

MADISON COUNTY BOARD OF SUPERVISORS
2nd Day – Annual Session – Tuesday, November 18, 2008

The Board re-convened at 9:00 a.m. in the Supervisors Chambers, seconded floor, County Office Building, Wampsville, New York with all members present except for Supervisor Jaquay (129 votes), Supervisor Williams (44 votes and arriving a 9:15 a.m. and Supervisor Stepanski (47 votes).

Pledge of Allegiance.

REPORTS

1. Madison County Occupancy Tax Receipts/Expenditures for Quarter 7/1/08-9/30/08.

At 9:00 a.m. Chairman Becker announced the scheduled public hearing on the Madison County (Cazenovia) Sewer District budget for 2009.

Supervisor Salka made a motion to open the hearing, seconded by Supervisor Degear and carried.

Chairman Becker asked for speakers to this budget. Mr. Mark Bourdeau, Chief Operator for the Madison County (Cazenovia) Sewer District announced that an informational budget meeting was held on November 5, 2008 in Cazenovia, New York and the budget reflects a decrease. There were no other speakers.

Supervisor Goldstein then made a motion to close the hearing, seconded by Supervisor Moran and carried.

At 9:10 a.m. Chairman Becker then announced the scheduled public hearing on the Cowaselon Watershed District budget for 2009.

Supervisor DiVeronica made a motion to open the hearing, seconded by Supervisor Reinhardt and carried.

Chairman Becker asked for speakers to this budget. There were no speakers. Supervisor DiVeronica made a motion to close the hearing, seconded by Supervisor Ball and carried.

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 455-08

MODIFYING THE 2008 ADOPTED COUNTY BUDGET

RESOLVED, that the County Budget be modified as follows:

General Fund
1010 – Legislative Board

| <u>Expense</u> | <u>FROM</u> | <u>TO</u> |
|---|-------------------------|-------------------------|
| A1010.4911 Office Supply & Expense (outside) | \$ 821 | \$ 1,571 |
| A1010.41 Travel Expense (mileage) | \$ 20,150 | \$ 19,400 |
| Control Totals | \$ <u>20,971</u> | \$ <u>20,971</u> |

ADOPTED: AYES – 1280 NAYS – 0 ABSENT – 220 (Jaquay, Williams, Stepanski)

RESOLUTION NO. 456-08

LEVYING UNPAID WATER RENTS FOR ERIEVILLE WATER DISTRICT

WHEREAS, the Secretary of the Erieville Water District has filed with this Board a statement showing unpaid water bills in the Erieville Water District of the Town of Nelson;

NOW, THEREFORE BE IT RESOLVED, that under and pursuant to the provisions of Section 198 of the Town Law, said sums be and there hereby are levied against the property liable therefore and are hereby directed to be included in the 2009 tax levy of said Town of Nelson and that when paid shall be turned over to the Supervisor of the Town of Nelson.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 457-08

LEVYING UNPAID WATER RENTS FOR LENOX WATER DISTRICT

WHEREAS, the Secretary of the Lenox Water District has filed with this Board a statement showing unpaid water bills in the Lenox Water District of the Town of Lenox, as attached:

NOW, THEREFORE BE IT RESOLVED, that under and pursuant to the provisions of Section 198 of the Town Law, said sums be and they hereby are levied against the property liable therefore and are hereby directed to be included in the 2009 tax levy of said Town of Lenox and that when paid shall be turned over to the Supervisor of the Town of Lenox.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 458-08

LEVYING UNPAID WATER RENTS FOR THE HAMLET OF GEORGETOWN

WHEREAS, the Supervisor from the Hamlet of Georgetown has filed with this Board a statement showing water bills in the Hamlet of Georgetown, as attached;

NOW, THEREFORE BE IT RESOLVED, that under and pursuant to the provisions of Section 198 of the Town Law, said sums be and they hereby are levied against the property liable therefore and are hereby directed to be included in the 2009 tax levy of said Hamlet of Georgetown and that said amount when paid shall be turned over by the collector to the Supervisor of the Hamlet of Georgetown.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 459-08

LEVYING UNPAID CODE VIOLATIONS BILLS FOR THE TOWN OF LENOX

WHEREAS, the Town of Lenox has filed with this Board a statement showing unpaid code violations in the Town of Lenox;

