

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, May 11, 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.

At this time Chairman Becker had the new group of Madison County 4-H Government Interns introduce themselves to the Board.

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

COMMUNICATIONS

1. Copies of Resolutions from Ontario and Greene Counties – Opposing Various Proposed Anti-Gun Owner Legislation in New York State.
2. Also from Ontario County – Resolution Requesting that the State of New York Appropriately Disburse the Statewide Wireless 911 Cellular Surcharge.
3. Copy of a Resolution from Essex County – Calling on the Governor of the State of New York to Enforce the Collection of Sales Taxes on Tobacco Sold on Indian Lands.
4. Thank you letter to Chairman Becker from Congressman Bill Owens for meeting and updating him on various Madison County issues.

REPORTS

1. County of Madison Annual Financial Report for fiscal year ended 12/31/09.
2. Madison County Mental Health Dept. Monthly Report for April 2010.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA and Cazenovia Sewer District:	\$1,104,314.80
Miscellaneous Accounts:	\$ 88,515.04
Cowaselon Creek Watershed District	\$ 1,866.36

Chairman Becker read the following proclamation into the minutes:

PROCLAMATION

RECOGNIZING 20 YEARS OF RECYCLING IN MADISON COUNTY – MAY 19, 2010

WHEREAS, recycling became mandatory in Madison County in 1990; and

WHEREAS, the recycling program has continually grown in scope over the past 20 years to provide exceptional recycling services to the citizens of Madison County; and

WHEREAS, the Madison-Cortland ARC has worked hand-in-hand with Madison County over the past 20 years to insure that recycling and waste reduction services in Madison County became the successful program that exists today; and

WHEREAS, the Madison County Landfill and the Madison-Cortland ARC have successfully collected and processed 389,324,000 pounds of recyclables over the past 20 years – keeping this material out of the waste stream; and

WHEREAS, the partnership with the Madison-Cortland ARC created an opportunity to assist with job creation for both the ARC community and a larger low and moderate income county-wide population – and has maintained 18 to 20 employees since established on July 17, 1990; and

WHEREAS, founders of the 1990 recycling program, along with the current administration and supporters, will gather on Wednesday, May 19, 2010 to celebrate 20 years of a successful recycling partnership with Madison-Cortland ARC and Madison County;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors calls upon all Madison County citizens, government agencies, public and private institutions, businesses and schools to recommit to the County's recycling program; We applaud the work of the Madison-Cortland ARC and the Department of Solid Waste and Sanitation in offering the residents of Madison County a progressive and all inclusive recycling and waste reduction program; and urge all our citizens and businesses to continue supporting our recycling/waste reduction effort in Madison County and continue to look for ways to improve them.

At 10:45 a.m. Chairman Becker announced the scheduled public hearing on Local Law No. 1 – 2010 “Authorizing the Conveyance of Certain Real Property in the City of Oneida to David Taylor and Timothy Taylor.” Supervisor Bradstreet made a motion to open the hearing, seconded by Supervisor Ball and carried.

Supervisor DiVeronica stated that the county should keep this piece of property explaining that the trees on the property are worth money. Supervisor Rafte stated that this property should be sold, putting the property back on the tax roll.

There being no other speakers, Supervisors Ball made a motion to close the hearing, seconded by Supervisor Rafte and carried.

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 140-10

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH ALL PURPOSE TELEPHONE & CABLE CO.

WHEREAS, the Information Technology Department will be installing new network cables in the basement area of Building 4; and

WHEREAS, the specifics of this project were put out to bid; and

WHEREAS, the IT Department received three (3) separate proposals for this project; and

WHEREAS, the IT Department has completed a thorough review of these proposals and has chosen All Purpose Telephone & Cable Co. as the low bid vendor; and

WHEREAS, the cost of this project is Twelve Thousand, Four Hundred, Forty One dollars (\$12,441.00);

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to sign the contract with All Purpose Telephone & Cable Co, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Bargabos and Reinhardt:

RESOLUTION NO. 141-10

CREATING A FULL-TIME POSITION IN THE DEPARTMENT OF WEIGHTS AND MEASURES AND MODIFYING THE 2010 ADOPTED BUDGET

WHEREAS, the Director of Weights and Measures wishes to retire; and

WHEREAS, in order to accomplish an orderly and effective transition following his retirement, the Director of Weights and Measures has requested the creation of an Assistant Director of Weights and Measures position; and

WHEREAS, the Assistant Director of Weights and Measures will be considered for promotion upon the retirement of the Director of Weights and Measures provided that performance has been satisfactory; and

WHEREAS, the Assistant Director of Weights and Measures position will be abolished upon vacancy; and

WHEREAS, this request has been reviewed and approved in accordance with the vacancy review procedure by the Finance, Ways and Means and Government Operations Committees;

