

**MADISON COUNTY BOARD OF SUPERVISORS  
SPECIAL BOARD MEETING – FRIDAY, APRIL 15, 2011**

The Board convened at 4:00 p.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Salka (54 votes), Supervisor Kuiper (129 votes), Supervisor Ball (41 votes) and Supervisor Stepanski (47 votes).

Pledge of Allegiance.

Chairman Becker opened the meeting and asked for a motion to go into Executive Session to discuss a pending litigation matter. Supervisor Degear made that motion, seconded by Supervisor Henderson and carried.

At 4:20 p.m. Chairman Becker asked for a motion to end the Executive Session. Supervisor Henderson made that motion, seconded by Supervisor Bono and carried.

**RESOLUTIONS**

The first order of business for the Special meeting called was the Introduction of Proposed Local Law No. 2 for the year 2011 – Fixing the Salary of the County Attorney for 2011. Supervisor Bargabos, Chairman of the Government Operations Committee asked for this resolution to be pulled with no action taken.

**By Supervisor Suits:**

**RESOLUTION NO. 154-11**

**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 also requires that a resolution intended to be offered for adoption at a special meeting shall be mailed to all members with the Clerk's written notice of the call of the special meeting; 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 – 1229 NAYS – 0 ABSENT 271 (Salka, Kuiper, Ball, Stepanski)**

**By Supervisor Bargabos:**

**RESOLUTION NO. 155-11**

**CONFERRING THE BENEFITS OF SECTION 18 OF THE PUBLIC OFFICERS LAW TO S. JOHN CAMPANIE IN THE MATTER OF STEVEN MAHLER AND DANIEL GARROW V. S. JOHN CAMPANIE, CAMPANIE & WAYLAND-SMITH PLLC AND THOMAS P. DINAPOLI, AS COMPTROLLER OF THE STATE OF NEW YORK; VENUED IN ALBANY COUNTY SUPREME COURT UNDER INDEX NO.: 2502-11**

**WHEREAS**, the Madison County Board of Supervisors has previously conferred the benefits of Section 18 of the Public Officers Law upon its officers and employees, and further agreed to be held liable for the costs incurred under Section 18; and

**WHEREAS**, Madison County Attorney S. John Campanie (hereinafter “Mr. Campanie”) has been named as a defendant in a civil action, Index No. 2502-11, currently venued in the New York State Supreme Court for the County of Albany, and captioned as Steven Mahler and Daniel Garrow v. S. John Campanie, Campanie & Wayland-Smith PLLC, and Thomas P. DiNapoli, as Comptroller of the State of New York; and

**WHEREAS**, Mr. Campanie has timely delivered to the County’s chief administrative officer a copy of the summons and complaint in the aforesaid action and a written request to the County to provide for his defense pursuant to Section 18; and

**WHEREAS**, this Board of Supervisors hereby approves, confirms, and ratifies the designation of the law firm of Hancock Estabrook LLP to fulfill the obligations of the County’s chief legal officer in connection with the administration of Section 18 in this instance; and

**WHEREAS**, this Board of Supervisors hereby recognizes and acknowledges its obligation under Section 18 to provide for the defense of Mr. Campanie in any action or proceeding arising out of any alleged act or omission which occurred while Mr. Campanie was acting within the scope of Mr. Campanie's public employment or duties as the Madison County Attorney; and

**WHEREAS**, Hancock Estabrook LLP has determined that the allegations of the complaint present a conflict of interest between the County and Mr. Campanie in connection with the defense of the aforesaid action;

**NOW, THEREFORE BE IT RESOLVED**, that pursuant to subsection 3 of Section 18, this Board of Supervisors acknowledges and agrees that Mr. Campanie shall be entitled to be represented by private counsel of his choice in the aforesaid action and that the County shall be obligated under Section 18 to pay the reasonable attorneys' fees and litigation expenses incurred by Mr. Campanie in connection with such representation from time to time subject to the review and approval of this Board of Supervisors of said fees and expenses; and

