

**MADISON COUNTY BOARD OF SUPERVISORS**  
**Meeting – Tuesday, August 14, 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 Cary (38 votes), Supervisor DiVeronica (189 votes) and Supervisor Ball (41 votes).

Pledge of Allegiance.

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

**COMMUNICATIONS**

1. Meeting Notice received from the NYS Board on Electric Generation.
2. Copy of a Resolution from Ontario County – Uniform Notice of Claim Act Resolution in Opposition.
3. Acknowledgement received from NYSAC regarding Resolutions on Synthetic Drugs and Wireless Surcharges adopted by this Board in July.

**REPORTS**

1. Cornell Cooperative Extension – 2011 Annual Report.

**REPORTS OF COMMITTEES**

Supervisors, Highway, Social Services, JTPA/WIA and Madison County Sewer District:	\$3,396,443.56
Miscellaneous Accounts:	\$ 5,019,445.01

**UNFINISHED BUSINESS**

**Resolution No. 213-12 – Acknowledging Introduction of Proposed Local Law No. 4 for the year 2012 and Calling for a Public Hearing. (Prohibiting the Use of Tobacco Upon Real Property Owned or Leased by Madison County. TABLED by Supervisor Cary, seconded by Supervisor Monforte on July 10, 2012.**

**Supervisor Monforte offered the following amendment, seconded by Supervisor Bono changing the date of the public hearing from August 14, 2012 to September 11, 2012. Also offered by Supervisor Monforte was an amendment changing (C) and adding (D) to section 5 of this local law as follows:**

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
- (D) Madison County Forest Lands

**Please note that a true copy of amended Local Law No. 4 was distributed to each Board member by placing on their desks prior to the meeting.**

**A vote on all amendments was taken as follows:**

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

A letter which is on file in the Clerk's office was read by Chairman Becker, received from the Village of Wampsville Mayor Sandra Eaton opposing the proposed Local Law Banning no smoking on any Madison County Property.

**A final vote with amendments included was then taken:**

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

### **RESOLUTIONS**

**By Supervisor Degear:**

#### **RESOLUTION NO. 234-12**

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

**WHEREAS**, the 2012 Child Passenger Safety Technical Conference will be held in Atlantic City, New Jersey on October 25 through October 27, 2012; and

**WHEREAS**, Eric Faisst, Public Health Director has requested that Chrystal Johnson, Public Health Educator II, attend said conference to obtain Continuing Education Units for re-certification; and

**WHEREAS**, lodging will be provided by the Governor's Traffic Safety Committee, and transportation, meals and registration expenses will be covered under the Health Department's Car Seat Grant; and

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

**NOW, THEREFORE BE IT RESOLVED** that Chrystal Johnson be and hereby is authorized to attend said training at no cost to the County.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

#### **RESOLUTION NO. 235-12**

#### **ABOLISHING ONE POSITION IN THE PUBLIC HEALTH DEPARTMENT**

**WHEREAS**, the Madison County certified home health agency closed on March 14, 2012; and

**WHEREAS**, L. Woerner, Inc., d/b/a HCR assumed all certified home health agency and long term home health care program functions in Madison County; and

**WHEREAS**, the Public Health Director has evaluated the current staffing structure and has determined that a further reduction in forces is appropriate; and

**WHEREAS**, the Public Health Director recommends that one (1) vacant Office Assistant II position be abolished on August 14, 2012; and

**WHEREAS**, this request has been reviewed and approved by the Government Operations Committee,

**NOW, THEREFORE BE IT RESOLVED** that one (1) Office Assistant II position be abolished on August 14, 2012.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 236-12**

**EXTENDING THE DURATION OF A TEMPORARY HEAVY EQUIPMENT OPERATOR POSITION IN THE DEPARTMENT OF SOLID WASTE**

**WHEREAS**, Stage I closure of the Madison County Westside Landfill commenced in the spring of 2012; and

**WHEREAS**, on May 8, 2012 this Board approved the creation of one temporary full-time Heavy Equipment Operator position for this project for a period not to exceed 10 weeks; and

**WHEREAS**, the request has been submitted to extend the duration of this temporary position by an additional nine (9) weeks, not to extend beyond September 28, 2012; and

**WHEREAS**, this request has been reviewed and approved by the Solid Waste and Recycling Committee and the Government Operations Committee,

**NOW, THEREFORE BE IT RESOLVED**, that the temporary full-time Heavy Equipment Operator position will continue to receive an hourly rate of \$18.18 with no benefits; and

**BE IT FURTHER RESOLVED**, that the duration of said temporary position be extended and shall terminate not later than nineteen weeks (19) weeks from the date of original appointment effective immediately.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 237-12**

**ADOPTING A PUBLIC ACCESS TO DEFIBRILLATION POLICY AND PROCEDURE**

**WHEREAS**, the County has placed Automatic External Defibrillator units throughout the campus; and

**WHEREAS**, deployment of Automatic External Defibrillators may help to save lives of persons who are victims of sudden cardiac arrest; and

**WHEREAS**, the Government Operations Committee has reviewed and approved this policy and procedure,

**NOW, THEREFORE BE IT RESOLVED**, that the Madison County Board of Supervisors hereby adopts the Public Access to Defibrillation policy and procedure effective immediately; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors hereby authorizes the Government Operations Committee to amend said procedure as necessary and within budget appropriations.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 238-12**

**AUTHORIZING THE CHAIRMAN TO EXTEND AN AGREEMENT WITH  
THE HARTFORD LIFE INSURANCE COMPANY FOR THE DEFERRED COMPENSATION  
PROGRAM FOR EMPLOYEES OF MADISON COUNTY**

**WHEREAS**, by Resolution No. 134 of 1992, Resolution No. 187 of 1997, Resolution No. 261 of 2002 and Resolution No. 333 of 2007, the Chairman of the Board was authorized to enter into consecutive, five-year agreements with The Hartford Life Insurance Company to serve as the administrator for the County's deferred compensation program pursuant to section 9003.2 of the Rules and Regulations of the New York State Deferred Compensation Board; and

**WHEREAS**, our current five-year agreement with The Hartford Life Insurance Company will expire on October 8, 2012; and

**WHEREAS**, pursuant to Section 9003.5(b) of the Rules and Regulations of the New York State Deferred Compensation Board, Madison County may extend their deferred compensation plan for a period having a duration of one (1) year, upon the expiration of the initial term of such contract or agreement; and