NOW, THEREFORE BE IT RESOLVED that one (1) full-time Assistant Director of Weights and Measures position be and hereby is created effective immediately; and

BE IT FURTHER RESOLVED that the title of Assistant Director of Weights and Measures be allocated to Grade E of the Management Salary Plan; and

BE IT FURTHER RESOLVED that the Director of Weights and Measures be and hereby is authorized to fill said position at the minimum 2010 salary of \$32,807 in accordance with Civil Service Law and Rule effective immediately; and

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

General Fund

6610 – Consumer Affairs

	FROM	TO
6610.1030 Part time Help	\$ 14,143	\$ 22,424

1990 – Contingent Fund

1990.4444 Contingent Fund	<u>684,372</u>	<u>676,091</u>
---------------------------	----------------	----------------

Control Total:	<u>\$698,515</u>	<u>\$698,515</u>
----------------	------------------	------------------

ADOPTED: AYES – 1356 NAYS – 0 ABSTAIN – 144 (Monforte)

By Supervisors Salka and Cary:

RESOLUTION NO. 142-10

**AUTHORIZING AN EXTENSION FOR PROFESSIONAL SERVICES TO
MANAGE TRANSPORTATION SERVICES WITH VMC CONSULTANTS, LP.**

WHEREAS, the Public Health Department currently has an agreement with VMC Consultants, LP to provide administrative and technical services for managing transportation services for Preschool and Early Intervention transportation; and

WHEREAS, VMC has helped the County manage the cost of transportation services by working with transporters to maximize the routing, invoice assistance, bid specifications and evaluation, field inspections of buses and point of contact; and

WHEREAS, the current agreement allows two separate and consecutive options to extend for additional periods of one year; and

WHEREAS, the County approved Amendment 1 to this agreement on September 8, 2008 to provide additional services to the County Planning Department with the same options for extension noted above; and

WHEREAS, the Planning Department agreement includes services related to the Rural Coordinated Transit and the compensation for this agreement will not exceed \$5,625 per month; and

WHEREAS, the Health Department agreement includes services for the management of transportation services for the Preschool and Early Intervention program and the compensation for this agreement will not exceed \$5,258.25 per month; and

WHEREAS, the County would like to extend these agreements for a term through April 30, 2011; and

WHEREAS, both the Public Health Services Committee and the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee recommends approval of the extension of this agreement;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to extend an agreement with VMC Consultants, LP as is on file with The Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Salka:

RESOLUTION NO. 143-10

AUTHORIZING THE CHAIRMAN OF THE BOARD

TO PROCLAIM MAY AS MENTAL HEALTH MONTH

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, one in five American adults and children are affected by a mental illness; and

WHEREAS, mental health problems do not discriminate, and know no race, creed, age limit or economic status; and

WHEREAS, people with mental illness can recover and lead full, productive lives; and

WHEREAS, an estimated two-thirds of adults and young people with mental health problems are not getting the help they need; and

WHEREAS, untreated or undertreated mental illness costs public and private employers billions of dollars annually through absenteeism, turnover, low productivity and increased medical costs; and

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, the National Mental Health Association, the National Council for Community Behavioral Healthcare, the NYS Office of Mental Health and their national and state partners observe Mental Health Month every May to raise awareness and understanding of mental health and illness;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman be and is hereby authorized to proclaim May 2010 - Mental Health Month in Madison County; and

BE IT FURTHER RESOLVED, that the Board of Supervisors calls upon all Madison County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Salka and Ball:

RESOLUTION NO. 144-10

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH THE PROFESSIONAL PRACTICE GROUP OF THE DEPARTMENT OF
PSYCHIATRY AT UPSTATE MEDICAL UNIVERSITY A DIVISION OF THE
STATE UNIVERSITY OF NEW YORK**

WHEREAS, the Madison County Sheriff's Department and Mental Health Department have indicated a desire to provide psychiatric services to the inmates of the Madison County Correctional Facility, and;

WHEREAS, the Mental Health Department does not currently have the services of a New York State licensed psychiatrist who is Board Certified in Adult and Forensic Psychiatry to provide psychiatric services to the inmates of the Madison County Correctional Facility, and:

WHEREAS, the Professional Practice Group (PPG) has representatives who are New York State licensed psychiatrists who are Board Certified in Adult and Forensic Psychiatry and who individually and collectively possess the expertise, special skills and experiences to perform services in connection herewith, and;

WHEREAS, both the Sheriff's Department and the Mental Health Department find the services of the PPG and its representatives to be necessary in order to successfully implement the intended forensic psychiatry services program, and;

WHEREAS, the PPG has indicated a willingness to participate and provide a Board Certified Adult and Forensic Psychiatrist at the rate of \$200 per hour for an average of six (6) hours per week (anticipated ranging from four hours to eight hours per week as needed) of psychiatric services - provided either on-site at the Correctional Facility or through tele-psychiatry - with a 10% administrative fee on all billable services and the total cost for 2010 not to exceed \$50,160;

