

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, July 9, 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 Monforte (147 votes).

Pledge of Allegiance.

Please note that the new weighted voting totals are in effect this meeting.

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

COMMUNICATIONS

1. Thank you card from the family of Donald H. Behr.
2. Copy of a resolution from Chenango County – Opposing Proposed Farm-workers Fair Labor Practices Act.
3. Copy of a resolution from Yates County – Supporting the Prevention of Introduction and Movement of Aquatic Invasive Species and Urging the State to Adopt Laws that Support Local Governments in Preventing Introduction and Movement of Aquatic Invasive Species.
4. Acknowledge received from NYSAC regarding Mayday for Mandate Relief.
5. Copy of a resolution from Fulton County – Urging the Governor and State Legislature to Exempt Firearm Permit Records from Foil Disclosure.

REPORTS

1. Madison County Veterans Service Agency Annual Report for 2012.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, WIA/JTPA and Madison County Sewer District:	\$ 2,556,220.79
Miscellaneous Accounts:	\$ 1,500,954.23

RESOLUTIONS

By Supervisor Degear:

RESOLUTION NO. 190-13

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

WHEREAS, the Third Phase of the Drug Evaluation and Classification Program (DRE) training will be held July 15 – July 20, 2013 in Phoenix, AZ; and

WHEREAS, the Sheriff, has requested that Matthew White, Madison County Deputy Sheriff, attend this training to complete his certification in DRE; and

WHEREAS, his travel and lodging are reimbursed by the New York State Governor's Traffic Safety Committee; and

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

NOW, THEREFORE BE IT RESOLVED that Matthew White be and hereby is authorized to attend said conference.

ADOPTED: AYES – 1353 NAYS – 147 (Monforte)

RESOLUTION NO. 191-13

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

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

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

TITLE	NAME	STANDARD WORK DAY (Hrs/Day)	TERM BEGINS/ENDS	PARTICIPATES IN EMPLOYER'S TIME KEEPING SYSTEM (Y/N)	DAYS/MONTH (Based on Record of Activities)
Elected Officials					
District Attorney	William Gabor	7.5	1/1/13 – 12/31/16	N	20.00
Appointed Officials					
5 th Assistant District Attorney	Joe Mellace	6	1/1/13 – 12/31/16	N	14.83
Assistant District Attorney-DWI Program	Scott Bielicki	6	1/1/13 – 12/31/16	Y	20.00

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 192-13

CREATING ONE TEMPORARY FULL-TIME POSITION IN THE SOLID WASTE DEPARTMENT

WHEREAS, the Westside Landfill expansion project has begun; 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 2013 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 twelve (12) 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 2013 hourly rate of \$16.74 in accordance with Civil Service Law and Rule and County policies and procedures effective immediately.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 193-13

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board of Supervisors be and hereby is authorized to enter into an agreement with Empire Safety Training and Consulting, Inc. for the period August 1, 2013 through July 31, 2014 as is on file with the Clerk to the Board; and

BE IT FURTHER RESOLVED that the cost for these required safety services shall not exceed a total cost of \$13,875.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 194-13

**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
420	Kneissl Ergo Race Skis & binders	Excellent
421	Rossignol Skis & binders	Excellent
422	Snowboard, Force 67 Alpine Board	Excellent
423	Playstation 2 & eight (8) games	Unknown
424	HP Scanjet 4470C Printer	Unknown
425	Pocket Watch	Needs battery
426	Necklace (Mercedes Benz)	Fair/Good
427	Fishing Tackle Box & Lures	Fair/Good
428	Wooden Chair	Discarded, unable to fix
429	Conference Room Table	Excellent
430	Conference Room Table	Transfer to Treas. Dept.
431	Conference Room Table	Transfer to Treas. Dept.
432	Conference Room Table	Transfer to Treas. Dept.
433	Conference Room Table	Excellent
434	Conference Room Table	Excellent
435	Conference Room Table	Transfer to Large Conf. Rm.
436	Conference Room Table	Excellent
437	Box of Analog Two Way Radios	Working condition

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 195-13

AMENDING MADISON COUNTY’S PURCHASING POLICY AND PROCEDURES

WHEREAS, General Municipal Law (G.M.L.) Section 103 prescribes certain requirements and policies for procurement of goods and services within New York State by its municipal subdivisions; and

WHEREAS, Madison County has previously adopted local laws and policies implementing the requirements of applicable law and in particular has adopted Purchasing Policy and Procedures; and

WHEREAS, the Government Operations Committee has reviewed the amendments to the procedures whereby increasing the threshold limits for competitive bidding in accordance with GML (as attached) and recommends same for adoption by the Board of Supervisors;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby adopts Madison County's Purchasing Policy and Procedures as amended; and

BE IT FURTHER RESOLVED, that any future modifications to Madison County's Purchasing Policy and Procedures be hereby approved by the Government Operations Committee, the legislative committee responsible for the policy.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

**AMENDMENTS TO MADISON COUNTY'S PURCHASING POLICY AND PROCEDURES -
EFFECTIVE JULY 9, 2013**

PURCHASING POLICY (page 6)

3. Pursuant to G.M.L. §103, all purchase contracts for commodities or non-professional services that involve an expenditure of over ~~Ten Thousand dollars (\$10,000)~~ Twenty Thousand dollars (\$20,000) and all public works contracts exceeding ~~Twenty Thousand dollars (\$20,000)~~ Thirty Five Thousand dollars (\$35,000) shall be awarded only after public bidding pursuant to law for the solicitation of formal bids, unless purchased under State Contract or other New York State Preferred Sources. Items of a similar nature which are generally handled by one vendor should be grouped together for the purpose of determining whether the limit is exceeded. It is the responsibility of the Department Head to identify the purchases to be made by his/her department in a fiscal year that will exceed the monetary limits stated above and to initiate the competitive bidding process by contacting the Purchasing Agent.

2. SPECIFIC PURCHASING PROCEDURES (page 9)

A. Bidding Requirements (Pursuant to G.M.L. §103(1))

General Provisions:

- i. G.M.L. requires purchases exceeding ~~Ten Thousand dollars (\$10,000)~~ Twenty Thousand dollars (\$20,000) and public works contracts exceeding ~~Twenty Thousand dollars (\$20,000)~~ Thirty Five Thousand dollars (\$35,000) be awarded to the lowest responsible bidder after public advertising for sealed bids. (When bidding Public Works Contracts, the Department Head shall verify that prevailing wage rates are used when appropriate.)
- ii. Competitive bidding is required when it is known or can reasonably be expected that the aggregate amount to be spent on commodities will exceed ~~Ten Thousand dollars (\$10,000)~~ Twenty Thousand dollars (\$20,000) in a fiscal year. Supply items of a similar nature which are generally handled by one vendor should be grouped together for the purpose of determining whether the limit is exceeded

iii.

B. Commodities and Non-Professional Services for Non-Public Works Contracts

- ix. If any department purchases or projects are under bidding limits, but are suspected to exceed the ~~Ten Thousand dollars (\$10,000)~~ Twenty

Thousand dollars (\$20,000) limit on a Countywide basis, discretion shall be used, inquiries made, and if appropriate, the bidding procedure will take effect.

All Non-Public Works Purchase Contracts

Up to \$1,000	No quote necessary
\$1,000 up to \$3,000	3 Oral and/or Written Quote or Approved Waiver
\$3,000 up to \$10,000 <u>\$20,000</u>	3 Written Quote or Approved Waiver
\$10,000 <u>\$20,000</u> and over	Formal Bid

C. Commodities and Non-Professional Services for Public Works Contracts

iii Purchases of commodities or non-professional services costing more than Three Thousand dollars (\$3,000) but less than ~~Twenty Thousand dollars (\$20,000)~~ Thirty Five Thousand dollars (\$35,000) requires a minimum of three written quotes, unless an alternate purchasing procedure applies. In the event that, after diligent efforts have been made to obtain three written quotes, the requisitioner is unable to obtain the required number of quotes, a waiver of this requirement can be granted by the Purchasing Agent.

ix If any department purchases or projects are under bidding limits, but are suspected to exceed the ~~Twenty Thousand dollar (\$20,000)~~ Thirty Five Thousand dollars (\$35,000) limit on a Countywide basis, discretion shall be used, inquiries made, and if appropriate, the bidding procedure will take effect.

All Public Works Contracts

Up to \$1,000	No Quote Necessary
\$1,000 up to \$3,000	Oral and/or Written Quote or Approved Waiver
\$3,000 up to \$20,000 <u>\$35,000</u>	Written Quote or Approved Waiver
\$20,000 <u>\$35,000</u> and Over	Formal Bid

RESOLUTION NO. 196-13

AUTHORIZING THE CHAIRMAN TO FILE A CERTIFICATE DESIGNATING THE SECRETARY OF STATE AS THE AGENT FOR SERVICE OF NOTICES OF CLAIM PURSUANT TO SECTION 53 OF THE GENERAL MUNICIPAL LAW

WHEREAS, the State Legislature has enacted and Governor Cuomo has signed Chapter 24 of the Laws of 2013, which, *inter alia*, adds a new Section 53 to the General Municipal Law, effective June 15, 2013; and

WHEREAS, Chapter 24 of the Laws of 2013 permits claimants to serve notices of claim upon the Secretary of State rather than effecting personal service of such notices upon the municipality which is the subject of the claim; and

WHEREAS, the statute directs the Secretary of State to forward copies of the notices of claim served in the above-referenced manner to the municipalities involved; and

WHEREAS, Section 53 of the General Municipal Law requires that municipalities, including Madison County, within thirty days after the effective date of the law, file a certificate in the office of the Secretary of State designating the Secretary of State as the agent for service of

notices of claim and providing the name, post office address and electronic mail address of an officer, person or designee, nominee or other agent in fact for the transmittal of notices of claim served upon the secretary;

NOW THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be, and hereby is, authorized and directed to file not later than July 12, 2013, a certificate with the Secretary of State designating the Secretary of State as Madison County's agent for service of notices of claim; and

BE IT FURTHER RESOLVED, that the County Attorney is hereby designated to receive such notices of claim served in the manner set forth; and

BE IT FURTHER RESOLVED, that the applicable time limit for filing a notice of claim on the County of Madison shall be 90 days and;

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors, in such certificate, and in amendments thereof from time to time may be necessary, provide the Secretary of State with the name, post office address and electronic mail address of the County Attorney.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

By Supervisors Degear and Reinhardt:

RESOLUTION NO. 197-13

AUTHORIZING THE COUNTY TO ACCEPT A GRANT FROM THE NEW YORK STATE DEPARTMENT OF LABOR'S HAZARD ABATEMENT BOARD AND MODIFYING THE 2013 COUNTY BUDGET

WHEREAS, the Personnel Department applied for and was awarded a grant in the amount of \$14,266 from the New York State Department of Labor's Hazard Abatement Board; and

WHEREAS, said grant will provide funding for employee safety training during the grant period, August 1, 2013 through July 31, 2014; and

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

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors does hereby authorize the County to participate in the grant and accept the grant funding in the sum of \$14,266; and

BE IT FURTHER RESOLVED that the Chairman of the Board be and hereby is authorized to execute certain documents as required by the New York State Department of Labor to participate in the grant and receive reimbursements under the grant for the grant period of August 1, 2013 through July 31, 2014; and

BE IT FURTHER RESOLVED that the 2013 County Budget be modified as follows:

General Fund

<u>1430 Personnel & Civil Service</u>	<u>From</u>	<u>To</u>
<u>Revenue</u>		
A3389.2520 St. Aid DOL HAB Grant 2013-14	-0-	\$14,266
Control Total		<u>\$14,266</u>
 <u>Expense</u>		
A1430.4207 HAB Grant Expense 2013-14	-0-	\$14,266
Control Total		<u>\$14,266</u>

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

By Supervisor Salka:

RESOLUTION NO. 198-13

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 4 FOR THE YEAR 2013 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Salka has duly introduced proposed 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 copy of said proposed local law has been furnished to each Supervisor;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on the proposed Local Law in the Chambers of the Board of Supervisors at the Madison County Office Building in Wampsville, New York on Tuesday, August 13, 2013 @ 2:15 p.m.; and

BE IT FURTHER RESOLVED, that the Clerk of the Board duly publish a notice of this hearing in the official newspapers of the County at least five days prior to the scheduled hearing date.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

**COUNTY OF MADISON
LOCAL LAW NO. 4 - 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO.4 OF 2012
PROHIBITING THE USE OF TOBACCO UPON REAL PROPERTY OWNED OR LEASED BY
MADISON COUNTY**

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

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

Section 2: Declaration of Intent:

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

(A) Protect the public health, safety and general welfare by eliminating exposure to second hand tobacco smoke and tobacco residue;

(B) Acknowledge the need of non-smokers, especially children, to breathe smoke-free air; recognizing the danger to public health which secondhand smoke causes.

(C) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the County.

(D) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke and tobacco residue while on real property owned or leased by the County.

(E) Encourage the cessation of tobacco use by all persons, to promote longevity and reduce disease and its cost to society.

Section 3: Definitions

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

Section 4: Prohibition

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

Section 5: Exceptions

The provisions of this Local Law shall not apply to:

(A) A privately owned moving motor vehicle which is not engaged in county service and which is in the process of exiting or entering real property owned or leased by the County of Madison.

(B) Roadways and rights of ways located within the County road system established under Section 115 of the New York State Highway Law.

(C) Madison County Parks

(D) Madison County Forest Lands

- (E) Designated area located in NE secure area of the Madison County Public Safety Building

Section 6: Posting of Signs

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

Section 7: Violations and Penalties

- (A) Tobacco use shall be unlawful in any area where tobacco use is prohibited by the provisions of this Local Law.

(B) Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed One Thousand dollar (\$1,000.00).

Section 8: Enforcement

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

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

(B) If the enforcement officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 7 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.

(C) Any person who desires to register a complaint under this Local Law may do so with the appropriate enforcement officer.

(D) The decision of the hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

(E) The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in Section 7 of this Local Law.

Section 9: Effect on Other Laws

(A) This Local Law shall not be interpreted nor construed to permit tobacco use where it is otherwise restricted by other applicable laws, including but not limited to the Indoor Clean Air Act.

(B) Madison County Policy entitled "No Smoking or Tobacco Use in the Workplace" adopted in April 1990 and subsequently modified thereafter is hereby repealed.

Section 10: Severability

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

Section 11: Effective Date

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

RESOLUTION NO. 199-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS WITH AGENCIES AND THERAPISTS FOR THE PRESCHOOL PROGRAM

WHEREAS, Madison County is responsible for administering the Preschool programs beneficial to children with special needs; and

WHEREAS, services for these children are provided either through program or itinerant services; and

WHEREAS, the County reimburses for these services under a contractual agreement and in turn submits claims for reimbursement either through Medicaid or New York State Department of Education; and

WHEREAS, the Public Health Services Committee feel it is expeditious to enter these agreements at the revised rates of the previous contract; and

	<u>2010</u> Rate	<u>2013</u> Rate
<u>Related Services</u>		
Individuals		
Rachel Farrow Beers, ST	\$45	\$50/ind \$40/group
Laura Buchanan, ST	\$45	\$50/ind \$40/group
Mary Cook,PT	\$58	\$50/ind \$40/group
Sandra Davis, ST	\$45	\$50/ind \$40/group
Chris Domes, PT	\$58	\$50/ind \$40/group
Mary Domes, ST	\$45	\$50/ind \$40/group

Mary Domes, ST Supervision	\$53.50/hour	\$53.50/hour
Rachel Mosher, Music Therapy	\$45	\$50/ind \$40/group
Susan Newman, OT	\$45	\$50/ind \$40/group
Sue Palleschi, ST	\$45	\$50/ind \$40/group
Cathleen Perry, ST	\$45	\$50/ind \$40/group
Alison Renwick,OT	\$45	\$50/ind \$40/group
Denise Rollins, OT	\$45	\$50/ind \$40/group
Hedy Shedd, ST	\$45	\$50/ind \$40/group
Laura Vogl, ST	\$45	\$50/ind \$40/group

Agency

3 Circles Therapy	NA	\$50/ind \$40/group
Building Block Learning Center	\$45	\$50/ind \$40/group
Building Blocks – Comprehensive	\$45	\$50/ind \$40/group
Central Association for the Blind and \$45 Visually Impaired		\$50/ind \$40/group
Children’s Therapy Network	\$45	\$50/ind \$40/group
Communicare Services	\$45	\$50/ind \$40/group
Connections	\$45	\$50/ind \$40/group
Enable/UCP Syracuse	\$45	\$50/ind \$40/group
Hamilton Central School	\$7.50/half hour	\$7.50/half hour
Hear 2 Learn	\$45	\$50/ind \$40/group
Jowonio	\$45	\$50/ind \$40/group
Liberty Post	\$45	\$50/ind \$40/group
Madison Oneida BOCES	\$45	\$50/ind \$40/group
Special Programs Inc. Little Lukes	\$45	\$50/ind \$40/group
Spice Elmcrest	\$45	\$50/ind \$40/group
Stockbridge Valley Central School	\$45	\$50/ind \$40/group
United Cerebral Palsy	\$45	\$50/ind \$40/group

