



MADISON COUNTY BOARD OF SUPERVISORS

John M. Becker, Chairman
Mark Scimone, County Administrator
Cindy Urtz, Clerk

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REVISED

April 2, 2014

MADISON COUNTY BOARD OF SUPERVISORS

Agenda – Tuesday, April 8, 2014

Meeting Schedule

- 1:00 p.m. Finance, Ways and Means Committee – Atrium Conf. Room
Re: Resolutions
- 1:00 p.m. Administration and Oversight Committee – Large Conf. Room
Re: P-Card Discussion
- 1:30 p.m. Committee of the Whole – All Supervisors – Large Conf. Room
Re: Chairman and County Administrator Updates
- 2:00 p.m. Board Meeting – Chambers

Immediately Following Board Meeting:

Committee of the Whole – All Supervisors – Chambers
Re: Settlement Agreement Discussions

Unfinished Business

Res. 72-14 Authorizing an Economic Development Payment. TABLED by: Supervisor Bargabos, seconded by: Supervisor Shwartz on 3/11/14.

Res. 74-14 Authorizing the Chairman to Enter into an Agreement with the Unified Court System for Court Cleaning and Minor Repairs for 2013-2014. TABLED by: Supervisor Becker, seconded by: Supervisor Degear on 3/11/14.

Resolutions

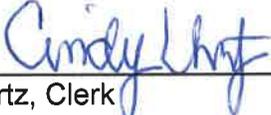
1. Authorizing Attendance at an Out-of-State Conference. (Veterans)
2. Authorizing Attendance at an Out-of-State Conference. (BOS)
3. Authorizing the Chairman to Enter into an Agreement. (Public Sector HR Consultants)
4. Authorizing Chairman to Enter into a Confidentiality Agreement with EBS-RMSCO, Inc. and KBM Management, Inc.
5. Authorizing Chairman to Enter into an Agreement with BMI Audit Services, LLC.
6. Adopting a Social Media/Social Networking Policy and Procedures.
7. Authorizing the Chairman to Renew an Agreement with Continuum Voice and Data Systems Inc.

8. Declaring the Week of April 7-13, 2014 as Public Health Week
9. Declaring the Week of May 4-10, 2014 as "Public Employees' Recognition Week".
10. Adopting a Use of Purchasing Cards Policy and Procedures.
11. Authorizing a Contract for Professional Services to Upgrade Access Point to Honeywell Web-Based System in Building #5.
12. Authorizing a Contract for Professional Services to Develop Software to Improve Immunization Billing.
13. Authorizing the Chairman to Enter into an Agreement with New York State Department of Health for the Administration of Early Intervention and Modifying the 2014 County Budget.
14. Resolution Authorizing the Chairman to Proclaim April 12 Alcohol Awareness Month.
15. Authorizing the Chairman to Execute a Contract Modification and Modifying the 2014 Adopted County Budget.
16. Authorizing the Chairman to Enter into Agreements and to Modify the 2014 Adopted County Budget.
17. Authorizing the Chairman to Enter into an Agreement with the New York State Board of Elections in Regards to the Help America Vote Act Federal Grant.
18. Authorizing the Chairman to Enter into an Agreement with Phoenix Graphics Inc. to Purchase Optical Scan Ballots.
19. Authorizing the Chairman to Amend Agreement with Onondaga County for Autopsy Services. (12-13)
20. Authorizing the Chairman to Amend Agreement with Onondaga County for Autopsy Services. (13-14)
21. Authorizing the Chairman to Apply for a Grant from the New York State Canal Corporation.
22. Authorizing the Chairman to Enter into a Commercial Office Lease Agreement with J&M Boylan Holdings, LLC.
23. Authorizing Chairman to Enter into Agreement with Time Warner.
24. Authorizing Chairman to Enter into Agreement. (Uniiis)
25. Authorizing the Chairman to Enter into an Agreement and Addendum #1 with Madison-Oneida BOCES.
26. Resolution Calling on New York State Legislature to Reject Governor Cuomo's Plans to Reward Prison Inmates by Providing them with College Educations at Taxpayer Expense.
27. Authorizing the Chairman to Enter Into an Agreement with the NYS Division of Homeland Security and Emergency Services and Modifying the 2014 County Budget.
28. Authorizing the Chairman to Enter into a Memorandum of Understanding with the State of New York Division of State Police in the Establishing and use of a 911 Backup Center at Troop D Headquarters.
29. Authorizing the Chairman to Enter into a Memorandum of Understanding with CSX Transportation (Railroad) Police Department and Madison County Department of Emergency Communications Allowing Access to the County's Public Safety Radio System.
30. Acknowledging Introduction of Proposed Local Law No. 1 for the year 2014, and Calling for a Public Hearing. (Occupancy Tax Law)
31. De-Obligating Madison County from its Commitment to the USDA's Intermediary Relending Program.
32. Recognizing May 4-11 ad Buy Madison Week.
33. Authorizing the Chairman to Enter into Supplemental Agreement #1 with Barton & Loguidice.
34. Favoring Passage of GMO Labeling Bill A.3525/S.3835 by the New York State Legislature.

35. Authorizing the Filing of an Application and Entering into a State Contract for a State Grant-In-Aid for Household Hazardous Collection Program, Under the Appropriate Laws of New York State.
36. Authorizing an Agreement Between Madison County and Barton & Loguidice Engineers, PLLC for Design of a OCWA Water Line Serving the ARE Park.
37. Authorizing 5-year Solid Waste Disposal Agreement with Commercial Permit Holders.
38. Authorizing the Chairman to Enter into Agreements to Accept Alternative Daily Landfill Cover Material.
39. A Resolution to Recognize and Promote the Celebration of Earth Day on April 22, 2014.
40. Authorizing the Chairman to Enter into an Agreement with Info Quick Solutions, Inc. for a Comprehensive Electronic Document/Financial/Reporting System.
41. Approval of Applications for Refund and Credit of Real Property Taxes Under Section 556 of the Real Property Tax Law.
42. Approval of Demand for Refund of Real Property Taxes in Accordance with Section 727 of the Real Property Tax Law.
43. Authorizing Chairman to Execute an Offer to Purchase and Modifying the 2014 Adopted County Budget.
44. Authorizing the Modification of the 2014 Adopted County Budget.
45. Authorizing Cancellation of Delinquent Tax Liens on Nation Land.
46. Resolution Stating Support for E23 Casino Project Located in the City of Albany In Albany County.

**APPROVAL OF VOUCHERS FOR PAYMENT
PUBLIC COMMENT PERIOD
ANY OTHER BUSINESS**

cc: Oneida Daily Dispatch
Mid-York Weekly



Cindy Urtz, Clerk

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Click on Board of Supervisors

UNFINISHED BUSINESS

TABLED BY; Supervisor Bargabos 2ND BY: Supervisor Shwartz

RESOLUTION NO. 72-14

AUTHORIZING AN ECONOMIC DEVELOPMENT PAYMENT

WHEREAS, Madison County maintains an economic development loan fund to assist in job creation and job retention; and

WHEREAS, the City of Oneida, Madison County, and the Madison County IDA have been working together to create a shovel ready Elm Street Development Site on nearly 420 acres of land along the CSX rail line in the Oneida/Wampsville area; and

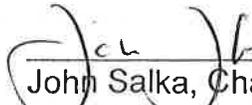
WHEREAS, the extension of water and sewer to this site is critical to its future potential as an industrial/commercial shovel ready site;

WHEREAS, the City of Oneida has recently committed \$200,000 from its loan development fund for the provision of sewer and water infrastructure to this site;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors hereby approves the provision of \$200,000 from its loan fund, contingent on the IDA obtaining the right of first refusal on the property, thereby matching the City of Oneida's commitment; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors authorize the Treasurer of Madison County to disperse these funds on behalf of Madison County.

March 11, 2014



John Salka, Chairman
Planning, Economic Development,
Environmental and Intergovernmental
Affairs Committee

UNFINISHED BUSINESS

TABLED BY: Supervisor Becker 2ND BY: Supervisor Degear

RESOLUTION NO. 74-14

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE UNIFIED COURT SYSTEM FOR COURT CLEANING AND MINOR REPAIRS FOR 2013 – 2018

WHEREAS, counties and cities are required by law to furnish and maintain adequate court facilities for use by trial courts in the State of New York; and

WHEREAS, Madison County is responsible for furnishing and maintaining the Madison County Courthouse; and

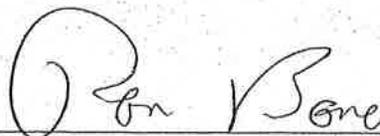
WHEREAS, this agreement (No. C300324) shall be effective beginning April 1, 2013, and shall terminate March 31, 2018; and

WHEREAS, the proposed budget for services to be rendered to this agreement shall be \$129,228; and

WHEREAS, pursuant to the provisions of Chapter 686 of the laws of 1996, as amended to date, the maximum compensation for the 2013-2018 period shall be 100% of the total amount;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be authorized to enter into a renewal agreement with the Unified Court System, as is on file with the Clerk to the Board of Supervisors.

Dated: March 11, 2014



Ronald Bono, Chairman
County Building and Grounds Committee

RESOLUTION NO. 1

**AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE
(Veterans)**

WHEREAS, the Oneida Rotary is sponsoring a Veterans Memorial Trip to Washington, DC from April 14-16, 2014; and

WHEREAS, Donald Smith, Veterans Services Agency Director, has requested participation in said trip for the purpose of assisting the aged and disabled veterans' who will be traveling to the National Memorials, the National Museums and Arlington National Cemetery; and

WHEREAS, expenses are fully funded by the Oneida Rotary; and

WHEREAS, this request has been reviewed and approved by the Health and Human Services Committee and the Government Operations Committee;

NOW, THEREFORE BE IT RESOLVED that Donald Smith be and hereby is authorized to attend said conference at no expense to the County.

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 2

**AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE
(BOS)**

WHEREAS, the National Association of Counties (NACo) is hosting the forum, "Resilient Counties: Growing Stronger Places", May 1 - 2, 2014, in San Francisco, California; and

WHEREAS, Vice Chairman, Daniel Degear has requested attendance at said forum; and

WHEREAS, his expenses for transportation, lodging and meals will be funded through appropriations in the 2014 Legislative Board's budget; and

WHEREAS, this request has been approved by the Government Operations Committee;

NOW, THEREFORE, BE IT RESOLVED, that Daniel Degear be and hereby are authorized to attend said forum at County expense not to exceed \$1,800.

Dated: April 8, 2014

John A. Reinhardt, Vice Chairman
Government Operations Committee

RESOLUTION NO. 3

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
(PUBLIC SECTOR HR CONSULTANTS)**

WHEREAS, the Personnel Department will provide an employee training and development opportunities 2014; and

WHEREAS, the Personnel Department recommends the County retain Public Sector HR Consultants to conduct said training as the training provided by the firm in previous years has been well-received; and

WHEREAS, the cost of said training is \$700.00 and is appropriated in the 2014 Personnel Department budget; and

WHEREAS, the Government Operations Committee recommends that the Chairman execute the agreement with Public Sector HR Consultants to provide said training,

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board be and hereby is authorized to execute the agreement with Public Sector HR Consultants, effective immediately, a copy of which is on file with the Clerk to the Board.

