

MADISON COUNTY BOARD OF SUPERVISORS
1st Day Annual Session – Monday, November 10, 2008

The Board convened at 10:00 a.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Stepanski (47 votes).

Pledge of Allegiance.

Chairman Becker asked for a moment of silence in honor of our war veterans.

On motion by Supervisor Degear, seconded by Supervisor Cary, the minutes of the previous meeting were dispensed with and adopted as filed.

Chairman Becker introduced Sarah Coulthart from Madison County's Promise who gave a report on all of the programs that Madison County's Promise has and also reported on two large grant awards that have been received and will be used over the next few years.

Chairman Becker then called on Sydney Loftus, Executive Director of the Madison County Historical Society along with Oneida resident Eileen Kinsella. At a raffle held in September at the Madison County Craft Days, Ms. Kinsella won the sterling silver Madison County Bicentennial Plaque and wishes to donate it to the County to be displayed.

REPORTS

1. Final Analysis of Towns & Cities Account A430.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Service, JTPA/WIA And Cazenovia Sewer District:	\$ 2,529,402.93
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Miscellaneous Accounts:	\$ 1,690,391.04
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UNFINISHED BUSINESS

Resolution No. 377-08 – In Response to the Promotion of the Amethyst Initiative in Madison County. Tabled by Supervisor Stepanski and seconded by Supervisor DiVeronica on October 14, 2008.

Several Supervisors voiced their thoughts on this resolution, some agreeing and some concerned that further action need to be taken. Supervisor Ball made an amendment, seconded by Supervisor Henderson and carried to add the following paragraph at the end of the existing resolution:

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors asks that these collaborative efforts be directed at educating our young people in the appropriate use of alcohol in social situations since the use of alcohol is a real part of our society, a real world situation. The lead in the education process should come from the family with their youngsters over an extended period of time and with the assistance of churches, educators, and social policy makers as an outgrowth of the collaborative process called for above.

A final vote on the tabled resolution with amendment was then taken as follows:

**ADOPTED: AYES – 1200 NAYS – 253 (Moran, Cary, Williams, Bargabos)
ABSENT – 47 (Stepanski)**

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 400-08

WAIVING THE RULES FOR RESOLUTIONS

RESOLVED, that Rule 24 and Rule 24-A of the Madison County Board of Supervisors, to the extent requiring that all resolutions intended to be moved for adoption be filed with the Clerk not less than seven calendar days prior to the meeting, and copies mailed to all members with the meeting agenda; and to the extent providing that resolutions be filed with the Chairman of the appropriate legislative committee at least ten days prior to the meeting at which its introduction will be sought, be waived during this annual session so that all resolutions may be acted upon immediately. Nothing herein shall be construed to limit the ability to table resolutions until the next succeeding meeting pursuant to Rule 17.

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

RESOLUTION NO. 401-08

ACCEPTING TENTATIVE BUDGET AS FILED BY THE BUDGET OFFICER

WHEREAS, Mary Krause, Madison County Budget Officer has on November 10, 2008, filed the fiscal year 2009 budget with the Clerk of the Board of Supervisors; and

WHEREAS, said 2009 tentative budget contains several amounts recommended for the conduct of fiscal year 2008 County Government;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby acknowledge receipt of said budget; and

BE IT FURTHER RESOLVED, that in the event the Board of Supervisors fails to adopt by December 20, 2008, a budget for fiscal year 2009, the tentative budget with such changes, alterations, revisions, as shall have been made by resolutions of the Board of Supervisors, shall constitute the budget for fiscal year 2009 in accordance with Section 361 of the County Law.

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

RESOLUTION NO. 402-08

APPOINTING A COMMITTEE TO REVIEW THE 2009 TENTATIVE BUDGET

RESOLVED, that the Standing Finance, Ways and Means Committee of this Board, who were duly appointed by the Chairman and affirmed by the Board of Supervisors be and the same are hereby designated as the proper Committee to review the tentative budget for 2009, which said budget was filed with the Clerk of this Board on Monday, November 10, 2008.

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

RESOLUTION NO. 403-08

**AUTHORIZING PUBLIC HEARING ON THE TENTATIVE BUDGET
FOR MADISON COUNTY (CAZENOVIA) SEWER DISTRICT
FOR 2009**

RESOLVED, that the public hearing on the tentative budget for the Madison County (Cazenovia) Sewer District will be held at 9:00 a.m. on Tuesday, November 18, 2008; and

BE IT FURTHER RESOLVED, that pursuant to Section 271 of the County Law providing for the cost of improvements which will benefit each lot or parcel of land; the assessment roll has been filed in the office of the Clerk of the Board of Supervisors and is available for public inspection.

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

RESOLUTION NO. 404-08

**AUTHORIZING PUBLIC HEARING ON THE TENTATIVE BUDGET FOR
COWASELON WATERSHED DISTRICT FOR 2009**

RESOLVED, that the public hearing on the tentative budget for the Cowaselon Watershed District will be held at 9:10 a.m. on Tuesday, November 18, 2008; and

BE IT FURTHER RESOLVED, that the annexed detailed statement of the estimated expenditures and revisions and the assessment roll heretofore submitted by the administrative agency heretofore appointed pursuant to Section 299-p of the County Law, which has been filed in the office of the Clerk of the Board of Supervisors and a summary of the entire budget is available for public inspection.

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

RESOLUTION NO. 405-08

AUTHORIZING PUBLIC HEARINGS ON THE TENTATIVE COUNTY BUDGET FOR FISCAL YEAR 2009

RESOLVED, pursuant to the provisions set forth in Section 359 of the County Law, public hearings on the tentative budget for fiscal year 2009 will be held on Tuesday, November 18, 2008 at the following locations:

9:20 a.m. Supervisors Chambers, second floor, County Office Building #4, Wampsville, New York

7:00 p.m. Morrisville College, Route 20, Morrisville, New York, at the Theater located in the Student Activity Building

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

By Supervisor Bargabos:

RESOLUTION NO. 406-08

RESOLUTION OF APPRECIATION – RETIREE RECOGNITION

WHEREAS, the Madison County Board of Supervisors believes that County employees should be recognized for their faithful service to the public; and

WHEREAS, recognition of the distinguished service of a certain County employee with an upcoming retirement is in order;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of the following employee upon his retirement:

Michael A. Hayes Sheriff's 1991 – 2008 17 years

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

Chairman Becker asked Sheriff Cary and Mr. Hayes to step forward. Mr. Hayes was presented a gift on behalf of the Board for his many years of dedicated service to the County. Many nights while residents were asleep, Mr. Hayes was out on the road patrolling county roads.

RESOLUTION NO. 407-08

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
(RIVERFRONT MEDICAL SERVICES, P.C.)**

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of employees who are required to have commercial driver's licenses (CDL) for the performance of their duties; and

WHEREAS, this federal law requires pre-employment, random, post accident and reasonable suspicion testing for CDL holders; and

WHEREAS, Public Employee Safety and Health requirements state that a licensed healthcare provider must review and approve the use of respirators by employees on an annual basis; and

WHEREAS, a written policy has been adopted that requires a pre-placement examination and controlled substances screening of an applicant who has been offered a permanent, full-time or permanent, part-time position in Madison County; and

WHEREAS, new rates for these required services have been negotiated with Riverfront Medical Services, P.C. with a nominal increase over the three-year period; and

WHEREAS, the rates for all services provided under the contract are guaranteed for the three year period of the contract; and

WHEREAS, the Government Operations Committee has reviewed and approved the agreement with Riverfront Medical Services, P.C. for the provision of these services,

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board of Supervisors be and hereby is authorized to enter into the agreement with Riverfront Medical Services, P.C. for the period January 1, 2009 through December 31, 2011, as is on file with the Clerk to the Board.

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

RESOLUTION NO. 408-08

**RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE TO
REDUCE STATE SPENDING WITHOUT SHIFTING COSTS FOR STATE
PROGRAMS TO COUNTY GOVERNMENT**

WHEREAS, Counties in New York have long served as the principal partner in administering the State's most critical programs in areas such as health, human services and public protection; and

WHEREAS, as part of administering these programs, the State mandates that counties fund a significant portion of these programs through the County budget; and

WHEREAS, these State mandates are the root cause of high property taxes at the County level; and

WHEREAS, the enacted budget for State Fiscal Year 2008-09, included an across the board 2 percent reduction that affected over 100 County programs; and

WHEREAS, the majority of the programs affected by this across the board reduction are State mandated, thus, significantly limiting a County's ability to mitigate the fiscal burden of this State action; and

WHEREAS, as State policy makers continue to address looming State budget deficits it is critical that they draw a clear distinction between "cuts" in State funding and simple cost shifting that requires counties to fund a larger share of State mandated services; and

WHEREAS, as experienced managers who must balance their own budgets, County officials understand and support the need for spending restraint, especially in difficult times; and

WHEREAS, counties believe that it is preferable to restructure and eliminate unnecessary and wasteful spending than to implement across the board reductions without examining the merits of each program and service:

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors calls on the Governor and State Legislature to reduce State spending without shifting the costs for State programs to County government; and

BE IT FURTHER RESOLVED, that Madison County Board of Supervisors believes that by working together, the State and its counties can fashion program efficiencies and changes that provide real, timely, and mutual fiscal benefit, while minimizing the impact on taxpayers; and

BE IT FURTHER RESOLVED, that the Clerk to the Board shall forward copies of this Resolution to Governor Paterson, Assemblyman William Magee, Senator David Valesky, NYSAC and all others deemed necessary and proper.

