

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, March 8, 2011

The Board convened at 10:30 a.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Degear (35 votes), Supervisor DiVeronica (189 votes), Supervisor Bradstreet (44 votes), Supervisor Becker (285 votes) and Supervisor Henderson (64 votes)

Vice Chairman Richard Bargabos presided over the meeting in place of Chairman Becker who was out of town on business.

Pledge Allegiance.

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

COMMUNICATIONS

1. Resignation received from Jack Romagnoli, as member of Madison County IDA.

REPORTS

1. Madison County Occupancy Tax Receipts/Expenditures for Quarter 10/01/10 – 12/31/10.
2. National Grid semi-annual PCB Report for reporting period ending 12/31/10.
3. Madison County Planning Department – Annual Report for 2010.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA and Cazenovia Sewer District:	\$1,371,510.74
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Miscellaneous Accounts:	\$ 863,588.80
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Vice Chairman Bargabos called on Barb McDermott and Jolene Cleaver from Madison-Cortland ARC and presented them with a proclamation on Developmental Disabilities Awareness Month. Ms. McDermott thanked everyone for their continued support.

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 58-11

**ADOPTING A COUNTY UNPAID JOB SHADOWING AND INTERNSHIP
POLICY AND PROCEDURES**

WHEREAS, the County wishes to implement a formal policy to facilitate the offering of unpaid voluntary or credit based job shadowing or internship opportunities for high school and college students; and

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

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby adopts the Unpaid Job Shadowing and Internship policies and procedures effective immediately.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

MADISON COUNTY POLICIES AND PROCEDURES

- I. **SUBJECT: UNPAID JOB SHADOWING AND INTERNSHIP POLICIES AND PROCEDURES**
- II. **ISSUED: March 8, 2011**
- III. **PURPOSE:**

It is the purpose of this policy to facilitate the offering of unpaid voluntary or credit-based job shadowing and internship opportunities for high school and college students. To allow for students to obtain a consistent experience, it is expected that county departments follow this policy and offer each student the information encompassed in this policy as well as exposure that is distinctive to the department.

Internships and job shadowing provide students with short-term exposure to career opportunities. This exposure illustrates how local government functions and how the county's systems relate across departments and into the community. Meaningful involvement includes a commitment of a designated number of hours per session per student with the goal being the understanding of the skills involved.

Students involved in these experiences are in no way considered staff members of Madison County and consequently shall not be entitled to any wages, rights, or benefits of staff members. Students shall not represent themselves as staff members internally or to the public. Students will not displace regular county workers, but will work under close supervision of existing staff. Students are not entitled to employment at the end of the experience. The experience should be of a fixed duration, established prior to the start date.

IV. **DEFINITIONS:**

- A. **Job Shadow:** An unpaid short-term activity offered by a department which provides a student the opportunity to follow or “shadow” designated staff throughout their work day, providing insight on the duties and skills of the position and information on career tracks with some degree of hands on activity, if possible. Job shadowing experiences would involve one or more contact sessions with a typical time commitment of one day or less.
- B. **Internship:** An unpaid internship is an opportunity created by a department to provide on-the-job practice, done either in conjunction with a high school, college, or as a voluntary experience. Academic credit may be earned. Internships are typically for longer periods of time (a semester or scheduled intervals of time over the summer months). Internships are developed to provide guidance, supervision and an evaluation of a young person’s work abilities or interests. This should be a meaningful and worthwhile experience for the student involving thoughtful preparation and interest in the student’s involvement. It should also address a need within the department that can be met through the activities of the student, therefore, providing a mutually beneficial experience. The following activities alone would not be considered effective internship activities if they are the sole activity completed and do not result in a completed project: copying, filing, and/or data entry.
- C. **Application:** All students will be required to complete an application prior to the start date of the internship or job shadow experience. The application is meant to gather student-specific information with respect to interests, future goals, and availability in order to allow a meaningful match to be provided for both the department and the student. The application will be kept on file at the host department. An application is provided as a sample within this policy to use if no other application is provided from a designated high school or college.

V. **PROCEDURES:**

Students interested in participating in either job shadowing or an internship will complete an application through an educational institution or utilize the sample provided.

The Department Head or Department Supervisor, the person designated to oversee job shadowing and internship operations within each department, will be noted hereafter as the Department Designee.

1. Completed applications will be sent to the department and/or department designee for review and determination of worksites. The Department Designee will review applications to determine site possibilities.
2. Approval for involvement must be given by the Department Head prior to student placement.
3. After Departmental approval and prior to the start date the student **must** complete the Student Information Form. This form is to be kept on file in a secure location with the hosting Department. The Student Information Form is provided within this policy.

4. The Department Designee will set up an initial meeting with the student and arrange for subsequent visits.
5. The Department Designee will determine which members of the Department will participate in the experience.
6. The Department Designee will determine if computer access is needed and will submit a request to the Information Technology Director for access.
7. The Department Designee will ensure that all steps noted in the Department Orientation as listed in this policy are completed.
8. The Department Designee will ensure that the student is offered a meaningful experience during their time with the department and address any issues that arise.
9. After the shadow or intern experience is complete, the Department member(s) directly involved with the student will complete a Site Evaluation of the experience and submit it to the Department Designee. A sample Site Evaluation form is provided within this policy for use if an equivalent Site Evaluation has not been provided from a designated high school or college.
10. The student will complete pertinent evaluation forms of the experience to determine the effectiveness of the match and will submit all paperwork to the Department Designee. A sample Student Evaluation form is provided within this policy for use if an equivalent Student Evaluation has not been provided from a designated high school or college.
11. Evaluations will be reviewed as submitted to the Department Designee. Feedback on evaluations will be shared with Department members(s) directly involved with students.
12. All completed reporting and application information will stay on file in a secure location within the Department for a period of six months.

Department Orientation:

It is the responsibility of the Department Designee to ensure completion of the following orientation. Internship orientation must include all sections listed. Job shadowing orientation may be abbreviated due to time limited involvement. A sample checklist is provided within this policy to verify all steps have been completed.

1. Ensure all student information is complete and on file with the Department.
2. Review departmental goals, objectives, purpose and mission.
3. Review departmental policies and procedures applicable to involvement which include: confidentiality, dress code, drug free workplace, safety concerns, hazards of workplace and sexual harassment.
4. Review behavioral expectations.
5. Review absenteeism procedure.
6. Discuss specifications of the experience, roles and expectations.
7. Designation of work space.
8. Discussion of work schedule and project responsibilities.
9. Conduct departmental tour, introduction of staff
10. Identify supervisor or individual to answer any questions

11. Review equipment and regulations: copy machine, phones, phone directory, computer, fax, e-mail, internet.
12. Determine if any training is needed prior to start date.
13. Determine if ID Card is necessary.
14. Determine if tuberculosis test is required for assigned population.
15. Conduct resource review: fire drills, first aid kits, parking, restrooms, vending machines.
16. Review of Student Evaluation.
17. Open to questions or concerns of student.

Transportation by County Vehicles:

The transportation of students by county vehicle must be previously authorized in writing by the Department Head as necessary in the conduct of County business. Parent permission (if under 18 years of age) is included in the Student Information Form sample with the understanding that the County assumes no responsibility for health or accident insurance.

Mandatory Form:

Student Information Form

Sample Forms:

Checklist

Application

Site Evaluation

Student Evaluation

Student Information Form for Job Shadowing and Internships

(Must be completed following Departmental approval and prior to the start of the Job Shadow or Internship)

Department: _____ Contact: _____

Start Date: _____ End Date: _____

Student Name: _____

Address: _____

Social Security Number: _____ Date of Birth: _____

Emergency Contacts

Name: _____ Home Phone: _____

Relationship: _____ Cell Phone: _____

Name: _____ Home Phone: _____

Relationship: _____ Cell Phone: _____

Parent/Guardian Permission (if under 18)

I give permission for _____ to participate in the job shadowing/ internship experience. I give permission for any photos taken to be used in publicity. I understand it is my responsibility to arrange for transportation to and from the site, or assign a trusted adult to provide transportation. I also understand that in the course of the experience my son/daughter may be transported by a county vehicle. I understand that the site assumes no responsibility for health or accident insurance.

Signature of Parent or Guardian

Date

**THIS FORM TO BE KEPT ON FILE WITH THE HOSTING DEPARTMENT
IN A SECURE LOCATION
JOB SHADOW/INTERNSHIP CHECKLIST**

Name of Student: _____
High School/College: _____
Department Designee: _____
Job Shadow/Internship Period: _____

Check (✓) to note completion:

- _____ Student Information Form is complete and on file in the Department
- _____ Review of goals, objectives, purpose, mission
- _____ Review of Departmental policies and procedures
- _____ Sign off on confidentiality form and others if applicable
- _____ Review of behavioral expectations and dress code
- _____ Review of absence procedure
- _____ Designate work space and project responsibilities
- _____ Review of student schedule
- _____ Departmental tour, introduction to staff
- _____ Identify supervisor or individual to answer questions
- _____ Review equipment to be used
- _____ Determine training needed if any prior to start date
- _____ Determine if access needed to computer and contact IT
- _____ Determine if ID Card is needed
- _____ Determine if TB test necessary for population encountered

How do you hope this experience will benefit you?												
<p>What are your future educational plans?</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Work</td> <td style="width: 33%;"><input type="checkbox"/> Technical/Trade School</td> <td style="width: 33%;"><input type="checkbox"/> Master's Degree</td> </tr> <tr> <td><input type="checkbox"/> Military</td> <td><input type="checkbox"/> Travel</td> <td><input type="checkbox"/> Doctoral Degree</td> </tr> <tr> <td><input type="checkbox"/> Two Year College</td> <td><input type="checkbox"/> Four Year College</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other _____</td> <td></td> <td></td> </tr> </table>	<input type="checkbox"/> Work	<input type="checkbox"/> Technical/Trade School	<input type="checkbox"/> Master's Degree	<input type="checkbox"/> Military	<input type="checkbox"/> Travel	<input type="checkbox"/> Doctoral Degree	<input type="checkbox"/> Two Year College	<input type="checkbox"/> Four Year College		<input type="checkbox"/> Other _____		
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<input type="checkbox"/> Two Year College	<input type="checkbox"/> Four Year College											
<input type="checkbox"/> Other _____												
What career goals do you have for the future?												

Please be sure to fill out the other side of this application.				
Please provide information you believe will be helpful in coordinating your opportunity, for example, scheduling conflicts, and extra curricular activities).				
Please list up to three references that can speak to your skills, abilities and character:				
Name _____ Relationship _____ Phone _____				
Name _____ Relationship _____ Phone _____				
Name _____ Relationship _____ Phone _____				
Your experience will be arranged for a time that is convenient for the person who will supervise you and will be during that person's normal business hours. Signing below indicates that you understand the following statements:				
<input type="checkbox"/> I promise to abide by all policies and procedures as explained. <input type="checkbox"/> I promise to be on time for all activities and take an active role in this experience.				
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border-top: 1px solid black; border-bottom: 1px solid black;"></td> <td style="width: 40%; border-top: 1px solid black; border-bottom: 1px solid black;"></td> </tr> <tr> <td>Signature of Student</td> <td>Date</td> </tr> </table>			Signature of Student	Date
Signature of Student	Date			

Job Shadow/Internship Evaluation by Site Contact

Person Completing Form:	Student(s):
Name of Worksite:	Date(s) of Experience:

Type of Career(s) of Shadow/Internship:			
Was the student(s) behavior and dress appropriate?	Yes	No	Please explain.
What activities did the student(s) participate in?			
What did you learn from working with the student(s)?			
What did you enjoy about working with the student(s)? Did you see a benefit to yourself or the student(s)?			
What did you dislike about working with the student(s)?			
Would you be open to working with students in the future? Why or why not?			
What suggestions do you have to make this experience better?			
Comments:			

Job Shadow/Internship Evaluation by Student

Name:	Age:	Grade:
Name of Worksite(s):	Date(s) of Experience:	
Name and Title of Contact Person(s):	Type of Career(s) of Shadow/Internship:	
Please describe the activities you participated in.		