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Suits:

RESOLUTION NO: 145-10

**AUTHORIZING THE CHAIRMAN TO ENTER INTO A MAINTENANCE
AGREEMENT WITH SIMPLEX-GRINNELL**

WHEREAS, the Madison County Board of Elections has a Time/Date Stamp machine in their office; and

WHEREAS, it is necessary to maintain a service agreement on this machine, such agreement being for one year beginning on April 1, 2010, and expiring on March 31, 2011, in the amount of \$274.00, which is in the Board of Elections 2010 budget;

WHEREAS, this agreement has been reviewed and approved by the Administration and Oversight Committee;

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Ball:

RESOLUTION NO. 146-10

AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ENTER INTO AN AGREEMENT

WHEREAS: the County of Madison has recently changed the manner in which breathing air services will be provided to the Fire Departments in the County which will no longer necessitate the operation of the 1995 Chevy step van (County cascade Unit 27), and

WHEREAS: the Lincoln Fire District has expressed an interest in housing and operating the high pressure breathing air booster that was slated for purchase this year from homeland security grant funding as part of a multi year project that will upgrade the County's capability to supply breathing air to refill the high pressure self contained breathing apparatus provided the County in Federal Weapons of Mass Destruction equipment grants in 2004, and

WHEREAS: the Lincoln Fire District agrees to replenish the air supply on the County's mobile cascade trailer as well as the Wampsville Fire Department's mobile cascade system when necessary in exchange for the use of the booster compressor to meet their own needs for high pressure breathing air, and

WHEREAS: this agreement between the County of Madison and the Lincoln Fire District provides for the enhancement of protection from fire and other threats to the public safety for the residents of Madison County;

NOW, THEREFORE BE IT RESOLVED, that the chairman of the Madison County Board of Supervisors is hereby authorized to enter into a Municipal Cooperative Agreement with the Lincoln Fire District as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 147-10

AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ENTER INTO AN AGREEMENT

WHEREAS; the County of Madison has recently changed the manner in which breathing air services will be provided to the Fire Departments in the County which will no longer necessitate the operation of the 1995 Chevy step van (County cascade Unit 27), and

WHEREAS; the North Brookfield Fire District has expressed an interest in housing and operating the high pressure breathing air compressor that was formerly installed on cascade unit 27 to meet their department's need for high pressure breathing air in exchange for servicing the needs for high pressure breathing air for their neighboring fire departments to include the Brookfield, Lenonardsville and Hubbardsville Fire Departments; and

WHEREAS; the county will maintain ownership of the compressor and further agree to service, maintain; and periodically test the quality of air produced by the compressor in accordance with current National CGA G-7.1 standards, and

WHEREAS; this agreement between the County of Madison and the North Brookfield Fire District provides for the enhancement of protection from fire and other threats to the public safety for the residents of Madison County;

NOW, THEREFORE BE IT RESOLVED, that the chairman of the Madison County Board of Supervisors is hereby authorized to enter into a Municipal Cooperative Agreement with the North Brookfield Fire District as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 148-10

AUTHORIZING THE CLERK OF THE BOARD TO SIGN THE HOME RULE REQUESTING THE STATE ENACT LEGISLATION TO ALLOW MADISON COUNTY TO INCREASE ITS WIRELESS SURCHARGE AND TO AUTHORIZE A LANDLINE SURCHARGE

WHEREAS, the State Legislature requires a home rule request prior to passing any local legislation; and

WHEREAS, the State Legislature requires passage of the local resolution authorizing issuance of a home rule request after the Bill has been introduced in the Legislature each session year; and

WHEREAS, the Board has reviewed and studied the issues and finds that increasing the wireless surcharge and adopting a landline surcharge to maintain and operate an emergency 911 communication system is in the best interests of the residents of Madison County; and

WHEREAS, a copy of the State legislation, S7015 and A10608 to implement the wireless surcharge and to adopt a landline surcharge is on file with the Clerk; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors authorizes and requests the State Legislature enact Senate bill S7015 and Assembly bill A10608 as on file with the Clerk of this Board; and

BE IT FURTHER RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized to sign the Home Rule Requests required to enact Senate bill S7015 and Assembly bill A10608.

