent with details and condition of the item for sale or disposal. The Department will then complete a work order to have the item removed either for the sale or disposal.

B. Capital Assets

Capital assets include property, plant, equipment and infrastructure assets (e.g. roads, bridges, airport runways and similar items). Such assets are recorded at historical cost or estimated historical cost. The reported value excludes normal maintenance and repairs, which are essentially amounts spent in relation to capital assets that do not increase capacity or efficiency of the item or increase its estimated useful life. Donated capital assets are recorded at estimated fair market value of the item at the date of donation.

The capital assets are capitalized at certain thresholds and depreciated using a straight line method over their useful lives as follows:

<u>Capital Assets</u>	<u>Capitalization Threshold</u>	<u>Useful Lives (Years)</u>
Land Improvements	\$25,000	20
Buildings & Improvements	\$50,000	40
Vehicles & Equipment	\$5,000	5-10
Infrastructure	\$250,000	10-40

SECTION V

V. TRANSFER AND SALE OF SECOND-HAND EQUIPMENT

The Purchasing Agent is designated by the Board of Supervisors to be responsible for the salvage control program. The same precautions must be taken when disposing of property as when purchasing. A Physical Inventory Deletion Form is needed for items sold, scrapped or traded in. Surplus equipment may be transferred to another department where it is needed by using a Property Transfer Form. Both forms are available through the Purchasing Department. The Purchasing Agent is solely authorized to sell or trade in used and/or obsolete equipment to a vendor, even those under State Contract, and to accept a trade in allowance from such vendor. If all above procedures have been exhausted, the Purchasing Agent will arrange to sell such articles at a widely advertised public auction, on-line auction through a contracted Auction, or on GovDeals. Items that have no value and are broken beyond repair, must be properly disposed of by the appropriate Department

Department personnel assigned the task of inventory management are to report any surplus equipment or materials they have to the Purchasing Department. These items will be made available, by the Department Head (with pictures and detailed descriptions) to all other County Departments on a first-come first-served basis. If an asset remains unclaimed after 5 business days, the Purchasing Department will make available to the towns, village and city in Warren County using the same pictures and description. If unclaimed by local municipalities within 5 business days, then the Purchasing Agent will determine the most beneficial disposition of the surplus equipment.

Any vehicle or equipment that requires a title to be signed for transfer will be handled by the Purchasing Agent and/or the Superintendent of the Department of Public Works or his designee.

Items under the asset threshold of \$1,500 sold to another municipality shall require proper documentation of the sale, i.e. invoice of sale and completion of a deletion form created specifically for this purpose and available through the Purchasing Department. Funds shall be deposited in Purchasing Department Revenue Code A.1345 2665 unless legally required to be deposited elsewhere.

SECTION VI

VI. PURCHASING POLICY - GENERAL CONDITIONS

- ▶ The Purchasing Agent is appointed at the pleasure of the Board of Supervisors and is responsible for reviewing and administering the purchasing policy of Warren County.
- ▶ Employees of the Purchasing Department shall maintain effective and professional public, vendor and customer relationships.
- ▶ To maintain a high level of quality service to Warren County Departments and Municipal Subdivisions, Purchasing staff shall participate in educational opportunities offered in the purchasing field, and keep abreast of current developments in market conditions, pricing, new products and the Law.
- ▶ The Purchasing Policy herein shall be administered in accordance with all ethical rules called for by the County of Warren.
- ▶ Any County Officer or employee who has, will have, or acquires an interest in, any actual or proposed contract with the County of which he/she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the Board of Supervisors as soon as he/she has knowledge of an actual or prospective interest. This written disclosure will be made part of the official minutes of the Board of Supervisors. **If an officer or employee has a reason to believe that he/she may have a conflict of interest, the office of the County Attorney should be contacted immediately.**
- ▶ Each Purchase Order will be examined by a member of the Warren County Purchasing Department and processed according to the guidelines set forth under the section of applicable Purchasing Procedures.
- ▶ The Warren County Purchasing Department and Department Heads will maintain adequate documentation of all action taken in connection with each method of procurement. Such documentation may include, but not be limited to any and all pertinent Board Resolutions, Memoranda, Written Quotes, Contracts and any other appropriate form of documentation.
- ▶ Opportunity will be provided to all responsible suppliers to do business with the County. To this end, the Purchasing Department will maintain a listing of potential bidders for the various types of material, equipment, supplies and services used by County Departments. This list will be used for the distribution of notices for bids and quotes. Any supplier may be included on the list upon request.
- ▶ Suppliers will be removed from the bidders list if they make a formal written request, or if the Purchasing Agent finds the supplier to be an irresponsible bidder. This is determined by failing to provide proof of responsibility, having repeatedly made slow or unsatisfactory delivery of supplies or services, or having been found by a Court of competent jurisdiction to have engaged in unlawful employment or business practices within the previous 12 months.
- ▶ Supplies used by various County Departments should be uniform whenever consistent with operational goals in the interest of efficiency or economy. The material, equipment, supplies, and services purchased by Warren County shall be of the quality and quantity required to serve ALL departments in a satisfactory manner, as will be determined by the requisitioner and the Purchasing Agent.

- ▶ Credit cards or P-Cards whose use is approved by the Clerk of the Board of Supervisors are held by same and signed out for use by County staff. Some Departments hold cards specific to their operations and reference is herein made to the County Credit Card Policy for further details.
- ▶ On occasion, County Departments are asked by vendors to complete credit applications in order to be able to set up an account. Said applications should not be returned as the County is not applying for credit. In most cases, a Purchase Order is sufficient documentation for the vendor to set up an account.
- ▶ No official or employee will be interested financially in contracts entered into by the municipality (as defined in Section 800 of General Municipal Law). This also precludes acceptance of gratuities, financial or otherwise, as stated in the Warren County Code of Ethics.
- ▶ The County of Warren will not be deemed responsible for any commitment made at the departmental level circumventing these procedures. If County procedures are circumvented, disciplinary action may be taken.
- ▶ Salespersons are encouraged to visit the Purchasing Department prior to or in conjunction with initial, individual Department contact.
- ▶ The Legislative, Rules & Governmental Operations Committee will annually review the policies and procedures set forth in this manual prior to adoption by the Warren County Board of Supervisors.
- ▶ The unintentional failure to fully comply with the provisions of GML §103 and 104-b shall not be grounds to void any action taken or give rise to cause of action against the County of Warren, the Purchasing Department, or any officer or employee thereof.
- ▶ The County Attorney and the Warren County Board of Supervisors shall make the final decision regarding any issues related to procurement of goods and services for Warren County.
- ▶ Standard lists of commonly used items shall be jointly developed for all categories or groups of supplies by the Purchasing Agent and the appropriate requisitioners. These lists shall be used as a basis for determining the feasibility for obtaining quotations on quantity purchases or the necessity of advertising for formal bids.
- ▶ It is the responsibility of the Purchasing Agent to make alternative suggestions to the requisitioner if, in the judgment of the Purchasing Agent, the specifications would restrict competition or otherwise preclude the most economical purchase of the required items. In case of disagreement as to the content of the specifications, the Board of Supervisors, after reviewing all available data, should make the final determination.
- ▶ The Purchasing Department offers a vendor library which includes many reference materials. NYS OGS contracts, vendor catalogues, preferred source catalogues, industrial buying guides, and all materials pertaining to Warren County bids. These materials may be viewed in the Purchasing Department Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m.
- ▶ When a low bidder proposes an alternative as an “equal” to that specified, it is the responsibility of the Department Head to determine whether the proposed substitution is, in fact, an equal.

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Grant/Revenue and Asset Forfeiture funding is NOT exempt from the County's Purchasing Policy or GML §103 or §104-b. These funds are still considered to be taxpayer money and procurement guidelines must be followed as with any other budgetary appropriation.

▶ The Purchasing Department posts all public bid documents on the County's WCEAS system, including, but not limited to:

- | | |
|--------------------------|-----------------|
| * Specifications | * Addenda |
| * Recommendation Letters | * Award Letters |
| * Resolutions | * Tab Sheets |
| * Extension Letters | |

If a bid document is not posted, please contact the Purchasing Department for further information.

APPENDIX “A”

§ 200.318 - General procurement standards.

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.214.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of

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contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

§ 200.319 - Competition.

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in

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this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with § 200.320(c).

§ 200.320 - Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) *Micro-purchases - (i) Distribution.* The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) *Micro-purchase awards.* Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) *Micro-purchase thresholds.* The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold

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higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) *Non-Federal entity increase to the micro-purchase threshold up to \$50,000.* Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) *Non-Federal entity increase to the micro-purchase threshold over \$50,000.* Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) *Small purchases - (i) Small purchase procedures.* The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) *Simplified acquisition thresholds.* The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) *Formal procurement methods.* When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) *Sealed bids.* A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

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(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) *Proposals.* A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

(c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

(1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);

(2) The item is available only from a single source;

(3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

(4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or

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(5) After solicitation of a number of sources, competition is determined inadequate.

