

MADISON COUNTY BOARD OF SUPERVISORS
Meeting- Tuesday, August 13, 2013

The Board convened at 2:00 p.m. in the Supervisors chambers, second floor, County office Building, Wampsville, New York with all members present except for Supervisor Ball (43 votes) and Supervisor Reinhardt (65 votes)

Pledge of Allegiance.

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

COMMUNICATIONS

1. Copy of a resolution from Herkimer County – Approving the Herkimer-Madison-Oneida Workforce Investment Act Local Plan for year 2013-2014.
2. Town of Lincoln – Notice of Public Hearing on Sub-division or Underwood Property.

REPORTS

1. Madison County Occupancy Tax Receipts/Expenditures for Quarter 4/1/13-6/30/13.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA and Madison County Sewer District	\$ 3,604,933.53
Miscellaneous Accounts:	\$ 1,840,824.52

Supervisor Carinci asked for privilege of the floor for Denise Adams to speak. Denise is the Shelter Manager at Wanderer's Rest Shelter in Canastota, New York. Ms. Adams reported that the shelter can no longer accept any stray dogs for the next few weeks due to a respiratory virus that is circulating. This virus does not affect cats. There is also a problem with overcrowding also. The shelter has made arrangements, and is working with other organizations, to house strays during this time. The shelter continues to work on resolving some of the problems that are facing them.

UNFINISHED BUSINESS

Res. No. 208-13 – Amending the Rules of the Madison County Board of Supervisors.
Tabled By: Supervisor Salka, 2nd By: Supervisor Degear on 7/9/13.
There being no discussion, Chairman Becker called for a vote:

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTIONS

By Supervisor Degear:

RESOLUTION NO. 235-13

RESOLUTION OF APPRECIATION – RETIREE RECOGNITION

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

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

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Sandra Eaton upon her retirement.

Sandra A. Eaton Social Services 1996 - 2013

Social Services Commissioner, Mike Fitzgerald and Sandra Eaton were asked by Chairman Becker to step forward. Ms. Eaton was given a gift and thanked for her years of dedication and service to the County.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 236-13

REAPPOINTING THE DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, Section 1530(1) of the Real Property Tax Law states that there shall be a Director of Real Property Tax Services who shall have a six year term of office commencing on October 1, 1971 and October 1 of each sixth year thereafter; and

WHEREAS, Resolution No. 276 of 2007 appointed Susan Carol Brophy as the Director of Real Property Tax Services for the term expiring October 1, 2013; and

WHEREAS, the Government Operations Committee recommends the reappointment of Ms. Brophy to this position for a new term,

NOW, THEREFORE BE IT RESOLVED, that Susan Carol Brophy be and hereby is appointed Madison County Director of Real Property Tax Services for a term of six years at the 2013 annual salary of \$29,755 effective October 1, 2013.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 237-13

**ADOPTING AN EQUAL EMPLOYMENT OPPORTUNITY
POLICY STATEMENT**

WHEREAS, in compliance with Article 15-A of the New York State Executive Law and to further the County's policy of advancing equal employment opportunities, the Board of Supervisors wishes to adopt an Equal Employment Opportunity Policy Statement; and

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

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby adopts the Equal Employment Opportunity Policy Statement effective immediately.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 238-13

ABOLISHING A POSITION IN THE OFFICE OF THE SHERIFF

WHEREAS, the Sheriff has evaluated the current organizational structure of his office; and

WHEREAS, in an effort to maximize efficiencies, the Sheriff has determined that a reduction in force is appropriate; and

WHEREAS, the Sheriff recommends that one (1) STOP DWI Coordinator position be abolished; and

WHEREAS, the Criminal Justice, Public Safety and Telecommunications Committee and the Government Operations Committee have reviewed and approved this recommendation;

NOW, THEREFORE BE IT RESOLVED that one (1) STOP DWI Coordinator position in the Office of the Sheriff be abolished on August 16, 2013.