**WHEREAS**, the Government Operations Committee as the local deferred compensation committee appointed by the Madison County Board of Supervisors finds it to be in the best interest of the Plan to extend the agreement with The Hartford Life Insurance Company and Reliance Trust Company for a period of one (1) year from the date of expiration of such agreement's initial five (5) year term for reasons which include, but are not limited to, the preservation of the stability of the Plan's administration, recordkeeping and account maintenance; compliance with pending reporting requirements; and the determination to develop thorough internal procedures for the solicitation and prudent evaluation of competitive proposals in accordance with Section 9003.3 of the Rules and Regulations of the New York State Deferred Compensation Board prior to such solicitation, in order that Madison County may act with care, skill, prudence and diligence; and

**NOW, THEREFORE BE IT RESOLVED**, that Madison County hereby extends for a period of one year from October 9, 2012 the selection and agreement with the Hartford Life Insurance Company to continue as the administrative services agency and financial organization for the deferred compensation program; and

**BE IT FURTHER RESOLVED**, that the Chairman of the Board be and hereby is authorized to execute, and deliver all documents necessary to effectuate the administrative services agreement, in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 239-12**

**DESIGNATING DISPOSAL OF OBSOLETE AND/OR SURPLUS COUNTY PERSONAL PROPERTY**

**WHEREAS**, in accordance with the Madison County Disposal of Obsolete and/or Surplus County Personal Property Policy and Procedures, County Personal Property is required to be declared obsolete and/or surplus by the Board of Supervisors; and

**WHEREAS**, the current list of County Personal Property waiting obsolete and/or surplus designation is attached.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors declares the list of said items as obsolete and/or surplus.

Tag #	ITEM	CONDITION
317	File Cabinet, 3 drawer lateral	Good
318	File Cabinet, 3 drawer lateral	Fair/Good
319	Typewriter, IBM Wheelwriter,	Fair- needs repair
320	File Cabinet, 2 drawer, tan	Excellent
321	Shelf Unit, particle board	Fair
322	File Cabinet, 4 drawer	Very Good
323	File Cabinet, 4 drawer	Very Good
324	Secretarial Chair, Red w/arms	Good
325	Secretarial Chair, Red w/arms	Fair
326	Secretarial Chair, Blue	Fair/Good
327	Secretarial Chair, Brown	Fair/Good
328	Secretarial Chair, Red	Fair/Good
329	Typewriter, IBM Wheelwriter	Fair-needs repair
330	File Cabinet, 2 drawer legal, tan	Good

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 240-12**

**DESIGNATING DISPOSAL OF OBSOLETE AND/OR SURPLUS COUNTY PERSONAL PROPERTY**

**WHEREAS**, in accordance with the Madison County Disposal of Obsolete and/or Surplus County Personal Property Policy and Procedures, County Personal Property is required to be declared obsolete and/or surplus by the Board of Supervisors; and

**WHEREAS**, the current list of County Personal Property waiting obsolete and/or surplus designation is attached,

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors declares the list of said items as obsolete and/or surplus.

<b>ITEM</b>	<b>DEPARTMENT</b>	<b>MILEAGE</b>	<b>CONDITION</b>
2006 Chevy Impala	Sheriff	131,000 (approx.)	In overall fair condition
1994 Chevy P30 Van	Sheriff	9,121	In overall good/fair condition
2003 Chevy Impala	Social Services	144,288	In overall fair/poor condition

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 241-12**

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH LOCEY & CAHILL, LLC**

**WHEREAS**, Madison County provides Medicare-eligible retirees with prescription drug benefits that are equivalent or better than those that would otherwise be provided by Medicare; and

**WHEREAS**, the Federal government makes subsidy assistance payments to the County for each Medicare Part D eligible retiree enrolled in the County's prescription drug plan and not enrolled in Medicare Part D; and

**WHEREAS**, the County is in the process of applying for a retiree drug subsidy in accordance with the Medicare Part D program for plan year 2012, anticipating budgeted revenue of \$115,000; and

**WHEREAS**, the County requires professional consulting services to continue with the application process; and

**WHEREAS**, Locey & Cahill, LLC, has the technical and professional ability to prepare the actuarial attestation statement, prepare the actuarial certification of creditable coverage, coordinate cost reporting with the pharmacy benefit manager, and coordinate the filing of the application for the County; and

**WHEREAS**, Locey & Cahill, LLC has submitted a proposal to provide these health benefits consulting services for plan year 2012 for a fee of \$3,000, which represents no increase from their fee for the past four (4) plan years; and

**WHEREAS**, appropriations for these services have been included in the 2012 Adopted County Budget account A9061.8609; and

**WHEREAS**, this agreement has been reviewed and approved by the Government Operations Committee.

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

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 242-12**

**By Supervisors Degear and Salka:**

**AUTHORIZING SUBMISSION OF APPLICATION FOR A  
LOCAL GOVERNMENT PERFORMANCE AND EFFICIENCY  
PROGRAM (LGPEP) GRANT**

**WHEREAS**, Madison County is eligible to apply for a Local Government Performance and Efficiency Program Grant provided by the New York State Department of State; and

**WHEREAS**, the sale of the Certified Home Healthcare Agency (CHHA) and Long Term Home Healthcare Program (LTHHC) licenses to a private provider qualify Madison County to apply for this grant; and

**WHEREAS**, Eric Faisst, Madison County Director of Public Health, has reviewed and completed the LGPEP grant application; and

**WHEREAS**, due to the substantial savings of taxpayer dollars resulting from the sale of the CHHA and LTHHC, it has been estimated that through this grant, Madison County could potentially receive approximately \$1.5 million over a three year period; and

**WHEREAS**, the Public Health Services Committee and the Government Operations Committee have approved the submittal of this application,

**NOW, THEREFORE BE IT RESOLVED**, that the Madison County Director of Public Health be and hereby is authorized to submit the application for a Local Government Performance and Efficiency Program Grant, a copy of which is on file with the Clerk of the Board.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**By Supervisor Salka:**

**RESOLUTION NO. 243-12**

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 5  
FOR THE YEAR 2012 AND CALLING FOR A PUBLIC HEARING**

**WHEREAS**, Supervisor Salka has duly introduced proposed Local Law No.5 for the year 2012, entitled "The Madison County Ban on the Sale of the Synthetic Drug Known as Bath Salts"; 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 on September 11, 2012 at 11:00 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.

**Local Law No. 5 of 2012  
County of Madison  
State of New York**

**Section 1. Name of Local Law.**

This law shall be known as “The Madison County Ban on the Sale of the Synthetic Drug Known as Bath Salts.”

**Section 2. Legislative Intent.**

This Board of Supervisors hereby finds and determines that a new type of product has recently become widely available in the United States which is being marketed as “bath salts.”

