

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, May 8, 2012

The Board convened at 10:30 a.m. in the Supervisors Chambers, seconded floor, County Office Building, Wampsville, New York with all members present.

Pledge of Allegiance.

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

COMMUNICATIONS

1. Copy of a Resolution from Sullivan County Conveying the Position of Sullivan County to the Governor and the State Legislature Regarding Interstate 86.
2. Copy of a Resolution from Onondaga County – Declaring the Policy of this Legislature that the Practice of Stacking of Overtime Should be Eliminated, Calling for Reporting on Overtime, and Requesting Negotiations Consistent with this Policy, all to the Extent Allowable by Contract and Applicable Law.
3. Copy of a Resolution From Tompkins County – Calling on all Counties to Unite to Bring About Real and Meaningful Mandate Relief in NYS.
4. Copy of a Resolution from Fulton County Urging the United States Congress to Repeal a Portion of the Universal Service Fund Surcharge that Provides free Cellular Telephone Service to Income Eligible Individuals.
5. Certificate of Service of the Verified Joint Petition for Transfer of Two Article VII Certificates for filing with the Commission – Norse Energy Corp., USA and Emkey Resources, LLC.

REPORTS

1. Industrial Development Agency Basic Financial Statements – December 31, 2011.
2. Madison County Office for the Aging – Annual Report 4/1/11 – 3/31/12.
3. Mental Health Department – Monthly Report for April 2012.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA and Madison County Sewer District:	\$1,516,737.74
Miscellaneous Accounts:	\$2,822,417.44

RESOLUTIONS

By Supervisor Degear:

RESOLUTION NO. 131-12

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 certain County employees with upcoming retirements is in order,

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Mark Hatch and Henry Havener upon their retirement.

Mark L. Hatch	Sheriff's	1988 - 2012
Henry R. Havener	Highway	1996 - 2012

ADOPTED: AYES – 1500 NAYS – 0

Undersheriff John Ball and Highway Superintendent Joe Wisinski accepted gifts and thanked the Board on behalf of Mr. Hatch and Mr. Havener who could not be present today.

RESOLUTION NO. 132-12

RESOLUTION TO AMEND AND RESTATE THE DEFERRED COMPENSATION MODEL PLAN FOR EMPLOYEES OF MADISON COUNTY

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Madison County (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, Madison County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Madison County; and

WHEREAS, effective August 26, 2011 the Board amended the Model Plan to adopt provisions

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.

- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of RMDs for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.
- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York state 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.

- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Madison County Deferred Compensation Committee (Government Operations Committee) has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Madison County by adopting the amended Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that Madison County hereby amends the Deferred Compensation Plan for Employees of Madison County by adopting the amended Model Plan effective August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

ADOPTED: AYES – 1500 NAYS – 0

SEE SCHEDULE A ON NEXT PAGE

SCHEDULE A

Effective date of last completion or amendment of this Schedule A: 3/8/11

Instructions

This Schedule A and all later amendments to this Schedule A are part of the Plan document and should remain attached to the Plan document.

Schedule A is used by the Committee (1) TO ACTIVATE or TERMINATE optional Plan provisions described below, (2) TO MODIFY the default provisions of the Plan described below or (3) TO INDICATE that the default provisions described below will continue to apply under the Plan.

Each section of this Schedule A must be completed by the Committee in connection with the adoption of this amendment and restatement of the Plan. All selections made shall remain effective until this Schedule A is later amended by the Committee.

All section references refer to the corresponding sections of the Plan and all defined terms have the meanings ascribed to them in the Plan.

Committee Elections – Optional Plan Provisions

3.1(c) ROTH PROGRAM

Section 3.1(c) of the Plan permits Roth Contributions only if the Committee checks YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that Roth Contributions will not be permitted under the Plan or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

The Plan shall maintain a Roth Program under which Participants may make Roth Contributions to the Plan, which Roth Contributions will be made and separately accounted for in compliance with the relevant provisions of the Plan and the Code.

YES

NO

Effective date: 3/8/11

8.4(d) IN-PLAN ROLLOVER TO A ROTH ACCOUNT

Section 8.4(d) of the Plan permits Roth Contributions only if the Committee has checked YES above (permitting a Roth Program) and checked YES below allowing amounts that otherwise qualify as Eligible Rollover Distributions not attributable to Roth Contributions to be directly contributed to a Roth Account under the Plan. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that Eligible Rollover Distributions may not be directly rolled over to a Roth Account under the Plan or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

To the extent the Committee has resolved to implement and maintain a Roth Program pursuant to Section 3.1(c) of Schedule A, a Participant may elect to have the portion of his or her Eligible Rollover Distribution that is not attributable to Roth Contributions directly rolled over into a Roth Account in the Plan.

YES (do not check YES unless Roth Program is in effect)

NO

Effective date: as soon as possible

3.1(e) SUSPENSION OF DEFERRALS AND CONTRIBUTIONS FOLLOWING AN UNFORESEEABLE EMERGENCY WITHDRAWAL

Section 3.1(e) of the Plan allows the Employer automatically to suspend deferrals and contributions for six months following the date a Participant receives an Unforeseeable Emergency Withdrawal only if the Committee checks YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that a suspension of deferrals and contributions will not be required or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

A Participant's deferrals and contributions will be suspended for a period of six months following a distribution due to an Unforeseeable Emergency withdrawal.

YES

NO

Effective date: 3/8/11

7.2(b) AUTOMATIC DISTRIBUTION OF SMALL ACCOUNTS FOLLOWING A SEVERANCE FROM EMPLOYMENT

Section 7.2(b) of the Plan allows the Employer to automatically distribute certain small account balances following a Severance from Employment only if the Committee has checked YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no automatic distribution will occur following a Severance from Employment or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

With respect to a Participant or an Alternate Payee whose Account or Alternate Payee Account does not exceed the amount set forth in Section 7.2(a) of the Plan, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account as soon as practicable following the Participant's Severance from Employment.

YES

NO

Effective date: 3/8/11

7.2(b) AUTOMATIC DISTRIBUTION OF INACTIVE SMALL ACCOUNTS

Section 7.2(b) of the Plan allows the Employer to automatically distribute certain small account balances in inactive accounts only if the Committee has checked YES below and indicated the small account amount below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no automatic distribution of inactive small accounts will occur or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

7.2(b) Automatic Distributions after a Severance from Employment.

With respect to a Participant or an Alternate Payee whose Account or Alternate Payee Account does not exceed the amount set forth in Section 7.2(a) of the Plan, upon an Account Participant's Plan Benefit falling below \$ _____, [Insert any whole dollar amount up to the dollar limit under Section 411(a)(11)(A) of the Code] to the extent that the requirements of Section 7.2(a) of the Plan are met, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account in accordance with 7.2(b) of the Plan.

YES (do not check YES unless a permissible amount is specified above)

NO

Effective date: 3/8/11

7.3 PLAN LOANS FOR ACTIVE EMPLOYEES

Section 7.3 of the Plan allows active Employees to request a Plan loan only if the Committee has checked YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no Plan loans will be permitted or, at a later time, prospectively (as of a specified effective date) to change a prior election under this section.

Participants who are active Employees shall be eligible to request a Plan loan and may be granted a loan pursuant to the requirements of Section 7.3 of the Plan.

