

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, August 9, 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 Stepanski (47 votes).

Pledge of Allegiance.

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

COMMUNICATIONS

1. Copy of a resolution from Ontario County – Requesting Legislation Allowing the Ontario county Jail to Detain Persons under Arrest Prior to Arraignment.
2. Acknowledgment received from NYSAC and Assemblyman Bill Magee regarding Res. No. 214-11 Supporting Assembly Bill on Highway and Bridge Funding.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA And Cazenovia Sewer District:	\$2,329,239.60
Miscellaneous Accounts:	\$ 477,434.10

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 269-11

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 Catherine Rogers upon her retirement.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

Health Director Eric Faisst accepted a gift on behalf of Kate Rogers who could not be present today. Eric stated that Kate did a great job and was a team player with a lot of experience and knowledge.

RESOLUTION NO. 270-11

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

WHEREAS, the 13th Annual OJJDP National Enforcement of Underage Drinking Laws Leadership Conference will be held August 10-12, 2011, in Orlando, Florida; and

WHEREAS, the Sheriff, has requested that John Ball, Madison County Undersheriff, attend this conference; and

WHEREAS, his expenses are fully funded by BRIDGES of Madison County; 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 John Ball be and hereby is authorized to attend said conference at no expense to the County.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 271-11

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

WHEREAS, the Center for Disease Control's (CDC) National Environmental Public Health Tracking Conference will be held in Atlanta, GA on September 12, 2011 through September 15, 2011; and

WHEREAS, Eric Faisst, Public Health Director has requested that Geoffrey Snyder, Director of Environmental Health attend said conference; and

WHEREAS, travel, lodging, meals and registration expenses will be paid for by the CDC's National Environmental Public Health Tracking Conference Scholarship Award; and

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

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

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 272-11

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 waiting obsolete and/or surplus designation is attached.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors declares the list of said items as obsolete and/or surplus.

ITEM	DEPARTMENT	MILEAGE	CONDITION
CPU – HP, 16 ea.	Various Dept.	N/A	13 are serviceable 3 w/missing parts
HP Printers – 2	Sheriff	N/A	Serviceable
CPU – Dell, 3	Various Depts.	N/A	Serviceable
1999 Dodge Pickup	Highway	165,504	Fair/Good
1978 Elgin St. Sweeper	Highway	35,102	Poor
1993 White Dump Truck	Highway	192,870	Poor/Fair
1992 Koehring Excavator	Highway	40,940	Poor/Fair
1973 Homelite 4” Pump	Highway	N/A	Fair

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisors Salka and Bargabos:

RESOLUTION NO. 273-11

AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ENTER INTO A STAFFING 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;

WHEREAS, it is a condition of 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;

WHEREAS, both the Board of Health and the Public Health Services Committee feel it most expeditious to enter into a Staffing Agreement with L. Woerner, Inc., d/b/a HCR beginning October 1, 2011 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 Staffing Agreement with L. Woerner, Inc., d/b/a HCR, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor Salka:

RESOLUTION NO. 274-11

EXTEND AN AGREEMENT WITH NEW YORK STATE OFFICE OF HOMELAND SECURITY

WHEREAS, the Madison County Department of Health has been reviewing and updating the Public Health preparedness plan and procedures to enhance our Public Health Emergency Preparedness; and

WHEREAS, the Board of Supervisors approved Resolution 103-10 on April 13, 2010 with the New York State Office of Homeland Security for the time period of August 10, 2009 through August 8, 2011; and

WHEREAS, New York State would like to extend this agreement through December 31, 2011; and

WHEREAS, the Board of Health and Public Health Services Committee believes it is appropriate and in the best interest of Madison County to extend this agreement;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to extend the original agreement on behalf of the County of Madison with the New York State Office of Homeland Security, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 275-11