Please describe anything that surprised you about this experience.

Please answer the following questions using a scale of 1 to 5, **1** being the **lowest** and **5** being the **highest**:

- | | LOW | | | | HIGH |
|---|------------|---|---|---|-------------|
| 1. Please rate your knowledge of this career field before this experience. | 1 | 2 | 3 | 4 | 5 |
| 2. Please rate your knowledge of this career field after this experience. | 1 | 2 | 3 | 4 | 5 |
| 3. Overall, how valuable was this experience? | 1 | 2 | 3 | 4 | 5 |

What did you enjoy most about your experience?

Was there anything you disliked about your experience?

Please describe whether your future career plans were changed or reinforced by this experience?
Yes No Please explain below.

Would you recommend this type of experience to other students? Why or why not?

Would you be interested in another opportunity to learn about another career field? Yes No
If yes, what field and when would you be interested in getting started?

RESOLUTION NO. 59-11

AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE

WHEREAS, the Fire Directors and Instructors Conference will be held in Indianapolis, Indiana, March 23rd - 26th, 2011; and

WHEREAS, the Emergency Preparedness/Fire Coordinator has requested attendance at said conference; and

WHEREAS, all travel expenses will be funded 100% by the NYS Association of Fire Chiefs; 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 Joseph DeFrancisco be and hereby is authorized to attend said conference at no expense to the County.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 60-11

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 awaiting 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.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 61-11

AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO AN AGREEMENT WITH THE CSEA BLUE COLLAR UNIT

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

WHEREAS, pursuant to Section 202 of the Civil Service Law, employees in the Blue Collar Unit are represented by the Civil Service Employees Association, Inc.; and

WHEREAS, the Board of Supervisors has recognized said employee organization for the purpose of negotiating collectively in accordance with Section 204 of the Civil Service Law; and

WHEREAS, on September 8, 2010 the County announced their intention to implement one person plowing on all plow routes in Madison County; and

WHEREAS, the County and the CSEA Blue Collar Unit have negotiated the impact of the implementation of one person plowing,

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and hereby is authorized and empowered to enter into the negotiated memorandum of agreement with the CSEA Blue Collar Unit.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

By Supervisor Salka:

RESOLUTION NO. 62-11

AUTHORIZING COUNTY ATTORNEY TO COMMENCE A LAWSUIT

WHEREAS, the Madison County Department of Health manages the Physically Handicapped Children's Program; and

WHEREAS, Daniel and Deborah Piper, parents and guardians of Diane Piper, are responsible for services rendered; and

WHEREAS, Mr. & Mrs. Piper have a balance of \$1,715.35 that is owed to the Madison County Department of Health; and

WHEREAS, the Madison County Department of Law has made numerous attempts to collect this debt;

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney or his designee is hereby authorized to commence suit against Daniel and Deborah Piper to collect the past due balance of \$1,715.35 owed to the County of Madison.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 63-11

AUTHORIZING COUNTY ATTORNEY TO COMMENCE A LAWSUIT

WHEREAS, the Madison County Department of Health manages the Physically Handicapped Children’s Program; and

WHEREAS, Shawn and Lynette Murray, parents and guardians of Allyssa Murray, are responsible for services rendered; and

WHEREAS, Mr. & Mrs. Murray have a balance of \$1,298.67 that is owed to the Madison County Department of Health; and

WHEREAS, the Madison County Department of Law has made numerous attempts to collect this debt;

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney or his designee is hereby authorized to commence suit against Shawn and Lynette Murray to collect the past due balance of \$1,298.67 owed to the County of Madison.

ADOPTED: AYES – 883 NAYS - 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 64-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH DR. SEELAN NEWTON FOR MEDICAL DIRECTOR SERVICES

WHEREAS, the Public Health Department operates a duly Certified Home Health Agency, Long Term Home Health Care Program, Medicaid Obstetrical and Maternal Services Program, Diagnostic and Treatment clinics, Physically Handicapped Program, Preschool and Early Intervention program; and

WHEREAS, the Public Health Department requires a Medical Director to consult in various programs; and

WHEREAS, both the Board of Health and the Public Health Services Committee feel it most expeditious to enter into an agreement with Dr. Seelan Newton for these services; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with Dr. Seelan

Newton effective January 24, 2011 through December 31, 2011, as is on file with the Clerk of the Board.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 65-11

AUTHORIZING AGREEMENT EXTENSION FOR DOG SHELTER SERVICES

WHEREAS, the Public Health Services Committee has made the recommendation for the County to renew its agreement with Wanderer's Rest Humane Association for dog shelter and population control services; and

WHEREAS, Wanderer's Rest Humane Association possesses the facilities necessary for meeting the sheltering need's of those municipalities in Madison County responsible for such provisions as mandated by Article 7 of New York State Agriculture and Markets Law; and

WHEREAS, Wanderer's Rest Humane Association further possesses the special skills, experience and capability to implement and provide low-cost spay-neuter services, and the outreach and promotion of such services that constitute an Animal Population Control Program as described by the aforementioned Article 7 of NYS Agriculture and Market's Law; and

WHEREAS, the Board of Supervisors has previously resolved to enter an agreement through March 31, 2011; and

WHEREAS, the amended agreement will cover the period of April 1, 2011 through June 30, 2011 in the amount of \$ 23,281.50;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign said agreement with Wanderer's Rest Humane Association, a copy of which is on file with The Clerk of the Board of Supervisors.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 66-11

**PUBLIC HEALTH DEPARTMENT
APPROVED CHARGES AND FEE SCHEDULE**

WHEREAS, Madison County Public Health Department is duly certified to operate both the Home Health Care Agency and Long Term Home Health Care Program and a Diagnostic and Treatment Center to administer vaccines; and

WHEREAS, the charges for providing home care services to Madison County residents is recouped through billing for services, based on a cost analysis prepared by the contracted certified public accountant; and

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

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

WHEREAS, both The Board of Health and The Public Health Services Committee agree to approve the charges as identified in Resolution 4-11 approved on January 4, 2011; and

WHEREAS, the Federal Register, Vol. 76, No 13, increased the 2011 HHS Poverty Guidelines and this will change our sliding fee scale as attached;

NOW, THEREFORE BE IT RESOLVED that the attached sliding fee scales are approved effective immediately.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

**2011 Sliding Fee Scale
Home Care Services
(Resolution E – attachment 1 of 2)**

Family Size	**200%	250%	300%	350%	400%
1	\$21,780	\$27,225	\$32,670	\$38,115	\$43,560
2	\$29,420	\$36,775	\$44,130	\$51,485	\$58,840
3	\$37,060	\$46,325	\$55,590	\$64,855	\$74,120
4	\$44,700	\$55,875	\$67,050	\$78,225	\$89,400
5	\$52,340	\$65,425	\$78,510	\$91,595	\$104,680
6	\$59,980	\$74,975	\$89,970	\$104,965	\$119,960
7	\$67,620	\$84,525	\$101,430	\$118,335	\$135,240
8	\$75,260	\$94,075	\$112,890	\$131,705	\$150,520
Each add'l person	\$7,640	\$9,550	\$11,460	\$13,370	\$15,280

Nursing Visit	\$40	\$80	\$120	\$160	\$200
PT Visit	\$32	\$64	\$96	\$128	\$160

OT Visit	\$23	\$46	\$69	\$92	\$115
ST Visit	\$25	\$50	\$75	\$100	\$125
MSW	\$30	\$60	\$90	\$120	\$150
Nutrition Visit	\$20	\$40	\$60	\$80	\$100
HHA/Hour	\$16	\$32	\$48	\$64	\$80
PCA/Hour	\$6	\$12	\$18	\$24	\$30
Flat Fee/One Time Service(Based on level of care required)					
BP Check	\$8	\$16	\$24	\$32	\$40
Toenails	\$8	\$16	\$24	\$32	\$40
Blood Work	\$9	\$18	\$27	\$36	\$45
Injections	\$9	\$18	\$27	\$36	\$45
PRI & Screen	\$40	\$80	\$120	\$160	\$200

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

Anyone having savings or liquid assets in excess of \$10,000 will be charged full fee for services.

Revised 2/07/11

2011 Sliding Fee Scale

Prevent Services

(Resolution E – attachment 2 of 2)

Family Size	**200%	250%	300%	350%	400%
1	\$21,780	\$27,225	\$32,670	\$38,115	\$43,560
2	\$29,420	\$36,775	\$44,130	\$51,485	\$58,840
3	\$37,060	\$46,325	\$55,590	\$64,855	\$74,120
4	\$44,700	\$55,875	\$67,050	\$78,225	\$89,400
5	\$52,340	\$65,425	\$78,510	\$91,595	\$104,680
6	\$59,980	\$74,975	\$89,970	\$104,965	\$119,960
7	\$67,620	\$84,525	\$101,430	\$118,335	\$135,240
8	\$75,260	\$94,075	\$112,890	\$131,705	\$150,520
Each Additional Person	\$7,640	\$9,550	\$11,460	\$13,370	\$15,280

Immunizations

Hep B	\$31	\$37	\$43	\$49	\$55
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MMR	\$53	\$59	\$65	\$71	\$77
Mantoux (TB)	\$6	\$12	\$18	\$24	\$30
Menactra	\$104	\$110	\$116	\$122	\$128
Adacel	\$35	\$41	\$47	\$53	\$59
Decavac	\$20	\$26	\$32	\$38	\$44
Varivax	\$81	\$87	\$93	\$99	\$105
Gardasil	\$126	\$132	\$138	\$144	\$150

Lead testing	\$12	\$24	\$36	\$48	\$60
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Car Seats	\$10	\$25	\$35	\$45	\$45
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The Following are Flat Fees

Influenza	\$35
Pneumovax	\$60
Post Exposure Rabies	\$200

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

Revised
2/7/11

RESOLUTION NO. 67-11

**ENVIRONMENTAL HEALTH DIVISION
APPROVED CHARGES AND FEE SCHEDULE**

WHEREAS, Madison County Public Health Department provides Environmental Health services to residents and businesses operating in Madison County; and

WHEREAS, New York State Sanitary Codes requires such residents and businesses to secure permits and or approvals of certain work prior to operating or proceeding with said work; and

WHEREAS, the permit and plan review fees have not been increased or otherwise amended since 2007; and

WHEREAS, permit fee's for certain new programs (Tanning Facilities, Migrant Farm Worker Housing, Spray Park) need to be added to fee schedule; and

WHEREAS, the costs associated with providing said services has been determined to have increased; and

WHEREAS, the charges for providing these services to Madison County residents is based on the expenses incurred or otherwise established by State Sanitary Code; and

WHEREAS, both the Board of Health and The Public Health Services' Committee agree to approve the attached fee schedules for all environmental services;

NOW, THEREFORE BE IT RESOLVED that the attached charges are approved effective January 1, 2011.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