§ 200.321 - Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

§ 200.322 - Domestic preferences for procurements.

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber, and lumber.

§ 200.323 - Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste

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management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§ 200.324 - Contract cost and price.

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§ 200.325 - Federal awarding agency or pass-through entity review.

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

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(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

(2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§ 200.326 - Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Warren County Board of Supervisors

RESOLUTION NO. 506 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, CONOVER, FRASIER, GERACI, THOMAS, DRISCOLL AND WILD

**ACCEPTING PROPOSAL AND AUTHORIZING AGREEMENT WITH
NEEDHAM RISK MANAGEMENT RESOURCE GROUP, LLC FOR SAFETY SERVICES
CONSULTANT/COMPANY FOR SELF-INSURED WORKERS' COMPENSATION
PROGRAM (WC 48-23)**

WHEREAS, the Purchasing Agent has requested proposals for Safety Services Consultant/Company for Self-Insured Workers' Compensation Program (WC 48-23), and

WHEREAS, the proposals were opened on September 14, 2023 and the Self-Insurance Administrator has recommended that Warren County award the agreement to Needham Risk Management Resource Group, LLC located at 573 Columbia Turnpike, Suite 3, East Greenbush, New York 12061, now, therefore, be it

RESOLVED, that the Warren County Purchasing Agent be, and hereby is, authorized and directed to notify Needham Risk Management Resource Group, LLC located at 573 Columbia Turnpike, Suite 3, East Greenbush, New York 12061 of the acceptance of its proposal, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with Needham Risk Management Resource Group, LLC relative to Safety Services Consultant/Company for Self-Insured Workers' Compensation Program, pursuant to the terms and provisions of the bid documents and proposal (WC 48-23), for a term commencing January 1, 2024 and terminating December 31, 2024, with the option for five (5) additional one (1) year terms upon mutual agreement of the parties, in a form approved by the County Attorney, for the following per year amounts:

<u>Year</u>	<u>Amount</u>
2024	\$66,504
2025	\$69,168
2026	\$71,928
2027	\$74,808
2028	\$77,796
2029	\$80,916,

and be it further

RESOLVED, that the funds for this agreement shall be expended from Budget Code S.1710 437 Workers' Compensation, Self Insurance Administration, Consulting Fees.

Warren County Board of Supervisors

RESOLUTION No. 507 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH, CONOVER, FRASIER, GERACI, THOMAS, DRISCOLL AND WILD

AUTHORIZING JENNIFER SMITH, SELF-INSURANCE SPECIALIST, TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE EMPIRE STATE SAFETY ASSOCIATION

WHEREAS, the Legislative, Rules & Governmental Operations Committee has approved the request to authorize Jennifer Smith, Self-Insurance Specialist, to serve as a member of the Board of Directors of the Empire State Safety Association, for a term commencing January 1, 2024 and terminating December 31, 2025, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes Jennifer Smith, Self-Insurance Specialist, to serve as a member of the Board of Directors of the Empire State Safety Association for a term commencing January 1, 2024 and terminating December 31, 2025.

Warren County Board of Supervisors

RESOLUTION NO. 508 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, MERLINO, WILD, GERACI, STROUGH, RUNYON AND DIAMOND

INTRODUCING PROPOSED LOCAL LAW NO. 7 OF 2023, ENTITLED “A LOCAL LAW AMENDING 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)’”, AND AUTHORIZING PUBLIC HEARING THEREON

RESOLUTION TABLED AND RETURNED TO THE OCCUPANCY TAX COORDINATION COMMITTEE

RESOLVED, that proposed Local Law No. 7 of 2023 entitled “A Local Law Amending 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)’”, attached hereto and made a part hereof, be, and the same hereby 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 15th day of December, 2023, at 10:00 a.m., on the matter of the adoption of said Local Law No. 7 of 2023, and be it further

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

**COUNTY OF WARREN
PROPOSED LOCAL LAW NO. 7 OF 2023**

A LOCAL LAW AMENDING 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 No. 3 of 2006; Local Law No. 10 of 2006; Local Law No. 13 of 2011; Local Law No. 6 of 2015; and Local Law No. 5 of 2018).

This local law is intended to incorporate all of the prior amendments, and to amend Section 16, to change the disposition of revenues to Warren County from three percent (3%) to six percent (6%).

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.
- (e) *Occupant* -A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise. The right to use or possess includes the right of a room remarketer as described in paragraph (n) of this section.

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

Section 4. Imposition of Tax.

- (a) On and after January 1, 2007, and in addition to any other tax previously authorized and

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

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

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

(2) In regard to the collection of tax on occupancies by room remarketers, including a transaction described in subparagraph (1) of this paragraph, the requirements of paragraph(b) of this section shall be deemed satisfied if the remarketer gives the customer a sales slip, invoice receipt, or other statement of the price prior to the customer's completion of his or her occupancy, on which the amount of tax due under this local law is stated. The room remarketer must keep a copy of this invoice as required by Section 10 of this local law, or electronic records that accurately reflect the information that is on the invoice provided to the customer.

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

Section 5. Transitional Provisions.

(a) Except as provided in paragraph (b) herein the tax imposed by this local law shall be paid

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

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

Section 6. Exempt Organizations.

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

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

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

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

Section 7. Territorial Limitations.

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

Section 8. Registration.

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

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

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

(d) Each certificate of authority shall be prominently displayed by the operators who are not room

remarketers in such manner that it may be seen and brought to the notice of all occupants and persons seeking occupancy.

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

Section 9. Administration and Collection.

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

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

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

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

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

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

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

(h) Where an occupant claims exemption(s) from the tax under the provisions of Section 6 of

this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption.

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

Section 10. Records to be Kept.

- (a) Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer may by regulation or order require.
- (b) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer's duly authorized agent or employee, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 11. Returns.

- (a) After the date set forth in Section 4 of this local law, and except as provided in subdivision (b) of this section, every operator and occupant, directed by the Treasurer, shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon, for the same quarterly periods and on the same dates as returns for New York State Sales and Use Taxes are filed or to be filed, except for room remarketers the return for the month of September, 2015 shall be filed with the quarterly period filing which follows September, 2015.
- (b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may by order require returns to be made and filed for shorter periods than those prescribed pursuant to subdivision (a) of this section, on such dates as the Treasurer may specify in such rule or order, where the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law.
- (c) All returns shall be filed with the Treasurer within twenty (20) days from the expiration of the period covered thereby.
- (d) The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this local law.

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

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

Section 12. Payment of Tax.

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

(b) The operator of the hotel or motel room shall have the same right in respect to collecting the 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 six percent (6%) of the revenues collected from the imposition of this tax.

Section 17. Reserves.

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

Section 18. Remedies Exclusive.

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

Section 19. Proceedings to Recover Tax.

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

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

- (1) the purchaser, transferee or assignee shall at least twenty (20) days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms 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. 509 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, MERLINO, WILD, GERACI, STROUGH, RUNYON AND DIAMOND

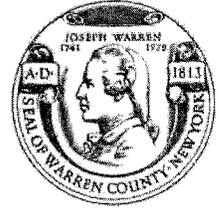
ADOPTING THE OCCUPANCY TAX GRANT APPLICATION FOR CONVENTIONS, TRADE SHOWS AND EVENTS

WHEREAS, the Director of Tourism presented to the Tourism & Occupancy Tax Committee a revised Occupancy Tax Grant Application for conventions, trade shows and events, (last adopted by Resolution No. 334 of 2021), and

WHEREAS, the Tourism & Occupancy Tax Committee has reviewed the application and has recommended that the same be advanced to the full Board of Supervisors for consideration, now, therefore, be it

RESOLVED, that the Occupancy Tax Grant Application for conventions, trade shows and events annexed hereto, be and the same hereby is, adopted as the official application for Warren County, and be it further

RESOLVED, that any prior resolutions adopting the Occupancy Tax Grant Application for Conventions, Trade Shows and Events are hereby superceded.

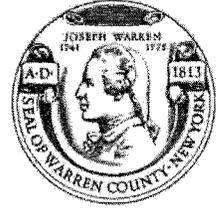


**Warren County Occupancy Tax
Grant Funding
(Special Events and Activities)**

Application 2024

To be completed by those requesting special event or activity funding

**IF YOU ARE APPLYING FOR THE FIRST TIME PLEASE CONTACT
PAUL TACKET AT 518-761-6366 TO MAKE AN APOINTMENT**



Thank you for applying for a Warren County Occupancy Tax Funding Grant. We look forward to partnering with your organization and working collaboratively to help drive tourism to our beautiful destination. We hope you find this information helpful and please feel free to reach out to us with any questions you may have or for additional guidance. Contained in this packet, please find the following:

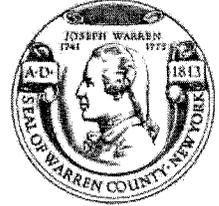
1. Checklist
2. Application Rules and Guidelines
3. Application
4. Appendices –
 - a. Appendix A – Event Budget Form
 - b. Appendix B – Eligible and Ineligible uses of Occupancy Tax Funding

To ensure that your application complies with all requirements, please review the application rules, eligibility, guidelines and deadlines carefully, complete all sections and submit supporting documentation, as requested. Please note that all applications are subject to FOIL (Freedom of Information Law) requirements.