Tuition/SEIT/Evaluations

3 Circles Therapy	NA	NYS Rate
Building Blocks – Comprehensive	NYS Rate	NYS Rate
Central Association for the Blind and Visually Impaired	NYS Rate	NYS Rate
Child Development Council		
Family Enrichment	NYS Rate	NYS Rate
Children’s Therapy Network	NYS Rate	NYS Rate
Connections	NYS Rate	NYS Rate
Enable/UCP Syracuse	NYS Rate	NYS Rate
Franziska Rackers Centers	NYS Rate	NYS Rate
Hear 2 Learn	NYS Rate	NYS Rate
Jowonio School	NYS Rate	NYS Rate
Kelberman Center	NYS Rate	NYS Rate
Liberty Post	NYS Rate	NYS Rate
Madison Oneida BOCES	NYS Rate	NYS Rate
Onondaga-Cortland-Madison BOCES	NYS Rate	NYS Rate
Special Programs Inc.		
Little Lukes	NYS Rate	NYS Rate
Milestones Children’s Center	NYS Rate	NYS Rate
Rehab Resources	NYS Rate	NYS Rate
Spice Elmcrest	NYS Rate	NYS Rate
United Cerebral Palsy	NYS Rate	NYS Rate

WHEREAS, the County will exercise its right to extend this agreement for one (1) additional year at the original rate plus 1.4% CPI increase; and

WHEREAS, the County shall have two (2) separate and consecutive options to extend these contracts for additional periods of one year each; and

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

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into agreements with Birnie Bus, Paine Bus, Lanpher's Transportation and Durham School Services effective July 1, 2013 through June 30, 2014, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 201-13

AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT WITH TREX PLANNING

WHEREAS, the Madison County Department of Health has been implementing emergency procedures to improve Public Health Emergency Preparedness; and

WHEREAS, TREX Planning has the expertise to provide professional services to develop and conduct a seminar for Sr. Staff to develop and improve awareness of the importance of documenting response actions to identify areas of success, areas needing improvement and areas requiring additional training; and

WHEREAS, TREX Planning has the expertise to provide professional services to develop and conduct a workshop to bring together agencies representing the local health department to identify roles and responsibilities as the health department develops a Health and Medical Response Annex to Madison County's Comprehensive Emergency Management Plan (CEMP); and

WHEREAS, the Madison County Health Department has grant funds through State Homeland Security Grant Program (SHSGP) to cover the cost of both seminars totaling \$7,000; and

WHEREAS, the term of this agreement must be completed by July 31, 2013; and

WHEREAS, the Madison County Board of Health and the Public Health Services Committee believe that it is appropriate for the Department to enter this agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign the agreement with TREX Planning as is on file with the Clerk of the Board.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 202-13

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

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

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

WHEREAS, the Madison County Mental Health Department has the resources to provide the services on a contractual basis to Chittenango Central School District for the period September 1, 2013 through August 31, 2014 at the rate of \$40.00 per hour, (the prevailing rate for contracted social workers as approved by the Board of Supervisors) with the total amount of the contract not to exceed \$14,420 per year; and

WHEREAS, this request for the Mental Health Department to provide services to the Chittenango Central School has been approved by the Social and Mental Health Services Committee;

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

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 203-13

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

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

WHEREAS, the Madison County Mental Health Department has the resources to provide the services on a contractual basis to Madison County Head Start for the period September 1, 2013 through August 31, 2014 at the rate of \$105.00 per hour, with the total amount of the contract not to exceed \$6,000 per year ; and

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

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

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 204-13

AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT MODIFICATION

WHEREAS, by Resolution Number 422-12 the Board of Supervisors entered into an

agreement with Central New York Services Inc., to provide forensic case management services; and

WHEREAS, Central New York Services, Inc., has amended its original operating budget from \$63,500 to \$67,000; and

WHEREAS, the State of New York Division of Criminal Justice Services (DCJS) has approved additional funding for forensic case management services;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be hereby authorized to execute a modification agreement, a copy of which is on file with the Clerk of this Board, for the period January 1, 2013 through December 31, 2013 with Central New York Services, Inc. to increase the contract amount to \$67,000.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147(Monforte)

RESOLUTION NO. 205-13

APPOINTING MEMBERS OF THE COMMUNITY SERVICES BOARD

WHEREAS, the Madison County Board of Supervisors must approve the appointment of the members of the Community Services Board which oversees the Madison County Mental Health Department and related outside agencies; and

WHEREAS, there are two vacancies on the board due to resignation; and

WHEREAS, the Membership Committee has favorably reviewed applications for membership from qualified individuals and has voted in favor of their appointments; and

WHEREAS, the Social and Mental Health Services Committee has reviewed these applications and has recommended they be appointed by the Board of Supervisors;

NOW, THEREFORE BE IT RESOLVED, that following individuals shall be appointed to the Community Services Board:

<u>Name</u>	<u>Term</u>	<u>Address</u>	<u>Replacing</u>
Denise Cavanaugh	1/1/13 – 12/31/16	63 West St, Whitesboro NY 13492	Susan Yott
Virginia Whitford-Anken	1/1/13-12/31/16	9621 Williams Rd. Holland Patent, NY 13354	N/A

ADOPTED: AYES – 1325 NAYS – 28 (Goldstein) ABSENT – 147 (Monforte)

By Supervisors Salka and Reinhardt:

RESOLUTION NO. 206-13

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH
CONSUMER SERVICES OF MADISON COUNTY, INC. AND MODIFYING THE 2013 COUNTY
BUDGET**

WHEREAS, the County of Madison desires to contract with Consumer Services of Madison County, Inc. to provide a Personalized Recovery Oriented Services (PROS) Clinic for seriously and persistently mentally ill adults; and

WHEREAS, the NYS Office of Mental Health is making funds available in 100% State Aid in the amount of \$150,503 (There is no Madison County appropriation); and

WHEREAS, it is understood that any reduction in State funding will result in a commensurate reduction in agency funding; and

WHEREAS, this agreement has been reviewed and approved by the Social and Mental Health Services Committee; and

NOW, THEREFORE, BE IT RESOLVED that the 2013 Adopted County Budget be modified as follows:

General Fund	<u>From</u>	<u>To</u>
<u>4326 Mental Health – Consumer Services</u>		
<u>Revenue</u>		
A3490.8013 State Aid - PROS	\$ -0-	<u>\$150,503</u>
Control Total		<u>\$150,503</u>
<u>Expense</u>		
A4326.42709 PROS CLINIC	\$ -0 -	<u>\$ 150,503</u>
Control Total		<u>\$ 150,503</u>

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement, copy of which is on file with the Clerk of this Board, on behalf of the County of Madison with Consumers Services of Madison County, Inc.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

By Supervisor Degear:

RESOLUTION NO. 207-13

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 5
FOR THE YEAR 2013 AND CALLING FOR A PUBLIC HEARING**

WHEREAS, Supervisor Degear has duly introduced proposed Local Law No. 5 for the year 2013, entitled "LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE"; and

WHEREAS, a copy of said proposed local law has been furnished to each Supervisor;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on the proposed Local Law in the Chambers of the Board of Supervisors at the Madison County Office Building in Wampsville, New York on Tuesday, August 13, 2013 @ 2:30 p.m.; and

BE IT FURTHER RESOLVED, that the Clerk of the Board duly publish a notice of this hearing in the official newspapers of the County at least five days prior to the scheduled hearing date.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

**COUNTY OF MADISON
LOCAL LAW NO. 5 OF THE YEAR 2013
LOCAL LAW TO AUTHORIZE PURCHASING BASED ON BEST VALUE**

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

Section 1. Title: This law shall be known as the "Local Law to Authorize Purchasing Based on Best Value".

Section 2. Declaration of Intent: General Municipal Law §103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the "lowest bidder" rule on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror. The Madison County Board of Supervisors hereby determines that it is in the best interest of the County of Madison and its residents for the Madison County Purchasing Agent (hereafter referred to as "Purchasing Agent") to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the "best value" option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder, are:

- (a) lowest cost of maintenance for good(s) or service(s);
- (b) durability of good(s) or service(s);
- (c) higher quality of good(s) or service(s); or
- (d) longer product life of good(s) or service(s)

Section 3. Authority: On and after the effective date of this law, the Purchasing Agent may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

a. Where the basis for award is the best value offer, Purchasing Agent shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

b. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Agent in their determination of best value.

c. The election to award any such contract on the basis of best value shall be made by the Purchasing Agent in consultation with the Department Head and appropriate Legislative committee. In the event that no such election is made, purchase contracts

will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the Madison County Purchasing Policy.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.

By Supervisor Suits:

RESOLUTION NO. 208-13

AMENDING THE RULES OF THE MADISON COUNTY BOARD OF SUPERVISORS

WHEREAS, the Administration and Oversight Committee, at a meeting held on June 26, 2013, reviewed, updated, and approved changes to the Rules of the Madison County Board of Supervisors; and

WHEREAS, the proposed changes have been made in writing, offered, and laid upon the table for more than 24 hours prior to this meeting in accordance with Rule No. 25 of the Rules of the Board of Supervisors; and

WHEREAS, a copy of the proposed changes have been distributed to all Supervisors by placing the same on their desks;

NOW, THEREFORE BE IT RESOLVED, that the attached revised Rules of the Madison County Board of Supervisors are hereby approved effective immediately.

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

**MADISON COUNTY BOARD OF SUPERVISORS
RULES OF THE BOARD**

RULE 1.

The annual meeting of the Board of Supervisors shall be held commencing on the first Monday after the general election in the month of November.

RULE 2.

Regular monthly meetings of the Board shall be held on the second Tuesday of each month, except in the months of November and December when the annual meeting is in session.

RULE 3.

Special meetings of the Board may be held at the call of the Clerk on the direction of the Chairman of the Board of Supervisors, or on the written request of a majority of the members of the Board.

RULE 4.

If any regular meeting date of the Board falls upon a legal holiday, such meeting shall be held on the next succeeding business day and unless otherwise specifically provided, all meetings of the Board shall be held at the Chambers of the Board in the County Office Building, Wampsville, New York.

RULE 5.

At the first meeting in January each even numbered year, the Clerk of the previous Board shall call the members to order and they shall select from among the members of the Board a Chairperson for a two-year term expiring ~~with his or her term of office~~ December 31st of the second year of term as Chairman-as-a Supervisor, who shall preside at all meetings during the year.

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Pursuant to County Law Section 151(6-a)(a) and (b), in the case of the absence of the Chairperson at any meeting, the Vice-Chairperson, if one has been selected, shall preside over each duly constituted meeting of this Board, and further shall have and exercise all the powers and duties of the Chairperson at any meeting over which he or she is called to preside.

In the absence of the Chairperson and the Vice Chairperson, the members present and voting shall select a member of the Board to serve as Acting Chairperson at such meeting. The Acting Chairperson shall have and exercise all the powers and duties of the Chairperson at the meeting over which he or she is called to preside.

In all cases of absence of a quorum, the members present shall take such measures as shall be necessary to procure the attendance of absent members as prescribed by law.

In case of the absence of the Clerk at any meeting, the meeting shall be called to order by any member of the Board present.

RULE 6.

The following shall be the standing committees to be appointed by the Chairman at the January meeting of the Board and the jurisdiction of each committee shall be as follows:

GOVERNMENT OPERATIONS:

Responsible for Personnel, Civil Service, Labor Relations, Health Insurance and benefits, County Attorney, ~~–~~Ethics Law, Office of the Clerk to the Board of Supervisors, ~~Receptionist~~, Supervisors' Accounts, ~~Official papers, Supervisors' Journal~~ NYSAC, NACO, Public Relations to include Freedom of Information Law and Records Access Officer, OSHAPESH, HIPAA, Safety and Worker's Compensation, Employees Assistance Program, ~~Weights and Measures~~ Personnel Management Functions, participate in the interview process for new Department Heads with the respective legislative committee and to recommend to the

Board the names of candidates for all county management positions; ~~Purchasing~~ and Information Technology including all County telephone services.

FINANCE, WAYS AND MEANS:

Responsible for the Office of the Treasurer and Budget Officer, preparation and administration of the County budget, ~~Assessment, Equalization and Assessment~~ Real Property Tax Services, Office of the County Clerk (to include Motor Vehicle Department), Community College Affairs, ~~and~~ OTB Revenues, and insurance other than health and benefits.

ADMINISTRATION AND OVERSIGHT:

Responsible for legislative committees, legislative rules and operations, Board of Elections, Official papers, Supervisors' Journal, Purchasing, examine and investigate the delivery of county services to ensure that they are efficient, effective and non-duplicating.

SOCIAL AND MENTAL HEALTH SERVICES:

Responsible for the administration and operation of all services as prescribed by the New York State Human Services agencies, to include the Office of Temporary and Disability Assistance (OTDA), Office of Children and Family Services (OCFS) and the Department of Health, Department of Social Services and the Supplemental Nutrition Assistance Program (formerly known as Food Stamps) Federal Food Stamp Program, County Youth Bureau, and Youth Services, Project HEAP, Veterans Affairs, Housing for the Elderly/Low Income, SNACK, RSVP, Office ~~of for~~ the Aging, day careservices, the Mental Health Department, including the Madison-Cortland County Chapter NYSARC, Inc. , and the Community Action Program for Madison County.

PUBLIC HEALTH SERVICES:

Responsible for all Department of Public Health Programs; including ~~Home Care, Preventive Health Care, Preventive Health Nursing, Environmental Health, Physically Handicapped Children's~~ PrograSpecial Education for Handicapped ChildrenChildren with Special Health Care Needs, which includes Court Ordered Education, county passenger vehicle fleet, ADA, Weights and Measures, Corporate Compliance and Wanderer's Rest, animal disease and dog control.

PLANNING, ECONOMIC DEVELOPMENT, ENVIRONMENTAL & INTERGOVERNMENTAL AFFAIRS:

Responsible for the County Planning Department, the development, implementation, and ongoing evaluation of Madison County's long range planning program, the County Planning Board, Community Development, public transportation, Tourism, economic development, the Industrial Development Agency, the Environmental Management Council, public lands, County parks and County Parks Commission, agriculture districts and the Agriculture and Farmland Protection Board, County Fair, historic preservation, County Historian, County Historical Society, Central New York Regional Planning and Development, Central New York Regional Market Authority, Cooperative Extension, Federated Conservation Clubs, Soil and Water Conservation District, Forest Practices, Fish and Wildlife Management, County ABC Board, Children's Camp, Mid-York Library System and Employment & TrainingWorkforce Development.

CRIMINAL JUSTICE, PUBLIC SAFETY AND ~~TELECOMMUNICATIONS~~ EMERGENCY COMMUNICATIONS:

Responsible for the Office of the District Attorney, Office of the Sheriff (Law Enforcement Division, Corrections Division, Stop DWI, Civil Division and Pistol Permits), Correctional Facilities, Assigned Counsel, Stop DWI Program, Legal Aid and Judiciary, Coroner/Medical Examiner, Probation, Volunteer Firemen, Office of Emergency Preparedness, Civil Defense, Traffic Safety Board, Fire Advisory Board, Communications and Rescue and E-911.

PUBLIC WORKS:

Responsible for county highways, highway equipment, Central Garage and motor and County passenger vehicle fleet operation, county road maintenance and ice and snow control, Madison County (Cazenovia) Sewer District and wastewater collection, treatment and disposal.

COUNTY BUILDINGS AND GROUNDS:

Responsible for county buildings and grounds, County mail and distribution services, receiving and printing services.

SOLID WASTE AND RECYCLING:

Responsible for solid waste disposal, landfill, resource recovery and recycling.

NATIVE AMERICAN AFFAIRS:

Responsible for coordination of relations with the Indian Nations of and affecting Madison County, including the Oneida and Stockbridge Munsee ~~Indian Land Claims~~, purchases or other acquisitions of lands, provision of County services, real property assessment and taxation, and potential development initiatives.

****PUBLIC UTILITY SERVICE:**

Responsible for examining, reviewing, and making recommendations to the Board of Supervisors on the development and implementation of Public Utility Service in Madison County.

****AD HOC COMMITTEE:**

Each committee shall consist of not less than five nor more than nine members to be appointed annually by the Chairman of the Board for the duration of the calendar year of appointment. Each Board member shall be appointed to at least one committee.

RULE 6A.

1. All Committees act in an advisory capacity to the Board. They are not empowered to perform any of the duties or exercise any of the powers of the Board of Supervisors, except such as the Board may lawfully specifically delegate.
2. Committees shall meet at such reasonable times as the Committee Chairman shall designate, and also upon the request of the Board Chairman, if he deems it necessary to convene a committee.

3. Where overlapping jurisdiction appears to exist, the Board Chairman shall determine which committee has primary jurisdiction.