**MADISON COUNTY DEPARTMENT OF HEALTH
PLAN REVIEW FEE SCHEDULE – Effective January 2011**

PLAN REVIEW FEES – FOOD SERVICE ESTABLISHMENTS

<u>NEW CONSTRUCTION</u>	\$ 100.00
- ADD ON FOR ONSITE SEWAGE	\$ 125.00
- ADD ON FOR ON-SITE WATER (NEW NCWS)	\$ 150.00
<u>ADDITIONS, ALTERATIONS, KITCHEN MODIFICATIONS</u>	\$ 50.00
(Includes adding seating, dining room expansion, adding or enhancing bar area, etc)	
- ADD ON FOR ONSITE SEWAGE EXPANSION	\$ 75.00
- ADD ON FOR WATER SYSTEM MODIFICATIONS / MINOR / DISINFECTION TREATMENT (NCWS)	\$ 50.00 \$100.00

**PLAN REVIEW FEES – TEMPORARY RESIDENCES
(HOTELS / MOTELS, CAMPSITES, RV PARKS)**

<u>NEW CONSTRUCTION</u>	\$ 150.00
<u>EXPANSIONS, ALTERATIONS, MODIFICATIONS</u>	\$ 75.00
ADD ON FEES: ONSITE SEWAGE SYSTEM (NEW OR EXPANSION)	\$ 125.00
ONSITE WATER (NEW NCWS)	\$ 150.00
WATER SYSTEM MODIFICATIONS / MINOR	\$ 50.00
/ DISINFECTION TREATMENT, ETC.	\$ 100.00
POOL / BEACH	Per Schedule
FOOD SERVICE ESTABLISHMENT	Per Schedule

PLAN REVIEW FEES – POOLS / BATHING BEACHES/ SPRAY PARKS

<u>NEW FACILITIES:</u> POOL / BATHING BEACH / SPRAY PARK	\$ 150.00
ADD ON FEES; ON SITE SEWAGE SYSTEM (NEW OR EXPANSION)	\$ 125.00
ONSITE WATER (NEW NCWS)	\$ 150.00
EXISTING ON SITE WATER / IMPROVEMENTS	\$ 100.00
<u>EXPANSIONS, ALTERATIONS, MODIFICATIONS</u>	\$ 100.00

PLAN REVIEW FEES – MOBILE HOME PARKS

<u>NEW CONSTRUCTION / EXPANSION</u>	\$ 50.00/SITE
ADD ON FEES: ONSITE SEWAGE / INDIVIDUAL & COMMUNITY	\$ 75.00/SITE
ONSITE WATER, NEW CWS	\$ 150.00
ONSITE WATER, CWS MODIFICATIONS/ MINOR	\$ 50.00
ONSITE WATER, TREATMENT/ DISINFECTION, ETC.	\$ 100.00

PLAN REVIEW/APPROVAL FEES – WATER / WASTEWATER SYSTEMS

INDIVIDUAL SEWAGE DISPOSAL SYSTEM / RESIDENTIAL	\$ 125.00
WAIVER REQUEST; 75-A AND / OR 5-B REGULATIONS	\$ 50.00
PUBLIC WATER SUPPLY / CROSS CONNECTION PLANS	\$ 50.00
PUBLIC WATER SUPPLY/ NEW PWS (NON-MUNICIPAL)	\$ 150.00
PUBLIC WATER SUPPLY/ PWS MODIFICATIONS / MINOR	\$ 50.00
PWS / TREATMENT, ETC. (NON-MUNICIPAL)	\$ 100.00

**REALTY SUBDIVISION FEES (SEE SEPARATE FEE DETERMINATION SCHEDULE
MADISON COUNTY DEPARTMENT OF HEALTH
REGISTRATION FEES FOR PERMITTED ESTABLISHMENTS (Effective 2011))**

FOOD SERVICE ESTABLISHMENTS

	<u>FEE</u>
R1 – HIGH RISK FSE / COMMISSARY	\$ 210.00
R2 – MEDIUM RISK FSE / COMMISSARY	\$ 185.00
R3 – LOW RISK FSE / COMMISSARY	\$ 135.00
TEMPORARY FOOD SERVICE	\$ 40.00/EVENT
MOBILE FOOD SERVICE*	\$ 160.00/UNIT
LIMITED LOW RISK (Ice Cream, Auctions, Cinemas)	\$ 85.00
CATERING SERVICES*	\$ 25.00

***NOTE-COMMISSARY REQUIRED/ADD FEE ASSOCIATED W RISK VARIES
EFFECTIVE 12/01/11; Add On Fee for On site Water Supply \$ 30.00**

TEMPORARY RESIDENCES – HOTELS / MOTELS

<u># ROOMS/UNITS:</u>	< 15	\$ 85.00
	15 – 50	\$ 135.00
	51 – 100	\$ 185.00
	> 100	\$ 235.00

**APPLICABLE ADD ON FEES: FOOD SERVICE / PER FSE RISK
WITH ON-SITE WATER SUPPLY*\$ 30.00**

TEMPORARY RESIDENCES – CAMPGROUNDS/ CABINS / RV PARKS

<u># SITES/CAPACITY:</u>	< 15	\$ 85.00
	15 – 50	\$ 110.00

	51 – 100	\$ 135.00
	> 100	\$ 185.00
<u>APPLICABLE ADD ON FEES:</u>	FOOD SERVICE / PER FSE RISK	
	POOL/BEACH	\$ 100.00
	W/ ON-SITE WATER SUPPLY*	\$ 30.00
CHILDREN’S CAMPS		\$ 200.00
<u>MASS GATHERING</u>		\$2,000.00/EVENT +
Expenses		
POOLS / BEACHES		
<u>SWIMMING POOLS</u>		
	SEASONAL USE	\$ 150.00
	YEAR-ROUND USE	\$ 185.00
<u>BATHING BEACHES</u>		\$ 100.00
<u>APPLICABLE ADD ON FEES;</u>	W/ ON-SITE WATER SUPPLY*	\$ 30.00
MOBILE HOME PARKS		
<u># SITES;</u>	5 – 14	\$ 110.00
	15 – 25	\$ 135.00
	26 – 50	\$ 160.00
	51 – 95	\$ 210.00
	> 95	\$ 260.00
<u>APPLICABLE ADD ON FEES:</u>		
	ON-SITE WATER SUPPLY < 15 SITES	\$ 50.00
	> 15 SITES	\$ 100.00
<u>MIGRANT FARM HOUSING PERMIT</u>		\$ 150.00
<u>TANNING FACILITY</u>	Biennial Registration Fee	\$
30.00		
	Biennial Inspection Fee/ per UV device	\$ 50.00
<u>LATE APPLICATION / RENEWAL FEE</u>	(Refer to Code for submittal criteria)	\$25.00
* ADD ON FEE FOR ON SITE WATER SUPPLY APPLICABLE TO PRIMARY OPERATION ONLY		

RESOLUTION NO. 68-11

AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A MANAGEMENT AGREEMENT WITH L. WOERNER, INC., d/b/a HCR

WHEREAS, Madison County Department of Health operates a certified home health agency and a long term home health care program; and

WHEREAS, the Board of Supervisors has passed resolution 518-10 declaring its

intention to accept the proposal of L. Woerner, Inc., d/b/a HCR to assume the certified home health agency and a long term home health care program functions in Madison County; and

WHEREAS, the L. Woerner, Inc., d/b/a HCR and the County have entered into an Asset Purchase Agreement dated as of February 10, 2011 (Resolution 31-11) pursuant to which the L. Woerner, Inc., d/b/a HCR will acquire certain assets owned by the County that are used in connection with the County's operation of the certified home health agency and a long term home health care program; and

WHEREAS, it is a condition to L. Woerner, Inc., d/b/a HCR and the County's performance under the Asset Purchase Agreement that L. Woerner, Inc., d/b/a HCR and the County enter into this Agreement; and

WHEREAS, the County desires to retain the L. Woerner, Inc., d/b/a HCR to perform certain services for the County in connection with the County's operation of the certified home health agency and a long term home health care program and L. Woerner, Inc., d/b/a HCR desires to perform such services, upon the terms and conditions set forth in the Agreement; and

WHEREAS, the Agreement shall begin upon the approval of this Agreement by the Commissioner of Health of the State of New York and remain in effect until the closing of the Asset Purchase Agreement; and

WHEREAS, In consideration for the Services to be provided by the L. Woerner, Inc., d/b/a HCR pursuant to this Agreement, the County shall pay L. Woerner, Inc., d/b/a HCR a fee in the amount of Ten Thousand Dollars (\$10,000.00) per calendar month; and

WHEREAS, both the Board of Health and the Public Health Services Committee feel it most expeditious to enter into a Management Agreement with L. Woerner, Inc., d/b/a HCR for the performance of these services;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into a Management Agreement with L. Woerner, Inc., d/b/a HCR, as is on file with the Clerk of the Board.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 69-11

URGING THE GOVERNOR AND STATE LEGISLATURE TO DEVELOP PREDICTABLE AND STABLE CHILD CARE FUNDING

WHEREAS, the Madison County Board of Supervisors fully supports the Governor and State Legislature's developing approaches to child care funding that provide counties with stability and predictability over time; and

WHEREAS, since child care became a key work support component of welfare reform, funding for child care has been inconsistent, leaving counties little room for necessary strategic budgetary planning to adequately serve families in need; and

WHEREAS, child care is operated at the county level on a Federal fiscal year, October through September; however, New York State allocates the child care funding on a State fiscal year, April through March; and

WHEREAS, counties are forced to restrict eligibility, increase parent fees, create a waiting list, or use a combination of these strategies in order to combat the perpetual, dramatic unpredictability of funding for child care; and

WHEREAS, in 2008 and 2009, the New York State Office of Children and Family Services (OCFS) suddenly, and without sufficient notification for local planning purposes, diminished most child care allocations; and

WHEREAS, OCFS based these reduced illogical allocations on a level of rollover dollars that counties had, in good faith, held aside to manage the State's fluctuations in funding and unpredictable retroactive allocations; and

WHEREAS, administrative directives from New York State have been enacted and reversed within one child care fiscal year, thus creating these county rollover dollars; and

WHEREAS, there are multiple factors that may contribute to a funding deficit for child care subsidies for families: enrollment increases, average cost per child increases, reduced allocations, and increased market rates; and

WHEREAS, counties need the flexibility to raise or lower parental fees/eligibility levels to adjust to shifts in funding; and

WHEREAS, the impact on counties from the lack of stable and predictable funding for child care is devastating and ultimately will be felt in all the other social services program areas within the county, as well as negatively impact child care providers and further worsen the counties' economies;

NOW, THEREFORE, BE IT RESOLVED, that in order for Madison County to adequately serve the families who need this essential child care, the Governor and State Legislature must immediately address the fundamentally flawed and inconsistent child care funding stream and provide counties with predictable and stable funding; and

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

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 70-11

URGING NEW YORK STATE TO MAINTAIN ITS CONSTITUTIONAL COMMITMENT TO THE HEALTH AND WELLBEING OF CHILDREN ACROSS THE STATE BY MAINTAINING CURRENT FUNDING LEVELS, AS WELL AS AN OPEN-ENDED CHILD WELFARE FINANCING MECHANISM

WHEREAS, the current Foster Care Block Grant and the 62 percent/38 percent Preventive /Protective funding stream sunsets in April of 2012; and

WHEREAS, State mandated child welfare services for preventive and protective care have cost Madison County taxpayers over \$3.5 million in 2010; and

WHEREAS, providing child welfare protective and preventive services and support is one of nine major State mandates that consumes 90 percent of county property taxes; and

