

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, June 8, 2010

The Board convened at 10:30 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 Salka, seconded by Supervisor Degear, the minutes of the previous meeting were dispensed with and adopted as filed.

COMMUNICATIONS

1. Copy of a resolution from Fulton County – Urging Governor Paterson and NYS Legislature to Delay Proposed Implementation of Ignition Interlock Provisions of Leandra’s Law.
2. Copy of a resolution from Saratoga County – Supporting the School Books For Haiti Project and Encouraging Support by Other Counties.
3. Notice of a Public Hearing regarding Town of Georgetown Adoption of Land Use and Development Law.

REPORTS

1. Madison County Mental Health Department – Monthly Report for May 2010.
2. Madison County Occupancy Tax Receipts/Expenditures for Quarter 1/1/10 – 3/31/10.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA And Cazenovia Sewer District:	\$ 1,454,580.86
Miscellaneous Accounts:	\$ 206,022.86
Cowaselon Creek Watershed District:	\$ 1,193.00

At this time Chairman Becker called upon DSS Commissioner Mike Fitzgerald along with Mr. & Mrs. Burman of Kirkville. Mr. & Mrs. Burman were thanked for their many years of foster care service to the County and the following proclamation was read into the minutes:

PROCLAMATION
HONORING FOSTER PARENTS

WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our State; and

WHEREAS, in foster homes in Madison County, New York, there are twenty-three children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family; and

WHEREAS, all young people in foster care need a meaningful connection to a caring adult who becomes a supportive and lasting presence in their lives; and

WHEREAS, foster, kinship, and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood; and

WHEREAS, dedicated foster families frequently adopt foster children, resulting in a greater need everyday for more foster families; and

WHEREAS, there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care, as well as the enduring and valuable contribution of foster parents, and the foster care “system” is only as good as those who choose to be part of it; and

WHEREAS, Louise and Gordon Burman of Kirkville have been foster parents for Madison County since January 1999, and have had sixty-six children placed in their home in the last eleven years; and

WHEREAS, now as they are retiring from foster care and moving out of state, the Burman Family will be recognized for the support, guidance, and love they have given to the children in their care and the example they have set for others to follow;

NOW, THEREFORE, I, John M. Becker, by virtue of the authority vested in me as Chairman of the Board of Supervisors of Madison County do hereby proclaim June 8th as FOSTER CARE DAY in recognition of Mr. and Mrs. Burman and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care. END

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 166-10

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 certain County employees with upcoming retirements is in order,

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Joan V. Winkler and Kathleen R. Greenfield upon their retirement.

Joan V. Winkler	Information Technology	1976 – 2010	34 years
Kathleen R. Greenfield	Social Services	1997 - 2010	12 years

ADOPTED: AYES – 1500 NAYS – 0

Chairman Becker called Joan Winkler and IT Director Mike Bischoff up front and presented Mrs. Winkler with a gift on behalf of the County and the Board of Supervisors. Mr. Bischoff gave an overview of the many programs and accomplishments that Mrs. Winkler achieved working in the IT department for the last 34 years. Chairman Becker then called Kathleen Greenfield and DSS Commissioner Mike Fitzgerald up and presented Mrs. Greenfield with a gift on behalf of the county and the Board. Commissioner Fitzgerald commented on what a great job Mrs. Greenfield has done while working in Social Services, and a job done with compassion. Both were thanked and wished the best in their retirements.

RESOLUTION NO. 167-10

ABOLISHING A CORRECTIONS OFFICER POSITION AND CREATING A CORRECTIONS CORPORAL POSITION

WHEREAS, the Sheriff has evaluated the staffing structure in the Correctional facility; and

WHEREAS, the Sheriff has determined the need for increased supervision of inmates and personnel; and

WHEREAS, in order to accomplish this the Sheriff desires to abolish one full-time Corrections Officer position and create one full-time Corrections Corporal position; and

WHEREAS, as part of this restructuring, the total number of full-time positions in the Sheriff’s Department will be maintained; and

WHEREAS, the Personnel Officer certifies that Corrections Corporal is the appropriate classification based on the description of duties submitted for this position; 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 one full-time Corrections Officer position be and hereby is abolished effective immediately; and

BE IT FURTHER RESOLVED that one full-time Corrections Corporal position be and hereby is created; and

BE IT FURTHER RESOLVED that the Sheriff be and hereby is authorized to fill said position at the 2009 hourly rate of \$19.08 in accordance with the Agreement By and Between Madison County and Teamsters Local 182 effective immediately.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 168-10

**CREATING TWO TEMPORARY FULL-TIME POSITIONS IN THE
SOLID WASTE DEPARTMENT FOR THE STAGE 1 CLOSURE (CAPPING)
PROJECT AT THE WESTSIDE LANDFILL**

WHEREAS, Stage I closure of the Madison County Westside Landfill will begin in the summer of 2010; and

WHEREAS, the Director of Solid Waste Management has requested the creation of two temporary, full-time Heavy Equipment Operator positions for this project; and

WHEREAS, the additional salary and benefits for said position will be funded from appropriations in the 2010 Solid Waste Department budget; and

WHEREAS, this request has been reviewed and approved in accordance with the vacancy review procedure by the Solid Waste and Recycling Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that two (2) temporary full-time Heavy Equipment Operator positions be and hereby are created for a period not to exceed twelve (12) weeks from date of appointment; and

BE IT FURTHER RESOLVED that the Director of Solid Waste Management be and hereby is authorized to fill said position at the 2010 hourly rate of \$15.68 in accordance with Civil Service Law and Rule and County policies and procedures effective immediately.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 169-10

AUTHORIZING THE CHAIRMAN TO EXECUTE AN ENGAGEMENT LETTER FOR PROFESSIONAL AUDITING SERVICES

WHEREAS, Madison County offers a Deferred Compensation Plan to its employees; and

WHEREAS, employees may participate in this plan on a voluntary basis; and

WHEREAS, an annual audit of the Madison County Deferred Compensation Plan is required by the plan document duly adopted by the Board of Supervisors; and

WHEREAS, an annual audit is further required pursuant to Section 9005.1 of the *Rules and Regulations* of the NYS Deferred Compensation Board; and

WHEREAS, D’Arcangelo & Co, LLP has successfully performed said audit for the fiscal years ending 2006, 2007, and 2008, at a cost of \$3,900.00 per year; and

