

MADISON COUNTY BOARD OF SUPERVISORS
Monthly Meeting – Tuesday, August 11, 2009

The Board convened at 10:00 a.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, New York with all members present.

Pledge of Allegiance.

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

COMMUNICATIONS

1. Copy of a resolution from Schoharie County – Requesting New York State to Take Back Local Share of Medicaid as a Component of True Medicaid Reform.
2. Thank you to the Board and to Historian Mary Messere from Judy Oplinger regarding the Madison County Fair.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, Employment & Training/WIA And Cazenovia Sewer District:	\$ 2,709,975.72
Miscellaneous Accounts:	\$ 124,575.34

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 309-09

**IN RESPECT TO THE DEATH OF
LANCE CORPORAL JEREMY S. LASHER**

WHEREAS, on July 23, 2009, Lance Corporal Jeremy S. Lasher of the United States Marine Corps was fatally wounded while serving on a mission in the Helmand province of Afghanistan; and

WHEREAS, Jeremy S. Lasher will long be remembered having given the ultimate sacrifice in service to his Country and his community,

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Supervisors hereby expresses our deepest sympathy to his family in their bereavement; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the family of Lance Corporal Jeremy S. Lasher.

County Administrator Paul Miller read aloud the resolution honoring Lance Corporal Jeremy Lasher and Chairman Becker presented the Vicky Arnold, mother and Andrea Lasher, wife of Jeremy Lasher with resolutions. Chairman Becker then asked for a moment of silent prayer.

Supervisor Carinci then read the following statement into the minutes:

“We are here today to honor Marine Lance Corporal Jeremy Lasher. He will be remembered for being a very proud son, brother, Marine, volunteer fireman, father and husband. As I watch television and hear the names such as Tiger, A-Rod, Derrick Jeter and MJ, we are lead to believe they are our heroes and idols. Well they have it all wrong. The real heroes are the men and women whom serve this country and pay the ultimate price – THEIR LIVES – for our freedom. Sitting and talking with Vicky and Andrea, they told me how grateful and proud they were of the community for all the support they received. They would like to go door to door and thank everyone. I never once heard the word resentful but instead I heard how proud they were of a son and a husband “a Marine”. Because of men and women like Jeremy we get to sit around this horseshoe and make decisions on how we run this county. Vicky, Andrea, you and your family do not owe a “thank you” to our community but we as citizens of this county and the United States owe you a thank you for having such a great son, husband, father and Marine. THANK YOU.”

The Lasher family thanked the Board stating that they are so grateful to the Board and the community for the outpouring of support shown during their time of bereavement.

In the honor of Lance Corporal Jeremy Lasher this resolution was:

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Moran:

RESOLUTION NO. 310-09

**RECOGNIZING THE SUMMER YOUTH PARTICIPANTS IN SERVICE
TO MADISON COUNTY**

WHEREAS, the Madison County Board of Supervisors recognizes individuals for outstanding service and accomplishments; and

WHEREAS, several youth, funded through the Madison County Office of Employment and Training, have worked in the County Office Complex this summer; and

WHEREAS, their work provides assistance to all the residents of Madison County; and

WHEREAS, the Madison County Board of Supervisors believes that dedicated public service is the backbone of our democracy;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors hereby recognizes these youth for their work and encourages them to continue to be involved in public service in the future; and

BE IT FURTHER RESOLVED, that the following youth be honored with certificates for their current work and accomplishments:

**Charlene Bristol – Public Health
Jennifer Donaldson and Jessica Thomson – Sheriff’s Department
Alexis Holmes – Mental Health
Sarah Lake – Information Technology
Alexandra Williamson – Veterans Agency
Kari Lollman, Olivia Lopitz, and Kattie Shoen – County Clerk**

Each participant was introduced and presented a certificate .The department heads that worked with the participants gave a little description of what kind of work each accomplished.

ADOPTED: AYES – 1500 NAYS – 0

At this time Chairman Becker announced and called for the public hearing on Local Law No. 2 for 2009 - Establishing Performance Incentive Payments for Certain County Officials for 2009. Supervisor Degear made a motion to open the hearing, seconded by Supervisor Rafte and carried. Chairman Becker then asked for speakers and no one wished to speak. Chairman Becker then called for a motion to close the hearing. Supervisor DiVeronica made that motion, seconded by Supervisor Stepanski and carried.

By Supervisor Bargabos:

RESOLUTION NO. 311-09

RESOLUTION OF APPRECIATION – RETIREE RECOGNITION

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

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

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Jacob R. Miller upon his retirement.

Jacob R. Miller Planning 1987 - 2009 22 years

Mr. Miller was presented a gift on behalf of the Board and applauded for his dedication to his job and to the County. His expertise and knowledge will be missed.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 312-09

ABOLISHING A PLANNING ASSISTANT AND CREATING A PLANNER/TRAINEE POSITION IN THE PLANNING DEPARTMENT

WHEREAS, the Planning Director recommends that a full-time Planning Assistant position be abolished and a Planner/Trainee position be created in the Planning Department; and

WHEREAS, the Personnel Officer certifies that Planner/Trainee is the appropriate classification based on the description of duties for this position; and

WHEREAS, the salary and fringe benefits for the Planner/Trainee will be fully funded through existing personal services appropriations in the 2009 departmental budget; and

WHEREAS, this request was reviewed and approved in accordance with the vacancy review procedure by the Planning, Economic Development and Intergovernmental Affairs Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that one (1) Planning Assistant position be and hereby is abolished effective August 24, 2009; and

BE IT FURTHER RESOLVED that one (1) full-time Planner/Trainee and hereby is created; and

BE IT FURTHER RESOLVED that the Planning Director be and hereby is authorized to fill said position at the 2009 hourly rate of \$17.05 in accordance with Civil Service Law and Rule effective immediately.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 313-09

AMENDING THE MADISON COUNTY MANAGEMENT

PERFORMANCE APPRAISAL POLICY

WHEREAS, the Madison County Board of Supervisors adopted a revised Management Performance Appraisal Policy by Resolution No. 235 of 1997; and

WHEREAS, the Board of Supervisors desires to amend the language of the appraisal policy so it can properly evaluate employees work production and include language on performance incentive evaluation; and

WHEREAS, the Madison County Management Performance Appraisal Policy was reviewed by the County Administrator, the Pay-for-Performance Task Group, the Performance Incentive Committee and the Government Operations Committee; and

WHEREAS, the Government Operations Committee reviewed the modifications to the policy as are attached and recommends same for adoption by the Board of Supervisors.

NOW, THEREFORE BE IT RESOLVED that the Madison County Management Performance Appraisal Policy be and hereby is amended.

ADOPTED: AYES – 1470 NAYS – 30 (Goldstein)

MADISON COUNTY MANAGEMENT PERFORMANCE APPRAISAL SYSTEM

I. POLICY STATEMENT

By Resolution No. 207 of 1989, the Board of Supervisors adopted the mission statement for the County:

"The mission of Madison County Government is to create, promote and maintain a safe, dynamic, economically viable, and socially responsive community for the present and future residents of Madison County.