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

RESOLUTION NO. 409-08

RESOLUTION OPPOSING THE SWEEP OF UNUSED FUNDING FROM DEDICATED LOCAL GRANTS PROGRAMS TO FILL GAPS IN FUTURE STATE BUDGETS

WHEREAS, in an effort to address shortfalls in the 2008-2009 New York State Budget, the State swept significant amounts of unused funding from various grant programs, such as the Local Government Records Management Improvement Fund (LGRMIF) and the Snowmobile Trail Development and Maintenance Fund (Trails Fund); and

WHEREAS, part of this action, permitted under language contained in the 2007-2008 Enacted State Budget, allowed the State to re-appropriate \$500,000 from the LGRMIF and \$1 million from the Trails Fund to the State General Fund to fill gaps in the 2008-2009 New York State Budget; and

WHEREAS, these funds, both of which are collected by counties in either the County Clerk's Records Office or County operated DMV's, are used to support grant programs aimed at improving records management by New York State's local governments and fund improvements to snowmobile recreation opportunities across the State; and

WHEREAS, although the State's characterization of this action was to re-allocate "unused funds", the sudden sweep of this funding will cause a significant reduction in these grants programs in the future; and

WHEREAS, the State did not recognize the error of their action in the case of the Trails Fund and recommitted the funding and pledged additional funding for next year but a similar funding return has not been pledged to the LGRMIF, and in fact, additional funding was swept when the State Legislature met in August; and

WHEREAS, taking dedicated records management funds to support State operations is contrary to the commitment made by State Leaders that these fees would be dedicated to the improvement of records management and comes at a time when the fund has already suffered a great reduction in available monies due to the decline in real estate transactions statewide;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors calls on Governor Patterson and the members of the State legislature to recognize the adverse effects of previous funding sweeps and to resist the temptation to take additional dedicated local funding to fill state budget gaps during the 2009-2010 state budget negotiations; and

BE IT FURTHER RESOLVED, the Clerk to the Board shall forward copies of this Resolution to Governor Paterson, Assemblyman William Magee, Senator David Valesky, NYSAC and all others deemed necessary and proper.

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

RESOLUTION NO. 410-08

RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE TO REMOVE COUNTIES FROM THE FISCAL AND PROGRAMMATIC RESPONSIBILITY OF THE PRESCHOOL SPECIAL EDUCATION PROGRAM

WHEREAS, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions-Educational Program as 4410 of the Education Law; and

WHEREAS, this law included a provision to reduce the County fiscal liability to 25 percent by the 1993-94 school year; and

WHEREAS, succeeding statutes, beginning with the Deficit Reduction Act of 1990, have reneged on State statutory assurances of increased State fiscal participation in the program and the State has consistently resorted to balancing the State Budget by decreasing the State's portion of the program costs; and

WHEREAS, this mandated program has grown exponentially in costs, from \$96 million in 1989 to over \$1 billion in 2006-07, of which the County share was \$450 million; and

WHEREAS, the Federal and State law places responsibility for the program with the educational system and gives decision-making authority to school districts; and

WHEREAS, counties bear financial burden for programmatic decisions made by school districts; and

WHEREAS, the Governor and State Legislature last year recognized the need to reform the Preschool Special Education Program and established the Temporary Task Force on Preschool Special Education to make recommendations for the same; and

WHEREAS, the Temporary Task Force on Preschool Education, in its final report, recommended that County fiscal participation be capped and County programmatic and administrative involvement be eliminated by 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors believes that counties should be removed by 2013 from the fiscal, contractual and programmatic responsibilities of the 4410 Preschool Special Education Program; and

BE IT FURTHER RESOLVED, that the Clerk to the Board shall forward copies of this Resolution to Governor Paterson, Assemblyman William Magee, Senator David Valesky, NYSAC and all others deemed necessary and proper.

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

RESOLUTION NO. 411-08

RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE TO REFORM THE EARLY INTERVENTION PROGRAM BY MANDATING THIRD PARTY HEALTH INSURANCE COVERAGE AND EXPLORING PARENTAL CO-PAYMENT

WHEREAS, the Early Intervention Program in New York State is in need of complete reform and overhaul in order to address the dramatic increase in county administrative duties, as well as the number of recipients and cost per child, since the program's inception in 1993; and

WHEREAS, it is in the best interest of state and local taxpayers to administer this program in the most cost effective manner possible, as required in statute; and

WHEREAS, counties are mandated in statute to bill private insurance for eligible Early Intervention Services and continue to be fiscally penalized for what the State deems to be inadequate performance in recoupment; and

WHEREAS, counties are responsible to pay 100% of the cost of Early Intervention Services in the first instance, which by statute cannot be claimed, at the earliest, until nine months into the current school year and which frequently remains unreimbursed for more than one year; and

WHEREAS, the historical 50% State share for the program is now reduced to 49% while the counties' share has risen to 51%; and

WHEREAS, the enacted 2008-09 State Budget reduced the amount a County will be reimbursed for Early Intervention Services claims from 100% to 98%, which only worsens the ever-increasing cost to municipalities and directly impacts the property tax payers; and

WHEREAS, counties have historically been assured in statute of access to numerous funding sources to offset the high cost to New York State's taxpayers and that they would be payers of last resort; and

WHEREAS, those sources have been elusive or outright denied in spite of ongoing municipal efforts to access them; and

WHEREAS, legislation introduced in successive sessions which would close loopholes in existing law and mandate reimbursement by commercial health insurers for Early Intervention Services has been unsuccessful to date; and

WHEREAS, counties and the City of New York are billing more than ever before and in amounts exceeding the amounts billed to Medicaid, but that the percentage recoupment remains low and unchanged; and

WHEREAS, the most recent data shows a total of approximately \$95.5 million was billed to commercial insurers and only \$10.6 million was recouped, the same 14% collection rate as in 2000; and

WHEREAS, the same data shows the total expenditure reported by municipalities for billing commercial insurers was \$3.8 million, with fully 24% of responding counties unable to collect enough commercial insurance payments to cover just the cost of their commercial insurance billing functions alone; however, when the cost of services and billing were considered together, the return was thirteen cents for every one dollar spent by counties overall; and

WHEREAS, the State must also explore the potential for family fees/co-payment system by directing the State Department of Health to undertake a survey of those states that currently impose such fees;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors urges the Governor and the State Legislature to reform the Early Intervention Program by mandating third party health insurance coverage and exploring parental co-payment; and

BE IT RESOLVED, it is the State's responsibility, to the integrity of the program and the rising number of children being served, to reform and overhaul Early Intervention Program so that it is accountable to the children it serves and the taxpayers of the State; and

BE IT FURTHER RESOLVED, that the Clerk to the Board shall forward copies of this Resolution to Governor Paterson, Assemblyman William Magee, Senator David Valesky, NYSAC and all others deemed necessary and proper.