WHEREAS, D’Arcangelo & Co, LLP has submitted an engagement letter for performance of the audit for fiscal years ending 2009, 2010, and 2011, at a cost of \$4,100.00 per year; and

WHEREAS, ample appropriations were included in the 2010 Adopted County Budget account A1325.4203.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be, and hereby is, authorized to execute the engagement letter provided by D’Arcangelo & Co, LLP, as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 170-10

OPPOSING THE UNFUNDED MANDATE CREATED BY

**THE PROPOSED ASSEMBLY BILL A. 9911 AND
SENATE BILL S. 6849 TO AMEND THE PUBLIC OFFICERS LAW**

WHEREAS, the New York State Assembly and Senate have introduced bills A.9911 and S.6849 requiring certain Agency records be available to the public pursuant to article six, as well as any proposed resolution, law, rule, regulation, policy or any amendment, that are scheduled to be the subject of discussion by a public body during an open meeting and shall be made available, to the extent practicable, prior to or at the meeting during which such records will be discussed and

WHEREAS, these bills would require such records be posted on the website of the agency with which the public body is affiliated, as soon as practicable, but not less than twenty-four hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to the extent practicable, at or prior to the meeting; and

WHEREAS, this law would affect all government agencies including Madison County, towns, villages and public entities within the County that utilize a website; and

WHEREAS, there would be significant increase in staff time and labor involved by County Departments and public entities that present materials at an open meeting by either having to post the material and/or making sufficient paper copies available;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors opposes the adoption of Assembly bill A. 9911 and Senate bill S. 6849, to amend the Public Officers Law, in relation to requiring certain records be made available on websites; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Assemblymen William Magee and Sheldon Silver and to Senators David Valesky and Malcolm Smith.

ADOPTED: AYES – 1470 NAYS – 30 (Goldstein)

RESOLUTION NO. 171-10

**ABOLISHING THREE COUNTY POLICIES AND ADOPTING
ONE COUNTY POLICY ON USE OF COMPUTER AND
RELATED EQUIPMENT**

WHEREAS, three separate computer policies were adopted in 2004; and

WHEREAS, in order to create efficiencies, the Director of Information Technology in conjunction with all Department Heads has created one single unified Use of Computer and Related Equipment policy; and

WHEREAS, the proposed County policy and procedure on Use of Computer and Related Equipment has been reviewed and approved by the Government Operations Committee;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby abolish the Use of Computing Equipment, Use of Electronic Mail and Use of Internet policies and procedures and adopt the Use of Computer and Related Equipment policy and procedure effective immediately; and

BE IT FURTHER RESOLVED, that the Government Operations Committee be and hereby is authorized to amend this procedure in the future within existing budget appropriations.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 172-10

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 1 FOR THE YEAR 2010 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Bargabos has duly authorized proposed Local Law No. 1 for the year 2010, Establishing Performance Incentive Payments for Certain County Officials attained in 2009; and

WHEREAS, a copy of said proposed local law has been furnished to each Supervisor;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on the proposed local law in the Chambers of the Board of Supervisors at the Madison County Office Building on July 13, 2010 at 10:45 a.m., or as soon as possible thereafter; 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.

ADOPTED: AYES – 1470 NAYS – 30 (Goldstein)

**COUNTY OF MADISON
LOCAL LAW NO. 1 FOR THE YEAR 2010**

LOCAL LAW ESTABLISHING PERFORMANCE INCENTIVE PAYMENTS FOR CERTAIN COUNTY OFFICIALS ATTAINED IN 2009

Be it enacted by the Board of Supervisors of the County of Madison as follows:

Section 1. The Performance Incentive Payments are fixed as follows commencing July 13, 2010:

TITLE	PAYMENT
Madison County Highway Superintendent	\$ 1,000
Madison County Commissioner of Social Services	1,000

Section 2. This local law is adopted in accordance with the Madison County Management Salary Plan and the Madison County Management Performance Appraisal Policy.

Section 3. This local law is adopted subject to permissive referendum as provided in Section 24 of Municipal Home Rule Law.

RESOLUTION NO. 173-10

AUTHORIZING THE TREASURER TO DISBURSE PAYMENTS TO CANARX SERVICES, INC. AND MODIFYING THE 2010 COUNTY BUDGET

WHEREAS, Madison County provides an employee and retiree health insurance program through Excellus Health Plan, Inc.; and

WHEREAS, on May 12, 2009, Madison County entered into an agreement with Benefit Consulting Group (BCG) to receive professional guidance and consulting services in relation to the County's health insurance program; and

WHEREAS, BCG and the Madison County Health Insurance Taskforce have explored various means for reducing the cost of health insurance benefits; and

WHEREAS, by Resolution No. 97-10, dated April 13, 2010, Madison County entered into an agreement with ProAct, Inc. as the new pharmacy benefit manager effective July 1, 2010; and

WHEREAS, BCG and the Madison County Health Insurance Taskforce anticipate additional cost savings on prescription medications by facilitating voluntary agreements between participants of the County's health insurance program and CanaRx Services, Inc.; and

WHEREAS, CanaRx Services, Inc. provides the opportunity for the County's health insurance program participants to acquire maintenance prescription medications at the lowest possible cost; and

WHEREAS, an agreement between Madison County and CanaRx Services, Inc. is not contemplated; and

WHEREAS, the Madison County Treasurer will be requested to disburse payments directly to CanaRx Services, Inc., to facilitate payment for the prescription medications ordered by participating employees and retirees.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Treasurer be, and hereby is, authorized to disburse payments to CanaRx Services, Inc. for prescription medications ordered by employees and retirees participating in the County health insurances program; and

BE IT FURTHER RESOLVED that the 2010 County budget be modified as follows:

Risk Retention Fund

	From	To
9060 Hospital and Medical Insurance		
CS9060.8602 Excellus Hospital & Medical Claims	\$5,000,000	\$4,900,000
CS9060.8610 CanaRx Prescription Expense	<u>-0-</u>	<u>100,000</u>
Control Total	<u>\$5,000,000</u>	<u>\$5,000,000</u>

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Salka:

RESOLUTION NO. 174-10

**INITIATING A REQUEST FOR PROPOSALS
TO EXPLORE ALTERNATIVES FOR HOME HEALTH CARE**

WHEREAS, the County's Department of Health operates a certified home healthcare agency (CHHA) and long term home health care (LTHHC) program within the Division of Patient Services to provide direct medical/surgical home care to individuals in Madison County; and

WHEREAS, the CHHA and LTHHC programs represent optional, non-mandatory programs; and