4. The powers and duties of each standing committee are to:

a.) become familiar with the functions, powers and duties of all departments officers and employees under its jurisdiction as specified in the "Committee Description" which accompany Rule 6 of the Rules of the Madison County Board of Supervisors.

b.) meet with each department head or contracting agency representative with such frequency as the committee chairman deems appropriate to review the performance of the department or agency, receive and review his or her requests and communicate recommendations of the Board of Supervisors to such department heads and agency representatives.

c.) study and recommend to the Board the appointment, disciplining and termination of all department heads under its jurisdiction, the filling of vacancies (but not the selection of the person to fill a vacancy) and the expansion or reduction of the staff of the department under its jurisdiction.

d.) review the annual budget requests of each department and contracting agency under its jurisdiction, propose such changes as it may deem necessary in the tentative budget to the Budget Committee and review all requested changes in the tentative budget and the final budget with the Budget Committee before the same are acted upon by the Board.

e.) review all proposed resolutions within its jurisdiction before the same are introduced before the Board of Supervisors, unless impractical to do so.

f.) inform the Chairman of any known or suspected neglect of duty of any department head or employee, and the improper or inadequate implementation or observance of the policies and directives of the Board of Supervisors.

RULE 7.

Special committees may be appointed as a majority of the weighted vote of the Board may consider necessary, all of which shall be appointed by the Chairman and shall consist of a minimum of three board members unless the Board shall otherwise determine.

RULE 8.

Prior to each meeting of the Board, the Clerk shall furnish to each member a typewritten, or to those members furnishing an email address, email copy of the minutes of the preceding meeting, which shall be corrected, if necessary, and approved.

RULE 9.

At all regular meetings of the Board the following shall constitute the order of business:

1. Pledge of Allegiance
2. Roll Call
23. Approving Minutes

- 34. Presentation of Petitions and Communications
- 45. Reports of Committees
- 56. Miscellaneous and Unfinished Business
- 67. Resolutions, Notices and Motions
- 78. Special Order Matters
- 89. Public Comment Period

RULE 10.

The Chairperson shall preserve order; shall decide all questions in accordance with parliamentary law, subject to appeal to the Board.

The Chairperson shall have the right to vote on all questions and when a vote is equally divided including his vote, the question shall be lost.

In addition to powers and duties imposed upon the Vice Chairperson under these Rules or by law, the Vice Chairperson shall have and exercise the powers and duties of the Chairperson provided for by these Rules (including but not limited to Rule 30 hereof) and by law, upon the occurrence of and/or in the following instances:

- a) In case of a vacancy in the office of Chairperson (subject to the filling of such vacancy pursuant to County Law Section 151(7)): or
- b) Upon and to the extent of the authorization of the Chairperson and during such Chairperson's absence from the County of Madison: or
- c) In the absence of the Chairperson, upon authorization of the Board of Supervisors, by resolution of such Board in accordance with County Law Section 151(6-a)(c): or
- d) During the incapacitation of the Chairperson due to sickness or accident preventing such Chairperson from exercising the powers and duties of his or her office.

During the foregoing designated time periods the foregoing powers and duties authorized to the Vice Chairperson shall not be exercised by the Chairperson.

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RULE 11.

Previous to speaking, each member shall address the chair and shall not proceed until recognized by the Chair. No member shall speak more than once on any question before the Board until every member desiring to speak shall have had the opportunity of doing so.

RULE 12.

Upon request of any member or upon his own initiative the Chairman may permit a person not a member of the Board to address the Board in relation to matters pending before it. Should the Chairman refuse such permission, then a requesting member may immediately seek by motion the consent of the Board for permission, which such motion may not be tabled.

RULE 13.

Every member present when a question is stated from the Chair shall vote thereon unless excused by the Chairman.

RULE 14.

When a motion is under debate, no other motion shall be entertained except:

- a.) to adjourn
- b.) to recess
- c.) to table
- d.) to go into executive session when permitted
- e.) for the previous question (to call the question)
- f.) to amend the main motion or resolution
- g.) to permit a person not a member of the Board to address the Board in relation to matters pending before it per Rule 12

Each such motion shall take precedence in the order listed and shall not be subject to debate, except the motion to amend. Each shall require a second and be adopted by a simple majority vote, except a motion to table shall only require a second and no vote as provided for in Rule 17.

RULE 15.

The Chairman of the board in his discretion may dispense with a roll call vote on any resolution he considers to be routine or non-controversial in nature, unless otherwise required by law. However, any member of the Board may require that his or her individual vote be recorded during discussion, or may require a roll call vote of all members present upon any resolution.

RULE 16.

A motion to reconsider a resolution previously adopted or defeated shall not be proposed at the same meeting as the earlier motion.

RULE 17.

Any resolution before the Board, other than a procedural motion or resolution, if so demanded by 2 or more members present, shall lie over until the next succeeding meeting of the Board and shall be taken up for consideration as previously introduced under "Unfinished Business." Upon consideration in its original form, such resolution may be amended by the affirmative vote of the majority and, as originally introduced or as amended, shall be acted upon during such meeting. This rule shall not apply to resolutions which must be acted on by a date fixed by applicable law, rule or regulation of the State of New York of the United States or a date previously fixed by resolution of this Board.

RULE 18.

No bill or claim against the County shall be audited for payment by the Board unless properly itemized, submitted by the claimant, approved in written endorsement of the department head, reviewed by the County Treasurer and shown on the departmental claim summary signed by the Chairman or acting Chairman of the legislative committee having jurisdiction. All contracts and leases shall be signed by the Chairman of the Board following authorization by resolution of the Board.

RULE 19.

No account for publishing legal notices shall be allowed unless such account shall state the number of lines, the number of times published and shall have attached thereto a copy of such printed notice.

RULE 20.

All bills of account for disbursements made by any county office must show the authority for such disbursements and its being a legal charge against the county and all bills for supplies, services or expenses of any county officer shall be approved by the officer or person ordering such charges.

RULE 21.

All resolutions offered for passage by the Board shall have appropriate headings or preamble thereto in accordance with law; shall be dated and signed by the member offering the same and shall be published in the Journal of Proceedings.

RULE 22.

Any petition for the correction of an assessment roll shall not be entertained by the Board later than Friday of the first week of the Annual Session.

RULE 23.

Any committee auditing accounts of this Board shall state their audit in a report to the Board which report shall contain the name of the claimant, the nature of the claim and the amount allowed. Such report shall be furnished to all members of the Board and, when finally adopted by board resolution, the several bills therein stated shall be deemed to have been audited and approved, and the Clerk of the Board shall be and is hereby directed to certify to the County Treasurer the Board's approval and he shall then pay the accounts so audited and approved from the appropriate fund provided therefore. The gross amounts of such reports shall be included in the minutes of the session, and the reports and vouchers shall be filed with the Clerk of the Board.

RULE 24.

All resolutions intended to be moved for adoption at a regular meeting shall be filed with the Clerk not less than seven calendar days prior to the meeting, and copies mailed or, if requested by written notice of a member providing an email address, emailed to all members with the meeting agenda.

A resolution intended to be offered for adoption at a special meeting shall be mailed to all members with the Clerk's written notice of the call of the special meeting.

This rule may be waived by a two-thirds majority of the weighted vote of the Board, except in the case of a resolution to amend a rule of the Board, and the motion to waive may not be tabled.

RULE 24-A.

No resolution shall be introduced by an individual board Member at a regular meeting that has not been first submitted to the Legislative committee having jurisdiction as determined by the Chairman of the Board. All such resolutions shall be filed with the Chairman of the appropriate legislative committee at least ten days prior to the meeting at which its introduction will be sought. If the resolution is not introduced by the chairman or other member of the committee, then any member of the Board may introduce same.

This rule may be waived by a two-thirds majority of the weighted vote of the Board and the motion to waive may not be tabled. This rule may also be waived by the unanimous consent of all members of the legislative committee having jurisdiction.

This rule shall not apply to the introduction and passage of resolutions at the annual meeting relative to the adoption of the budget or the levy or collection of taxes, nor to any resolution which must be acted upon by a date fixed by applicable law.

This rule shall not apply to resolutions of a routine and recurrent nature such as the monthly audit and approval of claims, approval of minutes of the previous session, and the like.

RULE 25.

These rules shall not be changed or otherwise modified except at least upon one day's notice or a motion to that affect; such proposed change to be made in writing, offered and laid upon the table for 24 hours.

RULE 26.

These rules shall not be suspended except upon unanimous consent of every member present.

RULE 27.

Nothing in these rules contained is intended to repeal, set aside or nullify any previous standing resolution adopted by the Board.

RULE 28.

A majority of the whole number of the members of the Board shall constitute a quorum for the transaction of business. Except where a greater affirmative vote is required by law, the adoption of a motion, resolution or local law shall require the affirmative vote of not less than a majority of the weighted votes of the total membership of the Board.

RULE 29.

The Board Chairman shall annually establish and distribute a schedule of the time and dates of all meetings constituting the Annual Session. No resolution to amend the tentative budget shall be introduced at the meeting scheduled for the adoption of the county budget, except that this rule may be waived by a two-thirds weighted vote of this Board.

RULE 30.

The Board of Supervisors empowers and instructs the Chairperson of the Board of Supervisors to perform the following duties. The regularity and the performance of these duties unless otherwise outlined in this text or other applicable New York State or County Law, is subject to the discretion of the Chair while being aware of Board priorities and the urgency associated with certain county functions.

The Chairperson (hereinafter referred to as the Chair)

1. Shall be an ex-officio member of all committees.
2. Will attend a sufficient number of meetings of all boards, commissions, or other bodies appointed by the Board of Supervisors to enable the Chair to respond to Board inquiries. Periodic attendance at various official meetings that are conducting county business or ~~expending~~ ~~expanding~~ county funds will be considered a duty of the Chair.
3.
 - a. Shall become familiar with the property, administrative and operational functions as well as the fiscal affairs of the County.
 - b. Shall have the right to inspect all records and allied documents pertaining to all classifications or assets and liabilities of the county or controlled by the County.
 - c. Shall conduct periodic and/or random inspections or perusal of areas and documents outlined in a. and b. above.
4. Shall assure that the statutory and local laws and resolutions of the Board and the direction of the County officers employed to make the same (departmental directives) are faithfully executed and report to the Board any non-compliance or neglect of duty.
5. Shall provide recommendations or respond to questions of the Board relating to legislation, rules, regulations, policies and all ~~Matters~~ ~~matters~~ deemed necessary to promote economy and efficiency in the ~~Operation~~ ~~operation~~ of County government. Matters which appear to have legal ramifications will be coordinated with the County Attorney when applicable.
6. Is empowered and will supervise, advise, provide recommendations relative to departmental operations and will coordinate the performance of the powers and duties of all County departments and department heads except as otherwise specifically provided by law. The execution of these duties must be carried out in a constructive manner, mindful of the committee system and the expertise of the various department heads.
 - a. ~~The Chair will schedule and preside over a minimum of one department head meeting per month.~~
 - ba. ~~In addition, the~~The Chair will schedule and preside over one meeting each year that include all department heads and all Supervisors. The meeting will be conducted in January for the purpose of discussing the State of the County. Maximum attendance will be required. The Chair will request that elected officials attend this meeting. Additional sessions may be scheduled at the discretion of the Chair.
 - eb. The Chair will have the authority to establish functional teams comprised of department heads and legislative committee chairpersons and/or Ad Hoc committees to address particular problems or issues. The January meeting (ref. b. above) will serve as the initial opportunity to identify known issues that fit this criteria.

ed. County Supervisors and department heads will be notified of the scheduling of all meetings that are to be held in compliance with ~~a., b.~~ and eb. above.

ed. The above meetings will include, but not be limited to, the development of policy and procedural recommendations as well as any other reports or recommendations the Chair deems appropriate and relative to county government. Information will be prepared and disseminated to the Board of Supervisors for action if required or deemed necessary.

7. Will perform the following duties as outlined below:

a. transfer employees temporarily from one department or office to another with the approval of the appointing officer and review by the ~~Director of Personnel~~ Officer.

b. determine what officer shall perform a particular power or duty not clearly defined by law.

c. determine what officers and employees may attend conferences and schools within the State of New York conducted for the betterment of county government; "This provision notwithstanding, no decision of a committee permitting the attendance at same of an officer or employee under the jurisdiction of such committee shall be overridden by the Chair."²

d. execute and deliver documents and contracts authorized by the Board.

e. act as chief executive officer of the County in the negotiation of agreements with public employee unions.

f. act as liaison and represent the Board in contracts with the Office of the County Treasurer, County Clerk, District Attorney, and Sheriff, and the political subdivisions, State and Federal officials and agencies.

8. Exercise all powers and perform all duties which are implicit in or may reasonably be inferred from those above recited and all such other powers and duties as may be conferred upon the Board Chairperson by other provisions of the law, including the rules of this Board.

9. Except as outlined in Section 4, of Local Law No. 3 (Selection of Vice Chairperson) for the year 2000, the responsibility for these duties may not be delegated, however, the facilitation of certain duties may be delegated to an individual or groups of individuals.

10. a. In connection with Indian affairs including legislation, ~~Litigation~~ litigation, settlement, and related matters, shall have the authority, subject to obtaining the approval of three of the four below named County officials (including himself or herself), to authorize the out of state travel (or in state overnight travel) and related activities, and the expenditure of County funds for expenses incurred by such persons so authorized.

Chairman of the Board of Supervisors
Chairman, Finance Ways and Means Committee
Chairman, Government Operations Committee
Chairman, Native American Affairs Committee

b. The authority granted by this paragraph 10 will continue until termination by resolution of the Board of Supervisors.

RULE 31

There shall be available at the end of each regular monthly meeting of the Board of Supervisors a period of public comment in which any citizen of Madison County shall be afforded an opportunity to address the Board upon the recognition by the Board Chairman, said recognition to be afforded in the order the requests therefore were made in advance through a signup sheet, the time being afforded each speaker being equally allocated, so as to permit all requests for recognition to be granted in the time available.

Rules governing the Public Comment Period are as follows:

1. No member of the public shall be permitted to address the Board unless recognized by the Board Chairman. In no event may any such person speak on one occasion for more than five minutes.
2. Any person speaking to the Board with the consent of the Board Chairman shall address their remarks to the Board and not to other members of the audience in the form of a debate.
3. Any person recognized by the Board Chairman shall give their name, address and the nature of their business briefly.
4. The time allotted for Public Comment Period shall be thirty (30) minutes, provided however, the Board Chairman shall have discretion on the determination of time allowed for individuals to speak during the Public Comment Period (individually and collectively), including the discretion to extend the period beyond thirty (30) minutes.

Revised 8/13/13

By Supervisor Bradstreet:

RESOLUTION NO. 209-13

APPOINTING MADISON COUNTY FIRE ADVISORY BOARD MEMBERS AND DEPUTY COORDINATORS FOR 2013

WHEREAS, the duly appointed officers and members of the Madison County Fire Advisory Board met at their Spring session on Thursday, June 30, 2013 and

WHEREAS, the following individuals were selected to represent the interests of each of the County's various townships, and

WHEREAS, the following individuals have agreed to serve without compensation as an advisory body to the Board of Supervisors and the County Fire Coordinator in matters relating to fire service activities;

NOW, THEREFORE, BE IT RESOLVED, that the following individuals be appointed to the Madison County Fire Advisory Board for 2013:

Fire Advisory Board 2013

James McFadden.....Brookfield Richard Stagnitti.....Lenox

Terry Austin.....	Cazenovia	Robert Sturdevant Jr.....	Lincoln
David Vredenburg.....	Cazenovia	Steven Johnson.....	Madison
Edwin Coons.....	DeRuyter	Patrick Massett.....	Nelson
Richard Stoddard Sr.....	Eaton	Gregg Myers	Oneida
Michael Bischoff	Eaton	Chester Reeves.....	Smithfield
Ralph Tallett.....	Fenner	Roland Shea.....	Stockbridge
Dale Burgess.....	Georgetown	Joseph Watkins.....	Sullivan
Jason Murray.....	Hamilton	Paul Haynes.....	Sullivan
David Bensley.....	Lebanon	Robert Freunsch.....	Sullivan
Alex Brown.....	Lenox		

BE IT FURTHER RESOLVED, that the following individuals be appointed to the staff of Deputy Fire Coordinators for 2013

Lyle Mason.....County Car 3
 James McFadden..... County Car 4
 Robert Freunsch..... County Car 5
 Robert Sturdevant Jr... County Car 6
 David Vredenburg..... County Car 8
 Jeffrey Cardinali.....County Car 9

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 210-13

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT WITH GOVERNMENT PAYMENT SERVICE, INC.

WHEREAS, Government Payment Service, Inc. (GPS) desires to continue into a contract with the County of Madison to provide a service for the purpose of collecting funds including cash bond, civil fees and other fees for the County.

