MADISON COUNTY BOARD OF SUPERVISORS
Regular Board Meeting – Tuesday May 9, 2023

The Board convened at 11:00 a.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, NY. All Supervisors were present.

Pledge of Allegiance.

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

Vouchers Payable Report submitted by Finance Director Lou Anne Randall, in the amount of $3,091,069.97

Communications, Reports and Reports of Committees

1. Letter sent to Governor Hochul from the NYS Legislature urging the Governor to deny rate increases proposed by NYSEG and RG&E, and to conduct a full investigation of the management and administration of the Companies.
2. Confirmation from NYS Agriculture and Markets that they will modify Madison County Agricultural District No. 3C to include parcels as requested by the Madison County Board of Supervisors in resolution 23-81.
3. WARN Notice from Cazenovia College in regards to their closing.

Chairman Becker took a moment to thank all Madison County Employees for their hard work and dedication. This week is Public Service Recognition week and the Chairman spoke to the events and recognition that will be taking place for all County employees.

Unfinished Business

Res. No. 23-140 – Amending the Rules of the Madison County Board of Supervisors Tabled by Supervisor Zupan, 2nd by Supervisor Corbin on 4/11/23.

RESOLUTION NO. 23-140

AMENDING RULES OF THE MADISON COUNTY BOARD OF SUPERVISORS

WHEREAS, the Rules of the Madison County Board of Supervisors have been reviewed by the Chairman and Vice Chairman of the Board of Supervisors and the County Administrator; and

WHEREAS, it was determined that the following revisions are needed to account for changes in responsibilities and to make corrections to items that have evolved over time; and

- Modify who calls Meeting to Order in Absence of Board Clerk;
- Include ADA and Corporate Compliance Responsibilities under Government Operations Committee and remove said responsibilities from Health and Human Services Committee;

WHEREAS, the specific rules that are proposed to be amended substantively are Rules 5 and 6; and

WHEREAS, the amendment to the Rules of the Madison County Board of Supervisors is hereby proposed; and

WHEREAS, the proposed amendment has been made in writing, offered, and laid upon the table for more than 24 hours prior to adoption in accordance with Rule No. 25 of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Rules of Board of Supervisors be and is hereby amended effective immediately.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

<u>Resolution of Appreciation</u>

RESOLUTION NO. 23-141

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 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 Denise Calcagnino and Cynthia Reese upon their retirement.

Denise M. Calcagnino	Mental Health	2006 - 2023
Cynthia L. Reese	Finance Office	2012 – 2023

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

At this time, Mental Health Director Teisha Cook stepped forward to present a gift and express appreciation to retiree Denise Calcagnino for her 17 years working in the Madison County Mental Health Department. Denise worked with high risk individuals and was extremely passionate in her role. The department is sad to see her go and wish her the best in her retirement.

At this time, Finance Director Lou Anne Randall stepped forward to accept a gift on retiree Cindy Reese's behalf.

<u>Resolutions – Preferred Agenda</u>

By Finance, Ways and Means Committee:

RESOLUTION NO.23-142

DIRECTING THE COUNTY ATTORNEY'S OFFICE TO DRAFT LEGISLATION FOR REAUTHORIZATION OF MADISON COUNTY'S LOCAL 1 PERCENT SALES AND COMPENSATING USE TAX

WHEREAS, in 2004 New York State authorized Madison County to raise its local sales tax from 3 percent to 4 percent; and

WHEREAS, New York State has by legislation extended that authorization to expire on November 30, 2023; and

WHEREAS, Madison County has determined that in the current fiscal environment and considering the decline in State assistance it is necessary to continue the local sales tax at 4 percent in order that Madison County and its jurisdictions are able to maintain their current level of services without unduly impacting property taxes; and

WHEREAS, the Finance Ways and Means Committee recommends that the Board of Supervisors continue to allow the City of Oneida to pre-empt one-half of 1 percent of the proposed tax on sales within the City of Oneida; and

WHEREAS, the Board of Supervisors recognize that it is the New York State Department of Taxation that will write the legislation necessary to allow Madison County to continue the 1 percent sales tax;

NOW, THEREFORE BE IT RESOLVED, the Madison County Board of Supervisors directs the County Attorney's office to work with the New York State Department of Taxation and Finance to draft legislation to reauthorize the 1 percent sales tax; and

BE IT FURTHER RESOLVED, that in so far as the State is willing and able to do so, the proposed legislation should incorporate the following:

1. The 1 percent sales tax be re-authorized and set to expire on November 30, 2025;
2. The City of Oneida be allowed to pre-empt one half of the proposed reauthorized 1 percent tax on sales within the City;
3. The County be authorized to distribute by assessment the entire 1 percent sales tax collected outside the City.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-143

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH VHB ENGINEERING, SURVEYING, LANDSCAPE, ARCHITECTURE AND GEOLOGY, PC

WHEREAS, the Madison County Real Property Department currently uses an Access White Card Database to house parcel information including deed transfers and mapping changes; and

WHEREAS, the White Card Database is essential to the Real Property Department because it provides a history of each parcel as well as a place to store property information that is required by the Retention and Disposition Schedule for New York Local Government Records; and

WHEREAS, Madison County Real Property requires updated software for the parcel information because the database has become too large to continue functioning properly and grows larger daily; and

WHEREAS, VHB, a current vendor of the Madison County Real Property Department, has the ability to create and support a new database that has the potential to be utilized by other Madison County departments for GIS needs, etc; and

WHEREAS, VHB has quoted Madison County a labor contract total of $33,800 and an expense total of $1,018, for a combined total of $34,818 to perform a needs assessment for the new enterprise solution which will replace the current White Card Database;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to enter into an agreement with VHB for the White Card Database needs assessment for the fiscal year May 1, 2023 through December 31, 2023 a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-144

APPROVAL MORTGAGE TAX REPORT SPRING 2023

WHEREAS, this Board is in receipt of the Semi-Annual Mortgage Tax Report showing the amounts to be credited to each tax district of the County of the money collected during the preceding six months ending March 31, 2023;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 261 of the Tax Law, this Board issue tax warrants for the payment of the respective tax districts of the amounts so credited, and authorize and direct the County Treasurer to make payment of said amounts to the respective districts in accordance with the report.