WHEREAS, the Proposed 2011-12 Executive Budget includes a \$45,000 decrease in State support for adoption assistance, effectively dropping the State share from 73.5 percent to 62 percent, with these costs being shifted to counties; and

WHEREAS, the proposed 2011-12 Executive Budget also eliminates \$181,715 in Youth Bureau funding, \$695,414 in Home Visiting funding (to Community Action Program), \$60,460 in Prevention of Detention funding (Life Coach Program and Wrap Around Funds), and \$69,056 in Summer Youth Employment funding; and

WHEREAS, this reduced funding and rise in caseloads has resulted in new unfunded mandates for counties; and

WHEREAS, Madison County DSS investigated 1,500 CPS reports in 2010 and cared for more than 88 children in the foster care system; and

WHEREAS, the safety and wellbeing of New York children should remain the State's highest priority; and

WHEREAS, the uncapped child welfare funding stream, currently at 62 percent State and 38 percent local share, coupled with the Foster Care Block Grant, has resulted in a dramatic reduction in the number of children in foster care; and

WHEREAS, the gradual, but steady, pullback in State funding support for a variety of human services programs, including child welfare, adoption subsidies, food stamp administration, Family Assistance, Safety Net, and youth detention and treatment creates an environment in which the State is directly moving away from its constitutional

requirement to care for the needy, effectively forcing this State constitutional responsibility on county government and local property taxpayers; and

WHEREAS, Child Welfare preventive/protective funding has historically allowed counties to develop innovative community-based programs to reduce foster care placements; and

WHEREAS, Governor Cuomo and many members of the State Legislature have called for a 2 percent property tax cap, which will further exacerbate local budget pressures as additional costs are shifted from the State to counties for State-mandated programs;

NOW, THEREFORE, BE IT RESOLVED, that any effort to place a cap on or further reduce the child welfare funding stream is unacceptable, as well as the continued expansion of unfunded social services mandates placed on counties and New York City; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors firmly believes that New York State must keep its commitment to the health and wellbeing of children across the State by maintaining current funding levels and an open-ended child welfare financing mechanism; and

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

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 71-11

URGING THE GOVERNOR AND STATE LEGISLATURE TO ENACT MEANINGFUL AND COMPREHENSIVE JUVENILE JUSTICE (YOUTH DETENTION) REFORM

WHEREAS, the Madison County Board of Supervisors supports the efforts of Governor Cuomo to reform the juvenile justice system (youth detention) in the State of New York, which is plagued with an 80 percent recidivism rate and costs that approach \$250,000 per youth annually; and

WHEREAS, counties are mandated under State law to pay 50 percent of the costs of these juvenile justice placements in State facilities, costing county property taxpayers \$66,897 in 2010; and

WHEREAS, the cost of these youth detention services and support is one of nine major State mandates that consume 90 percent of county property taxes; and

WHEREAS, in addition, State budget actions in 2010 shifted \$36 million in costs to counties for State Youth Facilities, much of which was directly related to the failure of a State agency to properly manage and use federal funds; and

WHEREAS, the 2011-12 Proposed State Budget eliminates the current open-ended State matching funds for local secure and non-secure youth detention, replacing it with a reduced capped State commitment of funding; and

WHEREAS, counties have no control over youth detention placements, which creates fiscal uncertainty due to the elimination of open-ended state funding; and

WHEREAS, the State juvenile justice population has decreased dramatically over the past five years as counties have joined the State in developing alternatives to incarceration through the 62 percent /38 percent child welfare financing funding stream; and

WHEREAS, current State law requires that the cost of maintaining empty or minimally- populated youth detention facilities be passed on to counties, and also requires that these empty and underutilized facilities remain open for at least one year before they can be closed or consolidated; and

WHEREAS, the State Legislature should support the Governor's Budget Proposal to immediately repeal the law that keeps empty facilities open; and

WHEREAS, a more efficient and practical system would involve counties being responsible for 50 percent of the actual costs of serving juvenile delinquents in State custody, not costs associated with maintaining empty juvenile justice facilities across the State of New York; and

WHEREAS, State juvenile justice reform must focus on outcomes that limit recidivism and allow children in State custody to re-enter communities across the State with the necessary supports required to achieve success; and

WHEREAS, the existing child welfare financing of 62 percent /38 percent should be maintained providing counties with the necessary resources to assist the State in reforming the juvenile justice system; and

WHEREAS, Governor Cuomo and many members of the State legislature have called for a 2 percent property tax cap, which will further exacerbate local budget pressures as additional costs are shifted from the state to counties;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors urges the Governor and the Legislature of the State of New York to enact meaningful and comprehensive juvenile justice reform that provides incentives for local governments to find alternatives to incarceration for at-risk juveniles and improves

treatment options and outcomes for these individuals and their families, while saving money for both the State and local taxpayers; and

BE IT FURTHER RESOLVED, that copies of this resolution are forwarded to Governor Andrew M. Cuomo, the full membership of the New York State Legislature and all others deemed necessary and proper.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 72-11

CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO ENSURE ADEQUATE FUNDING AND LOCAL FLEXIBILITY IN THE USE OF FEDERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDING AND THE FLEXIBLE FUND FOR FAMILY SERVICES (FFFS)

WHEREAS, under State law, counties are mandated to administer and pay for one-half of the non-federal share of public assistance program costs in New York; and

WHEREAS, the two primary public assistance programs, Temporary Assistance for Needy Families (TANF) and New York’s Safety Net program, have cost Madison County property taxpayers over \$1.5 million in 2010; and

WHEREAS, providing TANF and Safety Net services and supports is one of nine major State mandates that consume 90 percent of county property taxes; and

WHEREAS, the State of New York and counties have achieved significant success in welfare reform, including reducing the public assistance caseload by over 60 percent in the last decade; and

WHEREAS, the current economic downturn has led to significantly increased caseloads in Madison County; and

WHEREAS, the federal Temporary Assistance for Needy Families (TANF) program is the key source of funding for welfare support services such as child care, transportation and employment services; and

WHEREAS, the federal Temporary Assistance for Needy Families (TANF) program together with foods stamps, child support enforcement, and medical assistance, have proven to be essential in transitioning families from cash assistance to paid employment and self-sufficiency; and

WHEREAS, the Flexible Fund for Family Services (FFFS) incorporates TANF funding into a block grant allocation that is meant for counties and the City of New York

to customize their own service package to meet the specific needs of welfare recipients; and

WHEREAS, of the almost \$1 billion available in TANF funding, approximately \$622 million is dedicated to the FFFS and approximately \$342 million is set aside for the Child Welfare Threshold funding; and

WHEREAS, while the FFFS, in theory, provides county flexibility, the reality of counties' existing child welfare commitments, coupled with the elimination of the Local Administrative Fund in the 2009-10 enacted State Budget and extraordinarily high demand for services, has rendered most of this funding inflexible; and

WHEREAS, the FFFS creates challenges for counties given the potential for future TANF shortfalls, restrictions on available TANF dollars, and a growing need for services;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors calls on the Governor and State Legislature to ensure adequate funding and local flexibility in the use of TANF and FFFS funding; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors is opposed to the funding of increased provider reimbursements at the expense of other critical support services; and

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

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 73-11

URGING THE GOVERNOR AND STATE LEGISLATURE TO END THE UNFUNDED MANDATES CREATED BY THE ELIMINATION OF THE LOCAL ADMINISTRATIVE FUND (LAF), AND ADEQUATELY FUND THE ADMINISTRATIVE COSTS OF OPERATING BOTH THE FOOD STAMP AND SAFETY NET PROGRAMS

WHEREAS, the 2009-10 final State Budget eliminated the approximately \$310,000 State Local Administrative Fund (LAF) entirely; and

WHEREAS, the 2009-10 final State Budget funded the Flexible Fund for Family Services (FFFS) at over \$1.2 million, giving the appearance of a flexible fund for counties; however, the 2009-10 Budget also increased the Child Welfare Component Threshold required in the FFFS by \$300,000 – which predetermined how a portion of the LAF/FFFS funding must be spent, thus rendering the FFFS far less flexible; and

WHEREAS, moving the LAF dollars to Federal TANF funding eliminated any match for State mandated administrative expenses for Safety Net or Food Stamp administration, including the State share support for Safety Net Administration, Safety Net Employment Program Administration, Food Stamp Program Administration and Food Stamp Employment & Training (FSET); and

WHEREAS, while Federal FFFS dollars are increased by the amount of the State dollar LAF elimination, many of the current reimbursements from the State LAF in Madison County cannot be shifted to the Federal FFFS, as these costs are ineligible for Federal FFFS reimbursement; and

WHEREAS, costs for the expenses that cannot be refinanced with FFFS dollars result in increased local share on a dollar-for-dollar basis, which means that Safety Net Administrative costs and Safety Net Employment Administrative costs are now 100 percent (vs. 50 percent) county cost, and Food Stamp Program Administration and Food Stamp Employment and Training are now 50 percent (vs. 25 percent) county cost; and

WHEREAS, the State of New York requires counties to conduct eligibility determinations for Food Stamps and Safety Net Assistance; and

WHEREAS, the removal of State general funds from the LAF effectively removed any State aid for the administrative costs of determining eligibility for both the Food Stamp Program and Safety Net Assistance Program; and

WHEREAS, Food Stamp enrollment has increased in Madison County by 41 percent over the past two years, requiring the county to increase the administrative costs associated with the Food Stamp Program; and

WHEREAS, with the onset of the current economic downturn, Safety Net Assistance enrollment has also increased in Madison County by 42 percent, requiring the county to increase the administrative costs associated with the program; and

WHEREAS, Madison County is currently responsible for over \$616,000 in administrative expenditures for both the Food Stamp and Safety Net Assistance Programs; and

WHEREAS, Governor Cuomo and many members of the State Legislature have called for a 2 percent property tax cap, which will further exacerbate local budget pressures as additional costs are shifted from the State to counties; and

WHEREAS, the 2009-10 elimination of the LAF dissolved the State's financial commitment to the administrative partnership in their own public assistance programs; and

WHEREAS, the gradual, but steady, pullback in State funding support for a variety of human services programs, including child welfare, adoption subsidies, Food Stamp administration, Family Assistance, Safety Net and youth detention and treatment creates an environment in which the State is directly moving away from its constitutional requirement to care for the needy, effectively forcing this State constitutional responsibility on county government and local property taxpayers;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors calls on the State to end the expansion of unfunded social services mandates on counties and New York City and to also fund the administrative costs of these varied programs; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, the full membership of the New York State Legislature and all others deemed necessary and proper.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 74-11

CALLING ON THE GOVERNOR AND LEGISLATURE OF THE STATE OF NEW YORK TO IMPLEMENT A FULL TAKEOVER OF ALL LOCAL COSTS OF THE MEDICAID PROGRAM IN ORDER TO REDUCE NEW YORK'S HIGHEST IN THE NATION LOCAL TAX BURDEN

WHEREAS, Medicaid is a federal, state, and local health care program in New York, and for which the costs and administration represent the largest component of the state and local fiscal relationship in New York, estimated to be more than \$58 billion in State fiscal year 2011-12 under current law; and

WHEREAS, since the program's inception, the State has mandated that counties and New York City administer and pay for a significant share of the costs of this program, with Madison County costs exceeding \$10 million in 2011, and even with local budget austerity measures, the program's cost has forced increases in property taxes for decades, along with a decline in the number and comprehensiveness of discretionary county services; and

WHEREAS, Medicaid is the largest of the nine major State mandates that drive increases in county property taxes; and

WHEREAS, in 2010, the State Legislature enacted legislation that requires the State to assume local governments' administration of the Medicaid program, with assurances this action would generate savings for county property taxpayers; and