- YES
 NO

Effective date: 3/8/11

7.3(a) PLAN LOANS FOR PARTICIPANTS ON AN APPROVED LEAVE OF ABSENCE

Section 7.3(a) of the Plan allows Participants who are on an approved leave of absence to be eligible to request a Plan loan only if the Committee has checked YES above (permitting Plan loans for active Employees) and checked YES below extending the loan provisions to Participants on an approved leave of absence. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no Plan loans will be permitted for Participants on an approved leave of absence or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

Participants who are on an approved leave of absence from their Employer shall be eligible to request a Plan loan and may be granted a loan pursuant to the requirements of Section 7.3 of the Plan.

- YES (do not check YES unless Plan Loans are authorized for active Employees)
 NO

Effective date: 3/8/11

Committee Elections – Modification of Default Plan Provisions

7.3(f) DURATION OF LOAN GRACE PERIOD

Section 7.3 of the Plan allows the Committee to permit Plan loans (see elections above). If the Committee permits Plan loans, the Plan document states that, unless the Committee makes an election below, any such loan will be in default if a Participant fails to make a required loan repayment within 90 days following the due date for such repayment. The Plan document refers to this period as the "Loan Grace Period."

Section 7.3(f) of the Plan allows the Committee to specify a shorter Loan Grace Period by indicating a period of fewer than 90 days below and by indicating that such election will apply to Plan loans made after the effective date specified below. The Committee may, at a later time, indicate (as of a specified effective date) a different Loan Grace Period by making a new election under this section.

The Loan Grace Period for purposes of Section 7.3(f) shall be 90 days [a number of days greater than 0 but less than 90] following the due date of a Participant's scheduled loan repayment.

Effective date: 3/8/11

8.1(c)(i) and (iii) MINIMUM LUMP SUM AMOUNT

Sections 8.1(c)(i) and (iii) of the Plan allow a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum. The Plan document states that, unless the Committee makes an election below, the amount of a partial lump sum distribution cannot be less than \$100. The Plan document refers to this amount as the "Minimum Lump Sum Amount."

Sections 8.1(c)(i) and (iii) of the Plan allow the Committee to specify a different Minimum Lump Sum Amount by indicating a dollar amount below and by indicating that such Minimum Lump Sum Amount will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Minimum Lump Sum Amount by inserting the "none" or "0" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Minimum Lump Sum Amount by making a new election under this section.

The Minimum Lump Sum Amount shall be \$ 100.

Effective date: 3/8/11

8.1(c)(ii) MINIMUM INSTALLMENT AMOUNT

Section 8.1(c)(ii) of the Plan allows a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in periodic monthly, quarterly, semi-annual or annual installments. The Plan document states that, unless the Committee makes an election below, the amount of an installment distribution cannot be less than \$100. The Plan document refers to this amount as the "Minimum Installment Amount."

Section 8.1(c)(ii) of the Plan allows the Committee to specify a different Minimum Installment Amount by indicating a dollar amount below and by indicating that such Minimum Installment Amount will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Minimum Installment Amount by inserting the "none" or "0" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Minimum Installment Amount by making a new election under this section.

The Minimum Installment Amount shall be \$ 100 -.

Effective date: 3/8/11

8.1(c)(i) and (iii) MAXIMUM ANNUAL NUMBER OF PARTIAL DISTRIBUTIONS PER PLAN YEAR

Sections 8.1(c)(i) and (iii) of the Plan allow a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum. The Plan document states that, unless the Committee makes an election below, the maximum number of partial lump sum distributions in a Plan Year may not exceed 12. The Plan document refers to this amount as the "Maximum Annual Number of Partial Distributions."

Sections 8.1(c)(i) and (iii) of the Plan allow the Committee to specify a different Maximum Number of Partial Distributions per Plan Year by indicating a different limit below and by indicating that such limit will apply to distributions made after the effective date specified below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Maximum Number of Partial Distributions for a Plan Year by making a new election under this section.

The Maximum Annual Number of Partial Distributions for each Plan Year shall be 12.

Effective date: 3/8/11

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8.1(e) DISTRIBUTION WAITING PERIOD

Section 8.1(c) of the Plan allows a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum or in installments. Section 8.1(e) of the Plan document also states that, unless the Committee makes an election below, a distribution will be delayed for 45 days if the distribution would result in the Participant having an account balance of less than \$500. The Plan document refers to this period as the "Distribution Waiting Period."

Section 8.1(e) of the Plan allws the Committee to specify a different Distribution Waiting Period by indicating a different limit below and by indicating that such limit will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Distribution Waiting Period by inserting the word “none” below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Distribution Waiting Period for a Plan Year by making a new election under this Schedule A.

The Distribution Waiting Period shall be 0 days.

Effective Date: 3/8/11.

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RESOLUTION NO. 133-12

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT FOR SHREDDING SERVICES

WHEREAS, the current contract for confidential document shredding services for Madison County Departments with ProShred is expiring on May 16, 2012; and

WHEREAS, in order to ensure Madison County continues to receive competitive pricing, quotes were requested for said shredding services; and

WHEREAS, Madison County received two (2) separate quotes for this service; and

WHEREAS, the Madison County has completed a review of these quotes in accordance with the quote specifications and has chosen ProShred as the lowest quote for service; and

WHEREAS, the current cost was \$7.00 per console and \$25.00 per 95 gallon purge container and the proposed cost is \$4.95 per console and \$19.95 per 95 gallon purge container; and

WHEREAS, the Government Operations Committee recommends the County enter into the agreement with ProShred to continue to provide confidential shredding services for County Departments;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to enter into an agreement with ProShred for the period May 17, 2012 through May 16, 2014, with an option for the County to renew for up to one additional two (2) year term, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 134-12

MODIFYING THE SALARY OF THE DEPUTY PROBATION DIRECTOR II

WHEREAS, due to an increase in responsibilities, the Government Operations Committee has recommended that the 2012 salary of the Deputy Probation Director II be increased to \$68,934; and

WHEREAS, the additional salary and fringe benefit cost for this position will be funded through existing appropriations in the Probation Department; and

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

NOW, THEREFORE BE IT FURTHER RESOLVED that the 2012 salary of the Deputy Probation Director II be modified retroactively from \$53,905 to \$68,934 in accordance with Civil Service Law and Rule effective January 1, 2012.

ADOPTED: AYES – 1500 NAYS - 0

RESOLUTION NO. 135-12

ABOLISHING TWO POSITIONS 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 two (2) Office Assistant II positions be abolished on June 1, 2012; and

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

NOW, THEREFORE BE IT RESOLVED that two (2) Office Assistant II positions be abolished on June 1, 2012; and

BE IT FURTHER RESOLVED that the incumbents in these positions be and hereby are laid off from their positions effective June 1, 2012, in accordance with New York State Civil Service Rule and the Agreement with the Civil Service Employees Association, White Collar Unit.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 136-12

AUTHORIZING COMPENSATION FOR SECTION 75 HEARING OFFICER

WHEREAS, this Board of Supervisors hereby authorizes and ratifies the retention of Judith A. La Manna, Esq. to serve as a hearing officer pursuant to Section 75 of the New York State Civil Service Law;

NOW, THEREFORE BE IT RESOLVED, that this Board of Supervisors authorizes payment to Hearing Officer La Manna for her professional services at a per diem rate of \$1,200 for hearing time, \$220 per hour for time spent in administration, study and preparation of her Section 75 report and recommendations, and reimbursement for reasonable travel related expenses including mileage for use of her personal automobile at the then prevailing IRS mileage rate.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 137-12