This Board of Supervisors finds and determines that these “bath salts” are actually powdered synthetic cocaine intended for ingestion as a hallucinogen but are marketed specifically to avoid federal regulations.

This Board of Supervisors determines that in addition to being marketed as “bath salts”, these chemicals are being marketed as plant food, glass cleaner, insect repellent, and stain remover.

This Board of Supervisors finds that these products are readily available throughout storefront retailers, online retailers, and indirectly through other individuals.

This Board of Supervisors also finds and determines that these “bath salts” contain certain chemical compounds that are structurally similar to the controlled substance Cathinone, and produce effects similar to those caused by cocaine and amphetamines.

This Board of Supervisors further finds and determines that “bath salts” contain one or more of the following synthetic chemicals: 3,4-Methylenedioxymethcathinone, commonly known as Methylone; 3,4-Methylenedioxypropylone, commonly known as MDPV; 4-Methylmethcathinone, commonly known as Mephedrone; 3-Methoxymethcathinone; 3-Fluoromethcathinone; and 4-Fluoromethcathinone.

This Board of Supervisors also finds that human consumption of “bath salts” and similar products containing these chemicals can cause hallucinations, psychosis, increased heart rate, chest pain, agitation, anxiety, extreme paranoia, delusions, suicidal thoughts, violent behavior, nausea and vomiting.

The Board of Supervisors further finds that use of these chemicals has also been linked to multiple suicides in the United States.

This Board of Supervisors also determines that the State of Louisiana and Florida, as well as many counties, towns and local municipalities across the United States have banned the sale of these chemicals. Several other states are considering similar action.

This Board of Supervisors also finds that a Federal bath salts ban was signed into law in July of 2012.

This Board of Supervisors further determines that Madison County should ban the sale of these chemicals and any products containing these chemicals to protect the health, safety and welfare of County Residents.

**Section 3. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

**Section 4. Prohibitions.**

No person shall sell or offer for sale the chemicals 3,4-Methylenedioxyamfetamine, commonly known as Methydone; 3,4-Methylenedioxypropionylphenone, commonly known as MDPV; 4-Methylamfetamine, commonly known as Mephedrone; 3-Methoxyamfetamine; 3-Fluoromfetamine; or 4-Fluoromfetamine or any products containing said chemicals within the County of Madison.

**Section 5. Penalties.**

Any person who knowingly violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

**Section 6. Applicability.**

This law shall apply to all action occurring on or after the effective date of this law.

**Section 7. Reverse Preemption.**

This law shall be null and void on the date that statewide or federal legislation goes into effect incorporating either the same or substantially similar provision as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Madison. The County Board of Supervisors may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

**Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 of this law, or in its application to the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

**The following amended version of Local Law No. 5 was offered by Supervisor Salka, seconded by Supervisor Degear and carried. Also amended was the title of this local law to include the words “and Possession” after the word Sale, which was also carried.**

**LOCAL LAW NO. 5 – 2012 AS AMENDED**

Local Law No. 5 of 2012  
County of Madison  
State of New York

**Section 1. Name of Local Law.**

This law shall be known as “The Madison County Ban on the Sale and Possession of the Synthetic Drug Known as Bath Salts.”

## **Section 2. Legislative Intent.**

This Board of Supervisors hereby finds and determines that a new type of product has recently become widely available in the United States which is being marketed as “bath salts.”

This Board of Supervisors finds and determines that these “bath salts” are actually powdered synthetic cocaine intended for ingestion as a hallucinogen but are marketed specifically to avoid federal regulations.

This Board of Supervisors determines that in addition to being marketed as “bath salts”, these chemicals are being marketed as plant food, glass cleaner, insect repellent, and stain remover.

This Board of Supervisors finds that these products are readily available throughout storefront retailers, online retailers, and indirectly through other individuals.

This Board of Supervisors also finds and determines that these “bath salts” contain certain chemical compounds that are structurally similar to the controlled substance Cathinone, and produce effects similar to those caused by cocaine and amphetamines.

This Board of Supervisors further finds and determines that “bath salts” contain one or more of the following synthetic chemicals:

- 3,4-Methylenedioxymethcathinone (Methylone);
- 4-Methoxymethcathinone;
- 3-Fluoromethcathinone;
- 4-Fluoromethcathinone;
- Ethylpropion (Ethcathinone);
- 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)
- 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
- 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
  
- 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)
- 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
- 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)
- 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)
- 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
- 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P.)

This Board of Supervisors also finds that human consumption of “bath salts” and similar products containing these chemicals can cause hallucinations, psychosis, increased heart rate, chest pain, agitation, anxiety, extreme paranoia, delusions, suicidal thoughts, violent behavior, nausea and vomiting.

The Board of Supervisors further finds that use of these chemicals has also been linked to multiple suicides in the United States.

This Board of Supervisors also determines that the State of Louisiana and Florida, as well as many counties, towns and local municipalities across the United States have banned the sale of these chemicals. Several other states are considering similar action.

This Board of Supervisors also finds that a Federal bath salts ban was signed into law in July of 2012.

This Board of Supervisors further determines that Madison County should ban the sale and possession of these chemicals and any products containing these chemicals or any compound that has a chemical structure that is substantially similar to these compounds to protect the health, safety and welfare of County Residents.

### **Section 3. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

### **Section 4. Prohibitions.**

No person shall sell, offer for sale or possess the chemicals or substances containing the chemicals within the County of Madison:

- 3,4-Methylenedioxymethcathinone (Methylone);
- 4-Methoxymethcathinone;
- 3-Fluoromethcathinone;
- 4-Fluoromethcathinone;
- Ethylpropion (Ethcathinone);
- 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)
- 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
- 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
- 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)
- 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
- 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)
- 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)
- 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
- 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P.); and any compound that has a chemical structure that is substantially similar to these compounds.

### **Section 5. Penalties.**

Any person who knowingly violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

### **Section 6. Applicability.**

This law shall apply to all action occurring on or after the effective date of this law.

### **Section 7. Reverse Preemption.**

This law shall be null and void on the date that statewide or federal legislation goes into effect incorporating either the same or substantially similar provision as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Madison. The County Board of Supervisors may determine via mere resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

### **Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 of this law, or in its application to the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### **Section 9. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

Please note that a true copy of amended Local Law No. 5 was distributed to each Board member by placing on their desks prior to the meeting.