ADOPTED: AYES – 1446 NAYS – 54 (Salka)

By Supervisors Ball and Reinhardt:

RESOLUTION NO. 149-10

AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENT

WHEREAS, BRiDGES has received a 2009-2010 NYS Enforcing Underage Drinking Laws Prevention and Law Enforcement Partnership Grant; and

WHEREAS, the Sheriff's Office will increase party patrols, patrols of "House Parties", and other locations where underage youth gather in rural areas to have underage drinking parties; and

WHEREAS, BRiDGES hereby agrees to pay \$10,000 to the Madison County Sheriff's Office for the above mentioned services; and

WHEREAS, the Federal awards grant is identified as follows; and
Awarding Agency: Office Juvenile Justice and Delinquency Prevention

Pass-through Agency: NYS Office of Alcoholism and Substance Abuse Services
 Catalog #: 93.958
 Program Name: 2009 - 2010 NYS Enforcing Underage Drinking Laws Prevention and Law Enforcement Partnership Grant
 Award Period: January 2010 – December 2010
 Federal Funds %: 100%
 Total Grant Amount: \$10,000; and

WHEREAS, the funding agencies have approved the following budget for this project during the project period of January – December 2010; and

3110 Sheriff's Department

<u>Expense</u>	From	To
A3110.41029 Enforcing Under Age Drinking Laws Grant	<u>\$ 0</u>	<u>\$ 10,000</u>
Control Total		<u>\$ 10,000</u>

Revenue

A4389.6020 Fed Aid-Enforcing Under Age Drinking Laws	<u>\$ 0</u>	<u>\$ 10,000</u>
Control Total		<u>\$ 10,000</u>

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

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

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Cary:

RESOLUTION NO. 150-10

AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN A MEMORANDUM OF UNDERSTANDING PURSUANT TO THE WORKFORCE INVESTMENT ACT (WIA) OF 1998

WHEREAS, the Workforce Investment Act and the local Workforce Investment Board envision a quality driven, local Workforce Development System in Herkimer, Madison and Oneida counties as an integrated universally

accessible system that is customer and community-driven, and that supports the local economy in an innovative manner: and

WHEREAS, the Workforce Investment Act identifies the “One Stop” Center as the service delivery system for programs funded under WIA and this Memorandum of Understanding’s (MOU’s) purpose is to promote seamless service delivery and excellent customer service, in order to improve long-term employment outcomes for both job seekers and employers, and

WHEREAS, the Workforce Investment Board and the Working Solutions Partners are pledged to make every effort to coordinate, communicate, integrate and share so that the One Stop System operates efficiently and effectively, and

WHEREAS, shared goals between the Workforce Investment Board and its Partners are excellent customer service and the WIA performance outcomes (training completion, job placement, earnings and job retention) for adults, youths and dislocated workers; and

WHEREAS, this Memorandum of Understanding is a detailed agreement as to how services will be delivered and outlines protocols and reporting requirements for a term beginning as of the date the final signatory dates the agreement and will continuously renew each year unless terminated by any of the parties with 30 days advance written notice (with cause), or 90 days written notice without cause;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors for the County of Madison be and hereby is authorized to sign the document entitled “Memorandum of Understanding – The Workforce Investment Board of Herkimer, Madison and Oneida Counties, Inc. and Working Solutions System Partners”, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 151-10

**AUTHORIZING ADOPTION OF MADISON COUNTY’S PUBLIC TRANSIT
HUMAN SERVICES TRANSPORTATION PLAN**

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) requires the establishment of a “locally developed, coordinated public transit-human services transportation plan” for all Federal Transit Authority programs for underserved populations; and

WHEREAS, the plan is intended to identify and address transportation needs of individuals with disabilities, older adults, and residents with low incomes; and

WHEREAS, a Steering Committee of transportation providers, County departments, local human service agencies, municipalities, and others have been meeting for the past 10 months to develop this plan; and

WHEREAS, the information contained in the plan, a copy of which is attached hereto, has been reviewed and approved by the Planning Committee; and

WHEREAS, the plan is intended to improve transportation services and cost effectiveness within the County by eliminating service duplications, filling gaps in service delivery, sharing rides and resources, and maximizing the use of State and Federal transit dollars;

NOW, THEREFORE BE IT RESOLVED, that the coordinated public transit-human services transportation plan for Madison County, dated May 2010, is hereby adopted by Madison County.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Suits:

RESOLUTION NO. 152-10

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

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

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

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

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

ADOPTED: AYES – 1470 NAYS – 30 (Goldstein)

By Supervisor Cary:

RESOLUTION NO. 153-10

DETERMINING SEQR STATUS AND THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CITY OF ONEIDA

WHEREAS, on April 13, 2010 a resolution was duly adopted by the Board of Supervisors introducing Local Law No. 1 for the year 2010, entitled "A LOCAL LAW AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE CITY OF ONEIDA TO DAVID TAYLOR AND TIMOTHY TAYLOR" and calling for a public hearing to be held in the Chambers of the Board of Supervisors at the Madison County Office Building on May 11, 2010 at 10:45 a.m., to hear all interested parties; and