NOW, THEREFORE BE IT RESOVLED, that under and pursuant to the provisions of Section 198 of the Town Law, said sum be and hereby is levied against the properties liable therefore and is hereby directed to be included in the 2009 tax levy of said Town of Lenox and that when paid shall be turned over to the Town of Lenox.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 460-08

LEVYING UNPAID WATER RENTS FOR NEW WOODSTOCK WATER DISTRICT

WHEREAS, the Secretary of the New Woodstock Water District has filed with this Board a statement showing unpaid water bills in the New Woodstock Water District in the Town of Cazenovia, as attached;

NOW, THEREFORE BE IT RESOLVED, that under and pursuant to the provisions of Section 198 of the Town Law, said sums be and they hereby are levied against the property liable therefore and are hereby directed to be included in the 2009 tax levy of said Town of Cazenovia and that when paid, shall be turned over to the Supervisor of the Town of Cazenovia.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 461-08

**LEVYING UNPAID WATER RENTS FOR WELLINGTON AND MT. PLEASANT
WATER DISTRICTS IN THE TOWN OF CAZENOVIA**

WHEREAS, the Secretary of the Wellington Water District and Mt. Pleasant Water District has filed with this Board a statement showing unpaid water bills for those districts in the Town of Cazenovia, as attached;

NOW, THEREFORE BE IT RESOLVED, that under and pursuant to the provisions of Section 198 of the Town Law, said sums be and they hereby are levied against the property liable therefore and are hereby directed to be included in the 2009 tax levy of said Town of Cazenovia and that when paid, shall be turned over to the Supervisor of the Town of Cazenovia.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

By Supervisor Williams:

RESOLUTION NO. 462-08

**AUTHORIZING A SERVICE AGREEMENT WITH MOTOROLA INC. FOR THE YEAR
2009**

WHEREAS, the Service Agreement with Motorola expires on December 31, 2008; and

WHEREAS, Motorola Inc. has submitted a Service Agreement for the year January 1, 2009 through December 31, 2009 at a yearly renewal of \$11,976.72; and

WHEREAS, the Service Agreement reflects a 3% increase of \$863.76 for each mobile radio in service; and

WHEREAS, this expenditure is appropriated in the Road Machinery Fund DM5130.4848; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to enter into a Service Agreement with Motorola Inc. to provide radio repair as outlined in the Agreement on file with the Clerk to the Board of Supervisors.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

By Supervisor Hammond:

RESOLUTION NO. 463-08

**PROVIDING FOR A LIST OF FEES FOR PARTICIPATING IN THE COUNTY'S SOLID
WASTE MANAGEMENT PROGRAM, AS REQUIRED BY
LOCAL LAW #3 FOR 2004**

WHEREAS, Local Law # 3 for 2004 created a process by which the list of fees may be amended without the need to amend the Law itself; and

WHEREAS, the County finds that it will be more reasonable and efficient to maintain and amend the list in accordance with the requirements of the proposed Local Law, rather than to amend the Local Law each time the list of fees must be amended; and

NOW, THEREFORE BE IT RESOLVED, that the following corrected fees shall apply to activities undertaken pursuant to the Local Law:

| Type of Fee | Amount | Local Law Provision |
|---|--|---------------------|
| Commercial Waste Permit | \$50 plus \$20 per vehicle | III.1.c. |
| Renewal of CWP | same as original permit fee | III.1.g. |
| Lost permit fee | \$5 | III.1.h. |
| <u>Commercial tipping fees/ton</u> | <u>\$60/ton</u> Contract rate / All Towns, Villages and the City of Oneida <u>\$70/ton</u> without Contract <u>\$80/ton</u> Day Use Permits <u>Small load fee - 200lbs. or under</u> <u>Minimun scale charge of \$15.00 applied</u> | III.5.a., III.6.a. |
| Tire Disposal Fee - car , truck tires, Off Road Tires (for all Commercial and Day Use Permittees) | \$90 per ton | III.5.a., III.6.a. |
| Refrigeration Units Propane Cylinders Televisions Computer Monitors | \$13.00 each \$2.60 each \$2.60 each \$2.60 each | III.5.a., III.6.a. |
| Insufficient Funds (Bounced Check) Charge (Residential and Commercial) | \$20 | III.5.e |
| Penalty for Late Tipping Fee Payments | Municipalities shall pay 1.5 % per month on unpaid balance after 60 days All others shall pay 1.5 % per month on unpaid balance after 30 days | III.5.d. |
| Day Use Permit Fee (Special Use) | No Charge | III.2.a. |

FURTHER RESOLVED, that this list of fees shall remain in effect until amended or deleted by the procedure designated in Local Law # 3 for 2004 or by or amendment of the Local Law; and it is

FURTHER RESOLVED, that this Resolution takes effect January 1, 2009.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 464-08

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.