BE IT FURTHER RESOLVED that the incumbent in this position be and hereby is laid off effective August 16, 2013 in accordance with New York State Civil Service Rule.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 239-13

AUTHORIZING THE CHAIRMAN TO ACCEPT SETTLEMENT

WHEREAS, Madison County entered into a retainer agreement with Kirby, McInerney & Squire in March of 2005, by Resolution 75; and

WHEREAS, Kirby McInerney & Squire were authorized to pursue claims on behalf of Madison County along with many other Counties throughout the State against pharmaceutical companies who had violated laws with regard to billing practices, and in turn had over charged Madison County on several drugs paid for by Medicaid; and

WHEREAS, Kirby McInerney & Squire has been negotiating settlements on behalf of Madison County and the many other Counties they represent; and

WHEREAS, they have recently reached a settlement with King in the amount of Nine Hundred Forty Thousand and 00/100 dollars (\$940,000), Madison County's distribution after expenses being One Hundred Seventy Nine and 00/100 dollars (\$179); and

WHEREAS, the Government Operations Committee has reviewed and approved the settlements of these matters;

NOW, THEREFORE, BE IT RESOLVED, that the County of Madison accept the settlements set forth above in full satisfaction of the claims against King and that the Chairman of the Board of Supervisors be and hereby is authorized to execute any necessary paperwork with regard to the acceptance of these amounts.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 240-13

**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
438	Lockers (18 in set)	Fair/Good
439	Lockers (18 in set)	Fair/Good
440	Lockers (18 in set)	Fair/Good
441	3 Boxes of Binders - assorted sizes	Good
442	Box of Desk Organizers	Good
443	Box of Tape Dispensers, staplers, monitor risers, foot rest	Good
444	Mail Slots, Desktop	Fair/Good
445	Mail Slots, Desktop	Fair/Good
446	RCA Auto Shoot Video Camera	Works
447	Portable Dental Chair & Light (2 pcs w/case)	Good
448	Wastebaskets (5)	Good
449	Laptop Computer Bags (6)	Good
450	IBM Series II Typewriter	Fair/Good
451	Telemed Bags (12)	Fair/Good
452	Secretarial Chair	Fair/Good
453	Secretarial Chair	Fair/Good
454	Secretarial Chair	Fair/Good
455	Secretarial Chair	Fair/Good
456	Secretarial Chair	Fair/Good
457	Secretarial Chair	Fair/Good
458	Keyboard Drawers (2)	Fair/Good
459	Toilet Seat, Elevated	Good
460	Accu check (6), need new test strips	Fair/Good
461	Fax & Copy Machine, Brother MFC 1970 MC	Works, Good Condition
462	PolyCom video Conferencing Components	Fair/Good
463	Video Cart	Good
464	TV, 13" HQ, VCR not working	Fair/Good

465	Audio Cart	Good
466	File Cabinet, 4 drawer, tan	Fair/Good
467	Card Table	Fair
468	Scales (9)	Fair/Good

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Salka:

RESOLUTION NO. 241-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH UPSTATE MEDICAL UNIVERSITY COLLEGE OF NURSING

WHEREAS, the Mental Health Department recognizes that clinical fieldwork experience constitutes an important part of the curriculum in educating students; and

WHEREAS, the Mental Health Department has qualified professionals and a clinical facility for clinical fieldwork experience; and

WHEREAS, the Mental Health Department desires to enter into an agreement with Upstate Medical University College of Nursing and its students for general clinical supervision and training for the period May 20, 2013 through May 19, 2018;

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 Upstate Medical University College of Nursing in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Bradstreet:

RESOLUTION NO. 242-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT

WHEREAS, the Madison County Sheriff has requested and has been conveyed a 2013 Brunswick Boston Whaler 19' Guardian marine patrol craft from the State of New York; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has oversight of the program and requires an agreement; and

WHEREAS, the there are no costs involved to the County with the acquisition of the marine patrol craft as detailed in the agreement; and

WHEREAS, this agreement has been reviewed and approved by the Madison County Attorney's Office; 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 New York State Office of Parks, Recreation and Historic Preservation, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Monforte:

RESOLUTION NO. 243-13

AUTHORIZING THE COUNTY ATTORNEY TO COMMENCE A LAWSUIT

WHEREAS, the County of Madison administers an Economic Development Revolving Loan program; and

WHEREAS, MELCO, Inc., borrowed money from the Economic Development Revolving Loan Fund program and signed a Note and Mortgage which were duly filed with the Madison County Clerk; and

WHEREAS, MELCO, Inc., is now in default pursuant to the terms of the Note and Mortgage; and

WHEREAS, the Note and Mortgage executed by MELCO, Inc., were also personally guaranteed; and

NOW, THEREFORE BE IT RESOLVED, that the County Attorney or his designee is hereby authorized to commence suit against MELCO; Inc., any of the personal guarantors, or any other responsible parties to collect the monies due and owing to the County of Madison pursuant to the Note and Mortgage and related documents now on file with the clerk of the Board of Supervisors.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 244-13