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

RESOLUTION NO. 412-08

**RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE
TO REFORM THE FINANCING OF CHILD WELFARE**

WHEREAS, the 1979 Child Welfare Reform Act established the open-ended, 75/25 state/local share for mandated preventive services as well as open-ended, 50/50

state/local optional preventive services and open-ended, 50/50 state/local foster care services; and

WHEREAS, Chapters 53 and 793 of the Laws of 1992 enacted the Foster Care Cap, which permitted counties to develop plans to divert foster care cap savings (if any) to initiatives to reduce foster care caseloads or expenditures; and

WHEREAS, in 1995 the Family and Children's Services Block Grant was enacted, with the intention that counties would spend less on foster care services and more on preventive services; and

WHEREAS, Chapter 83 of the Laws of 2002 created Child Welfare Financing Reform, an open-ended 65 percent state reimbursement for the non-federal share of child protective, preventive, after care, independent living and adoption administration services; and

WHEREAS, Child Welfare Financing Reform Extension - Child Welfare Financing Provisions were extended in 2007 for two additional years, to sunset on June 30, 2009; and

WHEREAS, the enacted 2008-09 State Budget included numerous actions that further reduced county child welfare funding by reducing state reimbursement to 98 percent of claims (shifting from 65/35 to 63.7/37.3) for open-ended funding for preventive, protective, after care, independent living and adoption administration services resulting in an estimated local cost shift of \$25,000;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors urges the Governor and State Legislature to reform the financing of child welfare; and

BE IT FURTHER RESOLVED, decades of unstable and careless planning for child welfare financing has created an environment of chaos for counties to plan the delivery of child welfare services; and

BE IT FURTHER RESOLVED, as the Child Welfare Financing Reform Extension Provisions will sunset on June 30, 2009, it is imperative that the Governor and State Legislature develop predictable and stable child welfare funding; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors shall forward copies of this Resolution to Governor David Paterson, Assemblyman William Magee, Senator David Valesky and all others deemed necessary and proper.

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

RESOLUTION NO. 413-08

RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO DEVELOP PREDICTABLE AND STABLE CHILD CARE FUNDING

WHEREAS, the Madison County Board of Supervisors fully supports the Governor and State Legislature's developing approaches to child care funding that provide counties with stability and predictability over time; and

WHEREAS, since child care became a key work support component of welfare reform, funding for child care has been inconsistent, leaving counties little room for necessary strategic budgetary planning to adequately serve families in need; and

WHEREAS, counties are forced to restrict eligibility, increase parent fees, create a waiting list or use a combination of these strategies in order to combat the perpetual, dramatic unpredictability of funding for child care; and

WHEREAS, in 2008, the New York State Office of Children and Family Services (OCFS), suddenly and without sufficient notification for local planning purposes, diminished child care allocations to Madison County by \$76,420; and

WHEREAS, OCFS based these reduced illogical allocations on a level of rollover dollars that counties had, in good faith, held aside to manage the State's fluctuations in funding and unpredictable retroactive allocations; and

WHEREAS, there are multiple factors that may contribute to a funding deficit for child care subsidies for families, such as enrollment increases, average cost per child increases, reduced allocations and increased market rates; and

WHEREAS, counties need the flexibility to raise or lower parental fees/eligibility levels to adjust to shifts in funding;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors urges the Governor and State Legislature to develop predictable and stable child care funding; and

BE IT FURTHER RESOLVED, that in order for counties to adequately serve the families who need this essential child care, the Governor and State Legislature must immediately address the fundamentally flawed and inconsistent child care funding stream and provide counties with predictable and stable funding; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors shall forward copies of this Resolution to Governor David Paterson, Assemblyman William Magee, Senator David Valesky and all others deemed necessary and proper.

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

RESOLUTION NO. 414-08

APPOINTING A COUNTY ADMINISTRATOR AND ESTABLISHING THE 2008 SALARY

WHEREAS, by Local Law No. 3 for 2008, the Madison County Board of Supervisors created the position of County Administrator; and

WHEREAS, after interview by the Government Operations Committee and other members of the County Administrator Search Team, Paul Miller of Blossvale, New York is recommended for appointment to said position,

NOW, THEREFORE BE IT RESOLVED that Paul Miller be and hereby is appointed County Administrator at the 2008 annual salary of \$85,122 effective immediately.

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

Chairman Becker stated that this position is long overdue and Mr. Miller has done a good job, serving as Administrative Assistant to the Chairman of the Board since Russ Lura retired from that position last May. Mr. Miller thanked the Board and stated that this will be his bigger challenge in 39 years. He also stated that he has developed a love for Madison County and feel this will serve him well with his new duties as County Administrator.

RESOLUTION NO. 415-08

EXTENDING THE APPOINTMENT OF THE INTERIM BUDGET OFFICER AND ADJUSTING THE 2008 STIPIEND

WHEREAS, by Resolution No. 151-08 of 2008, Mary Krause was appointed interim Budget Officer; and

WHEREAS, the Finance Ways and Means and Government Operations Committees recommend extending said appointment through December 31, 2008; and

WHEREAS, it was the intent of the Government Operations Committee to recommend that a \$5,000 stipend be paid for the duration of this interim appointment; and

WHEREAS, Resolution No. 151-08 of 2008 did not include an end date for this interim appointment so the biweekly payment based on the full \$5,000 stipend could not be determined,

NOW, THEREFORE BE IT RESOLVED that Mary Krause of Canastota, New York be and hereby is appointed Budget Officer through December 31, 2008; and

BE IT FURTHER RESOLVED that the 2008 stipend for the full period of the interim appointment be and hereby is established as \$5,000 paid on a biweekly basis in the regular payroll check; and

BE IT FURTHER RESOLVED that any retroactive payments necessary to compensate the interim Budget Officer based on the full \$5,000 stipend on a biweekly basis since the effective date of the interim appointment be and hereby are directed to be paid in the payroll period ending November 21, 2008.

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

RESOLUTION NO. 416-08

APPOINTING THE COUNTY ADMINISTRATOR AS RECORDS ACCESS OFFICER

WHEREAS, the Madison County Board of Supervisors previously appointed the Personnel Officer as Records Access Officer; and

WHEREAS, Local Law No. 3 of 2008 created the position of County Administrator; and

WHEREAS, said Local Law states that the Board may from time to time confer or impose other powers or duties on said position; and

WHEREAS, the Government Operations Committee believes the duties of the Records Access Officer coincide with the function of the County Administrator and recommends that the County Administrator be appointed as such,

NOW, THEREFORE BE IT RESOLVED that the County Administrator be and hereby is appointed as Records Access Officer for Madison County effective immediately.

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

RESOLUTION NO. 417-08

ASSIGNING THE DUTIES OF BUDGET OFFICER TO THE COUNTY ADMINISTRATOR AND ESTABLISHING THE 2009 STIPEND

WHEREAS, by Local Law No. 3 for 2008, the Board of Supervisors established the position of County Administrator; and

WHEREAS, said Local Law provides that the duties of the Budget Officer may be assigned to the County Administrator; and

WHEREAS, the Finance, Ways and Means and Government Operations Committees recommend that the responsibilities of the Budget Officer be assigned to the County Administrator,

NOW, THEREFORE BE IT RESOLVED that the County Administrator be and hereby is appointed to act as Budget Officer under Section 351 of County Law and is responsible for the preparation of the annual budget and the provision of appropriate budgetary controls to promote the effective, efficient and economical management of appropriated funds effective January 1, 2009; and

BE IT FURTHER RESOLVED that the County Administrator receives a \$5,000 stipend for said budget responsibilities payable on a bi-weekly basis in the regular paycheck for said position effective January 1, 2009.

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

RESOLUTION NO. 418-08

ADOPTING THE COUNTY OF MADISON HIPAA (HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT) POLICY AND PROCEDURES

WHEREAS, the Federal Government adopted the Health Insurance Portability and Accountability Act (HIPAA), which requires any entity providing health care or acting as a health plan follow certain rules and regulations to ensure patient privacy; and

WHEREAS, certain County Departments provide healthcare or are considered a health plan and as such are included in the Madison County HIPAA Hybrid; and

WHEREAS, the County has already taken many steps to safeguard privacy of patients receiving health care from Madison County; and

WHEREAS, the adoption of the County of Madison HIPAA Policy and Procedures is a necessary step in improving and formalizing current policies and procedures in effect in the Madison County HIPAA Hybrid Departments; and

WHEREAS, these policies and procedures will only apply to the Departments designated as part of the Madison County HIPAA Hybrid; and

WHEREAS, the policies and procedures have been reviewed by the appropriate personnel; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors herein and hereby adopts the County of Madison HIPAA Policy and Procedures; and

BE IT FURTHER RESOLVED, that the County of Madison HIPAA Policy and Procedures shall take effect immediately.