A final vote on the local law as amended was then taken:

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 244-12**

**EXTENDING CONTRACTS FOR PRE-SCHOOL CHILDREN TRANSPORTATION**

**WHEREAS**, bids were duly received and opened on May 31, 2011 for the transportation of handicapped children for the 2011-2012 school year with the option to extend agreements for four (4) individual and consecutive periods of one (1) year each; and

**WHEREAS**, Madison County Department of Health is responsible to provide arrangements for transportation of children with handicapping conditions to education facilities under the Early Intervention Program and Special Education Program for ages 0-5; and

**WHEREAS**, the offer of providing this responsibility was given to and accepted by the following companies for the July 1, 2011 through June 30, 2012 contract year as follows:

Program Name	Location	Rate/Route	New Rate
<b>BIRNIE BUS</b>			
2- Jowonio	Syracuse	\$271.00	\$275.61
4- Little Lukes	East Syracuse	\$271.00	\$275.61
8- UCP Clinton	Clinton	\$248.00	\$252.22
<b>PAINE BUS</b>			
5- Upstate Cerebral Palsy	Rome	\$225.55	\$229.38
6- Upstate Cerebral Palsy	Utica	\$259.60	\$264.01
<b>LANPHER TRANSPORTATION</b>			
1- OCM BOCES	East Syracuse	\$290.80	\$295.74
3- SPICE- Elmcrest	Syracuse	\$248.00	\$252.22
7- Madison-Oneida BOCES	Munnsville, McConnellsville, Verona	\$261.66	\$266.11
9- Madison Cortland ARC	Oneida	\$292.66	\$297.64
<b>DURHAM SCHOOL SVCS/ A&amp;E TRANSPORT</b>			
10-Wheelchair Van	All Destinations	\$389.74	\$396.37

**WHEREAS**, the County will exercise its right to extend this agreement for one (1) additional year at the original rate plus 1.7% CPI increase; and

**WHEREAS**, the County shall have three (3) separate and consecutive options to extend these contracts for additional periods of one year each; and

**WHEREAS**, the Board of Health and Public Health Services' Committee feels this is in the best interest of Madison County, and

**BE IT FURTHER RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into agreements with Birnie Bus, Paine Bus, Lanpher's Transportation and Durham School Services effective July 1, 2012 through June 30, 2013, as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 245-12**

**APPROVING CHARGES AND FEE SCHEDULE FOR  
THE PUBLIC HEALTH DEPARTMENT**

**WHEREAS**, Madison County Public Health Department is an approved Article 28, Diagnostic and Treatment Center to administer vaccines; and

**WHEREAS**, the charges for providing immunization services to Madison County residents is recouped through billing for services, based on a recommendation by the contracted certified public accountant; and

**WHEREAS**, the maximum allowable administrative fee of \$17.85 per vaccine has been set; and

**WHEREAS**, in the event that a patient receives multiple immunizations on the same day, they will receive a discounted administrative fee that will be applied to each additional immunization based on the sliding fee scale; and

**WHEREAS**, a sliding fee scale based on the Federal Poverty level is required by regulation to charge a lesser fee for Private Pay Clients based on income; and

**WHEREAS**, an administrative fee for the vaccine has been added to the sliding fee scale for State funded vaccinations to enable Madison County residents to receive the no cost vaccine with a reduced rate administrative fee based on their income; and

**WHEREAS**, both the Board of Health and The Public Health Services Committee agree to approve the attached fee scale for all services based on the latest Federal Poverty guidelines; and

**WHEREAS**, both The Board of Health and The Public Health Services Committee agree to the 2012 full fee rate for administration for vaccine of \$17.85 with the option to fee scale the rate according to the patient's income; and

**NOW, THEREFORE BE IT RESOLVED** that the above charges are approved effective August 14, 2012.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

Family Size	**200%	250%	300%	350%	400%
1	\$22,340	\$27,925	\$33,510	\$39,095	\$44,680
2	\$30,260	\$37,825	\$45,390	\$52,955	\$60,520
3	\$38,180	\$47,725	\$57,270	\$66,815	\$76,360
4	\$46,100	\$57,625	\$69,150	\$80,675	\$92,200
5	\$54,020	\$67,525	\$81,030	\$94,535	\$108,040

6	\$61,940	\$77,425	\$92,910	\$108,395	\$123,880
7	\$69,860	\$87,325	\$104,790	\$122,255	\$139,720
8	\$77,780	\$97,225	\$116,670	\$136,115	\$155,560
Each Additional Person	\$7,920	\$9,900	\$11,880	\$13,860	\$15,840

**Immunizations**

Hepatitis	\$31	\$37	\$43	\$49	\$55
MMR	\$53	\$59	\$65	\$71	\$77
Mantoux (TB)	\$6	\$12	\$18	\$24	\$30
Menactra	\$104	\$110	\$116	\$122	\$128
Adacel	\$35	\$41	\$47	\$53	\$59
Decavac	\$20	\$26	\$32	\$38	\$44
Varivax	\$81	\$87	\$93	\$99	\$105
Gardasil	\$126	\$132	\$138	\$144	\$150
Influenza	\$15	\$21	\$27	\$33	\$40
Pneumococcal	\$50	\$56	\$62	\$68	\$75
I POL	\$26	\$32	\$38	\$44	\$50

Lead testing	\$12	\$24	\$36	\$48	\$60
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Car Seats	\$10	\$25	\$35	\$45	\$45
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Admin Fee - VFC Vaccine	\$0	\$7.14	\$10.71	\$14.28	\$17.85
Multishot Admin Fee (each additional shot)	\$0	\$3.57	\$5.36	\$7.14	\$8.93

**The Following are Flat Fees**

Post Exposure Rabies	\$220
Zostavax	\$185

**Note:\*\*** These percentages represent the Federal Poverty Level. If the monthly income, based on family size, falls between minimum and 1st column, fee scale amount is the minimum column or 200% of the federal poverty level. Use this same criteria across the columns. If the income is less than the minimum amount, special consideration must be made by addressing the issue with management.

