MADISON COUNTY BOARD OF SUPERVISORS
Meeting Minutes – Tuesday, September 13, 2022

The Board convened at 11:00 a.m. in the Supervisors chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Matt Roberts (60 votes).

Pledge of Allegiance.

On motion by Supervisor Walrod, seconded by Supervisor Pinard, the minutes from the previous meeting were dispensed with and adopted as filed.

Communications, Reports and Reports of Committees

1. Copy of a Resolution from Genesee County – In Support of Senate Bill S9509 to Eliminate the Farm Laborers Wage Board Created Through the Farm Workers Fair Labor Practices Act.

Vouchers payable report in the amount of $1,582,326.03.

Resolution of Appreciation

RESOLUTION NO. 22-370

RESOLUTION OF APPRECIATION – RETIREE RECOGNITION

WHEREAS, the Madison County Board of Supervisors believes that County employees should be recognized for their faithful service to the public; and

WHEREAS, recognition of the distinguished service of a certain County employees with an upcoming retirement is in order,

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Supervisors hereby recognize the dedicated contributions of Lynnda Simon and Kathleen Lindsey upon their retirement.

Lynnda L. Simon	Sheriff's Office	1984 - 2022
Kathleen M. Lindsey	County Clerk	2012 - 2022

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

Sheriff Todd Hood stepped forward to accept a gift for retiree Lynnda Simon. Lynnda is the longest serving employee in the Sheriff's Office, serving Madison County for the past 38 years. She began as a Public Safety Communications Specialist in 1984 and moved her way up throughout the years. Lynnda served by training hundreds of corrections officers over the years and will be sorely missed.

Madison County Clerk Michael Keville stepped forward to accept a gift for retiree Kathleen Lindsey. Kathy has served in the County Clerk's Office for the past 10 years and has always

assisted the public with a very friendly demeanor. Kathy will enjoy her retirement by traveling to visit family members and grandchildren all over the Country.

Madison County thanks both of these individuals for their service to this County and its residents and wishes them the best in their retirement.

New York State Assemblyman John Salka came forward to speak on issues in regards to the 2023 New York State budget. Assemblyman Salka spoke to his concerns on the debt cap and the financial outlook moving forward.

Proclamations

Chairman Becker read the following Proclamation in recognition of Sheriffs' Week (September 18 - 24, 2022)

RECOGNITION OF SHERIFFS' WEEK SEPTEMBER 18 TO 24, 2022

WHEREAS, *the Office of Sheriff has been an integral part of the criminal justice system in New York State and in Madison County throughout our history, having been established in the State's first Constitution in 1777 and continued in every succeeding Constitution, and having been one of our original Constitutional offices upon the founding of our County; and*

WHEREAS, *despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and*

WHEREAS, *the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field; and*

WHEREAS, *the Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of "Keeper of the Peace," and extend into many facets of public service, including maintaining the county jail, providing security in our courts, dispatching emergency services, and serving and executing civil process for our courts; and*

WHEREAS, *as a constitutionally empowered Office directly responsible to the People, the ancient Office of Sheriff remains, even today, responsive and accountable to the public it serves; and*

WHEREAS, *it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system,*

NOW THEREFORE, BE IT RESOLVED*, that I, John M. Becker, Chairman of the Madison County Board of Supervisors, do recognize the important services provided to the* *citizens of this County by Sheriff Hood and the members of the Sheriff's Office, and do hereby proclaim September 18 to 24, 2022 to be Sheriffs' Week in Madison County.*

At 11:22 a.m. Chairman Becker announced and called for a motion to open the scheduled public hearing on Local Law #4 for the year 2022, Adopting a Domestic Partnership Registry. Supervisor Zupan made the motion to open the public hearing, seconded by Supervisor Shwartz and carried.

Michael Keville, Madison County Clerk, stepped forward to explain that his office has received numerous calls over the past four years from the constituents of Madison County asking if we have a Domestic Partnership registry. This registry will allow folks who are waiting to get married, who may be waiting for the funds to do so, to be able to achieve benefits such as spousal benefits being extended. Several other Counties across New York State already have existing Domestic Partnership registries in place.

There being no other speakers present, Supervisor Reuter made the motion to close the public hearing, seconded by Supervisor Stokes and carried.

Resolutions – Preferred Agenda

By Government Operations Committee:

RESOLUTION NO. 22-371

ABOLISHING A VETERANS SERVICE COUNSELOR POSITION AND CREATING A VETERANS SERVICE COUNSELOR II POSITION IN THE VETERANS SERVICE AGENCY

WHEREAS, the Director of Veterans Service Agency recommends that a full-time Veterans Service Counselor position be abolished and a Veterans Service Counselor II position be created; and

WHEREAS, the Personnel Officer certifies that the Veterans Service Counselor II is the appropriate classification based on the description of duties for this position; and

WHEREAS, this request was reviewed and approved in accordance with the vacancy review procedure by the Health and Human Services Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that one (1) Veterans Service Counselor position be and hereby is abolished effective immediately; and

BE IT FURTHER RESOLVED that one (1) full-time Veterans Service Counselor II position be and hereby is created; and

BE IT FURTHER RESOLVED that the Director of Veterans Service Agency be and hereby is authorized to fill said position effective immediately in accordance Civil Service Law and Rule and the Agreement between Madison County and the CSEA White Collar Unit.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-372

AUTHORIZING A STIPEND FOR THE EMERGENCY MEDICAL SERVICES COORDINATOR

WHEREAS, the Madison County Office of Emergency Management is currently operating an Advanced Life Support First Response (ALSFR) "Fly-car" trial program funded by the American Recovery Funds; and

WHEREAS, Jenna Rosky, Emergency Medical Services Coordinator, is responsible for the daily operations of the ALSFR "Fly-car" program, including policy development and personnel management; and

WHEREAS, the Government Operations Committee recommends that a stipend be provided to the EMS Coordinator for the additional duties related to the management of the ALSFR "Fly-car" program; and

WHEREAS, funding for said stipend is allocated in the Emergency Management ARPA Budget;

NOW, THEREFORE BE IT RESOLVED, that a stipend of $2,500 be and hereby is established for the Emergency Medical Service Coordinator for the 2022 calendar year payable on a biweekly basis effective immediately.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-373

AUTHORIZING THE COUNTY TO ORDER LEASE VEHICLES FOR THE 2023 BUDGET

WHEREAS, Enterprise is recommending the County to lease vehicles for 2023; and

WHEREAS, due to current manufacturing issues in the automobile industry, we are seeking approval to place orders in advance, to secure required vehicles; and

