

**MADISON COUNTY BOARD OF SUPERVISORS**  
**Meeting – Tuesday, July 10, 2012**

The Board convened at 10:30 a.m. in the Supervisors chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Becker (285 votes).

Please note that Vice Chairman Dan Degear will preside over the meeting today in Chairman Becker's absence.

Pledge of Allegiance.

On motion by Supervisor Monforte, seconded by Supervisor Stepanski, the minutes of the previous meeting were dispensed with and adopted as filed.

**COMMUNICATIONS**

1. Copy of a resolution from Seneca County – Calling upon the Governor and Legislature to Recognize the Importance of Local Government Involvement in the New Article X Power Plant Siting Process.
2. Copy of a resolution from Fulton County – Supporting Senate and Assembly Bill to Revise the Sharing Formula for Wireless E911 Surcharge Monies.
3. Copy of a resolution from Tioga County – In Support of Senate and Assembly Bills an act to Amend the Tax Law, in Relation to Authorizing Certain Counties, Cities and School Districts to Impose up to a four percent rate of sales and Compensating Use Taxes.
4. Notice of Public Hearing from the Madison Town Clerk on Proposed Local Law No. 2 for a Windmill Moratorium.

**REPORTS**

1. Madison County Corporate Compliance Program Report January 1, 2012 – June 8, 2012.

**REPORTS OF COMMITTEES**

Supervisors, Highway, Social Services, JTPA/WIA and Madison County Sewer District:	\$2,156,268.66
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Miscellaneous Accounts:	\$1,903,099.87
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Vice Chairman Degear called on Beth McPhillips, Director of the Madison County Agricultural Economic Development Program who announced the upcoming 5<sup>th</sup> year Open Farm Day in Madison County on July 28, 2012. There will be many local farmers participating, with lots of local sponsors, raffles and much more. Also introduced was

Mr. Ron Bunze, new part time Executive Director for the Madison County Agricultural Economic Development Program.

## **RESOLUTIONS**

**By Supervisor Reinhardt (Vice Chair):**

### **RESOLUTION NO. 203-12**

#### **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 employee with an upcoming retirement is in order,

**NOW, THEREFORE, BE IT RESOLVED** that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Lauren M. Briggs upon his retirement.

Lauren M. Briggs

Highway

1984 – 2012

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

Highway Superintendent Joe Wisinski stepped forward and stated that Mr. Briggs was a great worker in the Morrisville Highway Department and will be missed. He also accepted a gift for Mr. Briggs on behalf of the Board and the County for his years of service.

### **RESOLUTION NO. 204-12**

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

**WHEREAS**, the Crimes Against Children Conference will be held August 12-16, 2012, in Dallas, TX; and

**WHEREAS**, Michael Fitzgerald, DSS Commissioner, has requested that Amy Hilliker, CPS Caseworker, attend this conference; and

**WHEREAS**, her expenses are fully funded by the Multi-Disciplinary Team Grant received by the Sheriff's Department; and

**WHEREAS**, this request has been reviewed and approved by the Criminal Justice, Public Safety and Telecommunications Committee, Social and Mental Health Services and the Government Operations Committee,

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

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT- 285 (Becker)**

**RESOLUTION NO. 205-12**

**ESTABLISHING THE STANDARD WORK DAY AND REPORTING DAYS FOR CERTAIN COUNTY OFFICIALS**

**WHEREAS**, the Office of the State Comptroller New York State and Local Employees' Retirement System requires that a Standard Work Day and Reporting Resolution be established for retirement credit reporting purposes for elected and appointed officials;

**NOW, THEREFORE, BE IT RESOLVED**, that Madison County hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk to the Board:

TITLE	NAME	STANDARD WORK DAY (Hrs/Day)	TERM BEGINS/E NDS	PARTICIPATES IN EMPLOYER'S TIME KEEPING SYSTEM (Y/N)	DAYS/MONTH (Based on Record of Activities)
<b>Elected Officials</b>					
Supervisor (Brookfield)	John Salka	6	1/1/12-12/31/13	N	4.28
Supervisor (Cazenovia)	Ralph Monforte	6	1/1/12-12/31/13	N	3.17
Supervisor//Vice-Chairman (DeRuyter)	Daniel Degear	6	1/1/12-12/31/13	N	12.36
Supervisor (Hamilton)	Eve Ann Shwartz	6	1/1/12-12/31/13	N	5
Supervisor (Lebanon)	James Goldstein	6	1/1/12-12/31/13	N	6.53
Supervisor (Lincoln)	Darrin Ball	6	1/1/12-12/31/13	N	13.36
Supervisor (Madison)	Ronald Bono	6	1/1/12-12/31/15	N	3.45
Supervisor (Nelson)	Roger Bradstreet	6	1/1/12-12/31/13	N	8.42
Supervisor (Smithfield)	Richard Bargabos	6	1/1/12-12/31/13	N	15.58
Supervisor/Chairman (Sullivan)	John Becker	6	1/1/12-12/31/15	N	17.95
Supervisor (Oneida – Wards 1-2-3)	Scott Henderson	6	1/1/12-12/31/13	N	9.5
Supervisor (Oneida – Wards 1-2-3)	John Reinhardt	6	1/1/12-12/31/13	N	6.79
Supervisor (Oneida – Wards 4-5-6)	Lewis Carinci	6	1/1/12-12/31/13	N	20

<b>Appointed Officials</b>					
County Attorney	John Campanie	6	1/1/12-12/31/13	N	20
1 <sup>st</sup> Asst. County Attorney	Tina Wayland-Smith	6	1/1/12-12/31/13	N	17.26

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 206-12**

**ABOLISHING A REGISTERED PROFESSIONAL NURSE II AND CREATING A DISEASE SPECIALIST**

**WHEREAS**, a Registered Professional Nurse II resigned; and

**WHEREAS**, the Public Health Director desires to abolish this position and create a Disease Specialist position to fulfill state mandated responsibilities; and

**WHEREAS**, the Personnel Officer certifies that Disease Specialist is the appropriate classification based on the description of duties submitted for this position; and

**WHEREAS**, the salary and fringe benefits for the position are fully funded through existing appropriations in the 2012 departmental budget; and

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

**NOW, THEREFORE BE IT RESOLVED** that one (1), full-time position of Registered Professional II be and hereby is abolished effective July 10, 2012; and

**BE IT FURTHER RESOLVED** that one (1), full-time position of Disease Specialist be and hereby is created effective July 11, 2012; and