Revised 7/19/12  
Resolution 8/14/12

**By Supervisor Salka and Reinhardt:**

**RESOLUTION NO. 246-12**

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT FOR A FEDERAL & STATE GRANT IMMUNIZATION ACTION PLAN AND MODIFYING THE 2012 COUNTY BUDGET**

**WHEREAS**, the Madison County Public Health Department has been administering the Immunization Action Plan through federal and state funding provided by the New York State Department of Health; and

**WHEREAS**, Madison County has been awarded \$35,249 to cover the program costs during the period April 1, 2012 through March 31, 2013; and

**WHEREAS**, this grant is identified as follows:

Awarding Agency:	US Department of Health & Human Services Center for Disease Control & Prevention
Pass-through Agency:	NYS Department of Health
Catalog #:	93.268
Program Name:	Immunization Action Plan
Grant Extension:	04/01/12-03/31/13
Contract:	C-023252
Federal Funds:	40%
Total Grant Award:	\$35,249

**WHEREAS**, the Retired and Senior Volunteer Program (RSVP) has agreed to provide senior volunteers to attend immunization clinics to assist the Health Department with educational services related to immunizations from April 1, 2012 through March 31, 2013; and

**WHEREAS**, the Public Health Services Committee has approved this proposal;

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

**BE IT FURTHER RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with Retired and Senior Volunteer Program (RSVP) for their expenses, not to exceed \$1,000, as is on file with the Clerk of the Board of Supervisors; and

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

<b>General Fund</b>	<u>From</u>	<u>To</u>
<b><u>4012 Public Health Preventive</u></b>		
<u>Expense</u>		
A4012.41031 Immunization Grant Expense	\$ <u>4,549</u>	\$ <u>11,615</u>
Control Total		\$ <u>7,066</u>
 <u>Revenue</u>		
A3401.1050 St Aid Public Health Immunization Grant	\$20,877	\$25,117
A4401.1050 Federal Grant Immunization Action	<u>13,919</u>	<u>16,745</u>
Total	\$34,796	\$41,862
 Control Total		\$ <u>7,066</u>

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**By Supervisor Salka:**

**RESOLUTION NO. 247-12**

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH  
MADISON COUNTY OFFICE FOR THE AGING**

**WHEREAS**, the cost to heat homes in the county has risen to the point that many low-income families are unable to afford those costs; and

**WHEREAS**, the Madison County Department of Social Services (DSS) administers the HEAP program, a federally subsidized energy program that targets benefits to low-income, at-risk populations; and

**WHEREAS**, the Department of Social Services requires a service agreement with a qualified provider to comply with the Social Services Law of the State of New York and the rules and regulations of Title 18 NYCRR, specifically that the County of Madison shall provide for a comprehensive program of assistance and care to supply the basic needs of those eligible individuals living within the county who qualify for needed assistance and care; and

**WHEREAS**, the Department of Social Services has requested provision of HEAP outreach and certification services to low-income residents of Madison County, especially households with elderly and handicapped individuals consistent with the New York State Plan and regulations; and

**WHEREAS**, The Madison County Office for the Aging (MCOFA) has a documented record of performing intake services at the main office located in Canastota, New York, and in the homes of senior citizens; and

**WHEREAS**, Madison County Office for the Aging has assisted 83 seniors with their HEAP applications, including the early outreach program along with regular HEAP applications, through March 30, 2012; and

**WHEREAS**, Madison County Office for the Aging has agreed to administer the HEAP intake services for the period October 1, 2012, to September 30, 2013, at a cost of \$9.50 per application and at a total cost not to exceed \$1,200; and

**WHEREAS**, the funding for this service is reimbursable through the New York State Office of Temporary and Disability Assistance Home Energy Assistance Program at a rate of 100 percent; and

**WHEREAS**, this agreement has been reviewed and 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 renew an agreement on behalf of the County of Madison and Madison County Office for the Aging in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 248-12**

**AUTHORIZING THE CHAIRMAN TO RESPOND TO THE STATE HEALTH DEPARTMENT'S  
STATEMENT OF INTEREST**

**WHEREAS**, Section 6 of Part F of Chapter 56 of the laws of 2012 authorizes the Department of Health (Department) to transfer responsibility for the administration of the Medicaid program from local social services districts over a period of six years (by March 31, 2018); and

**WHEREAS**, the Department will accomplish the assumption of administrative responsibilities with state staff, contracted entities, and contracts with counties; and

**WHEREAS**, the legislation requires the Department to send a Statement of Interest to counties to elicit their interest and capacity to contract with the Department to perform Medicaid administrative functions; and

**WHEREAS**, results from the Statement of Interest questionnaire will be used to guide the State in planning the transition of Medicaid administrative functions, and

**WHEREAS**, based upon the results of the Statement of Interest and the creation of the necessary infrastructure, the Department will determine the timing of the administrative function assumption and will publish the results of the Statement of Interest; and

**WHEREAS**, counties should maintain the capacity to perform Medicaid administration until the State has assumed the function from the county; and

**WHEREAS**, based on research by Colgate University Upstate Institute intern Augusta Gillespie, the Madison County Department of Social Services recommends that Madison County respond to the Statement of Interest; and

**WHEREAS**, the research and recommendations have been reviewed and 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 respond to the Statement of Interest on behalf of the County of Madison in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 249-12**

**AUTHORIZING THE CHAIRMAN TO APPLY FOR A DIVISION OF CRIMINAL JUSTICE SERVICES GRANT PROGRAM FOR JUVENILE JUSTICE SERVICES**

**WHEREAS**, the Department of Social Services has the opportunity to apply for a grant through the New York State Division of Criminal Justice Services (DCJS) to increase services to youths involved with the juvenile justice system; and

**WHEREAS**, DCJS is requesting proposals from units of local government, who are working in conjunction with a not-for-profit agency, to strengthen the juvenile justice system by providing evidence-informed services; and

**WHEREAS**, the requested application is for the delivery of intensive, home-based services to youths and their families; and

**WHEREAS**, if awarded, the grant would provide \$245,957 of the total cost of the program with a local match (which could include state funds) of \$27,329 for an 18-month period; and

**WHEREAS**, this application has been reviewed and approved by the Social and Mental Health Services 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 DCJS.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 250-12**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT  
FOR MENTAL HEALTH CONSULTATION SERVICES**

**WHEREAS**, the County Mental Health Department is required to provide mental health consultation for certain of its clients; and

**WHEREAS**, from time to time, these services need to be provided on a part-time contractual basis; and

**WHEREAS**, the 2012 Mental Health budget provides funds for the provision of mental health consultation services;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman be hereby authorized to enter into an agreement, a copy of which is on file with the Clerk of the Board of Supervisors, with Karen Cusano, LMSW, for the provision mental health consultation to the Mental Health Department at an hourly rate of \$40.00 for services, said rate to be effective August 1, 2012 through December 31, 2012.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**By Supervisor Bradstreet (Vice Chairman):**

**RESOLUTION NO. 251-12**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT  
WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES  
FOR A THREE-YEAR DISTRIBUTION 2012-2015**

**WHEREAS**, the New York State Office of Indigent Legal Services and the County of Madison desire to enter into an agreement for the provision of funds to assist the County in improving the quality of indigent legal services provided by such County pursuant to Article 18-B of the County Law; and

**WHEREAS**, the maximum amount of funds available and payable to the County under this three-year distribution shall not exceed \$113,838; 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 shall be in effect for the period from June 1, 2012 to May 31, 2015, unless terminated earlier pursuant to its terms; and