Town of Brookfield		$ 9,062.69
Town of Cazenovia		$ 44,255.67
	Village of Cazenovia	$ 8,622.19
Town of DeRuyter		$ 5,390.94
	Village of DeRuyter	$ 492.80
Town of Eaton		$ 14,579.28
	Village of Hamilton	$ 3.25
	Village of Morrisville	$ 3,427.92
Town of Fenner		$ 10,100.31
Town of Georgetown		$ 845.92
Town of Hamilton		$ 15,511.05
	Village of Earlville	$ 434.11
	Village of Hamilton	$ 8,219.37
Town of Lebanon		$ 4,885.67
Town of Lenox		$ 48,983.01
	Village of Canastota	$ 13,104.33
	Village of Wampsville	$ 2,874.28
Town of Lincoln		$ 16,287.45
Town of Madison		$ 21,630.65
	Village of Hamilton	$ 319.72
	Village of Madison	$ 776.29
Town of Nelson		$ 15,534.11
Town of Smithfield		$ 5,167.59
Town of Stockbridge		$ 3,985.23
	Village of Munnsville	$ 375.63
Town of Sullivan		$ 87,090.61
	Village of Chittenango	$ 12,506.83
City of Oneida		$ 55,919.65

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-145

AUTHORIZING THE DISBURSEMENT OF GAP ELIMINATION FUNDS TO MADISON COUNTY TOWNS AND VILLAGES

WHEREAS, this Board of Supervisors is inclined to disburse funds to the Towns and Villages in order to enhance the quality of lives of the citizens of Madison County;

WHEREAS, the Board intends to use funds derived from the collection of mortgage tax to supplement the Towns and Villages;

WHEREAS, the calculation of said disbursement was based on the Towns within which the mortgage tax was collected; and

NOW, THEREFORE BE IT RESOLVED, this Board of Supervisors issues the payment of the amounts listed below, and authorize and direct the County Treasurer to make one-time payment of said amounts to the respective districts in accordance with the report.

Town of Brookfield		$ 685.31
Town of Cazenovia		$ 3,346.58
	Village of Cazenovia	$ 652.00
Town of DeRuyter		$ 407.66
	Village of DeRuyter	$ 37.27
Town of Eaton		$ 1,102.47
	Village of Hamilton	$ 0.25
	Village of Morrisville	$ 259.22
Town of Fenner		$ 763.78
Town of Georgetown		$ 63.97
Town of Hamilton		$ 1,172.94
	Village of Earlville	$ 32.83
	Village of Hamilton	$ 621.55
Town of Lebanon		$ 369.45
Town of Lenox		$ 3,704.06
	Village of Canastota	$ 990.94
	Village of Wampsville	$ 217.35
Town of Lincoln		$ 1,231.65
Town of Madison		$ 1,635.69
	Village of Hamilton	$ 24.18
	Village of Madison	$ 58.70
Town of Nelson		$ 1,174.68
Town of Smithfield		$ 390.77
Town of Stockbridge		$ 301.36
	Village of Munnsville	$ 28.40
Town of Sullivan		$ 6,585.72
	Village of Chittenango	$ 945.76
City of Oneida		$ 4,228.60

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-146

AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT WITH THE NEW YORK STATE CANAL CORPORATION AND MODIFYING THE 2023 ADOPTED COUNTY BUDGET

WHEREAS, Madison County has received a 2023 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: 2023 Marine Patrol Grant
State Funds 100%
Contract Period April 1, 2023 – March 31, 2024

Total Grant Amount: $23,400

WHEREAS, the funding agency has approved the following budget for this project during project year 04/01/23 – 03/31/24; the total funding allowed shall not exceed $23,400 (or 75% of total) with the remaining 25% as a local match of $7,800 for a total program cost of $31,200:

General Fund		
3989 Navigation & Snowmobile Patrol	From	To
Expense		
A398930 512000 Personal Services Grant	$15,651	$39,051
Control Total		$23,400
Revenue		
A398930 433180 SA Canal Trail Patrol Law Enforcement	$17,676	$41,076
Control Total		$23,400

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

BE IT FURTHER RESOLVED, that the 2023 County Budget be modified in accordance with this project budget.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-147

AUTHORIZING PARTICIPATION IN A STATE GRANT AND THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET

WHEREAS, Madison County has received the fully executed five-year Statewide Expansion of Hurrell-Harring grant award from the New York State Office of Indigent Legal Services; and

WHEREAS, the State award grant is identified as follows:

Awarding Agency:	NYS Office of Indigent Legal Services
Contract #:	CSTWIDEHH25
Contract Term:	April 1, 2018 – March 31, 2023
Award Year:	April 1, 2022 – March 31, 2023
Grant Amount Year 5:	$1,055,026

WHEREAS, the funding agency has approved the following for this project during the fifth of five years 04/01/22-3/31/23.

NOW, THEREFORE, BE IT RESOLVED, that the 2023 Adopted County Budget be modified in accordance with this grant as follows:

General Fund		
1174 Assigned Counsel Grant	From	To

Revenue		
A117410 430251 State Aid SW Expansion HH Grant	$1,150,848	$2,205,874
Control Total		$1,055,026

Expense		
A117410 540099 Computers/Tech/Office Equip	$34,000	$44,000
A117410 540149 Digital Database/VCH Sys	30,000	55,000
A117410 540191 Rental Property	16,764	41,764
A117410 540400 Office Equipment/Furniture	8,566	48,566
A117410 547462 Mentor/Research Atty Program	91,077	121,077
A117410 547463 Atty Arraignment Coverage	204,187	399,182
A117410 547464 Special Appearance	102,100	222,100
A117410 547465 Second Chair	-0-	45,000
A117410 547466 Prof Org Membership Fees	5,000	10,000
A117410 547484 CLE & Training/Travel	113,331	178,331
A117410 547489 Contracted Services-Other	188,684	268,684
A117410 547492 PDCMS Fees	18,983	22,483
A117410 547567 Legal Assistant	-0-	39,664
A117410 547570 Quality Attorney	100,000	205,000
A117410 547574 Administrator Salary	(9,412)	140,038
A117410 547580 Fringes for ACP Personnel	41,690	159,107
Totals	$944,970	$1,999,996
Control Total		$1,055,026

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-148

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2023 Adopted County budget be modified as follows:

General Fund
A311830 - OVS Grant

Expense	From	To
A311830 540042 Equipment Expense OVS	$16,000	$-0-
A311830 540252 Other Expense 22-23 OVS	10,516	26,516
Control Total	$26,516	$26,516

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-149

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2023 Adopted County Budget be modified as follows:

General Fund

1619 County Buildings-Veteran's Memorial Bldg	From	To
Revenue		
A161910 428127 Interfund Revenue-Mental Health Dept	$ 265,000	$ 277,800
Control Total		$ 12,800
Expense		
A161910 540356 Mental Health Project-Phase II	$ 269,200	$ 282,000
Control Total		$ 12,800
4308 Mental Health-Clinic		
Revenue		
A430840 444883 Federal Aid Medicaid Admn Claiming	$ 345,000	$ 357,800
Control Total		$ 12,800
Expense		
A430840 540356 Mental Health Project-Phase II	$ 265,000	$ 277,800
Control Total		$ 12,800