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 4

**AUTHORIZING CHAIRMAN TO ENTER INTO A CONFIDENTIALITY AGREEMENT
WITH EBS-RMSCO, INC. AND KBM MANAGEMENT, INC.**

WHEREAS, the County currently has an agreement with EBS-RMSCO, Inc. for third party administration services relative to its healthcare plans; and

WHEREAS, the County also has an agreement with KBM Management, Inc. for the preparation of a request for proposals to conduct a dependent healthcare eligibility audit; and

WHEREAS, KBM Management, Inc. has requested relevant information from EBS-RMSCO, Inc. in order to prepare the request for proposals; and

WHEREAS, EBS-RMSCO, Inc. is requiring that all parties execute a Three-Way Confidentiality Agreement prior to the dissemination of the requested information.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be, and hereby is, authorized to enter into a confidentiality agreement with EBS-RMSCO, Inc. and KMB Management, Inc. as is on file with the Clerk of the Board of Supervisors.

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 5

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT WITH
BMI AUDIT SERVICES, LLC**

WHEREAS, the County currently has agreements with EBS-RMSCO, Inc. and ProAct, Inc. for third party administration services relative to its healthcare plans; and

WHEREAS, many County employees and their dependents are offered the opportunity to participate in a healthcare plan; and

WHEREAS, certain requirements must be met in order to qualify as a dependent in the County's healthcare plan; and

WHEREAS, the County authorized KBM Management, Inc. to issue a request for proposal on behalf of the County for dependent eligibility audit services related to its healthcare plans; and

WHEREAS, BMI Audit Services, LLC provided the proposal with the lowest administrative fee of ten thousand two hundred twenty dollars (\$10,220); and

WHEREAS, the County believes that BMI Audit Services, LLC is capable of performing the desired audit in a timely, efficient and cost effective manner,

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be, and hereby is, authorized to enter into an agreement with BMI Audit Services, LLC as is on file with the Clerk of the Board of Supervisors not to exceed \$11,000.

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 6

**ADOPTING A SOCIAL MEDIA/SOCIAL NETWORKING
POLICY AND PROCEDURES**

WHEREAS, social media is a useful means of communication for providing information in a timely manner; and

WHEREAS, multiple County departments currently utilize social media to disseminate information to the residents of Madison County; and

WHEREAS, the County wishes to adopt a policy and procedures which provides guidelines to departments and employees for the effective and productive use of social media for the purpose of conducting County business; and

WHEREAS, the Government Operations Committee has reviewed and approved this policy and procedures;

NOW, THEREFORE BE IT RESOLVED, that the Social Media/Social Networking policy and procedures be and hereby are adopted effective immediately; and

BE IT FURTHER RESOLVED, that the Government Operations Committee be and hereby is authorized to amend these procedures in the future within existing budget appropriations.

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 7

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH
CONTINUUM VOICE AND DATA SYSTEMS INC.**

WHEREAS, a number of Madison County departments utilize the Onbase Electronic Document Management System; and

WHEREAS, the Information Technology Department is the lead department for this system and is responsible for the maintenance agreement with Continuum Voice and Data Systems Inc.; and

WHEREAS, the term of the renewal is from May 1, 2014 through April 30, 2015, renewable on an annual basis; and

WHEREAS, the cost of this renewal will be Twenty-Nine Thousand Nine Hundred (\$29,900); and

WHEREAS, any additional department that wishes to utilize the Onbase System in the future will be added as needed,

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board be and is hereby authorized to renew an agreement with Continuum Voice & Data Systems, Inc., a copy of which is on file with the Clerk of the Board.

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 8

**DECLARING THE WEEK OF APRIL 7 – 13, 2014 AS
PUBLIC HEALTH WEEK IN MADISON COUNTY**

WHEREAS, the week of April 7-13, is National Public Health Week; and

WHEREAS, Public health protects and improves communities by preventing epidemics and the spread of disease, promoting healthy lifestyles for children and families, protecting against hazards in homes, work, communities and the environment, assuring high quality health care services, and preparing for and responding to emergencies;

WHEREAS, Public health is concerned with protecting the health of entire communities rather than individuals. These communities can be as small as a local neighborhood or as big as an entire country; and

WHEREAS, At the heart of all successful public health initiatives are a workforce with the skills, experience, and talents of a variety of professional and trained individuals who promote and protect the public's health and safety; and

WHEREAS, the Madison County Board of Supervisors believes that all public health employees should be recognized for their compassion and dedicated contributions to the citizens of our County; and

WHEREAS, the Board of Supervisors wishes to honor the ways in which public health workers in Madison County strive to protect the health of the residents of our County;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors and the residents of Madison County celebrate the accomplishments and efforts of our public health workers in Madison County and show appreciation for the County's public health workers not just during this week, but at every opportunity throughout the year; and

BE IT FURTHER RESOLVED that the Madison County Board of Supervisors does hereby declare the week of April 7 - 13, 2014 as:

"PUBLIC HEALTH WEEK" IN MADISON COUNTY

Dated: April 8, 2014

Daniel S. Degear, Chairperson
Government Operations Committee

RESOLUTION NO. 9

**DECLARING THE WEEK OF MAY 4 – 10, 2014 AS
“PUBLIC EMPLOYEES’ RECOGNITION WEEK”**

WHEREAS, the Madison County Board of Supervisors believes Public servants deserve thanks throughout the year for the work they do each and every day; and

WHEREAS, the Board of Supervisors recognizes the contributions of its employees as they continue to provide services to our citizens and assist in the cost efficient and effective use of tax dollars; and

WHEREAS, the Board of Supervisors wishes to honor our County employees as they continue to provide quality government programs and services for a better Madison County;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors, does hereby declare the week of May 4 – 10, 2014 as:

“PUBLIC EMPLOYEES’ RECOGNITION WEEK”

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 10

ADOPTING A USE OF PURCHASING CARDS POLICY AND PROCEDURES

WHEREAS, on February 12, 2009, the Madison County Board of Supervisors approved Resolution No. 26-09, Authorizing the County Treasurer to Obtain Credit Cards from a Bank or Financial Institution and Adopting a Use of Credit Cards Policy; and

WHEREAS, the County now desires to authorize the use of Purchasing Cards in order to qualify for cash rebates and further improve efficiency; and

WHEREAS, as with any such card program, it is necessary to create a comprehensive use policy; and

WHEREAS, the Government Operations Committee has reviewed and recommends the adoption of the attached Use of Purchasing Cards Policy and Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby adopt the Use of Purchasing Cards Policy and Procedures, as is on file with the Clerk of the Board of Supervisors.

Dated: April 8, 2014

Daniel S. Degear, Chairman
Government Operations Committee

RESOLUTION NO. 11

AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES TO UPGRADE ACCESS POINT TO HONEYWELL WEB-BASED SYSTEM IN BUILDING #5

WHEREAS, the Public Health Department is using the NStar system for access to Building #5; and

WHEREAS, the current system is located on an old standalone system that is not easily accessible to administrative staff and needs to be updated; and

WHEREAS, Sentry has a option to upgrade to a web-based system that doesn't require a dedicated computer; and

WHEREAS, the County wishes to enter a contract with Sentry Alarms to upgrade the current NStar system to the new Honeywell Web-based Access system for a maximum cost of \$2,755; and

WHEREAS, funds are available within the existing Department budget to cover the cost of this new system; and

WHEREAS, the Health and Human Services Committee recommends approval of the this agreement;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign an agreement with Sentry Alarms as is on file with The Clerk of the Board of Supervisors.

Dated: April 8, 2014

Alexander Stepanski, Chairman
Health and Human Services Committee

RESOLUTION NO. 12

**AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES TO DEVELOP SOFTWARE
TO IMPROVE IMMUNIZATION BILLING**

WHEREAS, the County accepted grant funds from Health Research Incorporated for \$20,100 on Resolution #407-13 on December 6, 2013; and

WHEREAS, the Public Health Department is currently working with ACC Technical Services, Inc. to manage the E-Health Scheduler for the Immunization program; and

WHEREAS, the Public Health Department has a need to expand E-Health to incorporate billing requirements for our clinical services; and

WHEREAS, the County wishes to enter a contract with ACC Technical Services, Inc. to leverage our grant funds in collaboration with six other New York counties and enhance a robust billing software; and

WHEREAS, the Health Department agreement includes services for the enhancement of immunization billing services and the compensation for this agreement will not exceed \$17,000 that is fully reimbursed by the Immunization Billing grant; and

WHEREAS, the Health and Human Services Committee recommends approval of this agreement;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign an agreement with ACC Technical Services, Inc. as is on file with The Clerk of the Board of Supervisors.

Dated: April 8, 2014

Alexander Stepanski, Chairman
Health and Human Services Committee

RESOLUTION NO. 13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR THE ADMINISTRATION OF EARLY INTERVENTION AND MODIFYING THE 2014 COUNTY BUDGET

WHEREAS, Madison County Public Health Department, through the Preventive Health Programs, has administered the Early Intervention Program, which is a program to assist families of children ages 0-2 years with developmental delays by determining appropriate services for these children; and

WHEREAS, the New York State Department of Health has devoted much time to implement this program on the local level in an effort to assure continuity of care for all children who meet the criteria; and

WHEREAS, grant funds have once again been made available with funding being provided as follows:

Awarding Agency:	U.S. Dept. of Education/U.S. Dept. of Health & Human Sv
Pass-through Agency:	New York State Department of Health
Catalog #:	84.181
Program Name:	Early Intervention Administration
Grant Extension:	October 1, 2013 – September 30, 2014
Contract #:	C-027488
Federal Funds:	100%
Grant Total:	\$29,655

WHEREAS, the Health and Human Services Committee has reviewed this grant renewal and finds it to be appropriate;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement between Madison County and the New York State Department of Health, as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the 2014 Adopted County budget be modified as follows:

Public Health Department

A2961 Early Intervention

<u>Expense</u>		<u>From</u>	<u>To</u>
A2961.4102	EI Grant Expenses	\$ 0	\$ 1,207
	Control Total		\$ 1,207
<u>Revenue</u>			
A4489.2025	Federal Aid EI Grant	\$ 37,293	38,500
	Control Total		\$ 1,207

Dated: April 8, 2014

Alexander Stepanski, Chairman
Health and Human Services Committee

John A. Reinhardt, Chairman
Finance Ways & Means Committee

RESOLUTION NO. 14

RESOLUTION AUTHORIZING THE CHAIRMAN TO PROCLAIM APRIL AS ALCOHOL AWARENESS MONTH

WHEREAS, Alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, one in every 12 adults (17.6 million people) suffer from alcohol abuse or dependence; and

WHEREAS, more than half of all adults have a family history of alcoholism or problem drinking; and

WHEREAS, more than 7 million children live in a household where at least one parent is dependent on or has abused alcohol; and

WHEREAS, alcohol is a primary factor in the four leading causes of death for young persons ages 10-21; and

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol-related problems cost America \$224 billion (\$746 per person) in lost productivity, absenteeism, healthcare costs, crime and family-related problems; and

WHEREAS, adults in Madison County have higher rates of newborn drug related hospitalization rates (98 vs. 64 per 10,000) and alcohol related motor vehicle injuries and deaths (53.9 vs. 50 per 100,000) than the state and upstate New York;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors join the National Council on Alcoholism and Drug Dependence, Inc, (NCADD) and hereby proclaim that April 2014 is Alcohol Awareness Month in Madison County and call upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and colleges in Madison County to support efforts that will reduce stigma, increase community awareness and increase support for individuals and families coping with alcoholism. Through these efforts, together, we can provide "**Help for Today, Hope for Tomorrow**" for those in our community who are facing challenges with alcohol use and abuse.