WHEREAS, The State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, Madison County herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and MUNICIPALITY be executed for such STATE Aid;

NOW THEREFORE BE IT RESOLVED BY

The Madison County Board of Supervisors

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That The Chairman of The Board of Supervisors is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE.
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to joint Municipal Waste Reduction and/or Recycling Project.
5. That this Resolution shall take effect immediately.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 465-08

**ESTABLISHING A FEE AND EXPIRATION DATE FOR
2009 SOLID WASTE PUNCH CARDS
RELATING TO RESIDENTIAL SOLID WASTE DISPOSAL IN MADISON COUNTY**

WHEREAS, the Madison County solid waste transfer stations are currently providing a service to the citizens at a per bag disposal rate; and

WHEREAS, upon review of the costs associated with transfer station operations, the Solid Waste and Recycling Committee has determined that the **2009 Solid Waste Punch Card fee remain at the rate of \$13.00 per Solid Waste Punch Card**; and

NOW, THEREFORE, BE IT RESOLVED, that the following residential fee schedule be adopted by the Board for the year 2009;

Solid Waste Punch Cards may be purchased from the Solid Waste Department, authorized County Agents and Clerks of the town, city or village in which such residents reside at the following rate: Punch Card of 5 /\$13.00 with the Clerk, on behalf of the selling municipality or the agent, retaining \$.35 per card sold; and

FURTHER RESOLVED, that the fees shall remain in effect until amended or deleted by the procedure designated in Local Law # 3 for 2004 or by amendment of the Local Law; and

BE IT FURTHER RESOLVED, The 2009 fee schedule shall become effective January 01, 2009 and the Solid Waste Punch Cards shall indicate on their face an expiration date of December 31, 2010.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

By Supervisor Bargabos:

RESOLUTION NO. 466-08

**ADOPTING THE 2009 ANNUAL BUDGET FOR MADISON COUNTY
(CAZENOVIA) SEWER DISTRICT**

RESOLVED, that the Board having on the 18th day of November 2008, duly held a public hearing on the preliminary budget by this Board of Supervisors and the administrative body heretofore appointed pursuant to Section 261 of the County Law of the Madison County (Cazenovia) Sewer District for the fiscal year commencing January 1, 2009 and that such annual budget as so adopted be entered in detail in the minutes of the proceedings of the Board of Supervisors of the County of Madison;

BE IT FURTHER RESOLVED, that the Clerk of the Board of Supervisors shall prepare as provided by law, three copies of said annual budget hereby adopted, together with the assessment rolls for the benefits of improvements adopted pursuant to Section 256 of the County Law and deliver one of such copies to the Supervisor of the Town of Cazenovia and three of such copies shall be filed with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

RESOLUTION NO. 467-08

ADOPTING THE 2009 ANNUAL BUDGET FOR COWASELON WATERSHED DISTRICT

RESOLVED, that the Board having on the 18th day of November 2008, duly held a public hearing on the preliminary budget approved by the Board and the administrative body heretofore appointed pursuant to Section 299-P of the County Law of the Cowaselon Watershed Protection District, for the year commencing January 1, 2009 and that such annual budget as so adopted be entered in detail in the minutes of the proceedings of the Board of Supervisors of the County of Madison; and

BE IT FURTHER RESOLVED, that the Clerk of the Board of Supervisors shall prepare, as provided by law, three copies of said annual budget hereby appointed, together with the assessment rolls for the benefits of improvements adopted pursuant to Section 270 of the County Law and deliver one of such copies to the Supervisors from the Towns of Sullivan and Lenox and three such copies shall be filed with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1324 NAYS – 0 ABSENT – 176 (Jaquay, Stepanski)

At 9:20 Chairman Becker announced the scheduled public hearing on the Tentative County budget for 2009.

Supervisor Goldstein made a motion to open the hearing, seconded by Supervisor Rafte and carried.

There were no speakers.