CALLING FOR A PUBLIC HEARING TO ABOLISH THE MADISON COUNTY PUBLIC HEALTH DISTRICT

WHEREAS, that pursuant to section 355 of the Public Health Law the Madison County Board of Supervisors wish to abolish the Madison County Health District which was established by Resolution on November 30, 1993; and

WHEREAS, pursuant to Section 355 of the Public Health Law that prior to the action by the Board of Supervisors in abolishing the health district an opportunity for a public hearing shall be given; and

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on the Abolishment of the Madison County Public Health District in the Chambers of the Board of Supervisors at the Madison County Office Building #4, Wampsville, New York on September 13, 2011 at 10:45 a.m.; and

BE IT FURTHER RESOLVED, that the Clerk of the Board duly publish a notice of this hearing in the official newspapers of the County at least five days prior to the scheduled hearing date and shall serve a copy of the notice on the Madison County Commissioner of Public Health and the New York State Commissioner of Health, Nirav R. Shah, M.D., Corning Tower, Empire Plaza, Albany, New York 12237, within thirty days of the Public Hearing.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisors Salka and Reinhardt:

RESOLUTION NO. 276-11

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT FOR A
FEDERAL & STATE GRANT IMMUNIZATION ACTION PLAN
AND MODIFYING THE 2011 COUNTY BUDGET**

WHEREAS, the Madison County Public Health Department has been administering the Immunization Action Plan through federal and state funding provided by the New York State Department of Health; and

WHEREAS, Madison County has been awarded \$35,249 to cover the program costs during the period April 1, 2011 through March 31, 2012; and

WHEREAS, this grant is identified as follows:

Awarding Agency:	US Department of Health & Human Services Center for Disease Control & Prevention
Pass-through Agency:	NYS Department of Health
Catalog #:	93.268
Program Name:	Immunization Action Plan
Grant Extension:	04/01/11-03/31/12
Contract:	C-023252
Federal Funds:	40%
Total Grant Award:	\$35,249

WHEREAS, the Retired and Senior Volunteer Program (RSVP) has agreed to provide senior volunteers to attend immunization clinics to assist the Health Department with educational services related to immunizations from April 1, 2011 through March 31, 2012; and

WHEREAS, the Public Health Services Committee has approved this proposal;

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

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with Retired and Senior Volunteer Program (RSVP) for their expenses, not to exceed \$1,000, as is on file with the Clerk of the Board of Supervisors; and

BE IT FURTHER RESOLVED, that the 2011 County budget be modified as follows:

General Fund

4012 Public Health Preventive

<u>Expense</u>	<u>From</u>	<u>To</u>
A4012.41031 Immunization Grant Expense	\$ 6,170	\$11,172
Control Total		<u>\$ 5,002</u>

Revenue

A3401.1050 St Aid Public Health Immunization Grant	\$20,969	\$23,970
A4401.1050 Federal Grant Immunization Action	<u>13,979</u>	<u>15,980</u>
Total	\$34,948	\$39,950
Control Total		<u>\$ 5,002</u>

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor Salka:

RESOLUTION NO. 277-11

**AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT WITH DR.
SCOTT PETOSA OF K.A.G. CONSULTING**

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

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

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

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

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

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

WHEREAS, funds for this program are reimbursed at a rate of 100 percent through federal and/or state funding through Diversion Services; and

WHEREAS, Dr. Scott Petosa has agreed to provide this service for the period of July 1, 2010, to August 31, 2011, at a total cost not to exceed \$47,460; and

WHEREAS, this agreement was previously approved by the Board of Supervisors on December 28, 2010, (resolution number 488-10) for the contract period of July 1, 2010, to June 30, 2011, at a total cost of \$47,460, but the contract timeframe has been increased due to unspent funds of the allocation and an ability to extend the funding; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be and is hereby authorized to amend an agreement on behalf of the County of Madison with Dr. Scott Petosa of K.A.G Consulting, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 278-11

AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT WITH DR. SCOTT PETOSA OF K.A.G. CONSULTING