Dated: April 8, 2014

Alexander Stepanski, Chairman
Health and Human Services Committee

RESOLUTION NO. 15

**AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT MODIFICATION AND MODIFYING
THE 2014 ADOPTED COUNTY BUDGET**

WHEREAS, OASAS has approved one-time funding for Liberty Resources Alcohol Community Residence Program (Maxwell House) for purchase of a washing machine, kitchenware and bedding; and

WHEREAS, these additional funds result in 100% State Aid for 2014 to Liberty Resources, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the 2014 Adopted County Budget be modified as follows:

General Fund

4316 Mental Health - Liberty Resources

Revenue

A3490.3083 St. Aid Liberty Resources

From

282,394

To

285,994

Control Total

\$ 3,600

Expense

A4316.4276 Liberty Resources-Halfway

282,394

285,994

Control Total

\$ 3,600

BE IT FURTHER RESOLVED, that the Chairman of the Board be hereby authorized to execute a modification agreement, a copy of which is on file with the Clerk of this Board, for the period January 1, 2013 through December 31, 2014 with Liberty Resources, Inc.

Dated: April 8, 2014

Alexander Stepanski, Chairman
Health and Human Services Committee

John A. Reinhardt, Chairman
Finance, Ways & Means Committee

RESOLUTION NO. 16

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS
AND TO MODIFY THE 2014 ADOPTED COUNTY BUDGET**

WHEREAS, as of 1/1/14 municipalities seeking OCFS funding to help support their youth recreation programs are required to compete for the funding through a competitive RFP process and the Village of Hamilton and Village of Morrisville submitted program proposals to the Madison County Youth Bureau as part of this process; and

WHEREAS, the Madison County Youth Board has evaluated the proposals and has recommended the following allocation of funds to the proposed programs, and the Health & Human Services Committee has approved the allocation;

<u>MUNICIPALITY</u>	<u>PROGRAM</u>	<u>AMOUNT</u>
Village of Hamilton	Summer Recreation Program	\$ 3,500.00
Village of Morrisville	MESYC Summer Rec. Program	\$ 3,500.00

WHEREAS, these costs are reimbursed 100% by State Aid;

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into agreements on behalf of the County of Madison with the Village of Hamilton and the Village of Morrisville, in the form as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the 2014 Adopted County Budget be modified as follows:

GENERAL FUND

Youth Programs

7146 Youth Programs - Agencies

Expense

	<u>From</u>	<u>To</u>
A7146.42733 Summer Recreation (V./Hamilton)	\$ 0	\$ 3,500
A7146.42735 MES Youth Commission (V./Morrisville)	\$ 0	\$ 3,500
Totals	\$ 0	\$ 7,000
Control Total		\$ 7,000

Revenues

	<u>From</u>	<u>To</u>
A3820.2091 St Aid Summer Recreation (V./Hamilton)	\$ 0	\$ 3,500
A3820.2092 St Aid MES Youth Commission (V./Morrisville)	\$ 0	\$ 3,500
Totals	\$ 0	\$ 7,000
Control Total		\$ 7,000

Dated: April 8, 2014

Alexander Stepanski, Chairman
Health & Human Services Committee

John A. Reinhardt, Chairman
Finance, Ways and Means Committee

RESOLUTION NO. 17

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE
NEW YORK STATE BOARD OF ELECTIONS IN REGARDS TO THE HELP
AMERICA VOTE ACT FEDERAL GRANT**

WHEREAS, New York State Board of Elections has received federal funds to distribute in accordance with the implementation of the 2002 Help America Vote Act (HAVA), and

WHEREAS, the Madison County Board of Elections has been allocated up to \$143,105.11 as part of the NYS Budget for FY 2011-2012, and

WHEREAS, these funds will provide reimbursement for eligible costs incurred during the implementation of the HAVA compliant voting system, referred to as the 'Shoebox' costs. This grant program is described as follows:

Awarding Agency: US Election Assistance Commission
Pass Thru. Agency: New York State Board of Elections
CFDA #: 90.401
Program Name: Help America Vote Act Requirements Payments
Grant Period: April 1, 2004 to March 31, 2016
Federal Funds: 100%
Grant Total: \$ 143,105.11

NOW, THEREFORE BE IT RESOLVED, that the Chairman be and hereby is authorized to execute grant contracts for the Madison County Board of Elections with the State Board of Elections, a copy of which is on file with the Clerk of the Board.

Dated: April 8, 2014

Scott Henderson, Chairman
Administration/Oversight Committee

RESOLUTION NO. 18

**AUTHORIZING THE CHAIRMAN TO ENTER INTO
AN AGREEMENT WITH PHOENIX GRAPHICS, INC. TO PURCHASE
OPTICAL SCAN BALLOTS**

WHEREAS, the Madison County Board of Elections will continually require optical scan ballots for the Dominion ImageCast voting system for each and every election run by the Madison County Board of Elections; and

WHEREAS, Phoenix Graphics, Inc. is a certified election ballot provider in New York State for Dominion Voting; and

WHEREAS, Phoenix Graphics, Inc. will provide ballots at a reduced cost provided that Madison County Board of Elections commit to a one year contract with three one year renewal options commencing with the 2013 election year; and

WHEREAS, the contract requires renewal for the year 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to enter into the agreement with Phoenix Graphics, Inc. in the form as is on file with the Clerk of the Madison County Board of Supervisors.

Dated: April 8, 2014

Scott Henderson, Chairman
Administration and Oversight Committee

RESOLUTION NO. 19

**AUTHORIZING THE CHAIRMAN TO AMEND AGREEMENT
WITH ONONDAGA COUNTY FOR AUTOPSY SERVICES**

WHEREAS, the Madison County Coroner's office must contract out for autopsy services; and

WHEREAS, the Onondaga County Medical Examiner's Office can provide the services needed; and

WHEREAS, the Onondaga County Medical Examiner's Office will provide 70 autopsies for Seventy Seven Thousand Dollars (\$77,000), additional autopsies will be performed pursuant to the contract; and

WHEREAS, this amendment will extend the term of the 2012 contract until December 31, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and is hereby authorized to sign the amendment to the 2013 agreement with Onondaga County to provide autopsy services as is on file with the Clerk of the Board of Supervisors.

Dated: April 8, 2014

Roger D. Bradstreet, Chairman
Criminal Justice, Public Safety
Telecommunications Committee

RESOLUTION NO. 20

**AUTHORIZING THE CHAIRMAN TO AMEND AGREEMENT
WITH ONONDAGA COUNTY FOR AUTOPSY SERVICES**

WHEREAS, the Madison County Coroner's office must contract out for autopsy services; and

WHEREAS, the Onondaga County Medical Examiner's Office can provide the services needed; and

WHEREAS, the Onondaga County Medical Examiner's Office will provide 70 autopsies for Seventy Seven Thousand Dollars (\$77,000), additional autopsies will be performed pursuant to the contract; and

WHEREAS, this amendment will extend the term of the 2013 contract until December 31, 2014;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and is hereby authorized to sign the amendment to the 2014 agreement with Onondaga County to provide autopsy services as is on file with the Clerk of the Board of Supervisors.

Dated: April 8, 2014

Roger D. Bradstreet, Chairman
Criminal Justice, Public Safety
Telecommunications Committee

RESOLUTION NO. 21

**AUTHORIZING THE CHAIRMAN TO APPLY FOR A GRANT FROM THE
NEW YORK STATE CANAL CORPORATION**

WHEREAS, the County of Madison has recognized the need to ensure the safety and security of its citizens who utilize the Erie Canal, it's feeder bodies of water, and the Canalway Trail; and

WHEREAS, the Madison County Sheriff has and continues to provide marine patrol and enforcement activity on these waterways; and

WHEREAS, here have been reported public safety incidents that have taken place by patrons using the Canalway Trail, which traverses Madison County a length of 14.3 miles through the Towns of Sullivan, Lenox, and the City of Oneida; and

WHEREAS, the County of Madison is eligible to apply for a grant from the New York State Canal Corporation to support new and existing patrols, recognizing that safety and security of these areas are most effective when set and administered at the local level; and

WHEREAS, a grant award requested under this program not to exceed \$40,000 for this purpose, with a 25% match of local funding to supplement that which is provided by the New York State Canal Corporation.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be and is hereby authorized to apply on behalf of the County of Madison for a grant from the New York State Canal Corporation, in form as is on file with the Clerk of the Board.

Dated: April 8, 2014

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications Committee

RESOLUTION NO. 22

AUTHORIZING THE CHAIRMAN TO ENTER INTO A COMMERCIAL OFFICE LEASE AGREEMENT WITH J&M BOYLAN HOLDINGS, LLC

WHEREAS, the Madison County Sheriff's Office is in need of additional office space to conduct official law enforcement business; and

WHEREAS, J&M Boylan Holdings, LLC has an office for the transactions of business at 101 Madison Street, Wampsville, NY 13163; and

WHEREAS, the term will commence March 1, 2014 and end April 31, 2015 with the option to renew for two (2) additional terms of one (1) years each, at a rental rate to be mutually agreed upon; and

WHEREAS, there shall be no rental due during this term of this lease as J&M Boylan Holdings, LLC is making this a donation equal to the fair market value of the premises which designates as \$14,400/year; and

WHEREAS, the County Attorney's Office has reviewed this agreement; and

WHEREAS, this agreement has been reviewed and approved by the Criminal Justice, Public Safety and Emergency Communications Committee;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into a Commercial Office Lease agreement on behalf of the County of Madison with J&M Boylan Holdings, LLC in the form as is on file with the Clerk of the Board.

Dated: April 8, 2014

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications Committee

RESOLUTION NO. 23

AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENT WITH TIME WARNER

WHEREAS, the Madison County Sheriff needs cable-based high speed internet services to conduct business from a remote field office located at 23 Cedar Street in the Village of Morrisville; and

WHEREAS, Time Warner Cable is under New York State Contract for cable-based high speed internet services; and

WHEREAS, the Sheriff's Office has the funds are available to begin the program; and

WHEREAS, the County agrees to the fee of \$74.95 a month which includes service; and the service can be cancelled at any time; and

WHEREAS, this agreement has been reviewed and approved by the Criminal Justice, Public Safety and Telecommunications Committee; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into agreement on behalf of the County of Madison with Time Warner Cable to become effective April 1, 2014, in the form as is on file with the Clerk of the Board.