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

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

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**By Supervisor Suits:**

**RESOLUTION NO. 252-12**

**AUTHORIZING AGREEMENT FOR COMPUTER VOTING ANALYSIS**

**WHEREAS**, the Supreme Court of the United States has determined that the United States Constitution requires that the apportionment of legislative bodies be based on the principle of equality of representation; and

**WHEREAS**, the Courts of the State of New York have determined that this mandate of the Supreme Court of United States applies with full force and effect to the apportionment of county legislative bodies; and

**WHEREAS**, the Madison County Board of Supervisors must from time to time be reapportioned in accordance with accepted judicial and statutory standards to the “one man-one vote” principle; and

**WHEREAS**, to ascertain the appropriate formula for reapportionment, it is required that the counties be able to show, through computer analysis, that a supervisor’s share of the power, calculated according to the “Banzhaf” formula, is proportional to the supervisor’s units share of the population; and

**WHEREAS**, Christopher H. Nevison, Professor of Computer Science at Colgate University, has special expertise in connection with such analysis and is prepared to devise and undertake the appropriate computer program to compute the Banzhaf measures for the Madison County weighted voting system;

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of this Board of Supervisors be and is hereby authorized and directed to enter into an agreement with Christopher H. Nevison to compute the Banzhaf measures for the Madison County weighted voting system; a copy of such agreement being on file with the Clerk of this Board; and

**BE IT FURTHER RESOLVED**; the cost of this agreement will be \$1,500.00, which will be taken from the Madison County Supervisors Budget Account: A1010.42751.

**ADOPTED: AYES – 947 NAYS – 285 (Becker) ABSENT – 268 (Cary, DiVeronica, Ball)**

**By Supervisor Monforte:**

**RESOLUTION NO. 253-12**

**AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS RECREATION AND HISTORIC PRESERVATION**

**WHEREAS**, the NYS Office of Parks Recreation and Historic Preservation disburses Snowmobile Trails Grant-in-Aid Funding to participating Snowmobile Program Local Sponsors; and

**WHEREAS**, Madison County is the Local Sponsor of the Madison County Snowmobile Program; and

**WHEREAS**, the Madison County Association of Snowmobile Clubs incorporated in 2003 and has agreed to maintain snowmobile trails within Madison County, and comply with Snowmobile Program requirements; and

**WHEREAS**, Madison County has received a Snowmobile Trails Grant-in-aid for snowmobile trail maintenance within Madison County; and

**WHEREAS**, as a condition of this Grant-in-aid, Madison County undertakes to comply with certain promises and conditions associated with this grant;

**NOW THEREFORE, BE IT RESOLVED**, that Madison County Board of Supervisors hereby authorizes John M. Becker, Chairman of the Board, to enter into an agreement with the NYS Office of Parks Recreation and Historic Preservation for snowmobile trail maintenance.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 254-12**

**AUTHORIZING AN AGRICULTURAL ECONOMIC DEVELOPMENT LOAN**

**WHEREAS**, Madison County maintains an Agricultural Economic Development Revolving Loan Fund (AEDRLF) to help create or expand value-added and direct marketing opportunities; and

**WHEREAS**, Kenneth C. Mangine & Kristina S. Mangine, dba Fruit of the Fungi, seek to expand their existing business and have requested a loan in the amount of \$18,000 to purchase building materials for a year round greenhouse and supporting equipment; and

**WHEREAS**, the expansion project will satisfy one of the objectives for which the AEDRLF was created, as well as creating one part time position by year one and one full time position by year Three;

**NOW, THEREFORE, BE IT RESOLVED**, that the Madison County Board of Supervisors approve a loan to Kenneth C. Mangine & Kristina S. Mangine, dba Fruit of the Fungi, in the amount of \$18,000; and

**BE IT FURTHER RESOLVED**, that the Madison County Board of Supervisors authorize the Treasurer of Madison County to sign the documents necessary to close the loan on behalf of Madison County.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**By Supervisor Bono:**

**RESOLUTION NO: 255-12**

**AUTHORIZING CHAIRMAN TO AMEND  
AN AGREEMENT WITH SIMPLEXGRINNELL**

**WHEREAS**, the County presently has an agreement with SimplexGrinnell to perform periodic inspection of individual time and fire alarm systems across the Madison County Office Complex (Resolution #154-12, dated May 8, 2012); and

**WHEREAS**, that agreement does not include testing and inspection of the master annunciator panel for the county's multiple alarm systems, the most basic of which preventive maintenance currently is performed by Maintenance Department crews; and

**WHEREAS**, SimplexGrinnell has specialized equipment that can detect battery voltage deficiencies and other failures or potential failures, which may occur between staff inspections and hinder proper operation of the safety devices; and

**WHEREAS**, SimplexGrinnell will perform the twice-annual inspections for \$300 a year, preserving the integrity of the equipment and ensuring its proper functioning, protecting the overall safety of the public and staff, and protecting county resources; and

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

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board be and hereby is authorized to sign the amended agreement with SimplexGrinnell, a copy of which is on file with the Clerk to the Board of Supervisors.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 256-12**

**AUTHORIZING THE CHAIRMAN TO MODIFY  
AN AGREEMENT FOR PROFESSIONAL SERVICES  
WITH BARTON & LOGUIDICE, P.C.**

**WHEREAS**, the County of Madison entered into a settlement agreement in a recent law suit brought against the County by Paul Brown and Vincent Rogowski to make the Madison County Courthouse compliant with the American with Disabilities Act (hereinafter "ADA" ) by Resolution No. 25-12 dated February 14, 2012; and

**WHEREAS**, as part of the settlement of that lawsuit the County agreed to do renovations to the Madison County Courthouse to ensure that at least one courtroom would be ADA compliant; and

**WHEREAS**, the County entered into an agreement (Resolution No. 86-12) on March 13, 2012 with Barton & Loguidice to provide detailed drawings for installing an ADA accessible elevator, relocating/reconfiguring court space and adding an ADA accessible bathroom; and

**WHEREAS**, Barton & Loguidice has completed said drawings and the County desires to modify the agreement to include provisions for the design for installing an ADA accessible elevator, relocating/reconfiguring court space and adding an ADA accessible bathroom; and

**WHEREAS**, the County Building and Grounds Committee recommends modifying the agreement with Barton & Loguidice; and

**WHEREAS**, the additional cost of said agreement shall not exceed Sixty Two Thousand Six Hundred dollars (\$62,600.00);

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman of the Board of Supervisors is hereby authorized to modify the Agreement for Professional services with Barton & Loguidice, in the form that is on file with the Clerk to the Board of Supervisors.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT- 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 257-12**

**AUTHORIZING THE CHAIRMAN TO APPROVE A PERMIT APPLICATION FOR HIGHWAY ACCESS ON COUNTY ROADS**

**WHEREAS**, the Madison County Highway Department has introduced a Permit Application for Highway Access on the Madison County Highway System Right-of-Way; and

**WHEREAS**, a Permit Fee of \$50.00 for each Application is necessary for the completion and approval by the Madison County Highway Superintendent or Deputy County Highway Superintendent; and

**WHEREAS**, the Public Works Committee met March 20, 2012 and have authorized the Madison County Highway Department to proceed with a Permit Application and cost fee;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to approve the use of the Permit Application for Highway Access, in the form as is on file with the Clerk of the Board.