WHEREAS, the service shall mean the collection of funds including cash bond, fines and other fees from a remote location 24 hours per day/seven days per week by credit card via GovPayNet Payment Network; and

WHEREAS, GPS will charge the payee/defendant a convenience fee for the service as outlined in Attachments “A” and “B” attached hereto and made a part hereof; and

WHEREAS, there is no cost to Madison County for this service other than the County has to provide a fax number and the equipment to receive transaction documents; and

WHEREAS, the term of the contract is for a five (5) year period and will be automatically extended for additional one (1) year periods unless terminated earlier; and

WHEREAS, the New York State Sheriffs’ Association recommended GPS and believes it helps save money at our county jail, alleviates overcrowding at the jail, and allows us to use our jail resources more efficiently; 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 authorized to enter into an agreement on behalf of the County of Madison with the Government Payment Service, Inc., in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 211-13

AUTHORIZING THE CHAIRMAN TO MODIFY AN AGREEMENT

WHEREAS, Madison County entered into an agreement with AutoMon, LLC on June 12, 2012 to provide installation, training, and maintenance of Caseload Explorer Software for the probation department;

WHEREAS, the original term of the software maintenance agreement was December 1, 2012 to November 30, 2013;

WHEREAS, due to management transitions within the department, implementation of the agreement was delayed until June 1, 2013;

WHEREAS, the agreement is now modified to include the period from June 1, 2013 until May 31, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and hereby is authorized to modify this agreement with AutoMon, LLC, a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 212-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT

WHEREAS, the Madison County Emergency Manager, Madison County Sheriff and the Emergency Communications Center (911) Director must provide comprehensive Department of Homeland Security-compliant County Resource Assets Evaluation and Database to fulfill grant-funded work plans; and

WHEREAS, M.R. Costa Consulting Group, LLC has the skills, expertise, education, training and licensing required to perform the required services; and

WHEREAS, the term of this agreement shall be from July 1, 2013 until December 31, 2013; and

WHEREAS, the County will compensate M.R. Costa Consulting Group, LLC with a total of \$19,200.00, which is 100% grant funded; 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

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

By Supervisors Bradstreet and Reinhardt:

RESOLUTION NO. 213-13

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, Madison County has been awarded a grant for \$27,500 by the New York State Division of Homeland Security and Emergency Services (DHSES) from appropriations authorized by Congress under the FY 2013 State Homeland Security Program (SHSP), administered by the Federal Emergency Management Agency, and

WHEREAS, these funds will provide 100% federal reimbursement of eligible costs incurred in the effort to support planning, equipment, training and exercise needs associated with preparedness and prevention activities for terrorist events using weapons of mass destruction as well as to support a range of homeland security capabilities to address other hazards to Madison County, and this grant program is described as follows:

Awarding Agency: Federal Department of Homeland Security
 Pass Thru. Agency: NYS Division of Homeland Security and Emergency Services
 Catalogue # CFDA# 97.067
 Program Name State Homeland Security Program (SHSP)
 Grant Period: 09/01/2013 to 08/31/2015
 Contract # TBA
 Federal Funds: 100%
 Grant Total: \$27,500

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be authorized to enter into an agreement with the NYS Office of Homeland Security a copy of which is on file with the Clerk of the Board, and

BE IT FURTHER RESOLVED, that the 2013 Adopted County Budget be modified as follows:

General Fund

3645-Homeland Security

Expense

		<u>From</u>	<u>To</u>
A3645.4066	FY 2013 Homeland Security		
	Grant-(Sheriff)	\$ 0	<u>\$27,500</u>
	Control Total		<u>\$27,500</u>

Revenue

A4306.1095	Fed Aid-FY 2013 Homeland Security		
	Grant (Sheriff)	\$ 0	<u>\$27,500</u>
	Control Total		<u>\$27,500</u>

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147(Monforte)

By Supervisor Monforte:

RESOLUTION NO. 214-13

APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY MADISON COUNTY CAPITAL RESOURCE CORPORATION TO FINANCE A CERTAIN PROJECT FOR ONEIDA HEALTH SYSTEMS, INC. D/B/A ONEIDA HEALTHCARE CENTER

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 August, 2009, 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 May, 2013, Oneida Health Systems, Inc. d/b/a Oneida Healthcare Center, a New York not-for-profit 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 financing of all or a portion of the costs of refinancing and/or refunding certain existing indebtedness incurred by or on behalf of the Institution (collectively, the "Prior Debt") to finance and/or refinance various capital projects located at 321 Genesee Street and 221 Broad Street in the City of Oneida, Madison County, New York (collectively, the "Project Facility"), said Project Facility being operated by the Institution as a health care facility and long term care facility and other directly and indirectly related uses ; (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 \$21,000,000 (the "Obligations"); (C) the payment 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 May 30, 2013 (the "SEQR Resolution"), the Issuer determined that the Project constituted a

“Type II action” (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Project was required under 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 May 30, 2013 (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 in the Oneida Daily Dispatch, a newspaper of general circulation available to the residents of the City of Oneida, New York, (B) caused notice of the Public Hearing to be posted on May 31, 2013 in the Oneida City Hall located at 109 North Main Street in the City of Oneida, New York, (C) caused notice of the Public Hearing to be mailed on May 31, 2013 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 June 19, 2013 at 1:00 o’clock, p.m., local time in the Common Council Chambers of the City of Oneida City Hall located at 109 North Main Street in the City of Oneida, 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.

ADOPTED: AYES = 1361 NAYS – 0 ABSENT – 139 (Monforte)
Note: 2/3's vote required

RESOLUTION NO. 215-13

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT BETWEEN THE OSWEGO COUNTY SOIL AND WATER DISTRICT AND MADISON COUNTY

WHEREAS, Madison County presently contracts with the Oswego County Soil and Water Conservation District (District) to receive a Finger Lakes-Lake Ontario Watershed Protection Alliance (formerly the Finger Lakes Aquatic Vegetation Control Program – FL-LOWPA) grant from the New York State Environmental Protection Fund; and

WHEREAS, Madison County uses these funds for a number of water quality improvement projects throughout the County; and

WHEREAS, Madison County in cooperation with the Madison County Soil and Water Conservation District has applied for and been awarded an \$8,000 special Environmental Benefit Project grant through FL-LOWPA; and

WHEREAS, these funds will be used for grazing and related waterway improvement projects on area farms;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman to enter into an Agreement with the District, copies of which are on file with the Clerk of this Board; and

BE IT FURTHER RESOLVED that the Madison County Treasurer is authorized to make the necessary arrangements to receive and disburse the funds.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 216-13

**APPOINTING A MEMBER TO
THE MADISON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

BE IT RESOLVED, that Steven J. Potter of 360 Earl Avenue, Oneida NY, 13421, be hereby appointed to the Madison County Industrial Development Agency, filling a vacant position, commencing on July 9, 2013, and to serve at the pleasure of the Board of Supervisors.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 217-13

**APPOINTING A MEMBER TO
THE MADISON COUNTY CAPITAL RESOURCE CORPORATION**

BE IT RESOLVED, that Steven J. Potter of 360 Earl Avenue, Oneida NY, 13421, be hereby appointed to the Madison County Industrial Development Agency, filling a vacant position, commencing on July 9, 2013, and to serve at the pleasure of the Board of Supervisors.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 218-13

AUTHORIZING A CONTRACT MODIFICATION WITH THE CENTRAL NEW YORK REGIONAL PLANNING AND DEVELOPMENT BOARD

WHEREAS, on May 10, 2010, the U.S. Environmental Protection Agency awarded the Central New York Regional Planning and Development Board with a Climate Showcase Communities Program grant; and

WHEREAS, the grant has established the Central New York Climate Change Innovation Program (C2IP) with the goal of creating replicable models of sustainable community action that result in cost-effective greenhouse gas reductions; and

WHEREAS, Madison County applied and was awarded a \$31,000 grant through Regional Planning (along with 8 other municipalities in Central New York) to participate in the C2IP program; and

WHEREAS, Madison County is eligible to receive an additional \$1,000 for our AmeriCorps intern program; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign a Contract Modification with the Central New York Regional Planning and Development Board as is on file with The Clerk of the Board of Supervisors.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 219-13

**ADOPT A FINDINGS STATEMENT
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
IN REGARD TO THE AGRICULTURAL AND RENEWABLE ENERGY PARK (“ARE PARK”)**

WHEREAS, Madison County (the “County”) desires to create an Agricultural and Renewable Energy Park (“ARE Park”) on approximately 295 acres of lands currently owned by the County on Buyea Road in the Town of Lincoln, Madison County, New York (the “Project”); and

WHEREAS, on January 4, 2011, the County caused a letter and Part 1 of the Environmental Assessment Form to be sent to other potentially “involved agencies” and “interested agencies” (as these quoted terms are defined in the State Environmental Quality Review Act [SEQRA] Regulations found at 6 NYCRR Part 617), indicating the County’s desire to serve as “lead agency” (as this quoted terms is defined in the SEQRA Regulations) through the SEQRA coordinated review process for the Project; and

WHEREAS, each of the involved agencies agreed to or raised no objections to the County serving as lead agency for the Project; and

WHEREAS, on February 10, 2011 the County determined that the Project is a Type I action under SEQRA and after reviewing the Environmental Assessment Form and the criteria for determining significance set forth in the SEQRA regulations, the County found that the Project may have a significant impact on the environment requiring the preparation of a Generic Environmental Impact Statement ("GEIS") to fully evaluate potential effects on the environment pursuant to the SEQRA Regulations; and

WHEREAS, the County directed that the public be provided an opportunity to comment on a Draft Scope of the GEIS, establishing a public comment period through the close of business on March 25, 2011, with a public meeting to be held on November March 7, 2011 at 7PM, to receive public comments on the Draft Scope; and

WHEREAS, the County accepted public comments on the Draft Scope through the close of the comment period; and;

WHEREAS, the County adopted a Final Scope for the GEIS in April of 2011; and

WHEREAS, the County, with the support of its consultants, Barton & Loguidice, P.C., drafted a Draft GEIS for the Project which, by resolution dated January 23, 2012, the County determined met the requirements of 6 NYCRR §617.9(a)(2), was adequate for public review, scheduled a public hearing thereon to be held on February 6, 2012 at 7PM, and established a public comment period for receipt of public comments through the close of business on March 14, 2012; and

WHEREAS, the County accepted comments on the Draft GEIS through the close of the public comment period, and;

WHEREAS, the only comments received by the County on the Draft GEIS were prepared and submitted by the Oneida Indian Nation (the "Nation") on March 13, 2012;

WHEREAS, the County carefully evaluated the comments submitted by the Nation in response to the Draft GEIS, including requesting that the County's consulting archaeologist, Alliance Archaeological Services, review and provide responses to the Nation's comments, and;

WHEREAS, a proposed Final GEIS and response to the Nation's comments was prepared by the County, with the support of its consultants, Barton & Loguidice, P.C. and submitted to the Madison County Board of Supervisors for review on June 3, 2013; and

WHEREAS, the County, upon its independent examination and consultation with its staff, consultants and counsel, concluded that the Final GEIS adequately responded to the comments received on the Draft GEIS, and met the requirements of 6 NYCRR § 617.9(b).

WHEREAS, the County accepted the Final GEIS for the Project on June 11, 2013; and

WHEREAS, the County, as Lead Agency must make findings under SEQRA prior to funding, undertaking, or approving the Project; and

WHEREAS, the County has reviewed the Draft GEIS, the Final GEIS and the documents incorporated by reference therein, as well as such other documents as the County felt it necessary or appropriate to examine to adequately review the Project; and

WHEREAS, consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Project minimizes or avoids adverse environmental effects to the maximum extent practicable, including effects disclosed in the Final GEIS; and

WHEREAS, consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Final GEIS will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that:

- Section 1. The Project is a Type 1 Action pursuant to SEQRA.
- Section 2. The County is the Lead Agency for environmental review pursuant to SEQRA.
- Section 3. The County's jurisdiction over the Project is the designation of approximately 305 acres of land for development of the Project, including but not limited to, approval of the transfer of the land to the Madison County Capital Resource Corporation.
- Section 4. The County adopts the Statement of Findings attached hereto as Exhibit A.
- Section 5. Having considered the Draft and Final GEIS, and such other documents as may be necessary or appropriate, the County certifies that:
 - (a) The requirements of 6 NYCRR Part 617 have been met;
 - (b) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Project is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including effects disclosed in the Final GEIS; and
 - (c) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the Final GEIS will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.
- Section 6. The basis for this decision is set forth in the Statement of Findings attached as Exhibit A hereto and incorporated by reference herein.

FURTHER RESOLVED, this resolution shall take effect immediately.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT - 147 (Salka)

**Madison County Board of Supervisors
State Environmental Quality Review
Findings Statement Agricultural and Renewable Energy Park**

This Findings Statement is based on information contained in the Draft Generic Environmental Impact Statement (DGEIS) and Final Generic Environmental Impact Statement (FGEIS) prepared for the

Agricultural and Renewable Energy Park (“ARE Park” or the “Project”) (collectively, the “GEIS Documents”), and the record developed before the Board of Supervisors.

The Board of Supervisors has relied upon the advice and counsel of its outside environmental and engineering consultants, Barton & Loguidice, P.C., and of its outside environmental legal counsel, William M. Buchan, Esq. and Nixon Peabody LLP. Those consultants and counsel have reviewed the GEIS Documents and the entire record developed with respect to them, and have advised the Board of Supervisors with respect to the identification of environmental and other impacts of the Project, the potential significance of such impacts, and the availability and sufficiency of potential measures to avoid, mitigate, and minimize such impacts. The Board of Supervisors has conducted its own thorough review of the GEIS Documents, all public comments received on the GEIS Documents and the Permit Applications, the complete record created with respect to the GEIS Documents, and the results of consultants’ and counsel’s review of that record. These Findings are based upon the review of the entire record by the Board of Supervisors, its consultants and its counsel.

These Findings are made by the Madison County Board of Supervisors as lead agency pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, and 6 New York Code of Rules and Regulations (“NYCRR”) Part 617.

Lead Agency: Madison County

Address: P.O. Box 635

County Office Building Wampsville, NY 13163

Name of Action: Agricultural and Renewable Energy Park

Location: Town of Lincoln, Madison County, NY

Description of

Action: Madison County (the “County”) proposes to designate approximately 305

acres of County-owned land along Buyea Road and Tuttle Road for the development of an Agricultural and Renewable Energy Park in the Town of Lincoln, Madison County, New York. These lands are generally comprised of permitted or planned soil borrow areas and buffer properties for the County’s active solid waste disposal facility. Sites 1A and 1B, which total approximately 65 acres in size, are located along Tuttle Road. Most of the acreage included in Sites 1A and 1B has been previously approved for use as soil borrow areas, as part of the County’s permitted landfill operation. Site 2 consists of approximately 218 acres of land, located on the east side of Buyea Road, opposite the operating Madison County Landfill, and approximately 12 acres located on the west side of Buyea Road at the south entrance to the landfill.

Numerous studies and surveys have shown the need for locally based support industries for agricultural producers in Madison County. Efforts to attract tenants to the Project will be targeted toward attracting businesses that will coincide with the areas regional strengths and likely include those that

produce, process, store, and ship a variety of meat, seafood and agricultural products, wood products, products manufactured from recycled materials, and specialty industries. Businesses in the Project will have access to reliable, locally generated sources of green energy, including electrical energy from the Landfill-Gas-To-Energy (“LFGTE”) facility and a solar energy cap located at the Madison County Landfill.

The purpose of the proposed Project is to provide an economically stimulating, environmentally sound, and shovel ready development area that would be beneficial to the surrounding community and that would provide an opportunity for future industrial and commercial facilities to utilize green initiatives in their business plans.

Economic development is key to the future of Madison County. Between 2000 and 2009, Madison County suffered the loss of many manufacturing jobs that once formed the backbone of the regional economy. Many displaced workers have found it necessary to accept lower-wage jobs to stay in the area, or have had to leave the area to find better opportunities. The need for jobs is critical for the county and the region to retain its workforce, and provide employment opportunities for young people entering the workforce.

The Madison County Agriculture and Farmland Protection Plan (2005) identified marketing the County's agricultural products and services as a primary priority. Creation of market opportunities and encouragement of value-added enterprises were cited as the means to achieve this priority.

Madison County has taken the pro-active step of facilitating the development of a Landfill Gas to Energy Plant at the Madison County Landfill site on Buyea Road which can serve the Project .

The Project site is not currently served by either public water or municipal sewer. Extension of public water and sanitary sewer service or the development of a groundwater source of potable water and an on-site wastewater treatment facility will be required for development of the Project. Two alternatives are currently being evaluated to provide water service to the Project. These include (1) the extension of public water from the Onondaga County Water Authority (OCWA) Water Storage Tank south of the Village of Canastota and (2) the potential development of one or more groundwater wells located along Tuttle Road approximately one mile southwest of the Project site. The preferred alternative for the provision of sanitary sewer service involves the construction of a pump station along Buyea Road and construction of a 6 inch force main from the project site to an existing connection point along Genesee Street in the City of Oneida.