Dated: April 8, 2014

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications Committee

RESOLUTION NO. 24

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT

WHEREAS, Uniis – United Information Services (Uniis) has submitted for approval an agreement with the County of Madison to provide professional services for the Madison County Sheriff's Office; and

WHEREAS, Uniis will provide the services outlined in Schedule A, for a rate of \$44.00 per hour, with the fee not to exceed a total of \$30,000 per year, payable in accordance with the agreement, attached hereto and made a part thereof; and

WHEREAS, the term of the contract is for a one (1) year period and will be automatically renew for no more than two (2) additional one (1) year periods unless terminated earlier; and

WHEREAS, this agreement has been reviewed by the Madison County Attorney's Office, and the County Administrator per County Policy; and has been reviewed and approved by the Criminal Justice, Public Safety and Emergency Communications Committee;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is authorized to enter into an agreement on behalf of the County of Madison with Uniis – United Information Services., in the form as is on file with the Clerk of the Board.

Dated: April 8, 2014

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications Committee

RESOLUTION NO. 25

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT AND ADDENDUM #1
WITH MADISON-ONEIDA BOCES**

WHEREAS, it is necessary and required to provide educational services and programs to inmates at the Madison County Jail in the regular course of their incarceration; and

WHEREAS, the Sheriff of Madison County seeks to continue to cut costs and enhance the efficiency in the provision of such services and programs by utilizing the expertise of Madison-Oneida BOCES; and

WHEREAS, Madison-Oneida BOCES possesses experienced personnel with special skills and training required to perform the necessary services pursuant to the terms of the contract by providing a staff person to the Madison County Jail; and

WHEREAS, the parties hereto are now desirous of entering into an addendum thereto to document Madison County legal compliance requirements regarding Corporate Compliance Program and Iran Divestment Act language ("Addendum #1 to Agreement"); and

WHEREAS, the term of this contract and Addendum #1 shall be from March 1, 2014 through February 28, 2015. This contract may be terminated without cause by either party hereto at any time upon thirty (30) days written notice of the intention to so terminate. The County reserves the right to terminate this Agreement for cause at any time; and

WHEREAS, the County hereby agrees to pay Madison-Oneida BOCES a monthly rate of Three Thousand Nine Hundred Twenty Two Dollars and Sixty-Six Cents (\$3,922.66) in full and final satisfaction of all services and expenses. This represents 2% increase of the budgeted amount from the previous year. The total amount of compensation shall not exceed Forty Seven Thousand Seventy Two Dollars (\$47,072); and

WHEREAS, the County Attorney's Office has reviewed this agreement and addendum; and

WHEREAS, this agreement has been reviewed and approved by the Criminal Justice, Public Safety and Telecommunications Committee;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement on behalf of the County of Madison with Madison-Oneida BOCES, in the form as is on file with the Clerk of the Board.

Dated: April 8, 2014

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications Committee

RESOLUTION NO. 26

**RESOLUTION CALLING ON NEW YORK STATE LEGISLATURE TO REJECT GOVERNOR CUOMO'S
PLANS TO REWARD PRISON INMATES BY PROVIDING THEM WITH COLLEGE EDUCATIONS AT
TAXPAYER EXPENSE**

WHEREAS, the purpose of prison is to punish those who have engaged in behavior that is morally and legally wrong, dangerous, threatening, or severely antisocial, and

WHEREAS, incarcerated individuals represent a continued threat to society, and are not deserving of rewards, but rather punishment for their actions, and

WHEREAS, Governor Andrew M. Cuomo did, on February 16, 2014, propose providing prisoners with taxpayer-funded college tuition, a benefit unavailable to the children of the productive, law-abiding taxpayers who will pay for proposed program, and

WHEREAS, Mr. Cuomo has estimated the cost of his program at \$5,000 per inmate, and

WHEREAS, the Madison County Board of Supervisors endorses the notion that prison is punishment, and convicted inmates should not be provided taxpayer-funded college tuition,

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors does hereby call upon its representatives in, and the leadership of, the New York State Senate and Assembly to reject this proposal,

BE IT FURTHER RESOLVED, that the Clerk of the Board shall forward copies of this resolution to Governor Cuomo, Senator David Valesky, Senate Vice President Pro Tem George D. Maziarz, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Senate Majority Coalition Leader Jeffrey Klein, Member of the Assembly William Magee, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

Dated: April 8, 2014

Roger D. Bradstreet, Sr., Chairman, Criminal Justice,
Public Safety and Emergency Communications Committee

RESOLUTION NO. 27

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND MODIFYING THE 2014
COUNTY BUDGET**

WHEREAS, Madison County has been awarded a grant for \$19,967 by the New York State Division of Homeland Security and Emergency Services (DHSES) from appropriations authorized by Congress under the FY 2013 State Homeland Security Program (SHSP), and

WHEREAS, these funds will provide 100% federal reimbursement of eligible costs incurred in the effort to support planning, equipment, training and exercise needs associated with continuing support of the Explosive Detection Canine Program for the Madison County Sheriff's Office, as well as to support a range of homeland security capabilities to address other hazards to Madison County; and this grant program is described as follows:

Awarding Agency: Federal Department of Homeland Security
Pass Thru. Agency: NYS Division of Homeland Security and Emergency Services
Catalogue #: CFDA# 97.067
Program Name: State Homeland Security Program (SHSP) WM2013 – Explosive Detection K9 Continuation Grant
Grant Period: 11/12/2013 to 08/31/2015
Contract #: T971439 (DHSES #WM13971439)
Federal Funds: 100%
Grant Total: \$19,967

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be authorized to enter into an agreement with the NYS Office of Homeland Security a copy of which is on file with the Clerk of the Board, and

BE IT FURTHER RESOLVED, that the 2014 Adopted County Budget be modified as follows:

General Fund

3645-Homeland Security

Expense	<u>From</u>	<u>To</u>
A3645.112 Personal Services-Backfill & OT – Canine Team	\$0	\$ 3,293
A3645.4239 K9 Exercise Consultant	\$0	\$ 5,000
A3645.4076 Canine Equipment/Supplies	\$0	\$10,474
A3645.44237 Rental Space K9 Training Expense	\$0	\$ 1,200
Revenue		
A4306.1030 Fed Aid-FY2013 Explosive Detection Canine Grant	\$0	\$19,967
	Control Total	<u>\$19,967</u>

DATED: April 8, 2014

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications Committee

John A Reinhardt, Chairman
Finance, Ways and Means Committee

RESOLUTION NO. 28

AUTHORIZING THE CHAIRMAN TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF NEW YORK DIVISION OF STATE POLICE IN THE ESTABLISHMENT AND USE OF A 911 BACKUP CENTER AT TROOP D HEADQUARTERS

WHEREAS, the County of Madison and the State of New York Division of State Police (herein referred to as: Governmental Entities) have agreed to work together for the purpose of sharing various communications assets and cost, to be enjoyed by each entity for the performance of their respective public safety duties and;

WHEREAS, as part of this effort is the relocation of the county's Backup 911 Center to Troop D Headquarters and this MOU permits the connectivity to meet that need and;

WHEREAS, both Madison County and the State of New York Division of State Police (NYSP) as partners of the Central New York Interoperable Communications Consortium (CNYICC) continue to work within the SAFECOM Interoperability Continuum; and

WHEREAS, the establishment of the 911 Backup Center at Troop D Headquarters will allow both Governmental Entities to enhance their role within the SAFECOM Interoperability Continuum; and

WHEREAS, the benefits to each respective governmental entity will result in operational cost savings to each entity, improved communications for both routine and joint service operations, and improved cohesion during major crimes, Firefighting, EMS operations, natural or man-made disasters and Homeland Security operations; and

WHEREAS, each of these Governmental Entities have agreed to share various resources such as radio equipment, a communications tower site, communications equipment shelter, electrical power, emergency generator system;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to execute said MOU with the State of New York Division of State Police on the terms as are on file with the Clerk of the Board

Dated: April 8, 2013

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications
Committee

RESOLUTION NO. 29

AUTHORIZING THE CHAIRMAN TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CSX TRANSPORTATION (RAILROAD) POLICE DEPARTMENT AND MADISON COUNTY DEPARTMENT OF EMERGENCY COMMUNICATIONS ALLOWING ACCESS TO THE COUNTY'S PUBLIC SAFETY RADIO SYSTEM

WHEREAS, the County of Madison and the CSX Transportation (Railroad) Police have agreed to work together for the purpose of sharing certain frequencies licensed by the county for the purpose of Public Safety in the event of an emergency within the county and;

WHEREAS, the provisions of this Frequency authorization will apply to all operational personnel, equipment, and operations of the participating agencies, where such provisions do not conflict with statute, policy, standard operating procedures, or written directives. The frequencies shall be used for working emergency events, or pre-planned events as agreed to by both agencies and;

WHEREAS, both Madison County and the CSX Transportation (Railroad) Police will continue to work as partners to work within the SAFECOM Interoperability Continuum thus enhancing interoperability for both parties; and

WHEREAS, the establishment of the 911 Backup Center at Troop D Headquarters will allow both Governmental Entities to enhance their role within the SAFECOM Interoperability Continuum and improved cohesion during major emergency events;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to execute said MOU with the CSX Transportation (Railroad) Police on the terms as are on file with the Clerk of the Board

Dated: April 8, 2014

Roger D. Bradstreet, Sr., Chairman
Criminal Justice, Public Safety and
Emergency Communications

RESOLUTION NO. 30

**ACKNOWLEDGING INTRODUCTION OF A PROPOSED LOCAL LAW NO. 1
FOR THE YEAR 2014 AND CALLING FOR A PUBLIC HEARING**

WHEREAS, Supervisor Salka has duly introduced proposed Local Law No.1 for the year 2014 entitled "**MADISON COUNTY OCCUPANCY TAX LAW**", and

WHEREAS, a copy of said proposed local law has been furnished to each Supervisor;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held in the Chambers of the Board of Supervisors at the Madison County Office Building on May 13, 2014 at 2:15 p.m. or as soon thereafter as possible; and

BE IT FURTHER RESOLVED, that the Clerk of the Board duly publish a notice of said hearing in the official newspapers of the County at least five (5) days prior to the scheduled hearing date.

Dated: April 8, 2014

John Salka, Chairman
Planning, Economic Development,
Environmental and Intergovernmental Affairs

**PROPOSED LOCAL LAW 1 OF 2014
MADISON COUNTY OCCUPANCY TAX LAW**

A local law Imposing a Tax on Occupants of bed and breakfast, hotel, motel, tourist home, boarding house, cottage, motor court or club, bunkhouse, lodge, trailer or camper which have been established upon a site by the owner or user, campsite, and similar establishment for rental in the County of Madison.

BE IT ENACTED, by the Board of Supervisors of the County of Madison as follows:

- Section 1.** Title
2. Intent Purpose
 3. Definitions
 4. Imposition of Tax
 5. Transitional Provisions
 6. Exempt Organizations
 7. Territorial Limitations
 8. Registration
 9. Administration and Collections
 10. Records to be Kept
 11. Returns
 12. Payment of Tax
 13. Determination of Tax
 14. Refunds
 15. Reserves
 16. Remedies Exclusive
 17. Proceedings to Recover Tax
 18. General Powers of the County Treasurer
 19. Administration of Oaths
 20. Reference to Tax
 21. Penalties and Interest
 22. Returns to be Secret
 23. Notices and Limitations of Time
 24. Disposition of Revenues
 25. Separability
 26. Effective Date

1. Title:

This local law shall be known as the **Madison County Occupancy Tax Law**.

2. Intent Purpose:

The purpose of this local law shall be to enhance the general economy of Madison County, its city, towns and villages through promotion of tourist related and supporting activities.