AUTHORIZING THE COUNTY ATTORNEY TO COMMENCE A LAWSUIT

WHEREAS, the County of Madison administers an Economic Development Revolving Loan program; and

WHEREAS, Andrew P. Gardner d/b/a Gardner Landscapes, borrowed money from the Economic Development Revolving Loan Fund program and signed a Note and Security Agreement which were duly filed with the Madison County Clerk; and

WHEREAS, Andrew P. Gardner d/b/a Gardner Landscapes, is now in default pursuant to the terms of the Note and Security Agreement;

NOW, THEREFORE BE IT RESOLVED, that the County Attorney or his designee is hereby authorized to commence suit against Andrew Gardner d/b/a Gardner Landscapes to collect the monies due and owing to the County of Madison pursuant to the Note and Security Agreement and related documents now on file with the clerk of the Board of Supervisors.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT - 108 (Ball, Reinhardt)

RESOLUTION NO. 245-13

RESOLUTION IN SUPPORT OF THE ONEIDA RAIL TRAIL PROJECT

WHEREAS, the City of Oneida and Madison County own portions of former railbed that traverse nearly 11.3 miles in length from Wampsville to the Oneida Community Mansion House in Kenwood ; and

WHEREAS, collaborative efforts have been underway between the City, the County, local volunteers, and many others, to establish this connective corridor as a recreational and economic asset for the area; and

WHEREAS, the NYS Department of Transportation has made available funds for the development of trail projects through the Transportation Enhancement Program (TEP), through which the City is seeking assistance; and

WHEREAS, funds are being sought for a 3.2 mile section of trail that runs from the Old Erie Canal in Wampsville, through the County Office Complex, and ending in downtown Oneida near willow street; and

WHEREAS, Madison County hereby pledges its support in time and resources toward this grant application, with particular emphasis on those sections of trail needing improvement over County owned former railbed in Wampsville and the City of Oneida,

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors for the County of Madison pledges County support to participate with the City of Oneida on this TEP grant application and going forward as this project progresses.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 246-13

AUTHORIZING AN ECONOMIC DEVELOPMENT LOAN

WHEREAS, Madison County coordinates its economic development activities through the Madison County Center for Economic Development to advance job opportunities, economic growth, and general prosperity for the people of the County; and

WHEREAS, Madison County has a history of providing loans for business growth and expansion purposes; and

WHEREAS, Madison County has secured a microenterprise convertible loan / grant fund to assist in low to moderate income job creation through the New York State Homes and Community Renewal; and

WHEREAS, M. Ronald Harms d/b/a Innovative Cleanroom Technologies is establishing a design, manufacturing and installation business in New Woodstock, NY and has requested a Microenterprise loan in the amount of \$20,000 to assist in the purchase of equipment and inventory for the business; and

WHEREAS, the project will create no fewer than 2 full time jobs over the next year;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors approve a loan to M. Ronald Harms d/b/a Innovative Cleanroom Technologies in the amount of \$20,000; 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 – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 247-13

AUTHORIZING AN ECONOMIC DEVELOPMENT LOAN

WHEREAS, Madison County maintains an economic development loan fund to assist in job creation and job retention; and

WHEREAS, All Seasonings Ingredients, Inc. is expanding its facilities in the City of Oneida Business Park in Oneida, NY, and has requested a loan in the amount of \$100,000 to purchase equipment to outfit its plant expansion; and

WHEREAS, the project will create no fewer than 16 full time jobs over the next 2 years;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors approve a loan to All Seasonings Ingredients, Inc. in the amount of \$100,000; 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 – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 248-13

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 – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 249-13

AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN THE “LOCAL PLAN” FOR THE PERIOD JULY 1, 2013 – JUNE 30, 2014 FOR THE LOCAL WORKFORCE INVESTMENT AREA OF HERIMER-MADISON- AND ONEIDA COUNTIES

WHEREAS, the New York State Department of Labor is requiring the execution of the Workforce Investment Act Local Plan for Program Year 2013 – 2014; and

WHEREAS, the Local Plan requires the Local Workforce Investment Board to reflect upon the current One-Stop delivery system, identify gaps and workforce challenges within our communities and consider the manner in which we will strategically move our system forward in alignment with State and Federal priorities and directives; and