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

By Supervisor Salka:

RESOLUTION NO. 419-08

AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT FOR PRESCHOOL SERVICES

WHEREAS, Madison County is responsible for administering several programs beneficial to children with special needs; and

WHEREAS, services to these children are provided either through a program or itinerant services; and

WHEREAS, the County reimburses for these services under contractual agreements and in turn submits claims for reimbursement either through Medicaid or the State Health Department; and

WHEREAS, Resolution #196 was passed on June 12, 2007 to enter agreements with agencies for a ½ hour visit rate of \$45.00; and

WHEREAS, Resolution #323-08 was passed on September 9, 2008 to modify agreements with Children’s Therapy Network, Children First and Interactive Therapy Group and add a one hour session; and

WHEREAS, there is currently another program that requires a longer session than the normal ½ hour session, and the providers requested the addition of an extended session rate; and

WHEREAS, the Public Health Committee feel it expeditious to amend this agreement as follows:

<u>PROVIDERS</u>		Rate
Connections	Normal ½ hour session	\$45.00
	Extended 1 hour session	\$75.00

NOW, THEREFORE BE IT RESOLVED that the Chairman of The Board of Supervisors be and is hereby authorized to amend this agreement from September 29, 2008 through ending June 30, 2010, with the above listed contractor, as is on file with the Clerk of the Board of Supervisors; and

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

By Supervisors Salka and Bargabos:

RESOLUTION NO. 420-08

**AUTHORIZING MODIFICATION OF THE 2008 ADOPTED COUNTY BUDGET
EARLY INTERVENTION PROGRAM**

WHEREAS, the Public Health Department, through the Preventive Health Programs, administers the Early Intervention Program which assist families of children ages 0-2 year with developmental delays for determining appropriate services and requires transportation for these children; and

WHEREAS, the current budget line for transportation services is not sufficient; and

WHEREAS, the current itinerant services line is excessive; and

WHEREAS, the Board of Health and Public Health Services Committee recommends approval of these budget modifications;

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

General Fund

2961 Public Health Early Intervention Program

Expense

A2961.4107	Itinerant Services	\$ 510,000	\$ 490,000
A2961.4109	Transportation	<u>75,000</u>	<u>95,000</u>
	Control Total	<u>\$ 585,000</u>	<u>\$ 585,000</u>

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

RESOLUTION NO. 421-08

**AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT TO RENEW THE
CHILDHOOD LEAD POISONING PREVENTION GRANT
AND MODIFYING THE 2008 BUDGET**

WHEREAS, Madison County Public Health Department has been notified by New York State Department of Health of their approval for renewal of the Childhood Lead Poisoning Prevention Program budget and workplan for the period of April 1, 2008 through March 31, 2009; and

WHEREAS, State and Federal funding for this grant will extend the existing contract for the period of 4/1/08-03/31/09, this grant is identified by the following:

Awarding Agency: Health Resources and Services
 Pass-through Agency: New York State Department of Health
 Catalog #: 93.994
 Programs Name: Childhood Lead Poisoning Prevention Program
 Contract No.: C-020615
 Grant Extension: 4/1/08-03/31/09
 Federal Funds: 40.7%
 Grant total: \$39,200

WHEREAS, the remaining 59.3% of the grant is New York State funded; and

WHEREAS, both Board of Health and 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 enter into an 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 2008 Adopted County Budget be modified as follows:

Public Health Department

A4012 Prevent

Expense

	From	To
A4012.41037Lead Grant Expenses	\$ 6,000	\$ 8,337
Control Total		\$ <u>2,337</u>

Revenue

	From	To
A3401.6540 State Aid Lead Poisoning Grant	\$21,989	\$23,375
A4401.1090 Fed. Aid Lead Poisoning Grant	<u>18,321</u>	<u>19,272</u>
Total	<u>\$40,310</u>	<u>\$42,647</u>
Control Total		<u>\$ 2,337</u>

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

RESOLUTION NO. 422-08

**AUTHORIZING MODIFICATION OF THE 2008 ADOPTED COUNTY BUDGET
 HOMECARE**

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

WHEREAS, the Certified Home Health Agency has been unable to recruit a full time Physical Therapist and is therefore using contracted therapists to provide the required services; and

WHEREAS, the current budget line for contractual services is not sufficient; and

WHEREAS, the current personal services line is excessive due to vacant positions; and

WHEREAS, the Long Term program coordinates the purchase of necessary equipment jointly with the Department of Social Services; and

WHEREAS, a current patient is in need of a lift system to independently transfer to the bathtub; and

WHEREAS, the current budget line is not sufficient to purchase said equipment; and

WHEREAS, the current patient roster does not include anyone attending Sr. Day Care; and

WHEREAS, the Board of Health and Public Health Services Committee recommends approval of these budget modifications;

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

General Fund

4013 Public Health Home Care

Expense

A4013.4723	CHHA Service Contract	\$ 125,000	\$ 170,000
A4013.1	Personal Services	1,617,624	1,572,624
A4013.41044	LTHHC Senior Day Care	2,000	0
A4013.41046	LTHHC Misc. (Home Maint.)	7,000	9,000
	Total	<u>\$ 1,751,624</u>	<u>\$1,751,624</u>

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

RESOLUTION NO. 423-08

**ENTERING AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH
FOR PUBLIC HEALTH PREPAREDNESS GRANT AND MODIFYING THE 2008
COUNTY BUDGET**

WHEREAS, the Madison County Department of Health has been working on Public Health Preparedness by implementing emergency procedures and has successfully completed the past work plans through Health Research; and

WHEREAS, the New York State Department of Health has submitted a contract for the first period of an approved five-year funding cycle, from August 10, 2008 to August 9, 2009; and

WHEREAS, the grant funds are now available through New York State as follows:

Awarding Agency:	New York State Department of Health
Program Name:	Public Health Emergency Preparedness
Grant Extension:	August 10, 2008-August 9, 2009
Contract #:	C023337
State Funds:	100%
Grant Total:	\$85,000

WHEREAS, the Board of Health and Public Health Services Committee believes it is appropriate and in the best interest of Madison County to accept the grant funds and to accomplish the required work for Public Health Emergency Preparedness;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an 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 2008 Adopted County Budget be modified as follows:

General Fund

Public Health Department

4016 Public Health Federal & State Grants

<u>Expense</u>	<u>From</u>	<u>To</u>
A4016.4911 Bioterrorism Expense	\$ 21,896	\$ 80,483
Control Total		<u>\$ 58,587</u>

<u>Revenue</u>	<u>From</u>	<u>To</u>
A3401.6710 St Aid Emergency Preparedness (BT)	0	\$ 58,587
Control Totals		<u>\$ 58,587</u>

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

RESOLUTION NO. 424-08

AMENDING AGREEMENT AND MODIFYING THE 2008 ADOPTED COUNTY BUDGET

WHEREAS, after careful review of Request for Proposals to operate the Madison County Continuing Day Treatment Program, the Community Services Board/Mental Health Department has a desire to contract the staffing to a private not-for-profit agency; and

WHEREAS, Consumer Services of Madison County, Inc., 1019 North Main Street, Oneida, New York is a private not-for-profit agency that possesses the special skills and training required to perform the services and has been selected as the vendor to provide the personnel; and

WHEREAS, on December 7, 2007, Madison County passed Resolution #512 to contract with Consumer Services of Madison County, Inc. to provide services to seriously and persistently mentally ill adults and children; and

WHEREAS, the Social and Mental Health Committee has approved modifying the contract with Consumer Services of Madison County, Inc. to include start-up funding not to exceed \$7,500 for the additional provision of services;

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

GENERAL FUND

4307 – Mental Health - Cedar House

Expenses:

	<u>From</u>	<u>To</u>
A4307.4227 Medical & Psychiatric Services	\$407,563	\$415,063
A4307.2411 Telephone System	<u>\$ 10,000</u>	<u>\$ 2,500</u>
Control Totals	<u>\$417,563</u>	<u>\$417,563</u>

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

RESOLUTION NO. 425-08

AMENDING AGREEMENT AND MODIFYING THE 2008 ADOPTED COUNTY BUDGET

WHEREAS, the Office of Alcoholism and Substance Abuse Services has selected Madison County Council on Alcoholism and Substance Abuse, Inc. (dba BRiDGES) to receive a 2008 Problem Gambling Prevention Initiative award of \$60,000; and

WHEREAS, the Social and Mental Health Committee has approved modifying the contract with Madison County Council on Alcoholism & Substance Abuse (dba BRiDGES); and

WHEREAS, it is necessary to modify the 2008 budget to account for these additional 100% State Aid funds;

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

General Fund

4250 – Madison County Council on Alcohol & Drugs

<u>Revenue</u>	FROM	TO
A3490.1020 St Aid MCCASA	\$ 0	\$ 60,000
Control Total		<u>\$ 60,000</u>

Expense

A4250.4271 Council on Alcohol & Drugs	\$289,031	\$349,031
Control Total		<u>\$ 60,000</u>

BE IT FURTHER RESOLVED, that the Chairman of the Board be hereby authorized to execute a modification agreement, a copy of which is on file with the Clerk of this Board, for the period January 1, 2008 through December 31, 2008 with Madison County Council on Alcoholism & Substance Abuse (dba BRiDGES).