In pursuing this mission, Madison County's officers and employees shall strive to be imaginative, efficient, non-partisan, and cost-effective in providing quality government and services."

In the spirit of our mission statement, Madison County strives to maximize the development and utilization of the talents and expertise of its department heads, and managerial and confidential employees through an ongoing process of performance appraisal. Every department head and each managerial and confidential employee will receive an annual appraisal of his/her performance with regard to established criteria, agreed upon goals and objectives, and budget management.

The intent of this performance appraisal system is to establish objective criteria for the measurement of performance of County department heads and managerial and confidential employees. The appraisal itself is designed to provide feedback from the supervisor to the participating employee on performance expectations and progress. Finally, the appraisal system will provide the basis for acknowledging performance with monetary rewards such as the annual performance increase and performance incentive payments as well as non-monetary rewards, as applicable. An employee will be required to achieve a rating of "fully meets expectations" on their annual performance appraisal for the preceding year in order to be eligible for the performance increase and/or the performance incentive payment.

Members of the Board of Supervisors, the County Administrator, department heads and managerial and confidential employees will work cooperatively throughout this process to ensure quality, cost-effective government services for the citizenry of Madison County.

II. PROCEDURE AND TIMETABLE FOR THE PERFORMANCE APPRAISAL PROCESS

A. General

1. Department heads, and managerial and confidential employees shall receive an annual performance appraisal. The elected positions of County Clerk, County Treasurer, District Attorney, Sheriff and the appointed Election Commissioners shall be exempt from this process.
2. Probationary employees shall receive at least one appraisal during their probationary period, and may receive appraisals more frequently if deemed necessary by their appointing authority.
3. In general, the performance appraisal process shall be conducted from January 15 through March 31 each year. The performance period evaluated during the annual appraisal shall be the year preceding the appraisal, the period since the employee's last appraisal, or the period since the employee began employment, as applicable.
4. The appropriate Performance Appraisal form shall be distributed by the Personnel Officer on an annual basis.

B. The Appraisal Process

1. Performance appraisals shall be conducted on an annual basis between January 15 and March 31.

2. New employees that are hired prior to July 1st may be eligible for a Performance Increase award during their first year of employment. Appraisers may evaluate a subordinate employee's work performance at the end of the calendar year, thus making said employee eligible for a Performance Increase.
3. The chart below shall indicate the procedural steps all employees will adhere to when having their annual performance appraisal conducted:

EMPLOYEE	EVALUATOR	REVIEWING AUTHORITY	APPEAL AUTHORITY
Department Heads →	County Administrator →	Committee Chair →	Board Chair (If Necessary)
OR			
Management/Confidential Employees →	Department Head →	County Administrator →	Board Chair (If Necessary)

Every performance appraisal will consist of a three step process as follows (a fourth step may be necessary in some instances):

1. Evaluation – The assigned **evaluator** will complete the required performance appraisal document in advance of a meeting with their subordinate **employee**. The form shall be distributed by the Personnel Officer on an annual basis.
 2. Consultation – The **employee** that is being appraised will review the prepared document with the **evaluator** and acknowledge their receipt of the performance appraisal by signing the document.
 3. Review – The **reviewing authority** shall evaluate the completed performance appraisal that was forwarded by the **evaluator** and make any changes or comments deemed to be appropriate.
 4. Appeal –
 - Preliminary – If an employee does not agree with an evaluation, it shall be referred first to the **reviewing authority** for resolution or comment.
 - Formal – If there is no agreed upon resolution at the preliminary step, a formal appeal shall be forwarded to the **appeal authority** (Board Chair) for decision.
3. Employees are required to sign their appraisal form to indicate they have discussed and reviewed the form with the appropriate appraiser(s).

4. Completed appraisal forms shall be signed and forwarded to the Personnel Department by the reviewing authority.

C. The Review Process

1. The explanation for any changes in ratings shall be reduced to writing by the Board Chairperson/County Administrator and attached to the appraisal form.
2. A department head or Madison County employee shall have the opportunity to appeal any rating on their performance appraisal form by requesting a meeting with the Board Chair not later than April 30.
3. The legislative committee chairperson shall forward all reviewed appraisals to the Personnel Department.

D. Endorsement

1. The Chairperson of the Board and the County Administrator shall endorse all appraisals and return them to the Personnel Department.

III. ADMINISTRATIVE COORDINATION

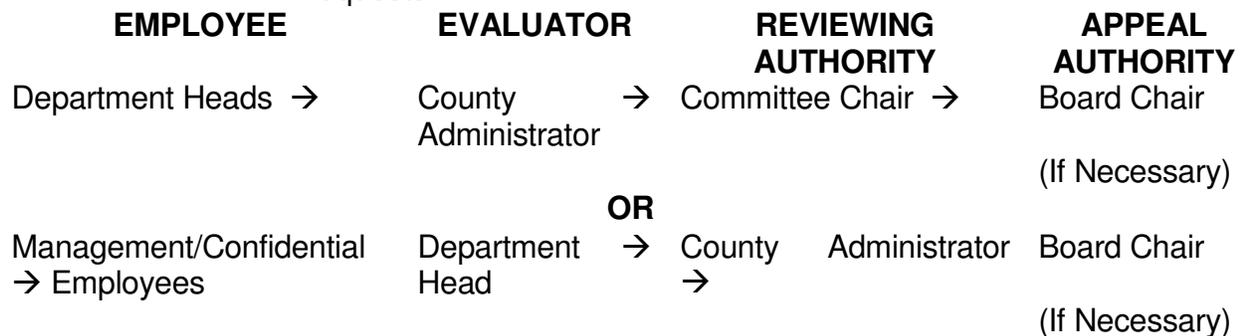
1. Performance appraisal forms shall be developed by the Personnel Department for review and approval by the Government Operations Committee.
2. The Personnel Department shall be responsible for coordinating the flow of the performance appraisal process.
3. The permanent copy of all completed performance appraisals shall be maintained in the employee's personnel file in the Personnel Department.
4. The County Administrator shall be responsible for evaluating the effectiveness of the performance appraisal process, and making recommendations for modifications to the Government Operations Committee.

IV. OPTIONAL PERFORMANCE INCENTIVE

1. Department heads and managerial confidential employees may draft a minimum of 1 but no more than 5 performance goals on the approved form distributed by the Personnel Department. All attorneys that are employed within the District Attorney's and the

County Attorney's Offices, elected officials and Election Commissioners are not eligible for this incentive.