Incomplete applications and those that do not include the supporting documentation will not be reviewed for consideration, regardless of previous awards.

APPLICATION CHECKLIST

- A COMPLETE, signed application which includes a brief one-page detail of your event
- A comprehensive budget which includes ALL sources of income and expenditures (Appendix A)
- IRS letter or documentation indicating 501-c-3 (non-profit) or 501-c-6 (not-for-profit) status (if applicable)



Rules and Guidelines

I. Background

Warren County currently collects a 4% occupancy tax on all overnight tourism accommodations in the County. This tax is levied on customers of hotels, motels, bed & breakfasts, inns, housekeeping cottages with four or more units and tourism facilities (i.e. campgrounds with onsite RV rentals) as well as short-term (STR) vacation rentals.

The purpose of this tax, as outlined by Occupancy Tax law under Occupancy Tax Information and Forms is to promote and increase tourism in Warren County and its municipalities "through the promotion of tourist activities, conventions, trade shows, special events and other directly related and supporting activities."

II. Applicant Eligibility

Eligible applicants may be an individual, non-profit organization, or for-profit business requesting funding in support of a multi-day (more than one day) special event, sporting event, activity or tourism-related initiative which will produce a significant impact on overnight guest stays and visitations.

All non-profit applications are required to provide IRS 501-c-3, or 501-c-6 documentation indicating their non-profit status or not-for-profit status.

III. Schedule

**Winter (Jan. Feb. Dec.) 2024 and Summer
(Jun. Jul. Aug.) 2024***

Applications Due: **November 1, 2023**

Occupancy Tax Committee Meeting: **November 20, 2023**

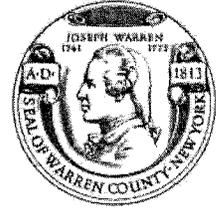
Board of Supervisors Approval: **December 15, 2023**

**Spring (Mar. Apr. May) 2024 and Fall (Sept.
Oct. Nov.) 2024**

Applications Due: **January 2, 2024**

Occupancy Tax Committee Meeting: **April 2024**

Board of Supervisors Approval: **May 2024**



IV. Rating Criteria and Evaluation

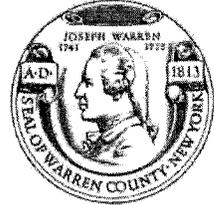
The following will be considered when evaluating application:

- The expected direct economic impact of the special event or activity on Warren County tourism.
- The impact of the special event or activity on the image and marketing of Warren County as a dynamic and unique destination.
- The prior success and managerial track record of the special event or activity.
- The completeness of the application information (including all reporting on prior year results for those who received county and local funding in previous years).
- The degree to which the special event or activity is supported by other community partners. Applications should reflect financial support from other local partners, as occupancy tax grants should not be the sole source of funding support for any special event or activity.
- The degree to which the special event or activity is likely to draw diverse overnight visitors to Warren County.
- The impact the special event or activity will have on the quality of life of the region, including charitable partnership opportunities and philanthropic attributes.

V. Application Rules, Grant and Award Guidelines

Warren County Occupancy Tax Grant Funding requests are reimbursable only. If funding is requested prior to the special event or activity, grants will be evaluated/awarded by the Occupancy Tax committee and may permit a portion of the expenditures to be dispersed with appropriate documentation. Funding is selective and based on the application your organization submits. Funding grant recipients are subject to county audit to ensure compliance of expenditures.

1. This application must be completed in its entirety in order for the special event or activity to be considered for funding. If any portion of the application is incomplete, it will not be reviewed or considered.
2. The applicant(s) must present reasonable evidence that the special event or activity will increase overnight visitations in Warren County and that the increase is consistent with the level of funding requested.
3. All applications **MUST** include a comprehensive budget (**APPENDIX A**) outlining event and IRS 501-c-3 or 501-c-6 designation (if applicable).
4. All expenditures must adhere to the **ELIGIBLE AND INELIGIBLE USES OF OCCUPANCY TAX FUNDING** Guidelines as outlined in **Appendix B**.



APPLICATION FORM

INSTRUCTIONS: Please complete the ENTIRE application and include **ALL items on the page two check list**. Incomplete applications, areas left blank and applications that do not submit all required materials will be considered incomplete and **WILL NOT be reviewed or awarded**. All event budget, financial and marketing information will be used solely for application evaluation purposes by the Occupancy Tax and Tourism Committee and are subject to **Freedom of Information Law** (Public Officers Law, Article 6) (FOIL) requests. If you are submitting information which is considered proprietary "trade secrets" and is confidential to your organization, please indicate such on your application and indicate which sections should be redacted. Should the County receive a FOIL request for this information, we will contact the applicant regarding this matter.

Amount of Occupancy Tax Funding Requested: \$ _____

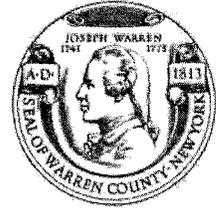
A. CONTACT INFORMATION

- 1.) Name of Applicant/(s)Organizer(s)/ Main Point of Contact _____
- 2.) Address: _____
- 3.) Email/Cell phone: _____
- 4.) Estimated Event Duration (including set-up/clean up times): _____
- 5.) Anticipated Number of Attendees _____
- 6.) Anticipated Number of employees/staff (inclusive of vendors and contractors): _____

B. EVENT INFORMATION

- 1.) Name of Event: _____
- 2.) Date & Time of Event: _____
 Winter / Summer 2024 Spring / Fall 2024
- 3.) Location of Event: _____
- 4.) Which category BEST describes your event (check one):
 High Impact: 6,000-14,999 estimated room nights and/or 15,000+ day visitors
 Medium Impact: 1000-5,999 estimated room nights and/or 5,000+ day visitors
 Low Impact: < 1000 estimated room nights and/or 2,500 +/- day visitors

5.) **Event Detail:** Please provide a brief one-page detail of your event. *(If this request is for an annual event and you have received Occupancy Tax grant funding in the past, please also provide history details from the previous year's event including total attendance, total room nights, any new initiatives that were used to increase visibility or attendance, including new marketing initiatives. If this application is for a new event, please include one-page detail of the event, anticipated attendance and past history in other locations, including successes, if applicable.) Please feel free to attach a separate page, if you require more space.*



6.) Type of Organization / Event: For Profit Non-Profit (501-c-3) Not-for-Profit (501-c-6)

New Event Annual Multi-Day Multi-week/month

7.) How long has this event been in existence: _____ Date started: _____

8.) If a multi-year event, what new marketing, promotions and/or activities have been added to enhance the event and increase attendance? *Feel free to attach a separate sheet.*

9.) Total number of attendees projected? _____ Previous year's attendees? _____

10.) How will you track attendance and room nights?

11.) Number of day visitors projected? _____

12.) How did you determine this percentage (surveys, zip codes, etc.)?

13.) Number of overnight guests projected? _____

14.) How did you determine this percentage (surveys, zip codes, etc.)?

15.) Number of overnight accommodations used in previous year? _____

16.) Average length of stay per guest? _____

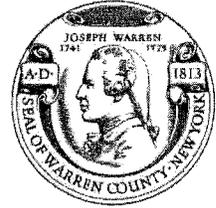
17.) How did you determine total number of overnight rooms?

18.) Do you work/or anticipate working with a third-party company, CVB or other entity to help gather your special event/activity data and manage housing? If so, please provide name, and contact information.

C. FISCAL STABILITY OF THE EVENT/ACTIVITY REQUESTING FUNDING

1.) Amount of Occupancy Tax Funding Requested: \$ _____

2.) Ticketed event: YES Price of tickets: \$ _____ NO



3.) Does this event provide an opportunity for local discounted community tickets? YES, Price of tickets: \$ _____ NO

4.) Total Cost to be paid by the organizer for the event: \$ _____

5.) Total amount that the organizer has calculated that needs to be raised to fund/support the event that is currently not available or expected to be available is \$ _____

6) Budget (see Appendix A)

Anticipated Total Cost of the Event (attach COMPLETE budget showing anticipated expenditures and revenue. Please highlight the expenditure breakdown for which you are seeking funding. Failure to provide a complete budget will result in the application being disqualified. \$ _____

7.) Anticipated total revenue from the event: \$ _____

8.) Clearly identify the special event/activity objectives. (i.e.: the purpose of this event is to create a unique car show which will attract car aficionados from across the Northeast. The purpose of this activity is to create a stronger cultural asset in the region.) Attach additional pages if necessary

9.) Previously funded by Warren County Occupancy Tax? YES (amount & # of years): \$ _____ # of yrs. _____
 NO

10.) What other non-municipal sources of funding/sponsorships do you anticipate to fund/operate the event/activity?