WHEREAS, the New York State Department of Health has not defined with clarity how it intends to assume these Medicaid administrative responsibilities while also meeting the legislative intent of reducing counties' costs in the process and improving the delivery of services; and

WHEREAS, counties remain leery of a reform process that is intended to reduce overall costs to county property taxpayers when administration of the Medicaid program is responsible for less than two percent of all Medicaid expenditures; and

WHEREAS, if the State takeover of local Medicaid administrative costs is poorly implemented, it would negatively impact recipients' access to medical care and also increase costs for local property taxpayers; and

WHEREAS, Governor Cuomo and many members of the State Legislature have called for a 2 percent property tax cap under which the allowed annual growth in county property taxes would be almost entirely consumed by the State-required 3 percent increase in county Medicaid costs alone; and

WHEREAS, Congress has enacted comprehensive health care reform that greatly expands Medicaid coverage at enhanced federal matching rates and requires New York to review and reevaluate its existing Medicaid program and all public health spending with a focus on a modern, patient-driven system that ensures public integrity, improves patient outcomes, and places it on a fiscally sustainable path; and

WHEREAS, these federal reforms and subsidies can help New York to realign, right-size, and reduce its Medicaid and public health costs by billions of dollars annually;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors calls on the Governor and State Legislature to use savings available to New York under the federal health reform law, as well as the State takeover of local Medicaid administrative functions, as the first steps in a full and complete assumption of all county Medicaid costs, which will lead to significant property tax reductions and a lower local tax burden for Madison County taxpayers, vastly improving the State's economic competitiveness; and

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

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 75-11

**OPPOSING GOVERNOR CUOMO'S PROPOSED
PRIMARY PREVENTION INCENTIVE PROGRAM**

WHEREAS, Governor Cuomo has submitted his proposed 2011-2012 Executive Budget recommending the development of a Primary Prevention Incentive Program (PPIP); and

WHEREAS, this proposed PPIP consolidates and slashes by 50% a number of primary prevention and youth development funding streams, including Youth Development and Delinquency Prevention (YDDP), Special Delinquency Prevention Program (SDPP), and Runaway and Homeless Youth Act (RHYA), which are administered through the Youth Bureau system; and

WHEREAS, the creation of the PPIP eliminates these funding streams effective July 1, 2011 and provides for the distribution of funds on a competitive basis to counties, resulting in the elimination of funding to many rural counties, thereby promoting inequities in primary prevention and positive youth development services across New York State; and

WHEREAS, current youth development and prevention services are provided through a fair and equitable formula-driven allocation to Youth Bureaus through the New York State Office of Children and Family Services; and

WHEREAS, the PPIP will dismantle the current Youth Bureau system, structure and funding streams, and will have a devastating impact on our cost-effective primary prevention and youth development system; and

WHEREAS, youth development and primary prevention are essential in the continuum of critical services to youth; and

WHEREAS, if adopted, this portion of the Executive Budget would result in the minimal loss of \$181,715 of youth services dollars for Madison County; and

WHEREAS, the Madison County Board of Supervisors believes that providing primary prevention and youth development services and programs for youth is an investment, not only in delinquency prevention but also in the positive development of our young people in all ways;

NOW, THEREFORE BE IT RESOLVED, the Madison County Board of Supervisors hereby requests Governor Cuomo and the New York State Legislature to eliminate the concept of this Primary Prevention Incentive Program and maintain the current Youth Bureau funding streams, albeit with proportionate and reasonable reductions; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors shall forward copies of this resolution to Governor Andrew Cuomo, Assemblyman William Magee, Senator David Valesky, New York State Senate Majority Leader Dean Skelos, New York State Assembly Speaker Sheldon Silver and all others deemed necessary and proper.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 76-11

APPOINTING MEMBER 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

WHEREAS, there are currently two vacancies on the Board; and

WHEREAS, the Membership Committee has favorably reviewed an application for membership from: **Andy Ali, 124 Pleasant St. Canastota, New York 13032** and the Community Services Board has voted in favor of his appointment; and

WHEREAS, the Social and Mental Health Services Committee has reviewed this application and has recommended that he be appointed by the Board of Supervisors;

NOW, THEREFORE BE IT RESOLVED, that Andy Ali be appointed to a four year term on the Madison County Mental Health and Community Services Board, with his term of membership running from March 1, 2011 through February 28, 2015.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

By Supervisors Salka and Reinhardt:

RESOLUTION NO. 77-11

AUTHORIZING THE CHAIRMAN TO EXECUTE A CONTRACT MODIFICATION AND MODIFYING THE 2011 ADOPTED COUNTY BUDGET

WHEREAS, the Office of Alcoholism and Substance Abuse has approved one-time funding for Liberty Resources Alcohol Community Residence Program (Maxwell House); and

WHEREAS, these additional funds result in 100% State Aid for 2011 to Liberty Resources Behavioral Healthcare, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the 2011 Adopted County Budget be modified as follows:

General Fund

<u>4316 Mental Health - Liberty Resources</u>	<u>From</u>	<u>To</u>
<u>Revenue</u>		
A3490.3083 St. Aid Liberty Resources	<u>\$282,394</u>	<u>\$286,894</u>
Control Total		<u>\$ 4,500</u>
<u>Expense</u>		
A4316.4276 Liberty Resources Halfway House	<u>\$282,394</u>	<u>\$286,894</u>
Control Total		<u>\$ 4,500</u>

BE IT FURTHER 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, 2011 through December 31, 2011 with Liberty Resources Behavioral Healthcare, Inc.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

By Supervisor Suits:

RESOLUTION NO. 78-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE BOARD OF ELECTIONS IN REGARDS TO THE HELP AMERICA VOTE ACT STATE GRANT

WHEREAS, the Madison County Board of Elections has been allocated State HAVA (Help America Vote Act) funds; and

WHEREAS, these funds are scheduled to expire on March 31, 2011 and the extension of this grant program is described as follows:

Awarding Agency: New York State
 Pass Thru. Agency: New York State Board of Elections
 Program Name: Voter Education/Poll-worker Training Program
 Grant Period: April 1, 2011 – March 31, 2012
 Contract # T002550
 State Funds: \$ 40,509.00
 Grant Total: \$ 40,509.00

NOW, THEREFORE BE IT RESOLVED, that the Chairman be hereby authorized to execute grant contracts for the Madison County Board of Elections with the State Board of Elections; a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet,

Becker, Henderson)

By Supervisor Ball:

RESOLUTION NO.79-11

AUTHORIZING THE CHAIRMAN TO APPLY FOR A STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (SLETPP) GRANT FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR FINANCIAL YEAR 2010 (FY2010)

WHEREAS, the County of Madison is eligible to apply for a State Law Enforcement Terrorism Prevention Program (SLETPP) grant from the New York State Division of Homeland Security and Emergency Services (DHSES) for financial year 2010 (FY2010) in an amount not to exceed \$44,935; and

WHEREAS, a grant award requested under this program is to implement a "FY10 State Law Enforcement Terrorism Prevention Program" that will support a local law enforcement agency's efforts to Prevent terrorist attacks; protect the people of New York, our critical infrastructure and key resources; prepare to respond to and recover from terrorist attacks, effectively and efficiently in their locality; and

WHEREAS, the County of Madison has recognized the need to ensure the safety and security of its citizens and property in an effective manner; and

WHEREAS, this is a grant to acquire video conferencing hardware and software, arson/post blast investigation kits, video surveillance/monitoring equipment, and explosive investigation training; and

WHEREAS, the total cost of the program elements is \$44,935 and the grant will provide 100% of the total cost; and

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be and is hereby authorized to sign any and all necessary contract documents for a State Law Enforcement Terrorism Prevention Program (SLETPP) grant from the New York State Division of Homeland Security and Emergency Services (DHSES) for financial year 2010 (FY2010) in an amount not to exceed \$44,935.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 80-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH MADISON-ONEIDA BOCES

WHEREAS, it is necessary and required to provide educational services and programs

to inmates at the Madison County Jail in the regular course of their incarceration; and

WHEREAS, the Sheriff of Madison County seeks to continue to cut costs and enhance the efficiency in the provision of such services and programs by utilizing the expertise of Madison-Oneida BOCES; and

WHEREAS, Madison-Oneida BOCES possesses experienced personnel with special skills and training required to perform the necessary services pursuant to the terms of the contract by providing a staff person to the Madison County Jail; and

WHEREAS, the term of this contract shall be from March 1, 2011 through February 28, 2012. This contract may be terminated without cause by either party hereto at any time upon thirty (30) days written notice of the intention to so terminate. The County reserves the right to terminate this Agreement for cause at anytime; and

WHEREAS, the County hereby agrees to pay Madison-Oneida BOCES a monthly rate of Three Thousand Seven Hundred Seventy Dollars and .33 cents (\$3,770.33) in full and final satisfaction of all services and expenses, which is a 3% increase from the previous year. The total amount of compensation shall not exceed Forty Five Thousand Two Hundred Forty Four Dollars (\$45,244); and

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

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

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 81-11

AUTHORIZING THE CHAIRMAN TO APPLY FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (AKA: BYRNE JAG EQUIPMENT GRANT) FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, the County of Madison is eligible to apply for a New York State Division of Criminal Justice Services Edward Byrne Memorial Justice Assistance Grant (AKA: Byrne JAG Equipment Grant) in an amount not to exceed \$50,000; and

WHEREAS, a grant award requested under this program is for the acquisition of equipment that will support a local law enforcement agency's efforts to effectively and efficiently reduce the incidence of crime and violence in their locality; and

WHEREAS, the County of Madison has recognized the need to ensure the safety and security of its citizens and property in an effective manner; and

WHEREAS, this is a grant to acquire and deploy two marked patrol vehicles with all wheel drive to increase the total number of patrol vehicles we have available and to provide an all wheel drive capability that we do not currently have; and

WHEREAS, the marked four wheel drive patrol vehicles will be deployed to support crime reduction efforts and are expected to contribute to reducing crime in our jurisdiction; and

WHEREAS, the total cost of the equipment is \$64,251.22; and the grant will provide for \$50,000 of this total cost; and

WHEREAS, the county agrees to provide for the remaining \$14,251.22 from public funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorizes the Chairman of the Board to sign any and all necessary contract documents for a New York State Division of Criminal Justice Services Edward Byrne Memorial Justice Assistance Grant application, in an amount not to exceed \$50,000 having a total project cost of \$64,251.22.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 82-11

AUTHORIZING THE CHAIRMAN TO APPLY FOR AND PARTICIPATE AS A PARTNER WITH SYRACUSE UNIVERSITY IN APPLICATION FOR A BUILDING AND ENHANCING CRIMINAL JUSTICE RESEARCHER- PRACTITIONER PARTNERSHIPS GRANT (CFDA 16.560) UNDER THE CRIMINAL JUSTICE RESEARCHER-PRACTITIONER FELLOWSHIP PLACEMENT PROGRAM AREA FROM THE NATIONAL INSTITUTE OF JUSTICE

WHEREAS, the County of Madison has recognized the need to ensure the ongoing safety and security of its citizens and property in an efficient and cost effective manner; and

WHEREAS, the County of Madison is eligible to apply for and participate as a partner with Syracuse University in application for a Building and Enhancing Criminal Justice Researcher- Practitioner Partnerships Grant (CFDA 16.560) under the Criminal Justice Researcher-Practitioner Fellowship Placement Program area from the National Institute of Justice in an amount not to exceed \$350,000; and