WHEREAS, no funds will be used from the 2022 budget. All funds will be paid from the 2023 budget; and

WHEREAS, the request to order these vehicles in advance is recommended to be approved by the Government Operations Committee.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors authorizes Madison County to order these vehicles when available.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-374

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN ENTERPRISE AGREEMENT WITH THE NEW YORK STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES AND THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, Madison County is committed to ensuring the safety of all critical infrastructure by investing in strategic collaborations; and

WHEREAS, the deployment of Endpoint Detection and Response (EDR) software, along with rapid information sharing and foundational components are necessary for a sound cybersecurity program; and

WHEREAS, Madison County will utilize cyber security services from New York State Office of Information Technology (NYSITS) and New York State Division of Homeland Security and Emergency Services (NYSDHSES) for EDR and information sharing; and

WHEREAS, the costs for these services will be fully covered for three years by NYSITS and NYSDHSES;

NOW, THEREFORE BE IT RESOLVED, that the Chairman be and hereby is authorized to execute the Intergovernmental Agreement with The New York State Office of Information Technology Services and The New York State Division of Homeland Security and Emergency Services on behalf of the County, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-375

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET (American Rescue Plan Act of 2021)

BE IT RESOLVED that the 2022 Adopted County Budget be modified as follows:

General Fund

9999 Non Departmental Revenue	From	To
Revenue		
A999995 440895 Fed Aid Coronavirus Fiscal Recovery Funds	$8,978,167	$9,094,271
Control Total		$116,104

1631 County Buildings (ARPA)	From	To
Expense		
A163110 529355 Generator-County Office Building	$400,000	$516,104
Control Total		$116,104

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-376

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET (American Rescue Plan Act of 2021)

BE IT RESOLVED that the 2022 Adopted County Budget be modified as follows:

	From	To
General Fund		
9999 Non Departmental Revenue	From	To
Revenue		
A999995 440895 Fed Aid Coronavirus Fiscal Recovery Funds	$9,094,271	$9,194,271
Control Total		$100,000
1681 Information Technology (ARPA)		
Expense		
A168110 540195 Carpet Replacement	$-0-	$25,000
A168110 540400 Furniture Expense	-0-	75,000
Totals	$-0-	$100,000
Control Total		$100,000

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-377

ESTABLISHING THE 2022 SALARY FOR THE SECOND ASSISTANT DISTRICT ATTORNEY

WHEREAS, the Second Assistant District Attorney position will be vacant on October 1, 2022 due to a resignation; and

WHEREAS, the District Attorney has requested that a salary of $89,044, step 8 in the Management Compensation Salary Plan be established for the position; and

WHEREAS, the Criminal Justice and Government Operations Committees have reviewed and positively endorse the recommendation; and

NOW, THEREFORE BE IT RESOLVED that the 2022 salary of $89,044 be and hereby is established effective October 3, 2022.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-378

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 6 FOR THE YEAR 2022 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Cavanagh has duly authorized proposed Local Law No.6 for the year 2022, entitled "A LOCAL LAW FIXING THE SALARIES OF CERTAIN COUNTY OFFICIALS FOR THE REMAINDER OF THE YEAR 2022".; and

WHEREAS, Resolution No. 461-14 of 2014, the Board of Supervisors adopted a new Appendix A and Appendix B for our Management Compensation Plan as a result of a compensation study conducted by Public Sector HR Consultants; and

WHEREAS, Public Sector HR Consultants recently completed a new evaluation of the duties and responsibilities of the Elections Commissioners, applying the same point factor analysis method applied to the title in 2014. Based on the evaluation and resulting point factor analysis, it is recommended that the title of Elections Commissioner be reallocated from Grade E to Grade F of Appendix A of the Management Compensation Plan Salary Schedule.

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 on the proposed local law in the Chambers of the Board of Supervisors at the Madison County Office Building on October 11, 2022 @ 11:20 a.m. or as soon as possible thereafter; and

BE IT FURTHER RESOLVED that the Clerk of the Board duly publish a notice of this hearing in the official newspapers of the County at least five days prior to the scheduled hearing.

MADISON COUNTY
LOCAL LAW NO. 6 OF 2022

A LOCAL LAW FIXING THE SALARIES OF CERTAIN COUNTY OFFICIALS FOR THR REMAINDER OF THE YEAR 2022

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

SECTION 1. TITLE. This Local Law shall be titled "A Local Law Fixing the Salaries of Certain County Officials for the Remainder of the Year 2022".

SECTION 2. PURPOSE AND INTENT. The annual salaries of the following County officials are fixed as follows commencing October 11, 2022:

	10/11/2022
Madison County Election Commissioner	$78,416
Madison County Election Commissioner	$78,416

SECTION 3. AUTHORITY. This local law is adopted subject to permissive referendum as provided in Section 24 of Municipal Home Rule Law.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-379

AUTHORIZING THE APPOINTMENT OF A DEPUTY CLERK TO THE BOARD OF SUPERVISORS

WHEREAS, there is a need to have a Deputy Clerk to the Board of Supervisors, who would be authorized under section 401 of the County Law to carry out all the duties of the Clerk to the Board in their absence; and

WHEREAS, appointing a Deputy Clerk to the Board of Supervisors is authorized under section 401 of the County Law; and

WHEREAS, the current Clerk to the Board of Supervisors is authorized to appoint a Deputy Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that the Clerk to the Board of Supervisors is hereby authorized pursuant to Section 401 of the County Law to appoint a Deputy Clerk to the Board of Supervisors and that the Deputies term shall coincide with the term of the current Clerk to the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

By Finance, Ways and Means Committee:

RESOLUTION NO. 22-380

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 5 FOR THE YEAR 2022 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Roberts has duly introduced proposed Local Law No. 5 for the year 2022, entitled "A LOCAL LAW AUTHORIZING THE COUNTY OF MADISON TO IMPOSE A TAX ON REAL ESTATE TRANSFERS"; and

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

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on the proposed Local Law in the Chambers of the Board of Supervisors at the Madison County Office Building on October 11, 2022 at 11:15 a.m..; and

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

MADISON COUNTY
LOCAL LAW NO. 5 OF 2022

A LOCAL LAW AUTHORIZING THE COUNTY OF MADISON TO IMPOSE A TAX ON REAL ESTATE TRANSFERS

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

SECTION 1. TITLE. This Local Law shall be titled "A Local Law Authorizing the County of Madison to Impose a Tax on Real Estate Transfers".