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

By Supervisor Salka (Vice Chairman):

RESOLUTION NO. 426-08

**AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS
TO ENTER INTO AN AGREEMENT WITH
NEW YORK STATE CATHOLIC HEALTH PLAN, INC. D/B/A FIDELIS CARE NEW
YORK**

WHEREAS, New York State Catholic Health Plan, Inc., (dba Fidelis Care New York) is an insurance company that issues group and individual health contracts to provide medically necessary health care services for eligible enrollees; and

WHEREAS, the Madison County Mental Health Department desires to become a participating provider and provide medically necessary mental health and alcoholism and substance abuse treatment services to eligible enrollees; and

WHEREAS, becoming a participating provider will allow the Mental Health Department to treat county residents who are enrollees, making treatment more available and convenient, and will also allow the Mental Health Department to collect reasonable fees for these treatment services;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman be and is hereby authorized to enter into an agreement with New York State Catholic Health Plan, Inc, (dba Fidelis Care New York), a copy of which is on file with the Clerk of the Board of Supervisors, making the Madison County Mental Health Department a participating provider for both mental health treatment services and alcoholism and substance abuse treatment services.

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

RESOLUTION NO. 427-08

AUTHORIZING CHAIRMAN TO RENEW AN AGREEMENT WITH MED-REV RECOVERIES, INC., FOR COLLECTION SERVICES

WHEREAS, New York State’s codes, rules, and regulations authorize a local Social Services district to contract for services pertaining to recovering costs of public assistance; and

WHEREAS, due to the complexity of administering the Public Assistance Program, local Social Services Departments, including Madison County’s Department of Social Services, are subjected to fraudulent practices in the public assistance application process as well as practices that result in public assistance overpayments; and

WHEREAS, the Social Services official is required to recover overpayments through all reasonable steps necessary and the Commissioner desires to contract with Med-Rev Recoveries, Inc., for professional services to enhance and amplify the department’s current recovery programs; and

WHEREAS, Med-Rev Recoveries, Inc., specializes in collection and litigation services and is ready, willing, and able to perform such services for the Madison County Department of Social Services as an enhancement to Social Services’ current recovery programs;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be and is hereby authorized to enter into an agreement with Med-Rev Recoveries, Inc., 1217 Milton Avenue, Syracuse, New York, 13209-0514, for collection and litigation services in

connection with non-recoupment recoveries of costs of public assistance for the Madison County Department of Social Services, as more fully defined in the contract for collection and litigation services, a copy of same which is on file with the Clerk to the Board of Supervisors, for the term January 1, 2009, to December 31, 2009, with option to renew; and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor on a fee, not to exceed 33 percent of amounts recovered through collection efforts, the same amount as the 2008 contract year; and be it

FURTHER RESOLVED, that the Chairman of the Board or his duly authorized representative is hereby authorized to execute any such papers, documents, or contracts approved as to form by the Department of Law and the New York State Department of Social Services, as may be necessary to execute the intent and purpose of this Resolution.

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

RESOLUTION NO. 428-08

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH ELMCREST CHILDREN’S CENTER FOR NON-SECURE DETENTION SERVICES

WHEREAS, the County, through the Department of Social Services, is charged with the responsibility to obtain non-secure detention services for Madison County youth; and

WHEREAS, Elmcrest Children’s Center will provide Madison County with an estimated 15 days of non-secure detention beds per calendar month during the 2009 contract year; and

WHEREAS, Elmcrest Children’s Center of Syracuse has offered to provide this service to Madison County at a cost not to exceed \$48,124.80 for 15 days non-secure detention beds per calendar month for the period January 1, 2009, through December 31, 2009, the same amount as the 2008 contract year; and

WHEREAS, funds for this service are appropriated in the 2009 Department of Social Services budget and are reimbursed at a rate of 48 percent; and

WHEREAS, a copy of this agreement is on file with the Clerk to the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Chairman be and is hereby authorized to renew an agreement with Elmcrest Children’s Center of Syracuse for the provision of non-secure detention services for Madison County youth for the period January 1, 2009, to December 31, 2009, at a total cost not to exceed \$48,124.80.

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

RESOLUTION NO. 429-08

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH LIBERTY RESOURCES, INC., FOR DOMESTIC VIOLENCE SERVICES

WHEREAS, the Madison County Department of Social Services is mandated, as per Chapter 53 of the Laws of 1991, to offer and provide necessary non-residential services to victims of domestic violence; and

WHEREAS, the Department lacks the necessary staff to provide the required services; and

WHEREAS, this program provided these services to nearly 800 individuals during the last year; and

WHEREAS, Liberty Resources, Inc., has a domestic violence services program in place and has offered to provide the required services at a total cost of \$114,100, an increase of \$3,323 from the 2007 contract year; and

WHEREAS, funds for these services are appropriated in the 2008 departmental budget and are reimbursed at the rate of 50 percent; and

WHEREAS, a copy of this agreement is on file with the Clerk of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be and is hereby authorized to renew an agreement with Liberty Resources, Inc., for the period January 1, 2008, to December 31, 2008, for the performance of these services at a total cost not to exceed \$114,100.

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

RESOLUTION NO. 430-08

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH PEACEMAKER PROGRAM, INC., FOR YOUNG LEADERS IN TRAINING PROGRAM

WHEREAS, Madison County Department of Social Services has a number of children over the age of 14 years in the custody of the Commissioner of Social Services; and

WHEREAS, Madison County Department of Social Services is required to provide individual and group instruction to those children in a number of areas referred to as Independent Living Skills; and

WHEREAS, the contractor has helped to provide this required instruction for three years through a contract with the Madison County Youth Bureau and, for the past year, with the Madison County Department of Social Services; and

WHEREAS, Peacemaker Program, Inc., has demonstrated ability to provide these services through their Young Leaders in Training Program and has offered to do so at a total cost not to exceed \$3,814; and

WHEREAS, funds for this program are appropriated in the 2009 departmental budget and are reimbursed through the use of Chafee Funds with an 80 percent federal reimbursement rate and 65 percent state reimbursement rate on non-federal share; and

WHEREAS, the department has determined that the amount of funds to be paid to the contractor is fair and reasonable to provide such services; and

WHEREAS, a copy of this agreement is on file with the Clerk to the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be and is hereby authorized to enter into an agreement with Peacemaker Program, Inc., for the period January 1, 2009, to December 31, 2009, for the performance of these services at a total cost not to exceed \$3,814.

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

By Supervisor Ball:

RESOLUTION NO. 431-08

RESOLUTION URGING NEW YORK STATE TO PARTNER WITH COUNTIES IN THE DEVELOPMENT OF A COMPREHENSIVE STATEWIDE INTEROPERABLE COMMUNICATIONS NETWORK

WHEREAS, New York State's citizens, visitors and first responders deserve a reliable statewide interoperable communications network that will ensure a prompt response to any incident; and

WHEREAS, New York's radio communication infrastructure is in dire need of replacement as maintenance alone cannot correct the structural deficiencies and many of the current State systems are too costly to maintain and incapable of communicating with partner agencies and neighboring jurisdictions; and

WHEREAS, recent attempts by the State to remedy this looming interoperability crisis have failed to yield positive results; and

WHEREAS, without a reliable statewide interoperable communications network the State has placed its agencies and partners such as local governments at a strategic disadvantage when responding to statewide emergencies; and

WHEREAS, Sub-Section 309 of County Law authorizes the State of New York to levy and collect a Statewireless Communications Service Surcharge of \$1.20 per month, per wireless subscriber to help offset costs for radio system development and maintenance; and

WHEREAS, New York State uses this generated surcharge revenue to fund an array of programs, many of which have nothing to do with emergency communications, with very little going to the counties and their existing radio systems; and

WHEREAS, counties continue to use what limited funding they have to develop, maintain and operate their radio communications network and Public Safety Answering Points (PSAPs) in an effort to protect their citizens and provide crisis communication interoperability within their respective counties; and

WHEREAS, counties have already invested millions of dollars to build a solid communications backbone which included radio towers and sophisticated communications centers; and

WHEREAS, current State efforts to build a statewide communications systems can be viewed as duplicative as they attempt to build their system and then allow counties to tie into the State's network; and

WHEREAS, with additional State funding and greater State and inter-municipal collaboration counties can partner with the New York State Office for Technology (OFT) and other State agencies to expand and tie together the existing local infrastructures to build a statewide communications system;

NOW, THEREFORE BE IT RESOLVED, the Madison County Board of Supervisors request further examination into a cost saving State and County partnership in an attempt to create a reliable, Statewide interoperable communications network that will ensure the safety of all New York residents. In addition the Madison County Board of Supervisors shall forward copies of this resolution to the New York State Governor and all others deemed necessary and proper.