**BE IT FURTHER RESOLVED** that the Public Health Director be and hereby is authorized to fill said position at the 2012 hourly rate of \$20.54 in accordance with Civil Service Law and Rule and the Agreement between the County and the Civil Service Employees Association, White Collar Unit effective immediately.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 207-12**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT (EMPIRE SAFETY TRAINING AND CONSULTING, INC.)**

**WHEREAS**, Empire Safety Training and Consulting, Inc. of Chittenango, New York has provided employee safety services and training for Madison County since 2001; and

**WHEREAS**, Empire Safety Training and Consulting, Inc. has agreed to provide training services at the rate of \$125.00 per hour under the grant the County received through the Hazard Abatement Board of the New York State Department of Labor; and

**WHEREAS**, the Government Operations Committee recommends the County retain the services of Empire Safety Training and Consulting, Inc. to provide this grant-funded training,

**NOW, THEREFORE BE IT RESOLVED** that the Chairman of the Board of Supervisors be and hereby is authorized to enter into an agreement with Empire Safety Training and Consulting, Inc. for the period August 1, 2012 through July 31, 2013 as is on file with the Clerk to the Board; and

**BE IT FURTHER RESOLVED** that the cost for these required safety services shall not exceed a total cost of \$13,696.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT- 285 (Becker)**

**RESOLUTION NO. 208-12**

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH TIME WARNER CABLE FOR HIGH SPEED INTERNET SERVICE**

**WHEREAS**, the use of the internet and electronic mail is becoming increasingly common and useful in government, information technology (IT) and business; and

**WHEREAS**, Madison County requires internet and electronic mail service to conduct research and maintain contact with numerous federal, state and local agencies and governments, private industry as well as our residents; and

**WHEREAS**, the nature of the information being transmitted and accessed often contains large files and complex documents; and

**WHEREAS**, the current contract with Time Warner Cable for said internet service has expired; and

**WHEREAS**, the County can increase the internet speed offered through Time Warner Cable by 5x download and 2.5x upload, which will significantly increase the speed of our internet connection, for less cost than the currently expired contact; and

**WHEREAS**, the additional speed will also allow for a significantly better video connection for the Sheriff's Department teleconferencing equipment which will also can be used by all County departments upon implementation; and

**WHEREAS**, the service is available from Time Warner Cable, a New York State Contract vendor at a cost of \$331.99 per month (currently \$364.45/month) with a one-time set up fee of \$75, for a term of three (3) years from the date of execution of the agreement and

**WHEREAS**, the Government Operations Committee has reviewed and approved the renewal of this agreement,

**NOW THEREFORE BE IT RESOLVED**, that the Chairman of the Board be and hereby is authorized to renew an agreement with Time Warner Cable of Syracuse, New York for high speed internet service, a copy of which is on file with the Clerk to the Board of Supervisors.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 209-12**

**AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO AN AGREEMENT WITH THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000**

**WHEREAS**, the Legislature of the State of New York enacted Article 14 of the Civil Service Law, which is known as the Taylor Law; and

**WHEREAS**, pursuant to Section 202 of the Civil Service Law, employees in certain titles are represented by the Civil Service Employees Association, Inc., Local 1000; and

**WHEREAS**, the Board of Supervisors has recognized said employees' organization for the purpose of negotiating collectively in accordance with Section 204 of the Civil Service Law,

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board of Supervisors be and hereby is authorized and empowered to enter into the negotiated memorandum of agreement with the Civil Service Employees Association, Inc., Local 1000.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisors Degear and Reinhardt:**

**RESOLUTION NO. 210-12**

**AUTHORIZING THE COUNTY TO ACCEPT A GRANT FROM THE NEW YORK STATE DEPARTMENT OF LABOR'S HAZARD ABATEMENT BOARD AND MODIFYING THE 2012 COUNTY BUDGET**

**WHEREAS**, the Personnel Department applied for and was awarded a grant in the amount of \$13,696 from the New York State Department of Labor's Hazard Abatement Board; and

**WHEREAS**, said grant will provide funding for employee safety training during the grant period, August 1, 2012 through July 31, 2013; and

**WHEREAS**, the Government Operations Committee has reviewed the award and recommends that the County accept this funding,

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors does hereby authorize the County to participate in the grant and accept the grant funding in the sum of \$13,696; and

**BE IT FURTHER RESOLVED** that the Chairman of the Board be and hereby is authorized to execute certain documents as required by the New York State Department of Labor to participate in the grant and receive reimbursements under the grant for the grant period of August 1, 2012 through July 31, 2013; and

**BE IT FURTHER RESOLVED** that the 2012 County Budget be modified as follows:

**General Fund**

**1430 Personnel & Civil Service**

Revenue

	<u>From</u>	<u>To</u>
A3389.2510 St. Aid DOL HAB Grant 2012-13	-0-	<u>\$13,696</u>
Control Total		<u>\$13,696</u>

Expense

A1430.4208 HAB Grant Expense 2012-13	-0-	<u>\$13,696</u>
Control Total		<u>\$13,696</u>

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisors Salka and Reinhardt:**

**RESOLUTION NO. 211-12**

**AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH MCCARTHY & CONLON, LLP and MODIFYING THE 2012 BUDGET**

**WHEREAS**, the Public Health Department currently has an agreement with McCarthy & Conlon, LLP to provide financial services for cost reports; and

**WHEREAS**, McCarthy & Conlon has prepared the County Cost reports in the past; and

**WHEREAS**, the County wishes to renew the agreement for an additional period of three year, through years ending December 31, 2014, and

**WHEREAS**, the Health Department agreement includes the following services

- \$6,000 per year for the AHCF Cost report
- \$6,000 for 2012 Final Medicare Cost Report
- And additional consulting services at \$150/hour; and

**WHEREAS**, the Public Health Services Committee recommends approval of the extension of this agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the 2012 Adopted County budget be modified as follows:

**General Fund**

**4013 Home Care**

From To

<u>Expense</u>		
A4013.4720 HCR Contract	\$390,500	\$ 384,500

**4013 Home Care**

<u>Expense</u>		
A4013.4201 Certified Public Accountants	<u>19,000</u>	<u>25,000</u>
Control Totals	<u>\$409,500</u>	<u>\$409,500</u>

**BE IT FURTHER RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to sign an agreement with McCarthy & Conlon, LLP as is on file with The Clerk of the Board of Supervisors.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisor Salka:**