2. New employees that are hired prior to July 1st may be eligible for a Performance Incentive award during their first year of employment, if approved by their evaluator. With the assistance of their supervisor, each new employee may be given the opportunity to develop goals by July 31st of the current calendar year.
3. Performance Incentive/Exceptional Performance Incentive goals for a specific calendar year shall be reviewed in June of each year and may be reviewed and modified more frequently, if necessary.
4. The achievement of Performance Incentive/Exceptional Performance Incentive goals will be evaluated during the annual appraisal process between January 15 and March 31 each year. Employees must achieve a rating of "fully meets expectations" in all factors and sub-factors of the annual performance appraisal in order to be eligible for a Performance Incentive/Exceptional Performance Incentive award.
5. The chart below shall establish the procedural steps for the performance incentive process as well as any potential appeal requests:



6. The incentive payments shall be \$500 for achieving one goal; \$1,000 for achieving two or more goals; \$1,000 for achieving one goal with a major contribution to the County; and \$1,500 for achieving two or more goals with one major contribution.
7. The incentive payment shall be \$2,000 for achieving two or more goals with two major contributions to the County. This shall be considered an Exceptional Performance Incentive award.
8. Department heads shall nominate their managerial confidential employees for no more than one award, notify their legislative committee of all recommendations and forward same to the County Administrator not later than March 31 of each calendar year.

Department heads shall indicate whether they feel that any of the goals achieved by their subordinate should be considered exceptional. The County Administrator shall be responsible for reporting the information to the Personnel Department for preparation of the annual Performance Incentive/Exceptional Performance Incentive resolution and local law.

9. The Personnel Department shall present the annual Performance Incentive/Exceptional Performance Incentive resolution and local law to the Government Operations Committee on or about their regular committee meeting in May.
10. The Government Operations Committee will introduce the Performance Incentive/Exceptional Performance Incentive resolution and local law to the full Board of Supervisors for action on or about their annual June meeting.
11. Performance Incentive/Exceptional Performance Incentive payments shall be "grossed up", that is, the County shall pay employees the gross amount required to ensure that employees will receive net Performance Incentive/Exceptional Performance Incentive payments of \$500, \$1,000, \$1,500, or \$2,000, after the corresponding payroll taxes have been deducted.

VI. TRAINING

1. Training shall be made available by the Personnel Department on goal setting, the performance appraisal process, the performance incentive and other topics related to the performance appraisal process, annually and as needed.

VII. POLICY REVIEW

1. The performance appraisal process and this policy shall be subject to the annual review of the Government Operations Committee. Modifications, if necessary, shall be recommended to the full Board of Supervisors for approval.

ADOPTED BY THE MADISON
COUNTY BOARD OF
SUPERVISORS BY RESOLUTION
NO. 204 OF 1996

AMENDED BY THE MADISON

COUNTY BOARD OF
SUPERVISORS BY RESOLUTION
NO. 235 OF 1997

AMENDED BY THE MADISON
COUNTY BOARD OF
SUPERVISORS BY RESOLUTION
NO. 313-09 OF 2009

RESOLUTION NO. 314-09

APPOINTING AN INTERIM PLANNING DIRECTOR

WHEREAS, the Planning Director will be retiring effective August 14, 2009; and

WHEREAS, the Planning Committee and the Government Operations Committee recommend the appointment of Paul Miller, County Administrator as Interim Planning Director,

NOW, THEREFORE BE IT RESOLVED that Paul Miller be and hereby is appointed Interim Planning Director, effective August 17, 2009 until a new Planning Director is hired.

ADOPTED: AYES – 1500 NAYS - 0

RESOLUTION NO. 315-09

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

WHEREAS, training was included in the new systems installed in the Data Center upgrade project; and

WHEREAS, Michael Bischoff, Information Technology Director has requested that Kevin Sgroi, Computer Services Technician/Programmer II attend said training to be held in Burlington, Massachusetts from August 4 – 7, 2009; and

WHEREAS, his expenses for transportation, meals, lodging and registration are funded through appropriations in the Information Technology Department 2009 budget; and

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

NOW, THEREFORE BE IT RESOLVED that Kevin Sgroi be and hereby is authorized to attend said conference at County expense not to exceed \$640.00.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 316-09

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

WHEREAS, the Child Fatality Investigations Training will be held September 14 – 18, 2009 in Portland, Maine; and

WHEREAS, Michael Fitzgerald, DSS Commissioner has requested that Suzanne White and Amy Hilliker, Caseworkers, attend this conference; and

WHEREAS, their expenses are fully funded by the Multi-Disciplinary Team Grant received by the Sheriff's Department; and

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

NOW, THEREFORE BE IT RESOLVED that Suzanne White and Amy Hilliker be and hereby are authorized to attend said conference at no expense to the County.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 317-09

**ESTABLISHING THE 2009 PERFORMANCE INCENTIVE PAYMENT FOR THE
COUNTY HISTORIAN**

WHEREAS, the Madison County Board of Supervisors adopted a Pay for Performance program for management personnel; and

WHEREAS, goals were established in 2008 for Management/Confidential employees that would contribute to the betterment of Madison County; and

WHEREAS, the achievement of said goals has been reviewed and evaluated by the Chairman of the Board, Legislative Committee Chairpersons, the County Administrator and department heads; and

WHEREAS, the Madison County Management Salary Plan authorizes the lump sum payment of \$1,500, which will not be added to base salary, to employees that have achieved two or more goals with one major contribution to the County; and

WHEREAS, due to administrative error, the County Historian was not included on resolution number 268-09 dated 7/14/09; and

WHEREAS, said payment shall be “grossed up”, as defined in the Madison County Management Performance Appraisal Policy; and

NOW, THEREFORE, BE IT RESOLVED that the Madison County Treasurer be and hereby is authorized to make the corresponding payment to the employee listed below in a lump sum payment effective immediately.

TITLE	PAYMENT
County Historian	\$1,500

ADOPTED: AYES – 1470 NAYS – 30 (Goldstein)

RESOLUTION NO. 318-09

AUTHORIZING THE CHAIRMAN TO MODIFY AND RENEW AN AGREEMENT WITH PARK STRATEGIES, LLC

WHEREAS, Madison County is frequently impacted by New York State and Federal mandates through legislation, regulations and executive decisions; and

WHEREAS, Madison County is highly dependent on and impacted by budget actions at the State and Federal level; and

WHEREAS, the County is committed to assessing these impacts in a proactive way; and

WHEREAS, the County is not able to continuously monitor proposed legislation and measures affecting the County budget that may be considered by State and Federal officials or agencies; and

WHEREAS, Park Strategies, LLC of New York, New York maintains offices and staff resources within Albany, NY and Washington, DC that are engaged, full-time, in monitoring legislative and regulatory matters being contemplated by legislative and executive agencies; and

WHEREAS, Park Strategies possesses special consultant expertise in analyzing the full impact of and addressing these legislative, budgetary and regulatory matters and addressing them in their formative stage; and

WHEREAS, the County has engaged Park Strategies, LLC for such purposes under a consulting agreement entered into and effective as of August 13, 2008; and

WHEREAS, after review, the Government Operations Committee recommends that the County modify and renew such agreement otherwise expiring August 12, 2009; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and hereby is authorized to modify and renew the agreement with Park Strategies, LLC for the provision of legislative consultant services subject to termination upon thirty (30) days written notice by either party, at a fee not to exceed \$29,500 per month, effective August 13, 2009, in the form as is on file with the Clerk to the Board.