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

RESOLUTION NO. 432-08

AUTHORIZING AN AGREEMENT WITH THE NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR THE ENHANCED SUPERVISION OF SEX OFFENDERS PROGRAM

WHEREAS, the NYS Division of Probation and Correctional Alternatives had approved up to \$14,400 in state aid for the Enhanced Supervision of Sex Offenders Program for Madison County; and

WHEREAS, the NYS Division of Probation and Correctional Alternatives notified the Probation Department will now have a reduction of 6% in this aid due to the state budget; and

WHEREAS, the allocation for Madison County's Enhanced Supervision of Sex Offenders Program shall not exceed \$13,870 in state aid; and

WHEREAS, the Criminal Justice, Public Safety and Telecommunications Committee has reviewed and approved such contract;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be and hereby is authorized to execute a contract for receipt of the grant, a copy of which is on file with the Clerk of the Board, with the Executive Department of the State of New York, Division of Probation and Correctional Alternatives.

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

RESOLUTION NO. 433-08

AUTHORIZING AN AGREEMENT WITH THE NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR THE ATI PRE-TRIAL SUPERVISION PROGRAM

WHEREAS, the NYS Division of Probation and Correctional Alternatives had approved \$19,500 in state aid for the ATI Pre-Trial Program for Madison County; and

WHEREAS, the NYS Division of Probation and Correctional Alternatives notified the Probation Department will now have a reduction of 6% in this aid due to the state budget; and

WHEREAS, the allocation for Madison County's ATI Pre-Trial program shall not exceed \$18,600 in state aid; and

WHEREAS, the Criminal Justice, Public Safety and Telecommunications Committee has reviewed and approved such contract;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board be and hereby is authorized to execute a contract for receipt of the grant, a copy of which is on file with

the Clerk of the Board, with the Executive Department of the State of New York, Division of Probation and Correctional Alternatives.

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

By Supervisors Ball, Williams and Bargabos:

RESOLUTION NO. 434-08

AUTHORIZING MODIFICATION OF THE 2008 COUNTY BUDGET

WHEREAS, the Probation Department has requested certain modifications be developed in the agency to accommodate a drug testing bathroom and separate waiting room;

WHEREAS, the Criminal Justice, Public Safety and Telecommunications Committee and the County Building and Grounds Committee have approved such modifications;

WHEREAS, the Criminal Justice, Public Safety and Telecommunications Committee and the Finance, Ways and Means Committee have approved a proposed modification to pay for these expenses;

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

<u>General Fund</u>	<u>From</u>	<u>To</u>
<u>Probation</u>		
A3140.4420 Electronic Monitoring	\$34,322	\$ 29,322
<u>County Buildings-Veteran's Memorial</u>		
A1619.404 Renovations-Probation	\$ <u>0</u>	\$ <u>5,000</u>
Control Total	<u>\$34,322</u>	<u>\$34,322</u>

Supervisor Ball made a motion to amend this resolution, seconded by Supervisor Henderson and carried by unanimous vote to read as follows:

	From	To
Line Item No. A3140.4420 Electronic Monitoring	\$38,000	\$33,000

A final vote with amendment was then taken:

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

By Supervisors Ball and Bargabos:

RESOLUTION NO. 435-08

AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT AND MODIFY BUDGET FOR PARTICIPATION IN A FEDERAL GRANT BUCKLE UP NEW YORK

WHEREAS, Madison County has received a Federal Grant through the New York State Governor’s Traffic Safety Committee; and

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

Awarding Agency:	National Highway Safety Administration
Pass-through Agency:	NYS Governor’s Traffic Safety Committee
Catalog #:	20.600
Program Name:	Buckle Up New York – Click It or Ticket
Award Year:	October 1, 2008 through September 30, 2009
Federal Funds Percentage:	100%
Grant No.:	PT-2700231
Total Grant Amount:	\$1,800

WHEREAS, the funding agencies have approved the following budget for this project during the project year 10/1/2008 – 9/30/2009

<u>3112 Sheriff - “Buckle Up New York”</u>	<u>FROM</u>	<u>TO</u>
<u>Revenue</u>		
A4389.1035 Fed Aid Sheriff Buckle Up NY Grant 2008-09	\$ 0	\$1,800
Control Total	<u>\$ 0</u>	<u>\$1,800</u>
<u>Expense</u>		
A3112.111 Personal Services Buckle Up NY 2008-09	\$ 0	\$1,800
Control Total	<u>\$ 0</u>	<u>\$1,800</u>

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board be authorized to execute an agreement, a copy which is on file with the Clerk of the Board, for participation in this grant, and

BE IT FURTHER RESOLVED, that the adopted 2008 County Budget be modified in accordance with this grant.

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

By Supervisor Moran:

RESOLUTION NO. 436-08

AUTHORIZING SUBMISSION OF APPLICATION FOR A

KONOSIONI GRANT

WHEREAS, Madison County may submit an application for funding for a Konosioni Grant; and

WHEREAS, Madison County proposes to apply for funds for Archival Materials; and

WHEREAS, Madison County has followed a citizen participation plan in developing the proposed application; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign and submit the application for funding from New York State on behalf of Madison County.

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

RESOLUTION NO. 437-08

AUTHORIZING SUBMISSION OF APPLICATION FOR A MID YORK FOUNDATION GRANT

WHEREAS, Madison County may submit an application for funding for a Mid-York Foundation Grant; and

WHEREAS, Madison County proposes to apply for funds for restoration of a painting; and

WHEREAS, Madison County has followed a citizen participation plan in developing the proposed application; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign and submit the application for funding from New York State on behalf of Madison County.

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

RESOLUTION NO. 438-08

AUTHORIZING THE CHAIRMAN TO REQUEST FEDERAL SECTION 5311 CAPITAL ASSISTANCE FUNDING AND THEN TO SIGN APPROPRIATE AGREEMENTS AND CONTRACTS RELATED TO THE PROVISION OF PUBLIC TRANSPORTATION SERVICES IN MADISON COUNTY

WHEREAS, the County of Madison is submitting a request for a grant of funds to the New York Department of Transportation, pursuant to Section 5311, Title 49,

United States code, for a project described as the purchase of nine buses with related equipment for the provision of public mass transportation service in Madison County; and

WHEREAS, the County of Madison and the State of new York are entering into an Agreement which authorizes the undertaking of the project and payment of the Federal and State shares of the project; and

WHEREAS, the County of Madison is contracting with a third party subcontractor for the project described above;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of supervisors is authorized to act on behalf of the County of Madison to sign the application, certifications and assurances, and any and all agreements, between the County of Madison and the State of New York for the above-mentioned project; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign any and al agreements between the County of Madison and third party subcontractor Birnie Bus Tours. Inc. necessary to complete the project; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign, after view and approval by the Board of supervisors, any County/Vendor contracts for the purchase of vehicles and/or their equipment; and be it further

RESOLVED, that the Board of Supervisors certifies through this resolution that the local share of up to Fifty-Eight Thousand Five Hundred Dollars (\$58,500) as described in the Federal Section 5311 Project application is committed to this project from the County of Madison 's designated operator of Madison Transit System, Birnie Bus tours, Inc. subject to a prorated-reimbursement for unused service miles for each purchased bus's service life in the event that that operator should be replaced by the County of Madison before the end of service life of each bus.

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

RESOLUTION NO. 439-08

AUTHORIZING THE CHAIRMAN TO FURNISH ALL MEANS AVAILABLE TO HIM IN SUPPORT OF THE EFFORTS OF MORRISVILLE STATE COLLEGE TO SECURE OUTSIDE FUNDING FOR ITS BIODEGRADABLE FOOD SERVICE WARE RESEARCH

WHEREAS, Morrisville State College (MSC) and O'Brien and Gere Engineers, Inc. (OBG) propose to conduct a study to determine the cost effectiveness and feasibility of replacing Styrofoam food trays and plastic utensils with biodegradable food

service ware made in Madison County from locally grown potatoes or other food starch or fibers; and

WHEREAS, MSC and OBG further propose to study the feasibility of collecting, transporting and processing large public school district food waste (including biodegradable serviceware) in a digester co-located with a biodegradable food serviceware manufacturing; and

WHEREAS, the New York City Public School System uses approximately four million Styrofoam trays per week; and

WHEREAS, the cost of landfilling non-biodegradable trays and food waste products typically costs large school districts and their taxpayers millions of dollars in transportation costs and tipping fees; and

WHEREAS, Styrofoam food trays can take up to five hundred years to degrade in landfills and when heated or in contact with hot foods or in a microwave release benzene, a known carcinogen; and

WHEREAS, existing viable replacement options for Styrofoam food serviceware typically are more expensive, lack structural integrity, and are made overseas; and

WHEREAS, research conducted by MSC indicates that a mixed food waste-biodegradable serviceware has considerable potential, when macerated, as compost; and

WHEREAS, the development of a locally manufactured, biodegradable viable replacement product for Styrofoam based on locally grown feed stocks, such as culled potatoes, would lower taxpayer costs, improve the local and State economy, and result in public health and environmental benefits;

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Madison County Board of Supervisors is authorized to use all means available to him in support of the efforts of Morrisville State College to secure outside funding for the conduct of an engineering feasibility to explore the potential of manufacturing biodegradable food serviceware in upstate New York using energy generated from large public school systems' food waste stream.