The Project will likely be developed in phases, with the timing for its development depending on tenants' specific location preferences and facility needs. Prior to the construction of buildings and appurtenant facilities required for tenants, the County will remove suitable borrow materials for use at the landfill. The Project is specifically intended to be developed as a community of industries and businesses, which may be symbiotically related, that will maximize the use of green energy sources such as LFGTE, solar power and wind power, for the benefit of participating businesses.

The Madison County Industrial Development Agency and the Madison County Agricultural Economic Development organization have identified several target industries and businesses that would be compatible with the setting of the Project and the needs identified in the Agriculture and Farmland Protection Plan and other studies. These industries/businesses include: meat processing; food processing; warehouse storage; greenhouses; aquaculture; general manufacturing; general offices; biomass power production; vertical wind power turbine(s); and outdoor storage.

The site design for the Project will be compatible with the standards and criteria contained in the Town of Lincoln Land Management Law enacted in 2011. Some rezoning may potentially be required to accommodate full industrial use of the Project.

Agency

Jurisdiction: The designation of approximately 305 acres of land for development of the Project, including but not limited to, approval of the transfer of the land to the Madison County Capital Resource Corporation.

Contact: Kipp W. Hicks, Executive Director
Madison County Industrial Development Agency
Telephone Number: (315) 697-9817 (voice)
[Email: director@madisoncountynyida.com](mailto:director@madisoncountynyida.com)

Date FGEIS Filed: June 11, 2013

PROCEDURAL SUMMARY

On January 4, 2011, the County caused a letter and Part 1 of the Environmental Assessment Form ("EAF") to be sent to other potentially "involved agencies" and "interested agencies" (as these quoted terms are defined in the State Environmental Quality Review Act [SEQRA] Regulations found at 6 NYCRR Part 617), indicating the County's desire to serve as "lead agency" (as this quoted term is defined in the SEQRA Regulations) through the SEQRA coordinated review process for the Project. Each of the involved agencies agreed to or raised no objections to the County serving as lead agency for the Project.

On February 10, 2011, the County determined that the Project is a Type I action under SEQRA . After reviewing the EAF and the criteria for determining significance set forth in the SEQRA regulations, the County found that the Project may have a significant impact on the environment requiring the preparation of a Generic Environmental Impact Statement ("GEIS") to fully evaluate potential effects on the environment pursuant to the SEQRA Regulations. The County directed that the public be provided an opportunity to comment on a Draft Scope of the GEIS, establishing a public comment period through the close of business on March 25, 2011, with a public meeting to be held on March 7, 2011 at 7PM, to receive public comments on the Draft Scope. The County accepted public comments on the Draft Scope through the close of the comment period and adopted a Final Scope for the GEIS by resolution dated April 12, 2011.

The County, with the support of its consultants, Barton & Loguidice, P.C., prepared a Draft GEIS ("DGEIS") for the Project which, by resolution dated January 23, 2012, the County determined met the requirements of 6 NYCRR §617.9(a)(2) and was adequate for public review. The County scheduled a public hearing on the DGEIS to be held on February 6, 2012 at 7PM, and established a public comment period for receipt of public comments through the close of

business on March 14, 2012. Upon acceptance of the DGEIS, copies of that document (along with a copy of the public notice) were distributed to all interested and involved agencies and made available to the public at the Madison County Planning Department located on the second floor of the Madison County Office Building at 138 North Court Street, Wampsville, New York 13163 and at the Madison County Landfill Offices on Buyea Road, Wampsville, New York 13163. The entire DGEIS was posted to the Project website (<http://www.madisoncounty.ny.gov/planning/are-business-park>) to facilitate public review and comment on the document. The County accepted comments on the DGEIS through the close of the public comment period, with the only comments received being prepared and submitted by the Oneida Indian Nation (the "Nation") on March 13, 2012.

The County carefully evaluated the comments submitted by the Nation in response to the Draft GEIS, including requesting that the County's consulting archaeologist, Alliance Archaeological Services, review and provide responses to the Nation's comments. A proposed FGEIS and response to the Nation's comments were prepared by the County, with the support of its consultants, Barton & Loguidice, P.C., and submitted to the Madison County Board of Supervisors for review on June 3, 2013. The FGEIS was accepted as complete by the Board of Supervisors on June 11, 2013, and thereafter noticed, filed, and distributed as required under 6 NYCRR section 617.12.

FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT DECISION

The GEIS Documents fully describe the Project, its environmental setting, and its potential environmental impacts. The GEIS Documents also demonstrate the need for the Project and the social and economic benefits that it will provide, which benefits include, among others:

improved employment opportunities for County residents; improved business opportunities for entrepreneurs to develop green businesses; and tax revenues from the addition of more businesses and employee wages. The benefits to the County outweigh the identified environmental impacts associated with the Project, all of which have been minimized to the maximum extent practicable. The GEIS Documents contain details concerning the benefits that will be provided through the construction and the operation of the Project.

The GEIS Documents identify both significant and minor adverse environmental impacts resulting from the Project. They also comprehensively discuss alternatives to the Project and measures that could avoid, minimize, or mitigate all identified significant adverse environmental impacts. The Board of Supervisors has identified measures that will ensure that all environmental impacts of the Project are minimized to the maximum extent practicable. The measures are detailed in this Findings Statement, consistent with the requirements of Part 617.11.

The Board of Supervisors recognizes that the Nation has some conflicting opinions regarding the Project and has given careful consideration and spent many hours reviewing the Nation's comments and concerns. The Board of Supervisors has done so with an open mind and consistent with its obligations to assure compliance with all applicable laws and regulations and to protect the interests of all residents of the County and its broader responsibility as SEQRA lead agency.

The potential environmental impacts reviewed in the SEQR process are summarized by topic below. Each section presents a summary of potential significant environmental impacts, the required mitigation, and the Board of Supervisor's related findings.

1. Geology and Soils

Information regarding topography, geology, and soils was obtained from onsite observations, hydrogeologic investigations by Barton and Loguidice, and existing published sources, including the Madison County Soil Survey, U.S. Geological Survey (USGS) topographic mapping, New York State surficial geology mapping, and statewide bedrock geology mapping.

General impacts to the Project site will include soil mining impacts, development impacts and water and sewer main impacts. It is not anticipated that development of the Project will have any adverse impacts on bedrock. Utilities will be bored through bedrock under area stream channels to avoid impacts to

Limestone Creek, Cowaselon Creek and Clockville Creek. Utilities will be installed using the most recently approved version of "Ten State Standards for Water and Wastewater Systems."

Site 1A

This portion of the Project site has a developable area footprint of approximately 47 acres. This acreage excludes a wetland and a drainage swale. It is anticipated that all of the developable area will be affected by site grading related to reclamation and construction of interior roads and utilities.

Site 1B

This portion of the Project site has a developable footprint of approximately 15 acres. To

recommended that a buffer zone be maintained along the east side of Site 1B. The width of this buffer zone will be determined at the time of site construction.

Following the completion of mining operations, this portion of the Project site will be reclaimed for open space use prior to Project development. Stockpiled topsoil will be re - distributed over the graded area, and the elevation at the exterior of the mine footprint will match the existing external ground contour. A maximum internal slope within the mined area will probably be 15% or less to comply with Town of Lincoln site development limitations.

Site 2

As with the previous two sites, topsoil will be removed and stockpiled in stages for use in site reclamation from this portion of the Project site. It is assumed that approximately 152 acres of the site could potentially be developed as part of the Project (excluding the portion that has been identified as being sensitive for cultural resources).

The soil mining activities will impact the Project site through the excavation of approximately ten feet of soil material from the 110 acres of agricultural land on the east side of Buyea Road with final grades of 15% or less within the excavation footprint. It is anticipated that site reclamation will proceed concurrently with soil mining operations. Once an area is mined out, that area will be re-graded, topsoiled, and seeded with forbs to reduce soil erosion.

No areas of steep slope, wooded areas, wetlands, stream channel or areas that are sensitive for cultural resources would be affected by the proposed soil mining operation or construction of the ARE Park.

Stormwater management facilities, such as detention/retention ponds, sediment basins and infiltration practices, will be developed in phases as mining proceeds with location to be determined by low points in the topography and by mining areas. Where feasible, stormwater management facilities will become a permanent part of the Project. Additional temporary erosion controls measures (temporary stormwater swales/diversions, silt fence, check dams, sediment traps, etc.) will be utilized throughout the course of construction.

The main development impacts involve the creation of impervious surfaces. It is anticipated that internal access roads and storm water management facilities will be constructed prior to any structural development of the sites. Development of the sites is likely to occur in phases, with sites closest to the road being developed first.

Although water and sewer mains will be installed using standard methods accepted by the New York State Department of Health and the NYS Department of Environmental Conservation, impacts will result in the form of ground disturbance from excavation. In areas where mains will be directionally bored, no ground surface restoration will be necessary except at entrance and exit points.

Mitigation measures for the Project include the use of silt fences, temporary siltation basins, check dams, infiltration galleries, vegetated swales, and rapid re-vegetation of exposed soil areas and topsoil stockpiles. Vegetated buffer strips will also be planted

around the perimeter of disturbed areas to provide additional filtration prior to discharge into area streams.

Mitigation measures associated with the installation of water and sewer mains include the use of directional boring to avoid impacts to stream channels. Areas affected by the water main and sewer main installation will be restored to match existing grade and seeded with an appropriate native seed mix to match existing vegetation.

Impacts of the Project on soils, geology, and topography, as mitigated in accordance with the measures set forth more fully above, will not be significant. The Board of Supervisors finds that those mitigation measures are practicable, and will avoid, mitigate, and minimize impacts to soils, geology, and topography to the maximum extent practicable.

2 **Water Resources**

Due to the fact that development plans for the Project site avoid the wetlands and surface water resources, impacts to water resources are anticipated to be minor. Although installation of water and sanitary sewer utilities will cross various surface waters, it is not anticipated that these utility installations will have impacts on the bed or banks of these stream channels because the utilities will be directionally bored through bedrock beneath the bottom of the creek channels.

Soil erosion and sedimentation could occur as a result of earth moving activities associated with the development of the project if erosion and sediment controls are not properly installed or maintained. Erosion and sediment controls associated with the operation of the soil borrow areas will be maintained during the operational period. It is

anticipated that these erosion and sediment controls will also initially be utilized for the preliminary development of the Project.

The development of the Project could result in higher volumes of stormwater discharge, including higher peak runoff rates. These increased stormwater rates and volumes could lead to downstream flooding and erosion of receiving waterways. It is also possible that without appropriate erosion and sediment

controls on site, stormwater discharges could carry an increased load of suspended solids and the resulting impacts related thereto.

It is also possible that without mitigation measures runoff from paved surfaces and building roofs could create high temperature thermal “slugs” that could raise the ambient temperature of the water in Limestone Creek during the summer, decreasing the dissolved oxygen and adversely affect populations of trout that may inhabit this reach of Limestone Creek.

Within Sites 1A and 1B, the perched groundwater table will be affected by soil mining activities. Depending upon the season, perched groundwater may flow into depressions created by mining operations to form temporary ponds.

All of these potential impacts can be mitigated through the implementation of standard stormwater management techniques and other methods. NYSDEC’s SPDES General Permit for Stormwater Discharges from Construction Activity requires no net increase in peak flow discharge rates to receiving waters. This is typically accomplished by construction of extended detention/retention ponds, wetlands, infiltration practices or dry basins. These practices would protect downstream structures and receiving waters from increased flooding and erosion risks. Infiltration practices, utilized in areas with

hydrologic soil group B soils, would provide a further reduction in the volume of stormwater discharged from the Project site. Additional practices would be required to treat the NYSDEC’s water quality and runoff reduction volumes in accordance with the SPDES permit requirements.

In addition to compliance with the general permit requirements, a Stormwater Pollution Prevention Plan (SWPPP) will also be required. The permanent stormwater practices would be required to provide at least an 80% total suspended solids and 40% total phosphorus reduction in accordance with SPDES Permit requirements. Thermal impacts could be off-set by utilizing infiltration practices where practical and by maximizing detention holding times to twelve hours. Pond designs would be limited to micropool extended detention facilities to prevent thermal impacts.

Site planning practices and green infrastructure techniques can also be applied to minimize the impacts associated with new development. These practices include preservation of natural buffers, reducing clearing and grading limits, open space design, soil restoration and reducing impervious cover.

Mitigation measures for the prevention of water quality degradation may include but are not limited to: temporary practices utilized during construction (including but not limited to: silt fences; vegetated swales; and check dams); stormwater management practices (including but not limited to: stormwater management ponds with twelve hour detention times to avoid thermal impacts ; infiltration practices; stormwater wetlands ; and water quality swales); and alternatives measures (including but not limited to: vegetated riparian buffers along the edge of wooded areas; preservation of steep slopes, wetlands,

and other sensitive environmental features; rain gardens to filter runoff from roof areas; green roofs; and porous pavements for parking areas and internal roadways).

Further site-specific plans will be required for specific developments within the Projects.

Impacts of the Project on water resources, as mitigated in accordance with the measures set forth more fully above and as identified in the GEIS Documents, will not be significant. The Board of Supervisors finds that those measures are practicable, and will avoid, mitigate, and minimize impacts to water resources to the maximum extent practicable.

3 **Ecology**

The predominant cover types within the Project areas consist of agricultural fields, meadow-brushland, and previously disturbed/unvegetated soil areas. The only anticipated impact from the Project relates to a reduction in the amount of land surface allotted to agricultural use as soil from portions of Project sites are mined for use as daily cover.

There are few anticipated impacts to any threatened or endangered species as a result of the Project. The U.S. Fish and Wildlife Service identified American hart's tongue fern (*Asplenium scolopendrium* var. *americanum*) and Chittenango amber ovate snail (*Succinea chittenangoensis*) as Federally listed Threatened species in Madison County. The Indiana Bat (*Myotis sodalis*) is a Federally listed Endangered species that is present in Madison County as a summer resident.

Although the wooded slopes and limestone/dolostone outcrops of Limestone Creek and Cowaselon Creek located on the Project site may provide habitat for American hart's tongue fern, these areas will not be disturbed by the proposed construction of the ARE Park, and thus there are no anticipated impacts. The Town of Lincoln also requires a permit for construction on slopes greater than 15%. Most of the known habitat for American hart's tongue fern occurs in steeply sloping environments. Based on the known habitat preferences of this plant and a detailed site walkover of the potential habitat area, the proposed development will not adversely affect this species. This habitat will also not be disturbed by the construction of water and sewer mains because these utilities will be directionally bored through bedrock in the locations where this species is likely to be found.

The Chittenango amber ovate snail exists in only one location near Chittenango Falls, Madison County, New York. The species requires a substrate rich in calcium carbonate and appears to prefer green vegetation such as the various mosses, liverworts, and other low herbaceous vegetation found within the spray zone adjacent to the falls. Although the project site includes two streams with dolomitic carbonate type bedrock, neither stream includes a waterfall spray zone within the project footprint, which appears to be a habitat requirement. Based upon a review of the habitat preferences of the Chittenango Amber Ovate Snail, and a site walkover of the Project area, neither the Project nor the water and sewer mains will adversely affect the Chittenango Amber Ovate Snail.

Based upon reported habitat preferences and the location of the proposed Project footprint within existing agricultural fields or soil borrow areas (not within existing wooded areas or wetlands), it is unlikely that the summer roosting habitat of Indiana bats

would be affected by the development as no potential roost trees are located within the proposed development footprint. In addition, utility construction will be largely within existing, cleared road right of way. This type of habitat is not utilized by Indiana bats because it does not contain trees needed for summer roosting.

The only area of potential impact to Indiana bat habitat is the utility crossing proposed for Limestone Creek. This area is wooded with silver and red maple, willow and other wetland/flood plain species. The utility crossings will likely be directionally bored under the creek channel to avoid adverse impacts to the creek and wetlands associated with the channel. Based upon this assessment, it is unlikely that Indiana bat habitat will be adversely affected by construction of Project utilities.

Consultation with the New York Natural Heritage Program and the Region 7 office of the New York State Department of Environmental Conservation indicated that one State listed endangered species, the bent sedge (*Carex styloflexa*), was reported near the hamlet of Clockville in 1935. Based upon a review of the habitat requirements of this species, and a site walkover of the proposed Project area, it is unlikely that bent sedge will be directly or indirectly affected. Areas proposed for disturbance in this Project have been previously cleared of vegetation, and are presently used as either soil borrow areas or agricultural fields. Although the habitat preferred by this species may be found within the Project site, it is not within the Project development footprint. No disturbance of any exposed limestone ledge areas or forested riparian corridors is proposed as part of this development. Therefore, no taking of the plant species will occur as a result of this Project.

Mitigation measures include the use of directional boring methods for the installation of water and sanitary sewer mains to avoid adverse impacts to potential endangered species habitat along Limestone Creek.

The Board of Supervisors finds that the mitigation measures listed above will avoid, mitigate, or minimize impacts to ecological resources to the maximum extent practicable.

4 **Air Quality**

The Project site is located in an attainment area for criteria air pollutants. Level 1 Ambient Air Quality Standards apply to this site per NYSDEC regulation 6 NYCRR Part 284.3. Level 1 air quality standards apply to areas dominated by timber, agricultural crops, dairy farming, or recreation, and residences and sparsely scattered industries.