3. Definitions:

(a) Person: An individual, partnership, society, association, joint stock company, corporation, estate receiver, trustee, assignee, referee, and other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the above.

(b) Operator: Any person operating a bed and breakfast, hotel, motel, tourist home, boarding

house, cottage, motor court or club, bunkhouse, lodge, trailer, or camper which have been established upon a site by the owner or user, campsite, and similar establishment for rental in the County of Madison, and which is regularly used and kept open for the lodging of guests, including, but not limited to, the owner or proprietor, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such premises.

(c) Occupancy: The use or possession or the right to the use or possession, of any room in properties set forth and described in Section 3(b).

(d) Occupant: A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in the properties set forth and described in Section 3(b) under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(e) Permanent Resident: Any occupant of any room or rooms in the properties set forth and described in Section 3(b) for at least ninety (90) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(f) Rent: The consideration received for occupancy valued in money, whether received in money or otherwise.

(g) Room: Any room or rooms, or portion of the premise comprising any of the properties set forth and described in Section 3(b), of any kind in any part or portion which is available for or let out for any purpose other than a place of assembly.

(h) Return: Any return filed or required to be filed as herein provided.

(i) County Treasurer: The Treasurer of Madison County.

4. Imposition of Tax:

In addition to any other tax presently authorized and imposed (pursuant to Article 29 of the Tax Law), there is hereby imposed and there shall be paid a tax of four percent upon the rent for every occupancy of a room in this county, except that the tax shall not be imposed upon a permanent resident.

5. Transitional Provisions:

The Tax imposed by this Local Law shall be paid upon any occupancy on and after effective date of this local law, even though such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this Local Law to the extent that it is not in violation of this law.

6. Exempt Organization:

(a) Nothing in this local law shall be construed to authorize the imposition of such tax upon any transaction, by or with those entities enumerated in Section twelve hundred thirty of the New York State Tax Law.

(b) The operator shall submit such written proof as may be required to show that the use or occupancy falls within those exemptions enumerated in Section twelve hundred thirty of the

New York State Tax Law, and in the absence of such documentation, the tax must be collected by the operator.

(c) Where any organization described in paragraph (d) of Section twelve hundred thirty of the New York State Tax Law, carries on its activities in furtherance of the purposes for which it is organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

7. Territorial Limitations:

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Madison.

8. Registration:

Every person required to collect any tax imposed by this Local Law presently operating, commencing business or opening a new place of business, and every person who takes possession of or pays for business assets under circumstances requiring notification by such person to the County Treasurer pursuant to subdivision (b) of Section 17 of this Local Law shall file with the County Treasurer a certificate of registration, in a form prescribed by it, at least twenty days prior to commencing business or opening a new place of business or such purchase or taking of possession or payment, which ever comes first.

The certificate or registration forms shall contain information with respect to the notice requirements of a purchaser, transferee or assignee and his liability for the payment of taxes pursuant to subdivision (b); of (Section 17) of this Local Law. The County Treasurer shall within five days after such registration issue, without charge, to each registrant a certificate of authority empowering him to collect the tax and a duplicate thereof for each additional place of business of such registrant. The County Treasurer shall issue with the certificate of authority general information about the tax imposed under this Local Law, including information on records to be kept, returns and payments, notification requirements and forms. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates of authority shall be prominently displayed in the places of business of the registrant. Such certificates shall be non-assignable and non-transferable and shall be surrendered to the County Treasurer immediately upon the registrant's ceasing to do business at the place named or in the event that such business never commenced.

9. Administration and Collection:

(a) Every person required to collect the tax shall collect the tax from the occupant when collecting the rent to which it applies. If the occupant is given any receipt or other statement or memorandum of rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the Madison County Treasurer.

(b) The County Treasurer shall by regulation prescribe a method or methods or a schedule or schedules of the amounts to be collected from occupants in respect to rent upon which a tax is imposed by this Local Law so that the aggregate collection of taxes by a person required to collect tax shall, as far as practicable, be equal to four percent

of the total rents of such person upon whom a tax is imposed by this local law.

(c) 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 of occupancy of properties described in Section 3(b) are subject to tax until the contrary is established, and the burden of proving that any rent is not taxable shall be upon the person required to collect tax from the occupant.

Unless an occupant, prior to taking possession, furnished to the operator a statement demonstrating that the occupant is an exempt organization described in Section 6 of this Local Law, the sale shall be deemed a taxable transaction. Where such a statement has been furnished to the operator, the burden of proving that the rent is not taxable hereunder shall be solely upon the occupant. The operator shall not be required to collect tax from occupants who furnish an exempt organization statement in proper form.

(d) The County Treasurer may provide, by regulation, for the exclusion from taxable rents, rent which has been ascertained to be uncollectible or, in the case the tax has been paid upon such rent, for refund or credit for the tax so paid, he shall require an application for credit to be filed, but he may also allow the applicant to immediately take the credit on the return which is due coincident with or immediately subsequent to the time the applicant files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to application for credit in Section 14 of this Local Law.

10. Records to be Kept:

Every operator shall keep records of every occupancy and all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall include a true copy of each receipt or statement separately stating the tax charged. Such records shall be available for inspection, examination and audit at any time upon demand by the County Treasurer or his duly authorized agent or employees and shall be preserved for a period of five years, except that the County Treasurer may require that they be kept longer.

11. Returns:

(a) Every operator required to register pursuant to Section 8 hereof shall file a return quarterly with the County Treasurer. The return shall show all rents received or charged and the amount of tax thereon. The returns to be filed quarterly shall be filed for the quarterly periods ending on the last day of February, May, August, and November of each year, and shall be filed within twenty days after the end of the quarterly period covered thereby. The County Treasurer may permit or require returns to be made for other periods and upon such dates he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter or longer periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The form of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within fifteen days after notice and to

contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

12. Payment of Tax:

(a) Every operator required to file a return under the preceding section shall, at the time of filing such return, pay to the County Treasurer four percent of the total of all rents subject to tax pursuant to Local Law, as well as other moneys collected by the operator acting or purporting to act under the provisions of this Local Law.

(b) The amount payable for the period for which a return is filed shall be due and payable to the County Treasurer on the date limited for filing the return, whether or not the return is filed, or whether or not the return filed correctly shows the rents or the taxes due thereon.

(c) Where the County Treasurer in his discretion deems it necessary to protect revenues to be obtained under this Local Law, he may require any operator to collect the tax imposed by this Local Law to file with him a bond, 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 County Treasurer may fix, to secure the payment of any tax or penalties or interest due or which may become due from such operator. In the event that the County 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. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before a Board comprised of three members of the Finance, Ways and Means Committee of the Madison County Board of Supervisors, which members shall be appointed by the Chairman of such Committee, at which the necessity, propriety and amount of the bond shall be determined by such Board. Such determination shall be final and shall be complied with within fifteen days after the giving of notice thereof, in lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited with and shall be kept in the custody of the County Treasurer, who may at any time without notice to the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

13. Determination of Tax:

(a) If a return required by this Local Law is not filed, or if a return filed is incorrect or insufficient, the amount of tax due shall be determined by the County 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. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer, on his own motion, shall re-determine the same.

(b) Whenever such tax is estimated as provided for in this section, such notice shall contain a statement conspicuously placed on such notice advising the person: that the amount of tax was estimated, that the tax may be challenged through a hearing process, and that the petition for such challenge must be filed with the County Treasurer within ninety days.

(c) After such hearing, the County Treasurer shall give notice promptly, by registered or certified mail, of his determination to the applicant. The determination of the County Treasurer 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 four months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the County Treasurer, and there shall be filed with the County Treasurer 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 the proceeding or at the option of the application, such undertaking filed with the County Treasurer may be in a sum sufficient to cover taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

14. Refunds:

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. No actual refund of monies shall be made to any operator, of tax which he collected from an occupant, until he shall first establish to the satisfaction of the County Treasurer under such regulations as the County Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may in lieu of any refund required to be made, allow credit thereof of payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the County Treasurer may receive evidence with respect thereto. After making his determination, the County Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided such proceeding is instituted within four months after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the

petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 13 of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to Section 13 of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event, refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

15. Reserves:

In cases where 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 him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

16. Remedies Exclusive:

The remedies provided by Sections 13 and 14 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 shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

17. Proceedings to Recover Tax:

(a) Whenever any operator required to collect a tax shall fail to collect and pay any tax, penalty or interest, or whenever any occupant shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, 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 the County of Madison in any court of the State of New York, the United States, or of any other state of the United States. The cost thereof shall be an expense of administration, and may be reimbursed out of the revenues generated by the imposition of this tax generally, which reimbursement shall not be limited to the tax recovered as a result of any individual action brought under this subsection.

(b) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his assets relating to the properties and business set forth and described in Section 3(b), otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferrer or assignor has represented to or informed the purchaser, transferee or assignee that he 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.

Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph, or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exist, 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, transferror 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 seller, transferror or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferror or assignor any such sums of money, property or choses in action to the extent of the amount of the county's claim.

For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, 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 seller, transferror, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

18. General Powers of the County Treasurer:

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

- (1)** To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;
- (2)** Extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;
- (3)** 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;
- (4)** To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of the Treasurer;
- (5)** To prescribe methods for determining the amount of rents for determining which of them are taxable or nontaxable;
- (6)** To require any operator to keep detailed records of all rents received, charged and accrued, including those claimed to be nontaxable, and also the nature, type, value and amount of all occupancies, names and addresses of occupants, and other facts relevant in determining the amount of tax due, and to furnish such information to the County Treasurer;
- (7)** Impose as a penalty upon any operator within the County any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator;

(8) Consistent with the provisions of this Local Law, to assess, determine, revise, and readjust the taxes reimposed under this Local Law.

19. Administration of Oaths and Compelling Testimony:

(a) The County Treasurer, or his employees or agents duly designated and authorized by him, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County 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 state or unable to attend before him or excused from attendance.

(b) 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 County Treasurer under this Local Law.

(c) 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 County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County 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 records, except as herein otherwise provided. Such officers shall be the county sheriff and his duly appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

20. 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 receipts of occupancy" except that any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

21. Penalties and Interest:

(a) Any person failing to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty of ten percent (10%) of the amount of tax due, plus interest at the rate of one and one-half percent (1.5%) of such tax for each month or part thereof of delay. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law.

(b) If the County Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, he shall remit all of such penalty. The County Treasurer shall

promulgate rules and regulations as to what constitutes reasonable cause.

(c) If the failure to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law is due to fraud, there shall be added to the tax a penalty of fifty percent (50%) of the amount of the tax due (in lieu of the penalty provided for in paragraph (a), plus interest at the rate of one percent (1%) of such tax for each month of delay after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law.

Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this Local Law.

(d) Any operator failing to file a return or report required by this Local Law or 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 willfully false, or willfully failing to file a bond required by this Local Law or willfully failing to comply with the provisions of Section 12(c) of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this Local Law, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in Section 10 of this Local Law willfully failing to collect the tax from a customer, or who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment. The penalties provided herein shall not apply to a failure to surrender a certificate or authority which is required to be surrendered where business never commenced.

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

(f) The penalties provided for in this section shall not preclude prosecution pursuant to the penal law with respect to the willful failure of any person to pay over to the county any tax imposed by this Local Law, whenever such person has been required to collect and has collected any such sales tax.