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

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

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

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

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

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

WHEREAS, funds for this program are reimbursed at a rate of 62 percent through federal and/or state funding through Preventive Services; and

WHEREAS, Dr. Scott Petosa has agreed to provide this service for the period of July 1, 2010, to December 31, 2011, at a total cost not to exceed \$39,000; and

WHEREAS, this agreement was previously approved by the Board of Supervisors on December 7, 2010, (resolution number 434-10) for the contract period of July 1, 2010, to June 30, 2011, at a total cost of \$23,000, but the contract amount has been increased due to a larger unforeseen need for the service, creating additional expenses; and

WHEREAS, an increased availability of funds has resulted in no local cost increase; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be and is hereby authorized to amend an agreement on behalf of the County of Madison with Dr. Scott Petosa of K.A.G Consulting, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisors Salka and Reinhardt:

RESOLUTION NO. 279-11

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH DR. SCOTT PETOSA OF K.A.G. CONSULTING AND MODIFYING THE 2011 ADOPTED COUNTY BUDGET

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

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

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

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

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

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

WHEREAS, funds for this program are reimbursed at a rate of 100 percent through federal and/or state funding for the first \$40,000 and then at a rate of 62 percent for the additional \$6,100, under the Supervision and Treatment Services for Juveniles Program (STSJP); and

WHEREAS, Dr. Scott Petosa has agreed to provide this service for the period of July 1, 2011, to March 31, 2012, at a total cost not to exceed \$46,100; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement on behalf of the County of Madison with Dr. Scott Petosa of K.A.G Consulting, in the form as is on file with the Clerk of the Board; and

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

<u>General Fund</u>		
<u>6070 Services for Recipients</u>		
	<u>From</u>	<u>To</u>
<u>Expense</u>		
A6070.41076 Purchase of Services	\$243,097	\$236,997
A6070.41093 Supervision & Treatment Serv. for Juvenile Program - Contracts	\$ -0-	\$ 46,100
Total	\$243,097	\$283,097
Control Total		<u>\$ 40,000</u>
<u>Revenue</u>		
A3670.1010 St. Aid Purchase Service	\$306,707	\$302,925
A3670.1050 St. Aid Supervision & Treatment Serv. For Juvenile Program	\$ -0-	\$ 43,782
Total	\$306,707	\$346,707
Control Total		<u>\$ 40,000</u>

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisors Ball and Reinhardt:

RESOLUTION NO. 280-11

**AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENT
AND MODIFYING THE 2011 COUNTY BUDGET**

WHEREAS, BRiDGES has received a 2011 NYS Enforcing Underage Drinking Laws Prevention and Law Enforcement Partnership Grant; and

WHEREAS, the Sheriff's Office will conduct off and on-premise compliance checks of licensed establishments; and

WHEREAS, BRiDGES hereby agrees to pay \$5,000 to the Madison County Sheriff's Office for the above mentioned services; and

WHEREAS, the Federal awards grant is identified as follows; and

Awarding Agency: Office of Juvenile Justice and Delinquency Prevention
Pass-through Agency: NYS Office of Alcoholism and Substance Abuse Services
Catalog #: 93.958
Program Name: 2011 NYS Enforcing Underage Drinking Laws Prevention and Law Enforcement Partnership Grant
Award Period: July 1– December 31, 2011
Federal Funds %: 100%
Total Grant Amount: \$5,000; and

WHEREAS, the funding agencies have approved the following budget for this project during the project period of July – December 2011; and

General Fund

3110 Sheriff's Department

Expense

	From	To
A3110.41029 Enforcing Under Age Drinking Laws Grant	<u>\$ 5,000</u>	<u>\$10,000</u>
Control Total		<u>\$ 5,000</u>

Revenue

A4389.6020 Fed Aid-Enforcing Under Age Drinking Laws	<u>\$ 5,000</u>	<u>\$10,000</u>
Control Total		<u>\$ 5,000</u>