WHEREAS, notice of said public hearing was duly advertised in the Oneida Daily Dispatch and the Post Standard, the official newspapers of Madison County on May 4, 2010; and

WHEREAS, said public hearing was duly held on May 11th, 2010 at 10:45 a.m. in the Chambers of the Board of Supervisors at the Madison County Office Building and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Local Law, or any part thereof; and

WHEREAS, the County Planning Department, acting on behalf of and at the direction of the Board of Supervisors has prepared an Environmental Assessment Form and other submittals; 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, the approval of the sale has been considered by the Board of Supervisors as well as the probable environmental impacts of such approval; 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 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 Environmental Assessment Form and complete and file the Negative Declaration in accordance with the applicable provisions of law.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Cary:

RESOLUTION NO. 154-10

AUTHORIZING THE ENTRY INTO AN AGREEMENT TO BUY AND SELL

WHEREAS, the County has an interest in former railroad property located in the City of Oneida and identified as Tax Map No. 37.-1-9.5; and

WHEREAS, an adjoining neighbor and his father would like to obtain a portion of such parcel; and

WHEREAS, such portion consists of a strip of land for which the County has no use; and the maintenance thereof is no longer in the public interest; and

WHEREAS, the County Planning Department, Real Property Tax Services Department and Treasurer's Department have made inquiries regarding the status and value of the property and provided certain information to the Planning Committee; and

WHEREAS, based upon the information provided and reviewed, it is recommended that the property be disposed of by a Quit Claim deed for the price of Two Thousand Dollars and 00/100 (\$2,000.00); and

WHEREAS, the Planning Committee concurs and has directed the County Attorney's office to work with counsel for the Purchasers to prepare the necessary documents authorizing the conveyance; and

WHEREAS, the Purchasers have presented and executed the Agreement to Buy and Sell and an Addendum to such an Agreement to Buy and Sell including additional terms recommended by the County Attorney's office; and

WHEREAS, the Attorney General of the State of New York has rendered an opinion that under certain circumstances the County may dispose of County real property by private negotiated sale by enacting a Local Law superseding the provisions of §215 of the County Law; and

WHEREAS, among the contingencies in the Agreement is the requirement that the sale be authorized by the adoption of a Local Law (subject to permissive referendum); and

WHEREAS, the first step is the authorization of the entry into the Agreement to Buy and Sell and Addendum;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby determines that the Property is no longer necessary for public use; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized and directed to execute on behalf of the County, the Agreement to Buy and Sell and the Addendum to Agreement to Buy and Sell in the form as in on file with the Clerk of this Board, which Contract shall govern the rights and responsibilities of the parties in connection with the sale of the Property.

Please Note: 1000 votes (or a 2/3's vote is necessary to adopt this resolution and that was not accomplished as follows:

**DEFEATED: NAYS – 881 (Salka, Monforte, Cary, Coye, Kuiper, Goldstein, DiVeronica, Bono, Bradstreet, Stepanski, Henderson, Reinhardt, Carinci
AYES – 619 (Degear, Suits, Ball, Bargabos, Becker, Rafte)**

Please note that the Resolution Adopting Local Law No. 1 for 2010 – Authorizing the Conveyance of Certain Real Property in the City of Oneida to David Taylor and Timothy Taylor is PULLED and no action will be taken at this time.

By Supervisor Degear:

RESOLUTION NO. 155-10

REHABILITATION OF CERTAIN COUNTY ROADS FOR 2010

WHEREAS, the County Superintendent of Highways has presented a statement of certain County roads which he has approved for rehabilitation with County Funds during the year 2010 as follows:

In the Town of **LEBANON** on **ARMSTRONG ROAD**, County Rte. 66, a distance of 1.02 miles, with necessary widening, ditching, and asphalt pavement 22 feet wide and 5.5 inches thick, at an estimated cost of \$193,464.

In the Town of **CAZENOVIA** on **CHENANGO STREET**, County Rte. 65, a distance of 0.47 miles, with necessary widening, ditching, and asphalt pavement 24 feet wide and 5.5 inches thick, at an estimated cost of \$130,724.

In the Town of **DERUYTER** on **CRUMB HILL ROAD**, County Rte. 58, a distance of 1.7 miles, with necessary widening, ditching, and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of \$226,983.

In the Town of **STOCKBRIDGE and VILLAGE OF MUNNSVILLE**, on **EAST HILL ROAD** and **VALLEY MILLS ROAD**, County Rte. 40 and 35 respectively, a distance of 1.1 miles, with necessary widening, ditching, and asphalt pavement 22 feet wide and 5.5 inches thick at an estimated cost of \$150,740.

In the Town of **DERUYTER** on **HUNT ROAD**, County Rte. 56, a distance of 0.66 miles, with asphalt pavement 22 feet wide and 4 inches thick at an estimated cost of \$123,712.