WHEREAS, said Plan was developed in collaboration with the Local Workforce Investment Board and would explain the strategies to provide high quality services to both jobseekers and employers in our three-County area; and

WHEREAS, said Plan directs the use of the 100% federally funded Workforce Investment funds with no impact on County budget,

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors for the County of Madison be and hereby is authorized to sign the document entitled “Local Plan”, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Bono:

RESOLUTION NO. 250-13

APPOINTING A MEMBER TO THE MUNICIPAL ELECTRIC AND GAS ALLIANCE (MEGA) BOARD OF DIRECTORS

WHEREAS, the Board of Supervisors has entered into agreements with Integrys Energy Services of New York, Inc., and Hess Corporation under the terms of program agreements they hold with Municipal Electric and Gas Alliance (MEGA) in regard to procurement of electricity and natural gas, and;

WHEREAS, Madison County is entitled to appoint a member to the MEGA Board of Directors, and

WHEREAS, Ms. Jamie Hart, Associate Planner and resident of Cazenovia, New York, has been recommended to fill a seat on the MEGA Board of Directors;

NOW, THEREFORE BE IT RESOLVED, that Jamie Hart of Cazenovia, New York, be and hereby is appointed to serve on the Municipal Electric and Gas Alliance Board of Directors to serve at the pleasure of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 251-13

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 24, 2013 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, 2013 and ending April 30, 2014; 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 2013 and 2014;

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 – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 252-13

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

WHEREAS, a Project for the County Route 105 (Eaton Road) over Electric Light Stream (BIN 3308830), Bridge Replace, Town of Eaton, Madison County, P.I.N. 2754.23 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **80%** Federal funds and 20% non-federal funds; and

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

WHEREAS, the sum of **\$222,949.00** is hereby appropriated in the Capital Project Fund, Account H5197.2903, and made available to cover the cost of participation in the above phase of the Project; and

WHEREAS, the remaining balance for the Project will be appropriated and made available in the 2013 County Road Fund budget; and

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

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

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

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

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Goldstein:

RESOLUTION NO. 253-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH LOCAL GAS LLC FOR SELLING SOLID WASTE PUNCH CARDS

WHEREAS, the Solid Waste Committee has received a letter from Local Gas LLC in Deansboro indicating that they are interested in selling punch cards; and

WHEREAS, Local Gas LLC in Deansboro is willing to sell such punch cards at their new store in Brookfield, and it is in the best interest of Madison County to approve such vendors; and

WHEREAS, a standard Agreement has been approved whereby such arrangement may be formalized with any vendor interested in providing such service to the County; and

NOW, THEREFORE, BE IT RESOLVED, that Madison County enter into an Agreement with vendors that are approved by the Solid Waste Committee and are willing to provide the service of selling punch cards consistent with the provisions of the Agreement, a copy of which is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the Chairman of this Board is hereby authorized and directed to enter into an Agreement with (Solid Waste Committee approved vendor) Local Gas LLC in Deansboro.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 254-13

APPROVING AGREEMENT FOR PURCHASE OF GRAVEL FROM THE CREEK ROAD MINE

WHEREAS, Madison County owns and operates solid waste landfills located in the Town of Lincoln that require gravel for construction and maintenance purposes; and

WHEREAS, the Creek Road Mine holds a permit for 9.4 acres of gravel mining and is located on lands contiguous to the landfill such that off-road vehicles and heavy equipment may enter and exit the mine creating a substantial savings for the County with respect to the current cost of gravel delivery via the highway; and

WHEREAS, the parties desire to enter into an agreement whereby the County would purchase gravel for \$5.00 per cubic yard for a 5 year period with subsequent automatic renewal periods until such time as the mine is exhausted.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby authorizes and directs the Chairman of the Board of Supervisors to execute the Agreement in substantially the same form as the copy now on file with the clerk; and it is

FURTHER RESOLVED, this resolution shall take effect immediately.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 255-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO A POWER PURCHASE AGREEMENT WITH SOLAR LIBERTY

WHEREAS, in June 2013 the Madison County Department of Solid Waste (“Department”) issued and advertised a written request for proposals under Article 9 of the New York Energy Law soliciting competitive proposals for an energy performance contract (“Power Purchase Agreement” or “PPA”) whereby the vendor will build, finance, own and operate a solar powered photovoltaic array at the landfill and sell the power to the Department at a cost less than it currently pays; and