22. Returns to be Secret:

(a) Except in accordance with the proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the County Treasurer's office, or any person who in any manner obtaining knowledge of the contents of a return or report filed with the County Treasurer pursuant to this Local Law to disclose in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law, except to such persons and at such times as necessary to carry out this Local Law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court,

except on behalf of the County 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.

In any of these events, the Court may require the production of and may admit into evidence as much of said returns or the facts shown thereby as are pertinent to the action or proceeding, and no more. Nothing herein shall be construed to prohibit the delivery to the taxpayer (or person liable under Section 17(b)) or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics classified so as to prevent the identification of particular returns and the items thereof. In addition nothing herein shall be construed to prohibit the inspection by the County Attorney or other legal representatives of the County of the return of the 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.

(b) Returns shall be preserved for not less than five years and thereafter until the County Treasurer permits them to be destroyed.

(c) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, in the discretion of the Court. If the offender is an officer or employee of the County, he shall be subject to disciplinary action, including but not limited to dismissal from office.

23. Notices and Limitations of Time:

(a)(1) 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 by him pursuant to the provisions of this Local Law, or in any application made by him, or, if no return has been filed or application made, then to such address as may be obtainable. A notice of determination shall be mailed promptly by registered or certified mail. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of 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.

(a)(2) If any return, claim, statement, notice, application, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of this Local Law is, after such period of such date delivered by United States mail to the County Treasurer or his office, the date of the United State postmark stamped on the envelope shall be deemed to be the date of delivery. This subdivision shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document, or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the County Treasurer or his office. If any document is sent by United State registered mail, such registration shall be prima facie evidence that such document was delivered to the County Treasurer or his office.

Certified mail may be used in lieu of registered mail under this section. This subdivision shall apply in the case of postmarks not made by the United States Post Office only if and to the

extent provided by regulation of the County Treasurer.

(a)(3) When the last day prescribed under the authority of this Local Law (including any extension of time) for performing any act falls on Saturday, Sunday or a legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

(b) 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. However, except in the case of a willfully 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 years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing made before the expiration of the extended period.

24. Disposition of Revenues:

All revenues resulting from the imposition of the tax under this Local Law shall be deposited to the general fund of the County, thereafter to be allocated only for tourism promotion in Madison County; provided, however, that a portion of such revenue may be specifically allocated to the expense of the County in administering such tax. The revenue derived from such tax, after deducting the amount provided for administering such tax, shall be allocated only to enhance the general economy of the County of Madison, its city, towns and villages through promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities. The amount retained by Madison County with respect to administering said tax shall not exceed ten percent of the revenues collected from the imposition of this tax.

25. Separability:

If any provision of this Local Law, or the application thereof to any person or circumstances, is held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

26. Effective Date:

This Local Law shall take effect on July 1, 2014, and shall remain in effect for thirty-six (36) months from the date of its enactment.

RESOLUTION NO. 31

**DE-OBLIGATING MADISON COUNTY FROM ITS COMMITMENT TO THE
USDA's INTERMEDIARY RELENDING PROGRAM**

WHEREAS, in the fall of 2011, Madison County authorized the Chairman to sign documents with the USDA for a \$750,000 Intermediary Relending Program (IRP) project aimed at providing startup funding for the NY Beef Farmers Cooperative, and

WHEREAS, Madison County has worked with the Agricultural Economic Development program to try to implement this program over the years, but due to changes in the scope of the project, these funds are no longer viable for use in this effort;

NOW, THEREFORE, BE IT RESOLVED, that Madison County hereby authorizes the Chairman of the Board to sign a letter to USDA de-obligating Madison County from the Intermediary Relending Program and thereby ending our participation with USDA on this effort.

Dated: April 8, 2014

John Salka, Chairman
Planning, Economic Development,
Environmental and Intergovernmental Affairs

RESOLUTION NO. 32

RECOGNIZING MAY 4-11, 2014 AS BUY MADISON WEEK

WHEREAS, Madison County has undertaken a creative Buy Local program known as "Buy Madison, Calculate the Advantage" to encourage County residents to patronize our excellent and diverse local businesses & enterprises and spend their dollars here so that sales tax stays local, and

WHEREAS, Madison County has been working with a number of partners including local chambers of commerce, Oneida Savings Bank, Madison County Tourism, the Madison County IDA, and others to develop promotional materials, social media, a website, and more to encourage and educate on the benefits of buying local;

WHEREAS, to help showcase local businesses, Madison County will partner with local chambers of commerce to sponsor events and activities as part of a Buy Local Week.

NOW, THEREFORE, BE IT RESOLVED, that Madison County hereby proclaims the Week of May 4-11 as Buy Madison Week, and encourages all residents and businesses to participate in this inaugural event.

Dated: April 8, 2014

John Salka, Chairman
Planning, Economic Development,
Environmental and Intergovernmental Affairs

RESOLUTION NO. 33

AUTHORIZING THE CHAIRMAN TO ENTER INTO SUPPLEMENTAL AGREEMENT #1 WITH BARTON & LOGUIDICE

WHEREAS, a Supplemental Agreement No.1 with Barton & Loguidice for additional engineering services is needed for the North Court Street Bridge (BIN 3365930) over CSX railroad in the Town of Lenox; and

WHEREAS, the Supplemental Agreement No.1 is needed to meet CSX Transportation Inc. guidelines for vertical and horizontal clearance requirements from the existing tracks; and

WHEREAS, CSX Transportation Inc. proposed to add additional tracks in the area of the bridge and that the proposed structure must span the entire CSX right-of-way; and

WHEREAS, the firm Barton & Loguidice, P.C. has provided Supplemental Agreement No.1 in the amount not to exceed Twenty-five thousand dollars and no cents (\$25,000.00); and

WHEREAS, the cost for the additional Engineering Services is appropriated in the County Road Fund 2014 Budget line item H5197.2903;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to enter into Supplemental Agreement No.1 on behalf of the County of Madison with Barton & Loguidice, in the form as is on file with the Clerk of the Board.

Dated: April 8, 2014

Ronald Bono, Chairman,
Highway, Buildings and Grounds Committee

RESOLUTION NO. 34

FAVORING PASSAGE OF GMO LABELING BILL A.3525/S.3835 BY THE NEW YORK STATE LEGISLATURE

WHEREAS, the Madison County Board of Supervisors supports giving local consumers the choice to know what is in the food that they are purchasing to allow them the ability to make informed purchasing decisions with regard to health concerns, and

WHEREAS, A. 3525 (Rosenthal)/ S. 3835 (LaValle) would mandate labels on genetically engineered (GE) seed, seed stock and foods offered for retail sale In New York, identifying them as such, and

WHEREAS, genetic engineering is biotechnology used to create new organisms – Genetically Modified Organisms known as GMOs - through the combination of the DNA from unrelated species in which scientists extract the DNA coding for a desirable trait from one species and insert it into the DNA of another species so that the new created GMO will express the desirable trait, and

WHEREAS, the labeling of genetically engineered foods is about giving people the right to know what is in the food they buy for themselves and families, and labels insure transparency, more information, more choice and more control over the food consumers purchase, and

WHEREAS, A.3525/S.3835 is designed to be compatible with GMO labeling bills already passed in Alaska, Connecticut and Maine, and the legislation does not ban or restrict the cultivation, manufacture or sale of GE crops or foods, and is designed to be compatible with existing laws to label GE foods in 64 other countries including key trading partners in Japan, Korea, China, India, Saudi Arabia, Jordan, Russia and all the nations of the European Union, and

WHEREAS, this legislation clearly states in the exemption section that the food products of an animal raised on GE feed will NOT require a label as long as the animal itself was not genetically engineered including meat, poultry and pig products raised on a diet of grain made of GE soy and GE Corn, and

WHEREAS, under implementation of A.3525/S.3835, New York Farmers will NOT be denied access to new agricultural technologies as this bill does not ban the cultivation of GE seeds/crops and it does NOT restrict their manufacture or commercial sale in any way, and

WHEREAS, the primary GE crops grown in New York State are GE soy and GE corn, and the vast majority (80 percent) of it are used to produce ethanol, grain feed and silage and are not grown for human food, and

WHEREAS, the estimated costs of attaching a GE or GMO label to all such products in New York State is estimated by some studies to cost approximately \$6 per year for most consumers, and

WHEREAS, the health and ecological impact of the use of GE and GMO crops and foods are in dispute at this time and require further ongoing study, and

WHEREAS, American food companies such as PepsiCo, General Mills, Kellogg's and Kraft already comply with GE labeling laws in effect in countries where they sell their product to overseas customers and there is no reason why they could not comply with similar laws should they go into effect in New York State and the rest of the United States, and

WHEREAS, the labeling of GE/GMO products may actually improve agricultural exports for New York Farmers in these countries that have GE labeling laws, and

WHEREAS, labeling already exists as to whether fish is wild or farm-raised, whether flavors and colors are natural or artificial, whether they contain allergens and in which country our fruit, vegetables and beef have been produced,

NOW THEREFORE BE IT RESOLVED, the Madison County Board of Supervisors endorses the adoption by the New York State Legislature of A.3525 (Rosenthal)/S.3835 (LaValle) to mandate labels on GMO/GE foods and directs that copies of this resolution be sent to Assemblyman William Magee, State Senator David Valesky, Assembly Speaker Sheldon Silver, Senate Majority Co-Leader Dean Skelos, Senate Independent Democratic Chair and Majority Co-Leader Jeffrey Klein and the appropriate members of the Assembly and Senate food safety committees charged with review of this proposed legislation.

Dated: April 8, 2014

James Goldstein, Supervisor
Town of Lebanon

RESOLUTION NO. 35

AUTHORIZING THE FILING OF AN APPLICATION AND ENTERING INTO A STATE CONTRACT FOR A STATE GRANT-IN-AID FOR HOUSEHOLD HAZARDOUS COLLECTION PROGRAM, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.

WHEREAS, Chapter 610 of the Laws of 1993 provides up to 50% State assistance for Local Government Household Hazardous Waste Collection Programs; and

WHEREAS, Madison County is eligible for reimbursement of up to 50% of eligible funds spent in the 2013-2014 budget year (**total estimated cost \$12,000**) for Household Hazardous Waste Collection & Disposal; and

WHEREAS, Madison County, North Court Street, Wampsville, New York 13163, hereinafter called **MUNICIPALITY**, has examined and duly considered Chapter 610 of the Laws of 1993 of the State of New York and the **MUNICIPALITY** deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the New York State Department of Environmental Conservation, hereinafter called the **DEPARTMENT**, and the **MUNICIPALITY** be executed for such State assistance; and

NOW, THEREFORE, BE IT RESOLVED, by the Madison County Board of Supervisors;

1. That the filing of an application in the form required by the State of New York and in conformity with Chapter 610 of the Laws of 1993 and rules and regulations promulgated thereunder is hereby authorized, including all understandings and assurances contained in said application.
2. That the Chairman of the Board of Supervisors is hereby directed and authorized as the official representative of the **MUNICIPALITY** to sign said application, to provide to the **DEPARTMENT** such information as may be required and to sign the resulting contract, if said application is approved by the **DEPARTMENT**.
3. That the **MUNICIPALITY** agrees that it will fund its portion of the cost of said Household Hazardous Waste Collection Program.
4. That one certified original and four (4) copies of the Resolution be prepared and sent to the DIRECTOR, DIVISION OF SOLID & HAZARDOUS MATERIALS, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, 625 BROADWAY, 9TH FL., ALBANY, NY 12233-7253, accompanied by one original and two copies of the complete grant application package.
5. That this resolution shall take effect immediately.