In the City of **ONEIDA** on **KENWOOD AVE**, County Rte. 51, a distance of 0.54 miles, with asphalt pavement 24 feet wide and 1.5 inches thick, at an estimated cost of \$86,644.

In the Towns of **GEORGETOWN** and **LEBANON** on **LEBANON ROAD**, County Rte. 62, a distance of 2.5 miles, with asphalt pavement 22 feet wide and 5.5 inches thick, at an estimated cost of \$334,847.

In the Town of **LENOX** on **NORTH COURT STREET**, County Rte. 10, a distance of 0.9 miles, with asphalt pavement 24 feet wide and 5.5 inches thick, at an estimated cost of \$135,210.

In the Town of **CAZENOVIA** on **NORTH LAKE ROAD**, County Rte. 15, a distance of 0.85 miles, with asphalt pavement 24 feet wide and 1.5 inches thick, at an estimated cost of \$133,514.

In the Town of **SULLIVAN** on **PECK ROAD**, County Rte. 2, a distance of 0.9 miles, with asphalt pavement 24 feet wide and 1.5 inches thick, at an estimated cost of \$137,935.

In the Town of **LINCOLN** on **OXBOW ROAD**, County Rte. 25, a distance of 0.2 miles, with asphalt pavement variable width and 1.5 inches thick, at an estimated cost of \$73,279.

In the Town of **LEBANON**, on **RANDALLSVILLE ROAD** County Rte. 75, a distance of 1.83 miles, with necessary widening, ditching, and asphalt pavement 24 feet wide and 5.5 inches thick at an estimated cost of \$277,762.

WHEREAS, bids will be received for the above projects and award will be made on the basis of low bid meeting specifications;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into contracts with Contractors for the purpose of paving certain Madison County Roads during the 2010 construction season, in the form as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor DiVeronica:

RESOLUTION NO. 156-10

AUTHORIZING 5-YEAR SOLID WASTE DISPOSAL AGREEMENTS WITH COMMERCIAL PERMIT HOLDERS

WHEREAS, in order to continue to retain solid waste and recyclables within the County’s existing system to ensure the proper management and disposal of all waste generated in the County; and

WHEREAS, in order to provide further long-term stability for the solid waste management system to support all of the costs associated with recycling and environmentally responsible solid waste management, including the Landfill Expansion Project, without the use of taxpayer funding; and

WHEREAS, in order to provide long-term stability to haulers and residents of the County; and

WHEREAS, the contract for Haulers will provide for a lower tip fee than the tip fee for Haulers who do not enter into contracts with the County for disposal of all waste and recyclables at the County facilities; and

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

with provisions of the Solid Waste Disposal Agreement, a copy of such Agreement is on file with the Clerk of the Board; and

BE IT FURTHER RESOVLED, the Solid Waste Disposal Agreement shall cover the period from January 1, 2006 through December 31, 2010; and

BE IT FURTHER RESOLVED, that the Commercial Permit Holders listed below are hereby permitted to enter into a Solid Waste Disposal Agreement, and that the Chairman of the Board of Supervisors is authorized to execute such Solid Waste Disposal Agreement on behalf of Madison County with the following Commercial Permit Holders:

1. BENEDICT CONSTRUCTION LLC

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Reinhardt:

RESOLUTION NO. 157-10

**AUTHORIZING THE ASSISTANCE IN DEFENSE
OF ASSESSMENT REVIEW PROCEEDINGS**

WHEREAS, by Local Law #5 of the year 1984 the County Board of Supervisors provided a mechanism to assist towns and cities financially in the defense of assessment review proceedings and appeals; and

WHEREAS, the Local Law provides for the annual appropriation of \$15,000.00 for such legal expenses involved in the defense of assessment review proceedings and appeals; and

WHEREAS, the Local Law further provides that by two thirds majority of the Board of Supervisors that the County will assist any town and city up to 25% of the total cost of any expense in the defense of any such proceedings whereby the assessment review proceedings is seeking a reduction of more than one hundred thousand dollars in assessed value; and

WHEREAS, the City of Oneida has requested the County assist them in a defense of assessment review proceedings brought by Lowells-Jeda seeking a reduction in assessment of \$3,840,300.00;

NOW, THEREFORE, BE IT RESOLVED, by at least the two thirds majority vote of the Madison County Board of Supervisors that the County will in accordance with Local Law #5 of the year 1984 assist the City of Oneida in the defense of the assessment proceedings brought by Lowells-Jeda in the amount

not to exceed 25% of the total cost and expense actually incurred in the defense of the City of Oneida; and

BE IT FURTHER RESOLVED, that the County Treasurer is authorized to reimburse the City of Oneida Assessment Department 25% of the legal fees incurred for the certiorari proceedings between Lowells-Jeda and the City of Oneida in the amount of \$310.00.