**RESOLUTION NO. 212-12**

**AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT  
WITH THE CHILD DEVELOPMENT COUNCIL  
D/B/A FAMILY ENRICHMENT NETWORK**

**WHEREAS**, the Public Health Department is responsible for administering the Preschool programs beneficial to children with special needs; and

**WHEREAS**, Resolution # 212-10, Authorizing the Chairman to Enter Into Agreements with Agencies and Therapists was passed on July 13, 2010 for three year agreements; and

**WHEREAS**, DCMO BOCES is now being managed by the Child Development Council DBA Family Enrichment Network and Madison County currently has a child that requires services from this agency; and

**WHEREAS**, the Family Enrichment Network wishes to enter an agreement starting July 1, 2012 to provide services to this child and receive the NYS Rate; and

**WHEREAS**, the Public Health Services Committee feels it is expeditious to enter into an agreement with Family Enrichment Network; and

**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 Family Enrichment Network in the form as is on file with the Clerk of The Board.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 213-12**

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 4  
FOR THE YEAR 2012 AND CALLING FOR A PUBLIC HEARING**

**WHEREAS**, Supervisor Salka has duly introduced proposed Local Law No. 4 for the year 2012, entitled "A LOCAL LAW PROHIBITING THE USE OF TOBACCO UPON REAL PROPERTY OWNED OR LEASED BY 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 Madison County Office Building in Wampsville, New York on August 14, 2012 at 10:45 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.

**On motion by Supervisor Cary, seconded by Supervisor Monforte, this resolution was TABLED.**

### **A LOCAL LAW PROHIBITING THE USE OF TOBACCO UPON REAL PROPERTY OWNED OR LEASED BY MADISON COUNTY**

Be it enacted by the Madison County Board of Supervisors as follows:

Section 1: Title: This law shall be known as the "Local Law Prohibiting Use of Tobacco Upon Real Property Owned or Leased by Madison County."

Section 2: Declaration of Intent:

The Board of Supervisors of the County of Madison finds that tobacco use on real property owned or leased by the County should be prohibited in order to:

- (A) Protect the public health, safety and general welfare by eliminating exposure to second hand tobacco smoke and tobacco residue;
- (B) Acknowledge the need of non-smokers, especially children, to breathe smoke-free air; recognizing the danger to public health which secondhand smoke causes.
- (C) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the County.
- (D) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke and tobacco residue while on real property owned or leased by the County.
- (E) Encourage the cessation of tobacco use by all persons, to promote longevity and reduce disease and its cost to society.

Section 3: Definitions

As used in this Local Law, “use of tobacco” or “tobacco use” shall mean the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco, and chewing, holding in the mouth and/or expectorating of chewing tobacco , or any other matter or substance which contains tobacco.

#### Section 4: Prohibition

Tobacco use shall be prohibited upon all real property owned or leased by the County of Madison, and within all County-owned vehicles, except as provided in Section 5 of this Local Law.

#### Section 5: Exceptions

The provisions of this Local Law shall not apply to:

- (A) A privately owned moving motor vehicle which is not engaged in county service and which is in the process of exiting or entering real property owned or leased by the County of Madison.
- (B) Roadways and rights of ways located within the County road system established under Section 115 of the New York State Highway Law.
- (C) Madison County Parks, except within designated playground areas and covered shelters, and extending one hundred feet therefrom.

#### Section 6: Posting of Signs

“TOBACCO USE IS PROHIBITED”, or “NO TOBACCO” signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where tobacco use is regulated by this Local Law. Said signs shall be protected from tampering, damage, removal or concealment.

#### Section 7: Violations and Penalties

- (A) Tobacco use shall be unlawful in any area where tobacco use is prohibited by the provisions of this Local Law.
- (B) Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed One Thousand dollars (\$1,000.00).

#### Section 8: Enforcement

- (A) For purposes of this Local Law the term “enforcement officer” shall mean the Madison County Board of Health, or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provisions of this Local Law of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer at a time not less than fifteen (15) days after the date of service of the notice.

The Board of Health may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.

- (B) If the enforcement officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 7 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.
- (C) Any person who desires to register a complaint under this Local Law may do so with the appropriate enforcement officer.
- (D) The decision of the hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.
- (E) The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in Section 7 of this Local Law.

#### Section 9: Effect on Other Laws

- (A) This Local Law shall not be interpreted nor construed to permit tobacco use where it is otherwise restricted by other applicable laws, including but not limited to the Indoor Clean Air Act.
- (B) Madison County Policy entitled “No Smoking or Tobacco Use in the Workplace” adopted in April 1990 and subsequently modified thereafter is hereby repealed.

#### Section 10: Severability

If any section, subsection, sentence, clause, phrase or other portion of this Local Law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such position shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which shall remain in full force and effect.

#### Section 11: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

### **RESOLUTION NO. 214-12**

### **AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO RENEW AN AGREEMENT WITH MADISON COUNTY HEAD START**

**WHEREAS**, Madison County Head Start has identified a need for evaluation and consultation services; and

**WHEREAS**, the Madison County Mental Health Department has the resources to provide the services on a contractual basis to Madison County Head Start for the period September 1, 2012 through August 31, 2013 at the rate of \$105.00 per hour, with the total amount of the contract not to exceed \$6,000 per year ; and

**WHEREAS**, this request for the Mental Health Department to provide services to Madison County Head Start has been approved by the Social and Mental Health Services Committee;

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

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 215-12**

**AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO RENEW AN AGREEMENT WITH THE CHITTENANGO CENTRAL SCHOOL DISTRICT**

**WHEREAS**, for the last nine years the Mental Health Department has been providing part-time mental health counseling services in the Chittenango Central School District; and

**WHEREAS**, the Chittenango Central School District wants to continue to participate in the school based mental health program for certain of its students who are exhibiting signs of mental problems; and

**WHEREAS**, the Madison County Mental Health Department has the resources to provide the services on a contractual basis to Chittenango Central School District for the period September 1, 2012 through August 31, 2013 at the rate of \$40.00 per hour, (the prevailing rate for contracted social workers as approved by the Board of Supervisors) with the total amount of the contract not to exceed \$14,420 per year; and

**WHEREAS**, this request for the Mental Health Department to provide services to the Chittenango Central School has been approved by the Social and Mental Health Services 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 Chittenango Central School district in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisors Salka and Ball:**