WHEREAS, the Department received three proposals for PPA’s and after evaluating each proposal determined that a proposal by Solar Liberty Electric Company, Inc. (“Solar Liberty”) provided the best proposal with a fixed price of five cents per kilowatt hour (\$0.05/kWh) for a period of 15 years with a capital investment of zero dollars (\$0.00 investment) by the County; and

WHEREAS, the Department’s projections indicate that the PPA will generate an approximate savings of 50% compared to its current arrangement with National Grid; and

WHEREAS, the PPA is expressly contingent upon the project qualifying for a grant by the New York State Energy Research and Development Authority (“NYSERDA”) under its Program Opportunity Notice 2112 which grant will be applied for jointly by the Department and Solar Liberty; and

WHEREAS, the County is engaged in discussions with the New York State Department of Labor (“DOL”) with respect to the application of the prevailing wage statute to the proposed PPA and although the matter is unresolved, this Resolution is based upon the

understanding that costs set forth in the Solar Liberty proposal will not be affected by the determination regardless of the outcome.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to execute a PPA with Solar Liberty in substantially the same form as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute an Installation Agreement with Solar Liberty in substantially the same form as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute a joint application with Solar Liberty for a grant from NYSERDA under PON 2112 in substantially the same form as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 256-13

CALLING FOR A PUBLIC HEARING REGARDING THE SALE OF REAL PROPERTY TO THE MADISON COUNTY CAPITAL RESOURCE CORPORATION

WHEREAS, the Madison County Board of Supervisors by Resolution 218-11 authorized a contract for the sale of excess heat generated by the landfill gas to energy project to the Johnson Brothers Lumber Company (“JBL”) which contemplated the transfer of land to JBL for the purpose of constructing a lumber kiln and placing the property on the tax roles; and

WHEREAS, the County desires to transfer approximately 2 acres of land located adjacent to the landfill to the not-for-profit Madison County Capital Resource Corporation (“CRC”) for the purpose of subsequently conveying the property out to JBL thereby establishing the JBL facility for the purpose of promoting economic development; and

WHEREAS, the transfer of land by the County to the CRC is subject to the procedures set forth in the New York Not-for-Profit Corporation Law including the prerequisite for a public hearing with respect to the transfer of land to the CRC.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to publish notice of a public hearing to be held not less than ten days after the publication of such notice; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to hold a public hearing concerning the transfer of land to the CRC; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Suits (Vice Chair):

RESOLUTION NO. 257-13

MAINTAINING THE INCREASE IN THE RATE OF TAXES ON

**SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES,
ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO
ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.**

WHEREAS, the Finance, Ways and Means Committee has, at the request of the Board of Supervisors, reviewed, analyzed and deliberated the merits of maintaining the rate of the County Local Sales and Compensating Use Tax at four percent (4%)(raised from 3% in 2004); and

WHEREAS, the Finance, Ways and Means Committee has determined that it is in the best interests of the residents of Madison County to maintain the rate of the County Local Sales and Compensating Use Tax at four percent (4%) in order to mitigate the aforementioned impacts rather than raising property taxes; and

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

SECTION 1. Section 4-A of Resolution No. 156, enacted by the Board of Supervisors of the County of Madison on December 15, 1967, imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning June 1, 2004, and ending November 30, 2015. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (c) of Subdivision (1) of section 11 (Exemptions from use tax) of Resolution No. 156, enacted by the Board of Supervisors of the County of Madison on December 15, 1967, imposing sales and use taxes, is amended to read as follows:

(c) In respect to the additional tax of one percent imposed for the period beginning June 1, 2004, and ending November 30, 2015, in respect to the use of property used by the purchaser in this county prior to June 1, 2004.

SECTION 3. This enactment shall take effect December 1, 2013.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 258-13

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

WHEREAS, Town and County taxes were paid on January 30, 2012 in the amount of \$1,775.27 and on January 11, 2011 in the amount of \$1,784.37 for a parcel in the Town of Fenner, owned by Nancy Asher, and also known as tax map number 86.-2-12; and

WHEREAS, these taxes included the assessment of an improvement valued at \$150,000 for a cellular tower that was believed, by the assessor, to be on this property; and

WHEREAS, it has been determined that the cellular tower is in the Town of Cazenovia located on property owned by Paul Pushlar and known as tax map number 86.-1-29./001 in the Public Utility roll section 6 and assessed to Optasite Towers, Inc. for \$150,000; and