SECTION 2. PURPOSE AND INTENT. The purpose of this law is to authorize Madison County, pursuant to the provisions of Article 31-H of the Tax Law of the State of New York, to impose an additional tax on real estate transfers.

SECTION 3. AUTHORITY. This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law, and Article 31-H of the Tax Law of the State of New York.

SECTION 4. DEFINITIONS. When used in this Local Law, unless otherwise expressly stated, the following terms shall have the meanings indicated:

1. "Person" means an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two or more persons.

2. "Controlling interest" means (a) in the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of such corporation, or fifty percent or more of the capital, profits or beneficial interest in such voting stock of such corporation, and (b) in the case of a partnership, association, trust or other entity, fifty percent or more of the capital, profits or beneficial interest in such partnership, association, trust or other entity.

3. "Real property" means every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures and other improvements thereon, which are located in whole or in part within the county of Madison. It shall not include rights to sepulture.

4. "Consideration" means the price actually paid or required to be paid for the real property or interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed and whether paid or required to be paid by money, property, or any other thing of value. It shall include the cancellation or discharge of an indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.

(a) In the case of a creation of a leasehold interest or the granting of an option with use and occupancy of real property, consideration shall include, but not be limited to, the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew and the value of rental or other payments attributable to the exercise of any option to renew.

(b) In the case of a creation of a subleasehold interest, consideration shall include, but not be limited to, the value of the sublease rental payments attributable to the use and occupancy of the real property, the value of any amount paid for an option to renew and the value of rental or other payments attributable to the exercise of any option to renew less the value of the remaining prime lease rental payments required to be made.

(c) In the case of a controlling interest in any entity that owns real property, consideration shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.

(d) In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, consideration shall not include the value of the remaining rental payments required to be made pursuant to the terms of such lease or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.

(e) In the case of (1) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and (2) the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for a cooperative unit other than an individual residential unit, consideration shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the denominator of which shall be the total number of shares of stock in the cooperative housing corporation.

5. "Conveyance" means the transfer or transfers of any interest in real property by any method, including but not limited to, sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold or sublease only where (a) the sum of the term of the lease or sublease and any options for renewal exceeds forty-nine years, (b) substantial capital improvements are or may be made by or for the benefit of the lessee or sublessee, and (c) the lease or sublease is for substantially all of the premises constituting the real property. Notwithstanding the foregoing, conveyance of real property shall not include the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement, an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to this chapter or the internal revenue code.

6. "Interest in the real property" includes title in fee, a leasehold interest, a beneficial interest, an

encumbrance, development rights, air space and air rights, or any other interest with the right to use or occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall also include an option or contract to purchase real property. It shall not include a right of first refusal to purchase real property.

7. "Grantor" means the person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest in an entity with an interest in real property, "grantor" means the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.

8. "Grantee" means the person who obtains real property or interest therein as a result of a conveyance.

9. "Recording officer" means the county clerk of the County of Madison.

10. "Treasurer" means the chief fiscal officer of the County of Madison.

SECTION 5. IMPOSITION OF TAX. For the period commencing November 1, 2022 and ending December 1, 2025, unless further extended by Local Law of the Board of Supervisors, notwithstanding any other laws, there is hereby imposed, in Madison County, a tax on each conveyance of real property or interest therein when the consideration exceeds five hundred dollars, at the rate of two dollars for each five hundred dollars or fractional part thereof. This Local Law applies to any conveyance occurring on or after November 1st, 2022, but shall not apply to conveyances made on or after November 1st, 2022 pursuant to binding written contracts entered into prior to November 1st, 2022, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit or other facts and circumstances as determined by the treasurer.

SECTION 6. PAYMENT OF TAX.

1. The transfer tax imposed pursuant to this Local Law shall be paid to the treasurer or the recording officer acting as the agent of the treasurer. Such tax shall be paid at the same time as the real estate transfer tax imposed by Article Thirty-One, Section 1410 of the New York State Tax Law is

required to be paid. Such treasurer or recording officer shall endorse upon each deed or instrument effecting a conveyance a receipt for the amount of the tax so paid.

2. A return shall be required to be filed with such treasurer or recording officer for purposes of the real estate transfer tax imposed pursuant to this Local Law at the same time as a return is required to be filed for purposes of the real estate transfer tax imposed by Article Thirty-One, Section 1409 of the New York State Tax Law. The return, for purposes of the real estate transfer tax imposed pursuant to this article, shall be a photocopy or carbon copy of the real estate transfer tax return required to be filed pursuant to Section 1409. However, when an apportionment is required to be made pursuant to Section 16 of this Local Law, a supplemental form shall also be required to be filed. The real estate transfer tax returns and supplemental forms required to be filed pursuant to this section shall be preserved for three years and thereafter until such treasurer or recording officer orders them to be destroyed.

3. The recording officer shall not record an instrument effecting a conveyance unless the return required by this section has been filed and the tax imposed pursuant to this article shall have been paid as provided in this section.

SECTION 7. LIABILITY FOR TAX.

1. The real estate transfer tax shall be paid by the grantor. If the grantor has failed to pay the tax imposed pursuant to this Local Law or if the grantor is exempt from such tax, the grantee shall have the duty to pay the tax. Where the grantee has the duty to pay the tax because the grantor has failed to pay, such tax shall be the joint and several liability of the grantor and the grantee.

2. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby authorized, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that the consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

SECTION 8. EXEMPTIONS.

1. The following shall be exempt from payment of the real estate transfer tax:

(a) The state of New York, or any of its agencies, instrumentalities, political subdivisions, or public corporations (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada).

(b) The United Nations, the United States of America and any of its agencies and instrumentalities.

The exemption of such governmental bodies or persons shall not, however, relieve a grantee from the liability for the tax.

2. The tax shall not apply to any of the following conveyances:

(a) Conveyances to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);

(b) Conveyances which are or were used to secure a debt or other obligation;

(c) Conveyances which, without additional consideration, confirm, correct, modify or supplement a prior conveyance;

(d) Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts;

(e) Conveyances given in connection with a tax sale;

(f) Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings;

(g) Conveyances which consist of a deed of partition;

(h) Conveyances given pursuant to the federal bankruptcy act;

(i) Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property; and

(j) Conveyances of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than two hundred thousand dollars and such property was used solely by the grantor as his or her personal residence and consists of a one, two or three-family house, an individual residential condominium unit or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative unit.