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

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

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 281-11

AUTHORIZING THE CHAIRMAN TO ACCEPT GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE AND NYS DCJS TO SUPPORT THE VIDEO CONFERENCING PROGRAM AND MODIFY THE 2011 COUNTY BUDGET

WHEREAS, the Chairman authorized application for this grant by the Office of the Madison County Sheriff by way of Resolution No. 170-11, and

WHEREAS, the Madison County Sheriff has received notification of approval for a Federal Grant through the New York State Division of Criminal Justice Services; and

WHEREAS, this Federal Awards Grant is identified as follows:

Awarding Agency: U.S. Department of Justice, Bureau of Justice Assistance
 Pass-through Agency: New York State Division of Criminal Justice Services
 Catalog #: #16.803
 Program Name: American Recovery and Reinvestment Act Byrne Justice Assistance Grant (JAG)
 Award Year: October 1, 2011 – September 30, 2012
 Federal Funds Percentage: 100%
 Grant No.: BR11-1045-E00
 Contract No.: BR09637060
 Total Grant Amount: \$29,892

WHEREAS, the funding agencies have approved the following budget for this project during project year 10/01/11 – 09/30/12:

General Fund
3110 Sheriff's Department
Expense

	<u>From</u>	<u>To</u>
A3110.4924 Telecommunications Internet Service	\$ 0	\$ 2,100
A3110.2123 Video Conferencing Equip & Service	<u>0</u>	<u>27,792</u>
Control Total		<u>\$ 29,892</u>
Revenue		
A4389.2525 Fed Aid-Byrne/JAG ARRA Funds	<u>\$ 0</u>	<u>\$29,892</u>
Control Total		<u>\$29,892</u>

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

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be authorized to modify the 2011 County Budget to accept these funds, and

BE IT FURTHER RESOLVED, that the 2011 County Budget be modified in accordance with this project budget.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor Cary:

RESOLUTION NO. 282-11

AUTHORIZING THE CHAIRMAN TO SIGN THE OPERATOR AGREEMENT BETWEEN THE WORKFORCE INVESTMENT BOARD AND THE OPERATOR CONSORTIUM OF THE REGIONAL WORKING SOLUTIONS SYSTEM

WHEREAS, the Workforce Investment Act of 1998 (“the Act”) continues a longstanding federal commitment to help people with employment barriers to be productive members of the labor force; and

WHEREAS, the act authorized the expenditure of federal funds for workforce development programs made available by the United States Department of Labor; and

WHEREAS, under the Workforce Investment Act of 1998, in order to receive federal funds made available to operate a one-stop system and Center, an entity or consortium of entities shall be designated as a one-stop operator consortium; and

WHEREAS, the One-Stop Operator Consortium supports and recommends methods, services and programs that improve community-wide employment to the Workforce Investment Board; and

WHEREAS, The Operator Agreement spells out the Workforce Investment Board’s relationship to the Operator and the responsibilities of the Operator Consortium; and

WHEREAS, no local funds are involved herewith or encumbered hereby;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of this Board be and is hereby authorized and directed to execute the Operator Agreement with a five year term that commences on the date of the Workforce Investment Board’s approval, a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 283-11

AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN AN UPDATED NEW YORK STATE REQUIRED “LANDLORD DISCLOSURE SHEET”

WHEREAS, the County of Madison has a sublease agreement with the State of New York for office space at the Madison County “Career Center” located at 1006 Oneida Plaza Drive, Oneida, NY 13421; and

WHEREAS, the State of New York requires all Landlords of property leased to New York State, or any of it’s Agencies or Departments, complete and sign the “Landlord Disclosure Sheet”, and

WHEREAS, the “Landlord Disclosure Sheet” is a tool for gathering information about the landlord and the building proposed for lease; and