WHEREAS, the administrative demands and financial pressures placed on Madison County's certified home health agency by the federal and state

governments under Medicare and Medicaid have become increasingly burdensome and require more and more resources for public health activity, and

WHEREAS, the County's CHHA/LTHHC programs face yearly financial losses (\$388,835 in 2009), as a result of these growing administrative demands coupled with increasing operating costs and difficulty in recruiting and retaining nurses and other health professionals, and

WHEREAS, The County is obligated to protect the health and welfare of the community by ensuring that certain services are provided, and

WHEREAS, In many counties throughout New York medical home care services are operated successfully through the private sector, and

WHEREAS, there are increasing taxpayer concerns and expectations about the public sector's fiscal viability, productivity, and accountability, and;

WHEREAS, should the County subsequently decide to divest itself of the CHHA/LTHHC programs, there would be a negative impact to employees;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors, with support from the Madison County Board of Health, does hereby direct the County Administrator to convene a task force to look at options and considerations for a Request for Proposals and to solicit offers from qualified purchasers for the sale and transfer of its Certified Home Health Agency and Long-Term Home Health Care Program licenses, subject to approval by the New York State Department of Health (NYSDOH) and to satisfactorily meeting the conditions put forth by the County, and

BE IT FURTHER RESOLVED, that the task force consider measures to be incorporated into the RFP that minimize and mitigate negative impacts to employees.

Supervisor Salka made a motion to amend this resolution, seconded by Supervisor Degear and carried. The amendment reads as follows:

Change the Title to:

ADDRESSING MANAGEMENT ALTERNATIVES FOR HOME HEALTH CARE

Insert new WHEREAS after the 5th WHEREAS:

“WHEREAS, these services can be provided through a County operated program or through the private sector; and”

Insert new NOW, THEREFORE BE IT RESOLVED:

“NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors, with support from the Madison County Board of Health, does hereby direct the County Administrator to convene a task force to

a) identify and implement swift actions to improve County operation of the CHHA/LTHHCP; and

b) look at options and considerations for Request for Proposals and to solicit offers from qualified purchasers for the sale and transfer of its Certified Home Health Agency and Long-Term Health Care Program licenses, subject to approval by the New York State Department of Health (NYSDOH) and to satisfactorily meeting the conditions put forth by the County; and”

A final vote was then taken with amendment included:

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 175-10

AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT WITH KINNEY MANAGEMENT SERVICES, LLC

WHEREAS, Madison County Department of Health bills Federal and State programs for services provided to County residents; and

WHEREAS, beginning in January 2009, CMS (Centers for Medicaid and Medicare Services) required that all providers conduct monthly checks for all employees and contractors against the OIG (Office of the Medicaid Inspector General) list of excluded individual and entities; and

WHEREAS, a party excluded from one program is excluded from all federal programs, at any level and all state agencies follow this rule and require it from any entity receiving money from them; and

WHEREAS, there are three websites for providers to use to perform this process that will require staff to view by employee and keep backup with dates that these checks were preformed each month; and

WHEREAS, Kinney Management Services, LLC can provide the County with Kchecks web-based software that allows users to search the Federal OIG and New York OIG databases at the same time, complete mandated monthly testing for exclusions, record action taken on the matches found and retain a history of match resolution for use in any federal and state audits; and

WHEREAS, this software is available for \$600 annual fee per department with a NYSAC discount of \$60 per year, for a total cost of \$540 per year; and

WHEREAS, there are funds in the 2010 budget to cover this expense; and

WHEREAS, the Department of Health believes that the Kchecks software will enable Madison County to quickly check and maintain the OIG requirement and avoid penalties for billing providers that are on the exclusion lists; and

WHEREAS, the \$540 cost of the web-based software can be reimbursed 36% by State Aid; and

WHEREAS, the Public Health Committee believes the proposed contract and services will assist the County in controlling the risk of Medicaid Fraud and prevent the County from financial penalties; and

WHEREAS, the Board of Health and the Public Health Committee have reviewed and approved the Kchecks Licensing/Subscription Agreement from Kinney Management Services, LLC;

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 Board with Kinney Management Services, LLC as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 176-10

AUTHORIZING COUNTY ATTORNEY TO COMMENCE A LAWSUIT

WHEREAS, the Madison County Department of Health manages the Certified Home Health Agency; and

WHEREAS, Robin Fose is responsible for services rendered; and

WHEREAS, Ms.Fose has a balance of \$719.67 that is owed to the Madison County Department of Health; and

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

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney of his designee is hereby authorized to commence suit against Robin Fose to collect the past due balance of \$719.67 owed to the County of Madison.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 177-10

AUTHORIZING COUNTY ATTORNEY TO COMMENCE A LAWSUIT

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

WHEREAS, Ola Trieb, parent and guardian of Drew Atkinson are responsible for services rendered; and

WHEREAS, Ms.Trieb have a balance of \$811 that is owed to the Madison County Department of Health; and

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

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney of his designee is hereby authorized to commence suit against Ola Trieb to collect the past due balance of \$811 owed to the County of Madison.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 178-10

AUTHORIZING THE CHAIRMAN TO ENTER A MEMORANDUM OF UNDERSTANDING WITH PETERBORO UNITED METHODIST CHURCH

WHEREAS, the Madison County Department of Health currently works with residents on issues regarding health and fitness; and

WHEREAS, Resolution 234-09 was approved on June 9, 2009 to enter an agreement with the New York State Department of Health to promote education on nutrition and physical activity; and

WHEREAS, the Madison County Health Department has funding through this grant to assist the Peterboro United Methodist Church with their children's program; and

WHEREAS, equipment will be purchased through the Madison County Health Department for \$600; and

WHEREAS, food expense for the Nutrition piece of the program will be reimbursed to the Peterboro United Methodist Church for up to \$100 to provide healthy food experiences to the children; and

WHEREAS, the Board of Health and Public Health Services Committee has proposed to enter into a Memorandum of Understanding with Peterboro United Methodist Church for this project;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter a Memorandum of Understanding with Peterboro United Methodist Church as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 179-10

AUTHORIZING THE CHAIRMAN TO ENTER A SUBAWARD AGREEMENT WITH ST. PAUL’S UNITED METHODIST CHURCH

WHEREAS, the Madison County Department of Health currently works with residents on issues regarding health and fitness; and