ADOPTED: AYES – 1258 NAYS – 242 (Salka, Moran, Williams)

By Supervisor Salka:

RESOLUTION NO. 319-09

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH AMERICAN LUNG ASSOCIATION OF NEW YORK/CENTRAL NEW YORK ASTHMA COALITION

WHEREAS, the Madison County Department of Health has been selected to receive the Asthma grant “A systems Approach for Reducing the Burden of Asthma” to market the In Home Learning and Education Program in physicians offices; and

WHEREAS, the Madison County Health Department has the expertise to accomplish the necessary tasks of the work plan; and

WHEREAS, grant funds are available with funding being provided as follows:

Awarding Agency:	American Lung Association of New York/Central New York Asthma Coalition
Grant Extension:	July 1, 2009 – December 15, 2009
Grant Total:	\$1,500

WHEREAS, the Public Health Services Committee has reviewed this grant and finds it to be appropriate;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement between Madison County and the American Lung Association of New York/Central New York Asthma Coalition, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 320-09

AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT WITH MAXIM HEALTH SYSTEMS, LLC

WHEREAS, the Public Health Department currently administers the Immunization program providing vaccinations to the Public; and

WHEREAS, MAXIM Health Systems partnered with Madison County Health Department to provide public Influenza clinics jointly during the 2009-2010 influenza season and maintained a higher level of residents receiving the flu inoculation; and

WHEREAS, MAXIM Health Systems, LLC has the staffing and ability to provide additional Influenza Clinics throughout the County to provide more clinic sites to the residents; and

WHEREAS, this joint project has been reviewed and approved by the Public Health Services Committee;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter the agreement between Madison County Department of Health MAXIM Health Systems, LLC effective August 1, 2009 through July 31, 2010, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 321-09

AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT WITH PROCURA, LLC

WHEREAS, the Madison County Health Department uses Progres Health Systems Home Care Management System for clinical documentation and financial billing; and

WHEREAS, Procura, LLC provides the Health Department with support for the Progres products; and

WHEREAS, Procura, LLC offers training opportunities to improve the user's capability of managing the data; and

WHEREAS, the Health Department requires knowledge of reconciling data monthly and a full understanding of the tables to write reports; and

WHEREAS, Working Smarter - Month End Reconciliation Tool and Working Smarter – Crystal Reports Working with Progresa Tables are both trainings available for \$300 each; and

WHEREAS, amendment No. 17 to the Agreement has been prepared for these professional services; and

WHEREAS, funds are available in the Health Department budget to cover this expense; and

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

NOW, THEREFORE BE IT RESOLVED, the Chairman of the Board of Supervisors be and is hereby authorized to execute Amendment 17, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 322-09

AUTHORIZING CHAIRMAN TO ACCEPT AN AWARD FOR HEALTHY COMMUNITIES CAPACITY BUILDING INITIATIVE

WHEREAS, the Madison County Health Department continues to work on healthy initiatives for Madison County; and

WHEREAS, the State Health Department is offering local Health Departments \$34,000 per county to develop a local action plan to implement policy and environmental changes to address physical activity and nutrition objectives for the period of August 1, 2009 to March 31, 2010; and

WHEREAS, trainings and technical assistance will be provided to local health departments accepting these awards; and

WHEREAS, the Board of Health and Public Health Services Committee recommends acceptance of this award;

NOW, THEREFORE BE IT RESOLVED, the Chairman of the Board of Supervisors be and is hereby authorized to accept the Healthy Communities Capacity Building Initiative Award, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Salka and Reinhardt:

RESOLUTION NO. 323-09

AUTHORIZING MODIFICATION OF THE 2009 ADOPTED COUNTY BUDGET

WHEREAS, the Madison County Health Department has contracts with various therapist for visits made to patients in the Certified Home Health Agency (CHHA); and

WHEREAS, the 2009 Adopted budget appropriations for the Health Department are insufficient for contractual staff in the CHHA for therapy visits; and

WHEREAS, visits made to patients in the CHHA are billed to the appropriate payers; and

WHEREAS, the revenue in the Home Care budget is higher than the budget for the first six months of 2009; and

WHEREAS, the Board of Health and Public Health Services Committee recommends approval of the budget modification;

NOW, THEREFORE BE IT RESOLVED, that the 2009 Adopted County Budget be modified as follows:

General Fund

4013 Public Health Home Care

Expense

	<u>From</u>	<u>To</u>
A4013.4723 CHHA Service Contract	\$ 125,000	\$ <u>225,000</u>
Control Total		\$ <u>100,000</u>

4013 Public Health Home Care

Revenue

	<u>From</u>	<u>To</u>
A1610.1320 Nursing Fees Medicare	\$1,517,845	\$1,523,845
A1610.1330 Nursing Fees Medicaid	290,153	343,153
A1610.1390 Nursing Fees Private Insurance	<u>337,633</u>	<u>378,633</u>
Total	\$2,145,631	\$2,245,631
Control Total		\$ <u>100,000</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 324-09

AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT TO RENEW THE CHILDHOOD LEAD POISONING PREVENTION GRANT AND MODIFYING THE 2009 BUDGET

WHEREAS, Madison County Public Health Department has been notified by New York State Department of Health of their approval for renewal of the Childhood

Lead Poisoning Prevention Program budget and work-plan for the period of April 1, 2009 through March 31, 2010; and

WHEREAS, State and Federal funding for this grant will extend the existing contract for the period of 4/1/09-03/31/10, this grant is identified by the following:

Awarding Agency: Health Resources and Services
 Pass-through Agency: New York State Department of Health
 Catalog #: 93.994
 Programs Name: Childhood Lead Poisoning Prevention Program
 Contract No.: C-020615
 Grant Extension: 4/1/09-03/31/10
 Federal Funds: 40.9%
 Grant total: \$37,971

WHEREAS, the remaining 59.1% of the grant is New York State funded; and

WHEREAS, both Board of Health and the Public Health Services Committee supports the Health Department’s involvement in this initiative;

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

BE IT FURTHER RESOLVED that the 2009 Adopted County Budget be modified as follows:

Public Health Department

A4012 Prevent

Expense	From	To
A4012.41037Lead Grant Expenses	\$ 3,727	\$ 5,310
Control Total		<u>\$ 1,583</u>

Revenue	From	To
A3401.6540 State Aid Lead Poisoning Grant	\$23,804	\$24,740
A4401.1090 Fed. Aid Lead Poisoning Grant	<u>16,338</u>	<u>16,985</u>
Total	<u>\$40,142</u>	<u>\$41,725</u>
Control Total		<u>\$ 1,583</u>