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-150

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2023 Adopted County budget be modified as follows:

General Fund

4540 County EMS Program	From	To
Expense		
A454040 549300 Central Garage Expense	$35,000	$10,000
A454040 548210 Gasoline	-0-	25,000
Control Totals	$35,000	$35,000

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-151

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2023 Adopted County Budget be modified as follows:

General Fund

1620 County Buildings	From	To
Expense		
A162010 540410 Maintenance & Development-Parks	$20,000	$22,000
7110 Madison County Parks		
Expense		
A711070 540410 Maintenance & Development-Parks	$50,000	$48,000
Control Totals	$70,000	$70,000

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-152

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET (MC Children's Camp)

BE IT RESOLVED, that the 2023 Adopted County Budget be modified as follows:

General Fund

7146 Youth Programs		From	To
Expense			
A714670 541007	Anticipated Agency Allocation	$68,837	$54,837
A714670 542774	MC Children's Camp	-0-	14,000
Control Totals		$68,837	$68,837
Revenue			
A714670 438201	SA Anticipated Youth Programs	$42,410	$28,410
A714670 438222	SA MC Children's Camp	-0-	14,000
Control Totals		$42,410	$42,410

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-153

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2023 Adopted County Budget be modified as follows:

General Fund

1620 County Buildings	From	To
Expense		
A162010 540421 Veteran's Service Center Expense	$-0-	$2,900
1680 Information Technology		
Expense		
A168010 547800 Hardware Contracts	$85,600	$82,700
Control Totals	$85,600	$85,600

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-154

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET (2023 Host Community Benefit)

BE IT RESOLVED that the 2023 Adopted County Budget be modified as follows:

	From	To
General Fund		
1355 Real Property		
Expense		
A135510 540103 Computer Software Maintenance	$43,000	$77,818
Control Total		$34,818
Fund Balance		
A 300599 Appropriated Fund Balance	$7,344,069	$7,378,887
Control Total		$34,818

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-155

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET (2023 Host Community Benefit)

BE IT RESOLVED that the 2023 Adopted County Budget be modified as follows:

	From	To
General Fund		
1460 Records Management		
Expense		
A146010 540136 Indexing Software	$-0-	$15,750
1620 County Buildings		
Expense		
A162010 540368 Cooling Tower Maintenance	-0-	27,000
1680 Information Technology		
Expense		
A168010 521060 Cabling & Rewiring Projects	75,000	6,000
4012 Public Health Preventive		
Expense		
A401240 540154 Wastewater Testing for Opiates, Cannabis	-0-	44,100
Totals	$75,000	$92,850
Control Total		$17,850

Fund Balance

A 300599 Appropriated Fund Balance	$7,378,887	$7,396,737
Control Total		$17,850

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-156

AUTHORIZING THE MODIFICATION OF THE 2023 ADOPTED COUNTY BUDGET (ARPA)

BE IT RESOLVED that the 2023 Adopted County Budget be modified as follows:

General Fund

1461 Records Management (ARPA)	From	To
Expense		
A146110 540136 Indexing Software	$15,750	$-0-
1631 County Buildings (ARPA)		
Expense		
A163110 540351 Roof Repair & Coating Expense	$9,152	$-0-
A163110 540357 Mental Health-Phase II IT	70,000	139,000
1681 Information Technology (ARPA)		
Expense		
A168110 540400 Furniture Expense	$64,689	$61,477
A168110 540419 Public Health Conference Room Upgrade	29,089	-0-
A168110 540418 Exchange Online	29,097	58,186
1720 Benefits & Awards (ARPA)		
Expense		
A172010 516000 Supplemental Pay	$3,000	$-0-
A172010 582100 Social Security & Medicare Expense	230	-0-
A172010 583100 Workers Compensation Expense	1,123	-0-
3023 Communications E911 (ARPA)		
Expense		
A302330 524145 CAD/RMS System	$213,154	$170,574
A302330 541943 Recorder Upgrade	60,000	102,580
4018 Public Health (ARPA)		
Expense		
A401840 540154 Wastewater Testing for Opiates, Cannabis	$44,100	$-0-
9903 Transfers To/From Other Funds (ARPA)		
Expense		
A990399 594101 Transfer to Road Machinery Fund	-0-	$7,567

County Road Fund

5114 Highway (ARPA)

Expense		
D511450 529111 GPS Unit-Survey Total Station	$260	$-0-
D511450 529113 Hand Liner for Striping Crew	1,007	-0-
D511450 529114 Retroreflectometer	6,287	-0-
D511450 546002 Guide Rail Box Beam	34,390	-0-
D511450 594101 Transfer to Road Machinery Fund	-0-	41,944
Road Machinery Fund		
5133 Road Machinery Equipment (ARPA)		
Expense		
DM513350 52dd9050 10 Wheel Dump Truck	$215,716	$215,695
DM513350 529094 Dirt Roller	2,571	-0-
DM513350 529112 Stump Grinder	35,600	-0-
DM513350 529691 Motor Grader	290,000	289,827
DM513350 529692 Heavy Truck Lift	-0-	87,876
Totals	$1,125,215	$1,174,726
Control Total		$49,511
Revenue		
DM513350 450326 Transfer from General Fund	$-0-	$7,567
DM513350 450316 Transfer from County Road Fund	-0-	41,944
Control Total		$49,511

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

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

RESOLUTION NO. 23-157

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 1 FOR THE YEAR 2023 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Pinard has duly introduced proposed Local Law No. 1 for the year 2023, entitled “A LOCAL LAW ADOPTING THE MADISON COUNTY OCCUPANCY TAX LAW AND RESCINDING ALL PREVIOUS HOTEL AND MOTEL OCCUPANCY TAX LOCAL LAWS AND AMENDMENTS IN MADISON COUNTY; 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 on the proposed local law in the chambers of the Board of Supervisors at the County Office Building, Wampsville, New York on June 13, 2023 at 11:15 a.m.; 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 days prior to the scheduled hearing date.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

INTRODUCTION OF LOCAL LAW NO. 1 OF THE YEAR 2023

A LOCAL LAW ADOPTING THE MADISON COUNTY OCCUPANCY TAX LAW AND RESCINDING ALL PREVIOUS HOTEL AND MOTEL OCCUPANCY TAX LOCAL LAWS AND AMENDMENTS IN MADISON COUNTY

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY AS FOLLOWS:

TITLE 100 - GENERAL PROVISIONS

101. Short Title: This Local Law shall be known as the Madison County Occupancy Tax Law.

102. Intent: 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.

103. Definitions: Unless the context requires a different meaning, when used in this Local Law, the following terms shall mean:
   a. "Booking Company" – Shall mean a person, company, ageny, etc. collecting rent for individuals rooms, rooms in a Hotel or Motel via an online platform or including, but not limited to AirBnB, FlipKey, Homeaway, VRBO, HomeToGo, Tripping.com, OneFineStay, etc.
   b. "County" - Madison County, New York.
   c. "Effective Date" – The date set forth in Section 702 of this local law.
   d. "Hotel or Motel" - Shall include any facility providing lodging consisting of or commonly known as a hotel, motel, tourist home, cottage, cabin, condominium, bed & breakfast, and short term or vacation rental or such terms singly shall mean any facility or portion thereof providing lodging on an overnight basis. Such terms include an apartment, motor court, inn, boarding house, cabin, cottage or club, lodge or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served and shall include those facilities commonly known as "bed and breakfast" and "tourist" facilities. Such terms also include trailers, campers, tents, yurts and camp sites offered for rent by the owner or operator for lodging and shelter on an overnight basis. "Short term or vacation rental" includes those units rented or leased to occupants, including furnished apartments or rooms in or consisting of a dwelling place ordinarily occupied for residential purposes (including single family residences, condominiums, duplexes, town homes, apartments and other residential units), including units rented directly by the owner or a booking company, as well as those rented or leased through an owner's agent or room marketer.
   e. "Occupancy" shall mean the use or possession, or the right to use or possession of any room or space defined in Section 103. "Occupant" shall mean a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel, motel, tourist home, cottage, cabin, condominium, bed & breakfast, and short term or vacation rental under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
   f. "Operator" shall mean any person, representative or agent operating a hotel or motel as defined in Section 103, clause c. in Madison County, including but not limited to

the owner or proprietor of such premises, lessee, sub lessee, mortgagee in possession, booking company, licensee or any other person otherwise operating such hotel, motel, tourist home, cottage, condominium, bed & breakfast, and short term or vacation rental.

g. "Permanent Resident" shall mean any occupant of any room or rooms in a hotel, motel, tourist home, cottage, cabin, condominium, bed & breakfast, and short term or vacation rental for a period in excess of ninety (90) consecutive days.

h. "Person" shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

i. "Rent" shall mean the total consideration received by an operator for occupancy, including all chargesby whatever term designated, valued in money, whether received in money or otherwise.

j. "Room" shall mean any room of any kind in any part or portion of a hotel, motel, tourist home, cottage, cabin, condominium, bed & breakfast, and short term or vacation rental, which is available for or let out for any purpose other than a place of assembly, as defined in Section 103.

k. “Return" shall mean any return filed or required to be filed as herein provided.

l. "Tax" shall mean the tax imposed pursuant to this Local Law and any increase, reduction or modification hereafter authorized.

m. "Treasurer" shall mean the Treasurer of Madison County or the Treasurer's designee.

104. Territorial Limitations: A tax imposed by this Local Law shall apply only within the territorial limits of Madison County.

105. Reference to Tax: Wherever reference is made in placards, advertisements or other publications to the tax imposed by this Local Law, such reference shall be substantially in the following form: "Tax on occupancy of guest rooms", except that in any bill, receipt, statement or other agreement or memorandum of occupancy or rent charge issued or employed by an operator, the words "occupancy tax" shall suffice.

TITLE 200 - ADMINISTRATION OF TAX LAW

201. Administration: The tax imposed by this Local Law shall be administered and collected by the Treasurer or other fiscal officers of the County as he or she may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise provided by this Local Law.

202. General Powers of the Treasurer: In addition to the powers granted to the Treasurer in this Local Law, the Treasurer is hereby authorized and empowered to:

a. Make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof, provided, however, that no rule or regulation shall become effective until 30 days after such rule or regulation shall have been filed with the Clerk of the Board of Supervisors;

b. Extend for cause shown, the time of filing any return for a period not exceeding three months, provided not less than 90 percent of the estimated tax for the period for which the return is required to be filed shall be paid together with the request for such extension on or before the due date; and for cause shown to remit penalties but not interest computed at the rate and in the manner provided in section 924-a of the Real Property Tax Law on taxes not paid; and to compromise disputed claims in connection with the tax imposed by this Local Law

c. Request information from the Department of Taxation and Finance of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such taxation department or treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

d. Delegate functions hereunder to a deputy treasurer or any employee or employees of the Treasurer,

e. Prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

f. Require any operator within the County to keep detailed records of the nature and type of hotel, motel, tourist home, cottage, cabin, condominium, bed & breakfast, and short term or vacation rental maintained, nature and type of service rendered, rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax and to furnish such information upon request to the Treasurer;

g. Assess, determine, revise and readjust the taxes imposed under this Local Law, and require the filing of estimated tax returns and payment of estimated tax where necessary;

h. Direct the County Attorney to take such action as may be required to enforce this Local Law, including but not limited to providing representation in any administrative proceeding conducted by the Treasurer for enforcement of this Local Law brought in the name of the County in any court of appropriate jurisdiction without any further authorization of the Board of Supervisors.

203. Administration of Oaths and Compelling Testimony:

a. Employees or agents of the Treasurer duly designated and authorized by the Treasurer 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 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 or her duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

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 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 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 Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the Treasurer, designated to serve such process.

TITLE 300 - TAX RATE, PERSONS LIABLE, TAXABLE RENT, EXEMPTIONS

301. Imposition of Tax: On and after the 1st day of July, 2023, there is hereby imposed and there shall be paid

a tax of four percent (4%) upon the rent for every occupancy of a room or rooms in a hotel or motel as defined in Section 103, clause c. herein, in Madison County except that this tax shall not be imposed upon:

b. permanent residents for the period of occupancy in excess of ninety (90) days, or

c. exempt organizations as hereinafter set forth.

302. <u>Statement of Tax to be Collected; Person Liable for Payment of Tax:</u>

a. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer or other fiscal officer or officers, employees or agents duly designated by the Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

b. Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the Treasurer, and it shall be the duty of the occupant to file a return thereof with the Treasurer and to pay the tax imposed thereon to the County Treasurer within 15 days after such tax was due.

c. The Treasurer may, whenever it is deemed necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made over by the operator.

d. The tax imposed by this Local Law shall be paid upon any occupancy on and after July 1, 2023, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after July 1, 2023. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in section 406 of this Local Law.

e. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to section 302(d) an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of section 304, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section 304.