WHEREAS, Resolution 234-09 was approved on June 9, 2009 to enter an agreement with the New York State Department of Health to promote education on nutrition and physical activity; and

WHEREAS, the Madison County Health Department has funding through this grant to assist the St. Paul’s United Methodist Church with their community garden that harvests and donates fresh vegetables to the Salvation Army; and

WHEREAS, the these funds will be used to install deer fencing around the community garden, train volunteers on gardening skills and provide outreach to enhance the volunteer base; and

WHEREAS, the Board of Health and Public Health Services Committee has proposed to enter into a subaward agreement with St. Paul’s United Methodist Church for \$1,500;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter a subaward agreement St. Paul’s United Methodist Church as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 180-10

AUTHORIZING CHAIRMAN TO AMEND AN AGREEMENT WITH NYS DEPARTMENT OF HEALTH FOR THE CHILDHOOD LEAD POISONING PREVENTION GRANT FUNDS AND MODIFYING THE 2010 BUDGET

WHEREAS, Madison County Public Health Department and New York State Department of Health entered an agreement on August 11, 2009 by Resolution # 324-09 that expired on March 31, 2010; and

WHEREAS, the New York State Department of Health has extended this agreement through September 30, 2010; and

WHEREAS, 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 amend the original 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 2010 Adopted County Budget be modified as follows:

Public Health Department

A4012 Prevent

<u>Expense</u>		From	To
A4012.41037	Lead Grant Expense	<u>\$ 4,084</u>	<u>\$ 7,447</u>
	Control Total		<u><u>\$ 3,363</u></u>
<u>Revenue</u>		From	To
A3401.6540	St Aid Lead Poisoning Grant	\$ 19,048	\$21,036
A4401.1090	Federal Aid Lead Poisoning	<u>13,181</u>	<u>14,556</u>
	Total	<u>\$ 32,229</u>	<u>\$35,592</u>
	Control Total		<u><u>\$ 3,363</u></u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 181-10

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT FOR A FEDERAL & STATE GRANT IMMUNIZATION ACTION PLAN AND MODIFYING THE 2010 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, 2010 through March 31, 2011; 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:	04/01/10-03/31/11
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, 2010 through March 31, 2011; 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 2010 County budget be modified as follows:

General Fund	<u>From</u>	<u>To</u>
<u>4012 Public Health Preventive</u>		
<u>Expense</u>		
A4012.41031 Immunization Grant Expense	\$ 7,054	\$ 13,343
Control Total		<u>\$ 6,289</u>
 <u>Revenue</u>		
A3401.1050 St Aid Public Health Immunization Grant	\$ 20,571	\$ 24,344
A4401.1050 Federal Grant Immunization Action	<u>13,715</u>	<u>16,231</u>
Total	\$ 34,286	\$ 40,575

Control Total

\$ 6,289

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 182-10

AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT WITH MCBEE ASSOCIATES, INC. AND MODIFY THE 2010 ADOPTED BUDGET

WHEREAS, the Public Health Department operates a Certified Home Health Care Agency and Long Term Home Health Care Program within the Division of Patient Services; and

WHEREAS, the Home Health Medicare Perspective Payment System reimbursement methodology is complex, being based on the patient's diagnosis, clinical and functional abilities; and

WHEREAS, McBee Associates has the expertise to review paid Medicare claims and determine if an agency received the maximum reimbursement in which they were entitled; and

WHEREAS, the Madison County Health Department and McBee Associates have established a working relationship while working on claims from 2007-2008 and \$3,781.28 was adjusted and billed to Medicare increasing the revenue for Madison County to \$1,938.28; and

WHEREAS, McBee Associates has provided a final report on the findings from the previous evaluation; and

WHEREAS, McBee Associates has proposed a new agreement to review the 2009 Medicare claims; and

WHEREAS, all adjustments identified will be approved by Madison County Health Department before claims are submitted; and

WHEREAS, any additional Medicare revenue that is recouped due to McBee's analysis will be forwarded by Medicare to the Madison County Health Department; and

WHEREAS, McBee Associates will bill Madison County Health Department for 27.3% of recouped Medicare revenue; and

WHEREAS, McBee Associates will provide recommendations for operational improvements to help avoid loss of Medicare revenue in the future and these recommendations will be shared with appropriate staff; and

WHEREAS, the Public Health Services Committee has reviewed and approves this request;

NOW, THEREFORE BE IT RESOLVED, that the 2010 Adopted County Budget be modified as follows:

<u>General Fund</u>		
<u>Public Health Home Care</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A4013. 4110 Training and Staff Development	\$ 5,000	\$ 8,635
A4013.4200 Consultant	0	1,365
Total	<u>\$ 5,000</u>	<u>\$ 10,000</u>
Control Total		<u>\$ 5,000</u>
<u>Revenue</u>		
A1610.1320 Nursing Fees Medicare	\$1,426,042	<u>\$1,431,042</u>
Control Total		<u>\$ 5,000</u>

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with McBee Associates, Inc. effective June 8, 2010, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 183-10

AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT FOR THE HOME ENERGY ASSISTANCE WEATHERIZATION PROGRAM AND MODIFYING THE 2010 ADOPTED COUNTY BUDGET

WHEREAS, in accordance with Section 97 of the New York State Social Services Law, local districts are required to administer the Low Income Home Energy Assistance Program; and

WHEREAS, The New York State Office of Temporary and Disability Assistance provides a Home Energy Assistance Program (HEAP) Weatherization Referral and Packaging (WRAP) allocation for the home weatherization and repair/replacement of heating equipment for low-income households; and

WHEREAS, the Department lacks the necessary staff and expertise to perform these services; and

WHEREAS, Stoneleigh Housing, Inc., is an agency with a demonstrated ability to develop and implement a full-service package of services for home weatherization and heating equipment repair/replacement and is currently providing these services for the period October 1, 2009, to September 30, 2010, at a cost of \$15,000; and

WHEREAS, 85 families have been served, which includes 35 furnace replacements and 54 furnace repairs in the 2009 – 2010 contract year, a 20 percent increase from the previous year; and

WHEREAS, there has been an increased demand due to the “clean and tune” component of these services; and

WHEREAS, additional administrative money of \$7,500 is available to fund this program; and

WHEREAS, the funding for this service is reimbursable through the New York State Office of Temporary and Disability Assistance Home Energy Assistance Program at a rate of 100 percent; and