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

SUNY Morrisville President Dr. Ray Cross when called upon by Chairman Becker stated that this project is in the beginning phases and we'll have to see how it progresses.

RESOLUTION NO. 440-08

**APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY
MADISON COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO
FINANCE THE PROPOSED C, C, LF SENIOR HOUSING, LP PROJECT**

WHEREAS, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "Enabling Act") and Chapter 305 of the 1975 Laws of New York, as amended, constituting Section 893 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act"), the Board of Supervisors of Madison County, New York (the "Board of Supervisors") has heretofore appointed the members of Madison County Industrial Development Agency (the "Issuer") and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

WHEREAS, to accomplish its stated purposes, the Issuer is authorized and empowered under the Act to issue its revenue bonds to finance the cost of acquisition, construction and installation of one or more "projects" (as defined in the Act), to acquire, construct and install said projects or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in October, 2006, C, C, LF Senior Housing, LP, a New York limited partnership (the "Company"), submitted an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest or interests in various parcels of land located at 200 Tom Tom Street in the Village of Chittenango, 24 Nelson Street in the Village of Cazenovia, 4070 Route 26 in the Town of Eaton and 32 Main Street in the Village of Morrisville, Madison County, New York (collectively, the "Land"), together with four (4) housing facilities containing approximately 107,850 square feet of space located thereon (collectively, the "Facility"), (2) the renovation and upgrading of the Facility, and (3) the acquisition and installation thereon and therein of various machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute low-income and senior housing facilities to be operated by the Company ; (B) the financing of all or a portion of the costs of the foregoing by the issuance of taxable and/or tax-exempt revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay all or a portion of the cost of undertaking the Project, together with necessary incidental costs in connection therewith, then estimated to be approximately \$5,000,000 (the "Obligations"); (C) paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively with the

Obligations, the “Financial Assistance”); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Applicant and agreed upon by the Issuer; and

WHEREAS, the Company has requested that interest on the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 103 and Section 142(a)(7) of the Code; and

WHEREAS, the Board of Supervisors has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and

WHEREAS, interest on the Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, pursuant to Section 147(f) of the Code, the issuance of the Obligations is approved by the “applicable elected representative” of Madison County, New York after the Issuer has held a public hearing on the nature and location of the Project Facility and the issuance of the Obligations; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Issuer (A) caused notice of a public hearing of the Issuer (the “Internal Revenue Code Public Hearing”) pursuant to Section 147(f) of the Code, to hear all persons interested in the Initial Project and the financial assistance being contemplated by the Issuer with respect to the Initial Project, to be posted on December 15, 2006 at the Village Hall in the Village of Chittenango, the Village Hall in the Village of Cazenovia, the Village Hall in the Village of Morrisville, and at the Town Hall in the Town of Eaton, all of the aforementioned located in Madison County, New York, (B) caused notice of the Internal Revenue Code Public Hearing to be published on December 15, 2006 and December 21, 2006 in The Oneida Daily Dispatch, a newspaper of general circulation available to the residents of the Villages of Chittenango, Cazenovia and Morrisville and the Town of Eaton, Madison County, New York, (C) conducted the Internal Revenue Code Public Hearing on January 12, 2007 at 3:30 o’clock p.m., local time at the Village Hall in the Village of Chittenango, Madison County, New York, and (D) prepared a report of the Internal Revenue Code Public Hearing (the “Internal Revenue Code Public Hearing Report”) fairly summarizing the views presented at such Internal Revenue Code Public Hearing and caused copies of said Internal Revenue Code Public Hearing Report to be made available to the members of the Issuer and to the Board of Supervisors; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Issuer on December 6, 2006 (the “Preliminary SEQR Resolution”), the Issuer (A) determined (1) that the Initial

Project involves more than one “involved agency”, and (2) that, although the Initial Project may constitute an “unlisted action”, and coordinated review and notification of other involved agencies is strictly optional with respect to the Initial Project, the Issuer wished to investigate the advisability of undertaking a coordinated review with respect to the Initial Project and (B) authorized the Executive Director of the Issuer to contact all other “involved agencies” for the purpose of ascertaining whether such “involved agencies” were interested in undertaking a coordinated review of the Initial Project and, if so, designating a “lead agency” with respect to the Initial Project (as such quoted terms are defined in SEQRA); and

WHEREAS, pursuant to SEQRA, by resolution adopted by the members of the Issuer on January 16, 2007 (the “Final SEQR Resolution”), the Issuer determined that the Initial Project constituted a “Type II action” (as such quoted term is defined under SEQRA), and therefore that no further action with respect to the Initial Project was required under SEQRA); and

WHEREAS, the Executive Director of the Issuer also (A) caused notice of a public hearing of the Issuer (the “General Municipal Law Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Initial Project and the financial assistance being contemplated by the Issuer with respect to the Initial Project, to be mailed on February 21, 2007 to the chief executive officers of the county and of each city, town, village and school district in which the Initial Project is or is to be located, (B) caused notice of the General Municipal Law Public Hearing to be published on February 26, 2007 in The Oneida Daily Dispatch, a newspaper of general circulation available to the residents of the Villages of Chittenango, Cazenovia and Morrisville and the Town of Eaton, Madison County, New York, (C) conducted the General Municipal Law Public Hearing on March 30, 2007 at 3:00 o’clock p.m., local time at the Village Hall in the Village of Chittenango, Madison County, New York, and (D) prepared a report of the General Municipal Law Public Hearing (the “General Municipal Law Public Hearing Report”) fairly summarizing the views presented at such General Municipal Law Public Hearing and caused copies of said General Municipal Law Public Hearing Report to be made available to the members of the Issuer and to the Board of Supervisors; and

WHEREAS, pursuant to Section 147(f) of the Code, the Board of Supervisors desires to allow the interest on the Obligations to be treated as excludable from gross income for federal income tax purposes; and

WHEREAS, Section 870 of the General Municipal Law of the State of New York specifically provides that neither the Obligations nor any other obligation of the Issuer shall be a debt of Madison County, New York, nor shall Madison County, New York be liable thereon;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, New York, as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Obligations for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145(a) of the Code, the Board of Supervisors, as the elected legislative body of Madison County, New York, hereby approves the issuance by the Issuer of the Obligations, provided that the Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, Madison County, New York or any political subdivision thereof (other than the Issuer), and neither the State of New York, Madison County, New York nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

A 2/3's vote was taken on this resolution:

ADOPTED: AYES – 1456 NAYS – 0 ABSENT – 44 (Stepanski)

By Supervisor Williams:

RESOLUTION NO. 441-08

**SNOW AND ICE CONTROL ON VILLAGE OF WAMPSVILLE STREETS FOR
OCTOBER 1, 2008 THROUGH MAY 31, 2009**

WHEREAS, the County of Madison is entering into an Agreement with the Village of Wampsville for the control of Snow and Ice on the Village of Wampsville Streets in Madison County and in accordance with the terms and provisions of said agreement, and

WHEREAS, the Agreement for payment is \$5,000 for the Snow Season October 1, 2008 through May 31, 2009, and

NOW, THEREFORE, BE IT RESOLVED, that the County of Madison shall enter into Agreement with the Village of Wampsville and the County Superintendent of Highways is hereby authorized to execute said agreement on behalf of the County.

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

RESOLUTION NO. 442-08

**AGREEMENT FOR DUBLIN ROAD BRIDGE REPLACEMENT WITH
D. H. SMITH CO., INC.**

WHEREAS, the Public Works Committee authorized the Madison County Highway Department to proceed with the replacement of the Dublin Road Bridge over East Branch Tioughnioga Creek (BIN 2308270), Town of DeRuyter, Madison County; and

WHEREAS, sealed bids were opened on October 16, 2008 and low bid meeting specifications is as follows:

D. H. Smith Co., Inc. / Total Bid Price \$358,759.73

WHEREAS, the cost for construction services has been appropriated in the County Road Fund Budget line Item D5110.450026; **and**

WHEREAS, Federal and State funds have been secured for this project at 80% Federal, 15% State and 5% Local; **and**

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and he hereby is authorized to enter into an Agreement with low Bidder for the replacement of the North Court Street Bridge, in the Town of Lenox, a copy of which will be kept in the office of the Clerk of the Board of Supervisors.