303. Determination of Taxable Rent:

a. The tax shall be imposed upon the total consideration received for occupancy of a room or rooms in a hotel or motel as defined in Section 103, clause c., including all charges by whatever term designated, valued in money, whether received in money or otherwise.

b. When the occupant becomes a permanent resident, the operator shall discontinue collection of the tax.

304. Exempt Organizations:

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

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

ii. The United States of America, insofar as it is immune for taxation;

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

b. Where any organization described in section 304(a)(iii) carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel as defined Section 103, clause c., occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

TITLE 400 - REGISTRATION, RECORDS, RETURNS, PAYMENT, REFUNDS

401. 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 501 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, whichever 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 501) 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 the Treasurer 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.

402. Records to Be Maintained: Every operator shall keep records of every occupancy and of all rent paid, charged, or due thereon and of the tax payable thereon, in such form as the Treasurer by regulation requires. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or a duly authorized agent or employee and shall be preserved for a period of five years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

403. Returns:

a. Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending March 31, June 30, September 30 and December 31 of each year, on and after the first day of July, 2023. Such returns shall be filed within thirty days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he or she may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

b. The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer deems for the proper administration of this Local Law. The Treasurer may require amended returns to be filed within twenty 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 filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

404. Payment of Tax: At the time of filing a return of occupancy and of rents each operator shall pay to the Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Local Law. Where the Treasurer deems it necessary to protect revenues to be obtained under this Local Law, the Treasurer may require an operator to file with the Treasurer 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 Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Treasurer determines that an operator is to file such bond, the Treasurer 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 the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of such notice thereof. In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the 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 at public or private sale without notice to the depositor thereof.

The Treasurer, or their agent(s), at their discretion, may at any time require certified funds for payments of Tax for instances including, but not limited to: checks returned as NSF (non-sufficient funds). After the receipt of a third check returned for insufficient funds, the Treasurer also reserves the right to unilaterally terminate the Certificate of Authority for the Hotel or Motel and seek civil and/or criminal penalties as the law allows.

405. Determination of Tax: If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days after giving of notice of such determination, shall apply to the Treasurer for a hearing, or unless the on motion of the Treasurer shall re-determine the same. After such hearing, the treasurer shall give notice of his or her determination to the person against whom the tax is assessed. The determination of the Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty days 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:

a. The amount of any tax sought to be reviewed, with penalties and interest thereof, if any, shall be first deposited with the Treasurer and there shall be filed with the 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

b. At the option of the applicant such undertaking filed with the Treasurer may be in a sum sufficient to cover the 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.

406. Refunds:

a. In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Treasurer, the Treasurer shall state the reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one year of the payment by the occupant to the operator, but no actual refund of money, shall be to such operator until it is to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that repayment has been made to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefor on 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 Treasurer may receive evidence with respect thereto. After making a determination the Treasurer shall give notice thereof to the applicant, who shall be entitled to review said determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided the proceeding is instituted within 30 days after the giving of the notice of determination and provided 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 had been determined to be due pursuant to the provisions of section 405 of this Local Law where a hearing has been held or an opportunity for a hearing, as provided in said section or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of the tax, interest or penalty paid after a determination by the Treasurer made pursuant to section 405 of this Local Law unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Treasurer after a hearing on the petition of a person liable for payment of the tax brought within thirty days after the filing of a determination of the Treasurer after a hearing pursuant to section 405 of this Local Law, or upon the Treasurer's own motion, or in a proceeding under article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section. In that event a refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

407. 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 an adverse determination on the application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

408. Remedies Exclusive: The remedies provided by section 405 and 406 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 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 an action or proceeding in a nature of a certiorari proceeding under article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if a suit is instituted within thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs as provided in section 405 of this Local Law.

TITLE 500 - ENFORCEMENT OF COLLECTION OF TAX, PENALTIES AND INTEREST 501. Proceedings to Recover Tax:

a. Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Madison County in any court of the State of New York or of any other state of the United States. If, however, the Treasurer believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

b. As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff commanding the Sheriff to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the monies collected by virtue thereof within sixty days after the receipt of such warrant. The Sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

c. Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or the operator's lease, license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten days before taking possession of the subject of the sale, transfer or assignment, or paying therefor, notify the Treasurer by registered or certified mail, return receipt requested, of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

d. Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by the preceding paragraph or whenever the Treasurer informs the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or chooses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or chooses 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 six 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, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

502. <u>Penalties and Interest:</u>

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 404(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 the operator upon which the tax is required to be stated separately as provided in Section 402 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.

503. Returns to be Secret:

a. 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 Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required to be filed pursuant to 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 under the provisions of this Local Law, or on behalf of any party to the action or proceeding under the provisions of this Local Law when the proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the fact shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection to the tax nor 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 County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for five years and thereafter until the Treasurer permits them to be destroyed.

b. Any violation of section 503(a) 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, and if the offender be an officer or employee of the County shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

504. Notices and Limitations of Time:

a. Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed pursuant to the provisions of this Local Law, or made in any application, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by giving the notice shall commence to run from the date of mailing of such notice.

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. 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 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.

TITLE 600 - DISPOSITION OF REVENUES

601. Disposition of Revenues: All revenues from the imposition of 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 Madison County, 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 (10) percent of the revenues collected from the imposition of this tax.

TITLE 700 - SEPARABILITY AND EFFECTIVE DATE

701. Separability: If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

702. Effective Date: This Local Law shall take effect on July 1, 2023, and expire on June 30, 2026 except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

RESOLUTION NO. 23-158

AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS WITH MADISON COUNTY BUSINESSES FOR A NYS CARES COMMUNITY DEVELOPMENT BLOCK GRANT FOR COVID RELIEF FUNDING

WHEREAS, Madison County has received a $1,000,000 grant from the New York State CARES Community Development Block Grant (CDBG) program, and

WHEREAS, The Madison County Planning Department, in partnership with the Madison County Industrial Development Agency, has worked to make available CARES funds to local small businesses to prevent, prepare for, and respond to the effects of the coronavirus pandemic; and

WHEREAS, this grant is designed to help small businesses (typically less than 25 employees) with reopening and restarting to help bolster Madison County's economy; and

WHEREAS, Madison County has worked with its consultant and reviewed and ranked applications based on completeness, timeliness, program eligibility, and a defined scoring matrix; and

WHEREAS, Madison County has determined that the following businesses are eligible for a grant award in the amount specified:

1. Flour and Salt Bakery for $50,000
2. Camden Dental for $45,000
3. Dave's Diner for $50,000
4. Pewter Spoon for $46,000
5. Kalamata Pita for $25,000
6. The Rippleton Center for $50,000
7. Quacks Village Inn for $50,000
8. FoJo Beans for $50,000
9. The Apple Kitchen for $9,000
10. Monanfran Farms for $50,000
11. AJT for $50,000
12. Theodores for $50,000
13. Casolwood Golf for $50,000
14. CNY Youth Connections for $50,000
15. BJK Photos for $50,000
16. New Moon Farmstead for $25,000
17. Hamilton Inn for $50,000
18. Hamilton Farmhouse for $50,000
19. Holcomb B&B for $25,000
20. The Zen Den for $25,000
21. Manor on the Green for $18,000
22. Ye Olde Landmark Tavern for $22,000; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign Agreements with the above mentioned businesses for CARES CDBG grant awards in the amounts specified above.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-159

APPOINTING A MEMBER TO THE MADISON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BE IT RESOLVED, that Steve Durfee, of Chittenango, NY, 13037, be hereby appointed to the Madison County Industrial Development Agency, filling a vacant position, commencing on May 9th 2023, and to serve at the pleasure of the Board of Supervisors.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-160

APPOINTING A MEMBER TO THE MADISON COUNTY CAPITAL RESOURCE CORPORATION

BE IT RESOLVED, that Steve Durfee, of Chittenango, NY, 13037, be hereby appointed to the Madison County Capital Resource Corporation, filling a vacant position, commencing on May 9th, 2023, and to serve at the pleasure of the Board of Supervisors.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-161

APPOINTING AN ALTERNATE MEMBER TO THE REGION 7 FISH & WILDLIFE MANAGEMENT BOARD

WHEREAS, each of the nine counties comprising the Region 7 Fish & Wildlife Management Board (FWMB) may have three voting members, a landowner representative, a sportsmen's representative, and a legislative representative as well as an alternate for each position; and

NOW THEREFORE, BE IT RESOLVED, that Norm Webber, resident of Madison County, be appointed as an alternate Sportsman Representative for a two year term, which expires on December 31, 2024.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

By Criminal Justice, Public Safety and Emergency Communications Committee:

RESOLUTION NO. 23-162

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN EXTENSION AGREEMENT WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR A FIVE-YEAR DISTRIBUTION 2018-2023

WHEREAS, the County of Madison by Resolution 19-242 dated May 14, 2019, entered into an agreement with the New York State Office of Indigent Legal Services for a Five-Year Distribution for 2018-2023; and

WHEREAS, the Madison County Assigned Counsel Program office did not utilize all the funds in this grant in the time given by the New York State Office of Indigent Legal Services; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to a twelve (12) month extension of this grant so that these funds can be utilized; and

WHEREAS, the amount of funds available are $1,155,848.00 and are to be used to further assist the County in improving the quality of indigent legal services; and

WHEREAS, the County shall be reimbursed only for costs actually incurred in accordance with this Agreement. Payments shall be made in arrears on a quarterly basis and shall be processed upon submission by the County and approval by the NYS Office in Indigent Legal Services of appropriate statements and vouchers; 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 extension agreement on behalf of the County of Madison with the NYS Office of Indigent Legal Services, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-163

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH SQUAD 9, LLC

WHEREAS, the NYS Governor recently signed an executive order mandating every county in NYS to develop and maintain a plan to identify and confront threats of domestic terrorism, a form of targeted violence; and

WHEREAS, Squad 9, LLC is well-positioned to help Madison County implement a comprehensive domestic terrorism and targeted violence prevention strategy; and

WHEREAS, the County will compensate Squad 9, LLC for their services with a sum not-to-exceed Twenty-Three Thousand Six Hundred Dollars ($23,600); and

WHEREAS, the term of this agreement shall begin on March 1, 2023 and end August 31, 2024; 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 he is hereby authorized to enter into agreement on behalf of the County of Madison with Squad 9. LLC, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-164

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH WILMAC BUSINESS EQUIPMENT FOR RECORDING EQUIPMENT UPDATE

WHEREAS, Madison County operates a Public Safety Answering Point (PSAP), also known as the Madison County Emergency 911 Center; and

WHEREAS, the PSAP utilizes equipment to record radio communications between the PSAP, callers and first response agencies; and

WHEREAS, it is necessary to upgrade certain components of the recording equipment to ensure the system's proper working condition at a cost of $24,041.50; 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 Wilmac Business Equipment Co., Inc., in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

By Highway, Buildings and Grounds Committee:

RESOLUTION NO. 23-165

REHABILITATION OF CERTAIN COUNTY ROADS AND BRIDGE REPLACEMENTS FOR 2023

WHEREAS, the County Superintendent of Highways has presented a statement of certain County roads and bridges which he has approved for replacement and/or rehabilitation with County Funds during the year 2023 as follows:

In the Town of **SMITHFIELD** on **BUYEA ROAD,** County Rte. 54, a distance of 3.87 miles, with an asphalt pavement width of 26 feet wide and 2 inches thick at an estimated cost of **$589,984.**

In the Town of **LEBANON** on **CAMPBELL ROAD,** County Rte. 71, a distance of 3.55 miles, with necessary widening, ditching, and asphalt pavement width of 22 feet wide and 5.5 inches thick at an estimated cost of **$585,395.**

In the City of **ONEIDA** on **CHAPEL STREET,** County Rte. 44, a distance of 0.45 miles, with an asphalt pavement width of 24 feet wide and 3.5 inches thick at an estimated cost of **$110,936.**

In the City of **ONEIDA** on **CRAMER AVENUE,** County Rte. 44, a distance of 0.17 miles, with an asphalt pavement width of 26 feet wide and 3.5 inches thick at an estimated cost of **$44,664.**

In the City of **ONEIDA** on **KENWOOD AVENUE,** County Rte. 51, a distance of 0.54 miles, with an asphalt pavement width of 27 feet to 30 feet wide and 3.5 inches thick at an estimated cost of **$148,672.**

In the Town of **DERUYTER** on **MARIPOSA ROAD,** County Rte. 61, a distance of 1.23 miles, with necessary ditching and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of **$193,159.**

In the City of Oneida on **MIDDLE ROAD**, County Rte. 33, a distance of 2.78 miles, with necessary widening, ditching, and asphalt pavement 26 feet wide and 4.5" inches thick, at an estimated cost of **$500,234.**

In the Town of **DERUYTER** on **MIDDLE LAKE ROAD,** County Rte. 55, a distance of 1.20 miles, with necessary ditching and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of **$199,225.**

In the Town of **LEBANON** on **RODMAN ROAD,** County Rte. 107, a distance of 1.61 miles, with necessary ditching and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of **$265,060.**

In the Towns of **LEBANON and GEORGETOWN** on **SOUTH LEBANON ROAD,** County Rte. 64, a distance of 6.42 miles, with necessary ditching and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of **$1,034,190.**

In the Town of **MADISON** on **STRATFORD STREET,** County Rte. 39, a distance of 1.63 miles, with necessary ditching and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of **$252,671.**

In the City of Oneida on **UNION STREET**, County Rte. 44, a distance of 1.21 miles, with necessary widening, ditching, and asphalt pavement 26 feet wide and 5.5" inches thick, at an estimated cost of **$238,090.**

In the Town of **CAZENOVIA** on **WEST LAKE ROAD,** County Rte. 15, a distance of 2.41 miles, with necessary ditching and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of **$392,797.**

In the Town of **SULLIVAN, LAKEPORT ROAD BRIDGE**, (BIN 3309210), over Black Creek at an estimated cost of **$150,000**.