**CREATING ONE TEMPORARY FULL-TIME POSITION IN THE
SOLID WASTE DEPARTMENT FOR THE STAGE 1 CLOSURE (CAPPING)
PROJECT AT THE WESTSIDE LANDFILL**

WHEREAS, Stage I closure of the Madison County Westside Landfill will begin again in the spring of 2012; and

WHEREAS, the Director of Solid Waste Management has requested the creation of one temporary, full-time Heavy Equipment Operator position for this project; and

WHEREAS, the additional salary for said position will be funded from appropriations in the 2012 Solid Waste Department budget; and

WHEREAS, this request has been reviewed and approved in accordance with the vacancy review procedure by the Solid Waste and Recycling Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that one (1) temporary full-time Heavy Equipment Operator position be and hereby is created for a period not to exceed ten (10) weeks from date of appointment; and

BE IT FURTHER RESOLVED that the Director of Solid Waste Management be and hereby is authorized to fill said position at the 2012 hourly rate of \$16.18 in accordance with Civil Service Law and Rule and County policies and procedures effective immediately.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 138-12

**CREATING ONE TEMPORARY POSITION IN THE EMPLOYMENT AND
TRAINING DEPARTMENT**

WHEREAS, the Madison County Department of Employment and Training will operate a Workforce Investment Act and/or Temporary Assistance for Needy Families Summer Youth Employment Program during 2012 if funds are appropriated; and

WHEREAS, this summer program may employ up to eighty (80) youths, ages 14-24 (age depends on the funding streams), which will require up to one (1) temporary Summer Youth Counselor position; and

WHEREAS, the wages and fringes for these positions are one hundred percent (100%) federally funded under the WIA and TANF programs; and

WHEREAS, the Employment and Training Director certifies that no hiring will occur until official word of appropriation is received; and

WHEREAS, the request was submitted in accordance with the Vacancy Review Procedure and has been approved by the Planning, Economic Development, Environmental and Intergovernmental Affairs and Government Operations Committees;

NOW THEREFORE BE IT RESOLVED, that the one Summer Youth Counselor position be and hereby is created, if appropriations are received, at a hire rate not to exceed \$12.00 per hour; and

BE IT FURTHER RESOLVED, that the Director of Employment and Training is hereby authorized to fill the position for the period June 11, 2012 through August 24, 2012, in accordance with Civil Service Law and Rule provided appropriations are received that warrant the position,

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 139-12

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.

HIGHWAY DEPARTMENT SURPLUS ITEMS			
	AS SET ID#	DESCRIPTION	CO NDITION
		Slope Meter	fair
		Misc. Walters Parts	unk nown
		Kendall S-825 Grease in 5 gallon Pales. (8)	unk nown
		Chevron RPM Artic Grease in 5 gallon Pales. (2)	unk

			n	own
		Citgol EP-1 Grease in 5 Gallon Pales. (6)	n	own unk
		Trimble GEOXT Mapping System with software	d	good
		Battery charges/testers (5)	n	own unk
		Miscellaneous parts lot – plugs, bulbs, carb kits, overhead garage door parts	n	own unk
		Miscellaneous Electrical Parts lot	n	own unk
0		Miscellaneous truck parts lot – starters, window	n	own unk
1		Holley Carburetor	d	good
2		Miscellaneous Strobe lights		fair
3		Arrow Light Signs (2)	n	own unk
4		Homelite gas powered water pump	n	own unk
5		Old 2 man chainsaw, motor only	n	own unk
6		Rubber Hose		fair
7		International winter front covers for S-series (3)		fair
8		1986 Autocar half windshield		fair
9		Miscellaneous radio parts and equipment	n	own unk
0		Desktop Ribbon Calculators (2)	n	own unk

ITEM	DEPARTMENT	MILEAGE	CONDITION
2000 Chevy Impala	Highway	85,403	In overall fair condition

ADOPTED: AYES – 1500 NAYS – 0

At this time Chairman Becker announced and asked for a motion to open the scheduled public hearing on Local Law No. 2 of 2012 – A Local Law Superseding Public Officers Law Section 3(1) as to the Residency of Certain Public Officers in Madison County.

Supervisor Ball made the motion to open seconded by Supervisor Cary and carried.

Chairman Becker asked for speakers but no one wished to speak.

Supervisor Ball then made a motion to close the hearing, seconded by Supervisor Bono and carried.

By Supervisor Salka:

RESOLUTION NO. 140-12

AUTHORIZING AMENDING AN AGREEMENT

WHEREAS, the Madison County Health Department uses Client/Server Software License Agreement and Software Support with Procura, LLC for clinical documentation and financial billing; and

WHEREAS, in connection therewith the County entered in a Client/Server Software License Agreement and a Software Support Agreement each dated May 3, 1999 (collectively, "Agreement"); and

WHEREAS, due to the closure of the Certified Home Health Agency, the number of software licenses can be reduced effective 5/31/12; and

WHEREAS, the monthly savings of decreasing these licenses is \$1,119.91; and

WHEREAS, the Board of Health and Public Health Services Committee recommends approval of such amendment, and;

NOW, THEREFORE BE IT RESOLVED, the execution of amendment to the Agreement with Procura, LLC in the form as is on file with the Clerk of the Board, and the Chairman of the Board of Supervisors be and is hereby authorized to execute Amendment 19, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 141-12

**AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT
WITH DR. SEELAN NEWTON**

WHEREAS, the Public Health Department is required to have a Medical Director oversee the Diagnostic and Treatment Center operating certificate; and

WHEREAS, Resolution # 507-11, Authorizing the Chairman to Enter Into Agreements with Public Health Department Contractors was passed on December 28, 2011 which included Dr. Seelan Newton; and

WHEREAS, Dr. Newton has requested a redistribution of the monthly compensation due to a change in the scope of services; and

WHEREAS, this redistribution will not change his total annual compensation of \$18,000; and

WHEREAS, this amendment 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 amend the agreement on behalf of the County of Madison with Dr. Seelan Newton in the form as is on file with the Clerk of The Board.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Salka and Reinhardt:

RESOLUTION NO. 142-12

**AUTHORING RENEWAL OF THE DRINKING WATER ENHANCEMENT GRANT AND
MODIFICATION OF THE 2012 ADOPTED COUNTY BUDGET**

WHEREAS, the Madison County Public Health Department has been successfully administering the Drinking Water Enhancement Grant, providing additional services to the residents of Madison County; and

WHEREAS, this New York State funding is available to Madison County for the contract period of April 1, 2012 through March 31, 2013; and

WHEREAS, Madison County's total share for the twelve month period is \$ 113,204; and

WHEREAS, both the Board of Health and the Public Health Services Committee feel it expeditious to accept this funding and continue the additional environmental services in this area;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to enter into an agreement with New York State Department of Health for the contract period of April 1, 2012 to March 31, 2013, 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:

<u>General Fund</u>		<u>From</u>	<u>To</u>
<u>4090 Public Health Environmental</u>			
<u>Expense</u>			
A4090.41004	PWS Enhancement Grant	\$ 2,130	<u>\$ 5,015</u>
	Control Total		<u>\$ 2,885</u>
 <u>Revenue</u>			
A3401.6940	State Aid Public Water Supply	\$114,358	<u>\$117,243</u>
	Control Total		<u>\$ 2,885</u>

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Salka:

RESOLUTION NO. 143-12

**AUTHORIZING THE CHAIRMAN OF THE BOARD
TO PROCLAIM MAY AS MENTAL HEALTH MONTH**

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, there is a strong body of research that supports specific tools that all Americans can use to better handle challenges, and protect their health and well-being; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts; and

WHEREAS, for over 45 years, Madison County has made a commitment to community-based systems of mental health care in which all residents can receive high-quality and consumer-responsive services; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman be and is hereby authorized to proclaim May 2012 - Mental Health Month in Madison County; and

BE IT FURTHER RESOLVED, that the Board of Supervisors calls upon all Madison County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

ADOPTED: AYES – 1500 NAYS – 0

Dr. James Yonai, Director of Mental Health thanked the Board for recognizing this important issue and gave a summary of all of the services that the Mental Health and related offices provide to the county and how much needed it is.