## RESOLUTION NO. 216-12

### URGING NEW YORK STATE AND THE FEDERAL GOVERNMENT TO BAN THE MANUFACTURE, DISTRIBUTION, SALE AND POSSESSION OF DANGEROUS UNREGULATED SYNTHETIC DRUGS

**WHEREAS**, the sales and abuses of synthetic “designer” drugs, known commonly as “bath salts,” continue to increase among individuals in our communities; and

**WHEREAS**, these “designer drugs” are specifically synthesized with a similar, but slightly modified structure of a Schedule 1 controlled substance in order to avoid existing drug laws, and can be continually chemically modified to avoid legal repercussions, while maintaining their intended effects and usages; and

**WHEREAS**, hospitals, health agencies, and poison control centers are experiencing increased emergency room cases, illnesses, deaths, and reports linked to the use and abuse of these substances; and

**WHEREAS**, law enforcement agencies and courts are seeing increased crime in our local communities associated with the sale and abuse of these substances; and

**WHEREAS**, manufacturers and retailers of these substances often directly market them through the Internet and by colorful packaging designs that include no warnings or adequate descriptions of the ingredients, and are deceptively sold as plant food and other ordinary household goods, and which are not approved for medical use in the United States; and

**WHEREAS**, individuals obtain the substances either through storefront retailers, indirectly through others, or through Internet sales; and

**WHEREAS**, the availability and ready access of these substitute drugs, many of which are not detected by normal drug tests, undermines publicly-funded meaningful and effective substance abuse programs directed toward the treatment and counseling of substance abusers; and

**WHEREAS**, Internet sales of these substances raises questions about interstate commerce regulations and concerns about the distribution of unregulated harmful drugs across state and national boundaries, requiring action at the federal level; and

**WHEREAS**, the Commissioner of Health in New York State issued an Order for Summary Action to Ban the Sale and Distribution of Designer Drugs Commonly Packaged and Marketed as Bath Salts on May 20, 2011; and

**WHEREAS**, the State Legislature again has two bills before it - S6694-A (Flanagan) and A9781-A (Cusick) that would classify substituted cathinones as a controlled substances based on foundational chemical structures under the public health law and the penal law (which should address the current practice of making minor alterations to chemicals to subvert statutes that prohibit distinct chemicals) and would create a Statewide substituted Cathinone Surrender Program to allow for surrender of these harmful substances to appropriate authorities; and

**WHEREAS**, the United States Senate passed a bill to ban permanently two substances commonly used in “bath salts”; and

**WHEREAS**, all these facts support the assertion that these substances continue to pose a significant and immediate public health threat and danger to public safety;

**NOW THEREFORE BE IT RESOLVED**, the Madison County Board of Supervisors and the Madison County Board of Health urge the State Legislature and Governor to immediately pass further meaningful and effective legislation criminalizing the manufacture, distribution, sale and possession of these substances and their future derivatives by anyone of any age in New York State with the intent of protecting the health and safety of all citizens of New York State; and

**BE IT FURTHER RESOLVED**, that the Madison County Board of Supervisors shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisors Salka and Reinhardt:**

**RESOLUTION NO. 217-12**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS WITH AGENCIES TO PROVIDE YOUTH SERVICES AND TO MODIFY THE 2012 ADOPTED COUNTY BUDGET**

**WHEREAS**, the following agencies have submitted proposals to the Madison County Youth Bureau to provide services to the youth of Madison County during the period of January 1, 2012 – December 31, 2012; and

**WHEREAS**, the Madison County Youth Board has evaluated the proposals and has recommended the following allocation of funds to these programs, and the Social & Mental Health Services Committee has approved the allocations;

<u>AGENCY</u>	<u>PROGRAM</u>	<u>AMOUNT</u>
Madison County Council on Alcoholism (BRiDGES)	INROADS – School-based Substance Abuse Prevention	\$ 10,500.00
Community Action Program	Mentoring Partnership	\$ 6,000.00
Church on the Rock	Youth Center	\$ 3,525.00
Earlville Opera House	Children’s Performing Arts	\$ 4,187.00
Project Café, Inc.	After-School Program	\$ 5,000.00
Jim Marshall Farms Foundation	Teen Counseling Services	\$ 3,000.00;

and

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

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

**BE IT FURTHER RESOLVED**, that the 2012 Adopted County Budget be modified as follows:

**GENERAL FUND**

**Youth Programs**

**7146 Youth Programs - Agencies**

<b><u>Expense</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
A7146.41007 Anticipated Agency Allocation	\$ 42,000	\$ 9,788
A7146.42723 MCCASA – InRoads	0	10,500
A7146.42724 Partnership Mentoring (CAP)	0	6,000
A7146. 42725 Church on the Rock Youth Center	0	3,525
A7146.42729 Child Performing Arts (Earlville)	0	4,187
A7146.42734 Project Café- After School Program	0	5,000
A7146.42742 Teen Counseling Services-Marshall Farms	0	3,000
Control Total	<u>\$ 42,000</u>	<u>\$ 42,000</u>

<b><u>Revenues</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
A3820.2001 St Aid Anticipated Youth Programs	\$ 42,000	\$ 9,788
A3820.2020 St Aid-MCCASA–INROADS	0	10,500
A3820.2031 St Aid-Partnership Mentoring (CAP)	0	6,000
A3820.2006 St Aid-Church on the Rock Youth Center	0	3,525
A3820.2086 St Aid-Children’s Performing Arts	0	4,187
A3820.2050 St Aid-Project Café	0	5,000
A3820.2004 St Aid-Teen Counseling Services-Marshall Farms	0	3,000
Control Total	<u>\$ 42,000</u>	<u>\$ 42,000</u>

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisor Ball:**

**RESOLUTION NO. 218-12**

**AUTHORIZING THE CHAIRMAN AND THE SHERIFF TO ENTER INTO AN AGREEMENT TO PROVIDE SUPPLEMENTAL LAW ENFORCEMENT SERVICES WITH TWT HOLDING COMPANY, INC. (THE RESULTS GROUP)**

**WHEREAS**, TWT Holding Company, Inc. (also known as The Results Group or “TRG”) finds it desirable to secure supplemental law enforcement services and the Madison County Sheriff is willing and able to provide members and vehicles for supplemental law enforcement services where it identifies a public safety need for such services; and