11.) Previously funded by other local municipalities: YES (amount & # of years): \$ _____ #of yrs _____

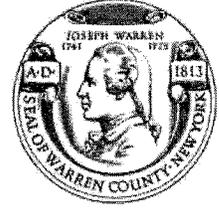
Municipality? _____

NO

12.) If the event receives Warren County Occupancy tax funding, is it willing to consider profit-sharing, and if yes at what threshold and what percentage point? _____

13.) Will the proceeds from the event benefit any other organization or does the event provide an opportunity to support a local charitable organization or group? YES (what %/\$ amount) _____ NO

14.) Please describe community benefit opportunity if answered YES to the previous question:



D. EVENT MARKETING

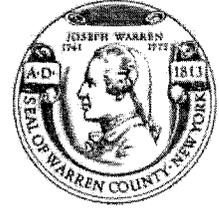
If awarded you will be required to complete a marketing plan.

1.) When do you anticipate beginning promotion of your event? (*pls note that all events awarded funding are highly encouraged to begin promotion of event no less than 90 days prior to event*) _____

2.) What percentage of your marketing budget is being allocated to outside of Warren County? _____

3.) What geographic areas do you anticipate your marketing reaching (specify local, regional, state, national?)

4.) Who is your target audience and/or demographic?



AFFIRMATION

I have read the "Warren County Rules and Guidelines," agree to abide by them and attest that all information provided in the Warren County Funding Application is truthful and accurate.

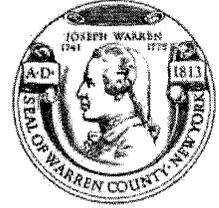
Signature of Responsible Party

Date

Name

Title

Organization



APPENDIX A
EVENT BUDGET FORM (Required)

Event Name: _____

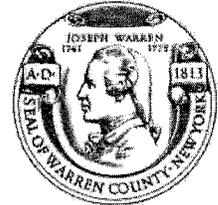
Event Date (and rain date if any): _____

Event Type: _____

Special Comments: _____

Use this form for estimated budget at time of event and complete with actual budget for submission of Post Event Final Report. Please feel free to use another sheet of paper or your own spreadsheet. Budget must list all event/activity related expenditures in detail (i.e., as well as projected revenue & sources.)

Table with 4 columns: Expenses, Estimated, Actual (to be completed post event), and Detail. It contains 20 rows for budgeting.



APPENDIX B

ELIGIBLE AND INELIGIBLE USES OF OCCUPANCY TAX FUNDING FOR COUNTY WIDE EVENTS **

ELIGIBLE USES OF EXPENDITURES

- Paid advertisements: print, radio, television and Internet advertisements, email campaigns, social media campaigns promoting events, attractions, activities, packages, conventions, sporting events, tradeshow, encouraging overnight stays
- Outdoor signage/banners/billboards
- Posters/flyers/brochures
- Design, production and placement of out-of-county advertising
- Fireworks displays
- Event-related postage for direct mail campaigns
- Rental or fee of traveling/special exhibits
- Promotional items promoting the event
- Re-enactors, musicians, entertainers, umpires for games
- Maps, free guides tours of regional area, bicycle routes, snowmobile trails
- Hosting/bid fees
- Venue rental, EXCLUDING any and all county/municipal-owned properties
- Event-related rentals & expenditures (tents, chairs, tables, etc.)
- Portable toilets/handwashing stations/public health-related expenses
- Promotional videography, photography promoting the event
- Signage/advertising on trolley/bus promoting the event
- Advertising in trade journals
- Paid brochure distribution
- Production of promotional materials
- Hanging banner ads
- Public relations to promote event
- Insurance
- Event security/emergency Services
- Event-specific website design/development/updates
- Event-specific directional signage
- Event-specific logo design
- Event-specific external marketing services

INELIGIBLE USES OF EXPENDITURES

- Payroll/salaries
- Staff hotel/meals
- Staff travel expenditures
- Alcohol
- Staff mileage
- Annual operating, administrative, and maintenance costs
- Awards to participants
- Capital programs
- Set up/clean-up of event
- Volunteer stipends

**** Please note: This is not an all-inclusive list and expenditure approval is at the discretion of the Warren County Tourism and Occupancy Tax Committee, Legal and County Auditor.**

Warren County Board of Supervisors

RESOLUTION NO. 510 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, MERLINO, WILD, GERCI, STROUGH, RUNYON AND DIAMOND

AUTHORIZING AGREEMENT WITH QUEENSBURY EMERGENCY MEDICAL SERVICES, INC. FOR REIMBURSEMENT OF EXPENSES INCURRED DURING THE 2023 ADIRONDACK HOT AIR BALLOON FESTIVAL AT THE WARREN COUNTY (FLOYD BENNETT MEMORIAL) AIRPORT

WHEREAS, the Director of Tourism is requesting the County enter into an agreement with the Queensbury Emergency Medical Services, Inc. to provide reimbursement to Queensbury Emergency Medical Services, Inc. for expenses incurred during the 2023 Adirondack Hot Air Balloon Festival at the Warren County (Floyd Bennett Memorial) Airport, and

WHEREAS, Queensbury Medical Services, Inc. has delivered to the Director of Tourism an accounting of expenses incurred during the 2023 Adirondack Hot Air Balloon Festival, reflecting a total cost of Seven Thousand Five Hundred Dollars (\$7,500), now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with Queensbury Emergency Medical Services, Inc. for reimbursement of expenses incurred during the 2023 Adirondack Hot Air Balloon Festival, in a form approved by the County Attorney, and be it further

RESOLVED, that the agreement will commence upon execution by both parties and terminate upon payment of an invoice from Queensbury Emergency Medical Services, Inc. for an amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500), and be it further

RESOLVED, that the funds for this invoice will be expended from Budget Code A.6417.0002 469.05, Tourism/Occupancy, Occupancy Tax, Municipal Application Funding.

Warren County Board of Supervisors

RESOLUTION NO. 511 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, MERLINO, WILD, GERACI, STROUGH, RUNYON AND DIAMOND

AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN WARREN COUNTY AND THE WARREN COUNTY SHERIFF'S OFFICE FOR REIMBURSEMENT OF PAYROLL EXPENSES INCURRED DURING 2023 SPECIAL EVENTS FROM OCCUPANCY TAX REVENUE HELD IN SUPPORT OF WARREN COUNTY TOURISM

RESOLUTION WITHDRAWN AND RETURNED TO COMMITTEE

WHEREAS, the Director of Tourism is requesting the County enter into a Memorandum of Understanding with the Warren County Sheriff's Office to provide reimbursement to the Sheriff's Office for payroll expenses incurred as a result of providing personnel during 2023 special events from occupancy tax revenues of Warren County tourism, and

WHEREAS, the Sheriff's Office agreed to provide patrol services during 2023 for special events held in support of Warren County Tourism, and

WHEREAS, the Sheriff's Office delivered to the Director of Tourism an accounting of the payroll expenses incurred by providing personnel during 2023 for special events held in Warren County, reflecting a total cost of Fifteen Thousand One Hundred Thirty Dollars and Sixty-Four Cents (\$15,130.64), now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute a Memorandum of Understanding with the Warren County Sheriff's Office for reimbursement of payroll expenses incurred as a result of providing personnel during 2023 for special events related to Warren County tourism, in a form approved by the County Attorney, and be it further

RESOLVED, that the Memorandum of Understanding will commence upon execution by both parties and terminate upon payment of an invoice from the Warren County Sheriff's Office for an amount not to exceed Fifteen Thousand One Hundred Thirty Dollars and Sixty-Four Cents (\$15,130.64), and be it further

RESOLVED, that the funds for this invoice will be expended from Budget Code A.6417.0002 480.04, Tourism/Occupancy, Occupancy Tax, Tourism-Warren County Projects.

Warren County Board of Supervisors

RESOLUTION NO. 512 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, MERLINO, WILD, GERACI, STROUGH, RUNYON AND DIAMOND

AMENDING RESOLUTION NO 735 OF 2022 AND AGREEMENT WITH WARREN COUNTY HISTORIAN, TO CHANGE THE AGREEMENT FROM WARREN COUNTY HISTORIAN TO WARREN COUNTY HISTORICAL SOCIETY

WHEREAS, pursuant to Resolution No. 735 of 2022, the Warren County Board of Supervisors authorized the Chair of the Board of Supervisors to execute a Tourist and Convention Development Agreement (“Agreement”) with the Warren County Historian, wherein the County would provide funding for the 250th Anniversary of the American Revolution Commission in a total amount not to exceed Twenty-Three Thousand Dollars (\$23,000), and

WHEREAS, the Occupancy Tax Coordination Committee has approved the request to change the agreement from Warren County Historian to Warren County Historical Society for the remaining portion of the funding not dispensed under Resolution No. 735 of 2022, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with the Warren County Historical Society, 50 Gurney Lane, Queensbury, New York 12804 as described in the preambles of this resolution, 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.6417.0002 480, Tourism/Occupancy, Occupancy Tax, Tourism-Special Events, and be it further

RESOLVED, that other than the changes outlined herein, all other terms and conditions of Resolution No. 735 of 2022 will remain the same, and in effect as to the Warren County Historical Society.