By Supervisors Salka and Reinhardt:

RESOLUTION NO. 144-12

AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT WITH COMMUNITY ACTION PROGRAM, INC., AND THE MODIFICATION OF THE 2012 ADOPTED BUDGET

WHEREAS, research has shown that mentoring is an effective strategy in the prevention of high-risk behaviors that lead to poor school performance, substance abuse, violence, and teen pregnancy; and

WHEREAS, it is always a struggle to find enough volunteer mentors to meet the needs of children who would benefit from a mentor; and

WHEREAS, Madison County is committed to providing preventive services to children;
and

WHEREAS, Community Action Program, Inc., has the experience and recognized capacity to provide this service; and

WHEREAS, Community Action Program, Inc., is currently providing this service; and

WHEREAS, funding is available through the Flexible Fund for Family Services, which is reimbursed at the rate of 100 percent; and

WHEREAS, due to a sharp decrease in the number of children placed in foster care due to PINS/JD behaviors, which is believed to be a direct result of good prevention services such as mentoring, there is additional funding available through the Flexible Fund for Family Services; and

WHEREAS, Community Action Program, Inc., has offered to provide the required services for the period April 1, 2012, to March 31, 2013, at a total cost not to exceed \$196,129, which is an increase of \$60,000; 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 amend an agreement on behalf of the County of Madison with Community Action Program, Inc., in the form as is on file with the Clerk of the Board; and

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

General Fund

<u>A6010 Social Service Administration</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A6010.41088 FFFS-CAP Mentoring	<u>\$ 136,129</u>	<u>\$ 196,129</u>
Control Total		<u>\$ 60,000</u>
<u>Revenue</u>		
A4615.1010 FFFS	<u>\$1,232,371</u>	<u>\$1,292,371</u>
Control Total		<u>\$ 60,000</u>
<u>A6109 TANF</u>		
<u>Expense</u>		
A6109.41087 EAF FC JD PINS	<u>\$ 532,000</u>	<u>\$ 472,000</u>
Control Total		<u>(\$ 60,000)</u>
<u>Revenue</u>		
A4615.1030 FFFS-Program	<u>\$ 555,373</u>	<u>\$ 495,373</u>

Control Total

(\$ 60,000)

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 145-12

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH
DR. SCOTT PETOSA OF K.A.G. CONSULTING AND THE MODIFICATION OF THE 2012
ADOPTED BUDGET**

WHEREAS, in recent years, federal and state funding for foster care placements has been significantly reduced; and

WHEREAS, the laws and regulations regarding Persons in Need of Supervision (PINS) and Juvenile Delinquency (JD) have a strong emphasis on diversion; and

WHEREAS, it is recognized that it is better for children to stay with their own families if at all possible; and

WHEREAS, Dr. Scott Petosa of K.A.G. Consulting has experience and expertise in working with young people to help them make better choices in their lives; and

WHEREAS, Dr. Scott Petosa also has training and experience in working with parents to help them improve their skills; and

WHEREAS, Dr. Scott Petosa is currently providing this service; and

WHEREAS, due to a sharp decrease in the number of children placed in foster care due to PINS/JD behaviors, which is believed to be a direct result of good prevention services such as Life Skills Coaching, there is additional funding available through the Flexible Fund for Family Services; and

WHEREAS, funding through the Flexible Fund for Family Services is reimbursed at the rate of 100 percent; and

WHEREAS, Dr. Scott Petosa has agreed to provide this service for the period of April 1, 2012, to March 31, 2013, at a total cost not to exceed \$47,150; 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 with Dr. Scott Petosa of K.A.G Consulting, in the form as is on file with the Clerk of the Board; and

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

<u>General Fund</u>		
<u>6010 Social Service Administration</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A6010.41090 FFFS-Life Skills Coaching	<u>-0-</u>	<u>\$ 47,150</u>

	Control Total		<u>\$ 47,150</u>
<u>Revenue</u>			
A4615.1010	FFFS	<u>\$1,292,371</u>	<u>\$1,339,521</u>
	Control Total		<u>\$ 47,150</u>
<u>6109 TANF</u>			
<u>Expense</u>			
A6109.41087	EAF FC JD PINS	<u>\$ 472,000</u>	<u>\$ 424,850</u>
	Control Total		<u>(\$ 47,150)</u>
<u>Revenue</u>			
A4615.1030	FFFS – Program	<u>\$ 495,373</u>	<u>\$ 448,223</u>
	Control Total		<u>(\$ 47,150)</u>

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Suits:

RESOLUTION NO. 146-12

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

WHEREAS, if for any reason the Clerk to the Board of Supervisors is unable to attend any meeting held by the Board of Supervisors, then a temporary replacement will be needed; and

WHEREAS, the Administration and Oversight Committee have reviewed and recommend the appointment of a temporary Clerk to the Board of Supervisors for this purpose;

NOW, THEREFORE BE IT RESOVLED, that Susan Frank, Confidential Secretary to the County Attorney is hereby appointed as temporary Clerk to the Board of Supervisors to act in the absence of Cindy Urtz, effective immediately and to continue at the pleasure of the Board.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Ball:

RESOLUTION NO. 147-12

ADOPTING LOCAL LAW NO. 2 FOR THE YEAR 2012

WHEREAS, there has been duly introduced Local Law No. 2 for the year 2012 entitled “A LOCAL LAW SUPERSEDING PUBLIC OFFICERS LAW SECTION 3 (1) AS TO THE RESIDENCY OF CERTAIN PUBLIC OFICERS IN MADISON COUNTY”; and

WHEREAS, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on May 8, 2012;

NOW, THEREFORE BE IT RESOLVED, that Local Law No. 2 for the year 2012 be and the same is hereby adopted.