WHEREAS, Stoneleigh Housing, Inc., has agreed to provide these services for the period October 1, 2009, to September 30, 2010, at a cost of \$22,500; 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 Stoneleigh Housing, Inc., in the form as is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the 2010 Adopted County Budget be modified as follows:

<u>General Fund</u>	<u>From</u>	<u>To</u>
<u>6010 Social Services Administration</u>		
<u>Expense</u>		
A6010.41094 Weatherization Referral	<u>\$ 15,000</u>	<u>\$ 22,500</u>
Control Total		<u>\$ 7,500</u>
<u>Revenue</u>		
A4610.1010 Fed. Aid Social Services	<u>\$2,301,577</u>	<u>\$2,309,077</u>
Control Total		<u>\$ 7,500</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 184-10

**AUTHORIZING THE COMMUNITY SERVICES BOARD
TO SPONSOR AN ANNUAL DINNER MEETING AND AWARDS CEREMONY**

WHEREAS, for over 40 years, Madison County has made a commitment to community-based systems of mental health care in which all residents can receive high-quality and consumer-responsive services; and

WHEREAS, under Article 41 of the New York State Mental Hygiene Law, the Madison County Board of Supervisors created the Community Services Board to oversee services to the mentally ill, the mentally retarded and developmentally disabled, and those suffering from alcoholism and substance abuse; and

WHEREAS, since 1990 the Community Services Board has exercised its responsibility for promoting community and public understanding of mental disabilities and advocating for the cooperation with other human service agencies in advancing the provision of services by inviting representatives from county public and private agencies, certain elected officials, and other guests to participate in the Annual Dinner Meeting and Awards Ceremony; and

WHEREAS, at this event community volunteers and/or community professionals are recognized for their contributions in the service areas of Alcoholism and Substance Abuse, Mental Health, Developmental Disabilities, and Consumer Advocacy; and

WHEREAS, the Community Services Board also recognizes employees of the Mental Health Department with mementos for their dedicated service at five-year career milestones; and

WHEREAS, the Community Services Board moves the location of the Annual Dinner Meeting and Awards Ceremony to venues in different parts of Madison County with the 2010 event to be held at the Lincklaen House, Cazenovia, New York;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Community Services Board to hold its Annual Dinner Meeting and Awards Ceremony at the Lincklaen House and purchase plaques and mementos from Malones Service, Inc.; and

BE IT FURTHER RESOLVED that payment for the dinner, plaques and mementos shall be approved from the appropriate line item - Mental Health Administration – Mental Health Board Expense, A4310.4035 in the Mental Health Department 2010 budget with the cost of the dinner not to exceed \$2000.00 and the plaques and mementos not to exceed \$900.00.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Salka, Ball and Reinhardt:

RESOLUTION NO. 185-10

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT AND
MODIFYING THE 2010 COUNTY BUDGET**

WHEREAS, the County of Madison has been awarded a continuation of its Shared Services Contract with the Division of Probation and Correctional Alternatives (DPCA) for its Forensic Case Management Program which the Mental Health Department is the lead agency in a consortium of departments including Probation and Social Services; and

WHEREAS, the participating County Departments will administer this grant in the amount of \$22,338 from July 1, 2010 to June 30, 2011 to facilitate effective service coordination for individuals involved with the criminal justice system who are mentally ill and thereby promote community safety;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman be hereby authorized to enter into an agreement with the DPCA as is on file with the Clerk of the Board and that the 2010 Adopted County budget be modified for one-half the amount (\$11,169) for 2010 as follows:

General Fund

<u>4313 St. Grant Forensic Case Management</u>	<u>From</u>	<u>To</u>
<u>Revenue</u>		
A3489.7010 St. Grant Forensic Case Mgt.	\$ 18,376	\$ 29,545
A4488.2010 Fed Aid Admin Salary	<u>5,492</u>	<u>-0-</u>
Totals	\$ 23,868	\$ 29,545
Control Total		<u>\$ 5,677</u>
<u>Expense:</u>		
A4313.4101 Forensic Case Management	\$ 9,125	\$ 14,802
Control Total		<u>\$ 5,677</u>

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Ball and Reinhardt:

RESOLUTION NO. 186-10

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
(Aid To Prosecution Grant)**

WHEREAS, the Madison County District Attorney's Office has been awarded additional grant funds 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:	Aid to Prosecution Program
Award Year:	04/01/10 – 03/31/11
Contract Number:	AP101-1029-D00
Total Grant Amount:	\$31,800.00

WHEREAS, the initial budget for this grant was established in the 2010 budget,

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board of Supervisors be and hereby is authorized to enter into the agreement to accept the Aid to Prosecution grant as is on file with the Clerk to the Board.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 187-10

**ESTABLISHING STIPENDS FOR 2011 FOR EMPLOYEES IN THE DISTRICT
ATTORNEY'S OFFICE
(Aid to Prosecution Grant)**

WHEREAS, the County has been awarded Aid to Prosecution grant funding by the New York State Division of Criminal Justice Services; and

WHEREAS, the District Attorney has requested to see a portion of the grant funding to establish stipends for employees in the office who will perform duties related to felony prosecutions; and

WHEREAS, said stipends will cease if said grant funding is abolished or decreases; and

WHEREAS, the recommendations of the District Attorney for the award of these stipends have been reviewed and positively endorsed by the Criminal Justice, Public Safety and Telecommunications Committee; and

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

NOW, THEREFORE BE IT RESOLVED that stipends for 2011 be and hereby are established as follow:

Chief Assistant District Attorney	\$15,000.00
Second Assistant District Attorney	\$ 6,500.00
Third Assistant District Attorney	\$ 3,300.00
Fourth Assistant District Attorney	\$ 2,700.00
Confidential Secretary	\$ 4,300.00

BE IT FURTHER RESOLVED that said 2011 stipends shall be payable in the second pay period of each month of 2011 effective in January 2011; and

BE IT FURTHER RESOLVED that said stipend will be reevaluated subject to continued Aid to Prosecution grant funding in the next State budget.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Ball and Reinhardt:

RESOLUTION NO. 188-10

AUTHORIZING THE PURCHASE OF A TOWER TO BE USED IN THE UPGARDE OF THE MADISON COUNTY PUBLIC SAFETY COMMUNICATION SYSTEM AND THE LEASING OF TOWER SPACE TO GENERATE REVENUE

WHEREAS, Madison County has the opportunity to make a purchase offer to buy property and lease tower space as summarized, and