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Salka:

RESOLUTION NO. 325-09

**RE-APPOINTING A MEMBER OF THE MENTAL HEALTH
AND COMMUNITY SERVICES BOARD**

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

WHEREAS, the term of one member of the Mental Health and Community Services Board expires as of 8/31/2009; and

WHEREAS, this member has served the community well and desires to continue to serve as a member of this Board, and the membership of the Community Services Board has recommended that he be re-appointed by the Board of Supervisors;

NOW, THEREFORE BE IT RESOLVED, that **Roger Benn, 55 Farnham Street, Cazenovia, New York 13035**, be re-appointed to another four year term on the Community Services Board and his fourth term of membership will run from September 1, 2009 - August 31, 2013.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 326-09

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

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

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

WHEREAS, the 2009 Mental Health budget provides funds for the provision of mental health counseling services in the Chittenango School District for the 2009-2010 academic year;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman be hereby authorized to enter into an agreement, a copy of which is on file with the Clerk of the Board, with Sheila S. Paolini, LCSW-R, for the provision of mental health consultation services to the Mental Health Department at an hourly rate of \$35.00, said rate to be effective September 1, 2009 to June 30, 2010 not to exceed 15 hours a week for the school year.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 327-09

AUTHORIZING THE MENTAL HEALTH DEPARTMENT TO TRANSFER USED FURNISHINGS AND EQUIPMENT TO CONSUMERS SERVICES OF MADISON COUNTY, INC. AND THE CEDAR HOUSE CONTINUING DAY TREATMENT PROGRAM

WHEREAS, Resolution #283-09 dated July 14, 2009 changed the sponsorship of the Continuing Day Treatment Program known as Cedar House to Consumer Services of Madison County, Inc. and

WHEREAS, the Mental Health Department has used furnishings and equipment located at its former continuing day treatment program at 201 Cedar Street, Oneida, New York; and

WHEREAS, the furnishing and equipment is outdated and not interchangeable with current equipment; and

WHEREAS, Consumers Services of Madison County, Inc. is now operating the continuing day treatment program at the same location and has demonstrated an interest in the furnishing and equipment for use by the consumers at the Cedar House program; and

WHEREAS, the Social and Mental Health Committee recommends the transfer of used furnishings and equipment to Consumer Services of Madison County, Inc. Cedar House Program;

NOW, THEREFORE, BE IT RESOLVED that the furnishings and equipment located at 201 Cedar Street, Oneida, New York be transferred to Consumer Services of Madison County, Inc., effective August 1, 2009.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 328-09

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE MADISON COUNTY SHERIFF'S OFFICE AND TO MODIFY THE 2009 ADOPTED COUNTY BUDGET

WHEREAS, the need has been identified for a forum for recognizing at-risk youth for their positive deeds and accomplishments within their schools or communities that might otherwise go unrecognized, thus helping to develop Protective factors which research shows help to reduce the effects of exposure to Risk factors; and

WHEREAS the Madison County Sheriff's Office has the expertise and staff to address this need through their Youth Recognition Awards program; and

WHEREAS, the Madison County Youth Bureau desires to enter into an agreement with the Madison County Sheriff's Office for the operation of the Youth Recognition Awards Program; and

WHEREAS, the Madison County Youth Board and the Social & Mental Health Services Committee have recommended funding this program; and

WHEREAS, these costs are reimbursed 100% by State Aid;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be authorized to enter into an agreement with the Madison County Sheriff's Office in the amount of \$ 2,500 for the operation of the Youth Recognition Awards program during the period of July 1, 2009 – December 31, 2009, in the form as is on file with the Clerk of the Board.

GENERAL FUND

Youth Programs

7146 Youth Programs - Agencies

<u>Expense</u>	<u>From</u>	<u>To</u>
A7146.41007 Anticipated Agency Allocation	\$ 63,229	\$ 60,729
A7146.42722 Sheriff's – Youth Recognition Awards	<u>0</u>	<u>2,500</u>
Control Total	<u>\$ 63,229</u>	<u>\$ 63,229</u>

Revenues

	<u>From</u>	<u>To</u>
A3820.2001 St Aid Anticipated Youth Programs	\$ 63,229	\$ 60,729
A3820.2022 State Aid – Sheriff - Youth Recognition Awards	<u>0</u>	<u>2,500</u>
Control Total	<u>\$ 63,229</u>	<u>\$ 63,229</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 329-09

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH LIBERTY RESOURCES, INC. AND TO
MODIFY THE 2009 ADOPTED COUNTY BUDGET**

WHEREAS, the need has been identified for additional short-term intervention and supportive case management services for at-risk youth to assist them in developing the skills, knowledge and competencies needed to resolve their presenting issues and make positive choices in their lives; and

WHEREAS Liberty Resources Inc. has the experience and expertise to provide this service; and

WHEREAS, the Madison County Youth Bureau desires to enter into an agreement with Liberty Resources, Inc. to operate the 'Youth Intervention & Support Services' program; and

WHEREAS, the Madison County Youth Board and the Social & Mental Health Services Committee have recommended funding this program; and

WHEREAS, these costs are reimbursed 100% by State Aid;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be authorized to enter into an agreement with Liberty Resources, Inc. in the amount of \$22,083 for the operation of the 'Youth Intervention & Support Services' program during the period of July 1, 2009 – December 31, 2009, in the form as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the 2009 Adopted County Budget be modified as follows:

GENERAL FUND

Youth Programs

7146 Youth Programs - Agencies

Expense	<u>From</u>	<u>To</u>
A7146.41007 Anticipated Agency Allocation	\$ 60,729	\$ 38,646
A7146.42721 Liberty Resources – Youth Intervention & Support Services	<u>0</u>	<u>22,083</u>
Control Total	<u>\$ 60,729</u>	<u>\$ 60,729</u>

Revenues

	<u>From</u>	<u>To</u>
A3820.2001 St Aid Anticipated Youth Programs	\$ 60,729	\$ 38,646
A3820.2005 State Aid – Youth Intervention & Support Services (L.R.)	<u>0</u>	<u>22,083</u>
Control Total	<u>\$ 60,729</u>	<u>\$ 60,729</u>

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Ball:

RESOLUTION NO. 330-09

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH CHEM RX**

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

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

WHEREAS, the Sheriff of Madison County seeks to continue to cut costs and maintain the efficiency in the provision of medication to the inmates under his care through the continued use of a single contracted provider of pharmacy services that meets the special needs of the Madison County Jail and to get the best price Madison County bid this service out in conjunction with Oneida County; and

WHEREAS, Chem Rx does possess the special skills and training required to perform the necessary services and provide the required medications pursuant to the terms of the contract; and

WHEREAS, the term of this agreement is for twelve months, commencing September 1, 2009 and expiring August 31, 2010, with the option to re-new for (3) additional years with the same terms and conditions in one year increments through August 2013; and