PENDING BOARD APPROVAL

RESOLUTION NO. 148-12

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH HEALTH DIRECT INSTITUTIONAL PHARMACY SERVICES**

WHEREAS, it is necessary and required to provide prescription and non-prescription medications to inmates at the Madison County Jail in the regular course of their incarceration; and

WHEREAS, the quantity and type of medications needed on a day to day basis cannot be predicted due to daily variations of the inmate population, thereby making it necessary to have access to prompt service and timely delivery of pharmacy services and medications twenty-four hours a day, seven days a week; and

WHEREAS, the Sheriff of Madison County seeks to continue to cut costs and maintain the efficiency in the provision of medication to the inmates under his care through the continued use of a single contracted provider of pharmacy services that meets the special needs of the Madison County Jail; and

WHEREAS, Health Direct Institutional Pharmacy Services, Division of Kinney Drugs, Inc. does possess the special skills and training required to perform the necessary services and provide the required medications pursuant to the terms of the contract; and

WHEREAS, the term of this agreement is for a period of two (2) years automatically renewing for successive one (1) year periods unless terminated by either party, commencing April 1, 2012; and

WHEREAS, the cost of this pharmacy service is based on the Medi-Span Average Wholesale Price billing structure for current and future drugs; and

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

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Monforte:

RESOLUTION NO. 149-12

AUTHORIZING THE BOARD OF SUPERVISORS TO ACCEPT A GIFT OF PERSONAL PROPERTY ON BEHALF OF MADISON COUNTY

WHEREAS, pursuant to County Law §215, the Board of Supervisors may acquire by gift personal property for lawful county purposes so long as all conveyances made to the county, or on its behalf, shall be made in the name of the county; and

WHEREAS, Mohawk Valley Community College is a community college located in the City of Rome, County of Oneida, State of New York; and

WHEREAS, Mohawk Valley Community College possesses personal property consisting of seven (7) computer software licenses that it desires to gift to Madison County; and

WHEREAS, Mohawk Valley Community College's gift of computer software licenses would be made in the name of Madison County; and

WHEREAS, these software licenses would serve a lawful county purpose in that the software would be used to upgrade computer equipment at the Working Solutions One-Stop Career Center located in the City of Oneida, County of Madison, State of New York. Said Career Center is an agency of Madison County, and serves a lawful county purpose in assisting individuals seeking employment as well as developing computer skills to be used in employment;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors is hereby authorized to accept the gift of personal property consisting of seven (7) computer software licenses on behalf of Madison County.

ADOPTED: AYES -1500 NAYS – 0

RESOLUTION NO. 150-12

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE RESEARCH FOUNDATION OF SUNY, ON BEHALF OF SUNY ONEONTA

WHEREAS, Madison County presently contracts with the Finger Lakes Association, Inc. to receive Finger Lakes - Lake Ontario Watershed Protection Alliance funds through the Environmental Protection Fund; and

WHEREAS, research has been conducted in the past to examine potential opportunities for biological control of Eurasian watermilfoil in Madison County Lakes; and

WHEREAS, Cornell and SUNY Oneonta Researchers have determined that fish predation (primarily by bluegills) has a negative effect on the survival of biological control organisms, particularly the aquatic moth *Acentria ephemerella*; and

WHEREAS, efforts are underway to determine the effectiveness of using walleye to control bluegill in Madison County Lakes; and

WHEREAS, SUNY Oneonta will gather baseline plant and herbivore population data in conjunction with ongoing research in DeRuyter and Lebanon Reservoirs; and

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman to sign a contract (a copy of which is on file with the Clerk of this Board) with the RESEARCH FOUNDATION OF SUNY to complete this project for no more than \$12,000.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 151-12

AUTHORIZING A CONTRACT EXTENSION FOR THE PROVISION OF PUBLIC TRANSITSERVICES

WHEREAS, the County presently has a contract with Birnie Bus Service Inc. to operate the County's public transit system, the Madison Transit System (MTS) ; and

WHEREAS, provision of public bus service is essential to the wellbeing of many Madison County residents without reasonable access to alternative means of transportation to work, around town, medical treatment, and social or mental health services; and

WHEREAS, the current contract with Birnie Bus ends on May 31st, 2012, but contains provisions for extending the contract for two (2) additional one (1) year terms; and

WHEREAS, Madison County and Birnie Bus would like to exercise their final option to extend the current contract by one (1) year, starting June 1st, 2012 and ending on May 31st, 2013; and

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

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 152-12

APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY MADISON COUNTY CAPITAL RESOURCE CORPORATION TO FINANCE A CERTAIN PROJECT FOR COLGATE UNIVERSITY

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

WHEREAS, pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, as amended (the "Enabling Act"), Revenue Ruling 57-187 and Private Letter Ruling 200936012, the Board of Supervisors of Madison County, New York (the "County") adopted a resolution on July 14, 2009 (the "Sponsor Resolution") (1) authorizing the incorporation of Madison County Capital Resource Corporation (the "Issuer") under the Enabling Act and (2) appointing the initial members of the board of directors of the Issuer; and

WHEREAS, in March, 2010, a certificate of incorporation was filed with the New York Secretary of State's Office (the "Certificate of Incorporation") creating the Issuer as a public instrumentality of the County; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Enabling Act to acquire real and personal property; to borrow money and issue negotiable revenue bonds, notes and other obligations therefore; to lease, sell, mortgage or otherwise dispose of or encumber any of its real or personal property upon such terms as it may determine; and otherwise to carry out its corporate purposes in the territory in which the operations of the Issuer are principally to be conducted; and

WHEREAS, in April, 2012, Colgate University, a New York not-for-profit education corporation (the "Institution") submitted an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the "Project") for the benefit of the Institution, said Project consisting of the following: (A) the refinancing, in whole or in part, of (1) the outstanding Tax-Exempt Civic Facility Revenue Bonds (Colgate University Project), Series 2003A in the original aggregate principal amount of \$15,910,000 (the "Prior Series 2003A Bonds") issued on or about April 9, 2003 by Madison County Industrial Development Agency (the "Prior Issuer"), the proceeds of which Prior Series 2003A Bonds provided refinancing for previously completed capital projects located on the Institution's Campus (the "Prior Series 2003A Project") (all physical assets comprising part of the Prior Series 2003A Project are sometimes referred to as the "Prior Series 2003A Project Facility"), and (2) the outstanding Tax-Exempt Civic Facility Revenue Bonds (Colgate University Project), Series 2003B in the original aggregate principal amount of \$20,775,000 (the "Prior Series 2003B Bonds", and collectively with the Prior Series 2003A Bonds, the "Prior Bonds") issued on or about August 6, 2003 by the Prior Issuer, the proceeds of which Prior Series 2003B Bonds provided financing for previously completed capital projects located on the Institution's Campus (the "Prior Series 2003B Project", and collectively with the Prior Series 2003A Project, the "Prior Project") (all physical assets comprising part of the Prior Series 2003B Project are sometimes referred to as the "Prior Series 2003B Project Facility", and collectively with the Prior Series 2003A Project Facility, the "Initial Project Facility"), all of the foregoing to constitute the refinancing of an educational facility and other directly and indirectly related activities for use by the Institution; (B) the financing of all or a portion of the costs of the foregoing by the issuance of revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, the maximum aggregate principal amount of which is presently estimated not to exceed \$30,000,000 (the "Obligations"); (C) paying of all or a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; and (D) the making of a loan (the "Loan") of the proceeds of the Obligations to the Institution or such other person as may be designated by the Institution and agreed upon by the Issuer; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6NYCRR Part 617, as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), by resolution adopted by the members of the board of directors of the Issuer on April 19, 2012 (the "SEQR Resolution"), the Issuer determined that the Project is a "Type II action", with respect to which no further action was required pursuant to SEQRA (as such quoted terms are used in SEQRA); and

WHEREAS, the Institution has requested that interest on the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 145(a) of the Code; and

WHEREAS, the Board of Supervisors of Madison County, New York (the "Board of Supervisors") has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and