Chairman Becker asked for a motion to recess the hearing. Supervisor Williams made that motion, seconded by Supervisor Degear and carried.

Following the morning hearing on the tentative county budget, Supervisor Goldstein stressed his concerns about giving the Supervisors pay raises in this time of hardship and will present a resolution to the Board at the next meeting freezing the Supervisors salaries. Supervisors DiVeronica and Salka concurred with Supervisor Goldstein on this issue.

The public hearing on the tentative county budget for 2009 stands recessed until 7:00 p.m. tonight, at which time will be continued at the SUNY Morrisville College.

There being no further business, the Board stands recessed until 7:00 p.m.

2nd Day of Annual Session – Tuesday, November 18, 2008 7:00 p.m. Continued

The Board reconvened at 7:00 p.m. at the SUNY Morrisville College Theatre located in the Student Activity Center, Eaton Street, Morrisville, New York. All Supervisors were present except for Supervisor Jaquay (129 votes) and Supervisor Reinhardt (64 votes).

There were approximately 20 people in the audience, including several county department heads.

Chairman Becker welcomed everyone, opened and continued the scheduled public hearing on the tentative county budget from earlier today.

Chairman Becker asked twice for speakers. There was no one wishing to speak on the budget.

Supervisor Bono made a motion to close the hearing, seconded by Supervisor Ball and carried.

The Board then continued with the following resolutions to be acted on:

By Supervisor Bargabos:

RESOLUTION NO. 468-08

MODIFYING THE 2008 COUNTY BUDGET

RESOLVED, that the Adopted 2008 County Budget be modified as follows:

Modification #1

General Fund

1430 Personnel & Civil Service

Expense

| | <u>From</u> | <u>To</u> |
|---|--------------|--------------|
| A1430.411 Travel – Conference/Seminar Expense | \$ 7,200 | 6,890 |
| A1430.471 Clerical and Office Assistance | <u>2,810</u> | <u>3,120</u> |

| | | |
|-----------------|-----------------|-----------------|
| Control Totals: | <u>\$10,010</u> | <u>\$10,010</u> |
|-----------------|-----------------|-----------------|

Modification #2

County Road Fund

5110 Maintenance of Roads and Bridges

Expense

| | <u>From</u> | <u>To</u> |
|----------------------------------|----------------|----------------|
| D5110.46001 Bridge Materials | 69,921 | 54,921 |
| D5110.450014 Bingley Road Bridge | <u>190,000</u> | <u>205,000</u> |

| | | |
|---------------|------------------|------------------|
| Control Total | <u>\$259,921</u> | <u>\$259,921</u> |
|---------------|------------------|------------------|

Modification #3

Road Machinery Fund

5130 Road Machinery Fund

Expense

| | | <u>From</u> | <u>To</u> |
|-------------|------------------------------|-----------------|-----------------|
| DM5130.2907 | Garage Overhead Door | 10,000 | 7,551 |
| DM5130.4815 | Tires and Batteries | 52,000 | 53,500 |
| DM5130.4845 | Outside Maintenance & Repair | 21,500 | 22,449 |
| | Control Total | <u>\$83,500</u> | <u>\$83,500</u> |

Modification #4

General Fund

6610-Consumer Affairs

Expense

| | | <u>From</u> | <u>To</u> |
|-----------|--------------------------|------------------------|------------------------|
| A6610.402 | Miscellaneous Equipment | \$ 0 | \$ 3,000 |
| A6610.41 | Travel Expense (Mileage) | <u>3,600</u> | <u>600</u> |
| | Control Totals | <u>\$ 3,600</u> | <u>\$ 3,600</u> |

ADOPTED: AYES – 1307 NAYS – 0 ABSENT – 193 (Jaquay, Reinhardt)

By Supervisor Williams and Bargabos:

RESOLUTION NO. 469-08

AGREEMENT FOR GRANT APPLICATION SERVICES FOR A SALT STORAGE FACILITY AND MODIFYING THE 2008 COUNTY BUDGET

WHEREAS, the Public Works Committee approved and authorized the Madison County Highway Superintendent to proceed with the preparation of a grant application for a Salt Storage Facility; and

WHEREAS, the grant preparation service is for a Salt Storage Facility located at the Madison County Highway Department, Wampsville Division; and