Warren County Board of Supervisors

RESOLUTION NO. 513 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS CONOVER, DICKINSON, BRUNO, THOMAS, MERLINO, BRAYMER AND ETU

**AWARDING BID AND AUTHORIZING AGREEMENT WITH ROZELL EAST, INC.
FOR CRANE SERVICES (WC 65-23)**

WHEREAS, the Purchasing Agent has advertised for sealed bids for Crane Services (WC 65-23),
and

WHEREAS, the bids were opened on October 19, 2023 and the Superintendent of Public Works has recommended that Warren County award the agreement to Rozell East, Inc. located at 45 Casey Road, Queensbury, New York 12804, now, therefore, be it

RESOLVED, that the Warren County Purchasing Agent be, and hereby is, authorized and directed to notify Rozell East, Inc. located at 45 Casey Road, Queensbury, New York 12804 of the acceptance of its bid, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with Rozell East, Inc. relative to Crane Services, pursuant to the terms and provisions of the bid documents and proposal (WC 65-23), for a term commencing January 1, 2024 and terminating December 31, 2024, with the option for two (2) additional one (1) year terms upon the same terms and conditions and upon mutual agreement of the parties, subject to the prices defined in the attached Schedule "A," in a form approved by the County Attorney, and be it further

RESOLVED, that in the event the contract is extended beyond the initial one year term, the Bidder may request a one-time increase in the hourly rate for any classification of worker up to the same amount that the New York State Department of Labor prevailing wage rates has increased since the opening of the bids or the last time the contract was extended, whichever is later, and be it further

RESOLVED, that the funds for this agreement shall be expended from various Department of Public Works Projects.

RESOLUTION NO. 513 OF 2023		NAME & ADDRESS OF BIDDER <i>Page 2 of 3</i>					
BID NO: WC 65-23 ITEM(S): CRANE SERVICES DATE: OCTOBER 19, 2023 TIME: 3:00 PM		Rozell East, Inc. Attn: Kelly Sullivan 45 Casey Road Queensbury, NY 12804 Ph: 518-793-2634 Fax: 518-615-0162					
DESCRIPTION OF ITEM		BID PRICE					
SCHEDULE 1 - CRANE EQUIPMENT LIST & HOURLY COSTS:							
26T BOOM TRUCK (4 HR MIN)		\$72.50					
60T HYD TRUCK CRANE (4 HR MIN)		\$180.00					
60T HYD TRUCK CRANE (8 HR RATE)		\$142.50					
70/75T HYD TRUCK CRANE (8 HRS MIN)		\$207.50					
90/100T HYD TRUCK CRANE (8 HRS MIN)		\$312.50					
140T CRANE (8 HR MIN)		\$567.50 (Includes CWT trk)					
SCHEDULE 2 - ADDITIONAL EQUIPMENT LIST & HOURLY COSTS							
210T AT HYD TRUCK CRANE (8 HR MIN)		\$850.00 (2)*					
275T AT HYD TRUCK CRANE (8 HR MIN)		\$1,172.50 (3)*					
450T AT HYD TRUCK CRANE (8 HR MIN)		\$1,850.00 (6)*					
COMMENTS:		*Above rates include all CWT needed on the above # of tractor trailers denoted in (*). Site restrictions may result in additional fees.					
DESCRIPTION OF ITEM		REGULAR TIME	OVER TIME	DOUBLE TIME			
SCHEDULE 3 - HOURLY LABOR COSTS:							
		Regular	Heavy Highway	Regular	Heavy Highway	Regular	Heavy Highway
OPERATOR - CLASS A (1/1/24-6/30/24)		\$145.00	\$150.00	\$195.00	\$200.00	\$245.00	\$250.00
LABORER - GROUP A (1/1/24-6/30/24)		\$88.00	n/a	\$125.00	n/a	\$168.00	n/a
OPERATOR - CLASS A (7/1/24-12/31/24)		\$148.00	\$153.00	\$198.00	\$203.00	\$248.00	\$253.00
LABORER - GROUP A (7/1/24-12/31/24)		\$91.00	n/a	\$128.00	n/a	\$171.00	n/a
BID AWARDED TO:		✓ JULIE A. BUTLER, PURCHASING AGENT					
RESOLUTION NO.: XX of 2023		TERM: JANUARY 1, 2024 THROUGH DECEMBER 31, 2024					

<p>BID NO: WC 65-23</p> <p>ITEM(S): CRANE SERVICES</p> <p>DATE: OCTOBER 19, 2023</p> <p>TIME: 3:00 PM</p>	<p align="center">NAME & ADDRESS OF BIDDER</p> <p>D.A. Collins Construction Co. Inc. Attn: Aaron Tubbs 269 Ballard Road Wilton, NY 12831 Ph: 518-664-9855 Fax: 518-664-0925</p>
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DESCRIPTION OF ITEM	BID PRICE
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SCHEDULE 1 - CRANE EQUIPMENT LIST & HOURLY COSTS:

CRANE (20 TON - 50 TON)	\$250.00
CRANE (51 TON - 80 TON)	\$350.00
CRANE (81 TON - 110 TON)	\$500.00
140T CRANE (8 HR MIN)	No Bid

SCHEDULE 2 - ADDITIONAL EQUIPMENT LIST & HOURLY COSTS

CRANE (275 TON)	\$850.00
PICK UP TRUCK	\$15.00

<p>COMMENTS:</p>	<p>D.A. Collins maintains a small fleet of cranes ranging from 65-ton RT to 275-ton truck cranes, as well as crawler cranes. In addition to cranes, we also offer a large inventory of rigging equipment. Our team of certified crane operators prioritize safety above all else. Every operator is licensed by NYSDOL and re-certified every five years, in accordance with state law. Additionally, our crane inspectors are certified bi-annually through the Crane Institute of America in Orlando, FL. Furthermore, over the past 8 years, D.A. Collins has provided over 1.8 million worth of crane rental services to state municipalities and private owners.</p>
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SCHEDULE 3 - HOURLY LABOR COSTS:

DESCRIPTION OF ITEM	REGULAR TIME	OVER TIME
OPERATOR - CLASS A	\$160.00	\$210.00
LABORER - GROUP A	\$100.00	\$130.00
FOREMAN	\$140.00	\$185.00
IRONWORKER	\$110.00	\$140.00

Warren County Board of Supervisors

RESOLUTION No. 514 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS CONOVER, DICKINSON, BRUNO, THOMAS, MERLINO, BRAYMER AND ETU

ACCEPTING DONATION OF A PRINTER PLOTTER, BOX TURTLE ENCLOSURE AND A 125 GALLON SNAPPING TURTLE TANK FROM FRIENDS OF UP YONDA AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO SEND A LETTER OF APPRECIATION FOR SAID DONATION

RESOLVED, that Warren County, accepts the donation of a large format printer plotter, box turtle enclosure and a 125 gallon snapping turtle tank from Friends of Up Yonda, and be it further

RESOLVED, that the large format printer plotter, box turtle enclosure and 125 gallon snapping turtle tank shall be added to the property inventory for the Department of Public Works, and be it further

RESOLVED, that the Chair of the Board of Supervisors, be, and hereby is, authorized to execute and send a letter of gratitude and appreciation to Friends of Up Yonda on behalf of the Warren County Board of Supervisors for said donation.

Warren County Board of Supervisors

RESOLUTION No. 515 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS CONOVER, DICKINSON, BRUNO, THOMAS, MERLINO, BRAYMER AND ETU

AMENDING INTERMUNICIPAL AGREEMENT BETWEEN WARREN COUNTY, WASHINGTON COUNTY, TOWN OF QUEENSBURY AND TOWN OF KINGSBURY CONCERNING THE ESTABLISHMENT OF DISTRICTS, CONSTRUCTION OF COLLECTION SYSTEMS AND DISPOSAL OF WASTE WATER AT THE CITY OF GLENS FALLS WASTE WATER TREATMENT PLANT, TO REFLECT THE DISSOLUTION OF THE KINGSBURY SEWER DISTRICT AND THE EXTENSION OF THE WASHINGTON COUNTY SEWER DISTRICT #1 TO ASSUME THE KINGSBURY SEWER DISTRICT OBLIGATIONS

WHEREAS, on March 18, 1977, by Resolution No. 113 of 1977, the Warren County Board of Supervisors adopted an order establishing the Warren County Sewer District (Industrial Park) in the Town of Queensbury, County of Warren, and

WHEREAS, pursuant to Resolution No. 651 of 2001, the Warren County Board of Supervisors authorized the Chair of the Board of Supervisors to execute an intermunicipal agreement between Warren County, Washington County, Town of Queensbury and Town of Kingsbury concerning the establishment of districts, construction of collection systems and disposal of waste water at the City of Glens Falls Waste Water Treatment Plant, and

WHEREAS, the Town of Kingsbury has dissolved its sewer district and Washington County has extended its sewer district and assumes the obligations of Kingsbury's sewer district, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors authorizes the Chair of the Board of Supervisors to execute an amended intermunicipal agreement to reflect the dissolution of the Kingsbury sewer district and the extension of the Washington County Sewer District #1 to assume the Kingsbury sewer district obligations, in a form approved by the County Attorney.