Completed Purchase and Lease Agreements

Site ID	Site Type	Municipality	Transaction	Tax Parcel No.	Price
Site #7	Existing Tower	Town of Georgetown	Lease	193-1-18	\$2,200/month
			American Tower		
Site #4	New Tower	Town of Brookfield	Purchase offer	187-1-6.1	\$15,000
			Mr. Chuck Blood		
Site #10	Existing Tower	City of Oneida	Purchase	54-1-21.13	\$195,000
			Lease Back	54-1-21.13	\$1,000/ 5 year term

WHEREAS, this Purchase Agreement and Lease Agreement have been reviewed by legal counsel and approved by the Criminal Justice, Public Safety and Telecommunications Committee, and

WHEREAS, these identified sites will greatly enhance communications for the first responders of the county in the upgrade to Public Safety Communication System, and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of this Board be and he hereby is authorized on behalf of the County to execute the Purchase Offer and Lease agreements contained within this resolution as outlined in the above table, pursuant to all

the terms and conditions incorporated in the Offer to Purchase and Lease Agreements; and

BE IT FURTHER RESOLVED, that the County Treasurer be and hereby is authorized to issue payments to secure the property in accordance with the terms and conditions of the Offer to Purchase and collection of Lease Fees.

Supervisor Ball made a motion to amend this resolution, seconded by Supervisor Salka, to delete Site #7 from this resolution. The motion to amend was carried.

A final vote with amendment was then taken:

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 189-10

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR A STATE HOMELAND SECURITY GRANT AND MODIFYING THE 2010 COUNTY BUDGET

WHEREAS, Madison County has been awarded a grant for \$111,722 by the Office of Homeland Security from appropriations authorized by Congress under the FFY 2009 State Homeland Security Program (SHSP); and

WHEREAS, these funds will provide 100% federal reimbursement of eligible costs incurred in the effort to support planning, equipment, training and exercise needs associated with preparedness and prevention activities for terrorist events using weapons of mass destruction, and this grant program is described as follows:

Awarding Agency:	Federal Department of Homeland Security
Pass Thru Agency:	NYS Office of Homeland Security
Catalogue #	CFDA# 97.067
Program Name:	State Homeland Security Grant Program (SHSGP)
Grant Period:	8/01/2009 to 07/31/2012
Contract #	C837090
Federal Funds:	100%
Grant Total:	\$111,722

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be authorized to enter into an agreement with the New York State Office of Homeland Security, a copy of which is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the 2010 Adopted County Budget be modified as follows:

General Fund
Homeland Security- Department 3645

<u>Revenue</u>	<u>From</u>	<u>To</u>
A4306.1080 Federal Aid; FFY09 State Homeland Security Grant Program	-0-	\$111,722
Control Total		<u>\$111,722</u>
<u>Expense</u>		
A3645.4064 FFY 2009 SHSGP	-0-	\$111,722
Control Total		<u>\$111,722</u>

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Suits:

RESOLUTION NO. 190-10

AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENT WITH NTS DATA SERVICES

WHEREAS, the Madison County Board of Elections entered into an agreement to purchase the Custodian Asset Management system from NTS Data Services in 2010; and

WHEREAS, the pricing includes software, installation, training and five years of ongoing software support, maintenance and upgrades; and

WHEREAS, NTS has agreed to a five year contract to be paid by the County as follows;

- On July 8th, 2010 the County shall make a payment to NTS in the amount of \$7,000.00
- On January 15, 2011 the County shall make a payment to NTS in the amount of \$7,000.00
- On January 15, 2012 the County shall make a payment to NTS in the amount of \$7,000.00
- On January 15, 2013 the County shall make a payment to NTS in the amount of \$7,000.00
- On January 15, 2014 the County shall make a payment to NTS in the amount of \$7,000.00

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Cary:

RESOLUTION NO. 191-10

SEQR NEGATIVE DECLARATION FOR A RESTROOM AT OXBOW FALLS PARK

WHEREAS, the County Planning Department, acting on behalf of and at the direction of the Board of Supervisors has prepared a Short Environmental Assessment Form and other submittals for the construction of a restroom at Oxbow Falls County Park; and

WHEREAS, after review of the submittals the Board of Supervisors hereby concurs that the proposed action is an unlisted action; and

WHEREAS, the Board of Supervisors has reviewed the Environmental Assessment Form Part I and proposed Part II; and

WHEREAS, in particular, the Board of Supervisors, with the assistance of the County Planning Department, has:

1. considered the action as defined in the part 617 regulation; and
2. reviewed the Environmental Assessment Form, criteria contained in Section 617.7(c) of the part 617 regulation and other supporting information to identify the relevant areas of environmental concern; and
3. thoroughly analyzed the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors adopts the findings and conclusions relating to the probable environmental impacts contained within the attached Short Environmental Assessment Form and attached proposed Negative Declaration, including that the proposed action would not result in any significant adverse environmental impacts, and authorizes the Chairman of the Board of Supervisors to execute the Short Environmental Assessment Form and complete and file the Negative Declaration in accordance with the applicable provisions of law.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 192-10

APPOINTING A MEMBER TO THE MADISON COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD

RESOLVED, that Pam Williams, a practicing farmer from Endless Trails Farm in the Town of Brookfield, be appointed to the Madison County Soil and

Water Conservation District Board for a two-year term effective on June 8, 2010 and ending on December 31, 2011.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Cary and Reinhardt:

RESOLUTION NO. 193-10

**AMENDING CONTRACT WITH NYS DEC AND STEARNS AND WHEELER, INC.
FOR ENVIRONMENTAL RESTORATION PROJECT**

WHEREAS, Madison County, through a tax foreclosure, owns the former Jerry's Service Station in the Village of Hamilton; and

WHEREAS, prior to the County's ownership, the NYS DEC investigated the site and found it to have a subsurface release of petroleum; and

WHEREAS, prior to the County's ownership, the NYS DEC undertook certain remedial actions to clean the site; and

WHEREAS, the County applied for and received an Environmental Restoration Grant to undertake the clean-up of the site; and

WHEREAS, on May 26, 2005, Madison County contracted with the DEC for State Assistance on the project;

WHEREAS, the original contract was modified by the parties by Amendment No. 1 dated September 13, 2006; and

WHEREAS, the original contract was modified by the parties by Amendment No. 2 dated December 14, 2007; and

WHEREAS, a subsequent Amendment No. 3 to the original contract, approved by the Board Resolution 40-10 and now being processed by the DEC will extend the term of the contract to February 28, 2011; and

WHEREAS, there are circumstances necessitating a modification of the Original Contract and the parties desire to amend said Original Contract;

NOW, THEREFORE, BE IT RESOLVED, Section VI of the Original Contract entitled "State Assistance Amount", is hereby revised and updated to provide an additional \$17,823 in assistance funding as described in a Contract Amendment Number 4, a copy of which is on file with the Clerk of the Board, and

BE IT FURTHER RESOLVED, that the Board of Supervisors authorize the Chairman of the Board to sign the amendment to the contract.