WHEREAS, the National Institute of Justice (NIJ), under the United States Department of Justice is interested in supporting collaborative partnerships between researchers and criminal justice practice-based organizations. It is anticipated that this program will establish new criminal justice researcher-practitioner partnerships that can

continue throughout the career of the researchers and criminal justice organizations as well as promote future partnerships; and

WHEREAS, the Criminal Justice Researcher-Practitioner Fellowship Placement Program will support the placement of a researcher within a criminal justice practice-based organization, in this case the Madison County Office of the Sheriff, with the objective to develop and analyze information and data having clear implications for criminal justice policy and practice in the United States. The researcher will work directly with Madison County and the Madison County Office of the Sheriff to conduct needed criminal justice research and/or evaluation related to the needs of the organization; and

WHEREAS, Syracuse University through the School of Information Studies Wireless Grids Lab has agreed to assign Joseph Treglia, as a Research Associate Professor, to this project to conduct research and assessment to meet the criminal justice related research needs and objectives of Madison County and the National Institute of Justice as proposed in the 2011 project narrative, application and statement of work, with guidance from senior faculty members; Prof. Steve Sawyer, Prof. Murali Venkatesh and Associate Prof. Lee McKnight; and

WHEREAS, this is conditioned on the formal approval and financial support of the project by the National Institute of Justice as it is described in the application and that Joseph Treglia meets required researcher qualification requirements for this position, as described in the application, at the time of project commencement, and

WHEREAS, the proposed period of activity and service of this grant and project is from October 1, 2011 through December 31, 2013; and

WHEREAS, Madison county bears no financial cost or obligation for salary and benefits for the Researcher(s) assigned or acting under this program; and

WHEREAS, Madison county has agreed to provide physical office space and basic office supplies in support of this project at the Madison County Sheriffs headquarters complex for the duration of the project, to include use of phone, fax, and internet connection; and

WHEREAS, The proposed project will, from the perspective of a rural upstate New York sheriff's department, investigate develop and analyze information and data that will lead to a better understanding of the information sharing processes and barriers that exist where local governments interact with other federal, tribal, state and local agencies as well as non-government agencies and organizations; and

WHEREAS, Madison county agrees to provide from the project:

1. A final report providing a comprehensive overview of the project and a detailed description of the project design, data, and methods; a full presentation of

- scientific findings; and a thorough discussion of the implications of the project findings for criminal justice practice and policy in the United States.
2. Quarterly financial reports, semi-annual progress reports, and a final progress report.
 3. If applicable, each data set that was collected, acquired, or modified in conjunction with the project.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman of the Board to sign any and all necessary contract documents to apply for and participate as a partner with Syracuse University in application for a Building and Enhancing Criminal Justice Researcher- Practitioner Partnerships Grant (CFDA 16.560) under the Criminal Justice Researcher-Practitioner Fellowship Placement Program area from the National Institute of Justice in an amount not to exceed \$350,000.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 83-11

AUTHORIZING A UTILITY EASEMENT TO NATIONAL GRID IN THE TOWN OF FENNER

WHEREAS, Madison County purchased 1 acre of raw land (tax parcel no. 77.-02-49.12) in the Town of Fenner for the construction of a radio tower for the upgrade of the county's Public Safety Communication System; and

WHEREAS, National Grid wishes to locate and install a new power line to provide service to this parcel located off of Carrys Hill Road; and

WHEREAS, to effect such a service it is necessary to cross a portion of land owned by Mary Hirt and Thomas Lyga (tax parcel no. 77.-02-49.12); and

WHEREAS, the National Grid has requested an Easement from the county to install and maintain such electrical line as shown and described in the proposed easement agreement and accompanying drawing; and

WHEREAS, the Director of E-911 and C&S Engineers, the project managers of the Public Safety Communication System upgrade has reviewed and recommended approval of same;

NOW, THEREFORE BE IT RESOLVED, that the National Grid be and is hereby granted a Utility Easement to install and maintain a electrical line in the Town of Fenner, a copy of which easement agreement is filed with the Clerk of this Board, and the Chairman of this Board is authorized and directed to execute such easement on behalf of the County; and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 84-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH MADISON COUNTY COOPERATIVE EXTENSION

WHEREAS, the County has received a Federal Grant for \$95,250 through the FFY 2008 Department of Homeland Security Grant Program to support the County's efforts to build capabilities to prevent, protect, respond and recover from catastrophic events, including those caused by acts of terrorism, and

WHEREAS, a portion of this grant was written to provide the Madison County Citizens Corps Council with funds to be used to deliver citizen preparedness education outreach to its citizenry, and

WHEREAS, an element of contract WMO7837080 between Madison County and the NYS Division of Homeland Security and Emergency Services includes an allocation of \$15,000 to provide outreach training in home disaster survival skills to targeted elementary school children, and

WHEREAS, Cornell Cooperative Extension of Madison County has the requisite experience and noted expertise in recruiting and managing volunteer resources and delivering educational programs to school aged children that will be the cornerstone of this grant project,

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be authorized to enter into an agreement with the Madison County Cooperative Extension, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 85-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH NYS DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, it is necessary to enter into an agreement with the NYS Division of Criminal Justice Services for Ignition Interlock Monitoring Services from the Governor's Traffic Safety Committee Grant; and

WHEREAS, the amount of \$114.66 is to be paid one time for each individual who receives ignition interlock monitoring services through the Probation and District Attorney's offices; and

WHEREAS, the Criminal Justice Committee has reviewed and approved the signing of this contract; and

WHEREAS, this contract covers the one year life of this grant (October 2010 – September 2011); and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and he hereby is authorized to enter into a contract with the NYS Division of Criminal Justice Services, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

By Supervisor Cary:

RESOLUTION NO. 86-11

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT FOR CLEANING SERVICES (KLOSTER CLEANING)

WHEREAS, the Employment & Training Department presently has an agreement with Kloster Cleaning of 1137 Hubbard Place, Oneida, NY 13421 for the cleaning services at The Career Center located at 1006 Oneida Plaza Drive, Oneida, New York 13421; and

WHEREAS, it is necessary to renew the cleaning services agreement at this time; and

WHEREAS, Kloster Cleaning has agreed to continue the service at the same rate of \$523.00 per month, not to exceed the amount of \$6,276.00 per year; and

WHEREAS, the rate has remained the same for four (4) years and the services of Kloster Cleaning have been acceptable to the Employment and Training Director; and

WHEREAS, the above cost is paid for by the One-Stop partners located in the Career Center using Federal and State money with NO County funds involved;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and is hereby authorized to renew this Agreement with Kloster Cleaning for a period commencing on April 15, 2011 and expiring on April 14, 2012, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 87-11

AUTHORIZING THE CHAIRMAN TO REQUEST FEDERAL SECTION 5311 CONSOLIDATED GRANT ASSISTANCE FOR PUBLIC TRANSIT

WHEREAS, the County of Madison is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, a request for a grant of funds for a project to provide public mass transportation service for Madison County for the 2011 and 2012 fiscal years; and

WHEREAS, the County of Madison and the State of New York have previously entered into a continuing Agreement which authorizes the undertaking of the Project and payment of the Federal Share; and

WHEREAS, the County of Madison makes application semi-annually to the New York State Commissioner of Transportation for such Federal aid used in Madison County 's rural transportation system; and

WHEREAS, the County of Madison is subcontracting with a third party subcontractor for the project described above;

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board of Supervisors is authorized to act on behalf of the County of Madison to sign the grant application and complete the above-named project; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors is authorized to act on behalf of the County of Madison to sign any and all agreements, required under this consolidated application, between the County of Madison and the State of New York for the above-named project; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors is authorized to sign the contracts between Madison County and third party subcontractor Birnie Bus, Inc., or any third party subcontractor which may succeed Birnie Bus Inc. during the project period, necessary to complete the above-named public transportation project, a copy of which is on file with the Clerk of the Board, subject to the approval of the County Attorney.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 88-11

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

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

WHEREAS, Madison County has followed a citizen participation plan to develop its 2011 NYS Office for Community Renewal Community Development Block Grant application; and

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

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

BE IT FURTHER RESOLVED THAT Madison County should apply for a \$708,000 Office for Community Renewal Community Development Block Grant to assist first time home buyers purchase homes.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 89-11

ACKNOWLEDGING INTRODUCTION OF A PROPOSED LOCAL LAW FOR THE YEAR 2011 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Cary has duly introduced proposed Local Law No. 1 for the year 2011 entitled "**MADISON COUNTY OCCUPANCY TAX LAW**", 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 in the Chambers of the Board of Supervisors at the Madison County Office Building on April 12, 2011 at 10:45 a.m. or as soon thereafter as possible; and

BE IT FURTHER RESOLVED, that the Clerk of the Board duly publish a notice of said hearing in the official newspapers of the County at least five (5) days prior to the scheduled hearing date.

Supervisor Cary made a motion to amend this local law under section 3. Definitions: (e) changing the word thirty to ninety. Supervisor Reinhardt seconded the amendment and the amendment was carried.

A final vote was then taken:

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

**PROPOSED LOCAL LAW NO. 1 OF 2011
MADISON COUNTY OCCUPANCY TAX LAW**

A local law Imposing a Tax on Occupants of bed and breakfast, hotel, motel, tourist home, boarding house, cottage, motor court or club, bunkhouse, lodge, trailer or camper which have been established upon a site by the owner or user, campsite, and similar establishment for rental in the County of Madison.

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

- Section**
- 1.** Title
 - 2.** Intent Purpose
 - 3.** Definitions
 - 4.** Imposition of Tax
 - 5.** Transitional Provisions
 - 6.** Exempt Organizations
 - 7.** Territorial Limitations
 - 8.** Registration
 - 9.** Administration and Collections
 - 10.** Records to be Kept
 - 11.** Returns
 - 12.** Payment of Tax
 - 13.** Determination of Tax
 - 14.** Refunds
 - 15.** Reserves
 - 16.** Remedies Exclusive
 - 17.** Proceedings to Recover Tax
 - 18.** General Powers of the County Treasurer
 - 19.** Administration of Oaths
 - 20.** Reference to Tax
 - 21.** Penalties and Interest
 - 22.** Returns to be Secret
 - 23.** Notices and Limitations of Time
 - 24.** Disposition of Revenues
 - 25.** Separability
 - 26.** Effective Date

1. Title:

This local law shall be known as the **Madison County Occupancy Tax Law**.

2. Intent Purpose:

The purpose of this local law shall be to enhance the general economy of Madison County, its city, towns and villages through promotion of tourist related and supporting activities.

3. Definitions:

(a) Person: An individual, partnership, society, association, joint stock company, corporation, estate receiver, trustee, assignee, referee, and other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the above.

(b) Operator: Any person operating a bed and breakfast, hotel, motel, tourist home, boarding house, cottage, motor court or club, bunkhouse, lodge, trailer, or camper which have been established upon a site by the owner or user, campsite, and similar establishment for rental in the County of Madison, and which is regularly used and kept open for the lodging of guests, including, but not limited to, the owner or proprietor, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such premises.

(c) Occupancy: The use or possession or the right to the use or possession, of any room in properties set forth and described in Section 3(b).

(d) Occupant: A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in the properties set forth and described in Section 3(b) under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(e) Permanent Resident: Any occupant of any room or rooms in the properties set forth and described in Section 3(b) for at least ninety (90) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(f) Rent: The consideration received for occupancy valued in money, whether received in money or otherwise.

(g) Room: Any room or rooms, or portion of the premise comprising any of the properties set forth and described in Section 3(b), of any kind in any part or portion which is available for or let out for any purpose other than a place of assembly.