Warren County Board of Supervisors

RESOLUTION NO. 516 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS WILD, THOMAS, FRASIER, RUNYON, MCDEVITT, BEATY AND ETU

AUTHORIZING ACCEPTANCE OF SETTLEMENT AND SETTLEMENT PROCEEDS FOR LAWSUITS AGAINST ESTATE OF JOSEPH A. GARRY AND THE GARRY FAMILY TRUST

WHEREAS, Warren County commenced a collections lawsuit against the Estate of Joseph A. Garry (Estate), during 2010 for non-payment of services rendered by Westmount Health Facility (Westmount) and thereafter retained the Clements Law Firm in 2012 to pursue collection of the original Ninety-Four Thousand Eight Hundred Eighty Dollar (\$94,880.00) debt and thereafter commenced litigation against The Garry Family Trust (Trust) to collect the debt, and

WHEREAS, the County Attorney requested and the Personnel, Administration & Higher Education Committee approved settlement of this collection action for the total amount of One Hundred Sixty Thousand Dollars (\$160,000.00), now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the settlement of all claims between Warren County, the Trust, and the Estate, as currently set forth in the books and records of the County's General Fund for Resident Number 958 (#958), for the gross settlement amount of \$160,000.00, after accounting for expenses paid, and payment of attorney's fees due to the Clements Law Firm under a Legal Services Agreement, dated July 18, 2012, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute all documents necessary to complete this settlement, and be it further

RESOLVED, that the Warren County Treasurer is hereby authorized to accept an additional payment from the Estate in the amount of One Hundred Fifty Dollars (\$150.00) for reimbursement of expenses incurred by Warren County, and thereafter to write-off any remaining balance of accrued and unpaid interest due from #958 which is not satisfied by the settlement of this matter.

Warren County Board of Supervisors

RESOLUTION NO. 517 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS WILD, THOMAS, FRASIER, RUNYON, MCDEVITT, BEATY AND ETU

AUTHORIZING COUNTY ATTORNEY TO NEGOTIATE AND TENDER AN AMOUNT UP TO THE COUNTY INSURANCE POLICY DEDUCTIBLE TO SETTLE ALL CLAIMS IN THE MATTER OF JULIA BARTON (AKA JULIA BENSON) AND MCKENNA S. FRANK (AKA MCKENNA S. BRODIE) V. WARREN COUNTY, ET AL.

WHEREAS, Plaintiffs, Julia Barton and McKenna S. Frank, filed a Federal lawsuit against the County of Warren, and other County employees, on August 28, 2019, Docket No. 1:19-cv-1061, in the United States District Court for the Northern District of New York, alleging in part, violations of Plaintiffs' rights under Title VII of the Civil Rights Act of 1978 and the New York Human Rights Law, along with other claims related to their employment, and

WHEREAS, the County Attorney requested and the Personnel, Administration & Higher Education Committee approved the request for authority from the Warren County Board of Supervisors to engage in negotiations, by and through the County's insurance carrier, for a Settlement Agreement in the matter of Julia Barton (aka Julia Benson) and McKenna S. Frank (aka McKenna S. Brodie) v. County of Warren, et al., and to tender any amount up to the County's insurance policy deductible, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes and approves the County Attorney to engage in negotiations, by and through the insurance carrier, for a settlement agreement of all claims in this legal action, and that such negotiations may include any amount of the County's deductible, up to the full County deductible of Fifty Thousand Dollars (\$50,000.00), and be it further

RESOLVED, that the Chair of the Board of Supervisors may execute any future settlement documents on behalf of the County, in a form approved by the County Attorney, and issue payment up to the amount of the County's insurance deductible, which is not to exceed Fifty Thousand Dollars (\$50,000.00).

Warren County Board of Supervisors

RESOLUTION NO. 518 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS WILD, THOMAS, FRASIER, RUNYON, MCDEVITT, BEATY AND ETU

AUTHORIZING COUNTY ATTORNEY TO NEGOTIATE AND TENDER AN AMOUNT UP TO THE COUNTY INSURANCE POLICY DEDUCTIBLE TO SETTLE ALL CLAIMS FILED BY TIMOTHY E. MCINTYRE AND BRENN A R. MICHALAK

WHEREAS, Plaintiffs, Timothy E. McIntyre and Brenna R. Michalak, both filed a notice of claim against the County of Warren, and other County employees, on December 14, 2022, with the Warren County Clerk and County Attorney, alleging in part, violations of Plaintiffs' rights regarding unlawful detention, search, seizure and arrest, along with other claims, and

WHEREAS, the County Attorney requested and the Personnel, Administration & Higher Education Committee approved the request for authority from the Warren County Board of Supervisors to engage in negotiations, by and through the County's insurance carrier, to pursue possible Settlement Agreements with each claimant: Timothy E. McIntyre and Brenna R. Michalak, and to tender any amount up to the County's insurance policy deductible, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes and approves the County Attorney to engage in negotiations, by and through the insurance carrier, for settlement agreements of all claims filed and that such settlements may include any amount of the County's deductible, up to the full County deductible of Fifty Thousand Dollars (\$50,000.00), and be it further

RESOLVED, that the Chair of the Board of Supervisors may execute any future settlement documents on behalf of the County, in a form approved by the County Attorney, and issue payment up to the amount of the County's insurance deductible, which is not to exceed Fifty Thousand Dollars (\$50,000.00).

Warren County Board of Supervisors

RESOLUTION NO. 519 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS WILD, THOMAS, FRASIER, RUNYON, MCDEVITT, BEATY AND ETU

AUTHORIZING AGREEMENT WITH ASCENTIS CORPORATION FOR SUBSCRIPTION SERVICES RELATIVE TO THE NOVATIME 5000 PROGRAM TIME AND ATTENDANCE SYSTEM FOR WARREN COUNTY

RESOLVED, that Warren County continue the contractual relationship (the previous contract being authorized by Resolution No. 756 of 2022) with Ascentis Corporation, 11995 Singletree Lane, Suite 400, Eden Prairie, Minnesota 55344 (formerly Novatime Technology, Inc.) in an amount not to exceed Two Dollars and Thirty-Five Cents (\$2.35) per employee per month, for subscription services relative to the Novatime 5000 program, for a term commencing January 1, 2024 and terminating December 31, 2024, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to execute an agreement with Ascentis Corporation in an amount not to exceed Two Dollars and Thirty-Five Cents (\$2.35) per employee per month, for subscription services relative to the Novatime 5000 program, for a term commencing January 1, 2024 and terminating December 31, 2024, 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.1435 470 Human Resources, Contract.

Warren County Board of Supervisors

RESOLUTION NO. 520 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, RUNYON, THOMAS, FRASIER, GERACI, BRUNO AND BEATY

**AUTHORIZING THE APPROPRIATION OF FUNDS FROM
THE GENERAL FUND UNAPPROPRIATED SURPLUS AND COUNTY ROAD
UNAPPROPRIATED SURPLUS TO VARIOUS DEPARTMENTAL BUDGETS TO
COVER THE COST OF EQUIPMENT PURCHASES IN 2023;
AND AMENDING 2023 WARREN COUNTY BUDGET**

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the appropriation of funds in an amount not to exceed One Hundred Eighty-Five Thousand Four Hundred Fifteen Dollars (\$185,415.00) from the General Fund Unappropriated Surplus (A.909.00) and Two Thousand Dollars (\$2,000) from the County Road Unappropriated Surplus (D.909.00) to the following Departmental budget codes listed in the attached Schedule "A" to cover the cost of equipment purchases in 2023, and be it further

RESOLVED, that the Warren County Budget for 2023 be, and hereby is, amended accordingly.