**BE IT FURTHER RESOLVED**, that this Board of Supervisors hereby acknowledges its obligation to indemnify and save harmless Mr. Campanie with regard to the amount of any judgment obtained against Mr. Campanie, or in the amount of any settlement, to the extent permitted or required by Section 18; and

**BE IT FURTHER RESOLVED**, that this Board of Supervisors hereby reserves all of its rights under Section 18.

**ADOPTED: AYES – 1229 NAYS – 0 ABSENT – 271 (Salka, Kuiper, Ball, Stepanski)**

**By Supervisors Bargabos and Reinhardt:**

**RESOLUTION NO. 156-11**

**APPOINTING AN ACTING INFORMATION TECHNOLOGY DIRECTOR,  
AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT  
AND MODIFYING THE 2011 BUDGET**

**WHEREAS**, the County's Information Technology Director has resigned; and

**WHEREAS**, the Government Operations Committee recommend the appointment of Mark Scimone, Administrative Assistant to the Chairman of the Board as Acting Director of Information Technology, and

**WHEREAS**, The Bonadio Group has conducted a comprehensive review of the County's Information Technology Infrastructure; and

**WHEREAS**, the County would like to contract with The Bonadio Group to implement the findings of the review and provide Information Technology consulting services in the interim; and

**WHEREAS**, the Government Operations Committee recommend entering into an agreement with The Bonadio Group to provide said services; and

**WHEREAS**, the cost for professional fees and services shall be at an hourly rate of \$150.00/hour plus mileage,

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board be and hereby is authorized to execute the agreement with The Bonadio Group effective April 15, 2011, a copy of which is on file with the Clerk to the Board; and

**BE IT FURTHER RESOLVED** that Mark Scimone be and hereby is appointed Acting Information Technology Director, effective immediately, until a new Information Technology Director is hired; and

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

**Information Technology - Department 1680**

<u>Expense</u>	<u>From</u>	<u>To</u>
A1680.2101 Network Equipment	\$3,542	\$0
A1680.2110 Computer Equipment	\$64,000	\$10,000
A1680.2926 Air Conditioning Unit	\$7,500	\$0
A1680.4200 Consulting Services	\$0	\$65,042
Control Total:	<u>\$75,042</u>	<u>\$75,042</u>

**ADOPTED: AYES – 1229 NAYS – 0 ABSENT -271 (Salka, Kuiper, Ball, Stepanski)**

**Supervisor Goldstein leaving at 4:25 p.m.**

**PUBLIC COMMENT PERIOD**

**Speakers:**

At this time Chairman Becker called on County Attorney, S. John Campanie who wished to address the Board regarding a recent litigation matter naming Mr. Campanie as a defendant in a civil action.

**1. County Attorney, S. John Campanie:**

I am deeply grateful to the Board of Supervisors for their support. The Oneida Indian Nation continues to claim the entire northerly half of our county, demand hundreds of millions of dollars from the State and its Citizens, seek to place thousands of acres of our County into tax free federal trust and out of the

jurisdiction of the state, conspire to have 450 square miles mapped by the United States as a present day Indian reservation, block important public works, and refuse to pay real property taxes and collect and remit sales and excise taxes amounting to tens of millions of dollars per year – all the while netting 100's of millions of dollars in profit and refusing Madison County's offers of settlement. Thanks to the efforts of the defense team of which I have been a part, the United States Supreme Court in 2005 rejected their unilateral claims of sovereignty and based on that Supreme Court decision, a judgment against the State of \$250 million in Cayuga was overturned, and the US Court of Appeals in 2010 rejected their land claim here. I would like nothing better for this to be over and for there to be cooperation among neighbors for mutual benefit. Until it is, I will follow the direction of the Board of Supervisors and continue to do my best to defend the County and its Citizens from these actions.

The Oneida Nation has laid out its charges against me in a complaint filed by two of their employees. Counsel to defend this has been engaged, an answer to the charges will be filed, and I will have no comment of this pending litigation.

2. Oneida Attorney Peter Hedglon stated that he is please to see the county's level of commitment and respect in Albany. In the early years of the Oneida Nation land claims, the County did not get good counsel. He is deeply offended in what has happened here today. He commends the Board of Supervisors for the actions they are taking.

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