Permitted air emission sources located adjacent to the Project site include the Madison County Landfill, (a Title V Air Facility), and the Waste Management Renewable Energy Facility (a State Air Facility). Based upon a review of potential business park occupants and uses, it is likely that emissions resulting from the operation of the Project could include combustion emissions from facility heating systems and minor, industrial, process-specific emissions associated with each agricultural or food industry.

NYSDEC requires that sources operating in New York State obtain air permits prior to constructing and operating the source of air emissions, unless the activity or air source is specifically exempt from regulation. Based on potential project industries reviewed, emissions are anticipated to be less than major source thresholds. All non-exempt air emission sources are regulated under one of the following permitting structures:

- Title V Facility Permit
- State Facility Permit
- Air Facility Registration

For any new industry there will also be minor particulate emissions from mobile sources (employee cars, truck traffic, site vehicles), which are not subject to NYSDEC permitting, as well as minor particulate emissions from industrial process operations. Minor emissions of volatile organic compounds (VOCs) from the contemplated agricultural and food production processes could also occur.

It is anticipated that industrial process particulate emissions will be mitigated through operational practice, equipment installations and designed air pollution control strategies as required to prevent significant air quality impacts.

Greenhouse Gas (GHG) emissions associated with the contemplated industries for this Project will consist predominately of carbon dioxide (CO₂) emissions from the combustion of fossil fuels from stationary sources such as heating systems and emergency generators. Minor emissions of refrigerant utilized in cold storage facilities and office air conditioning and refrigeration units may also emit very small amounts of hydrofluorocarbons (“HFCs”) and chlorofluorocarbons (“CFCs”). The efficiency and proper maintenance of such units will be evaluated to ensure that they are operating to minimize GHG emissions. Emissions of GHGs alone are not anticipated to require permitting.

Looking at the Project as a whole, there may be an increase in GHG emissions from the increase in the number of vehicles traveling to and from the site. Because the relative

number of vehicles expected for the proposed Project site is relatively small (on the order of hundreds) and emissions from mobile sources are not subject to GHG permitting, the resulting GHG emissions from commuter vehicles and industrial trucks are expected to be minimal with no significant environmental impact. A reduction in greenhouse gases will be achieved by the elimination of trucking leachate from the Madison County Landfill to the wastewater treatment plant in the City of Oneida through installation of a new sewer line allowing for direct discharge of leachate.

Temporary air quality impacts may occur during the construction phases of the Project. The impacts will primarily be the result of particulate matter (PM) emissions and dust generation from construction equipment and vehicles. These activities will be limited in duration, and will be controlled with engineering controls as necessary such as wetting of surfaces and construction roads with water trucks to minimize dust.

Mitigation measures for air pollutant emissions will be industry- and process-specific. It is anticipated that best available or maximum achievable control technologies will be required as part of the individual site review process.

The Board of Supervisors finds that the mitigation measures listed above will avoid, mitigate, or minimize impacts to air quality to the maximum extent practicable.

5 Visual Resources

The visual impacts of the Project were examined through the use of a Visual Impact Analysis (VIA) consistent with methodologies developed by the NYSDEC and the U.S. Department of Transportation (USDOT). Viewshed mapping was completed using United States Geological Survey (USGS) 10-meter digital elevation model (DEM) data

with ESRI's ArcInfo 10.0 desktop Geographic Information System (GIS) software in conjunction with ESRI's Spatial Analyst extension. Two viewshed analyses were completed for the Project area using these techniques, one using topography only and the second accounting for vegetation. For both analyses, a maximum building height of 50 feet was assumed throughout each of the sites. The Board of Supervisors finds that the VIA use for the Project is a thorough, accurate and objective way to analyze the visual impacts of the Project.

The existing landscape of the project site is predominantly rural. Aesthetic resources within a 5 mile radius of the project site include: Lenox No. 4 School House (96NR00926) in the hamlet of Clockville (1.5 miles distant), and DeFerriere House (06NR05598), City of Oneida (3.0 miles distant).

The VIA indicates that the Project will be visible to approximately 5% more of the 5 mile radius view shed area than under current conditions, not taking into account the screening effects of vegetation, which is not considered to be significant. The Lenox No. 4 School House property may have a partial view of the Project; however, a diminution of the public use or appreciation of the School House will not result because it is over a mile distant from the proposed Project. The DeFerriere House will not have a view of the Project and, therefore, will not experience a visual impact.

Properties adjacent to proposed utility corridors will not be adversely affected visually due to the installation of underground utilities. Some ground surface disruption will occur during project construction, but these impacts will be temporary and will not be significant. The existing ground surface condition will be restored once construction is completed.

Placement of visual screens and maintenance of existing vegetative features such as hedgerows and forested areas will naturally reduce the visibility of the proposed ARE Park buildings. The viewshed analysis that incorporated the presence of vegetation screening showed that the visibility of the ARE Park would be reduced from 5% (with no vegetation) to 3% more than the undeveloped condition.

Visual impact mitigation strategies may include:

- a) Screening (berms, vegetation)
- b) Relocation (placement of buildings on site to minimize external visibility)
- c) Camouflage/Disguise (use of natural materials to reduce visual impacts)
- d) Low Profile Buildings (single story or partially earth covered)
- e) Use of non-reflective surfaces in building materials to prevent excess glare from windows, solar or thermal surfaces, etc.
- f) Use of down-lighting, and other methods to prevent off-site spillover of lighting from parking lots and buildings at night.

The VIA demonstrates that the Project will not have a significant impact on visual resources, and that in any event, mitigation measures can be employed to minimize any impacts that may result in the future to the maximum extent practicable. The Board of Supervisor's determination also takes into consideration the social and economic benefits of the project to the County and its residents. In reaching

this conclusion, the Board of Supervisors finds that the VIA is a rigorous, reasonable and effective way to reach

objective conclusions about potential impacts that many observers may react to in a subjective manner.

6 Noise Impacts

A Noise Assessment for the Project was conducted using the New York State Department of Environmental Conservation “Assessing and Mitigating Noise Impacts” policy document (NYSDEC, 2001). The noise impact assessment included (1) determination of existing “background” noise levels at locations surrounding the Project site; and (2) the assessment of potential noise impacts from the development of the Project. Under existing conditions, background noise levels around the Project site are predominately influenced by noise generated from traffic on surrounding roadways and minor contributions from the Madison County Landfill. Background data were collected during landfill operating hours as well as non-operating hours to separate the level of background noise generated by landfill activities from normal, non-operational background noise levels. The data illustrate that the landfill activities had little effect on the background sound levels, which are largely attributed to traffic noise. Existing noise levels when the landfill is not in operation at the three receptor points evaluated ranged between 52.9 dBA and 62.1 dBA. When the landfill is in operation the noise levels similarly ranged between 49.8 dBA and 63.8 dBA.

Additional operations at the Project site will increase the ambient noise levels surrounding the site. Three categories of potential noise sources associated with the Project:

- ¥ Fixed equipment operations
- ¥ Mobile equipment or process operations
- ¥ Transport movements of products, raw materials or waste

The major noise sources from the Project are expected to be fixed noise sources such as heating, ventilating and air conditioning equipment (fans, motors, blowers, exhaust vents), and traffic noise associated with vehicles traveling in and out of the site, and loading/unloading operations from mobile sources. Noise generated within the buildings by process operations and associated equipment will be attenuated by the building structure to a level that it will not contribute to an increase in exterior noise levels at surrounding properties. Mobile equipment and transport related noise will be limited in duration and is not likely to generate a significant increase in ambient noise levels.

The NYSDEC *Assessing and Mitigating Noise Impacts* policy document states that an increase of 6 decibels (dBA) from ambient levels may be significant, and requires further evaluation. The procedure for predicting future noise levels using existing, ambient noise levels and predicted noise levels from proposed development is outlined in the policy document.

Based upon predicted noise levels, the only significant noise impacts would be experienced with a sound level of 66 dBA along Buyea Road and a sound level of 58 dBA on Tuttle Road.

Noise generated from construction activities for the proposed Project will be unavoidable, but limited in duration. Noise sources associated with construction will primarily consist of construction equipment and vehicles, and noise from site work and construction of

access roads, utilities, parking lots, and buildings. These impacts are considered acceptable by the Board of Supervisors.

Should noise levels from Project operations exceed acceptable predicted noise impact thresholds, based on analysis of actual noise sources to be installed, noise mitigation measures will likely be required. Potential noise mitigation measures (for operations and construction) include:

- Use of sound barriers
- Use of mufflers
- Use of building enclosures
- Limiting construction to daylight hours
- Use of mufflers for heavy equipment

The Board of Supervisors finds that the Project will avoid or minimize sound impacts to adjacent and nearby receptors through the implementation of mitigation measures as projects are constructed on the site .

7. Traffic Impacts

The Project site will be accessed through driveway entrances on Buyea Road (County Route 54) and Tuttle Road. Buyea Road (County Route 54) is owned and maintained by Madison County and is classified as a Minor Collector Road. Buyea Road has a north/south orientation through the ARE Park site, and includes a tangent and horizontal curve at the north end of the site. Land uses along Buyea Road in the vicinity of the Project include the Madison County Landfill, scattered residential development and agriculture. The existing roadway consists of one, eleven foot wide travel lane in each

direction with 2 foot paved shoulders. Terrain on Buyea Road is rolling, with limited sight distances, and includes a no-passing zone in the vicinity of the Project. The pavement on Buyea Road is in good condition.

Tuttle Road is owned and maintained by the Town of Lincoln and is classified as a Local Rural Road. The section of Tuttle Road adjacent to the Project site has a north-south orientation and consists of a horizontal tangent. Land use along Tuttle Road near the Project is predominantly agricultural, except for the Town of Lincoln Highway Garage. The Town of Lincoln highway garage is located immediately south of the proposed entrance point for the Project, approximately 660 feet south of the intersection of Timmerman Road.

Existing traffic data, including vehicle count, vehicle classification, and speed data, were collected on Buyea Road and Tuttle Road with traffic tubes in 2011. Traffic on Buyea Road (County Route 54) consists of

local traffic, commercial trucks, and agricultural vehicles. Future traffic volumes were estimated based on an analysis of the existing population growth trends for the Town of Lincoln and Madison County. These volumes represent future background traffic that would exist without construction of the Project. Based on historical population growth in this area, a traffic growth rate of 0.5% per year was applied to the 2011 existing traffic volumes to determine background growth.

The number of trips generated by the Project was estimated using the methodology of the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th edition. The study used land use code 130 (Industrial Park) to estimate the number of trips generated by the Project. The number of employees expected to travel to and from the Project is

based upon buildout assumptions that account for 582 employees. This number was used as the independent variable to estimate the number of trip ends during the AM and PM peak hours of traffic. The number of trips generated by the full build out of the Project is summarized in the following Table:

Trips Generated by ARE Park Businesses at Build Out (2031)			
	Entering	Exiting	Total
AM Peak Hour	248	40	288
PM Peak Hour	57	228	285

A Level of Service (LOS) analysis was completed for future no-build conditions and a future build out condition based on trip generation estimates. Level of service is a qualitative measure describing operational conditions within a traffic stream. It is based on service measures such as speed, travel time, freedom to maneuver, traffic interruptions, comfort and convenience. Letters designate each level of service, with LOS “A” representing the best operating conditions and LOS “F” the worst. Each level of service represents a range of operating conditions and a driver’s perception of those conditions. The level of service evaluation was performed using Highway Capacity Software (HCS+, version 5.3) which automates the procedures contained in the 2000 Highway Capacity Manual.”

Tuttle Road currently has a Level of Service designation of “A,” and is expected to remain an “A” under both future “no build” and “build” scenarios, indicating that there will be no impact from the Project. Buyea Road currently has a Level of Service designation of “B,” and would be expected to remain at a “B” under the “no build”

scenario. Under the “build” scenario, Buyea Road is expected to have a Level of Service designation of “C.”

Although Buyea Road could incur a small reduction in its Level of Service designation, this is not considered a significant environmental impact as the New York State Department of Transportation does not require mitigation unless the Level of Service falls to a D according to the NYSDOT Highway Design Manual Chapter 5 Basic Design, Section 5.2.2 –Level of Service and Capacity Analysis.

The Board of Supervisors finds that, based upon the traffic analysis undertaken, the Project will not create significant adverse traffic impacts.

8 Land Use and Community Character

The Board of Supervisors finds that the descriptions of the applicable land use and community character in the Project area in the GEIS Documents are comprehensive. Based upon those descriptions, the Board also accepts and agrees with the impact analyses presented in the GEIS Documents.

Based upon the GEIS Documents, the Board of Supervisors finds that the Project will be compatible with the agricultural land use that dominates the Project area and the Madison County Landfill which is immediately adjacent. However, there will be impacts related to the reduction in agricultural land and installation of sewer and water facilities.

A total of 197.48 acres of land were removed from the Madison County Agricultural

from the Agricultural District have remained in agricultural use, as the County has **been leasing them to local farmers. With the construction of the Project, this** land will cease being utilized for agricultural production. This total reduction represents approximately 0.5 percent of the total acreage contained in Agricultural District No. 2. The Board of Supervisors finds this impact acceptable.

The County IDA filed a Notice of Intent to fund the construction of the water and sewer mains through the existing Agricultural District with the New York State Department of Agriculture and Markets and certified that the requirements of §305(4)(g) had been met. The Department of Agriculture and Markets concurred with that determination in May, 2011. No other impacts to agricultural land are anticipated from the construction of the Project.

The sanitary sewer force main is expected to take wastewater from the Project and leachate from the landfill to the City of Oneidas Wastewater Treatment System. No residential hook-ups are proposed for the force main. It is intended that the force main be used exclusively to carry wastewater from the Project and to transport leachate from the landfill site. Because no additional demand is anticipated from the construction of the force main, no impact on the surrounding community character or land use will result. Wastewater pretreatment will be required as a mitigation measure for industries in the Project that generate effluent with a waste strength in excess of the City of Oneida WWTP pretreatment permit requirements. Industrial process wastes will be treated to match the characteristics of typical domestic sanitary waste for biological oxygen demand, pH, and suspended solids. Additional mitigation measures may include, but not be limited to: Re-use of industrial process water by other compatible industries (e.g., potential re-use of aquaculture wastewater by greenhouse operations, provided that waste strength and nutrient characteristics are compatible with greenhouse crops).

- Reduction of industrial process water volumes through the use of low-volume equipment
- Minimization of processes that require the use of water

- Use of low-volume toilets and flow restrictors on sinks and showers. The construction of the preferred alternative for the water main will be capable of providing water service to 50 -60 residences located along the alignment, and thus will have a positive impact on the surrounding community. Within the Project, water usage and disposal of domestic and process waste water are inexorably linked due to the capacity limits of the sewer line. Water usage within the Project will therefore be limited to about 180,000 gallons per day. Mitigation measures to reduce demand include:

- Use of automatic shut off valves on restroom faucets
- Incentivized rates for water conservation
- Use of green/sustainable design principles for equipment and processes
- Use of master meters and individual building/use meters to identify sources of water leakage

- Use of native plants and low impact development measures in landscaping on site to reduce or avoid the need for landscape watering.

The Board of Supervisors finds that the proposed mitigation measures avoid, minimize, and mitigate any potential impacts to land use and community character in the areas surrounding the Project.

Historic and Archeological Resources

Phase I Cultural Resource Investigations were conducted on Sites 1A, 1B and 2 by Alliance Archaeological Services in several stages in compliance with applicable professional and regulatory standards. A Phase I Cultural Resource Investigation of the preferred alignments of the water and sewer mains for the Project was conducted by Archaeological Services of the Rochester Museum and Science Center also in compliance with applicable professional and regulatory standards. Those assessments have been reviewed by the State Historic Preservation Office within the Office of Parks, Recreation and Historic Preservation (OPRHP).

The possible impact of the Project on historic and cultural resources was extensively addressed in the GEIS Documents and received specific public comments. Because of the focus on the issue in the public comments, the Board of Supervisors has paid special attention to the issue in its evaluation of the GEIS Documents and potential impacts.

Current Conditions

The Phase IA background and literature reviews conducted for the Project site indicated

contact archaeological resources and/or additional data related to two pre-recorded Late Woodland archaeological sites. A project review for Sites 1A and 1B in early 2010 indicated that at least four additional Late Woodland sites have been recorded within one mile, one of which is located beneath the closed landfill grounds east of Buyea Road. All three sites have a long history of human occupation and agricultural use.

Sites 1A and 1B

Surface inspection and supplemental shovel testing of these two sites was undertaken in 2004 and 2005. Three concentration areas of Historic Euro-American artifacts were reported by the Alliance Archaeological Services Phase I investigation.

Concentration Area 1

The report concluded that although the artifacts recovered from Concentration Area 1 are most likely related to the former William Tuttle north homestead, the potential for this specific site to provide additional information that is significant and unique to the understanding of this occupation is considered to be extremely low. The report also concluded that Concentration Area 1 does not appear to be eligible for nomination to the National Register of Historic Places and no further archaeological investigations were recommended.