RESOLUTION NO. 520 OF 2023

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Account Code	DESCRIPTION	Amount
A.1165 250	District Attorney, Technical Equipment	\$ 1,500.00
A.1620 260	Buildings, Other Equipment	\$ 9,000.00
A.1628 260	Waste Management Containment, Other Equipment	\$ 15,815.00
A.3020 210	Sheriff's 911 Center, Furniture	\$ 5,000.00
A.3020 250	Sheriff's 911 Center, Technical Equipment	\$ 5,000.00
A.3020 260	Sheriff's 911 Center, Other Equipment	\$ 5,000.00
A.3110 250	Sheriff's Law Enforcement, Technical Equipment	\$ 23,000.00
A.3110 260	Sheriff's Law Enforcement, Other Equipment	\$ 5,000.00
A.3150 210	Sheriff's Correction Division, Furniture/Furnishings	\$ 5,000.00
A.3150 250	Sheriff's Correction Division, Technical Equipment	\$ 10,000.00
A.3410 230	Fire Prevention & Control, Automotive Equipment	\$ 5,000.00
A.3410 250	Fire Prevention & Control, Technical Equipment	\$ 5,000.00
A.3410 260	Fire Prevention & Control, Other Equipment	\$ 15,000.00
A.3640 210	Civil Defense, Furniture/Furnishings	\$ 1,000.00
A.3640 230	Civil Defense, Automotive Equipment	\$ 8,000.00
A.3640 250	Civil Defense, Technical Equipment	\$ 2,000.00
A.3640 260	Civil Defense, Other Equipment	\$ 2,500.00
A.4010 260	Health Services, Other Equipment	\$ 1,000.00
A.4022 230	Emergency Medical Service, Automotive Equipment	\$ 2,500.00
A.4022 260	Emergency Medical Service, Other Equipment	\$ 4,000.00
A.7110 210	Parks & Recreation, Furniture	\$ 500.00
A.7110 250	Parks & Recreation, Technical Equipment	\$ 3,600.00
A.7110 260	Parks & Recreation, Other Equipment	\$ 1,000.00
A.9901.0182 910	Transfer - Road Machinery	\$ 50,000.00
TOTAL GENERAL FUND		\$185,415.00
Maintenance of Roads		
D.5110 260	Maintenace of Roads, Other Equipment	\$ 2,000.00
TOTAL COUNTY ROADS		\$ 2,000.00
		\$187,415.00

Warren County Board of Supervisors

RESOLUTION NO. 521 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, RUNYON, THOMAS, FRASIER, GERACI, BRUNO AND BEATY

AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND UNAPPROPRIATED SURPLUS TO THE SHERIFF'S BUDGET TO COVER THE COST OF THE INSURANCE DEDUCTIBLE IN THE MATTER OF JULIA BARTON (AKA JULIA BENSON) AND MCKENNA S. FRANK (AKA MCKENNA S. BRODIE) V. COUNTY OF WARREN; AND AMENDING 2023 WARREN COUNTY BUDGET

RESOLVED, that the Warren County Board of Supervisors hereby appropriates funds in the amount of Fifty Thousand Dollars (\$50,000.00) from the General Fund Unappropriated Surplus to the following Budget Code to reimburse the County's insurance carrier the County's insurance deductible in the matter of Julia Barton (aka Julia Benson) and McKenna S. Frank (aka McKenna S. Brodie) v. County of Warren, Civil Action No. 1:19-CV-1061, in the Federal District Court for the Northern District of New York:

CODE	DEPARTMENT	AMOUNT
A.3150 419	Sheriff's Correction Division, Settlements	\$50,000.00

and be it further

RESOLVED, that the Warren County Budget for 2023 be, and hereby is, amended accordingly.

Warren County Board of Supervisors

RESOLUTION NO. 522 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS LEGGETT, RUNYON, THOMAS, FRASIER, GERACI, BRUNO AND BEATY

**INCREASING CAPITAL PROJECT NO. H390, COUNTY BRIDGE & CULVERT PROJECTS;
AUTHORIZING TRANSFER OF FUNDS;
AND AMENDING WARREN COUNTY BUDGET FOR 2023**

RESOLVED, that the Warren County Board of Supervisors does hereby increase Capital Project No. H390, County Bridge & Culvert Projects, in accordance with 2023 budgeted allocation, as follows:

1. Capital Project No. H390, County Bridge & Culvert Projects, is hereby increased in the amount of Four Hundred Fifteen Thousand Eight Hundred Ninety-Four Dollars and Sixty-Seven Cents (\$415,894.67).
2. The estimated total cost of Capital Project No. H390, County Bridge & Culvert Projects, is now Six Million One Hundred Eighty-Six Thousand Three Hundred Five Dollars and Nineteen Cents (\$6,186,305.19).
3. The proposed method of financing the increase in such Capital Project consists of the following:
 - a. Local share funding in the amount of Four Hundred Fifteen Thousand Eight Hundred Ninety-Four Dollars and Sixty-Seven Cents (\$415,894.67), to be transferred from Budget Code D.9950 910, County Road, Transfers-Capital Projects, Interfund Transfers,

and be it further

RESOLVED, that the Warren County Budget for 2023 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 in the amount indicated below:

<u>TRANSFER TO</u>	<u>AMOUNT</u>
H390 - County Bridge & Culvert Projects	\$415,894.67

Warren County Board of Supervisors

RESOLUTION NO. 523 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRAYMER, MAGOWAN, LEGGETT, MCDEVITT, GERACI, DICKINSON AND SMITH

APPROVING AND ADOPTING THE WARREN COUNTY SEWER DISTRICT (INDUSTRIAL PARK) TAX ROLL FOR 2024

RESOLVED, that due notice of public hearing and mailing of the Notice of Public Hearing having been accomplished, the Warren County Board of Supervisors hereby approves and adopts the Warren County Sewer District (Industrial Park) Tax Roll for 2024 as originally proposed at the time when the public hearing was authorized, copy of said benefit tax roll presented at this meeting, and, be it further

RESOLVED, that the Warren County Board of Supervisors shall levy the sum apportioned to and assessed upon each such lot or parcel of land in the aforementioned benefit tax roll at the time and in the manner provided by law for the levy of State, County and Town taxes with sums so levied to be collected by the local tax collectors or receivers of taxes and assessments and paid over to the Warren County Treasurer in the same manner at the same time as taxes levied for general County purposes.

Warren County Board of Supervisors

RESOLUTION NO. 524 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, LEGGETT, WILD, DIAMOND, FRASIER, MERLINO AND BEATY

ADOPTING BUDGET FOR FISCAL YEAR 2024

WHEREAS, the Budget Officer has duly filed with the Clerk of the Board of Supervisors a tentative budget for the County of Warren for the fiscal year beginning January 1, 2024, which tentative budget was considered by the Board of Supervisors and accepted as the tentative budget for fiscal year 2024 by the Board of Supervisors on November 3, 2023, and a notice of public hearing on said tentative budget having been duly published according to law, and such public hearing having been duly held on the 17th day of November, 2023, now, therefore be it

RESOLVED, that said tentative budget, which provides for gross appropriations of \$192,837,622, less estimated revenues of \$143,021,213, which includes interfund revenues and surplus appropriated but does not include sales tax credit, leaving a balance of \$49,816,409 to be raised by taxation, that has been filed with the Clerk of the Board of Supervisors, be, and the same hereby is, approved and adopted as the budget of Warren County for the fiscal year beginning January 1, 2024.

Warren County Board of Supervisors

RESOLUTION NO. 525 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, LEGGETT, WILD, DIAMOND, FRASIER, MERLINO AND BEATY

MAKING APPROPRIATIONS FOR THE CONDUCT OF COUNTY GOVERNMENT FOR THE FISCAL YEAR 2024

WHEREAS, the Board of Supervisors by Resolution No. 524 adopted on the 17th day of November, 2023, a budget for the County of Warren for the fiscal year 2024, now, therefore, be it

RESOLVED, that the several amounts specified in said budget, in the right hand column entitled "approved" opposite the several items of expenditures, be, and the same hereby are, appropriated for such items for the fiscal year beginning January 1, 2024.

Warren County Board of Supervisors

RESOLUTION NO. 526 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS WILD, THOMAS, FRASIER, RUNYON, MCDEVITT, BEATY AND ETU

ADOPTING SALARY AND COMPENSATION PLAN FOR 2024

RESOLVED, that effective January 1, 2024, the Salary and Compensation Plan for Warren County shall be the base salaries as set forth in the 2024 Salary Schedule attached to the Warren County Budget for 2024 as adopted, and reference to said schedule is hereby made as though fully set forth herein, together with such additional amounts of longevity compensation as the employee may be entitled to receive.

Warren County Board of Supervisors

RESOLUTION NO. 527 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS WILD, THOMAS, FRASIER, RUNYON, MCDEVITT, BEATY AND ETU

INTRODUCING PROPOSED LOCAL LAW NO. 1 OF 2024, ENTITLED “A LOCAL LAW FIXING THE SALARIES OF CERTAIN COUNTY OFFICERS AND EMPLOYEES OF WARREN COUNTY”, AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 1 of 2024 entitled "A Local Law Fixing the Salaries of Certain County Officers and Employees of Warren County", attached hereto and made a part hereof, be, and the same hereby 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 15th day of December, 2023, at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 1 of 2024, 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.

RESOLUTION No. 527 OF 2023

**COUNTY OF WARREN
PROPOSED LOCAL LAW NO. 1 OF 2024**

**A LOCAL LAW FIXING THE SALARIES OF CERTAIN COUNTY OFFICERS AND
EMPLOYEES OF WARREN COUNTY**

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

SECTION 1. Effective January 1, 2024 the salaries, including longevity increments, if any, of the following county officers and employees are hereby fixed and established as follows:

TITLE	AMOUNT
Clerk, Board of Supervisors	\$101,491.00
Commissioner of Elections(VaNess)	86,249.00
Commissioner of Elections(McLaughlin)	86,249.00
Commissioner of Social Services	119,048.00
County Attorney	162,879.00
County Auditor	88,586.00
County Clerk	96,081.00
County Treasurer	118,236.00
Director, Real Property Tax Services Agency	93,613.00
Personnel Officer	101,573.00
Purchasing Agent	101,654.00
Public Defender	141,444.00
Sheriff	138,778.00
Superintendent of Public Works/Sewer Administrator	133,778.00

SECTION 2. The salaries established for the county officers and employees named in Section 1 hereof include longevity payments, if any, added to the base salary of the county officer or employee in accordance with a schedule providing such longevity increments based on the number of years of county service as may be adopted by the Board of Supervisors by resolution.