SECTION 9. CREDIT.

A grantor shall be allowed a credit against the tax due on a conveyance of real property to the extent tax was paid by such grantor on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or a portion of the same real property, by such grantor. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such grantor on the date of the subsequent conveyance (and which such grantor will not be entitled to receive after such date), and the denominator of which is the total value of the consideration used to compute such tax paid.

SECTION 10. COOPERATIVE HOUSING CORPORATION TRANSFERS.

1. Notwithstanding the definition of "controlling interest" contained in Subdivision 2 of Section 4 of this Local Law, or anything to the contrary contained in Subdivision 5 of Section 4 of this Local Law, the tax imposed pursuant to this Local Law shall apply to (a) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor, and (b) the subsequent conveyance of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidences of an ownership interest in and a proprietary lease from a corporation or partnership formed for the purpose of cooperative ownership of residential interest in real

estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in paragraph (a) of this subdivision, a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of the credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated a mere change of identity or form of ownership and not a change in the beneficial ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in paragraph (a) of this subdivision and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax, on a conveyance described in paragraph (a) of this subdivision, below zero, nor shall any such credit be allowed for a tax paid more than twenty-four months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in paragraph (a) of this subdivision.

2. Every cooperative housing corporation shall be required to file an information return with the treasurer by July fifteenth of each year covering the preceding period of January first through June thirtieth and by January fifteenth of each year covering the preceding period of July first through December thirty-first. The return shall contain such information regarding the conveyance of shares of stock in the cooperative housing corporation as the treasurer may deem necessary, including, but not limited to, the names, addresses and employee identification numbers or social security numbers of the grantor and the grantee, the number of shares conveyed, the date of the conveyance and the consideration paid for such conveyance.

SECTION 11. DESIGNATION OF AGENTS.

The treasurer is authorized to designate the recording officer to act as its agent for purposes of collecting the tax authorized by this Local Law. The treasurer shall provide for the manner in which such person may be designated as its agent subject to such terms and conditions as it shall prescribe. The real estate transfer tax shall be paid to such agent as provided in Section 6 of this Local Law.

SECTION 12. LIABILITY OF RECORDING OFFICER.

A recording officer shall not be liable for any inaccuracy in the amount of tax imposed pursuant to this Local Law that he or she shall collect so long as he or she shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to him or her by the person paying the tax.

SECTION 13. REFUNDS.

Whenever the treasurer shall determine that any moneys received under the provisions of this Local Law were paid in error, it may cause such moneys to be refunded pursuant to such rules and regulations it may prescribe, provided any application for such refund is filed with the treasurer within two years from the date the erroneous payment was made. When making any findings or determinations the treasurer may rely upon any findings or determinations of the commissioner and any rules and regulations promulgated pursuant to Article Thirty-One of the Tax Law of the State of New York.

SECTION 14. DEPOSIT AND DISPOSITION OF REVENUE.

All taxes collected or received by the treasurer or his or her duly authorized agent under the provisions of this Local Law shall be deposited into an account designated by the treasurer or his or her agent. Any officer designated to collect, receive, or deposit such revenue shall maintain a system of accounts showing the revenue collected or received from the tax imposed pursuant to this Local Law. All revenue derived from the imposition of this transfer tax shall be deposited into the general fund of the County of Madison and shall be used for purposes deemed appropriate by the legislative body of the County of Madison.

SECTION 15. JUDICIAL REVIEW.

1. Any final determination of the amount of any tax payable under Section 6 of this Local Law shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article Seventy-Eight 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 final determination, provided, however, that any such proceeding under Article Seventy-Eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of financial services of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding or (b) at the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interest and penalties stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

2. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally assessed or collected and application for the refund or revision thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under Article Seventy-Eight of the Civil Practice Law and Rules; provided, however, that (a) such proceeding is instituted within four months after the giving of the notice of such denial, (b) a final determination of tax due was not previously made, and (c) an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will

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

3. In any proceedings instituted pursuant to this Local Law the rules and regulations of the commissioner shall be applied where applicable.

SECTION 16. APPORTIONMENT.

Where real property is located partly within the boundaries of the County of Madison, and partly without, the amount of tax imposed by this local Law shall be determined on a pro rata basis, based upon the assessed value of that portion of real property situate within the boundaries of the County of Madison.

SECTION 17. RETURNS TO BE SECRET.

1. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the treasurer or any officer or employee of the county of Madison or any person engaged or retained by such county on an independent contract basis to divulge or make known in any manner the particulars set forth or disclosed in any return required under a local law enacted pursuant to this article. However, that nothing in this section shall prohibit the recording officer from making a notation on an instrument effecting a conveyance indicating the amount of tax paid. No recorded instrument effecting a conveyance shall be considered a return for purposes of this section.

2. 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 in any action or proceeding involving the collection of a tax due under a local law enacted pursuant to this article to which such county or an officer or employee of such county is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of a local law enacted pursuant to this article when the returns or facts shown thereby are directly involved in such action or proceeding, in any of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

3. Nothing herein shall be construed to prohibit the delivery to a grantor or grantee of an

instrument effecting a conveyance or the duly authorized representative of a grantor or grantee of a certified copy of any return filed in connection with such instrument or to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the legal representatives of such county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon.

4. Any officer or employee of such county who willfully violates the provisions of this section shall be dismissed from office and be incapable of holding any public office in this state for a period of five years thereafter.

SECTION 18. FORECLOSURE.

Where the conveyance consists of a transfer of property made as a result of an order of the court in a foreclosure proceeding ordering the sale of such property, the referee or sheriff effectuating such transfer shall not be liable for any interest or penalties that are authorized pursuant to this article or article thirty-seven of this chapter.

SECTION 19. EFFECTIVE DATE.