Concentration Area 2

Concentration Area 2 is located south of the existing homestead along the homestead are located outside of the Project area of potential effect ("APE"). A total of 20 artifacts were recovered from this site. This collection is consistent with a low density of tableware materials that were discarded by the residents of the adjacent homestead into the field where they were fragmented and spread about by agricultural activities. The report concluded that the materials recovered were mostly likely related to the historic occupation of the William Tuttle north homestead, and that the potential for this site to yield additional information that is significant and unique to the understanding of this occupation is considered to be extremely low. The report concluded that this area does not meet the criteria for nomination to the National Register of Historic Places, and does not recommend further investigation of this area of concentration.

Concentration Area 3

Concentration Area 3 is located in the south central portion of Site 1B. A total of 21 artifacts were recovered from this site. The mean ceramic date of the artifacts was 1861, suggesting that the site was associated with the B. Buyea occupation of the homestead to the south, as documented on historic maps from 1853, 1859, and 1875. The report concludes that the potential for this specific site to provide additional information significant and unique to the understanding of this occupation is considered to be extremely low. The site does not appear to be eligible for nomination to the National Register of Historic Places and no further archaeological investigation is recommended. Based upon a review of the limits of potential excavation, it appears that all three areas of concentration will be affected by the approved soil borrow areas. While these areas will be affected by the development of

the soil borrow area, they do not represent significant or unique resources and the Board of Supervisors finds these impacts to not be significant.

Site 2

A detailed investigation of a 130 acre APE was conducted in 2010 by Alliance Archaeological Services. This area is bounded by Buyea Road on the west, a line of shrubs and trees on the east, a large agricultural field and property line on the north and the closed portion of the Madison County Landfill on the south. Nearly all of this land is in active agricultural use. An archaeological investigation was also conducted of this area in 2004. The 2004 study revealed the presence of numerous glass shards, ceramics, milk glass, a metal button, and other artifacts dating from the 1800's and 1900's. The 2010 study revealed the presence of 35 artifacts dating from the 1800's and 1900's, similar to those found in the 2004 study. All of these materials are consistent with an occupation of the site from the mid-19th century onward.

All of the cultural materials associated with this 130 acre APE were recovered from a plow zone which had formed within moderately to severely eroded soils, and no indications of subplowzone cultural materials or features were identified. The study concluded that all cultural materials were most likely recovered from their current locations as a result of natural processes such as erosion. The report states: "[g]iven the shallow nature of the identified Ap horizon..., the integrity of this site appears to have

been compromised beyond the limits acceptable for a National Register nomination." Further, "[t]he low density and diversity of the recovered cultural materials verses [sic] the high ground surface visibility also suggests that additional archaeological investigations are unlikely to produce either a variant artifact pattern/assemblage or a significant change in the suggested dates of occupation." No further archaeological investigations were recommended for the 130 acre APE in Site 2.

In 2011, a Phase 1A and 1B investigation of lands located along Cowaselon Creek and within its flood plain east of the wooded area was completed. One pre-contact and three historic archaeological sites were identified within the floodplain area east of the wooded steep slope. All four of these sites were determined to be potentially eligible for nomination to the National Register of Historic Places under Criterion D. Sites or properties that are National Register eligible under Criterion D are sites that "have yielded, or may be likely to yield, information important in prehistory or history." National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation: p. 21. In addition, this active agricultural area was mapped within a moderately well drained alluvial soil with the potential to contain buried topsoil horizons. It was concluded that this floodplain area has the potential to contain deeply buried archaeological deposits.

Given the presence of four potentially National Register Eligible archaeological sites and the potential for deeply buried archaeological deposits within the moderately well drained alluvial floodplain of Site 2, further archaeological investigations of this area have been recommended. However, this area is outside of the Project development footprint; therefore no earth-moving or ground disturbing activities are proposed for this area. As a

result, the significant information within these and/or any more deeply buried archaeological sites will be preserved for the future and all impacts will be avoided. If additional investigations are necessary, they will be designed in consultation with the OPRHP and the Nation. Further these areas

will be protected and preserved by means of a permanent Conservation Easement in accordance with the provisions of Article 49 of the New York Environmental Conservation Law.

The County has prepared a draft Conservation Easement which details the protection provided. A copy of the draft Conservation Easement has been provided in the GEIS Documents. In accordance with New York State law the proposed Conservation Easement must be reviewed and approved as to form by the offices of the Attorney General of the State of New York and also Counsel to the New York State Department of Environmental Conservation, and therefore the form may change in the future .

Water and Sewer Mains

The preferred alignments for the proposed water and sewer main extensions to serve the Project were investigated in 2010 by Archaeological Services of the Rochester Museum and Science Center. The investigation included 20,000 linear feet of 10 inch water main alignment, one pumping station site, 18,000 linear feet of 6-inch sewer force main alignment, two wet wells and two wastewater storage tank sites. The road areas investigated include Oxbow Road, Old County Road, Timmerman Road, Tuttle Road, Buyea Road, Furnace Hill Road, Clockville Road, Upper Lenox Avenue and Lenox Avenue. The maximum width of the investigation alignment was approximately 40 feet. The study included 585 shovel tests at 25 foot, 50 foot and 100 foot intervals along each

alignment. The majority of the area investigated is road frontage. Land uses included driveways, mowed and unmowed road sides, and parking areas.

Artifacts that were encountered during the 2010 investigation included bits of rusted iron, modern bottle glass, window glass, various plastics, food wrappers, cigarette packs, and a few pieces of plain, undecorated whiteware fragments. No Native American artifacts were recovered from any of the soil test pits within the APE. No significant Historic Euro-American artifacts were recovered within the route tested.

The water main alignment is located in the Timmerman Road right of way, crossing the frontage of a National Historic Register Site, the former Lenox District No. 4 Schoolhouse (96NR00926). The installation of the proposed watermain will not affect the historic school house building located on the Town Hall property. It may be installed within a parking lot area that serves the Town Hall property, which will be restored to its original appearance and function. It is anticipated that this impact will be temporary.

The sewer force main alignment may cross the rear property line of a National Register Historic Site, the DeFerriere House (06NR05598), located at 2098 Genesee Street in the City of Oneida. Installation of the sewer force main will not adversely affect the DeFerriere House building because it will be located within the road right of way of Upper Lenox Avenue. Project construction will not affect any access points, structures, signage, historic landscape plantings or other functional aspects of this property.

The 2010 study did not identify any prehistoric or historic sites and did not recommend any sites for Phase II investigation or avoidance. Soils within the APE exhibited a higher than average amount of disturbance, including grading adjacent to the road, cutting and filling associated with road building and adjacent construction projects, and installation of existing utilities (water, gas and storm sewers).

Significant sections of the proposed sewer and water alignment (both gravity and directionally drilled components) are located between the edge of pavement and the edge of existing drainage ditches.

Consultation on Cultural Resource Issues

The Board of Supervisors finds that significant consultation activities between SHPO, the Nation, NYSDEC and the County on the cultural resources surveys conducted at the site over the last 20+ year period have occurred, and demonstrate a thorough review of all the methods and findings contained with those surveys. Every study conducted was submitted to, reviewed by, and is on file with SHPO. Furthermore, the Nation's input is evidenced in several of the studies and, upon formal initiation of NYSDEC's CP-42 consultation policy by NYSDEC in 2010, all additional cultural resource activities included direct participation and approval of survey and sampling protocols by Nation representatives.

Although the Nation expressed concerns regarding the adequacy of the archaeological surveys conducted of the Project site, and suggested additional survey activities, the Board of Supervisors find that the surveys used were comprehensive and of the highest professional standards. The Board of Supervisors bases this determination on both the fact that the Nation repeatedly concurred with the methodologies used to survey the Project site and DEC and SHPO's agreement with all methods. Further, Alliance Archeological Services' response to the Nation's Comments on the DGEIS, contained in

Appendix DD of the FGEIS, fully addresses each of the Nation's concerns on the adequacy of the survey methods.

Further, the County responded to all requests of both SHPO and the Nation for information, including creating and providing additional mapping, figures, design drawings, copies of previously submitted reports, and other data. In making its findings, the Board of Supervisors also has reviewed the September 19, 2012 letter issued by SHPO which states that "OPRHP has no further cultural resource concerns."

Although the Board of Supervisors understands the concerns regarding the possible impacts to cultural resources that could result from development of the Project, the Board of Supervisors finds that any potential adverse impacts to cultural resources has been avoided through the adoption of a Conservation Easement in accordance with the provisions of Article 49 of the New York Environmental Conservation Law, preventing development in any of the areas in which cultural resources have been identified and the existing specific special conditions included in the NYSDEC Landfill Operating Permit (including a provision that if during construction, any archaeological resources or remains are uncovered all construction must immediately stop and specified parties must be contacted). The Board of Supervisors finds that the extensive analyses of the potential impact of the Project on cultural resources discussed in the GEIS Documents are thorough and credible, and therefore all of the evidence indicates that adverse impacts to cultural resources will not occur within the area of the Project to be developed.

UNAVOIDABLE ADVERSE IMPACTS

The Project, its construction and operation will necessarily result in certain unavoidable adverse impacts to the amount of agriculture land within the County. The level of impact to each of these resources has been described in the DGEIS.

The construction of the Project and associated utilities will not result in the removal of any additional lands from Madison County's Agricultural District No. 2. The purchase of the Cordell properties by Madison County in 2006 resulted in the removal of 197.48 acres of land (0.5 percent) from the Madison County Agricultural District No. 2 although the land has continued to be utilized for agricultural production through leases with the County. Construction of the Project will permanently remove these acres from agricultural use. This impact cannot be mitigated feasibly by the County. It is possible that additional lands may be added to the Agricultural District as they are brought back into production by private parties, but these actions would occur independently as a result of private enterprise, and are not under the County's control.

In addition, approximately 145 acres of Site 2 are currently in agricultural use. It is estimated that approximately 110 acres of land (0.6 percent of the total agricultural land in the County) will be taken out of production as a result of the Project. This reduction in usable agricultural land is expected to occur over a period of 20 years or more, and will not occur immediately. This impact is unavoidable and cannot be mitigated by the County. The Board of Supervisors finds these minor impacts to the amount of agricultural land in the County, and the Agricultural District, acceptable. Further, the impact to the County's agricultural inventory has been deemed acceptable by the NYS Department of Agriculture and Markets as well.

The Board of Supervisors, in accepting these unavoidable impacts resulting from the Project, also took into account and evaluated the fact that the Project is expected to result in positive, long-term overall economic impacts for the County through the generation of additional revenue and employment for County residents.

ALTERNATIVES

The GEIS Documents described and evaluated a range of alternatives to the proposed Project. The Board of Supervisors finds that all practicable alternatives have been reviewed and analyzed to the degree required by SEQRA. No other practicable or reasonable alternatives were identified by any party during the comment period.

CUMULATIVE IMPACTS

The GEIS Documents evaluated the cumulative impacts of construction and operation of the Project and other projects that are being considered or undertaken and fully approved independently of the Project, including: the potential extension of public water from the Onondaga County Water Authority to the hamlet of Clockville by the Town of Lincoln; the potential rezoning of properties along proposed routes of water main extension from AR -2 to AR-1 by the Town of Lincoln; soil mining from designated areas of Sites 1A and 1B; construction and operation of the JBL Kiln Facility; and the build out of Madison County Landfill as to which public information was available. The evaluation focused on the projects for which sufficient location, layout, and design information was available to carry out a more detailed analysis.

The Board of Supervisors finds that the GEIS Documents thoroughly analyzed the degree to which the impacts of the Project would have cumulative impacts with such other projects. Further, the Board of Supervisors agrees with, and adopts the cumulative impact conclusions reached in those analyses that any cumulative impact are not significant.

CERTIFICATION OF FINDINGS TO APPROVE

The Board of Supervisors has considered the relevant environmental impacts, facts and conclusions disclosed in the D GEIS and FGEIS, and other pertinent information and has weighed and balanced relevant environmental impacts with social, economic and other considerations.

Having considered the information and the facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, the Board of Supervisors certifies that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating those mitigative measures that were identified as practicable.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

Bu Supervisors Monforte and Reinhardt:

RESOLUTION NO. 220-13

**AUTHORIZING THE CHAIRMAN TO ENTER INTO
AN AGREEMENT FOR AIR QUALITY MONITORING SERVICES**

WHEREAS, a property situated in the Village of Canastota is eligible for foreclosure due to non-payment of delinquent real property taxes; and

WHEREAS, this property is located at 450 NE Canal Street and is identified by tax map #36.56-1-9; and

WHEREAS, Madison County has received numerous complaints regarding the condition of the property because it is filled with mold and has been unkempt for many years; and

WHEREAS, the County wishes to clean-up this property so it may be sold at public auction and returned to the tax rolls; and

WHEREAS, the County has received a pre-demolition asbestos survey report stating that there is asbestos siding and asbestos in the front entry way; and

WHEREAS, with an asbestos abatement project, there is a need for air quality monitoring; and

WHEREAS, the Madison County Treasurer's Office has received 3 proposals for air quality monitoring; and

WHEREAS, Envirollogic of New York, Inc. has submitted the lowest proposal for air quality monitoring for the asbestos abatement project in the amount of \$560,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and hereby is authorized to enter into an agreement with Envirollogic of New York, Inc. for air quality monitoring services at 450 NE Canal Street in Canastota, NY, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 221-13

**AUTHORIZING THE CHAIRMAN TO ENTER INTO
AN AGREEMENT FOR ASBESTOS ABATEMENT SERVICES**

WHEREAS, a property situated in the Village of Canastota is eligible for foreclosure due to non-payment of delinquent real property taxes; and

WHEREAS, this property is located at 450 NE Canal Street and is identified by tax map #36.56-1-9; and

WHEREAS, Madison County has received numerous complaints regarding the condition of the property because it is filled with mold and has been unkempt for many years; and

WHEREAS, the County wishes to clean-up this property so it may be sold at public auction and returned to the tax rolls; and

WHEREAS, the County has received a pre-demolition asbestos survey report stating that there is asbestos siding and asbestos in the front entry way; and

WHEREAS, the Madison County Treasurer's Office has received quotes for the asbestos abatement of the house; and

WHEREAS, CRAL Contracting, Inc. submitted the most favorable quote in the amount of \$5,400.00; and

WHEREAS, CRAL Contracting, Inc. has the professional licenses and expertise to perform the asbestos abatement.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and hereby is authorized to enter into an agreement with CRAL Contracting, Inc. for asbestos abatement services at 450 NE Canal Street in Canastota, NY, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

By Supervisor Bono:

RESOLUTION NO. 222-13

**AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT WITH
HESS CORPORATION FOR NATURAL GAS SUPPLY**

WHEREAS, Madison County seeks to procure utility supplies for electricity and natural gas at the lowest possible cost; and

WHEREAS, Madison County has reviewed the group procurement process of the Municipal Electric and Gas Alliance (MEGA) for its member agencies and municipalities; and

WHEREAS, Madison County is eligible to be a member of MEGA and participate in its Program Agreements; and

WHEREAS, MEGA has issued Invitations to Bid for electricity and natural gas supplies, opened and reviewed such bids and executed a Program Agreement on behalf of its participants with Hess Corporation as the lowest responsible bidder for natural gas; and

WHEREAS, Madison County has received and reviewed proposals for electricity from Hess under the terms of the Program Agreement with MEGA; and

WHEREAS, the intent of this purchasing action is to achieve savings in the cost of energy delivered to Madison County over the distribution lines of National Grid; and

WHEREAS, said utilities will continue to provide energy delivery services in conformance with the regulations of the New York State Public Service Commission; and

WHEREAS, the County Building and Grounds Committee recommends entering an agreement with Hess Corporation;

NOW, THEREFORE, BE IT RESOLVED, that Board of Supervisors authorizes participation in MEGA with respect to its procurement process for electricity and natural gas supplies; and

BE IT FURTHER RESOLVED, that Madison County agrees to accept the offer and agreement presented by Hess for electricity supply in accordance with the terms and conditions of Hess's executed Program Agreement with MEGA; and

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to enter into an agreement with Hess Corporation, a copy of which is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to sign a transaction confirmation letter with Hess Corporation, a copy of which is on file with the Clerk of the Board.

A motion was made by Supervisor Goldstein, seconded by Supervisor Degear to change the word "electricity" in paragraph 5 to "gas", and change the word "electricity" in paragraph 10 to "gas." Motion Carried.