(h) Return: Any return filed or required to be filed as herein provided.

(i) County Treasurer: The Treasurer of Madison County.

4. Imposition of Tax:

In addition to any other tax presently authorized and imposed (pursuant to Article 29 of the Tax Law), there is hereby imposed and there shall be paid a tax of four percent upon the rent for every occupancy of a room in this county, except that the tax shall not be imposed upon a permanent resident.

5. Transitional Provisions:

The Tax imposed by this Local Law shall be paid upon any occupancy on and after effective date of this local law, even though such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this Local Law to the extent that it is not in violation of this law.

6. Exempt Organization:

(a) Nothing in this local law shall be construed to authorize the imposition of such tax upon any transaction, by or with those entities enumerated in Section twelve hundred thirty of the New York State Tax Law.

(b) The operator shall submit such written proof as may be required to show that the use or occupancy falls within those exemptions enumerated in Section twelve hundred thirty of the New York State Tax Law, and in the absence of such documentation, the tax must be collected by the operator.

(c) Where any organization described in paragraph (d) of Section twelve hundred thirty of the New York State Tax Law, carries on its activities in furtherance of the purposes for which it is organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

7. Territorial Limitations:

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Madison.

8. Registration:

Every person required to collect any tax imposed by this Local Law presently operating, commencing business or opening a new place of business, and every person who takes possession of or pays for business assets under circumstances requiring notification by such person to the County Treasurer pursuant to subdivision (b) of Section 17 of this Local Law shall file with the County Treasurer a certificate of registration, in a form

prescribed by it, at least twenty days prior to commencing business or opening a new place of business or such purchase or taking of possession or payment, whichever ever comes first.

The certificate or registration forms shall contain information with respect to the notice requirements of a purchaser, transferee or assignee and his liability for the payment of taxes pursuant to subdivision (b); of (Section 17) of this Local Law. The County Treasurer shall within five days after such registration issue, without charge, to each registrant a certificate of authority empowering him to collect the tax and a duplicate thereof for each additional place of business of such registrant. The County Treasurer shall issue with the certificate of authority general information about the tax imposed under this Local Law, including information on records to be kept, returns and payments, notification requirements and forms. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates of authority shall be prominently displayed in the places of business of the registrant. Such certificates shall be non-assignable and non-transferable and shall be surrendered to the County Treasurer immediately upon the registrant's ceasing to do business at the place named or in the event that such business never commenced.

9. Administration and Collection:

(a) Every person required to collect the tax shall collect the tax from the occupant when collecting the rent to which it applies. If the occupant is given any receipt or other statement or memorandum of rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the Madison County Treasurer.

(b) The County Treasurer shall by regulation prescribe a method or methods or a schedule or schedules of the amounts to be collected from occupants in respect to rent upon which a tax is imposed by this Local Law so that the aggregate collection of taxes by a person required to collect tax shall, as far as practicable, be equal to four percent of the total rents of such person upon whom a tax is imposed by this local law.

(c) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents of occupancy of properties described in Section 3(b) are subject to tax until the contrary is established, and the burden of proving that any rent is not taxable shall be upon the person required to collect tax from the occupant. Unless an occupant, prior to taking possession, furnished to the operator a statement demonstrating that the occupant is an exempt organization described in Section 6 of this Local Law, the sale shall be deemed a taxable transaction. Where such a statement has been furnished to the operator, the burden of proving that the rent is not taxable hereunder shall be solely upon the occupant. The operator shall not be required to collect tax from occupants who furnish an exempt organization statement in proper form.

(d) The County Treasurer may provide, by regulation, for the exclusion from taxable rents, rent which has been ascertained to be uncollectible or, in the case the tax has been paid upon such rent, for refund or credit for the tax so paid, he shall require an application for credit to be filed, but he may also allow the applicant to immediately take the credit on the return which is due coincident with or immediately subsequent to the time the applicant files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to application for credit in Section 14 of this Local Law.

10. Records to be Kept:

Every operator shall keep records of every occupancy and all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall include a true copy of each receipt or statement separately stating the tax charged. Such records shall be available for inspection, examination and audit at any time upon demand by the County Treasurer or his duly authorized agent or employees and shall be preserved for a period of five years, except that the County Treasurer may require that they be kept longer.

11. Returns:

(a) Every operator required to register pursuant to Section 8 hereof shall file a return quarterly with the County Treasurer. The return shall show all rents received or charged and the amount of tax thereon. The returns to be filed quarterly shall be filed for the quarterly periods ending on the last day of February, May, August, and November of each year, and shall be filed within twenty days after the end of the quarterly period covered thereby. The County Treasurer may permit or require returns to be made for other periods and upon such dates he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter or longer periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The form of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within fifteen days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

12. Payment of Tax:

(a) Every operator required to file a return under the preceding section shall, at the time of filing such return, pay to the County Treasurer four percent of the total of all rents

subject to tax pursuant to Local Law, as well as other moneys collected by the operator acting or purporting to act under the provisions of this Local Law.

(b) The amount payable for the period for which a return is filed shall be due and payable to the County Treasurer on the date limited for filing the return, whether or not the return is filed, or whether or not the return filed correctly shows the rents or the taxes due thereon.

(c) Where the County Treasurer in his discretion deems it necessary to protect revenues to be obtained under this Local Law, he may require any operator to collect the tax imposed by this Local Law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix, to secure the payment of any tax or penalties or interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond, he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before a Board comprised of three members of the Finance, Ways and Means Committee of the Madison County Board of Supervisors, which members shall be appointed by the Chairman of such Committee, at which the necessity, propriety and amount of the bond shall be determined by such Board. Such determination shall be final and shall be complied with within fifteen days after the giving of notice thereof, in lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited with and shall be kept in the custody of the County Treasurer, who may at any time without notice to the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

13. Determination of Tax:

(a) If a return required by this Local Law is not filed, or if a return filed is incorrect or insufficient, the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer, on his own motion, shall re-determine the same.

(b) Whenever such tax is estimated as provided for in this section, such notice shall contain a statement conspicuously placed on such notice advising the person: that the

amount of tax was estimated, that the tax may be challenged through a hearing process, and that the petition for such challenge must be filed with the County Treasurer within ninety days.

(c) After such hearing, the County Treasurer shall give notice promptly, by registered or certified mail, of his determination to the applicant. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the County Treasurer, and there shall be filed with the County Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or at the option of the application, such undertaking filed with the County Treasurer may be in a sum sufficient to cover taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

14. Refunds:

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. No actual refund of monies shall be made to any operator, of tax which he collected from an occupant, until he shall first establish to the satisfaction of the County Treasurer under such regulations as the County Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may in lieu of any refund required to be made, allow credit thereof of payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the County Treasurer may receive evidence with respect thereto. After making his determination, the County Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided such proceeding is instituted within four months after the giving of the notice of such determination, and provided that a final determination of tax

due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 13 of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to Section 13 of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event, refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

15. Reserves:

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

16. Remedies Exclusive:

The remedies provided by Sections 13 and 14 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law; and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

17. Proceedings to Recover Tax:

(a) Whenever any operator required to collect a tax shall fail to collect and pay any tax, penalty or interest, or whenever any occupant shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Madison in any court of the State of New York, the United States, or of any other state of the United States. The cost thereof shall be an expense of administration, and may be reimbursed out of the revenues generated by the imposition of this tax generally, which reimbursement shall not be limited to the tax recovered as a result of any individual action brought under this subsection.

(b) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his assets relating to the properties and business set forth and described in Section 3(b), otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferror or assignor has represented to or informed the purchaser, transferee or assignee that he owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph, or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exist, any sums of money, property or choses in action, or other consideration which the purchaser, transferee or assignee is required to transfer over to the seller, transferror or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferror or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferror or assignor any such sums of money, property or choses in action to the extent of the amount of the county's claim.

For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall be personally liable for the payment to the county of any such taxes theretofore or thereafter determined to be due to the county from the seller, transferror, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

18. General Powers of the County Treasurer:

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

- (1)** To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;
- (2)** Extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;
- (3)** To request information from the tax commission of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(4) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of the Treasurer;

(5) To prescribe methods for determining the amount of rents for determining which of them are taxable or nontaxable;

(6) To require any operator to keep detailed records of all rents received, charged and accrued, including those claimed to be nontaxable, and also the nature, type, value and amount of all occupancies, names and addresses of occupants, and other facts relevant in determining the amount of tax due, and to furnish such information to the County Treasurer;

(7) Impose as a penalty upon any operator within the County any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator;

(8) Consistent with the provisions of this Local Law, to assess, determine, revise, and readjust the taxes reimposed under this Local Law.

19. Administration of Oaths and Compelling Testimony:

(a) The County Treasurer, or his employees or agents duly designated and authorized by him, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of state or unable to attend before him or excused from attendance.

(b) A justice of the supreme court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of records, except as

herein otherwise provided. Such officers shall be the county sheriff and his duly appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

20. Reference to Tax:

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form "tax on receipts of occupancy" except that any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

21. Penalties and Interest:

(a) Any person failing to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty of ten percent (10%) of the amount of tax due, plus interest at the rate of one and one-half percent (1.5%) of such tax for each month or part thereof of delay. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law.

(b) If the County Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, he shall remit all of such penalty. The County Treasurer shall promulgate rules and regulations as to what constitutes reasonable cause.

(c) If the failure to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law is due to fraud, there shall be added to the tax a penalty of fifty percent (50%) of the amount of the tax due (in lieu of the penalty provided for in paragraph (a), plus interest at the rate of one percent (1%) of such tax for each month of delay after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law.

Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this Local Law.

(d) Any operator failing to file a return or report required by this Local Law or filing, or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, or willfully failing to file a bond required by this Local Law or willfully failing to comply with the provisions of Section 12(c) of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this Local Law, or assigning or transferring such certificate of authority, or willfully failing to charge

separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in Section 10 of this Local Law willfully failing to collect the tax from a customer, or who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment. The penalties provided herein shall not apply to a failure to surrender a certificate or authority which is required to be surrendered where business never commenced.

(e) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

(f) The penalties provided for in this section shall not preclude prosecution pursuant to the penal law with respect to the willful failure of any person to pay over to the county any tax imposed by this Local Law, whenever such person has been required to collect and has collected any such sales tax.

22. Returns to be Secret:

(a) Except in accordance with the proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the County Treasurer's office, or any person who in any manner obtaining knowledge of the contents of a return or report filed with the County Treasurer pursuant to this Local Law to disclose in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law, except to such persons and at such times as necessary to carry out this Local Law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding.

In any of these events, the Court may require the production of and may admit into evidence as much of said returns or the facts shown thereby as are pertinent to the action or proceeding, and no more. Nothing herein shall be construed to prohibit the delivery to the taxpayer (or person liable under Section 17(b)) or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics classified so as to prevent the identification of particular returns and the items thereof. In addition nothing herein shall be construed to prohibit the inspection by the County Attorney or other legal representatives of the County of the return of the taxpayer who shall bring action to set aside or review the tax

based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

(b) Returns shall be preserved for not less than five years and thereafter until the County Treasurer permits them to be destroyed.

(c) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, in the discretion of the Court. If the offender is an officer or employee of the County, he shall be subject to disciplinary action, including but not limited to dismissal from office.