This Local Law shall take effect November 1, 2022, in accordance with the provisions of the Municipal Home Rule Law.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-381

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2022 Adopted County Budget be modified as follows:

General Fund		
1420 County Attorney	From	To
Expense		
A142010 542175 Professional Legal Counsel	$100,000	$175,000
1990 Contingent Fund		
Expense		
A199010 544440 Contingent Fund	648,389	573,389

Control Totals	$748,389	$748,389

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-382

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2022 Adopted County budget be modified as follows:

Capital Projects Fund

8990 Aquatic Vegetation Project	From	To
Expense		
H899080 542512 Aquatic Veg 2018-2019	$93,239.28	$93,238.72
H899080 594215 Transfer to General-Mid Year	0	0.56
Total	$93,239.28	$93,239.28
Control Total		$-0-

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22- 383

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2022 Adopted County Budget be modified as follows:

General Fund

7988 Snowmobile Trails Maintenance	From	To
Expense		
A798870 542747 Snowmobile Trails Maintenance	$120,000	$145,380
Control Total		$25,380
Revenue		
A798870 438890 St Aid Snowmobile Trail Grooming	$120,000	$145,380
Control Total		$25,380

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22- 384

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2022 Adopted County Budget be modified as follows:

General Fund

6420 Promotion of Tourism	From	To
Expense		
A642060 540380 Treasurer Admin Occupancy Tax	$ 28,500	$ 46,500
A642060 542715 Tourism Administration	256,500	418,500
Totals	$285,000	$465,000
Control Total		$180,000
Revenue		
A642060 411130 Hotel/Motel Room Occupancy Tax	$285,000	$465,000
Control Total		$ 180,000

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-385

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

BE IT RESOLVED, that the 2022 Adopted County Budget be modified as follows:

General Fund

1169 DA Seized Assets Activity	From	To
Expense		
A116910 540528 DA Prosecution of Penal Law	$0	$2,408
Control Total		$2,408
1169 DA Seized Assets Activity		
Revenue		
A116910 488025 Approp of DA Prosecution of Penal Law	0	2,408
Control Total		$2,408

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-386

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2022 Adopted County Budget be modified as follows:

General Fund

1990 Contingent Fund	From	To
Expense		

A199010 544440 Contingent Fund	$573,389	$540,389

6431 ARE Park
Expense

A643160 544000 Gas & Electric Expense	$11,000	$19,000
A643160 544001 Water Usage	36,000	61,000
Control Totals	$620,389	$620,389

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

By Health and Human Services Committee:

RESOLUTION NO. 22-387

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

WHEREAS, the New York State Office of Temporary and Disability Assistance has allocated monies to counties related to the Pandemic Emergency Assistance Fund (PEAF) per 22-LCM-09; and

WHEREAS, these monies are to be used to assist needy families to defray cost incurred due to the COVID-19 public health emergency; and

WHEREAS, these funds are 100% federally reimbursed through the American Rescue Plan Act of 2021 (ARPA);

NOW, THEREFORE, BE IT RESOLVED, that the 2022 Adopted County Budget be modified as follows:

General Fund
6109 TANF

		From	To
Expense			
A610960 541178	PEAF Multi-Gen Food & Family Payments	$ 92,800	$ 136,996
	Control Total		$ 44,196
Revenue			
A610960 446894	Fed Aid Multi-Generational Food Payment	$ 92,800	$ 136,996
	Control Total		$ 44,196

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-388

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

WHEREAS, the 2022 Approved Contract Agencies' Contracts must include the following Budget Modifications to allow the accurate amounts to be allocated to their respective Revenue and Expense lines in the 2022 Adopted County Budgets.

NOW, THEREFORE, BE IT RESOLVED that the 2022 Contracts and Adopted County Budgets be modified as follows:

General Fund

	From	To
4250 Mental Health-MCCASA		
Revenue		
A425040 434904 SA OASAS-MH Admin	$404,740	$421,132
Control Total		$16,392
Expense		
A425040 542710 Council on Alcohol/Drug Abuse	$404,740	$421,132
Control Total		$16,392
4251 Mental Health-OCM BOCES		
Revenue		
A425140 434904 SA OASAS-MH Admin	$61,811	$64,316
Control Total		$2,505
Expense		
A425140 542711 OCM BOCES	$61,811	$64,316
Control Total		$2,505
4316 Mental Health Liberty Resources		
Revenue		
A431640 434904 SA OASAS MH ADMIN	$398,495	$415,135
A431640 434923 SA OMH	290,742	314,954
Totals	$689,237	$730,089
Control Total		$40,852
Expense		
A431640 542740 CSS Liberty Resources	$96,400	$100,318
AA31640 542760 Liberty Resource Halfway House	327,427	344,067
A431640 542770 Perm Supported Hsng Liberty Rs	71,068	71,068
A431640 542780 Liberty Resources CY Case Mgmt	98,916	102,921
A431640 542790 Supported Housing Liberty Rs	95,426	111,715
	From	To
Totals	$689,237	$730,089
Control Total		$40,852

4320 Mental Health Heritage Farms

Revenue

A432040 434903 SA OPWDD	$18,923	$19,347
Control Total		$424

Expense

A432040 542703 Heritage Farms Contract	$34,356	$34,780
Control Total		$424

4324 Mental Health Family Support in CNY

Revenue

A432440 434923 SA OMH	$50,920	$52,985
Control Total		$2,065

Expense

A432440 542796 Family Peer Support Services	$50,920	$52,985
Control Total		$2,065

4326 Mental Health Consumer Services

Revenue

A432640 434923 SA OMH	$74,208	$75,403
Control Total		$1,195

Expense

A432640 542709 PROS Clinic	$74,208	$75,403
Control Total		$1,195

4328 Mental Health Family Counseling

Revenue

A432840 434904 SA OASAS-MH Admin	$60,600	$-0-
Control Total		$(60,600)

Expense

A432840 542797 JAIL CD Services	$60,600	$-0-
Control Total		$(60,600)

4330 Mental Health-ARC Programs	From	To
Revenue		
A433040 434923 SA OMH Int. Supported Employment	$76,568	$80,724
Control Total		$4,156

Expense

A433040 542708 Integrated Supported Employment	$76,568	$80,724
Control Total		$4,156

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, 2022 through December 31, 2022.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-389

AUTHORIZING MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

WHEREAS, Madison County Public Health Department operates a Child Safety Seat Program; and

WHEREAS, the State of New York Governor's Traffic Safety Committee has funding available and has issued an approval letter as notice to initiate project activity and no contract is required:

Awarding Agency:	National Traffic Safety Admin US DOT
Pass-through Agency:	State of NY Governor Traffic Safety Committee
Catalog #:	20.616
Program Name:	Child Passenger Safety Program
Grant Project#:	CPS-2023-Madison Co DOH-00099-(027)
Federal Funds:	100%
Contract Period:	October 1, 2022-September 30, 2023
Total Grant Award:	$5,000

WHEREAS, the Health and Human Services Committee feels it expeditious to continue to be involved in this program;

NOW, THEREFORE BE IT RESOLVED, that the 2022 Adopted County Budget be modified as follows:

General Fund

4012 Public Health Prevent	**From**	**To**
Expense		
A401240 541063 Child Safety Seat Program	$-0-	$5,000
Control Total		$5,000
Revenue		
A401240 444013 Fed Aid Child Safety Seat Grant	$-0-	$5,000
Control Total		$5,000

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

By Planning, Economic Development, Environmental and Intergovernmental Affairs Committee:

RESOLUTION NO. 22-390

AUTHORIZING A CONTRACT EXTENSION WITH MADISON COUNTY TOURISM, INC.