WHEREAS, the firm of TVGA Consultants has presented an Agreement for the described grant services in the amount of \$1,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to enter into Agreement with TVGA Consultants to provide said services as outlined in the attached Agreement on file with the Clerk to the Board of Supervisors; and

BE IT FURTHER RESOLVED, that the 2008 County Budget be modified as follows:

County Road Fund

| | | |
|---|------------------|------------------|
| <u>5010 County Highway Administration Expense</u> | <u>FROM</u> | <u>TO</u> |
| D5010.4208 Miscellaneous Consultant | -0- | \$ 1,000 |
| <u>5142 County Snow Removal Expense</u> | | |
| D5142.46009 | <u>545,000</u> | <u>544,000</u> |
| Control Total | <u>\$545,000</u> | <u>\$545,000</u> |

ADOPTED: AYES – 1307 NAYS – 0 ABSENT – 193 (Jaquay, Reinhardt)

By Supervisors Williams, Stepanski and Bargabos:

RESOLUTION NO. 470-08

MODIFYING THE ADOPTED 2008 BUDGET AND AUTHORIZING THE CHAIRMAN TO MODIFY AN AGREEMENT WITH SCHARF PLUMBING AND HEATING, INC.

WHEREAS, Madison County advertised and received competitive bids for replacement of boilers in the Social Services Building as Bid No 08.29; and

WHEREAS, all bids were canvassed and reviewed by the Maintenance Department and the County Buildings and Grounds Committee and upon review found Scharf Plumbing and Heating to be the low, responsible bidder and have made their recommendation for the bid to be awarded to the low bidder;

WHEREAS, the Chairman was authorized to enter into a contract with Scharf Plumbing and Heating, Inc., 249 Chenango Road, Utica, NY 13502 during the execution of which, the contractor recommended a significant, beneficial and essential improvement beyond the scope of the work described in the original contract; and

WHEREAS, the Building and Grounds Committee has recommended that this improvement be authorized as a change order to the Contract;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board is hereby authorized to execute a modification of the agreement with Scharf Plumbing and Heating, Inc. to include the change order; and

BE IT FURTHER RESOLVED, that the Adopted 2008 County Budget be modified as follows:

General Fund

| | | |
|---|------------------|------------------|
| <u>6010 Social Services Administration</u> | <u>From</u> | <u>To</u> |
| A6010.2901 Building Renovation | \$ 62,080 | \$ 64,755 |
| A6010.4301 Professional Liability Insurance | <u>\$ 39,460</u> | <u>\$ 36,785</u> |

Control Total \$101,540 \$101,540

ADOPTED: AYES – 1307 NAYS – 0 ABSENT – 193 (Jaquay, Reinhardt)

By Supervisor Bargabos:

RESOLUTION NO. 471-08

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,

Aaron Powell
210 No. Peterboro St.
Canastota, NY 13032

Tax Map # 36.54-2-8
Town of Lenox

WHEREAS, the property owner is entitled to and has been receiving the wartime veterans and disability exemptions; and

WHEREAS, due to a clerical error as defined under section 550; 2(c) of the Real Property Tax Law these exemptions were not reflected on the 2007 final assessment roll; and

WHEREAS, the 2008 town and county tax bill in the amount of \$868.35 was in error; 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 2008 town and county taxes in the amount of \$271.88.

ADOPTED: AYES – 1307 NAYS – 0 ABSENT – 193 (Jaquay, Reinhardt)

At 7:15 p.m. Chairman Becker asked if anyone present would like to speak at the public comment period. The following speakers were heard:

1. Madison County Historian Mary Messere would like to see the board hold one of their meetings at Madison Hall, which was the original county seat until 1909 She also address the Board concerning the Madison County Fair (its' official name being the Madison County Agricultural Society.) She urged the board to consider appropriating money in 2009 budget for the fair.

2. Mary Lou Thall, a resident of Brookfield read "The Voice of Madison County Fair" reflecting on the fair's history, with its 170th birthday coming up in 2009. She spoke in hopes that the Board of Supervisors will support continued funding to the fair.

Finance Chairman, Rick Bargabos stated that \$25,000 has been set aside in the contingent fund for the 2009 fair, and suggested that maybe funds be appropriated in the County Historian budget, as that is a big part of the fair. Chairman Becker also suggested that maybe all town historians get involved in order to make the fair a more successful event.

There being no further business, the Board stands recessed until Tuesday, November 25, 2008.