WHEREAS, the cost of this pharmacy service is based on the Monthly Red Book billing structure for current and future drugs; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to enter into an agreement with Chem Rx for the provision of pharmacy services and medications to be provided to inmates of the Madison County Jail. A copy of this agreement is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 331-09

**REAPPOINTING A MEMBER TO THE MADISON COUNTY
TRAFFIC SAFETY BOARD**

RESOLVED, that Joe Wisinski of Canastota, New York be and he is hereby reappointed to the Madison County Traffic Safety Board for a term of three (3) years commencing on August 8, 2009 and expiring on August 7, 2012.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 332-09

**AUTHORIZING AN AGREEMENT WITH THE NYS DIVISION OF PROBATION AND
CORRECTIONAL ALTERNATIVES**

WHEREAS, the Probation Department has been awarded projected state aid for probation services with an allocation of \$144,275.00 for the calendar year 2009;

WHEREAS, the Criminal Justice, Public Safety and Telecommunications Committee has approved such contract; and

WHEREAS, this contract, a copy of which is on file with the Clerk of the Board indicates such allocation;

NOW, THEREFORE BE IT RESOVLED, that the chairman of the board be and hereby is authorized to execute on behalf of the Madison County Probation Department a contract with the Executive Department of the State of New York, Division of Probation and Correctional Alternatives.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Ball and Reinhardt:

RESOLUTION NO. 333-09

**AUTHORIZING MADISON COUNTY TO PARTICIPATE IN
THE 2009 VIDEO RECORDING OF STATEMENTS EQUIPMENT GRANT**

WHEREAS, Madison County has been awarded a grant from New York State through the NYS Division of Criminal Justice Services; and

WHEREAS, the State grant award is identified as follows:

Awarding Agency: NYS Division of Criminal Justice Services
Program Name: 2009 Video Recording of Statements Equipment Grant
Award Year: 8/1/09-8/31/2010
Contract Number: T637002
Total Grant Amount: \$35,000

WHEREAS, the NYS Division of Criminal Justice Services has approved the following budget for this grant during the project year 8/1/09 – 8/31/2010:

General Fund

1168 District Attorney-Video Recording of Statements Equipment Grant

<u>Expense</u>	<u>From</u>	<u>To</u>
A1168.2851 Video Recording Equip. (Grant) - Sheriff	0	\$ 7,082
A1168.2852 Video Recording Equip. (Grant) – D.A.	0	3,541
A1168.2853 Video Recording Equip. (Grant) – Other Police Depts.	0	17,705
A1168.4716 Video Recording Equip (Statements) Maintenance	<u>0</u>	<u>7,494</u>

	Total	\$0	\$35,000
	Control Total		<u>\$35,000</u>
Revenue			
A3033	St. Aid – Video Rec. Statement Grant	\$ 0	\$35,000
	Control Total		<u>\$35,000</u>

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be authorized to execute an agreement, a copy which is on file with the Clerk of the Board for participation in this grant, and

BE IT FURTHER RESOLVED, that the 2009 adopted Madison County budget be modified in accordance with this grant.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Moran:

RESOLUTION NO. 334-09

**URGING THE FEDERAL
GOVERNMENT TO IMPLEMENT IMMEDIATE ACTIONS TO HELP
RELIEVE THE CURRENT DAIRY FISCAL CRISIS**

WHEREAS, Madison County is very concerned about the current dairy fiscal crisis; and

WHEREAS, Madison County recognizes that the following measures are needed to help to provide some relief from the economic challenges facing New York State's dairy farmers and to preserve local dairy production—ensuring the availability of fresh, safe, high-quality, nutritious, and affordable milk and dairy products; and

WHEREAS, Madison County knows that dairy producers are struggling to meet their financial commitments because of historically low milk prices coupled with erratically high energy, feed and fertilizer costs; and

WHEREAS, Madison County knows that the bleak economic climate has softened demand for dairy products in both domestic and foreign markets, creating a surplus of dairy products in the marketplace, thereby driving down dairy commodity prices even further; and

WHEREAS, Madison County realizes that many well-run dairy farms will not be able to continue in business in this fiscal climate unless immediate, decisive, meaningful government action is taken; and

WHEREAS, Madison County recognizes that the following measures are needed to help maintain the economic backbone of New York's rural communities and agricultural infrastructure;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby resolves that the following measures be implemented as soon as possible:

- Provide immediate, additional funding for increased payments to dairy farmers from the Milk Income Loss Contract ("MILC") program;
- Urge the USDA to move dairy commodities off the domestic market as quickly as possible by fully utilizing the Dairy Export Incentive Program ("DEIP") and the Food for Peace Program;
- Urge the USDA to take immediate administrative action to increase temporarily the product price levels in the Dairy Product Price Support Program ("DPPSP");
- Urge the USDA to make immediate dairy product purchases for WIC and other nutrition programs which received large increases in funding from the Federal stimulus package; and

BE IT FURTHER RESOLVED, that the Clerk of this Board, be hereby directed to forward certified copies of this resolution to President Barack Obama, United States Senators Charles Schumer and Kirsten Gillibrand, United States Congressman John McHugh, and the New York State Association of Counties.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor DiVeronica:

RESOLUTION NO. 335-09

**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, 2006 through December 31, 2010; and

BE IT FURTHER RESOLVED, that the Commercial Permit Holders listed below are hereby permitted to enter into our Solid Waste Disposal Agreement on August 11, 2009 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. AECOM

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 336-09

AUTHORIZING THE CHAIRMAN TO EXECUTE AN ORDER OF CONSENT WITH FEHER RUBBISH REMOVAL, INC.

WHEREAS, Feher Rubbish Removal Inc. (“Feher”) having its principal address at P.O. Box 1109 Syracuse, New York holds a commercial solid waste collection permit issued by the Madison County Department of Solid Waste (“Department”); and

WHEREAS, by letter dated February 2, 2009 the Department’s attorneys informed Feher that it was in violation of its permit and Madison County Local Law #3 for 2004 for failing on 70 separate occasions to deliver solid waste collected within Madison County to the County solid waste management facilities; and

WHEREAS, without admitting or denying the alleged conduct, Feher has voluntarily paid the Department \$36,1476.00 as liquidated damages and has agreed to the issuance and entry of an Order on Consent in substantially the same form as attached hereto; and

WHEREAS, the Order on Consent imposes a civil surcharge in the amount of \$70,000.00 payable in monthly installments of \$2,000 for a period of three years; and

WHEREAS, the Order on Consent provides that Feher will not be eligible for a Solid Waste Disposal Agreement for a period of three years and as a result will pay a non-contracted rate which is currently \$10/ton higher than the contract rate;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute an Order on Consent, in substantially the same form as attached hereto, between the County of Madison and Feher Rubbish Removal Inc.; and