WHEREAS, Madison County entered into a contract with the Madison County Tourism Committee, Inc. (now known as Madison County Tourism, Inc.), to promote tourism in Madison County; and

WHEREAS, Madison County Tourism, Inc. is a not-for-profit corporation located within Madison County and formed for the purpose, among others of developing and promoting tourism in Madison County; and

WHEREAS, Madison County wishes to have Madison County Tourism, Inc. continue to publicize the attractions of Madison County for the purpose of promoting tourism; and

WHEREAS, Section 224 of the County Law authorizes the County to enter into a contract for the provision of such services;

NOW, THEREFORE, BE IT RESOLVED, that Madison County Board of Supervisors authorize the extension of the current contract under the same terms and conditions with Madison County Tourism, Inc. from January 1, 2023 to December 31, 2023; and be it further

RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to sign the contract extension (a copy of which is on file with the Clerk of this Board) with Madison County Tourism, Inc.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-391

AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT WITH H. SICHERMAN & COMPANY, INC. D/B/A THE HARRISON STUDIO

WHEREAS, STK Electronics, Inc. d/b/a Pelco Component Technologies (the "Company") proposes to relocate a subassembly line to its existing manufacturing facility located at 2747 Route 20 East in the Town of Nelson at an estimated cost of $561,000, including the cost of facility upgrades and the purchase and installation of machinery and equipment, soft costs, and working capital expenses (the "Project"), and

WHEREAS, the Company has requested that Madison County apply for funding from the New York State Office of Community Renewal (the "OCR") to finance a portion of the machinery and equipment and working capital costs of the Project; and

WHEREAS, the Project will result in substantial benefit to the County in the form of an estimated 15 new employment positions and increased investment within the County; and

WHEREAS, the County has been awarded a grant from OCR for $224,000 for the Project, which includes $16,000 for administrative costs; and

WHEREAS, Madison County has undertaken RFP #121 and has signed an Agreement (Resolution No. 21-247) with H. Sicherman & Company, Inc. D/B/A The Harrison Studio to administer this project on behalf of the County; and

WHEREAS, the OCR now requires that certain mandated provision be incorporated into the Agreement; and

WHEREAS, the Modification and Extension Agreement has been reviewed and approved by the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to execute a Modification and Extension Agreement with H. Sicherman & Company, Inc. D/B/A The Harrison Studio, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-392

AUTHORIZING CHAIRMAN TO MODIFY AN AGREEMENT WITH ENVIRONMENTAL DESIGN AND RESEARCH, D.P.C.

WHEREAS, Madison County is working to develop Delphi Falls County Park into a user friendly, accessible, and attractive outdoor destination; and

WHEREAS, developing a trail system for viewing the upper and lower falls is a top priority in the Park's development; and

WHEREAS, that after an RFP selection process, Madison County had determined that Environmental Design and Research (EDR) D.P.C. has the skills and expertise necessary to design parking, trails, and related features at Delphi Falls County Park; and

WHEREAS, Madison County has an existing contract with EDR DPC for construction and stormwater management; and

WHEREAS, both parties are desirous of a no-cost time extension until December 31, 2022 to allow for the completion of the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors hereby authorizes John M. Becker, Chairman of the Board, to enter into a contract modification (a copy of which is on file with the Clerk of this Board) with EDR D.P.C.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-393

AUTHORIZING THE CHAIRMAN TO SIGN AN AGREEMENT WITH THE LOCAL WORKFORCE DEVELOPMENT BOARD OF HERKIMER, MADISON, & ONEIDA COUNTIES

WHEREAS, the Workforce Innovation and Opportunity Act ("WIOA") which was approved in 2014 and took effect on July 1, 2015 continues a longstanding federal commitment to help people with employment barriers to be productive members of the labor force; and

WHEREAS, the three chief elected officials of Herkimer, Madison, and Oneida Counties have enter into an agreement to organize and implement activities pursuant to WIOA and as proposed by the Governor of the State of New York; and

WHEREAS, for many years Herkimer, Madison, and Oneida Counties have implemented and operated their workforce development programs by way of a Consortium Agreement, and a Chief Local Elected Officials Agreement among the Chief Elected Officials of the three Counties and the Workforce Development Board; and

WHEREAS, Madison County wishes to provide funding to the Workforce Development Board for two part time individuals that will provide specific WIOA Youth and Youth Work Experience opportunities for youth in Madison County that meet the program criteria; and

WHEREAS, no local funds are involved herewith or encumbered hereby;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of this Board is hereby authorized and directed to execute the Memorandum of Understanding, a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

By Criminal Justice, Public Safety and Emergency Communications Committee:

RESOLUTION NO. 22-394

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH NORTH SHORE VOLUNTEER EMERGENCY SQUAD, INC. FOR THE USE OF MADISON COUNTY'S INTEROPERABLE COMMUNICATIONS SYSTEM

WHEREAS, Madison County operates an Interoperable Communications System which is managed by the Office of Emergency Management, headed by the Director of Emergency Management, who among other things is responsible for administering the operation of a county-wide emergency communications center; and

WHEREAS, the Madison County Interoperable Communications System ("MCICS") is an integrated system of equipment and facilities necessary for the provision of county-wide emergency communication services; and

WHEREAS, to provide for the safety and protection of the public and public safety responders and to maintain the integrity of the MCICS, it is necessary to establish procedures for the use of the MCICS by municipalities and first response agencies; and

WHEREAS, North Shore Volunteer Emergency Squad, Inc., being a mutual aid agency for Madison County fire departments, has requested authority to utilize the MCICS; and

WHEREAS, after review, the Madison County Office of Emergency Management recommends the inclusion of North Shore Volunteer Emergency Squad, Inc. as an approved MCICS User; 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 an agreement on behalf of the County of Madison with North Shore Volunteer Emergency Squad, Inc., in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-395