In the Town of **HAMILTON, LARKIN ROAD BRIDGE**, (BIN 3308580), over Sangerfield River at a cost of **$884,965.**

In the Town of **LEBANON, RESERVOIR ROAD CULVERT**, (LEB-559), over Kingsley Brook at a cost of **$590,500.**

In the Town of **SULLIVAN, NORTH ROAD CULVERT**, (SUL-009), over tributary of Chittenango Creek at an estimated cost of **$100,000**.

In the Town of **EATON, BRADLEY BROOK ROAD CULVERT**, (EAT-348), over Bradley Brook at an estimated cost of **$120,000**.

In the Town of **LENOX, ROBERTS STREET**, (LEN-95), over tributary of Cowaselon Creek at an estimated cost of **$80,000**.

In the Town of **LEBANON, SOUTH LEBANON ROAD CULVERTS**, (LEB-583, LEB-585, LEB-586 and Cross Culvert #30), over Tributaries to South Lebanon Brook at an estimated cost of **$500,000**.

WHEREAS, the total cost for said replacement and/or rehabilitation projects for 2023 will be Six million, nine hundred eighty thousand, five hundred and forty one dollars and twenty cents. **($6,980,542)**;

WHEREAS, bids will be received for the above projects and award will be made on the basis of lowest responsible bidder meeting specifications,

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 Contractors, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-166

AUTHORIZING THE CHAIRMAN TO AWARD BID 23-11 AND ENTER INTO AN AGREEMENT WITH GDS, INC.

WHEREAS, sealed bids were received and opened on April 6, 2023 for the County Campus Wayfinding Signage Project (BID 23-11); and

WHEREAS, all bids have been canvassed and reviewed by design engineer LaBella Associates, who made their recommendation to award the bid to the lowest responsible bidder; and

WHEREAS, the Highway, Buildings and Grounds Committee has reviewed and recommends moving forward with entering into the agreement as recommended by LaBella Associates for the performance of this work;

NOW, THEREFORE, BE IT RESOLVED, that the County accept the following bid for the work heretofore described, to wit:

<u>Bid Ref No. 23-11 County Campus Wayfinding Signage</u>

GDS, Inc.
93 Marcus Blvd.
Hauppauge, NY 11788

BID TOTAL: $154,596.50

BE IT FURTHER 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 GDS, Inc. in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-167

AUTHORIZING THE CHAIRMAN TO AWARD BID 23-12 AND ENTER INTO AN AGREEMENT WITH MURNANE BUILDING CONTRACTORS, INC

WHEREAS, sealed bids were received and opened on April 6, 2023 for the Mental Health Phase II Renovation project (BID 23-12); and

WHEREAS, all bids have been canvassed and reviewed by design engineer King & King Architects, who made their recommendation to award the bid to the lowest responsible bidder; and

WHEREAS, the Highway, Buildings and Grounds Committee has reviewed and recommends moving forward with entering into the agreement as recommended by King & King Architects for the performance of this work;

NOW, THEREFORE, BE IT RESOLVED, that the County accept the following bid for the work heretofore described, to wit:

Bid Ref No. 23-12 MH Phase II Renovations

Murnane Building Contractors, Inc.
15 Wood Rd.
Whitesboro, NY 13492

BASE BID:	**$ 382,000.00**
ALTERNATE #1:	**$2,900.00**
ALTERNATE #2:	**$4,600.00**
TOTAL:	**$ 389,500.00**

BE IT FURTHER 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 Murnane Building Contractors, Inc., in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-168

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH D.H. SMITH CO. INC. FOR THE REPLACEMENT OF LARKIN ROAD BRIDGE

WHEREAS, sealed bids were opened on April 13, 2023 for the Replacement of Larkin Road Bridge over Sangerfield River, BIN 3308580, in the Town of Hamilton, Bid 23-15, and;

WHEREAS, the low bid meeting specifications is as follows;

D.H. Smith Co. Inc. **$884,964.20**

WHEREAS, the cost for services has been appropriated in the 2023 County Road Fund Budget;

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 D.H. Smith Co. Inc., in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

Resolutions – Regular Agenda

By Supervisor Walrod:

RESOLUTION NO. 23-169

RECOGNIZING COUNTY EMPLOYEES FOR GRADUATING FROM THE NACO PROFESSIONAL DEVELOPMENT ACADEMY

WHEREAS, the Madison County Board of Supervisors believes in recognizing and honoring the achievements of our County employees; and

WHEREAS, fifty-six County employees to date have attended and graduated from the National Association of Counties (NACo) Professional Development Academy's Leadership Academy; and

WHEREAS, NACo's High Performance Leadership Academy (HPLA) is an innovative, completely online 12-week program created to equip frontline county government professionals with practical leadership skills to deliver results for counties and communities; and

WHEREAS, the robust curriculum developed by the Professional Development Academy in partnership with Fortune 1000 executives, public sector leaders, world-renowned academics and thought leaders, including General Colin Powell and Dr. Marshall Goldsmith, HPLA was designed specifically for the unique challenges and opportunities of serving in county government; and

WHEREAS, the Board of Supervisors wishes to honor and recognize the following County employees for graduating from the Professional Development Academy between December 2018 and April 2023;

Lou Anne Randall	Ken Tyler	Erica Bird
Paul Lutwak	Doug Shattuck	Cassandra Wolcott
Tina Louis	Brett Hembach	Michael Sudol
Ronald Raymer	Rosanne Lewis	Elisabeth Holbein
Michael Keville	Karen Bright	Tracy Lagoy
Melissa Martel Felton	Keith Lummis	Kerry Highers
Kim Centore	Katherine Conrad	Katie Ferguson
Katie Mungari	Denise Calcagnino	Ryan Chaires