**WHEREAS**, supplemental law enforcement services for a concert (known as “Country Jam”) scheduled for July 13-14, 2012 in the Town of Madison, County of Madison, in

accordance with route plans approved by the New York State Police and a mass gathering permit issued by the County of Madison, are requested; and

**WHEREAS**, the Madison County Sheriff will assign deputy sheriffs and/or non-commissioned officers to be used to provide supplemental law enforcement; and

**WHEREAS**, hours for members assigned to this detail will be billed to The Results Group at \$60.00 an hour, per Deputy Sheriff; and

**WHEREAS**, this agreement may be terminated for convenience or necessity at any time by the Madison County Sheriff or by The Results Group upon seven days written notice to the Madison County Sheriff or his designee; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Sheriff and the Chairman of the Board of Supervisors be and hereby are authorized to enter into an agreement with TWT Holding Company, Inc. (The Results Group or "TRG") for the provision of supplemental law enforcement services, in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

#### **RESOLUTION NO. 219-12**

#### **AUTHORIZING THE CHAIRMAN TO APPLY FOR A BULLETPROOF VEST PARTNERSHIP PROGRAM FROM THE US DEPARTMENT OF JUSTICE**

**WHEREAS**, the US Department of Justice has a Bulletproof Vest Partnership (FY2012 BVP) Program that reimburses body armor purchases that have a written mandatory wear policy for uniformed patrol officers; and

**WHEREAS**, the FY2012 BVP funds may only be used towards the purchase of vests ordered on or after April 1, 2012; and

**WHEREAS**, each vest purchased with FY2012 funds must meet National Institute of Justice Standards on the date it was ordered; and

**WHEREAS**, vests must be received and the request for payment submitted to the BVP system by August 31, 2014; and

**WHEREAS**, bulletproof vests expire after five (5) years and the application is being made for \$21,201.00 for the next two years; and

**WHEREAS**, as the US Department of Justice has a maximum allowable funding of 50% for BVP, the NYS Division of Criminal Justice Services will refund the remainder 50% of new vests for uniformed patrol officers; and

**WHEREAS**, the County will fund the remaining 50% of replacement vests purchased over the grant period; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to apply on behalf of the County of Madison with the US Department of Justice, in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 220-12**

**AUTHORIZING THE BOARD OF SUPERVISORS TO SUPPORT STATE LEGISLATION THAT INCREASES SHARING OF THE STATE 911 WIRELESS SURCHARGE**

**WHEREAS**, New York passed a law in 1991 that placed a 70 cent surcharge on cell phone bills, and in 2002 raised the tax to \$1.20 per cell phone; and

**WHEREAS**, the funding was intended to be transferred from the state police to local governments to pay for 911 call center services and technology upgrades; and

**WHEREAS**, the New York State 911 Coordinators Association estimates that New York State has collected over \$1.2 billion in surcharges since 1994, and of the \$190 million collected last year the state transferred only \$9.3 million to county governments; and

**WHEREAS**, proposed legislation S5509A (Grisanti) and A84489 (Scarborough) would ensure fifty-eight and three-tenths percent (58.3%) of the annual wireless surcharge would be used for the provision of grants or reimbursements to counties for the development, consolidation, or operation of public safety communications systems or networks designed to support statewide interoperable communications for first responders, including next generation 911;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Madison County Board of Supervisors supports said legislation; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Governor Andrew Cuomo, State Senator David Valesky, Assemblyman William Magee, and the New York State Association of Counties.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisor Suits (Vice Chair):**

**RESOLUTION NO. 221-12**

**APPOINTING MEMBER TO THE MADISON COUNTY TOURISM BOARD**

**BE IT RESOLVED**, that Ralph Monforte, Town of Cazenovia Supervisor, 2100 Sunset Lane, Cazenovia, NY 13035 be appointed as the Board of Supervisors' representative to the Madison County Tourism Board, for a two (2) year term expiring on December 31, 2013.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 222-12**

**AUTHORIZING SUBMISSION OF APPLICATION FOR A  
COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, Madison County may submit an application for funding for community development activities to New York State under the Office for Community Renewal; and

**WHEREAS**, Madison County proposes to apply for funds for direct homeownership assistance; and

**WHEREAS**, Madison County has followed a citizen participation plan in developing the proposed application;

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board of Supervisors is authorized to sign and submit the application for funding from New York State on behalf of Madison County.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 223-12**

**DETERMINATION OF PRIORITY FOR MADISON COUNTY'S COMMUNITY  
DEVELOPMENT BLOCK GRANT**

**WHEREAS**, Madison County has reviewed its community development activities and needs; and

**WHEREAS**, Madison County has followed a citizen participation plan to develop its 2012 NYS Office for Community Renewal Community Development Block Grant application; and

**WHEREAS**, the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee has discussed the County's needs and the proposed approach to meeting the needs;

**NOW, THEREFORE, BE IT RESOLVED THAT** after review and consideration, the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee has determined that housing ownership is the County's priority community development need; and

**BE IT FURTHER RESOLVED THAT** Madison County should apply for a \$637,200 NYS Office for Community Renewal Community Development Block Grant to assist first time home buyers purchase homes.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisor Bono:**

**RESOLUTION NO. 224-12**

**AUTHORIZING CHAIRMAN TO AMEND AN AGREEMENT WITH  
NEW YORK STATE ENERGY RESEARCH & DEVELOPMENT AUTHORITY**

**WHEREAS**, the County presently has an agreement with the New York State Energy Research & Development Authority to accept \$275,392 in grant funding for energy efficiency improvement projects across the Madison County Office Complex (Resolution #250-10 dated August 10, 2010); and

**WHEREAS**, these projects were completed on April 16, 2012; and

**WHEREAS**, the agreement needs to be amended to modify energy savings calculations and extend the end date of the agreement from March 30, 2012 to April 16, 2012; and

**WHEREAS**, the County Buildings and Grounds Committee has reviewed the proposed amendment and recommends approval by the Board of Supervisors; and

**WHEREAS**, the amended agreement creates no additional fiscal burden on the county;

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board be and hereby is authorized to sign the amended agreement with the New York State Energy Research & Development Authority, a copy of which is on file with the Clerk to the Board of Supervisors.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 225-12**

**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION TO EXTEND AND MODIFY THE MUNICIPAL SNOW AND ICE  
AGREEMENT FOR JULY 1, 2012 THROUGH JUNE 30, 2013**

**WHEREAS**, the Commissioner of the New York State Department of Transportation and the County of Madison have entered into an Agreement No. D089857 entitled “Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of “County of Madison” dated February 13, 1975; and