23. Notices and Limitations of Time:

(a)(1) Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him, or, if no return has been filed or application made, then to such address as may be obtainable. A notice of determination shall be mailed promptly by registered or certified mail. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(a)(2) If any return, claim, statement, notice, application, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of this Local Law is, after such period of such date delivered by United States mail to the County Treasurer or his office, the date of the United State postmark stamped on the envelope shall be deemed to be the date of delivery. This subdivision shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document, or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the County Treasurer or his office. If any document is sent by United State registered mail, such registration shall be prima facie evidence that such document was delivered to the County Treasurer or his office.

Certified mail may be used in lieu of registered mail under this section. This subdivision shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulation of the County Treasurer.

(a)(3) When the last day prescribed under the authority of this Local Law (including any extension of time) for performing any act falls on Saturday, Sunday or a legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing made before the expiration of the extended period.

24. Disposition of Revenues:

All revenues resulting from the imposition of the tax under this Local Law shall be deposited to the general fund of the County, thereafter to be allocated only for tourism promotion in Madison County; provided, however, that a portion of such revenue may be specifically allocated to the expense of the County in administering such tax. The revenue derived from such tax, after deducting the amount provided for administering such tax, shall be allocated only to enhance the general economy of the County of Madison, its city, towns and villages through promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities. The amount retained by Madison County with respect to administering said tax shall not exceed ten percent of the revenues collected from the imposition of this tax.

25. Separability:

If any provision of this Local Law, or the application thereof to any person or circumstances, is held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

26. Effective Date:

This Local Law shall take effect on July 1, 2011, and shall remain in effect for thirty-six (36) months from the date of its enactment.

By Supervisor Stepanski (as member):

RESOLUTION NO. 90-11

RE-APPOINTING A MEMBER TO THE CAZENOVIA SEWER DISTRICT BOARD

WHEREAS, the Cazenovia Sewer District Board recommends that Mr. Jim Brady of Cazenovia, NY be re-appointed to the Cazenovia Sewer District Board for another term of office; and

WHEREAS, the Public Works Committee at their regular committee meeting approved of this re-appointment;

NOW, THEREFORE BE IT RESOLVED, that Mr. Jim Brady of Cazenovia, New York be hereby re-appointed to the Cazenovia Sewer District Board for a five (5) year term commencing on February 16, 2011 and expiring on February 15, 2016.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 91-11

SUPPORT FOR THE DISSOLUTION AND TRANSFER OF THE MADISON COUNTY SEWER DISTRICT TO THE TOWN OF CAZENOVIA

WHEREAS, the Madison County Sewer Board and Town of Cazenovia Board have passed resolutions of support for the dissolution of the Madison County Sewer District and the transfer of the Madison County Sewer District's assets and liabilities from Madison County to the Town of Cazenovia; and

WHEREAS, numerous procedures and approvals are requisite necessary prior to the effectiveness of such dissolution, acquisition and transfer; and;

WHEREAS, the Madison County Board of Supervisors also desires to declare its' support with respect to said proposal; and

NOW, THEREFORE, BE IT RESOLVED, the Madison County Board of Supervisors supports the dissolution of the Madison County Sewer District and simultaneously transfer of the Madison County Sewer District's assets and liabilities to the Town of Cazenovia subject to the necessary procedures and approvals required therein.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 92-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO A MAINTENANCE AGREEMENT WITH CUMMINS NORTHEAST, INC.

WHEREAS, it is necessary to enter into a maintenance agreement for the bi-annual inspections to keep the generator systems, located in the County Office Building,

Public Safety Building, Social Services Building, Public Health and Highway Department in top working condition; and

WHEREAS, the County Buildings and Grounds Committee have reviewed and approve of this maintenance agreement; and

WHEREAS, the maintenance agreement is for one year, commencing on March 31, 2011, in the amount of \$770.40 for the Public Safety Building, \$553.91 for the County Office Building, \$697.42 for the Social Services Building, \$631.41 for Public Health and \$561.15 for the Highway Department , a total of **\$3,214.29** per year with no increase from the previous year;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and he hereby is authorized to enter into a maintenance agreement with **Cummins Northeast, Inc. of Syracuse, NY**, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

By Supervisor Ball (as member):

RESOLUTION NO. 93-11

ELIMINATING THE FEE FOR DISPOSING OF WASTE MOTOR OIL AT THE MADISON COUNTY LANDFILL AND TRANSFER STATIONS

WHEREAS, the Department of Solid Waste is currently using all of the waste motor oil being generated on site to heat the Madison County Landfill Operations/Maintenance Building; and

WHEREAS, additional waste oil is needed to heat the Landfill Operations/Maintenance Building for an entire heating season; and

WHEREAS, the current charge for disposal of up to two gallons of waste oil is one punch (\$2.65) on a solid waste disposal punch card; and

WHEREAS, the Solid Waste/Recycling Committee has discussed this proposal and recommends that the Board of Supervisors approve this change in the solid waste fee schedule.

NOW, THEREFORE, BE IT RESOLVED, that in order for Madison County to recover additional waste oil for heating purposes, the current charge for waste oil disposal is hereby rescinded; and

BE IT FURTHER RESOLVED, that the new waste oil disposal policy becomes effective immediately.

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 94-11

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; and

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, 2016; 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. ANDREW GARDNER
2. TERRY BLOWERS

Supervisor Ball offered an amendment to this resolution, seconded by Supervisor Goldstein to include the name: Duffy Trucking. The amendment was carried.

Final vote:

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

By Supervisor Reinhardt:

RESOLUTION NO. 95-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE STATE UNIVERSITY COLLEGE AT BUFFALO

WHEREAS, in the preceding two years the County Clerk’s Office has regained possession of four oil on canvass portraits of Madison County’s earliest judges and leaders of the county,

WHEREAS, the portraits and are in poor condition from decades of storage in non-archival conditions,

WHEREAS, the Courthouse and the County Clerk’s Office is desirous of displaying these portraits in the Madison County Courthouse as they once were,

WHEREAS, the County Clerk’s office has been able to attain the acceptance of two portraits into the Graduate Program of the Art Conservation Department’s clinic of the State University College at Buffalo for conservation and preservation work for material costs only,

WHEREAS, the costs have been apportioned in County Clerk/Historian’s budgets and brought forward into 2011 budget with an estimate of \$2,300,

WHEREAS, this agreement has been reviewed and approved by the Finance Ways and Means Committee;

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

ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 96-11

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

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

Gerald F. Dubach
P.O. Box 49
Eaton, NY 13334

Tax Map #136.-1-54
4.14 Acres & Residence
Town of Eaton

WHEREAS, the 2010 Morrisville Eaton Central School tax bill for this parcel included a \$15,000 value for a pole barn that was destroyed by fire prior to the March 1, 2010 taxable status date; and

WHEREAS, the 2010 Morrisville Eaton Central School tax bill was not paid to the school and was subsequently turned over to the Madison County Treasurer for relevy; and

WHEREAS, on November 18, 2010 the property owner did pay to the Madison County Treasurer the unpaid Morrisville Eaton Central School tax in the amount of \$1,217.51; and

WHEREAS, under Section 550; 2(a) of the New York State Real Property Tax Law, this is an "error in essential fact", an entry on the tax roll of an improvement to real property which was removed or destroyed prior to taxable status date; and

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

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be and hereby is directed to refund the 2010 Morrisville Eaton School Taxes in the amount of \$240.60 due to this error.

ADOPTED: AYES – 883 NAYS – 0 ABSENT- 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson

RESOLUTION NO. 97-11

AUTHORIZING THE MODIFICATION OF THE 2011 COUNTY BUDGET

RESOLVED, that the 2011 Adopted County Budget be modified as follows:

Modification No. 1

General Fund

1640 Central Garage Expense

Expense

A1640.2901 Car Lift

From

\$ 6,000

To

\$ 6,095

A1640.4820	Repair Parts	<u>56,030</u>	<u>55,935</u>
	Control Total	<u>\$62,030</u>	<u>\$62,030</u>

Modification No. 2

County Road Fund

5020 County Highway Engineering Expense

D5020.4110	Stormwater Compliance/Training	<u>From</u> \$ 2,500	<u>To</u> \$ 7,500
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5110 Maintenance of Roads & Bridges

Expense

D5110.46001	Bridge Materials	<u>60,000</u>	<u>55,000</u>
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	Control Total	<u>\$62,500</u>	<u>\$62,500</u>
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ADOPTED: AYES – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

RESOLUTION NO. 98-11

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 – 883 NAYS – 0 ABSENT – 617 (Degear, DiVeronica, Bradstreet, Becker, Henderson)

Vice Chairman Bargabos called on Kim Scott who addressed the Board on joining the Literacy Coalition of Madison County and to bring awareness of the problem. Kim handed out literature showing some statistics for Madison County and listing objectives for 2011-2012.

PUBLIC COMMENT PERIOD

No speakers.

**PROCLAMATION
DEVELOPMENTAL DISABILITIES AWARENESS MONTH
MARCH 2011**

WHEREAS, decades ago, a small group of parents, working against enormous odds fighting for the dignity of their children, created the Madison County ARC. They

left a legacy that has changed the course of history for persons with developmental disabilities and their families throughout the county; and

WHEREAS, today Madison Cortland ARC has become a symbol for what parents, family members and persons with disabilities can do for themselves through dedication and perseverance. Due to the tireless efforts of Madison Cortland ARC more than 1,000 people they serve are living lives filled with opportunity, dignity and hope; and

WHEREAS, this year the Madison Cortland ARC will build upon its past successes to increase the public awareness and understanding of individuals with developmental disabilities. As a result, children and adults, in Madison County, may realize a future that will bring them the equality and fulfillment, which is the dream of every citizen of this county;

NOW, THEREFORE, I, John M. Becker, Chairman of the Madison County Board of Supervisors do hereby proclaim official recognition to the month of March as:

2011 Developmental Disabilities Awareness Month

celebrating the achievements and contributions of people with developmental disabilities in Madison County and urge all citizens to observe this proclamation.

PROCLAMATION COLORECTAL CANCER AWARENESS MONTH MARCH 2011

***WHEREAS**, colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer deaths for men and women in the United States; and*

***WHEREAS**, colon cancer affects men and women equally; and*

***WHEREAS**, the vast majority of colon cancer deaths can be prevented through proper screening and early detection; and*

***WHEREAS**, every 5 seconds someone should be screened for colon cancer and is not; and*

***WHEREAS**, the survival rate of individuals who have colorectal cancer is 91% when detected in early stages versus only a 10% survival rate when colorectal cancer is diagnosed after it has spread to other organs; and*

***WHEREAS**, uninsured Americans are more likely to be diagnosed with late stage colon cancer than patients with private insurance; and*

***WHEREAS**, at least 6 out of every 10 deaths could be prevented if every adult 50 or older go tested regularly; and*

WHEREAS, colorectal cancer is preventable, treatable, and beatable in most cases; and

WHEREAS, observing a Colorectal Cancer Awareness Month during the month of March will provide a special opportunity to offer education on the importance of early detection and screening:

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

- (1) supports the observance of Colorectal Cancer Awareness Month in order to offer education on the importance of early detection and screening;
- (2) in conjunction with the Cancer Services Program of Oneida, Herkimer and Madison Counties, recognizes and applauds Mayor Todd Rouse of Canastota for providing information on the importance of prevention and early detection during a special celebration of awareness, **Peterboro Street Goes Blue for Colorectal Cancer Awareness**, from March 17, 2011 through March 23, 2011;
- (3) Urges residents of Canastota to be screened for early detection of colon cancer, and to participate and support colon cancer awareness efforts by the Cancer Services Program, and hereby recognize March as "Colorectal Cancer Awareness Month" in Canastota and in Madison County.

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