Karin Richmond	Daniel Degear	Rebecca LaPorte
Jesica Prievo	John Barattini	Jennifer McGohan
Jamie Kowalczk	Mary Egger	Karen Swartz
Ellen Bowe	Frank McFall	Elysia West
Richard Durant	Lukas Duimstra	Colin Mackey
Amy Miller	Robert Verdon II	Mark Scimone
Stacey Eckler	Robin Streeter	Mallory Kleps
Ryan Aylward	Julie Carroll	Lindsay Rossello
Ernie Barringer	Emily Cameron	Kathryn Hopkins
Marcie Soule	Lyle Malbouf	Emily Burns
Kayla Dye	Aubrey Kirley	

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors does hereby wish to honor and recognize the above-mentioned County employees for dedicating their time for personal growth and empowerment and to build a culture of leadership for the betterment of Madison County;

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-170

APPROVING THE CONTRACTOR SECURITY ACCESS BADGE POLICY FOR MADISON COUNTY FACILITIES

WHEREAS, In recent years Madison County has invested resources to promote employee safety and properly secure the county's facilities, including the installation of badge access controls to many areas and offices; and

WHEREAS, there is often a need for contractors conducting authorized business within the county's facilities to access certain areas to perform their contracted services; and

WHEREAS, these contractors often require access badges to enter the buildings and other areas secured by badge access controls; and

WHEREAS, a policy has been developed to manage and control security access badges for contractors operating within Madison County's facilities.

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Supervisors approves the Contractor Security Access Badge policy.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-171

APPROVING THE DURESS ALARM POLICY FOR THE WAMPSVILLE CAMPUS OF MADISON COUNTY OFFICE BUILDINGS

WHEREAS, In recent years Madison County has invested resources to promote employee safety and properly secure the county's facilities, including the installation of duress alarms to the Wampsville Campus Office Buildings; and

WHEREAS, it is necessary to have an approved policy and procedure for the proper use and testing of said duress alarms.

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Supervisors approves the Duress Alarms Policy for Wampsville Campus of Madison County Office Buildings.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

By Supervisor Cavanagh:

RESOLUTION NO. 23-172

PUBLIC HEALTH DEPARTMENT APPROVED CHARGES AND FEE SCHEDULE

WHEREAS, Madison County Public Health Department is approved as a Licensed Home Care Service Agency and an Article 28 Diagnostic and Treatment Center to administer vaccines; and

WHEREAS, a sliding fee scale based on the Federal Poverty level and is required by regulation to charge a lesser fee for private pay clients based on income; and

WHEREAS, the Federal Poverty levels have been updated for 2023; and

WHEREAS, the Health and Human Services Committee agrees to approve the attached fee scale for all services based on the latest Federal Poverty guidelines and the current cost of vaccines and administration costs;

NOW, THEREFORE BE IT RESOLVED that the proposed fee charges are approved, effective May 10, 2023.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

RESOLUTION NO. 23-173

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH YOUNG MEN'S CHRISTIAN ASSOCIATION AND WOMEN'S COMMUNITY CENTER OF ROME AND TO MODIFY THE 2023 ADOPTED COUNTY BUDGET

WHEREAS, the New York State Office of Children and Family Services Division of Youth Development and Partnerships for Success (OCFS) has allocated monies to Municipal Youth Bureaus related to Youth Sports and Education Opportunity Funding (YSEOF) per 2-3OCFS-LCM-02; and

WHEREAS, these monies are to be used to serve children and youth ages 6-17 to support a broad range of sports programs for youth in under-resourced communities for the 2023 OCFS nine month program term of January 1, 2023, to September 30, 2023; and

WHEREAS, the Young Men's Christian Association and Women's Community Center of Rome, New York, hereinafter known as YMCA of Greater Tri-Valley, will serve 89 students in 4th and 5th grade in Oneida and Stockbridge elementary schools through a summer program, Character Development Through Archery; and

WHEREAS, the Madison County Youth Bureau Youth Board evaluated the proposal submitted under RFP P4-23 on April 4th, 2023, and has unanimously recommended the allocation of $20,340 in OCFS YSEOF to operate the proposed program during the period of May 1, 2023, to September 30, 2023, and the Health and Human Services Committee has approved the allocation; and

WHEREAS, these funds are 100% reimbursed through OCFS;

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 YMCA of Greater Tri-Valley in the form as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the 2023 Adopted County Budget be modified as follows:

General Fund

7146 Youth Programs		From	To
Expense			
A714670 541007	Anticipated Agency Allocation	$89,177	$68,837
A714670 542786	YMCA Youth Programming	-0-	20,340
Control Totals		$89,177	$89,177
Revenue			
A714670 438201	SA Anticipated Youth Programs	$62,750	$42,410
A714670 438230	SA YMCA Youth Programming	-0-	20,340
Control Totals			$62,750 $62,750

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

By Supervisor Cunningham:

RESOLUTION NO. 23-174

AUTHORIZING EXTENSION OF THE OPERATION AGREEMENT AND GROUND LEASE WITH MADISON CORTLAND CHAPTER, NYSARC, INC. FOR OPERATION OF MADISON COUNTY'S RECYCLING FACILITY

WHEREAS, Madison Cortland Chapter, NYSARC, Inc. (also known as The Arc of Madison Cortland) having its office and principal place of business at 701 Lenox Avenue, Oneida, NY 13421, has, for over thirty years, operated Madison County's Materials Recycling Facility at the Madison County Landfill site in order to process source separated recyclable materials that are generated in Madison County; and

WHEREAS, in 2016, Madison County began funding the electronic waste collection and recycling program operated by The Arc of Madison Cortland (LoJo Technology at 634 Birchwood Dr, Oneida, NY 13421), under the Operation Agreement, such that Madison County residents can properly recycle electronic waste at no cost; and

WHEREAS, both parties desire to extend the Operation Agreement and Ground Lease for an additional two year period, through June 14, 2025; and

WHEREAS, both parties desire to have the option to terminate the Operation Agreement and Ground Lease upon one hundred twenty (120) days written notice to the other party, should recycling markets or workforce conditions change substantially;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board be and is hereby authorized and directed to enter into a Modification and Extension Agreement with the Madison Cortland Chapter, NYSARC, Inc. in the form as is on file with the Clerk of the Board.

ADOPTED: AYES- 1,500 NAYS – 0 ABSENT – 0

At 11:37 A.M., on motion by Supervisor Vosburg, seconded by Supervisor Wicks the Board entered into executive session to discuss the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

At 1:01 P.M., on Motion by Supervisor Vosburg, seconded by Supervisor Cavanagh, the Board exited executive session.

The next Board meeting is scheduled for June 13, 2023 at 11:00 a.m.

On motion by Supervisor Zupan, seconded by Supervisor Walrod, the Board adjourned.