AUTHORIZING THE CHAIRMAN TO SIGN A NEW YORK STATE DEPARTMENT OF TRANSPORTATION HIGHWAY WORK PERMIT APPLICATION

WHEREAS, during power outages, certain traffic signals owned by the New York State Department of Transportation (NYS DOT) have the ability to be powered by portable generators; and

WHEREAS, the Madison County Office of Emergency Management has portable generators which may be available for providing emergency power to traffic signals during power outage emergencies; and

WHEREAS, NYS DOT requires Madison County to complete and submit a PERM 33 Highway Work Permit Application for Non-Utility Work prior to approving the use of county-owned generators providing power to NYS DOT traffic signals; and

WHEREAS, this application has been reviewed 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 sign a PERM 33 Highway Work Application for Non-Utility Work on behalf of the County of Madison with the New York State Department of Transportation for the purpose of utilizing county-owned generators to provide emergency power to NYS DOT traffic signals during power outage emergencies, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-396

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

WHEREAS, during review of the Statewide Interoperable Communications Grant financials, it was determined that two of the accounts are no longer being utilized and should be closed in our general ledger.

NOW, THEREFORE, BE IT RESOLVED, that the 2022 Adopted County Budget be modified as follows:

Capital Projects Fund

3097 Capital Projects Public Safety	From	To
Expense		
H309730 524010 Communications Equipment	$3,984,189	$3,906,858.50
H309730 542000 Consultant Expense	210,000	211,317.00
H309730 594215 Transfer to General Mid-Year	1,062,225	1,138,238.50
Control Total	$5,256,414	$5,256,414

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-397

AUTHORIZING THE MODIFICATION OF THE 2022 ADOPTED COUNTY BUDGET

WHEREAS, grant funding under Public Defender Grant #12 may be used for certain costs allowed under the grant described below:

Awarding Agency	NYS Office of Indigent Legal Services
Grant Period	January 1, 2022 – December 31, 2024
Contract #	C120024
State Funds	100%
Grant Total	$113,838.00

BE IT RESOLVED, that the 2022 Adopted County Budget be modified as follows:

General Fund

1171 Public Defender Grant No. 12 (Year 1 of 3)	From	To
Revenue		
A117110 430253 State Aid ILS Grant #12	$-0-	$37,089
Control Total		$37,089
Expense		
A117110 547783 ILSF Grant #12 Subscript & Legal Ref	$-0-	$28,295
A117110 547579 ILSF Grant #12 Disbursements	-0-	8,794
Control Total		$37,089

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-398

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE CANAL CORPORATION AND MODIFYING THE 2022 ADOPTED COUNTY BUDGET

WHEREAS, Madison County has received a 2022 Marine Patrol Grant through the New York State Canal Corporation; and

WHEREAS, this State Awards Grant is identified as follows:

Awarding Agency:	New York State Canal Corporation
Program Name:	2022 Marine Patrol Grant
State Funds	100%
Contract Period	April 1, 2022 – March 31, 2023
Total Grant Amount:	$25,425

WHEREAS, the funding agency has approved the following budget for this project during project year 04/01/22 – 03/31/23; the total funding allowed shall not exceed $25,425 (or 75% of total) with the remaining 25% as a local match:

General Fund Expense		**From**	**To**
A398930 512000	Personal Services Grant	$ 0	$ 23,400
A398930 544250	Personnel Uniforms & Equipment	1,500	3,525
Control Total			$ 25,425
Revenue			
A398930 433180	SA Canal Trail Patrol Law Enforcement	$ 0	$25,425
Control Total			$25,425

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be and hereby is authorized to execute an agreement, a copy on file with the Clerk for participation in this grant; and

BE IT FURTHER RESOLVED, that the 2022 Adopted County Budget be modified in accordance with this project budget.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-399

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE MADISON CENTRAL SCHOOL DISTRICT FOR THE USE OF SPECIAL PATROL OFFICERS

WHEREAS, the County of Madison, through the Office of the Sheriff, has a position entitled Special Patrol Officer, and these officers are employed to maintain order and provide security in public buildings, including schools; and

WHEREAS, the Madison Central School District is desirous of utilizing these Special Patrol Officers in order to enhance order and security in their public school buildings; and

WHEREAS, in order to continue to facilitate such a use of Special Patrol Officers, the County of Madison and the Madison Central School District wish to enter into an agreement so as to set forth and define the parties' understanding of the terms and conditions; and

WHEREAS, this request for the use of Special Patrol Officers to provide services to the Madison Central School District has been 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 an agreement on behalf of the County of Madison with the Madison Central School District for the utilization of Special Patrol Officers, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-400

AUTHORIZING THE CHAIRMAN TO ENTER INTO A LEASE AGREEMENT WITH GORMAN FOUNDATION COMMUNITY CENTER, LLC ON BEHALF OF THE MADISON COUNTY ASSIGNED COUNSEL PROGRAM

WHEREAS, Madison County Assigned Counsel wishes to relocate our offices to provide better services and easier access to our panel attorneys and our clients; and

WHEREAS, the Gorman Foundation Community Center, LLC owns a building located at 1068 Northside Shopping Plaza in the City of Oneida that provides an ideal space for our offices; and

WHEREAS, the lease term commences on October 1, 2022, and will not end until September 30, 2027; and

WHEREAS, the County will be required to pay monthly rent at a rate of $1,247.17 per month which shall be due and owing on the first of every month beginning October 1, 2022 and continuing until the termination of the lease agreement; and

WHEREAS, the County will also be responsible for the payment of all utilities including but not limited to gas, heat, light, power, telephone, internet and janitorial services; and

WHEREAS, the County will also be responsible for securing and maintaining a comprehensive general liability insurance policy with a limit of at least One Million Dollars ($1,000,000.00) which policy names the Gorman Foundation Community Center, LLC as an additional insured; and

WHEREAS, the County expenses shall be entirely reimbursable by State funded grants as provided by the Office of Indigent Legal Services;

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 Gorman Foundation Community Center, LLC in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

By Highway, Buildings and Grounds Committee:

RESOLUTION NO. 22-401

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the **Replacement of a Bridge on Solsville Road (CR41) over Oriskany Creek (BIN 3308890), Town of Madison, Madison County, P.I.N. 2754.70** (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **95%** Federal funds and **5%** non-federal funds; and

WHEREAS, the **County of Madison** desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of **The total Project cost**; and