RESOLUTION NO. 223-13

**AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT WITH
INTEGRYS ENERGY SERVICES OF NEW YORK, INC., FOR ELECTRIC SUPPLY**

WHEREAS, Madison County seeks to procure utility supplies for electricity and natural gas at the lowest possible cost; and

WHEREAS, Madison County has reviewed the group procurement process of the Municipal Electric and Gas Alliance (MEGA) for its member agencies and municipalities; and

WHEREAS, Madison County is eligible to be a member of MEGA and participate in its Program Agreements; and

WHEREAS, MEGA has issued Invitations to Bid for electricity and natural gas supplies, opened and reviewed such bids and executed a Program Agreement on behalf of its participants with Integrys Energy Services of New York, Inc., as the lowest responsible bidder for electricity; and

WHEREAS, Madison County has received and reviewed proposals for electricity from Integrys under the terms of the Program Agreement with MEGA; and

WHEREAS, the intent of this purchasing action is to achieve savings in the cost of energy delivered to Madison County over the distribution lines of National Grid; and

WHEREAS, said utilities will continue to provide energy delivery services in conformance with the regulations of the New York State Public Service Commission; and

WHEREAS, the County Building and Grounds Committee recommends entering an agreement with Integrys Energy Services of New York, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that Board of Supervisors authorizes participation in MEGA with respect to its procurement process for electricity and natural gas supplies; and

BE IT FURTHER RESOLVED, that Madison County agrees to accept the offer and agreement presented by Integrys for electricity supply in accordance with the terms and conditions of Integrys's executed Program Agreement with MEGA; and

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to enter into an agreement with Integrys Energy Services of New York, Inc., a copy of which is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to sign the Integrys Exhibit B New York Regional Rider; and

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and hereby is authorized to sign the Integrys Confirmation.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 224-13

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH SERVOMATION FOR VENDING SERVICES

WHEREAS, Madison County desires to provide staff and visitors the ability to purchase a variety of vended products including, but not limited to, fresh food, snacks and beverages; and

WHEREAS, the County Building and Grounds Committee recommends renewing the agreement with Servomation to provide such services; and

WHEREAS, the renewal will expire on August 9, 2014;

NOW THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors authorize the second and final extension of this agreement with Servomation for the period of August 10, 2013 through August 9, 2014 a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 225-13

AUTHORIZING CHAIRMAN TO AMEND AN AGREEMENT WITH SIMPLEXGRINNELL

WHEREAS, the County presently has an agreement with SimplexGrinnell to perform periodic inspection of individual time and fire alarm systems across the Madison County Office Complex (Resolution #154-12, dated May 8, 2012; amended by Resolution #255-12, dated August 14, 2012); and

WHEREAS, that agreement does not include testing and inspection of individual smoke heads, pull stations and sprinklers, which has been performed to date by Maintenance Department staff; and

WHEREAS, New York State Codes requires such testing to be performed by an independent entity in compliance with National Fire Protection Association Rule No. 72 (National Fire Alarm and Signaling Code), which covers the application, installation, location, performance, inspection, testing, and maintenance of fire alarm systems, supervising station alarm systems, public emergency alarm reporting systems, fire warning equipment and emergency communications systems and their components; and

WHEREAS, SimplexGrinnell has the trained personnel and specialized equipment to perform these tests and inspections to ensure ongoing proper operation of these safety devices; and

WHEREAS, SimplexGrinnell will perform the annual inspections for \$2,700 a year, preserving the integrity of the equipment and ensuring its proper functioning, protecting the overall safety of the public and staff, protecting county resources and bringing the County into regulatory compliance; and

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

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

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 226-13

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

WHEREAS, the Public Works Committee met on June 19, 2013 and authorized the **bridge replacement of North Court Street (BIN 3365930), over CSX RR**, Town of Lenox, Madison County, CSXT, Oneida, Madison County, New York, DOT Number: 507 330 K, MP QC-267.31, Albany Division, Syracuse Terminal Sub-Division; and

WHEREAS, the **County of Madison** has requested that CSX Transportation, Inc. proceed with certain necessary engineering and/or design services for the bridge replacement project; and

WHEREAS, an advanced payment made payable to CSX Transportation Inc. in the sum of \$10,835.00 has been appropriated in the County Road Fund, Account D5110.46000, and made available to cover the cost of participation in the above phase of this project; 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 CSX Transportation, Inc., in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

By Supervisor Goldstein:

RESOLUTION NO. 227-13

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 of the Board; and

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

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

1. ETNA Enterprises, LLC

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

By Supervisor Reinhardt:

RESOLUTION NO. 228-13

MODIFYING BUDGET TRANSFER PROCEDURES

WHEREAS, currently all budget transfers are formally approved by the Madison County Board of Supervisors, with the exception of certain multi-year grant budgets; and

WHEREAS, Madison County wishes to modify its budget transfer procedures to allow more administrative leeway for routine budget transfers within certain “objects of expenditure” subaccounts to increase efficiency and reduce paper flow; and

WHEREAS, it is proposed to allow Department Heads to transfer a maximum of five thousand dollars (\$5,000) within the summarized objects of expenditure in their .2 Equipment and Capital Outlay and .4 Contractual departmental budget accounts upon approval of the Budget Officer and the County Administrator; and

WHEREAS, requests for budget transfers from .2 accounts to .4 accounts, and vice versa, will continue to require approval of the full Board of Supervisors; and

WHEREAS, any budget transfers approved under this scenario would be reported to the Finance, Ways and Means Committee and individual Supervisors upon request; and

WHEREAS, the Finance, Ways and Means Committee has reviewed and approves this procedural change and recommends its adoption.

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors approves allowing and hereby grants authority to Department Heads to transfer a maximum of five thousand dollars (\$5,000) within the summarized objects of expenditure in their .2 and .4 accounts upon approval from the Budget Officer and the County Administrator, and reports of said transfers will be provided to the Finance, Ways and Means Committee and individual Supervisors upon request.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 229-13

AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT FOR LIEN AND TITLE SEARCH SERVICES

WHEREAS, Madison County Treasurer is required, in connection with Article 11 of the New York State Real Property Tax Law In Rem Foreclosure Proceeding, to serve Petitions and Notices of Foreclosure to lien holders of record; and

WHEREAS, there are approximately 560 parcels that are currently in the foreclosure process; and

WHEREAS, Allied American Abstract Corporation and Leatherstocking Abstract Corporation has submitted a bid proposal for performing the required services of providing lien searches, bankruptcy searches and updating lien searches prior to Madison County taking title;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be authorized to execute an agreement with Allied American Abstract Corporation and Leatherstocking Abstract Corporation, as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 230-13

ESTABLISHING A FUND BALANCE POLICY FOR THE COUNTY'S GENERAL FUND

WHEREAS, a key measure of a local government's financial condition is its level of fund balance, which represents resources remaining from prior fiscal years; and

WHEREAS, the level of unexpended surplus funds is particularly important, as this represents the amount available to manage emergencies, contend with revenue shortfalls, and other unanticipated occurrences; and

WHEREAS, the County desires to formalize its practice of maintaining a reasonable level of unexpended surplus funds; and

WHEREAS, the NYS Government Finance Officers Association, the NYS Comptroller's Office, and the County's credit rating agencies also recommend the adoption of a fund balance policy; and

WHEREAS, the Finance, Ways and Means Committee has reviewed and approved of this policy.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Fund Balance Policy, as is on file with the Clerk of the Board, is hereby authorized by the Board of Supervisors effective immediately.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

MADISON COUNTY FUND BALANCE POLICY

Purpose

Madison County government is responsible for the appropriate accounting of public funds, the sound management of municipal finances, and the adequate funding of services desired by the public. This fund balance policy is meant to help the County maintain a prudent level of financial resources to provide essential services, maintain sufficient cash flow, and manage unanticipated occurrences.

Background

The New York State Office of the State Comptroller and the New York State Government Finance Officers Association recommend that local governments establish a policy to maintain reasonable levels of unexpended surplus funds in their General Funds to hedge against unanticipated expenditures and/or revenue shortfalls, without withholding funds that could otherwise be put to productive use.

The Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which is intended to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied. This statement has been adopted by the County effective for the year beginning January 1, 2011.

Definitions

GASB Statement No. 54 replaces the previous fund balance classifications with the following:

Nonspendable fund balance consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

Restricted fund balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments, or through constitutional provisions or enabling legislation.

Committed fund balance consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The New York State Office of the State Comptroller believes that in most cases, local governments in New York will not have committed fund balance to report.

Assigned fund balance consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund, and in funds other than the General Fund, assigned fund balance represents the residual amount of fund balance.

Unassigned fund balance represents the residual classification for the government's General Fund, and could report a surplus or deficit. In funds other than the General Fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or unassigned.

Policy

1. This policy shall apply to the County's General Fund, only.
2. When resources are available from multiple classifications, the County spends funds in the following order: restricted, committed, assigned, unassigned.
3. The County Board of Supervisors is the decision-making authority that can, by resolution, commit fund balance. The action to commit fund balance must occur prior to the fiscal year-end in order to report such commitments in the financial statements of the respective period. The commitment may only be modified by a new resolution authorized by the Board of Supervisors.
4. The County Treasurer has the authority to assign unrestricted fund balance amounts where the County's intent is for those amounts to be used for specific purposes. This delegation of authority is for the sole purpose of reporting these amounts in the annual financial statements.
5. Unexpended Surplus Funds
 - a. For the purpose of this policy, unexpended surplus funds consist of Assigned Unappropriated Fund Balance and Unassigned Fund Balance.
 - b. The County shall strive to maintain unexpended surplus funds of not less than 5% and not more than 15% of General Fund adopted budget appropriations, excluding interfund transfers for fringe benefits.
 - c. The County Treasurer shall report the amount and percentage of General Fund unexpended surplus funds to the Finance, Ways and Means Committee upon completion of the Annual Update Document each year.
 - d. In the event that unexpended surplus funds exceed 15% of adopted budget appropriations, the excess may be utilized for any lawful purpose approved by the Board of Supervisors. In order to minimize the long term effect of such use, the excess should be appropriated to fund one-time expenditures which do not result in recurring operating costs, and/or be used to establish or increase reserves.
 - e. In the event that unexpended surplus funds fall below 5% of adopted budget appropriations, the Budget Officer shall make a recommendation to the Finance, Ways and Means Committee to restore the balance to the minimum level in the next budget year or other appropriate period of time.

Review

This policy shall be reviewed by the Finance, Ways and Means Committee on an annual basis.

RESOLUTION NO. 231-13

AUTHORIZING THE CANCELLATION OF 2010-2013 TOWN AND COUNTY TAXES INCLUDING VILLAGE AND SCHOOL RELIEVES

WHEREAS, the Madison County Treasurer's Office has researched a parcel identified by MAP# 35.8-1-8.-1 located in the Village of Canastota; and

WHEREAS, the parcel has no land attached to it and is for a small billboard that cannot be seen from the roadway during the spring and summer due to the tree line; and

WHEREAS, the bridge crossing the stream has washed out and the adjacent property is owned by the Oneida Indian Nation; and

WHEREAS, the stream water is protected by the United State Environmental Protection Agency and cannot be disturbed, and the Oneida Indian Nation will not allow any other access to the billboard and will not allow the shrub to be cut; and

WHEREAS, all power to the billboard has been removed; and

WHEREAS, Madison County filed a deed to take title to the property for the 2010 taxes and the parcel has been removed from the tax rolls so no other taxes will be assessed;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Treasurer be and is hereby directed to cancel the 2010-2013 Town and County taxes, including village and school relevies, and also including interest and penalties, totaling \$1,990.35.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 232-13

**APPROVAL OF STIPULATION AND ORDER FOR REFUND
OF REAL PROPERTY TAXES AND PAYMENT OF INTEREST IN ACCORDANCE WITH
SECTION 727 OF THE REAL PROPERTY TAX LAW**

WHEREAS, Michael & Glenice Barnes filed a lawsuit in the Madison County Supreme Court identified by Index No. 11-1594, challenging their assessment and challenging the denial of an agriculture exemption on their parcel of land identified by MAP# 141.-1-21.1 in the Town of Brookfield; and

WHEREAS, the Madison County Treasurer has received a Stipulation and Order signed by Acting JSC Honorable Donald F Cerio, Jr. on May 13, 2013, granting a reduction in assessment from \$790,400 to \$730,000 and granting an agricultural exemption of \$63,610 for the 2013 County and Town taxes; and

WHEREAS, the Stipulation and Order directs Madison County to issue a refund to Michael & Glenice Barnes with interest at a rate of 6% per annum and also directs Brookfield Central School District to issue a refund with interest at a rate of 6% per annum;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Treasurer be and is hereby directed to refund Michael and Glenice Barnes \$1,758.13 for the 2013 Town and County tax bill and to pay Michael and Glenice Barnes \$52.74 in interest for a total of \$1,810.87 in accordance with the Stipulation and Order of the Madison County Supreme Court.

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 233-13

AUTHORIIZING THE MODIFICATION OF THE 2013 COUNTY BUDGET

RESOLVED, that the 2013 Adopted County Budget be modified as follows:

Modification No. 1
General Fund
1420 County Attorney
Expense

From To

A1420.4208 Professional Legal Counsel	\$125,000	\$134,138
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Control Total		\$9,138
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Revenue

A2801.2820 Interfund Revenue-Corp. Compliance	\$-0-	\$9,138
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Control Total		\$9,138
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Modification No. 2

General Fund

1620 County Buildings

Expense

	<u>From</u>	<u>To</u>
A1620.2913 COB Elevator/Generator Project	\$ -0-	\$ 10,000

1990 Contingent Fund

Expense

A1990.4444 Contingent Fund	614,939	604,939
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Control Totals	\$614,939	\$614,939
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Modification No. 3

2961 Public Health Early Intervention

Expense

	<u>From</u>	<u>To</u>
A2961.4107 Itinerant Services	\$ 520,000	\$ 295,000

A2961.4108 EI Escrow	0	225,000
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Control Total	\$ 520,000	\$ 520,000
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4010 Public Health Administration

Expense

A4010.4719 Interpretation Services	300	1,000
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A4010.4111 Tuition Reimbursement	12,000	11,300
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Control Total	\$12,300	\$12,300
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Modification No. 4

General Fund

3315 Special Traffic Programs-STOP DWI

Expense

	<u>From</u>	<u>To</u>
A3315.2810 Video Camera for Patrol Vehicle	\$ -0-	\$2,995

Control Total		\$2,995
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Revenue

A880.4010 Appropriation of STOP DWI Reserves	\$ -0-	\$2,995
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Control Total		\$2,995
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Modification No. 5

General Fund

	<u>From</u>	<u>To</u>
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<u>Revenue</u>		
A3489.7010 St. Grant Forensic Case Management	<u>\$22,338</u>	<u>\$33,504</u>
Control Total		<u>\$11,166</u>

<u>Expense</u>		
A4313.4100 Contracted Forensic Case Management	63,500	67,000
A4313.4101 Forensic Case Management	<u>9,503</u>	<u>17,169</u>
Totals	<u>\$73,003</u>	<u>\$84,169</u>
Control Total		<u>\$11,166</u>

Modification No. 6

General Fund

6010 Social Services Administration

		<u>From</u>	<u>To</u>
<u>Expense</u>			
A6010.2901	Building Renovation	\$12,000	\$ 8,000
A6010.2969	Floor Scrubber	<u>-0-</u>	<u>4,000</u>
Control Total		<u>\$12,000</u>	<u>\$12,000</u>

ADOPTED: AYES – 1353 NAYS – 0 ABSENT – 147 (Monforte)

RESOLUTION NO. 234-13

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 – 1353 NAYS – 0 ABSENT – 147(Monforte)

By Supervisor Bradstreet and Chairman Becker:

PROCLAMATION

RECOGNIZING DEPUTY SHAWN BURBIDGE FOR ACT OF HEROISM ABOVE AND BEYOND THE CALL OF DUTY

WHEREAS, Deputy Shawn Burbidge began with the Madison County Sheriff's Department in November of 2006 as a part time Deputy and became a full time Deputy as of August of 2007, and is presently the Canine Explosive Handler wherein he works with his partner, Kota; and

WHEREAS, Deputy Burbidge has demonstrated exceptional service on many occasions which have been documented by letters of appreciation to the Madison County Sheriff's Department; and

WHEREAS, on June 14, 2013 Deputy Burbidge once again demonstrated exceptional skill and heroism when he tied himself to a fence overlooking a cliff at Chittenango Falls state park in efforts to rescue a woman who had climbed to a ledge with intent to harm herself; and

WHEREAS, he was paramount to the rescue of the same woman at that time without regard to his own safety; and

NOW, THEREFORE, we, John M. Becker, Chairman of the Madison County Board of Supervisors, and Roger Bradstreet, Chairman of the Criminal Justice, Public Safety and Telecommunications Committee, recognize and applaud the efforts of Deputy Shawn Burbidge in the line of duty regarding the events of June 14, 2013.

Sheriff Riley and Deputy Burbidge were asked to step forward. Deputy Burbidge was given a proclamation recognizing his heroic actions in a recent situation and was thanked by all.

PUBLIC COMMENT PERIOD

1. Gary Padula of Canastota, New York spoke to the Board, expressing his concerns on the recent settlement with the Oneida Indiana Nation.

There being no further business, Supervisor Stepanski made a motion to close the meeting, seconded by Supervisor Degear and carried.