WHEREAS, this Board previously authorized the Chairman to sign this agreement on September 14, 2010 in Resolution 293-10, and

WHEREAS, the County of Madison has been notified by the New York State Department of Labor that the signed forms are now older than six months and must be re-signed and resubmitted, and

WHEREAS, a completed updated “Landlord Disclosure Sheet” with its accompanying form “OGS Contractor/Vendor Obligations Under State Finance Law SS139-J and 139-K” is now on file with the Clerk of the Board;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors for the County of Madison be and hereby is authorized to sign the document entitled “Landlord Disclosure Sheet” and its accompanying form “OGS Contractor/Vendor Obligations Under State Finance Law SS139-J and 139-K” on behalf of the County of Madison.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 284-11

APPOINTING A MEMBER TO THE WORKFORCE INVESTMENT BOARD OF HERKIMER-MADISON-ONEIDA COUNTIES

WHEREAS, In accordance with the Tri-County Consortium Agreement of the Herkimer-Madison-Oneida Local Workforce Investment Area, the Madison County Chief Elected Official appoints several members to the Workforce Investment Board from the private sector, and

WHEREAS, Mr. Dean Moore, Human Relations Manager for Marquardt Switches, Inc., Cazenovia, NY, has expressed an interest in serving on the Workforce Investment Board; and

WHEREAS, Mr. Moore’s interest has been supported by Jochen Becker, President, Marquardt Switches, Inc;

NOW, THEREFORE BE IT RESOLVED, that Mr. Dean Moore be hereby appointed to the Workforce Investment Board of Herkimer-Madison-Oneida Counties for a three-year term, commencing on September 1, 2011.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 285-11

AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS RECREATION AND HISTORIC PRESERVATION

WHEREAS, the NYS Office of Parks Recreation and Historic Preservation disburses Snowmobile Trails Grant-in-Aid Funding to participating Snowmobile Program Local Sponsors; and

WHEREAS, Madison County is the Local Sponsor of the Madison County Snowmobile Program; and

WHEREAS, the Madison County Association of Snowmobile Clubs incorporated in 2003 and has agreed to maintain snowmobile trails within Madison County, and comply with Snowmobile Program requirements; and

WHEREAS, Madison County has received a Snowmobile Trails Grant-in-aid for snowmobile trail maintenance within Madison County; and

WHEREAS, as a condition of this Grant-in-aid, Madison County undertakes to comply with certain promises and conditions associated with this grant;

NOW THEREFORE, BE IT RESOLVED, that Madison County Board of Supervisors hereby authorizes John M. Becker, Chairman of the Board, to enter into an agreement with the NYS Office of Parks Recreation and Historic Preservation for snowmobile trail maintenance.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 286-11

AMENDING A MICROENTERPRISE LOAN

WHEREAS, Madison County awarded the Cornerstore and Deli a microenterprise loan in June, 2011 by Resolution 208-11; and

WHEREAS, The Cornerstore and Deli had to change its name to Hamilton Eatery, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors approve a loan with the same exact conditions to the Hamilton Eatery, Inc. in the amount of \$35,000; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors authorize the Treasurer of Madison County to sign the documents necessary to close the loan on behalf of Madison County.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor Degear:

RESOLUTION NO. 287-11

APPOINTING A MEMBER TO THE MADISON COUNTY SEWER DISTRICT

WHEREAS, in April of 1975, Charles Pace of Cazenovia, New York was appointed as Chairman of the Madison County Sewer District; and

WHEREAS, Mr. Pace has resigned his position as Chairman of the Madison County Sewer District effective immediately; and

WHEREAS, the Madison County Board of Supervisors recognizes and thanks Mr. Pace for the many years of distinguished service that he has contributed; and

WHEREAS, the County Public Works Committee recommends that Mr. Ralph Monforte, 2100 Sunset Lane, Cazenovia, New York be appointed to fill out the five year term presently being held by Mr. Pace;

NOW, THEREFORE BE IT RESOLVED, that Mr. Monforte be hereby appointed as Chairman of the Madison County Sewer District, such term due to expire on March 31, 2015.