WHEREAS, interest on the Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Obligations is approved by the "applicable elected representative" of Madison County, New York after the Issuer has held a public hearing on the nature and location of the Project Facility and the issuance of the Obligations; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the board of directors of the Issuer on April 19, 2012 (the "Public Hearing Resolution"), the Chief Executive Officer of the Issuer (A) caused notice of a public hearing of the Issuer (the "Public Hearing") pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and, as provided in the Certificate of Incorporation, pursuant to the applicable provisions of Section 859-a and Section 859-b of the General Municipal Law of the State of New York (the "GML"), to hear all persons interested in the Initial Project and the financial assistance being contemplated by the Issuer with respect to the Initial Project, to be published on April 21, 2012 in the Oneida Daily Dispatch, a newspaper of general circulation available to the residents of the Village of Hamilton, New York, (B) caused notice of the Public Hearing to be posted on April 20, 2012 at the Village Courthouse located at 60 Montgomery Street in the Village of Hamilton, Madison County, New York, (C) caused notice of the Public Hearing to be mailed on April 20, 2012 to the chief executive officers of the county and of each city, town, village and school district in which the Initial Project Facility is (or will be) located, (D) conducted the Public Hearing on May 7, 2012 at 10:00 o'clock, a.m., local time at the Village Courthouse located at 60 Montgomery Street in the Village of Hamilton, Madison County, New York, and (E) prepared a report of the Public Hearing (the "Public Hearing Report") which fairly summarized the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the board of directors of the Issuer and to the Board of Supervisors of Madison County, New York (the "Board of Supervisors"); and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Supervisors desires to allow the interest on the Obligations to be treated as excludable from gross income for federal income tax purposes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, New York, as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Obligations for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145(a) of the Code, the Board of Supervisors, as the elected legislative body of Madison County, New York, hereby approves the issuance by the Issuer of the Obligations, provided that the Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, Madison County, New York or any political subdivision thereof (other than the Issuer), and neither the State of

New York, Madison County, New York nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

NOTE: A 2/3's vote is required for this resolution:

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Bono:

RESOLUTION NO. 153-12

**AUTHORIZING CHAIRMAN TO RENEW AN AGREEMENT WITH TRUGREEN
COMMERCIAL LAWN CARE SERVICES**

WHEREAS, the County Office Complex, including the County Office Building, Court House, Department of Social Services, Highway Department and the Public Safety Building presently have an agreement with TruGreen Commercial Lawn Care Services for lawn maintenance services; and

WHEREAS, it is necessary at this time to renew the agreement with TruGreen, which has been reviewed and approved by the County Buildings and Grounds Committee; and

WHEREAS, the agreement is for three (3) years, commencing July 14, 2012, and expiring July 31, 2015, at a total yearly cost of \$1,451.60 (\$292.60 County Office Building, \$95 Court House, \$247 Public Safety Building, \$285 Department of Social Services and \$532 Highway Department); and

WHEREAS, the County Buildings & Grounds Committee has reviewed the renewal and recommend that the renewal be accepted; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to enter into agreement with TruGreen, 6700 Commerce Boulevard, Syracuse, New York, 13211, a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 154-12

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

WHEREAS, the County Office Complex, including the County Office Building, Public Health, Court House, Department of Social Services, Veteran's Building, Maintenance Garage, and the Public Safety Building presently have an agreement with SimplexGrinnell for maintenance and inspection to all of the fire alarms located in these areas; and

WHEREAS, it is necessary at this time to renew the agreement with SimplexGrinnell, which has been reviewed and approved by the County Buildings and Grounds Committee; and

WHEREAS, the agreement is for three (3) years, commencing May 8, 2012, and expiring on April 30, 2016, at a total yearly cost of \$1,793.00 for semi-annual fire alarm panel check with fire alarm drill, \$329.00 annually for Public Safety Building quarterly sprinkler inspections, and \$375 annually for Department of Social Services quarterly sprinkler inspections; and

WHEREAS, the County Buildings & Grounds Committee has reviewed the renewal and recommend that the renewal be accepted;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to enter into agreement with SimplexGrinnell, 6731 Collamer Road, Suite 4, East Syracuse, New York, 13057, a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 155-12

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH F. J. PUGLIESE CO., INC.

WHEREAS, the County has an agreement with F. J. Pugliese Co., Inc., of Utica, New York, for the pest control services for the Court House, County Office Building, Veterans Memorial Building, Public Health Building, Department of Social Services, Public Safety Building, Highway Department (Morrisville and Wampsville), Department of Solid Waste and Sanitation (Buyea Road, Bolivar Road, Constine Bridge Road and Cranston Road) and Child Advocacy Center (quarterly service); and

WHEREAS, the County Buildings & Grounds Committee has reviewed the renewal and recommend that the renewal be accepted; and

WHEREAS, said agreement is a two-year (2-year) agreement effective August 16, 2012, through August 31, 2014, in the amount of Five Thousand, Four-Hundred, Seventy-Six and 00/100 Dollars (\$5,476.00) per year;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to renew an agreement with the F. J. Pugliese Co., Inc., for a two-year (2-year) period commencing August 16, 2012, and expiring August 31, 2014, in the amount of \$5,476.00 per year, a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 156-12

AUTHORIZING THE CHAIRMAN TO SIGN A MEMORANDUM OF UNDERSTANDING WITH JOHNSON CONTROLS TO CONDUCT A PRELIMINARY ENERGY FACILITY AUDIT

WHEREAS, Madison County has completed some energy efficiency projects around the County Office Complex; and

WHEREAS, those projects appear to have increased energy efficiency in the affected structures; and

WHEREAS, Johnson Controls, Inc., is offering to perform a no-cost Preliminary Facility Energy Audit, the first step in determining the feasibility of implementing an Energy Savings Performance Contract for County-owned facilities; and

WHEREAS, the Preliminary Facility Energy Audit will result in a preliminary project scope and projected operating cost savings for the County; and

WHEREAS, the intent of and services outlined in the Memorandum of Understanding are in compliance with New York State Municipal Law and New York State Energy Law (Article 9); and

WHEREAS, the County has the option to move forward with a Detailed Energy Audit or cease discussions after the completion of the Preliminary Facility Energy Audit; and

WHEREAS, the results of the audit may help establish eligibility for future State or Federal funding for energy efficiency projects; and

WHEREAS, the Buildings and Grounds Committee has reviewed and recommended for approval the Memorandum of Understanding that is the subject of this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be and hereby is authorized to sign an agreement with Johnson Controls, Inc., 105 Twin Oaks Drive, Syracuse, New York, 13206, for the performance of a no-cost Preliminary Facility Energy Audit.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Goldstein:

RESOLUTION NO. 157-12

**AUTHORIZING THE CHAIRMAN TO ENTER INTO A CONTRACT
TO ACCEPT COVER**

WHEREAS, Meloon Foundries, Inc. in the County of Onondaga is possessed with a surplus of “foundry sand”, which such sand has been used for daily landfill cover in accordance with the New York State Department of Environmental Conservation rules and regulations; and

WHEREAS, the County of Madison has received written approval from the New York State Department of Conservation indicating that foundry sand is acceptable for the purpose of daily landfill cover; and

WHEREAS, Meloon Foundries, Inc. is willing to continue to provide such cover, and it is in the best interest of Madison County to receive same upon payment to Madison County of an agreed upon price; and

WHEREAS, a Contract has been drafted whereby such arrangement may be formalized with Meloon Foundries, Inc.. interested in continuing to provide such material to the County; and

NOW, THEREFORE, BE IT RESOLVED, that Madison County enter into a Contract with such foundry willing to provide foundry sand as daily landfill cover consistent with the provisions of the Contract for providing cover, a copy of which is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the Chairman of this Board be is hereby authorized and directed to enter into a two (2) year Contract with such Meloon Foundries, Inc. and that the County accept the price of Thirty Five Dollars (\$35.00) per ton for each ton received.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 158-12