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

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 337-09

DECLARATION OF LEAD AGENCY AND COMMENCEMENT OF SEQR REVIEW

WHEREAS, the County desires to transfer a 150 acre parcel of land associated with the solid waste management and recycling facilities located in the Town of Lincoln to make possible the creation of an Agriculture and Renewable Energy Park ("ARE Park") by the Madison County Industrial Development Agency ("IDA"); and

WHEREAS, under the State Environmental Quality Review ("SEQR") Act, the acquisition by a local agency of in excess of 100 contiguous acres is deemed to be a Type I Action;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby determines that the transfer of 150 acres of contiguous land to the IDA is subject to review under SEQR; and it is

FURTHER RESOLVED, such action is hereby classified as a Type I Action pursuant to 6 NYCRR § 617.4(b)(4); and it is

FURTHER RESOLVED, that the Director of Solid Waste identify on behalf the County all "Involved Agencies" as defined by 6 NYCRR § 617.2(s) and coordinate any necessary environmental review with such Involved Agencies, if any; and it is

FURTHER RESOLVED, that the County of Madison hereby declares its intent to be established as lead agency, and directs the Director of Solid Waste to undertake the gathering of information necessary to complete a Full Environmental Assessment Form as required by 6 NYCRR § 617.6(a)(2); and

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Reinhardt:

RESOLUTION NO. 338-09

AUTHORIZING MODIFICATION OF THE 2009 ADOPTED COUNTY BUDGET

NOW, THEREFORE, BE IT RESOLVED, that the 2009 Adopted County Budget be modified as follows:

General Fund

<u>9952 Public Safety Communication Upgrade Reserve</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A9952.99 Contribution to PSCU Reserve	-0-	\$ 2,500,000
Control Total		\$ <u>2,500,000</u>

Appropriated Fund Balance

A599 Appropriated Fund Balance	\$7,528,007	\$10,028,007
Control Total		\$ <u>2,500,000</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 339-09

AUTHORIZING THE MODIFICATION OF THE 2009 ADOPTED COUNTY BUDGET

RESOLVED, that the 2009 Adopted County Budget be modified as follows:

Modification #1:

General Fund

1170 Public Defender Service

<u>Expense</u>	<u>From</u>	<u>To</u>
A1170.4219 Assigned Counsel Family Court	<u>\$ 157,500</u>	<u>\$ 207,500</u>

1990 Contingent Fund

Expense

A1990.4444 Contingent Account	<u>\$ 807,192</u>	<u>\$ 757,192</u>
Control Total	<u>\$ 964,692</u>	<u>\$ 964,692</u>

Modification #2:

General Fund

3111-Sheriff Department-Traffic Safety Coord Grant

<u>Expense</u>	<u>From</u>	<u>To</u>
A3111.411 Travel-Conference & Seminar Expense 2008-09	\$ 1,000	\$ 500
A3111.4101 Commodities 2008-09	2,780	4,390
A3111.4103 Resident COPACS Training	<u>1,110</u>	<u>0</u>
	\$ 4,890	\$ 4,890
Control Total		<u><u>\$ 0</u></u>

Modification #3:

General Fund

Department: 4310 – Mental Health – Administration

<u>Expense</u>	<u>From</u>	<u>To</u>
A4310.4039 Furniture	\$ 0	\$ 4,626
A4310.4200 Misc. Consultant	<u>\$ 14,000</u>	<u>\$ 9,374</u>
Total	<u>\$ 14,000</u>	<u>\$ 14,000</u>
Control Total		\$ 0

Modification #4:

General Fund

6010 Social Services Administration

<u>Expense</u>	<u>From</u>	<u>To</u>
A6010.41090 Preventative Services Agencies – COLA	\$ 0	\$ 3,189
Total	\$ 0	\$
Control Total		
3,189		
<u>\$ 3,189</u>		

Revenue

A3610.1010 St. Aid Social Services Admin.	\$1,744,546	\$1,747,735
Total	\$1,744,546	\$1,747,735
Control Total		<u>\$ 3,189</u>

6141 Home Energy Assistance

Expense

A6141.41094 Energy Crisis Assistance Expense	\$ 25,000	\$ 294,500
Total	\$ 25,000	\$ 294,500
Control Total		<u>\$ 269,500</u>

Revenue

A4641 Federal Aid Home Energy Assist.	\$ 0	\$ 269,500
Total	\$ 0	\$ 269,500
Control Total		<u>\$ 269,500</u>

Modification #5:

County Road Fund

5110 Maintenance of Roads & Bridges

Expense

	<u>From</u>	<u>To</u>
D5110.46003 Asphalt, Tar & Stone	\$ 652,484	\$ 652,370
D5110.4731 Contract Crack Sealing	40,000	40,114

5112 Construction Projects

Expense

D5112.45009 Reconstruct County Roads in Villages	150,000	50,000
D5112.46007 Misc. Materials	<u>\$ 133,513</u>	<u>\$ 233,513</u>
Control Total	<u>\$ 975,997</u>	<u>\$ 975,997</u>

Modification #6:

Enterprise Fund

8164 Environmental Control (Landfill)

Expense

	<u>From</u>	<u>To</u>
EE8164.1 Personal Services	\$ 890,505	\$ 886,305
EE8164.471 Clerical & Office Assistance	<u>0</u>	<u>4,200</u>
Control Total	<u>\$ 890,505</u>	<u>\$ 890,505</u>

Modification #7:

General Fund

9902 Contribution to Risk Retention

Expense

	<u>From</u>	<u>To</u>
A9902.97 Transfer to Liability/Fleet Insurance	\$ 454,400	\$ 654,400
Control Total		\$ <u>200,000</u>

Appropriated Fund Balance

A599 Appropriated Fund Balance	\$10,028,007	\$10,228,007
Control Total		\$ <u>200,000</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 340-09

**AUTHORIZING THE RECONSTRUCTION OF A REST ROOM AT NICHOLS POND
COUNTY PARK AND MODIFYING THE 2009 COUNTY BUDGET**

WHEREAS, the existing rest room situated at Nichols Pond County Park has been deemed unsafe and potentially dangerous; and

WHEREAS, in the interest of public safety it has been determined that it is necessary to reconstruct the rest room facility at Nichols Pond.