Motion to amend by Supervisor Degear, seconded by Supervisor Bargabos and CARRIED to read as follows:

Title: APPOINTING A MEMBER AS CHAIRMAN TO THE MADISON COUNTY SEWER DISTRICT.

Paragraph 2: WHEREAS, Mr. Pace has retired from his position as Chairman of the Madison County Sewer District effective immediately; and

Paragraph 4: WHEREAS, the County Public Works Committee recommends that Mr. Ralph Monforte, 2100 Sunset Lane, Cazenovia, New York be appointed as Chairman of the Madison County Sewer District presently being held by Mr. Pace;

Last Paragraph: NOW, THEREFORE BE IT RESOLVED, that Mr. Monforte be hereby appointed as Chairman of the Madison County Sewer District.

A final vote with amendment was then taken:

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 288-11

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
REPLACING THE CURRENT CENTRAL NEW YORK INTERMUNICIPAL
STORMWATER COALITION**

WHEREAS, the Public Works Committee has authorized the Madison County Highway Department on July 19, 2011 to amend the current Central New York Intermunicipal Stormwater Coalition adopted on December 28, 2010, Resolution No. 507-10; and

WHEREAS, the original Memorandum of Agreement (MOA) was intended to provide a framework to enable the Stormwater Coalition to begin functioning as an organization; and

WHEREAS, the amended MOA defines a comprehensive and sustainable governing structure for the Coalition that promotes long-term continuity and stability. The amended MOA includes information that was originally written for the bylaws and is based on similar organizational structures for coalitions throughout New York State; and

WHEREAS, this MOU amends the Agreement that commenced on January 1, 2011 and that will terminate on December 31, 2012 unless extended, renewed, amended, or superseded by adoption of a new Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an Agreement amending the current Central New York Regional Planning & Development Stormwater Coalition in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 289-11

**APPOINTING A MEMBER TO THE MADISON COUNTY SEWER DISTRICT
BOARD**

WHEREAS, Robert Davies has resigned from the Madison County Sewer District Board, and

WHEREAS, the Madison County Sewer District Board has recommended to the Board of Supervisors that this vacancy be filled, and

WHEREAS, Michael Costello, Cazenovia, New York has been recommended by the Madison County Sewer District Board to fill said vacancy,

NOW THEREFORE BE IT RESOLVED, that Mr. Michael Costello of Cazenovia, New York be and is hereby appointed to fill out the unexpired term of Mr. Davies, such term will expire on February 15, 2014.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor Goldstein:

RESOLUTION NO. 290-11

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;

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

BE IT FURTHER RESOLVED, the Solid Waste Disposal Agreement shall cover the period from January 1, 2011 through December 31, 2016; and

BE IT FURTHER RESOLVED, that the Commercial Permit Holders listed below are hereby permitted to enter into an Solid Waste Disposal Agreement, and that the Chairman of the Board of Supervisors is authorized to execute such

Solid Waste Disposal Agreement on behalf of Madison County with the following Commercial Permit Holder:

1. HIRSCHEY'S TREE SERVICE

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor Reinhardt:

RESOLUTION NO. 291-11

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, despite the State's welcome efforts to collect taxes on cigarettes sold to non-Indians, the Oneida Indian Nation of New York continues to thwart collection of sales taxes on sales to non-Indians of cigarettes, gas and other products and services, very adversely impacting the County's financial position; and

WHEREAS, the recently enacted property tax cap will severely restrict the County's ability to raise property taxes to pay for the continued significant increase in costs of New York State unfunded mandated programs; 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 point of such sales and compensating use taxes, for the period beginning June 1, 2004, and ending November 30, 2013. 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, 2013, 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, 2011.