ADOPTED: AYES -1500 NAYS – 0

RESOLUTION NO. 194-10

AUTHORIZING AN AGREEMENT WITH UPSTATE LABORATORIES FOR PROFESSIONAL LABORATORY SERVICES

WHEREAS, the Madison County Department of Solid Waste continues to require professional services of a New York State Department of Health certified laboratory in support of its groundwater monitoring program for its east and west side landfills located astride Buyea Road in the Town of Lincoln; and

WHEREAS, the Department of Solid Waste received a three (3) year proposal to continue the required professional services from a qualified laboratory; and

WHEREAS, after evaluation of the proposal received and considering price and other factors, the Director of the Department of Solid Waste, the Solid Waste/Recycling Committee and the County's Solid Waste consulting engineer, Barton and Loguidice, P.C., recommend to retain the professional services of Upstate Laboratories, Inc., 6034 Corporate Drive, East Syracuse, NY; and

WHEREAS, Upstate Laboratories, Inc. possesses all of the required New York State Department of Health certifications required to perform laboratory and analytical services in accordance with the Analytical Services Protocol/Contract Laboratory Protocol; and

WHEREAS, Upstate Laboratories, Inc. has provided satisfactory service and agrees to provide the same service for the next three (3) years utilizing the current unit prices; and

WHEREAS, a copy of a proposed contract to continue these services has been filed with the Clerk of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into an agreement with Upstate Laboratories, Inc. for providing laboratory and analytical services in support to the Department of Solid Waste groundwater monitoring program.

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

Paragraph 1 – add the word “previously” after Department of Health.

Paragraph 4 – delete the word “possesses” and add “previously possessed”

A final vote with amendment was then taken:

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 195-10

**AUTHORIZING THE CHAIRMAN TO ENTER INTO A CONTRACT
TO ACCEPT COVER**

WHEREAS, Wolff and Dungey, Inc. in the County of Onondaga is possessed with a surplus of “foundry sand”, which such sand has been used for daily landfill cover in accordance with the New York State Department of Environmental Conservation rules and regulations; and

WHEREAS, the County of Madison has received written approval from the New York State Department of Conservation indicating that foundry sand is acceptable for the purpose of daily landfill cover; and

WHEREAS, Wolff and Dungey, Inc. is willing to continue to provide such cover, and it is in the best interest of Madison County to receive same upon payment to Madison County of an agreed upon price; and

WHEREAS, a Contract has been drafted whereby such arrangement may be formalized with Wolff and Dungey, Inc. interested in continuing to provide such material to the County;

NOW, THEREFORE, BE IT RESOLVED, that Madison County enter into a Contract with such foundry willing to provide foundry sand as daily landfill cover consistent with the provisions of the Contract for providing cover, a copy of which is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, that the Chairman of this Board be is hereby authorized and directed to enter into a two (2) year Contract with such Wolff and Dungey, Inc., and that the County accept the price of Thirty Five Dollars (\$35.00) per ton for each ton received.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 196-10

**PROHIBITING DISPOSAL OF FRIABLE ASBESTOS
IN THE COUNTY SOLID WASTE LANDFILL**

WHEREAS, Madison County Local Law No. 3 for the Year 2004 provides a comprehensive system for the regulation of solid waste disposal activities at the County landfill (the "Solid Waste Law"); and

WHEREAS, the Solid Waste Law empowers the Board of Supervisors to prohibit disposal of certain kinds of wastes in the County landfill by duly adopted resolution and "friable" asbestos has historically been prohibited from the County landfill by such duly adopted Resolutions of the Board; and

WHEREAS, friable asbestos is defined by New York State law as "any [asbestos] material that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure, or is capable of being released into the air by hand pressure"; and

WHEREAS, the disturbance, removal, handling, transportation and disposal of friable asbestos is commonly associated with building demolition or renovation projects and is comprehensively regulated under the Federal requirements set forth in the Asbestos Hazard Emergency Response Act (AHERA), National Emission Standards for Hazardous Air Pollutants (NESHAP), Occupational Safety and Health Administration (OSHA) Asbestos Standard for the Construction Industry, and under New York State's Labor Law and regulations set forth in 12 NYCRR Part 56 ("Industrial Code Rule 56 or ICR 56") because exposure to airborne asbestos fibers, a known carcinogenic agent, poses a serious risk to public health, safety and the environment; and

WHEREAS, the Madison County landfill currently holds a permit to accept and dispose of a variety of asbestos containing materials including friable asbestos and the County does accept non-friable asbestos for disposal, however friable asbestos disposal activities are prohibited because it would require operating a separate isolated disposal area where additional safety measures would be mandated to prevent occupational exposure of landfill operations staff and due to the relatively small size of the working face of the landfill and the County's limited operations staff, it has long been the County's policy to prohibit delivery of friable asbestos to the landfill and County Transfer stations for disposal; and

WHEREAS, several large commercial landfills located within the region are permitted and equipped to handle disposal of friable asbestos; and

WHEREAS, the ICR 56 regulations generally require that a building owner conduct a survey by a licensed professional prior to demolition to identify the presence of friable asbestos and further mandating standards for training and certification of workers handling asbestos as well as procedures for packaging, transporting and disposing of asbestos containing wastes; and

WHEREAS, ICR 56 sets forth certain very limited exceptions to the pre-demolition survey rule including an exception under ICR § 56-1.3(a) for "owner-occupied single family dwellings, where the owner performs the work," which

exception can result in an owner occupant unwittingly exposing himself and the public to safety hazards associated with friable asbestos; and

WHEREAS, pursuant to the above cited exception, there is a risk that solid waste containing friable asbestos will be generated by demolition activities of owner occupants within Madison County followed by delivery to the County landfill for disposal without prior warning to the County staff or the opportunity for the County to mitigate the potential for occupational exposure to its workers;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby prohibits the delivery of all solid wastes containing friable asbestos to the County landfill and transfer stations no matter whether such asbestos containing wastes are lawfully generated pursuant to an exception set forth in ICR 56; and