SECTION 3. Any and all prior schedules of compensation for the aforesaid county officers and employees are hereby superseded.

SECTION 4. All Local Laws heretofore adopted by Warren County affecting the aforementioned county officers' salaries are hereby amended accordingly.

SECTION 5. This Local Law is subject to referendum on petition as provided by subdivision 2(h) of Section 24 of the Municipal Home Rule Law. This Local Law shall become effective 45 days after its adoption and upon filing in the Office of the Secretary of State, except that this Local Law shall not be effective until approved by affirmative vote of qualified electors, if a petition requesting a referendum is filed as provided under the Municipal Home Rule Law.

Warren County Board of Supervisors

RESOLUTION NO. 528 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, LEGGETT, WILD, DIAMOND, FRASIER, MERLINO AND BEATY

LEVYING TAX - CITY OF GLENS FALLS - 2024

RESOLVED, that this Board, in accordance with Section 144 of Chapter 29 of the Laws of 1908, and amendments thereof, does hereby ascertain that the amount of tax to be levied on the City of Glens Falls is as follows:

To proportion of County Tax - \$4,534,151.06

and be it further

RESOLVED, that the Clerk of the Board of Supervisors, be, and she hereby is, authorized and directed to immediately file certified copies of this resolution with the City Clerk of the City of Glens Falls and the Office of the City Assessor.

Warren County Board of Supervisors

RESOLUTION NO. 529 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRAYMER AND SMITH

WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE APPROVED THROUGH THE ESTABLISHED COMMITTEE STRUCTURE IN ADVANCE OF A BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION AMENDING RESOLUTION NO. 298 OF 2023, AUTHORIZING THE SALE AND CONVEYANCE OF TOWN OF QUEENSBURY TAX MAP PARCEL NO. 303.12-1-9.3 TO NICK CHIARAVALLE, TO REMOVE LANGUAGE REQUIRING TOWN OF QUEENSBURY PLANNING BOARD SITE PLAN APPROVAL

WHEREAS, by Resolution No. 1 of 2023, later amended by Resolution Nos. 119, 204 and 304 of 2023, the Board of Supervisors adopted the Rules of the Board, Section B(3) of which indicates that all resolutions must be approved through the established Committee structure in advance of a Board Meeting, and

WHEREAS, the Board has agreed to consider a resolution amending Resolution No. 298 of 2023, Authorizing the Sale and Conveyance of Town of Queensbury Tax Map Parcel No. 303.12-1-9.3 to Nick Chiaravalle, to remove language requiring Town of Queensbury Planning Board site plan approval, now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby waive the Standing Rule of the Board relating to the requirements that all resolutions be approved through the established Committee structure in advance of a Board meeting in order to entertain the aforementioned resolution.

Warren County Board of Supervisors

RESOLUTION NO. 530 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRAYMER AND MAGOWAN

**AMENDING RESOLUTION NO. 298 OF 2023, AUTHORIZING THE SALE AND
CONVEYANCE OF TOWN OF QUEENSBURY TAX MAP
PARCEL NO. 303.12-1-9.3 TO NICK CHIARAVALLE, TO REMOVE LANGUAGE
REQUIRING TOWN OF QUEENSBURY PLANNING BOARD SITE PLAN APPROVAL**

WHEREAS, by Resolution No. 298 of 2023, the Board of Supervisors authorized the sale and conveyance of Town of Queensbury Tax Map Parcel No. 303.12-1-9.3, which was acquired following the 1997 Judgment of Foreclosure, to Nick Chiaravalle for the amount of One Hundred Fifteen Thousand Dollars (\$115,000), contingent upon approval of a site plan by the Town of Queensbury Planning Board, and

WHEREAS, the Director of Real Property Tax Services has requested that Resolution No. 298 of 2023 be amended to remove language indicating that the transfer of Town of Queensbury Tax Map Parcel No. 303.12-1-9.3 to Mr. Chiaravalle will be contingent upon approval of a site plan by the Town of Queensbury Planning Board, and

WHEREAS, the Board of Supervisors has considered and approved the request as outlined above, now, therefore, be it

RESOLVED, that Resolution No. 298 of 2023 be, and hereby is, amended to remove language indicating that the transfer of Town of Queensbury Tax Map Parcel No. 303.12-1-9.3 to Mr. Chiaravalle will be contingent upon approval of a site plan by the Town of Queensbury Planning Board, and be it further

RESOLVED, that other than the aforementioned amendment, all other portions of Resolution No. 298 of 2023 shall remain in full force and effect.

Warren County Board of Supervisors

RESOLUTION No. 531 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO AND RUNYON

WAIVING THE STANDING RULE OF THE BOARD RELATING TO THE REQUIREMENT THAT ALL RESOLUTIONS BE APPROVED THROUGH THE ESTABLISHED COMMITTEE STRUCTURE IN ADVANCE OF A BOARD MEETING IN ORDER TO ENTERTAIN A RESOLUTION FURTHER AMENDING RESOLUTION NO. 22 OF 2023, APPOINTING MEMBERS TO THE WARREN-WASHINGTON COUNTIES INDUSTRIAL DEVELOPMENT AGENCY AND CIVIC DEVELOPMENT CORPORATION, TO FILL A VACANCY DUE TO RESIGNATION

WHEREAS, by Resolution No. 1 of 2023, later amended by Resolution Nos. 119, 204 and 304 of 2023, the Board of Supervisors adopted the Rules of the Board, Section B(3) of which indicates that all resolutions must be approved through the established Committee structure in advance of a Board Meeting, and

WHEREAS, the Board has agreed to consider a resolution further amending Resolution No. 22 of 2023, Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, to fill a vacancy due to resignation, now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby waive the Standing Rule of the Board relating to the requirements that all resolutions be approved through the established Committee structure in advance of a Board meeting in order to entertain the aforementioned resolution.

Warren County Board of Supervisors

RESOLUTION NO. 532 OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS BRUNO AND LEGGETT

FURTHER AMENDING RESOLUTION NO. 22 OF 2023, APPOINTING MEMBERS TO THE WARREN-WASHINGTON COUNTIES INDUSTRIAL DEVELOPMENT AGENCY AND CIVIC DEVELOPMENT CORPORATION, TO FILL A VACANCY DUE TO RESIGNATION

WHEREAS, Resolution No. 22 of 2023, later amended by Resolution No. 277 of 2023, appointed members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation for the year 2023, and

WHEREAS, Washington County Representative, Mary King, has since tendered her resignation from the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, now therefore, be it

RESOLVED, that Tricia Rogers be, and hereby is, appointed to the vacant position on the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation, for the term commencing immediately and terminating December 31, 2023, and be it further

RESOLVED, that other than the changes noted herein, all other portions of Resolution No. 22 of 2023, as amended by Resolution No. 277 of 2023, shall remain in full force and effect.

**REPORT OF CHAIRMAN OF THE BOARD ON ESTIMATE OF SALES TAX
TO BE RECEIVED CALENDAR YEAR - 2024**

To the Members of the Board:

Under the provisions of Local Law No. 1 of 1968, paragraph (L), it is my duty to report to you on the estimate of sales tax and the amount to be allocated in Warren County for the calendar year 2024. The breakdown is as follows:

Estimate of tax to be collected by the State of New York and credited to Warren County during the calendar year 2024:

Estimate of amount of sales tax to be allocated in Warren County:	\$70,464,584.00
Estimate of amount to be paid directly to City of Glens Falls by Warren County:	\$749,618.00
Estimate of amount to be allocated to towns:	\$32,983,673.00
Estimate of amount to be credited in county budget to reduce county tax:	\$36,731,293.00
Sales Tax Credit taken by towns as credit to county taxes:	\$950,000.00
Estimate of amount of sales tax to be received by towns which opted to take in cash rather than as a credit on county taxes:	\$32,033,673.00

All figures are based strictly on estimates and any excesses are credited directly to the various units on basis of full valuation.

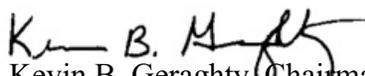
Estimate of amount to be paid to Lake George:

Amount estimated to be credited to town of Lake George:	\$3,244,303.00
Amount estimated to be credited to village of Lake George:	<u>\$727,354.00</u>

Total: \$3,971,657.00

Dated: November 17, 2023

Respectfully submitted,


Kevin B. Geraghty, Chairman
Warren County Board of Supervisors