Please note that a 2/3's vote was taken as follows:

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 158-10

**AUTHORIZING THE ASSISTANCE IN DEFENSE
OF ASSESSMENT REVIEW PROCEEDINGS**

WHEREAS, by Local Law #5 of the year 1984 the County Board of Supervisors provided a mechanism to assist towns and cities financially in the defense of assessment review proceedings and appeals; and

WHEREAS, the Local Law provides for the annual appropriation of \$15,000.00 for such legal expenses involved in the defense of assessment review proceedings and appeals; and

WHEREAS, the Local Law further provides that by two thirds majority of the Board of Supervisors that the County will assist any town and city up to 25% of the total cost of any expense in the defense of any such proceedings whereby the assessment review proceedings is seeking a reduction of more than one hundred thousand dollars in assessed value; and

WHEREAS, the City of Oneida has requested the County assist them in a defense of assessment review proceedings brought by Oneida Shopping Center seeking a reduction in assessment of \$975,000.00;

NOW, THEREFORE BE IT RESOLVED, by at least the two thirds majority vote of the Madison County Board of Supervisors that the County will in accordance with Local Law #5 of the year 1984 assist the City of Oneida in the defense of the assessment proceedings brought by Oneida Shopping Center in the amount not to exceed 25% of the total cost and expense actually incurred in the defense of the City of Oneida, and

BE IT FURTHER RESOLVED, that the County Treasurer is authorized to reimburse the City of Oneida Assessment Department 25% of the legal fees incurred for the certiorari proceedings between Oneida Shopping Center and the City of Oneida in the amount of \$220.00.

Please note that a 2/3's vote was taken as follows:

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 159-10

AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT FOR LIEN AND TITLE SEARCH SERVICES

WHEREAS, Madison County Treasurer is required, in connection with Article 11 of the New York State Real Property Tax Law In Rem Foreclosure Proceeding, to serve Petitions and Notices of Foreclosure to lien holders of record; and

WHEREAS, the County Treasurer, as the official County Tax Enforcement Officer, has issued to local abstract companies a request for proposals to submit bids for performing services that will provide information to carry out the due process requirement of Article 11 of the New York State Real Property Tax Law; and

WHEREAS, there are approximately 400 parcels that are currently in the foreclosure process; and

WHEREAS, Oneida Valley Abstract Corporation has submitted a bid proposal for performing the required service of \$50.00 for each complete search and \$25.00 for each search completed but not typed;

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be authorized to execute an agreement with Oneida Valley Abstract Corporation, as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 160-10

AUTHORIZING THE CHAIRMAN TO EXECUTE AGREEMENTS FOR BANKRUPTCY SEARCH SERVICES

WHEREAS, in connection with Article 11 of the New York State Real Property Tax Law In Rem Foreclosure Proceeding, the County Treasurer is required to notify and serve Petitions and Notices of Foreclosure proceedings on all delinquent owners of record; and

WHEREAS, it would be a violation of U.S. Federal Bankruptcy Law to notify or foreclose on those owners of record who have filed for bankruptcy; and

WHEREAS, it is necessary to have a Bankruptcy Court records search for each delinquent owner of record to ascertain if they have a current bankruptcy action pending; and

WHEREAS, Oneida Valley Abstract Company has submitted a proposal to perform this service for \$10.00 per search;

NOW THEREFORE BE IT RESOLVED that the Chairman of the Board be authorized to execute an agreement with Oneida Valley Abstract Company for this service, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 161-10

DESIGNATING DEPOSITORY BANKS FOR FUNDS OF THE COUNTY OF MADISON

RESOLVED, that the County of Madison hereby designates the following banking institutions that the County Treasurer is authorized to deposit and invest funds with, and the maximum amount to be on deposit with said banks at any one time shall be as follows:

J.P. Morgan Chase Oneida, New York	\$40,000,000.00
Alliance Bank N.A. Oneida, New York	\$40,000,000.00
State Bank of Chittenango Chittenango, New York	\$40,000,000.00

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 162-10

APPROVAL – MORTGAGE TAX REPORT

WHEREAS, this Board is in receipt of the Semi-Annual Mortgage Tax Report showing the amounts to be credited to each tax district of the County of the money collected during the preceding six months ending March 31, 2010;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 261 of the Tax Law, this Board issue tax warrants for the payment of the respective tax districts of the amounts so credited, and authorize and direct the County

Treasurer to make payment of said amounts to the respective districts in accordance with the report:

Town of Brookfield	\$6,298.39
Town of Cazenovia	\$60,861.02
Village of Cazenovia	\$11,054.16
Town of DeRuyter	\$5,907.04
Village of DeRuyter	\$529.46
Town of Eaton	\$14,916.06
Village of Hamilton	\$2.75
Village of Morrisville	\$4,076.41
Town of Fenner	\$7,831.34
Town of Georgetown	\$2,922.71
Town of Hamilton	\$14,539.99
Village of Earlville	\$387.26
Village of Hamilton	\$8,749.02
Town of Lebanon	\$1,360.85
Town of Lenox	\$41,939.20
Village of Canastota	\$12,295.04
Village of Wampsville	\$2,520.49
Town of Lincoln	\$9,084.96
Town of Madison	\$15,413.74
Village of Hamilton	\$142.87
Village of Madison	\$577.72
Town of Nelson	\$13,604.18
Town of Smithfield	\$6,492.29
Town of Stockbridge	\$9,420.78
Village of Munnsville	\$1,044.16
Town of Sullivan	\$97,643.00
Village of Chittenango	\$16,216.05
City of Oneida	\$57,395.99
TOTAL	\$423,226.93

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 163-10

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

1010 – Legislative Board

Expense

	<u>From</u>	<u>To</u>
A1010.41 Travel	\$15,000	\$ 14,000
A1010.4911 Office Supply & Expense	<u>1,000</u>	<u>2,000</u>
Control Total	<u>\$16,000</u>	<u>\$ 16,000</u>

Modification No. 2

General Fund

3110 Sheriff Department

Expense

	<u>From</u>	<u>To</u>
A3110.22 Automobiles	<u>\$ 47,000</u>	<u>\$ 55,000</u>
Control Total		<u>\$ 8,000</u>

Revenue

A2770.4020 Misc. Revenue-Comm Telephone Acct.	<u>\$ 0</u>	<u>\$ 8,000</u>
Control Total		<u>\$ 8,000</u>

Modification No. 3

General Fund

4316 Mental Health-Liberty Resources

Revenue

	<u>From</u>	<u>To</u>
A3490.3082 St. Aid – Liberty Resources	\$124,140	\$105,008

Expense

A4316.4274 CSS – Liberty Resources	\$124,140	\$105,008
Control Total		<u>\$ 0</u>

4313 St. Grant Forensic Case Management

Revenue

A3489.7020 St. Aid – OMH Forensic	\$ 0	\$ 19,132
A3489.7010 St. Grant Forensic Case Mgt.	47,000	18,376
A4488.2010 Fed Aid Admin Salary	<u>0</u>	<u>5,492</u>
Totals	<u>\$ 47,000</u>	<u>\$ 43,000</u>

Control Total \$ 4,000

Expense

A4313.4101 Forensic Case Management	\$ 13,125	\$ 9,125
Control Total		<u>\$ 4,000</u>

Modification No. 4

General Fund
8020 Planning Department

<u>Revenue</u>	<u>From</u>	<u>To</u>
A2801.8597 HUD RLF Program Income	\$ 0	\$ 20,000
Control Total		<u>\$ 20,000</u>

<u>Expense</u>	<u>From</u>	<u>To</u>
A8020.4235 Business Development Plan	\$ 0	\$ 20,000
Control Total		<u>\$ 20,000</u>

Modification No. 5
General Fund
5682 Madison Transit
Birnie Operations

<u>Revenue</u>	<u>From</u>	<u>To</u>
A4589.2020 Federal Aid Operating Assistance	\$ 52,800	\$ 77,800
Control Total		<u>\$ 25,000</u>

<u>8020 Planning</u>	<u>From</u>	<u>To</u>
<u>Expense</u> A8020.4236 Transportation Consultants	\$ 40,000	\$ 65,000
Control Total		<u>\$ 25,000</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 164-10

AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENT FOR SHREDDING SERVICES

WHEREAS, the current contract for confidential document shredding services for Madison County Departments with ProShred is expiring on May 15, 2010; and

WHEREAS, in order to ensure Madison County continues to receive competitive pricing, said shredding services were put out to bid; and

WHEREAS, Madison County received four (4) separate proposals for this project; and

WHEREAS, the Madison County has completed a thorough review of these proposals in accordance with the bidding specifications and has chosen ProShred as the low bid vendor who meets said specifications; and

WHEREAS, the annual cost of these services is estimated to be \$4,200 a estimated annual savings of \$3,600; and

WHEREAS, the Government Operations Committee recommend the County enter into the agreement with ProShred to provide confidential shredding services for County Departments;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to enter into an agreement with ProShred for the period May 17, 2010 through May 16, 2012, a copy of which is on file with the Clerk of the Board.

Because this resolution was sent out in “draft” form, Supervisor Henderson made a motion to amend the draft with the above final version, seconded by Supervisor Ball and carried.

A final vote was then taken:

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Reinhardt:

RESOLUTION NO. 165-10

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

PUBLIC COMMENT PERIOD

No Speakers.

On motion by Supervisor Bargabos, seconded by Supervisor Carinci, the Board adjourned until June 8, 2010.