**WHEREAS**, the term of said Agreement is for a period of three (3) years commencing on July 1, 1975 and the said Agreement provides that the parties may at

the end of each year of the term of the Agreement extend such term for an additional year; and

**WHEREAS**, the present term of the Agreement, as extended expires June 30, 2012; and

**WHEREAS**, the parties are willing to renew and extend the same for a one (1) year period commencing July 1, 2012 to June 30, 2013; and

**WHEREAS**, Section 7 of said Agreement provides that the Commissioner shall furnish the Municipality with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by the Agreement; and

**WHEREAS**, Section 10 of said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10, at the time of extension of the Agreement;

**NOW, THEREFORE BE IT RESOLVED**, the Chairman of the Board be and is hereby authorized and directed to enter into the Agreement to extend the Municipal Snow and Ice Agreement, a copy of which is on file with the Clerk of the Board; and

**BE IT FURTHER RESOLVED**, upon execution of the Agreement to extend and modify the Municipal Snow and Ice Agreement by the Commissioner of Transportation or his designee, that the "Snow and Ice Agreement Between New York State Department of Transportation and the Municipality of Madison County" shall be extended for a period of one (1) year, now to expire on June 30, 2012, unless further extended; that the State Highways or parts thereof effected are as delineated on the map attached to such extension and modification agreement; and that the estimated expenditure as specified in Section 10 of the "Snow and Ice Agreement Between New York State Department of Transportation and the Municipality of Madison County" shall be **\$1,017,677.10** for the remainder of the term of such Agreement commencing July 1, 2012 unless changed by future update.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisor Goldstein:**

**RESOLUTION NO. 226-12**

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

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

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

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

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

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

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

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

1. BOB'S CONSTRUCTION AND REPAIR

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

### **RESOLUTION NO. 227-12**

#### **AUTHORIZING THE COUNTY ATTORNEY TO PURSUE LEGAL ACTION FOR FAILURE TO COMPLY WITH HEARING BOARD ORDER**

**WHEREAS**, on March 29, 2012, a hearing was held before the duly-authorized Hearing Board regarding the alleged violations by Syracuse Haulers, Inc. ("Syracuse Haulers") of Madison County Local Law #3 for 2004 ("Local Law") regarding solid waste management;

**WHEREAS**, on May 15, 2012, the Hearing Board determined that Syracuse Haulers had committed sixteen violations of the Local Law and pursuant to the Local Law assessed a surcharge of \$33,500 and issued an Order to that effect;

**WHEREAS**, on May 15, 2012, Syracuse Haulers, through its legal counsel was served with a written notice of the Hearing Board's determination and was provided thirty (30) days in which to pay the surcharge;

**WHEREAS**, on June 22, 2012, the County, through the County Attorney's designee, spoke to the attorney representing Syracuse Haulers in the hearing indicating further action would be taken if the surcharge was not paid; and

**WHEREAS**, Syracuse Haulers has failed to pay the surcharge as required by the Hearing Board and by the Local Law;

**NOW, THEREFORE, BE IT RESOLVED**, that the County Attorney or his designee is hereby authorized to commence and prosecute legal action to recover the surcharge imposed by the Hearing Board, plus interest as allowable by law, and to take such other and further action as may be allowed by law to defend and protect the interests of the County with regard to compliance with the Local Law by Syracuse Haulers.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisor Reinhardt:**

**RESOLUTION NO. 228-12**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AMENDED AGREEMENT WITH GPO FEDERAL CREDIT UNION FOR THE RENEWAL OF AN ATM MACHINE ON COUNTY PREMISES**

**WHEREAS**, an ATM machine has been located in the lobby of the County Office Building for four years and has served the public and county employees, and

**WHEREAS**, GPO Federal Credit Union has agreed to provide, maintain, insure and service the ATM, and

**WHEREAS**, the Finance, Ways and Means Committee have reviewed the detailed requirements and recommends that the ATM contract be renewed; and has agreed with our insurance carrier that insurance coverage presently maintained by GPO is sufficient for this contract with GPO Credit Union

**WHEREAS**, said agreement is a two-year agreement, effective May 16, 2012 through May 16, 2014; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Madison County Board of Supervisors authorizes the Chairman of the Board to authorize an agreement with GPO Federal Credit Union for a two (2) year period commencing on May 16, 2012 and expiring on May 16, 2014, a copy of which is on file with the Clerk of the Board of Supervisors.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 229-12**

**AUTHORIZING THE MODIFICATION OF THE 2012 COUNTY BUDGET**

**BE IT RESOLVED that the 2012 Adopted County Budget be modified as follows:**

**Modification #1:**

General Fund

Expense

Personal Services

		<u>From</u>	<u>To</u>
A1165.1	District Attorney	\$ 499,515	\$ 501,306
A1325.1	County Treasurer	557,410	567,609
A1355.1	Assessment	160,848	163,263
A1410.1	County Clerk	587,247	598,251
A1450.1	Board of Elections	321,142	321,185
A1620.1	County Buildings	547,333	553,832
A1670.1	Central Printing, Supplies & Mail	84,070	84,829
A1680.1	Information Technology	373,164	382,306
A2960.1	Preschool Special Education	158,179	158,679
A2961.1	Early Intervention Program	164,051	167,278
A3020.1	Communications Center	823,036	865,681
A3110.1	Sheriff Department	2,143,452	2,457,983
A3140.1	Probation	768,589	781,570
A3150.1	Sheriff-Correctional Facility	2,498,736	2,500,796
A4010.1	Public Health Administration	275,896	276,759
A4012.1	Public Health Preventive	366,996	368,342
A4013.1	Public Health Home Care	160,632	166,835
A4014.1	Public Health Promotion and Planning	149,537	153,246
A4090.1	Public Health Environmental	367,682	373,168
A4308.1	Mental Health Clinic Programs	1,250,450	1,277,804
A4309.1	Mental Health Adapt Programs	449,600	459,224
A4310.1	Mental Health Administration	380,679	383,154
A6010.1	Social Services Administration	4,707,204	4,785,130
A6510.1	Veterans Agency	113,578	115,269
A7145.1	Youth Programs Administration	93,123	94,244
A8020.1	Planning	240,213	244,299