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor DiVeronica:

RESOLUTION NO. 292-11

RESOLUTION COMMENDING THE GOVERNOR AND CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO COLLECT ALL SALES AND EXCISE TAXES ON TRIBAL AND INDIAN SALES TO NON-INDIANS

WHEREAS, local governments are highly dependent on sales tax revenues to deliver and fund a wide range of critical programs and services necessary for health, welfare and safety of their citizens; and

WHEREAS, sales and excise tax collections are a critical revenue source enabling the State of New York to fund programs for the benefit of New York's citizens, governments, schools and businesses; and

WHEREAS, local governments across New York are facing unprecedented challenges in meeting current funding needs; and

WHEREAS, failure to collect and remit sales and excise taxes on Indian sales to non-Indian and non-tribal members have denied revenue rightly owed to state and local governments and accordingly has been detrimental to the citizens and governments of New York; and

WHEREAS, failure to collect and remit these taxes creates a grossly unfair business environment for non-Indian retailers across the State by giving tribal and Indian retailers an unfair competitive advantage and by diverting business to those retailers; and

WHEREAS, numerous federal court cases involving the application of state and local excise and sales taxes to sales by tribal retailers to non-tribal members have repeatedly affirmed that states have a right to the sales and excise tax revenues on such transactions; and

WHEREAS, Governor Cuomo and his administration are to be commended for his and its actions in the collection of sales and excise taxes on cigarettes; and

WHEREAS, it is crucial that the State immediately undertake collection of sales and excise taxes on the sales of other products and services, including motor fuels, to non-Indian and non-tribal members by Indian retailers;

NOW THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors urges Governor Cuomo and the New York State Legislature to immediately take all necessary action to ensure collection of all sales and excise taxes on Indian sales of all goods and services to non-Indian and non-tribal members for the benefit of state and local governments; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator David Valesky, Assemblyman Bill Magee and all others deemed necessary and proper.

Motion by Supervisor Henderson, seconded by Supervisor Bargabos and CARRIED to read as follows:

Add a paragraph after paragraph 4 as follows:

WHEREAS, sales tax revenue is the most important revenue source used to offset property taxes and the State of New York has capped property tax increases; and

A final vote with amendment was then taken:

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

By Supervisor Reinhardt:

RESOLUTION NO. 293-11

AUTHORIZING THE MODIFICATION OF THE 2011 ADOPTED COUNTY BUDGET

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

Modification No. 1

General Fund

1680 - Information Technology

Expense

	<u>From</u>	<u>To</u>
A1680.40101 Computer Equipment	\$ 6,850	\$ 5,850
A1680.402 Miscellaneous Expense	<u>2,000</u>	<u>3,000</u>
Control Totals:	<u>\$ 8,850</u>	<u>\$ 8,850</u>

Modification No. 2

General Fund

4013 - Public Health Home Care

Expense

	<u>From</u>	<u>To</u>
A4013.4203 Legal Services (CHHA)	\$ <u>-0-</u>	\$ <u>9,515</u>
Control Total		<u>\$ 9,515</u>

Revenue

A2655.5010 Sale-CHHA & LTHHC L. Woerner	\$ <u>6,380</u>	\$ <u>15,895</u>
Control Total		<u>\$ 9,515</u>

1420 County Attorney

Expense

A1420.4208 Professional Legal Counsel	\$ <u>78,722</u>	\$ <u>88,237</u>
Control Total		<u>\$ 9,515</u>

Revenue

A2801.2810 Interfund Revenue-PH Home Care	\$ <u>-0-</u>	\$ <u>9,515</u>
Control Total		<u>\$ 9,515</u>

Modification No. 3

General Fund

1420 County Attorney

Expense

	<u>From</u>	<u>To</u>
A1420.4208 Professional Legal Counsel	\$ 88,237	\$113,237
A1990.4444 Contingent Fund	\$ <u>489,642</u>	\$ <u>464,642</u>
Control Totals:	<u>\$ 577,879</u>	<u>\$ 577,879</u>