WHEREAS, under Section 550;7(b) of the New York State Real Property Tax Law this is an “unlawful entry”, an assessment of real property located entirely outside the boundaries of the assessing unit, the school district, or the special district in which the real property is designated as being located; and

WHEREAS, the 2012 and 2011 Town and County taxes are not enforceable due to this error;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Treasurer be and is hereby directed to refund the 2012 Town and County taxes in the amount of \$1,571.96 and the 2011 Town and County taxes in the amount of \$1,580.02.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 259-13

**AUTHORIZING THE CANCELLATION OF A 2013
TOWN AND COUNTY TAX**

WHEREAS, there are outstanding 2013 Town and County taxes in the amount of \$1,818.93 for a parcel in the Town of Fenner known as tax map number 86.-2-12.001; and

WHEREAS, this is a cellular tower placed on the Public Utility roll section 6 and assessed to Nancy Asher for \$150,000; and

WHEREAS, it has been determined that the cellular tower is in the Town of Cazenovia located on property owned by Paul Pushlar and known as tax map number 86.-1-29./001 in the Public Utility roll section 6 and assessed to Optasite Towers, Inc. for \$150,000; and

WHEREAS, under Section 550;7(b) of the New York State Real Property Tax Law this is an “unlawful entry”, an assessment of real property located entirely outside the boundaries of the assessing unit, the school district, or the special district in which the real property is designated as being located; and

WHEREAS, the 2013 Town and County taxes are not enforceable due to this error;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Treasurer be and is hereby directed to cancel the 2013 Town and County taxes, including interest and penalties, in the amount of \$1,818.93.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 260-13

AUTHORIZING THE MODIFICATION OF THE 2013 ADOTPED COUNTY BUDGET

RESOLVED, that the 2013 County budget be modified as follows:

Modification No. 1

General Fund

1420 County Attorney

Expense

	<u>From</u>	<u>To</u>
A1420.4208 Professional Legal Counsel	\$ 134,138	\$ 159,138
A1990.4444 Contingent Fund	<u>604,939</u>	<u>579,939</u>
Control Totals:	<u>\$ 739,077</u>	<u>\$ 739,077</u>

Modification No. 2

General Fund

3150 Correctional Facility

Expense

	<u>From</u>	<u>To</u>
A3150.2913 Air Conditioning Expense	\$	\$ 12,000
A1990.4444 Contingent Fund	<u>579,939</u>	<u>567,939</u>
Control Totals:	<u>\$ 579,939</u>	<u>\$ 579,939</u>

Modification No: 3

General Fund

3315 Special Traffic Programs-STOP DWI

Expense

	<u>From</u>	<u>To</u>
A3315.22 Automobile-Sheriff's Department	<u>\$-0-</u>	<u>\$34,100</u>
Control Total:		<u>\$34,100</u>

Revenue

A880.4010 Appropriation of STOP DWI Reserves	<u>\$2,995</u>	<u>\$37,095</u>
Control Total:		<u>\$34,100</u>

Modification No. 4

General Fund

3315 Special Traffic Programs-STOP DWI

Expense

	<u>From</u>	<u>To</u>
A3315.1 Personal Services	\$30,397	\$35,397
A3315.8110 Retirement Expense	-0-	1,085
A3315.8130 Social Security Expense	2,326	2,708
A3315.8140 Workers Compensation Expense	<u>103</u>	<u>120</u>

Totals align="right">\$32,826 align="right">\$39,310

Control Total align="right">\$6,484

Revenue

A880.4010 Appropriation of STOP DWI Reserves	<u>\$37,095</u>	<u>\$43,579</u>
Control Total		<u>\$6,484</u>

9010 Retirement Expense

Expense

A9010.8010 Retirement Expense	\$4,033,830	\$4,034,915
A9010.8020 Allocation Retirement Expense	<u>(4,033,830)</u>	<u>(4,034,915)</u>
Control Totals	<u>\$-0-</u>	<u>\$-0-</u>

9030 Social Security & Medicare Expense

Expense

A9030.8200 Social Security Expense	\$1,556,656	\$1,557,038
A9030.8210 Allocation FICA Expense	<u>(1,556,656)</u>	<u>(1,557,038)</u>
Control Totals	<u>\$-0-</u>	<u>\$-0-</u>