Social Security & Medicare Expense

A1165.8130	District Attorney	38,213	38,351
A1325.8130	County Treasurer	42,642	43,423
A1355.8130	Assessment	12,305	12,490
A1410.8130	County Clerk	44,924	45,766
A1450.8130	Board of Elections	24,567	24,571
A1620.8130	County Buildings	41,871	42,369
A1670.8130	Central Printing, Supplies & Mail	6,431	6,490
A1680.8130	Information Technology	28,547	29,247
A2960.8130	Preschool Special Education	12,101	12,140
A2961.8130	Early Intervention Program	12,550	12,797
A3020.8130	Communications Center	62,962	66,225
A3110.8130	Sheriff Department	163,974	188,036
A3140.8130	Probation	58,797	59,791
A3150.8130	Sheriff-Correctional Facility	191,153	191,311
A4010.8130	Public Health Administration	21,106	21,173
A4012.8130	Public Health Preventive	28,075	28,178
A4013.8130	Public Health Home Care	12,288	12,763

A4014.8130	Public Health Promotion and Planning	11,440	11,724
A4090.8130	Public Health Environmental	28,128	28,548
A4308.8130	Mental Health Clinic Programs	95,659	97,752
A4309.8130	Mental Health Adapt Programs	34,394	35,131
A4310.8130	Mental Health Administration	29,122	29,312
A6010.8130	Social Services Administration	360,101	366,063
A6510.8130	Veterans Agency	8,689	8,819
A7145.8130	Youth Programs Administration	7,124	7,210
A8020.8130	Planning	18,377	18,690
A9030.8200	Social Security Expense	1,497,435	1,540,265
A9030.8210	Allocation of FICA Expense	(1,497,435)	(1,540,265)

1990 Contingent Fund

A1990.4444	Contingent Fund	<u>985,310</u>	<u>382,800</u>
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Control Totals	<u>\$20,623,212</u>	<u>\$20,623,212</u>
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**Modification #2:**

County Road Fund

Expense

Personal Services

		<u>From</u>	<u>To</u>
D5010.1	County Highway Administration	\$ 232,836	\$ 235,182
D5020.1	County Highway Engineering	57,241	58,774
D5110.1	Maintenance of Roads & Bridges	1,184,400	1,263,995
D5112.1	Construction Projects	309,153	333,073
D5113.1	Consolidated Highway Program	309,143	333,062
D5142.1	County Snow Removal	883,362	951,709
D5144.1	State Snow Removal	264,851	285,343

Social Security & Medicare Expense

D5199.8130	County Road Employee Benefits	<u>247,936</u>	<u>264,778</u>
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Totals	<u>\$ 3,488,922</u>	<u>\$3,725,916</u>
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Control Total		<u>\$ 236,994</u>
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Revenue

D5031	Contribution from General Fund	<u>\$ 6,957,691</u>	<u>\$ 7,194,685</u>
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Control Total		<u>\$ 236,994</u>
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General Fund

Expense

Contribution to Other Funds

A9901.94	Contribution to County Road Fund	\$ 6,957,691	\$ 7,194,685
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1990 Contingent Fund

A1990.4444	Contingent Fund	<u>382,800</u>	<u>145,806</u>
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Control Totals	<u>\$ 7,340,491</u>	<u>\$ 7,340,491</u>
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**Modification #3:**

Road Machinery Fund

Expense

Personal Services

	<u>From</u>	<u>To</u>
DM5130.1 Road Machinery Repairs & Expense	\$ 608,142	\$ 618,827

Social Security & Medicare Expense

DM5131.8130 Road Machinery Employee Benefits	<u>46,523</u>	<u>47,341</u>
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Totals	\$ <u>654,665</u>	\$ <u>666,168</u>
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Control Total		\$ <u>11,503</u>
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Revenue

DM5031.10 Contribution from General Fund	<u>\$1,722,719</u>	<u>\$1,734,222</u>
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Control Total		\$ <u>11,503</u>
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General Fund

Expense

Contribution to Other Funds

A9901.9410 Contribution to Road Machinery Fund	\$ 1,722,719	\$ 1,734,222
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1990 Contingent Fund

A1990.4444 Contingent Fund	<u>145,806</u>	<u>134,303</u>
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Control Totals	\$ <u>1,868,525</u>	\$ <u>1,868,525</u>
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**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 230-12**

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

**WHEREAS**, the following application for refund and credit of real property taxes was made in accordance with Section 556 of the Real Property Tax Law,

Confer, Guy & Jean  
4605 Francis Road  
Cazenovia, NY 13035

Tax Map #88.-1-12.5  
Town of Fenner  
Assessed Value \$23,700

**WHEREAS**, there are delinquent 2012 county and town taxes in the amount of \$762.50, which includes the 2011 Cazenovia Central School relevy in the amount of \$434.72; and

**WHEREAS**, the property owners were entitled to the Basic STAR exemption in the amount of \$30,000 but, in error, this was not reflected on the 2011 Cazenovia Central School tax bill; and

**WHEREAS**, the correct amount for the 2011 school relevy should be \$13.63; and

**WHEREAS**, the delinquent county and town tax should be \$293.83 after the school relevy adjustment; and

**WHEREAS**, the Director of Real Property Tax Services recommends approval of this application,

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be, and hereby is directed to, credit the 2012 delinquent taxes in the amount of \$468.67, which includes interest and penalties, due to this error.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 231-12**

**AUTHORIZING THE MODIFICATION OF THE 2012 ADOPTED COUNTY BUDGET**

**BE IT RESOLVED**, that the 2012 Adopted County Budget be modified as follows:

**Modification No. 1**

**General Fund**

**1110 Municipal Court**

**Expense**

	<u>From</u>	<u>To</u>
A1110.4202 Interpreter Services-Town Court	\$ -0-	\$ 140

**1990 Contingent Fund**

**Expense**

A1990.4444 Contingent Fund	<u>134,303</u>	<u>134,163</u>
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Control Totals	<u>\$134,303</u>	<u>\$134,303</u>
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**Modification No. 2**

**General Fund**

**1165 District Attorney**

**Expense**

	<u>From</u>	<u>To</u>
A1165.4005 Books & Periodicals	\$ 4,500	\$ 4,000
A1165.4911 Office Supply & Expense (Outside)	<u>800</u>	<u>1,300</u>

Control Totals	<u>\$ 5,300</u>	<u>\$ 5,300</u>
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**Modification No. 3**

**General Fund**

**1325 County Treasurer**

**Expense**

	<u>From</u>	<u>To</u>
A1325.2110 Payroll Software Upgrade	\$ -0-	\$ <u>75,000</u>