AUTHORIZING 5-YEAR SOLID WASTE DISPOSAL AGREEMENTS WITH COMMERCIAL PERMIT HOLDERS

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

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

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

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

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Reinhardt:

RESOLUTION NO. 159-12

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN 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

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 – 1500 NAYS – 0

RESOLUTION NO. 160-12

APPROVAL – MORTGAGE TAX REPORT

WHEREAS, this Board is in receipt of the Semi-Annual Mortgage Tax Report showing the amounts to be credited to each tax district of the County of the money collected during the preceding six months ending March 31, 2012;

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

Town of Brookfield	\$9,786.65
Town of Cazenovia	\$96,864.29
Village of Cazenovia	\$17,667.12
Town of DeRuyter	\$7,974.58
Village of DeRuyter	\$712.42
Town of Eaton	\$13,131.03
Village of Hamilton	\$2.42
Village of Morrisville	\$3,588.72
Town of Fenner	\$13,889.61
Town of Georgetown	\$1,830.66
Town of Hamilton	\$17,501.56
Village of Earlville	\$493.62

Village of Hamilton	\$10,059.68
Town of Lebanon	\$5,512.62
Town of Lenox	\$33,363.54
Village of Canastota	\$9,723.06
Village of Wampsville	\$2,010.59
Town of Lincoln	\$21,375.11
Town of Madison	\$16,090.65
Village of Hamilton	\$153.54
Village of Madison	\$585.23
Town of Nelson	\$18,664.20
Town of Smithfield	\$4,896.62
Town of Stockbridge	\$7,535.30
Village of Munnsville	\$822.13
Town of Sullivan	\$111,800.26
Village of Chittenango	\$18,473.50
City of Oneida	\$118,279.55
TOTAL	\$562,788.26

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 161-12

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

1170 Public Defender Service

Expense

	<u>From</u>	<u>To</u>
A1170.42181 Assigned Counsel Criminal Court-Disbursements	13,000	23,000

A1170.42191 Assigned Counsel Family Court Disbursements	17,500	7,500
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Control Totals:	<u>\$30,500</u>	<u>\$ 30,500</u>
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Modification No. 2

General Fund

1110 Municipal Court

Expense

	<u>From</u>	<u>To</u>
A1110.4201 Interpretation Svcs-Chitt. Village Court	\$ -0-	\$ 166

1990 Contingent Fund

Expense

A1990.4444 Contingent Fund	<u>994,570</u>	<u>994,404</u>
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Control Totals	<u>\$994,570</u>	<u>\$994,570</u>
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Modification No. 3

General Fund

4012 Public Health Preventive

Expense

	<u>From</u>	<u>To</u>
A4012.41069 Contract Services	\$ 5,000	\$ 4,000
A4012.456 Chest Clinic X-ray	800	1,800

4013 Public Health Home Care

Expense

A4013.4504 Health Assessment Expense	\$ 1,017	\$ 3,339
A4013.41047 Health Assessment Expense LT	<u>3,339</u>	<u>1,017</u>
Control Totals	<u>\$ 10,156</u>	<u>\$ 10,156</u>

Modification No. 4

Enterprise Environmental Landfill Fund

8164 Environmental Control (Landfill)

Expense

	<u>From</u>	<u>To</u>
EE8164.2933 Miscellaneous Equipment	\$60,000	\$104,250
EE8164.2960 Res Tsf Station Improvements	-0-	80,000

8165 Landfill Closure Expense

Expense

EE8165.43003 Misc. Site Work	27,000	47,000
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8167 Landfill-Future Expansion

Expense

EE8167.402 Miscellaneous Expense	5,000	25,000
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8169 Landfill-Capital Equipment Acquisition

Expense

EE8169 Landfill-Capital Equipment Acquisition	300,000	255,750
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8176 Landfill Utilities-Gas to Energy Project

Expense

EE8176.4216 Gas Field Supply & Service	<u>50,000</u>	<u>80,000</u>
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Totals	\$ <u>442,000</u>	\$ <u>592,000</u>
Control Total		\$ <u>150,000</u>

EE599 Appropriated Net Assets	\$ <u>226,289</u>	\$ <u>376,289</u>
Control Total		\$ <u>150,000</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 162-12

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 – 1500 NAYS – 0

By Supervisor Suits:

RESOLUTION NO. 163-12

REQUESTING THE WAIVER OF RULE NO. 24 AND NO. 24-A

WHEREAS, Rule No. 24 requires that all resolutions intended to be moved for adoption at a regular meeting shall be filed with the Clerk not less than seven (7) calendar days prior to the meeting; and

WHEREAS, Rule No 24-A requires that all such resolutions be introduced by the Chairman of the Legislative Board having jurisdiction after having been filed with the Chairman at least ten (10) days prior to the meeting at which time it is to be introduced;

NOW, THEREFORE BE IT RESOLVED, that Rule No. 24 is hereby waived; and

BE IT FURTHER RESOLVED, that portion of Rule No. 24-A calling for all resolutions to be first filed with the Chairman of the appropriate committee ten (10) days prior to the meeting, is also hereby waived to the extent of such time limitation for the balance of this meeting; providing however, that to the extent not hereby specifically waived all such rules remain in full force and effect.

Supervisor Degear made a motion to amend this resolution, seconded by Supervisor Henderson and carried. The following amended waiver resolution was offered:

RESOLUTION NO. 163-12 (AS AMENDED)

REQUESTING THE WAIVER OF RULE NO. 24 AND NO. 24-A

WHEREAS, Rule No. 24 requires that all resolutions intended to be moved for adoption at a regular meeting shall be filed with the Clerk not less than seven (7) calendar days prior to the meeting; and

WHEREAS, Rule No 24-A requires that all such resolutions be introduced by the Chairman of the Legislative Board having jurisdiction after having been filed with the Chairman at least ten (10) days prior to the meeting at which time it is to be introduced;

NOW, THEREFORE BE IT RESOLVED, that Rule No. 24 and No. 24-A are hereby waived.

Final vote with amendment as follows:

ADOPTED: AYES - 1500 NAYS – 0

By Supervisor Monforte:

RESOLUTION NO. 164-12

AUTHORIZING THE RELEASE OF A PART OF THE MORTGAGED PREMISES HELD AS SECURITY FOR AN ECONOMIC DEVELOPMENT LOAN

WHEREAS, the County of Madison has an Economic Development Revolving Loan Fund, available for the purpose of assisting in job creation and job retention; and

WHEREAS, in 2000, the Madison County Board of Supervisors approved a 10-year loan of \$250,000 to the Town of Sullivan Development Corporation (SDC) to assist in the development of their Harbor Lights Business Park in Lakeport by the Town of Sullivan through the purchase of the park property; and

WHEREAS, by agreement made the 18th day of September 2006 between the County of Madison (County) and the SDC, the notes and mortgages above referenced were modified to provide, in part, that upon the sale of a parcel of land in the Harbor Lights Business Park, the SDC would pay and there would be applied to the principal indebtedness the sum of fifty-percent (50%) of the sale price of the parcel of land being sold less fees for professional services and recording costs attributable to the transaction, in consideration for which the County would release the subject parcel from its mortgages; and

WHEREAS, the SDC has sold a lot described as Lot 1 according to a map (filed in the Madison County Clerk's Office on August 10, 2011 as Map No. 5105) entitled "Harbor Lights Business Park-Phase II" to Nice N Easy Grocery Shoppes Inc.;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby approves the Release of Part of Mortgaged Premises ("Release") applying to the aforementioned Lot 1 of Harbor Lights Business Park-Phase II (a copy of which is on file with the Clerk of the Board) and relating to the aforementioned loan to the Town of Sullivan Development Corporation; and be it further

RESOLVED, that the Madison County Board of Supervisors authorizes the Chairman of the Board and/or the Treasurer of the County of Madison to execute the Release and to sign such other and further documents and instruments necessary to implement this Release; and be it further

RESOLVED, that the County Attorney forward the executed Release, in escrow, pending receipt of the County's share of funds and the filing of a consensual lien naming the County as a co-lienor with SDC.