Modification No. 5

General Fund

3315 Special Traffic Programs-STOP DWI

Expense

	<u>From</u>	<u>To</u>
A3315.410221 DA Training Svcs & Assistance	<u>\$-0-</u>	\$ <u>6,000</u>
Control Total		\$ <u>6,000</u>

Revenue

A880.4010 Appropriation of STOP DWI Reserves	<u>\$43,579</u>	\$ <u>49,579</u>
Control Total		\$ <u>6,000</u>

1165 District Attorney

Expense

A1165.4025 STOP DWI Training/Assistance	<u>\$-0-</u>	\$ <u>6,000</u>
Control Total		\$ <u>6,000</u>

Revenue

A2801.2015 STOP DWI Training Svcs & Assistance	<u>\$-0-</u>	\$ <u>6,000</u>
Control Total		\$ <u>6,000</u>

Modification No. 6

General Fund

9056 Disability Insurance

Expense

	<u>From</u>	<u>To</u>
A9056.8400 Disability Claim Expense	\$ 21,000	\$ 15,000
A9056.8402 Disability Premium Expense	<u>-0-</u>	<u>6,000</u>
Control Totals	<u>\$ 21,000</u>	<u>\$ 21,000</u>

Modification No. 7

County Road Fund

5110 Maintenance of Roads & Bridges

Expenses

	<u>From</u>	<u>To</u>
D5110.1 Personal Services	\$1,217,518	\$1,192,518
D5110.4650 Flood Damage Repairs & Expenses	0	100,000

5142 County Snow Removal

Expenses

D5142.1 Personal Services 925,785 900,785

5199 County Road Employee Benefits

Expenses

D5199.8110 State Retirement Expense 688,876 638,876

Control Totals \$2,832,179 \$2,832,179

Modification No. 8

County Road Fund

5110 Maintenance of Roads and Bridges

Expense

D5110.91 Transfer to Capital Projects Fund \$ -0- \$ 432,046

D5110.46000 Local Bridge Expense 432,046 -0-

Control Totals \$ 432,046 \$ 432,046

Capital Projects Fund

5197 Highway Road and Bridge Capital Projects

Revenue

H5031.30 Transfer from County Road Fund \$ -0- \$ 432,046

Control Totals \$ 432,046

Expense

H5197.2903 Local Bridge Expense \$ -0- \$ 432,046

Control Totals \$ 432,046

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Salka:

RESOLUTION NO. 261-13

ADOPTING LOCAL LAW NO. 4 FOR THE YEAR 2013

WHEREAS, there has been duly introduced Local Law No. 4 for the year 2013 entitled “A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2012 PROHIBITING THE USE OF TOBACCO UPON REAL PROPERTY OWNED OR LEASED BY 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 August 13, 2013;

NOW, THEREFORE BE IT RESOLVED, that Local Law No.4 for the year 2013 be and the same is hereby adopted.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

By Supervisor Degear:

RESOLUTION NO. 262-13

ADOPTING LOCAL LAW NO. 5 FOR THE YEAR 2013

WHEREAS, there has been duly introduced Local Law No. 5 for the year 2013 entitled “LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE”; and

WHEREAS, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on August 13, 2013;

NOW, THEREFORE BE IT RESOLVED, that Local Law No.5 for the year 2013 be and the same is hereby adopted.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

RESOLUTION NO. 263-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH ADVISTOR, INC.

WHEREAS, the Information Technology Department is installing an email load balancer to provide a redundant email system which will eliminate email downtime in the event of an issue with the primary mail server; and

WHEREAS, AdviStor, Inc. has been chosen as the best vendor to assist in the configuration of the load balancer; and

WHEREAS, AdviStor, Inc. previously upgraded storage in the data center in 2009 and implemented our disaster recovery system in July 2013; and

WHEREAS, this cost for the service associated with this project is not to exceed Three Thousand Two Hundred dollars (\$3,200.00);

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to enter into an agreement with AdviStor, Inc., a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1392 NAYS – 0 ABSENT – 108 (Ball, Reinhardt)

PUBLIC COMMENT PERIOD

No speakers.

At 2:45 p.m. Chairman Becker asked for a motion to go into executive session, upon advice of counsel to discuss a litigation matter. Supervisor Salka made that motion, seconded by Supervisor Monforte and carried.

At 3:15 p.m., following discussion, Supervisor Henderson made the motion to exist the executive session, seconded by Supervisor Rafte and carried.

On motion by Supervisor Henderson, seconded by Supervisor Bargabos, the Board adjourned.