Dated: April 8, 2014

James S. Goldstein, Chairman
Solid Waste/Recycling Committee

RESOLUTION NO. 36

**AUTHORIZING AN AGREEMENT BETWEEN
MADISON COUNTY AND BARTON & LOGUIDICE ENGINEERS, PLLC
FOR DESIGN OF AN OCWA WATER LINE SERVING THE ARE PARK**

WHEREAS, Madison County is in the process of developing vital infrastructure for the proposed ARE Park including provision of a potable water supply through a contract with the Onondaga County Water Authority ("OCWA"); and

WHEREAS, Barton & Loguidice Engineers, PLLC has been involved in the planning stages of the water supply project for the past several years and also serves as the engineer of record for the Town of Lincoln with respect to the project thus has acquired valuable experience relative to the particular issues associated with the design of the project; and

WHEREAS, the proposed contract for professional engineering design services will authorize a budget of \$265,000 for design services in fiscal 2014; and

WHEREAS, on February 13, 2014 Governor Cuomo announced a \$4 million grant for the approximately \$4.0 million water line that will serve the ARE Park and said grant funds will be used to reimburse the Department of Solid Waste and Sanitation for monies expended for these engineering design services; and

WHEREAS, a copy of the proposed contract is on file with the Clerk of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to enter into an agreement in substantially the same form as is on file with the Clerk of the Board with Barton & Loguidice Engineers, PLLC, for providing design services for the proposed ARE Park water line; and

BE IT FURTHER RESOLVED, that the Madison County Treasurer shall establish a new capital project line item in the Solid Waste Department budget to facilitate expenditure of the funds for the water line project and reimbursement of such expenditures from the proceeds of the grant; and

BE IT FURTHER RESOLVED, that this resolution shall not be effective until the aforesaid grant for the water line project has been formally confirmed by New York State and accepted by Madison County.

Dated: April 8, 2014

James S. Goldstein, Chairman
Solid Waste/Recycling Committee

RESOLUTION NO. 37

**AUTHORIZING 5-YEAR SOLID WASTE DISPOSAL AGREEMENT WITH
COMMERCIAL PERMIT HOLDERS**

WHEREAS, in order to continue to retain solid waste and recyclables within the County's existing system to ensure the proper management and disposal of all waste generated in the County; and

WHEREAS, in order to provide further long-term stability for the solid waste management system to support all of the costs associated with recycling and environmentally responsible solid waste management, including the Landfill Expansion Project, without the use of taxpayer funding; and

WHEREAS, in order to provide long-term price stability to haulers and residents of the County; and

WHEREAS, the contract for Haulers will provide for a lower tip fee than the tip fee for Haulers who do not enter into contracts with the County for disposal of all waste and recyclables at the County facilities;

NOW, THEREFORE, BE IT RESOLVED, that Madison County be permitted to enter into a 5-year Solid Waste Disposal Agreement with Commercial Permit Holders that are willing to deliver both solid waste and recyclables to the Madison County Landfill and Recycling Facility in accordance with provisions of the Solid Waste Disposal Agreement, a copy of such Agreement is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, the Solid Waste Disposal Agreement shall cover the period from January 1, 2011 through December 31, 2015; and

BE IT FURTHER RESOLVED, that the Commercial Permit Holders listed below are hereby permitted to enter into a Solid Waste Disposal Agreement, and that the Chairman of the Board of Supervisors is authorized to execute such Solid Waste Disposal Agreement on behalf of Madison County with the following Commercial Permit Holders.

1. ELITE SERVICES
2. BASURA-TEC LLC

Dated: April 8, 2014

James S. Goldstein, Chairman
Solid Waste/Recycling Committee

RESOLUTION NO. 38

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS TO ACCEPT
ALTERNATIVE DAILY LANDFILL COVER MATERIAL**

WHEREAS, Madison County is currently in need of landfill cover material for the operation of the Westside Landfill and for revenue purposes; and

WHEREAS, Paragon Environmental Construction, Inc. and Abscope Environmental, Inc. are corporations located in the State of New York have the ability to supply Alternative Daily Landfill Cover Material (**Petroleum Contaminated Soil**) which such material may be used according to the New York State Department of Environmental Conservation; and

WHEREAS, Paragon Environmental Construction, Inc. and Abscope Environmental, Inc. is willing to provide such material and it is in the best interest of Madison County to receive same (on an as needed basis) upon payment to Madison County of an agreed upon price of \$18.00 per ton from April 8, 2014 through April 8, 2015; and

WHEREAS, an Agreement has been drafted whereby such arrangement may be formalized with Paragon Environmental Construction, Inc. and Abscope Environmental, Inc. who will provide such material to the County as a supplement in the event the County Landfill does not receive the quantity of other cover material needed for daily landfill cover;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of this Board be and is hereby authorized and directed to enter into an Agreement (beginning April 8, 2014 and ending April 8, 2015) with Paragon Environmental Construction, Inc. and Abscope Environmental, Inc. in the form as is on file with the Clerk of the Board.

Dated: April 8, 2014

James S. Goldstein, Chairman
Solid Waste/Recycling Committee

RESOLUTION NO. 39

A RESOLUTION TO RECOGNIZE AND PROMOTE THE CELEBRATION OF EARTH DAY ON APRIL 22, 2014

BE IT ENACTED, by the Madison County Board of Supervisors, as follows:

WHEREAS, Earth Day is Tuesday, April 22, 2014, and this year's theme is "Recycle Old Televisions and Monitors;" and

WHEREAS, on Earth Day 2014 people of all nationalities and backgrounds will voice their appreciation for the planet, and pledge to recommit to the goals of a healthy environment and sustainable world; and

WHEREAS, the Madison County Board of Supervisors and its residents are committed to the preservation and stewardship of our natural landscape, open space and sensitive environmental areas; and

WHEREAS, this Governing Body recognizes our collective responsibility for environmental education, stewardship and community sustainability; and

WHEREAS, this Governing Body recognizes that, to sustain our County and our Earth - we must provide leadership, utilize the expertise and talent of our community and engage the hearts and minds of all residents; now, therefore, be it

RESOLVED, that this Governing Body reaffirms its commitment to the goals and principles of Earth Day, and in recognition of Earth Day 2014 invites and encourages all residents of Madison County to participate in one of the six scheduled collection events of old televisions and computer monitors sponsored by the Madison County Dept. of Solid Waste, and to engage in environmentally sound practices every day.

Dated: April 8, 2014

James S. Goldstein, Chairman
Solid Waste/Recycling Committee

RESOLUTION NO. 40

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH INFO QUICK SOLUTIONS, INC. FOR A COMPREHENSIVE ELECTRONIC
DOCUMENT/FINANCIAL/REPORTING SYSTEM**

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk performs the duties prescribed by law as Registrar and must provide all books, files, and other necessary equipment for the filing, recording and depositing of documents for indexing as directed by law, and

WHEREAS, the County Clerk has advertised by a Request for Proposals (RFP) for a comprehensive electronic document/financial/reporting system to provide a full-service, comprehensive and integrated indexing, recording, imaging, storage, cash fee management and public records access system servicing in-house and on the web, and facilitate e-filing and e-recording, passport and RP 5217 processing, and improved departmental sharing of information,

WHEREAS, by means of a thorough analysis of responses to the County Clerk's RFP to find the best value to accomplish the above, cost and other factors considered, the County Clerk has determined that InfoQuick Solutions, Inc. (IQS), 7460 Morgan Road Liverpool, NY 13090, provides the most comprehensive professional service system at a cost of \$5,412 per month, for a period of 60 months commencing 9 May 2014 through 8 May 2019, requiring no increase in the 2014 budget appropriation. The county shall then have the option to renew for one two-year period followed by one three-year period.

WHEREAS, the system will improve the efficiencies of the County Clerk and staff by consolidating like records into one source and providing enhanced capabilities, thereby providing better service to the public; and

WHEREAS, IQS has agreed to provide, maintain, support, and service all associated hardware and software; and

WHEREAS, this agreement has been reviewed and approved by the Finance, Ways and Means Committee;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement on behalf of the County of Madison with InfoQuick Solutions, Inc., in the form as is on file with the Clerk of the Board.

Dated: April 8, 2014

John A. Reinhardt, Chairman
Finance Ways & Means Committee

RESOLUTION NO. 41

APPROVAL OF APPLICATIONS FOR REFUND AND CREDIT OF REAL PROPERTY TAXES UNDER SECTION 556 OF THE REAL PROPERTY TAX LAW

WHEREAS, Town and County taxes were paid on January 6, 2012 in the amount of \$1,795.75 and on January 3, 2013 in the amount of \$1,856.18 for a parcel in the Town of Sullivan, owned by Lloyd Boyce, and also known as tax map number 4.79-1-11; and

WHEREAS, in 2001 the property owner applied for the Alternative Veterans exemption and was approved by the local assessor to receive the 25% combat exemption commencing with the 2002 Town and County taxes; and

WHEREAS, in 2011 the exemption was deleted by the assessor in error and the property owner did not receive the 25% Alternative Veterans exemption for the 2012 and 2013 Town and County taxes; and

WHEREAS, under Section 550;2(c) of the New York State Real Property Tax Law this is a "clerical error", an incorrect entry due to failure of the assessor to act on a partial exemption;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Treasurer be and is hereby directed to refund the 2012 Town and County taxes in the amount of \$165.45 and the 2013 Town and County taxes in the amount of \$173.70 due to this error.

Dated: April 8, 2014

John A. Reinhardt, Chairman
Finance, Ways and Means Committee

RESOLUTION NO. 42

**APPROVAL OF DEMAND FOR REFUND
OF REAL PROPERTY TAXES IN ACCORDANCE WITH
SECTION 727 OF THE REAL PROPERTY TAX LAW**

WHEREAS, Silver Hamilton LLC, commenced a tax certiorari proceeding against the Town of Hamilton Assessor, the Town of Hamilton, and Madison County for a parcel of property in the Village of Hamilton identified by MAP# 153.20-1-1.1 located at 102 Utica Street; and

WHEREAS, the Madison County Treasurer has received a Demand for Refund from Sidney Devorsetz, PLLC, attorney for the Petitioner, dated January 16, 2014; and

WHEREAS, Honorable Eugene D Faughnan, Supreme Court Justice, signed a Stipulation of Settlement Order on March 13, 2014, prescribing the agreement by all parties to grant a reduction in assessment from \$1,704,500 to \$1,200,000 for the taxable status dates of March 1, 2012 and March 1, 2013; and

WHEREAS, Madison County is ordered to issue refunds to Sidney Devorsetz, PLLC, on behalf of the petitioner for the difference in County taxes only; and

WHEREAS, Madison County must make payment within 30 days of the receipt of the Demand for Refund to avoid accruing interest on the refunded amount.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Treasurer be and is hereby directed to refund \$3,929.91 for the 2013 County tax which was paid on January 14, 2013 and \$4,206.36 for the 2014 County tax which was paid on January 21, 2014, for a total amount of \$8,136.27 in accordance with the Stipulation of Settlement and Order of the Madison County Supreme Court.