Modification No. 4

<u>General Fund</u>		
<u>6070 Services for Recipients</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A6070.41076 Purchase of Services	\$ 236,997	\$ 232,097
A6070.41092 Supervision & Treatment for Serv. Juvenile Prog. – Program Costs	\$ -0-	\$ 4,900
Control Total	<u>\$ 236,997</u>	<u>\$ 236,997</u>
 <u>Revenue</u>		
A3670.1010 St. Aid Purchase of Service	\$ 302,925	\$ 299,887
A3670.1040 St. Aid – Supervision & Treatment Serv. for Juvenile Prog. – Program Costs	\$ -0-	\$ 3,038
Control Totals	<u>\$ 302,925</u>	<u>\$ 302,925</u>

Modification No. 5

<u>County Road Fund</u>		
<u>5010 County Highway Administration</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
D5010.4130 Advertising Expenses	\$ 3,000	\$ 2,300
D5010.4298 Computer Expenses	1,800	1,500
D5010.4911 Office Supplies	1,250	2,500
 <u>5020 County Highway Engineering</u>		
<u>Expense</u>		
D5020.42912 Engineering Supplies	3,000	2,750
 <u>5110 Maintenance of Roads & Bridges</u>		
<u>Expense</u>		
D5110.46003 Asphalt, Tar & Stone	450,000	300,000
D5110.46006 Traffic Paint & Materials	200,000	210,000
 <u>5112 Construction Projects</u>		
<u>Expense</u>		
D5112.450013 Canada St/STO-125 Culvert Replacement	80,000	70,000
D5112.46007 Misc. Materials	<u>150,000</u>	<u>300,000</u>
Control Totals:	<u>\$889,050</u>	<u>\$889,050</u>

Modification No. 6

<u>Enterprise Environmental Landfill Fund</u>		
<u>8164 - Environmental Control (Landfill)</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
EE8164.2945 Trash Compactor Rebuild	\$ -0-	\$250,000
EE8164.2999 Capital Equipment Reserve	150,000	-0-
 <u>8169 Landfill-Capital Equipment Acquisition</u>		
<u>Expense</u>		
EE8169 Landfill-Capital Equipment Acquisition	<u>200,000</u>	<u>100,000</u>

Control Totals: \$350,000 \$350,000

ADOPTED: AYES – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

RESOLUTION NO. 294-11

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 – 1453 NAYS – 0 ABSENT – 47 (Stepanski)

PROCLAMATION

PROBATION, PAROLE, AND COMMUNITY SUPERVISION WEEK

Whereas, community corrections is an essential part of the Criminal Justice System; and

Whereas, community corrections professionals, as sworn New York State Peace Officers, uphold the law while recognizing the right of the public to be safe-guarded from criminal activity; and

Whereas, community corrections professionals prepare over 485 court ordered investigations annually with risk assessments to measure future recidivism, recommending appropriate sentences to the Madison County courts for both adult and juvenile offenders; and

Whereas, community corrections professionals are responsible for supervising adult and juvenile offenders in the community; and

Whereas, community corrections professionals collaborate in partnership with other law enforcement agencies, community agencies and groups, and

Whereas, community corrections professionals promote prevention, intervention, advocacy, and reduction of recidivism; and

Whereas, community corrections professionals provide services, support, and restitution for victims; and

Whereas, community corrections professionals in Madison County, New York supervise approximately 400 offenders, half of whom are convicted felons, with the main mission of protecting the community from future victimization; and

Now, Therefore, Be it Resolved, that I, John M. Becker, Madison County Chairman proclaim July 17 to 23, 2011 as:

Probation, Parole, and Community
Supervision Week

And encourage all citizens to honor these community corrections professionals and to recognize their achievements.

PUBLIC COMMENT PERIOD

No speakers.

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