NOW, THEREFORE, BE IT RESOLVED that the rest room facility at Nichols Pond County Park be reconstructed; and

BE IT FURTHER RESOLVED that the 2009 County Budget be modified as follows:

General Fund

<u>7110 Madison County Parks</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A7110.2965 Rest Room-Nichols Pond	\$ -0-	\$ 15,000
<u>1990 Contingent Fund</u>		
A1990.4444 Contingent Fund	<u>\$757,192</u>	<u>\$742,192</u>
Control Total	<u>\$757,192</u>	<u>\$757,192</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 341-09

AUTHORIZING MODIFICATION OF THE 2009 ADOPTED COUNTY BUDGET

NOW, THEREFORE, BE IT RESOLVED, that the 2009 Adopted County Budget be modified as follows:

General Fund

<u>1010 Legislative Board</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A1010.4237 Legislative Affairs Consultant	\$ 294,967	\$ 354,000
Control Total		\$ <u>59,033</u>

Appropriated Fund Balance

A599 Appropriated Fund Balance	\$10,228,007	\$10,287,040
Control Total		\$ <u>59,033</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 342-09

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT

WHEREAS, it is necessary for the Real Property Tax Department to enter into a maintenance agreement with Xerox Corporation for the routine cleaning and maintenance of the Xerox 6204; and

WHEREAS, the Xerox 6204 is used for reproduction of GIS/Tax Maps and other digital products on a daily basis and needs to be in top working condition; and

WHEREAS, the Finance, Ways and Means Committee have reviewed and approve of this maintenance agreement; and

WHEREAS, the maintenance agreement is for one (1) year, commencing on October 1, 2009 and expiring on September 30, 2010, with a base charge of \$69.55 per month which includes toner and a 1,000 sq./ft allowance per month and having a service overage rate of \$.034 not to exceed \$950.00; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and he is hereby authorized to enter into this agreement with Xerox Corporation, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 343-09

**ESTABLISHING A CAPITAL RESERVE FUND
TO FINANCE CAPITAL BUILDING IMPROVEMENTS**

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Madison County Board of Supervisors does hereby establish a capital reserve fund to be known as the Building Improvements Reserve Fund (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of capital improvements. The type of capital improvements to be financed from the Reserve Fund is the reconstruction of County buildings.

The Madison County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by section 10 of the General Municipal Law. The Madison County Treasurer may invest the moneys in the Reserve Fund in the manner provided by section 11 of the General Municipal Law, and consistent with the investment policy of Madison County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Madison County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the cash and investments of the Reserve Fund.

Except as otherwise provided by section 6-c of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No purchase shall be financed by any appropriation and

expenditure pursuant to this resolution unless same shall have a cost of at least \$75,000. No expenditure shall be made from this Reserve Fund without the approval of this governing board and without such additional actions or proceedings as may be required by section 6-c of the General Municipal Law, including a permissive referendum if required by subdivision 4 of section 6-c of the General Municipal Law; and

BE IT FURTHER RESOLVED, that the Madison County Treasurer is hereby directed to fund the Reserve Fund with \$200,000.00 of existing General Fund unreserved fund balance.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 344-09

**AUTHORIZING A REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDING
STIPULATION AND SETTLEMENT
CARRIAGE HOUSE VILLAGE APARTMENTS**

WHEREAS, a Stipulation of Settlement and Order has been prepared in connection with a real property tax assessment review proceeding regarding parcel 95.54-1-2.1 owned by Carriage House Village Apartments situated in the Village of Cazenovia; and

WHEREAS, the proposed settlement would reduce the 2008/2009 and 2009/2010 assessments from \$1,040,000 to \$625,000; and

WHEREAS, pursuant to the stipulation, on approval by Supreme Court, Madison County, the taxing entity, districts, and municipal corporations having custody of or levying taxes and special ad valorem levies upon the assessment rolls for the above referenced tax years will make or cause to be made on the proper books and records the entries and changes necessary to correct the assessments; and

WHEREAS, in accordance with Real Property Tax Law 726, refunds will be paid by the Town of Cazenovia, Village of Cazenovia, Cazenovia Central School District, the County of Madison and any and every other taxing entity on the overpayment of taxes and special ad valorem levies based upon the previous unreduced assessments; and

WHEREAS, the amount to be refunded by the County of Madison by reason of same is \$4,729.66;

NOW, THEREFORE, BE IT RESOLVED, that representatives of the County of Madison are authorized to execute the Stipulation of Settlement and Order, in the form substantially as is on file with the Clerk of the Board of Supervisors, and once Ordered by the Supreme Court, Madison County, the Madison County Treasurer is hereby authorized and directed to make such refund pursuant to the terms of the executed Stipulation of Settlement and Order.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 345-09

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,

Hyland Partners
P.O. Box 563
Canastota, NY 13032

Tax Map #189-1-20.13
Town of Brookfield

WHEREAS, the 2009 town and county taxes were paid to the Madison County Treasurer on July 7, 2009; and

WHEREAS, the property owner has provided documentation that the improvement on this property was removed prior to taxable status date March 1, 2008 pursuant to Section 550;(3)a of the New York State Real property tax law; and

WHEREAS, the original 2009 town and county taxes were \$2,282.68; 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 amount of \$1,974.52 plus interest and penalties to the property owner due to this error.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 346-09

MAINTAINING THE INCREASE IN THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

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

WHEREAS, the failure of the Oneida Indian Nation of New York to collect and remit sales taxes on sales to non-Indians, and costs of mandated programs have very adversely impacted the County's financial position; and

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

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

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

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

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning June 1, 2004, and ending November 30, 2011. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

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

(c) In respect to the additional tax of one percent imposed for the period beginning June 1, 2004, and ending November 30, 2011, in respect to the use of property used by the purchaser in this county prior to June 1, 2004.

SECTION 3. This enactment shall take effect December 1, 2009.

Supervisor Degear made a motion to amend this resolution, seconded by Supervisor DiVeronica and carried to read as follows:

In SECTION 1. insert the words “as amended,” after the words “compensating use taxes, “

In SECTION 2. insert the words “as amended,” after the words “and use taxes,”

A final vote was then taken:

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Cary:

RESOLUTION NO. 347-09

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

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

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

NOW, THEREFORE BE IT RESOLVED, that Rule No. 24 is hereby waived for the purpose of the introduction of resolutions for the balance of this meeting; and

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 348-09

ADOPTING LOCAL LAW NO. 2 FOR THE YEAR 2009

WHEREAS, there has been duly introduced Local Law No. 2 for the year 2009 entitled “Establishing Performance Incentive Payments for Certain County Officials for 2009”; and

WHEREAS, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on August 11, 2009;

NOW, THEREFORE BE IT RESOLVED, that Local Law No.2 for the year 2009 be and the same is hereby adopted.

ADOPTED: AYES – 1470 NAYS - 30 (Goldstein)

RESOLUTION NO. 349-09

APPROVING THE PAYMENT OF CLAIMS

RESOLVED, that the claims presented to this Board by the Clerk, having been duly audited, be and the same hereby are authorized to be paid by the Treasurer upon receipt of a copy of the abstract of audited claims attested by the Clerk.

ADOPTED: AYES – 1500 NAYS – 0

PUBLIC COMMENT PERIOD

1. Scott Ingmire, Asst. Director of Planning announced “Buy Local Week” in Madison County being held the week of August 17 – 23, 2009. Buy Local Week is an effort to showcase and promote the diversity of agriculture in Madison County, as well as to bridge the gap between farmer and consumer.

On motion by Supervisor DiVeronica, seconded by Supervisor Williams, the Board adjourned.