**On motion by Supervisor Degear, seconded by Supervisor Salka, this resolution was TABLED.**

**RESOLUTION NO. 258-12**

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES WITH C&S COMPANIES**

**WHEREAS**, the Public Works Committee met on July 17, 2012 and authorized the Madison County Highway Department to proceed with Engineering Services in connection with a Red Flag on South Hamilton Road over Pleasant Brook (BIN 3308550) in the Town of Hamilton; and

**WHEREAS**, the firm C&S Companies has provided a lump sum fee for Engineering Services at One thousand nine hundred dollars and no cents (\$1,900.00); and

**WHEREAS**, the cost for Engineering Services has been appropriated in the County Road Fund 2012 Budget line item D5020.4229;

**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 C&S Companies in the form as is on file with the Clerk to the Board.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 259-12**

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES WITH SHUMAKER CONSULTING ENGINEERING AND LAND SURVEYING, P.C.**

**WHEREAS**, the Public Works Committee met on July 17, 2012 and authorized the Madison County Highway Department to proceed with Engineering Services in connection with a Red Flag on Creek Road over Canaseraga Creek (BIN 2309070) in the Town of Sullivan; and

**WHEREAS**, the firm Shumaker Consulting Engineering and Land Surveying, P.C. has provided a lump sum fee for Engineering Services at Three thousand eight hundred dollars and no cents (\$3,800.00); and

**WHEREAS**, the cost for Engineering Services has been appropriated in the County Road Fund 2012 Budget line item D5020.4229;

**NOW, THEREFORE, BE IT RESOLVED**, that the of the Board of Supervisors be and is hereby authorized to enter into an Agreement on behalf of the County of Madison with Shumaker Consulting Engineering and Land Surveying, P.C., in the form as is on file with the Clerk to the Board.

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 260-12**

**CONTROL OF SNOW AND ICE ON COUNTY ROADS**

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

**WHEREAS**, the Public Works Committee met on July 17, 2012 and recommended to continue the current payment policy to the Towns; and

**WHEREAS**, the current payment policy is based on a per lane mile cost of \$16.84 starting October 1, 2012 and ending April 30, 2013; and

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

**WHEREAS**, the Agreement for payment has been included in the Madison County Highway Budget for 2012 and 2013;

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

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**By Supervisor Reinhardt:**

**RESOLUTION NO. 261-12**

**REPEALING AN EXEMPTION FROM SALES AND COMPENSATING USE TAXES FOR RECEIPTS FROM RETAIL SALES OF, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, CERTAIN CLOTHING AND FOOTWEAR, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

SECTION 1. Subdivision (g) of Section six of Resolution No. 156 of 1967, as amended, is hereby REPEALED.

SECTION 2. This resolution shall take effect March 1, 2013 and shall apply in accordance with applicable transitional provisions of the New York Tax Law.

**ADOPTED: AYES – 1039 NAYS – 193 (Shwartz, Henderson) ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 262-12**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT FOR THE ACCEPTANCE OF ELECTRONIC DELINQUENT REAL PROPERTY TAX PAYMENTS**

**WHEREAS**, the Treasurer's Office is responsible for the collection and enforcement of delinquent real property taxes; and

**WHEREAS**, the Board of Supervisors and the Treasurer's Office would like to offer taxpayers an electronic means to make such payments; and

**WHEREAS**, the Treasurer's Office reviewed the proposals of three (3) vendors who offer services for credit card, debit card, and electronic check payments; and

**WHEREAS**, the County Treasurer recommends entering into an agreement with Systems East Inc., who proposed the most favorable rates for both the taxpayers and the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board of Supervisors be, and hereby is, authorized to enter into an agreement with Systems East, Inc. as is on file with the Clerk of the Board of Supervisors.

**ADOPTED: AYES – 1232 NAYS – 0 ASBENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 263-12**

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

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

**Modification No. 1**

**General Fund**

**1165-District Attorney**

**Expense**

A1165.4221 Special Prosecutor

From

To

\$ 9,000

\$ 8,600

A1165.4061 Confidential Investigation	<u>1,000</u>	<u>1,400</u>
Control Totals	<u>\$ 10,000</u>	<u>\$ 10,000</u>

**Modification No. 2**

**General Fund**

**1355 Assessment**

**Expense**

	<u>From</u>	<u>To</u>
A1355.4001 Association Dues.	\$ 250	\$ 235
A1355.411 Training & Staff Dev.	350	80
A1355.488 Map Copier Expense	<u>900</u>	<u>\$ 1,185</u>
Control Totals	<u>\$ 1,500</u>	<u>\$ 1,500</u>

**Modification No. 3**

**General Fund**

**1410 County Clerk**

**Expense**

	<u>From</u>	<u>To</u>
A1410.4741 Repairs to Dockets, Books, etc.	\$ <u>3,100</u>	\$ <u>5,100</u>
Control Total		\$ <u>2,000</u>

**Revenue**

A1255.30 Web Service Fees	\$ <u>-0-</u>	\$ <u>2,000</u>
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Control Total		\$ <u>2,000</u>
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**Modification No. 4**

**General Fund**

**1420 County Attorney**

**Expense**

	<u>From</u>	<u>To</u>
A1420.4208 Professional Legal Counsel	\$107,492	\$132,492
A1990.4444 Contingent Fund	<u>132,663</u>	<u>107,663</u>
Control Totals:	<u>\$240,155</u>	<u>\$240,155</u>

**Modification No. 5**

**General Fund**

**1450 Board of Elections**

**Expense**

	<u>From</u>	<u>To</u>
A1450.4026 Outside Printing Expense	\$ 84,932	\$ 76,332
A1450.4902 Postage Expense (Direct)	8,380	8,980
A1450.2110 Computer Equipment	<u>0</u>	<u>8,000</u>
Control Totals	<u>\$ 93,312</u>	<u>\$ 93,312</u>