BE IT FURTHER RESOLVED, that this Resolution be disseminated to all of the Code Enforcement Officers operating within Madison County to better inform the public of the prohibition stated herein; and

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

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 197-10

**AUTHORIZING THE CHAIRMAN TO ENTER INTO A
TEMPORARY LEASE OF LANDFILL FUTURE CUBE FORMS**

WHEREAS, the Department of Solid Waste ("Department") purchased from Nordmack Corp. certain specialized recycling equipment called Future Cube Concrete Block Casting Forms (the "Forms") that it uses for recycling used tires. The Forms have been used by the Department for a period of years and suffered the usual wear and tear associated with heavy recycling equipment; and

WHEREAS, Nordmack, a private company based in Madison County, is working with other local firms to develop advanced sustainable building materials derived from industrial wastes. The company will be conducting a demonstration project during the summer of 2010 that will convert foundry sands into recycled building products. The Forms will facilitate the demonstration project; and

WHEREAS, the County desires to support local industries and nurture the development of businesses that will locally produce sustainable, low cost building products and green jobs. Nordmack, in accordance with the terms and conditions of this Lease, will refurbish the used Forms and return the equipment to the County at the end of the leasehold in better condition; and

NOW, THEREFORE BE IT RESOLVED, in consideration of the following mutual covenants, the parties agree as follows:

1. Equipment Subject to Lease. One set of old style future cube concrete block casting forms without bladder inserts currently in possession of the Department.

2. Lease Term. This Lease shall commence on the effective date hereof and end on a date six months hence. The parties may extend this Lease term for one successive six month period by written acknowledgement signed by both parties.

3. Refurbishment. Nordmack, prior to returning the Forms, shall refurbish the Forms to a better condition and as close to "like new" as is practicable.

BE IT FURTHER RESOLVED, that the Chairman of this Board be is hereby authorized and directed to enter into an equipment lease with Normack Corporation, 133 Farrier Avenue, Oneida, New York 13421 as is on file with the Clerk of this Board; and

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Reinhardt:

RESOLUTION NO. 198-10

AUTHORIZING THE MODIFICATION OF THE 2010 ADOPTED COUNTY BUDGET

RESOLVED, that the 2010 Adopted County Budget be modified as follows:

Modification No. 1

General Fund

1185-Medical Examiners & Coroners

Expense

	<u>From</u>	<u>To</u>
A1185.475 Transport Bodies	\$ 14,500	\$ 12,863
A1185.477 Autopsy Expense	<u>77,000</u>	<u>78,637</u>
Control Total	<u>\$ 91,500</u>	<u>\$ 91,500</u>

Modification No. 2

Road Machinery Fund

5130 Road Machinery Repairs & Expense

Expense

	<u>From</u>	<u>To</u>
DM5130.2918 Sweepster Broom	\$ 40,000	\$ 35,000
DM5130.9420 Transfer to County Road Fund	<u>0</u>	<u>5,000</u>
Control Total	<u>\$ 40,000</u>	<u>\$ 40,000</u>

County Road Fund

5010 County Highway Administration

Expense

D5010.479 Landscape Expense	<u>0</u>	<u>5,000</u>
Control Total		<u>\$ 5,000</u>

Revenue

D5031.10 Contribution from Road Machinery Fund	<u>0</u>	<u>5,000</u>
Control Total		<u>\$ 5,000</u>

Modification No. 3

Enterprise Environmental Landfill Fund

8164 Environmental Control (Landfill)

Expense

	<u>From</u>	<u>To</u>
EE8164.4046 Leachate Treatment Transportation	\$113,000	\$188,000
EE8164.49997 Reserve for Closure/Post Closure	<u>306,206</u>	<u>231,206</u>
Control Total	<u>\$419,206</u>	<u>\$419,206</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 199-10

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

***PROCLAMATION
HONORING THE MID YORK LIBRARY SYSTEM
FOR 50 YEARS OF SERVICE***

WHEREAS, The Madison County Board of Supervisors are pleased to join in the celebration of Mid York Library System's 50 years of service to the Counties of Madison, Herkimer and Oneida; and

WHEREAS, The Mid York Library System’s Provisional Charter granted by the New York State Board of Regents on behalf of the State Department of Education and dated June 24, 1960 states: “The purpose for which the corporation is formed is to expand and improve library service in the Counties of Herkimer, Madison and Oneida”; and

WHEREAS, Eighteen original libraries were named on the provisional charter to form a collaborative corporation through which each library maintained their autonomy, but reaped the benefits of state funding that provided the impetus for centralized purchasing, shared resources and cooperative services; and

WHEREAS, The Mid York Library System applied for and was granted Absolute Charter on September 25, 1965; and

WHEREAS, The Mid York Library System currently services every public library in the three county area which includes 47 member libraries, 12 of which reside in Madison County; and

WHEREAS, The Mid York Library System continues accomplish its mission to improve and expand library service in the three county area by: providing services at greater savings to the member libraries through economy of scale; providing services and coordinating activities which allow libraries to cooperate and share their resources and materials easily and effectively; provide expertise and services which compliment those of the individual library; providing direct service to persons or groups who are unable to use traditional public library service; acting as a component of the statewide library network and providing leadership and advocacy on a state, regional and national level;

NOW, THEREFORE I, John M. Becker, Chairman of the Madison County Board of Supervisors do hereby recognize this special Proclamation in honor of

***The 50th Anniversary
Mid York Library System***

and extend our congratulations and best wishes to this organization for its long-standing and wholehearted devotion to community involvement and service to the citizens of Madison County. END

PUBLIC COMMENT PERIOD

1. Becca Jablonski, Cooperative Extension AD Specialist introduced Lindsey McDonnell, AED Program Assistant and Molly Kunzman, Upstate Institute Field School Fellow at Colgate University, who announced Buy Local Week coming up July 18-24th.

At 11:25 a.m. Supervisor Degear made a motion to go into executive session to discuss current and pending litigation involving the Oneida Indian Nation, with

representatives from Park Strategies. This motion was seconded by Supervisor Monforte and carried. Chairman Becker asked for a five minute break first before the executive session began.

At 12:30 Supervisor Henderson made a motion to close the executive session, seconded by Supervisor Goldstein and carried.

On motion by Supervisor Bono, seconded by Supervisor Monforte, the Board adjourned until July 13, 2010.