ADOPTED: AYES – 1500 NAYS – 0

**PROCLAMATION
OLDER AMERICANS MONTH – MAY 2012**

WHEREAS, *Madison County is a community that includes 13,931 citizens aged 60 and older; and*

***WHEREAS,** Madison County is committed to helping all individuals maintain their health and independence in later life; and*

***WHEREAS,** the older adults in Madison County have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth, and adults from other generations; and*

***WHEREAS,** the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and*

***WHEREAS,** their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and*

***WHEREAS,** our community can provide opportunities to enrich citizens young and old by:*

- *Emphasizing the value of including elders in public and family life*
- *Creating opportunities for older Americans to interact with people of different generations*
- *Providing services, technologies, and support systems that allow older adults to participate in social activities in the community*

***NOW, THEREFORE,** I, John M. Becker, Chairman of the Madison County Board of Supervisors do hereby proclaim:*

May 2012 – Older Americans Month

and urge every citizen to take time this month to engage with our older citizens through enjoyable social interactions such as sports, games, contests, and other forms of play.

PUBLIC COMMENT PERIOD

There were no speakers.

At 11:00 a.m. Chairman Becker announced the scheduled public hearing on Local Law No. 3 for 2012 – A Local Law Requiring that a Road Preservation Agreement be Entered into for use of County Roads by Vehicles that Exceed the Weight or Dimensional Limits in Section 385 of the Vehicle and Traffic Law of the State of New York, as well as by Vehicles that Exceed the Weight or Dimensional Limits Designated by the Superintendent of Highways Pursuant to Section 1650(a)(4-a) of the Vehicle and Traffic Law of the State of New York.

Supervisor Salka made a motion to open the hearing, seconded by Supervisor Degear and carried.

Mr. Paul O'Mara of Canastota, New York and owner of Night Hawk Transport read a letter (which is on file with the Clerk to the Board) prepared by Kendra Adams, President of the New York State Motor Truck Association, requesting that the Board reconsider moving forward with the County Road Use agreement.

There being no other speakers, Supervisor Salka made a motion to close the public hearing, seconded by Supervisor Monforte and carried.

NOTE: No action will be taken at this time.

At 11:10 a.m., Supervisor Degear made a motion for the Board to enter executive session for the purpose of discussions regarding current litigation, in particular, the case of Steven Mahler and Daniel Garrow v. S. John Campanie, Campanie & Wayland-Smith PLLC, and Thomas P. DiNapoli, as Comptroller of the State of New York; Index No. 2502-11. Another purpose of the executive session was to meet with the County's outside counsel to receive legal advice in connection with this case.

Supervisor Cary seconded the motion to go into executive session and the motion was carried.

All Supervisors were then asked to remain in the Supervisors Chambers for the executive session, along with Administrative Assistant to the Chairman Mark Scimone, Clerk Cindy Urtz, and outside Counsel John Corcoran of Hancock Estabrook, LLP. All other people in attendance at the open session meeting, including but not limited to County Attorney S. John Campanie, were asked to leave the Supervisors Chambers and were therefore not present during the executive session.

Discussion was held with outside counsel Corcoran.

At 11:30 a.m. Supervisor Bradstreet made a motion to close the executive session, seconded by Supervisor Stepanski and carried.

The Board then went back into regular session and the following resolution was acted on:

By Supervisor Degear, Chairman Government Operations Committee:

RESOLUTION NO. 165-12

**RESOLUTION TERMINATING MEMORANDUM OF UNDERSTANDING
AND FURTHER RESTATING THE COMPLETE PRESENT AND FUTURE COMPENSATION
OF THE COUNTY ATTORNEY**

WHEREAS, it has been the practice of the County for over 25 years to provide limited reimbursement of Five Hundred and 00/100 Dollars (\$500.00) per month to offset the expense to the firms of this County Attorney and his predecessor;

WHEREAS, in furtherance thereof a Memorandum of Understanding was duly authorized by this Board by Resolution 505-09 of 2009 which provided for compensation at the foregoing rate subject to submission of duly approved County claim forms and subject to

approval in the usual course by the Board of Supervisors, in its discretion, with the monthly bills;
and

WHEREAS, said Memorandum of Understanding was executed in December of 2009;
and

WHEREAS, despite this board having authorized/ratified this and all prior compensation arrangements involving County Attorney S. John Campanie, circumstances have arisen which now make it in the best interest of the County to terminate said Memorandum of Understanding and to once again restate the present and future compensation of the County Attorney;

WHEREAS, at this time there is not in place any contracts providing for compensation for the current County Attorney, other than the aforementioned Memorandum of Understanding and the County Attorney's salary, authorized by this board in Resolution Number 452-11 of 2011, nor is the County Attorney owed any other sums as of the date of this Resolution;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. This Board hereby terminates the December 2009 Memorandum of Understanding as authorized in Resolution 505-09 and all prior agreements relating thereto, including but not limited to the limited reimbursement of \$500.00 per month and as such said lump sum payments are hereby terminated and will therefore not be authorized or disbursed in the future and the Board hereby authorizes the Chairman to execute any agreements or documentation relating thereto;

2. In furtherance of the foregoing, it is further memorialized that County Attorney Campanie has no other contracts for compensation by, with or through or in any way involving Madison County, either direct or indirect, including, but not limited to representation relating to the Oneida Indian Nation of New York and shall not be paid any other compensation other than the amounts provided for in Resolution Number 452-11 of 2011 and that no payments are to be made to or on behalf of the County Attorney other than as provided for in said resolution.

3. There will be no other future contracts for compensation of the County Attorney other than his County Attorney salary, which, once again, is currently set forth in Resolution Number 452-11 of 2011.

ADOPTED: AYES – 1500 NAYS – 0

At 11:35 a.m., Supervisor Henderson made a motion for the Board to enter executive session for the purpose of discussing the employment history of a particular employee within the County's Probation Department. The motion was seconded by Supervisor Degear and carried. All Supervisors were present for the executive session along with County Attorney S. John Campanie, First Assistant County Attorney Tina Wayland-Smith, Personnel Officer Eileen Zehr, Director of Labor Relations Ryan Aylward, Administrative Assistant to the Chairman Mark Scimone, Clerk Cindy Urtz, and outside Counsel John Corcoran of Hancock Estabrook, LLP.

Discussion was held with outside counsel.

At 11:55 a.m. Supervisor Reinhardt made a motion to close the executive session, seconded by Supervisor Rafte and carried. The Board then went back into regular session.

There being no further business, Chairman Becker asked for a motion to adjourn the Board meeting. Supervisor Degear made that motion, seconded by Supervisor Henderson and carried.