Control Total		<u>\$ 75,000</u>
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**Revenue**

A880.2010 Appropriation of Reserves	\$ -0-	\$ <u>75,000</u>
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Control Total \$ 75,000

**Modification No. 4**

**General Fund**

**1420 County Attorney**

**Expense**

	<u>From</u>	<u>To</u>
A1420.4208 Professional Legal Counsel	\$ <u>75,000</u>	\$ <u>107,492</u>

Control Total \$ 32,492

**Revenue**

A2701.7015 Refund of Prior Year Expenditure	0	7,453
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A2801.2810 Interfund Revenue-PH-CHHA	0	7,633
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A2801.2820 Interfund Revenue-Corporate Compliance	0	<u>17,406</u>
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Control Total \$ 32,492

**Modification No. 5**

**General Fund**

**4308 Mental Health - Clinic**

**Expense**

	<u>From</u>	<u>To</u>
A4308.4723 Other Client Transportation	\$ 2,000	\$ 5,000

A4308.4227 Medical & Psychiatric Services	<u>593,448</u>	<u>590,448</u>
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Control Totals \$ 595,448 \$ 595,448

**Modification No. 6**

**General Fund**

**5682 Madison Transit-Birnie Operations**

**Expense**

	<u>From</u>	<u>To</u>
A5682.41077 Misc. Transit Expense	\$ <u>1,600</u>	\$ <u>12,991</u>

Control Total \$ 11,391

**Revenue**

A880.4030 Appropriation of Reserves-Bus Operations	\$ <u>4,124</u>	\$ <u>15,515</u>
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Control Total \$ 11,391

**Modification No. 7**

**General Fund**

**1010 Legislative Board**

**Expense**

	<u>From</u>	<u>To</u>
A1010.1 Personal Services (Intern)	\$370,827	\$372,220

A1010.8130 Social Security Expense	28,368	28,475
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**1990 Contingent Fund**

**Expense**

A1990.4444 Contingent Fund	<u>134,303</u>	<u>132,803</u>
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Control Totals \$ 533,498 \$ 533,498

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**By Supervisor Salka:**

**RESOLUTION NO. 232-12**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH TWT HOLDING COMPANY, INC. d/b/a THE RESULTS GROUP or “TRG”**

**WHEREAS**, TWT Holding Company, Inc. d/b/a The Results Group or “TRG” is a New York Corporation, in the business of producing, advertising and marketing concerts for musical performers; and

**WHEREAS**, TRG approached Madison County for a mass gathering permit to hold such a concert in Madison County, specifically an event known as “Country Jam” to be held in the Town of Madison on July 13<sup>th</sup> and 14<sup>th</sup>, 2012; and

**WHEREAS**, Madison County, through its Department of Health, is a permitting agency regarding mass gatherings under the New York State Public Health Law; and

**WHEREAS**, the issuance of a mass gathering permit for such an activity requires, pursuant to New York Code of Rules and Regulations Part 7, 7-4, §7-4.8, a written hold-harmless agreement to the public at large for any loss or damage above and beyond insurance coverage; and

**WHEREAS**, the hold-harmless agreement has been reviewed and approved by the Public Health Services Committee;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into a hold-harmless agreement with TWT Holding Company, Inc., d/b/a The Results Group or “TRG”, in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT – 285 (Becker)**

**RESOLUTION NO. 233-12**

**APPROVING THE PAYMENT OF CLAIMS**

**RESOLVED**, that the claims presented to this Board by the Clerk, having been duly audited, be and the same hereby are authorized to be paid by the Treasurer upon receipt of a copy of the abstract of audited claims attested by the Clerk.

**ADOPTED: AYES – 1215 NAYS – 0 ABSENT- 285 (Becker)**

***PROCLAMATION  
DISABILITIES AWARENESS MONTH***

**WHEREAS**, the Americans with Disabilities Act (ADA) was a landmark piece of legislation that guaranteed people with disabilities access to employment, public accommodations, services and telecommunications. When it was signed by President George H.W. Bush on July 26, 1990, it liberated the energies and talents of millions of Americans with Disabilities; and

**WHEREAS**, according to the U.S. Census Bureau, some 53 million Americans of all ages have a disability. About 11 million of those individuals need personal assistance with everyday activities; and

**WHEREAS**, it is vital for people with disabilities to be able to fully participate in the community; and

**WHEREAS**, the County of Madison is pleased to join with such respected organizations as ARISE in this formal recognition of the 22<sup>nd</sup> anniversary of the American's with Disabilities Act; and

**WHEREAS**, the County of Madison is proud of their cooperative working relationship with all of the organizations gathered here and look forward to continuing to work with them to make all of our citizens more aware of the ADA and its goals of "quality of opportunity, full participation, independent living and economic self-sufficiency" for individuals with disabilities.

**NOW, THEREFORE**, I, John M. Becker, Chairman of the Board of Supervisors of Madison County do hereby proclaim the month of July, Two Thousand and Twelve as:

### **DISABILITIES AWARENESS MONTH**

in the County of Madison and hereby urge all citizens to recognize this important event.

### **PUBLIC COMMENT PERIOD**

**No Speakers.**

**At 11:00 a.m. Supervisor Salka made a motion for the Board to go into executive session to discuss pending litigation, in particular, matters involving the Madison County Probation Director. The motion was seconded by Supervisor Bono and carried.**

**Vice Chairman Degear asked all Supervisors to remain in the Chambers for the executive session with Board Chairman John Becker being absent. Also present for the executive session were outside counsel John Corcoran of Hancock Estabrook, LLP, County Attorney S. John Campanie, First Assistant County Attorney Tina Wayland-Smith, Administrative Assistant to the Chairman of the Board Mark Scimone, Sheriff Riley, Ryan Aylward from the Personnel Department and Clerk Urtz. All others were asked to leave.**

**Discussion was held with outside counsel Corcoran during which confidential legal advice was rendered.**

**At 11:32 a.m., Supervisor Goldstein excused himself from the executive session with Supervisor Carinci also leaving at 11:47 a.m.**

**At 11:55 a.m. Supervisor Monforte made a motion to close the executive session, seconded by Supervisor Reinhardt and carried.**

**The Board then went back into regular session. There being no further business for regular session, Supervisor Henderson made a motion to adjourn the meeting, seconded by Supervisor Salka and carried.**