WHEREAS, the Board of Supervisors hereby approves the above-subject project; and

WHEREAS, the sum of **$2,289,596** will be appropriated in the Capital Projects Fund, Account **H**, and made available to cover the cost of participation in the above phase of the Project; and

WHEREAS, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Madison County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Highway Buildings & Grounds Committee thereof; and

WHEREAS, the Board of Supervisors hereby approves the above-subject project and hereby authorizes the County of Madison to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and

NOW BE IT RESOLVED, that Madison County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and

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

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal- Aid and/or State- Aid on behalf of the County of Madison with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-402

CONTROL OF SNOW AND ICE ON COUNTY ROADS

WHEREAS, the County of Madison entered into an Agreement with the Towns of the County of Madison on October 12, 1982, for Control of Snow and Ice on the County Road System in accordance with the terms and provisions of said agreement; and

WHEREAS, the Highway, Buildings and Grounds Committee met on August 24, 2022 and recommend the payment cost per lane mile to the Towns remain the same; and

WHEREAS, the reimbursement payment of $20.40 per lane mile cost will remain the same for the Agreement starting October 1, 2022 and ending April 30, 2023; and

WHEREAS, the reimbursement payment of $12.23 per lane mile for regular salt brine applications and $13.73 per lane mile for salt brine with 5% magnesium chloride applications will remain the same for the Agreement starting October 1, 2022 and ending April 30, 2023; and

WHEREAS, the Agreement also includes a loader rate of $120.00 per hour for snow bank removal under certain circumstances; and

WHEREAS, the Agreement for payment has been included in the County Road Fund Budget for 2022 and 2023;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and hereby authorizes the County Highway Superintendent to execute said Agreement on behalf of the County.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-403

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH KING & KING ARCHITECTS, LLP

WHEREAS, Madison County is in need of professional engineer design services with regards to the Veteran's Building Mental Health Department; and

WHEREAS, King & King Architects, LLP has served previously as the design engineer for the Veteran's Building possess the special skills and training to perform the services required, and

WHEREAS, King & King Architects, LLP., has agreed to perform these professional engineering services for a total cost of $43,500 with services to commence September 13, 2022 and ending September 12, 2023; and

WHEREAS, the costs of these services have been allocated within the 2022 Mental Health Department adopted county budget; and

WHEREAS, this agreement has been reviewed and approved by the Highway, Buildings and Grounds 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 King & King Architects, LLP, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-404

AUTHORIZING THE CHAIRMAN TO MODIFY AN AGREEMENT WITH WEATHERPROOFING TECHNOLOGIES, INC.

WHEREAS, Madison County entered into an agreement (Res#21-500) with Weatherproofing Technologies, Inc. for roof repairs and infrared scans at the Public Health, Veterans and County Office Building; and

WHEREAS, the Highway Wampsville Garage has also been identified as needing roofing analysis and repairs; and

WHEREAS, the County would like to amend the current agreement with Weatherproofing Technologies, Inc. to include the additional Infrared Scan of the Highway Wampsville Garage for an additional cost of $3,850.11 with services to commence August 5, 2022; and

WHEREAS, the Buildings and Grounds Committee has reviewed the modified agreement and recommend that the agreement be accepted; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to modify and agreement with Weatherproofing Technologies, Inc. Accordingly, a copy of said Agreement is filed with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

RESOLUTION NO. 22-405

AUTHORIZING THE CHAIRMAN TO MODIFY AN AGREEMENT WITH WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

WHEREAS, Madison County entered into an agreement (Res#21-501) with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. for Professional Engineer Design Services with regards to the County Office Building Emergency Generator Project; and

WHEREAS, additional Design Services have been identified as needed as well as Construction Administration Services; and

WHEREAS, the County would like to amend the current agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. to include the additional design and construction administration services for an additional cost of $17,500 and extend the expiration date of the agreement to November 4, 2023; and

WHEREAS, the Buildings and Grounds Committee has reviewed the modified agreement and recommend that the agreement be accepted; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to modify and agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. Accordingly, a copy of said Agreement is filed with the Clerk of the Board.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

Resolutions – Regular Agenda

By Supervisor Moses:

RESOLUTION NO. 22-406

ADOPTING LOCAL LAW NO. 4 FOR THE YEAR 2022

WHEREAS, there has been duly introduced Local Law No. 4 for the year 2022 entitled "A LOCAL LAW ADOPTING A DOMESTIC PARTNERSHIP REGISTRY"; and

WHEREAS, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on September 13, 2022;

NOW, THEREFORE BE IT RESOLVED, that Local Law No.4 for the year 2022 be and the same is hereby adopted.

ADOPTED: AYES – 1,440 NAYS – 0 ABSENT – 60 (Roberts)

By Supervisor Moses:

RESOLUTION NO. 22-407

AUTHORIZING CHAIRMAN TO SIGN CHANGE ORDERS WITH UPSTATE COMPANIES

WHEREAS, Madison County has engaged Upstate Companies for Bid 22-03 for Phase I construction at Delphi Falls County Park; and

WHEREAS, from time to time the need arises to change the specifications of these projects due to unforeseen circumstances and site conditions and;

WHEREAS, the Planning Department has determined the total cost for the additional services is not to exceed $170,000; and

WHEREAS, the funds for these change orders have been appropriated within the 2022 county adopted budget; and

WHEREAS, the Planning, Economic Development, Environmental, and Intergovernmental Affairs Committee have reviewed this change order request and recommend it be accepted;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the Delphi Falls Phase I change orders for a total amount not to exceed $170,000.

Supervisor Jones took part in discussion by expressing his concerns on the amount the proposed change orders are for and how early we are in the project.

Planning Director Scott Ingmire explains what the change orders are for and why they are needed. He further explains that we are still within our contingency for this project.

ADOPTED: AYES – 1,350 NAYS – 90 (Corbin, Jones) ABSENT – 60 (Roberts)

Supervisor Corbin asked if there could be clarification on attending Board and Committee Meetings virtually. County Administrator Mark Scimone explained that the Board Passed a local law allowing virtual attendance under an extraordinary circumstance.

For more information on the requirements and conditions of this Local Law #3 of 2022 - Adopt Amendments to Open Meetings Law to Expand the Use of Video Conferencing, any interested individuals may request a copy of said Local Law from Emily Burns, Clerk to the Board of Supervisors.

The next Board meeting is scheduled for October 11, 2022.

On motion by Supervisor Reuter, seconded by Supervisor Cavanagh, the Board adjourned.