Dated: April 8, 2014

John A Reinhardt, Chairman
Finance, Ways and Means Committee

RESOLUTION NO. 43

**AUTHORIZING CHAIRMAN TO EXECUTE AN OFFER TO PURCHASE AND
MODIFYING THE 2014 ADOPTED COUNTY BUDGET**

WHEREAS, the County Buildings and Grounds Committee and the Finance, Ways and Means Committee have reviewed and approved the terms of an Offer to Purchase real property adjacent to the County Complex (Fire Park Building); and

WHEREAS, such terms include the acquisition of the building, certain appurtenant lands, a right of first refusal to adjacent lands, and certain rights of way/easements; and

WHEREAS, it is anticipated that said property will be utilized by the Sheriff's Department as their existing space has been deemed insufficient.

NOW, THEREFORE, BE IT RESOLVED that the execution by Chairman of the Board of the Offer to Purchase on file with the Clerk of the Board of Supervisors be, and hereby is, authorized and ratified; and that he be and is hereby authorized to execute any other documents and instruments necessary to consummate such purchase, consistent with the terms and conditions of such Offer to Purchase; and

BE IT FURTHER RESOLVED that the 2014 Adopted County budget be modified as follows:

General Fund	<u>From</u>	<u>To</u>
<u>3110 Sheriff Department</u>		
<u>Expense</u>		
A3110.2916 Acquisition of Real Property	\$ <u>0-</u>	<u>\$310,000</u>
Control Total		<u>\$310,000</u>
A599 Appropriated Fund Balance	<u>\$5,100,000</u>	<u>\$5,410,000</u>
Control Total		<u>\$310,000</u>

Dated: April 8, 2014

John A. Reinhardt, Chairman
Finance, Ways and Means Committee

RESOLUTION NO. 44

AUTHORIZING THE MODIFICATION OF THE 2014 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2014 Adopted County budget be modified as follows:

General Fund

9061 Hospital & Medical Insurance

Expense

	<u>From</u>	<u>To</u>
A9061.8604 HMO Premiums	\$52,000	\$213,000
A9061.8611 Prescription Expense	2,025,000	2,000,000
A9061.8612 Medical Premiums	210,000	207,000
A9061.8613 Medical Claims	6,225,000	6,100,000
A9061.8614 Stop Loss Insurance	<u>308,000</u>	<u>300,000</u>
Control Totals	<u>\$8,820,000</u>	<u>\$8,820,000</u>

Dated: April 8, 2014

John A. Reinhardt, Chairman
Finance, Ways and Means Committee

RESOLUTION NO. 45

AUTHORIZING CANCELLATION OF DELINQUENT TAX LIENS ON NATION LAND

WHEREAS, New York State negotiated and structured a settlement of various Oneida Indian Nation of New York ("OIN") related litigation and contested matters, which settlement has taken the form of a Settlement Agreement among the OIN, the State of New York, the County of Madison, & the County of Oneida ("Settlement Agreement") as approved by Resolution No. 157-13 of the Madison County Board of Supervisors on May 30, 2013, and as approved by the other parties to that Agreement, with Madison County acting pursuant to the related state legislation implementing the Settlement Agreement (Chapters 174 and 175 of the Laws of 2013, Executive Law Section 11 and Indian Law Section 16).

WHEREAS, Section V(E) of the Settlement Agreement, labeled "Nation Land Not Taxable," provides in subsection (1), in pertinent part, as follows:

Without regard to whether land has been (or has not been) and is now (or is not now) exempt from property taxation or otherwise non-taxable, Nation Land shall be non-taxable, and the Nation shall not be liable to the State or any municipal subdivision of the State for any past, present or future property tax payment with regard to Nation Land, and no bill for such tax shall be issued....

WHEREAS, Section V(E)(3) of the Settlement Agreement provides in pertinent part as follows:

Any tax lien or tax sale based upon any failure of the Nation to pay any property tax, penalty, interest or assessment that has been asserted against the Nation or Nation Land shall be withdrawn or terminated, and shall be deemed void *ab initio*. The State and Counties hereby release and waive all claims for payment of any such property tax, penalty, interest or assessment.

WHEREAS, Real Property Tax Law Section 1138(6) provides a statutory mechanism for Madison County to cancel delinquent tax liens "if it determines that there is no practical method to enforce the collection of the delinquent tax lien and that a supplementary proceeding to enforce collection of the tax would not be effective."

WHEREAS, the Settlement Agreement and implementing state legislation have effected a change in the taxable status of Nation Land (as defined in the Settlement Agreement), rendering the properties not subject to property tax retroactively and prospectively.

WHEREAS, pursuant to the Settlement Agreement and implementing state legislation, Madison County has withdrawn its foreclosure proceedings pertaining to Nation Land in Madison County, as identified on the attached list of Nation-owned properties.

WHEREAS, Madison County, under the Settlement Agreement and implementing state legislation, finds that it has no practical method to collect the delinquent taxes on Nation Land and that a supplementary proceeding to enforce collection of the tax would not be effective.

WHEREAS, while Madison County has for many years credited or guaranteed the delinquent taxes to the Towns, School Districts and Village and, under Real Property Tax Law Section 1138(6)(c), has the authority to charge back to each of such entities the amount of any delinquent tax that it has heretofore credited or guaranteed, Madison County hereby finds that it is in the best interest of the tax payers of Madison County and such Towns, School Districts and Village not to do so.

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby cancels the delinquent tax liens on the Nation Land identified on the attached list of Nation-owned properties, pursuant to RPTL Section 1138(6); and be it

FURTHER RESOLVED, that for such parcels the County shall not charge back to and seek to recoup from (1) the Towns, the tax amounts retained by the Towns for tax year 2014 (and prior years) and (2) the Schools and Village, the tax amounts paid over to such Schools and Village for the tax year 2013-2014 (and prior years).

DATED: APRIL 8, 2014

John A. Reinhardt, Chairman
Finance, Ways and Means

Schedule A

Town of Fenner

70.-1-17

Village of Canastota

27.20-1-6

35.8-1-5

35.8-1-6

36.5-1-7.5

36.5-1-20

36.6-1-1

36.6-1-3

36.6-1-4

36.38-1-32

36.38-1-33

36.38-1-34

36.38-1-36

36.62-2-21

Town of Lenox

7.79-1-61.1

7.79-1-61.2

12.-2-25.12

13.-1-37

13.-2-1.11 f/k/a 13.-1-1.11

13.-2-1.13 f/k/a 13.-1-1.13

13.-2-1.14 f/k/a 13.-1-1.14

13.6-1-10

13.6-1-12

13.22-1-3

13.22-1-6

13.22-1-7

13.22-1-8

13.22-1-9

13.22-1-11

13.22-1-12

13.23-1-5

13.23-1-6

13.23-1-7

19.-1-25

19.-1-27

27.-3-20

27.-3-21

27.-3-22

27.-3-23

28.-2-13.2

28.-2-13.11

28.-2-13.12

28.-2-14

28.-3-77.1 f/k/a 28.-1-77.1

28.-3-77.2 f/k/a 28.-1-77.2

35.-1-26

35.-1-28.1

36.-3-2 f/k/a 36.-1-2

Town of Lincoln

54.-3-4
54.-3-5.11
54.-3-8
54.-3-11
61.-1-10.2
61.-1-27
61.-1-28
63.-2-2

Town of Smithfield

72.-1-1.21
72.-1-1.22
72.-1-38
89.-1-5

Town of Stockbridge

54.-2-2
54.-2-3.12
54.-2-3.13
54.-2-3.62
54.-2-5
54.-2-6.1
54.-2-6.22
54.-2-8.12
55.-2-5.11
55.-2-5.12
55.-2-7
55.-2-8.1
55.-2-9
55.-2-21.11
55.-2-21.12
55.-2-22
63.-1-2.1
63.-1-2.2
63.-1-3
64.-1-1
64.-1-2
64.-1-3.1
64.-1-3.2
64.-1-6
64.-1-13.1
64.-1-15.2
64-1-17
64.-1-18
64.-1-24.1
64.-2-24.31 f/k/a 64.-1-24.31
64.-2-35 f/k/a 64.-1-35
65.-1-6
65.-1-10
73.-1-4
74.-1-9
74.-1-16.1
74.-1-16.5
74.-1-17

74.-1-18
74.-1-19
74.-1-26
83.-1-6.1
83.-1-10
83.-1-14.1
83.-1-18
91.-1-51
92.-1-15.1
92.-1-15.2
92.-1-16

Town of Sullivan

18.-1-9.1
18.-1-14
18.-2-1
18.-2-1.-1 (2001 only)
18.-2-4
18.-2-4.-1 (2001 only)

RESOLUTION NO. 46

RESOLUTION STATING SUPPORT FOR E23 CASINO PROJECT LOCATED IN THE CITY OF ALBANY IN ALBANY COUNTY

WHEREAS, the Madison County Board of Supervisors has long endeavored to protect and promote the economic vitality of our county; and

WHEREAS, on November 5th, in a referendum as part of the 2013 general election, state voters approved the development of seven commercial casinos to be located throughout New York State; and

WHEREAS, sighting for the commercial casinos approved by state voters is now underway across New York State; and

WHEREAS, Madison County is a participant in Off-Track Betting, more specifically, a participating member of the Capital District Regional Off-Track Betting Corporation and receives revenue from such entity; and

WHEREAS, the Capital District Regional Off-Track Betting Corporation in partnership with Flaum Management Company, Inc., has proposed the building of a casino, the E23 Casino Project, in the City of Albany in Albany County; and

WHEREAS, the E23 Casino Project will generate revenue to the Capital District Regional Off-Track Betting Corporation; and

WHEREAS, the Capital District Regional Off-Track Betting Corporation would provide such revenues generated from such E23 Casino Project to its participating County and municipal members; and

WHEREAS, under the Capital District Regional Off-Track Betting Corporation E23 Casino Project, financial benefits would be provided to 19 upstate New York counties and 2 cities which is 12 more municipalities than would receive financial benefit from the Capital Region casino; and

WHEREAS, there would be no other way for these additional counties to receive any financial benefit from the building of a casino in the Capital District Region; and

WHEREAS, these counties would not otherwise be able to receive any positive economic benefits from any casino's built in New York State; and

WHEREAS, in recognition of the potential economic benefits, the Board of Supervisors is supportive of a commercial casino, the E23 Casino Project, being located in the City of Albany in Albany County, based on the positive economic and fiscal benefits, provided there is stated support from the host municipality;

NOW, THEREFORE BE IT RESOVLED, that the Board of Supervisors does hereby declare support for the sighting of a commercial casino, the E23 Casino Project, in the City of Albany in Albany County, based on the positive economic and fiscal benefits, provide there is stated support from the host municipality in Rensselaer County; and

BE IT FURTHER RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to transmit certified copies of this resolution to Governor Andrew Cuomo, State Senator David Valesky, Assemblyman William Magee and all others deemed necessary.

Dated: April 8, 2014

John A. Reinhardt, Chairman
Finance, Ways and Means Committee