**Modification No. 6**

**General Fund**

**1620 County Buildings**

**Expense**

	<u>From</u>	<u>To</u>
A1620.2901 Engineering Svs-Courthouse Project	\$ <u>-0-</u>	\$ <u>30,000</u>
Control Total		<u>\$ 30,000</u>

**Revenue**

A880.1010 Appropriation of Bldg Improvement Reserve	\$ <u>-0-</u>	\$ <u>30,000</u>
Control Total		<u>\$ 30,000</u>

**Modification No. 7**

**Information Technology**

<b><u>Department 1680</u></b>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A1680.4110 Training and Staff Development	\$ 4,000	\$ 700
A1680.4200 Consultant Expense	70,000	68,000
A1680.4045 County Software License Renewals	<u>18,817</u>	<u>24,117</u>
Control Totals:	<u>\$ 92,817</u>	<u>\$ 92,817</u>

**Modification No. 8**

**General Fund**

**3020 Communications Center**

<u>Expense</u>	<u>From</u>	<u>To</u>
A3020.4194 Tower Electrical	\$ 42,000	\$ 36,000
A3020.4195 Generator Fuel-Towers	<u>4,000</u>	<u>10,000</u>
Control Totals	<u>\$ 46,000</u>	<u>\$ 46,000</u>

**Modification No. 9**

**General Fund**

**3110 Sheriff Department**

<u>Expense</u>	<u>From</u>	<u>To</u>
A3110.44211 K-9 Expense	\$ 1,800	\$ 2,300
A3110.4835 Repairs-Patrol Equipment	<u>4,000</u>	<u>3,500</u>
Totals	<u>\$ 5,800</u>	<u>\$ 5,800</u>

**Modification No. 10**

**General Fund**

**3315 Special Traffic Programs-STOP DWI**

<u>Expense</u>	<u>From</u>	<u>To</u>
A3315.41021 STOP DWI Overtime Patrols	\$ 3,600	\$ 9,600
A3315.4911 Office Supply & Expense (Outside)	<u>418</u>	<u>918</u>
Totals	\$ 4,018	\$ 10,518
Control Total		<u>\$ 6,500</u>

Revenue

A2705.1040 Gifts & Donations-STOP DWI	<u>47,658</u>	<u>54,158</u>
Control Total		<u>\$ 6,500</u>

**Modification No. 11**

**3315 Special Traffic Programs-STOP DWI**

<u>Expense</u>	<u>From</u>	<u>To</u>
A3315.22 Automobile-Sheriff's Department	\$ -0-	\$ 18,390
Control Total		<u>\$ 18,390</u>

Revenue

A880.4010 Appropriation of STOP DWI Reserves	\$ -0-	<u>18,390</u>
Control Total		<u>\$ 18,390</u>

**Modification No. 12**

**General Fund**

**3315 Special Traffic Programs-STOP DWI**

<u>Expense</u>	<u>From</u>	<u>To</u>
A3315.41021 STOP DWI Overtime Patrols	\$ 9,600	\$ 9,350
A3315.42900 Road Equipment and Supplies	<u>0</u>	<u>250</u>
Totals	<u>\$ 9,600</u>	<u>\$ 9,600</u>

Control Total \$ 9,600

**Modification No. 13**

**4013 Public Health Home Care**

<u>Expense</u>	<u>From</u>	<u>To</u>
A4013.1 Personal Services	\$166,835	\$203,292
A4013.4723 CHHA Service Contract	10,000	8,500
A4013.41047 Health Assessment Expense LT	1,017	2,517
A4013.4720 HCR contract	384,500	327,254
A4013.8130 Social Security Expense	12,763	15,552

**4012 Public Health Prevent**

<u>Expense</u>	<u>From</u>	<u>To</u>
A4012.4511 Adult Vaccine	25,000	30,000
A4012.41030 Healthy Communities	-0-	5,000

**4090 Public Health Environmental**

<u>Expense</u>	<u>From</u>	<u>To</u>
A4090.4505 Post Exposure Rabies	<u>17,000</u>	<u>25,000</u>
Control Totals	<u>\$617,115</u>	<u>\$617,115</u>

**Modification No. 14**

**General Fund**

**4309 Mental Health-ADAPT**

<u>Expense</u>	<u>From</u>	<u>To</u>
A4309.4226 Transcription Services	\$ 2,000	\$ 4,000
A4309.4227 Medical & Psychiatric Service	31,500	30,500
A4309.4110 Training & Staff Development	<u>1,500</u>	<u>500</u>
Control Totals	<u>\$ 35,000</u>	<u>\$ 35,000</u>

**Modification No. 15**

**General Fund**

**8020 Planning**

<u>Expense</u>	<u>From</u>	<u>To</u>
A8020.4911 Office Supply & Expense (Outside)	\$ 1,500	\$ 910
A8020.40101 Computers Equipment	<u>0</u>	<u>590</u>
Control Totals	<u>\$ 1,500</u>	<u>\$ 1,500</u>

**Modification No. 16**

**County Road Fund**

**5110 Maintenance of Roads & Bridges**

<u>Expense</u>	<u>From</u>	<u>To</u>
D5110.46003 Asphalt, Tar & Stone	\$550,000	\$150,000
<b><u>5112 Construction Projects</u></b>		
<b><u>Expenses</u></b>		
D5112.4734 Asphalt Paving	0	540,000

**5113 Consolidated Highway Program**

**Expenses**

D5113.4733 Contract Paving	<u>1,000,000</u>	<u>860,000</u>
Control Totals	<u>\$1,550,000</u>	<u>\$1,550,000</u>

**Modification No. 17**

**Road Machinery Fund**

**5130 Road Machinery Fund**

**Expense**

		<u>From</u>	<u>To</u>
DM5130.4820	Repair Parts	\$ 250,000	\$ 245,000
DM5130.4835	Tools & Repair to Tools	<u>12,000</u>	<u>17,000</u>
	Control Totals	<u>\$ 262,000</u>	<u>\$ 262,000</u>

**ADOPTED: AYES – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**RESOLUTION NO. 264-12**

**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 – 1232 NAYS – 0 ABSENT – 268 (Cary, DiVeronica, Ball)**

**PUBLIC COMMENT PERIOD**

No speakers.

Chairman Becker called on Supervisor Roger Bradstreet, Chairman of the Natural Gas working group. Supervisor Bradstreet addressed the Board on the status of the eleven member group that began in 2010. At this time the group has done all it can do and will now be on hiatus until any further developments come from the State.

On motion by Supervisor Monforte, seconded by Supervisor Coye, the Board adjourned.