Supervisor Williams made a motion to amend this resolution, seconded by Supervisor ball and carried by unanimous vote to make the following change to the last paragraph:

NOW, THEREFORE BE ITR ESOLVED, that the Chairman of the Madison County Board of Supervisors be and he hereby is authorized to enter into an Agreement with low Bidder for the replacement of the Dublin Road Bridge, over East Branch Tioughnioga Creek in the Town of DeRuyter, a copy of which will be kept in the office of the Clerk of the Board of Supervisors.

A final vote with amendment was then taken:

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

RESOLUTION NO. 443-08

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the **bridge replacement of North Court Street over Cowaselon Creek (BIN 3309290) Town of Lenox, Madison County, PIN 2754.16** (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; **and**

WHEREAS, the **County of Madison** desires to advance the Project by making a commitment of 100% of the non-federal share of the **total project costs**; **and**

WHEREAS, the sum of **\$1,838,927.95** is hereby appropriated from the County Road Fund, Account D5110.450017, and made available to cover the cost of participation in the above phase of the Project; and

WHEREAS, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Madison County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Department thereof; and

WHEREAS, the Board of Supervisors hereby approves the above-subject project and hereby authorizes the County of Madison to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and

NOW, THEREFORE BE IT RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project;

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the County of Madison with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

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

RESOLUTION NO. 444-08

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR

WHEREAS, a Project for the **bridge replacement of Olmstead Road over Chittenango Creek (BIN 2309080), Town of Sullivan, Madison County, PIN 2753.98** (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the **County of Madison** desires to advance the Project by making a commitment of 100% of the non-federal share of the **total project costs**; and

WHEREAS, the sum of **\$847,742** is hereby appropriated from the County Road Fund, Account D5110.450027, and made available to cover the cost of participation in the above phase of the Project; and

WHEREAS, in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Madison County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Department thereof; and

WHEREAS, the Board of Supervisors hereby approves the above-subject project and hereby authorizes the County of Madison to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and

NOW, THEREFORE BE IT RESOLVED, that a certified copy of this resolution to be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project;

BE IT FURTHER RESOLVED, that the Chairman of the Madison County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the County of Madison with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible.

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

By Supervisor Hammond:

RESOLUTION NO. 445-08

AUTHORIZING AGREEMENT FOR MISCELLANEOUS ENGINEERING/ LAND SURVEYING SERVICES

WHEREAS, Madison County is in need of a variety of miscellaneous engineering/ land surveying services with regard to the County's solid waste management system and facilities; and

WHEREAS, Snyder Engineering & Land Surveying, L.L.P. possesses the special skills and training required to perform the engineering/ land surveying services in connection with the County's solid waste management system and facilities ; and

WHEREAS, the Solid Waste/Recycling Committee has reviewed and approved the Snyder Engineering & Land Surveying, L.L.P. proposal on November 10, 2008; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of this Board is hereby authorized and directed to enter into an Agreement with Snyder Engineering & Land Surveying, L.L.P. to furnish professional engineering/ land surveying services to assist the Solid Waste Department in determining available space and compaction rates in the operating West-Side landfill. The estimated cost of services contemplated by said Agreement is \$1,900.00 for each quarterly survey completed and not to exceed an annual total of \$7,600.00. A copy of said Agreement is filed with the Clerk of this Board; and

BE IT FURTHER RESOLVED, that this Agreement shall cover the period from January 1, 2009 and shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED, that funds from the Solid Waste Department engineering accounts will be utilized to cover the cost of the engineering services proposed.

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

RESOLUTION NO. 446-08

AUTHORIZING AGREEMENT FOR ENGINEERING SERVICES FOR GROUNDWATER MONITORING AND MISCELLANEOUS ENGINEERING

WHEREAS, Madison County is in need of a variety of miscellaneous engineering services with regard to the County's solid waste management system and facilities; and

WHEREAS, Barton and Loguidice Engineering possesses the special skills and training required to perform the engineering services in connection with the County's solid waste management system and facilities; and

WHEREAS, the Solid Waste/Recycling Committee has reviewed and approved the Barton and Loguidice Engineering proposal on October 28, 2008; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of this Board is hereby authorized and directed to enter into an Agreement with Barton and Loguidice, P.C. Consulting Engineers, a professional corporation, to furnish professional engineering services in connection with the County's solid waste management system. The estimated cost of services contemplated by said Agreement is not to exceed \$200,000. A copy of said Agreement is filed with the Clerk of this Board; and

BE IT FURTHER RESOLVED, that this Agreement shall cover the period from January 1, 2009 and shall terminate on December 31, 2009; and

BE IT FURTHER RESOLVED, that funds from the Solid Waste Department engineering accounts will be utilized to cover the cost of the engineering services proposed.

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

RESOLUTION NO. 447-08

RESOLUTION EXPRESSING THE COUNTY'S INTENT TO PARTICIPATE IN LOCAL COMMUNITY CLEAN-UP PROGRAMS IN THE YEAR 2009

WHEREAS, Madison County Municipalities, community groups, not for profit organizations and other governmental agencies will be conducting clean-up programs of county roadsides, streams, parks and other public areas or buildings during the year 2009; and

WHEREAS, The Solid Waste Committee has recommended that the Director of the Solid Waste and Sanitation Department be authorized to issue a free permit to Madison County Municipalities, community groups, not for profit organizations and other governmental agencies interested in cleaning up sections of roadway, streams, parks or other public areas or public buildings; and

WHEREAS, to implement the plan, the Solid Waste Committee agreed that participants be issued special landfill permits which will allow them to dispose of the collected waste at the Madison County Landfill free of charge during the regular hours of operation, and

NOW, THEREFORE, BE IT RESOLVED, That the Madison County Board of Supervisors hereby:

- 1) Agree to have the Madison County Department of Solid Waste and Sanitation be a major participant in the community clean-up programs during the year 2009, and
- 2) Authorizes the issuance of a Special Waste Permit upon recommendation of the Solid Waste Director as approved by the Solid Waste Committee, to be issued without charge to Madison County Municipalities, community groups, not for profit organizations and other governmental agencies for disposition of solid waste found in and about Madison County Towns, Villages or City of Oneida, providing that during the year 2009 not more that twenty five (25) tons be accepted from each such Town, Village, City of Oneida or other governmental agency. Such Special Waste Permits shall be issued for each clean-up program upon completion of an application in the form that shall be prescribed by the Solid Waste Director.

This resolution shall take effect January 1, 2009.

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

RESOLUTION NO. 448-08

WAIVING THE LANDFILL TIPPING FEE FOR UP TO 25 TONS OF SOLID WASTE GENERATED BY THE N.Y.S. CORRECTION FACILITY AT CAMP GEORGETOWN

WHEREAS, the Camp Georgetown Correction Facility has been assisting Madison County in it's solid waste program for over ten years, at no charge to the County; and

WHEREAS, due to the efforts of the Camp Georgetown staff and inmates, the County will receive over \$200,000 in revenue from the sale of sorted scrap metal at the landfill site in the year 2008;

NOW, THEREFORE, BE IT RESOLVED, that in a cooperative effort to reduce cost of operation to the State and in consideration of the continued provision by the State in the year 2009 of assistance from the Camp Georgetown Correction Facility, the Madison County Board of Supervisors hereby agree to waive the solid waste tipping fee for up to 25 tons of solid waste generated by Camp Georgetown during the year 2009. This resolution shall take effect January 1, 2009.

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

RESOLUTION NO. 449-08

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

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

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

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

NOW THEREFORE BE IT RESOLVED BY
The Madison County Board of Supervisors

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

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

By Supervisor Bargabos:

RESOLUTION NO. 450-08

ADOPTING LOCAL LAW NO. 6 FOR THE YEAR 2008

WHEREAS, there has been duly introduced Local Law No. 6 for the year 2008 entitled, "A LOCAL LAW TO ENHANCE PERSONAL PRIVACY PROTECTION FOR DOCUMENTS RECORDED IN THE MADISON COUNTY CLERK'S OFFICE AND AUTHORIZING AN INCREASE IN FEES COLLECTED FOR RECORDING, ENTERING, INDEXING AND ENDORSING A CERTIFICATE ON ANY INSTRUMENT"; and

WHEREAS, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on November 10, 2008,

NOW, THEREFORE BE IT RESOLVED, that Local Law No. 6 for the year 2008, be and the same is hereby adopted.

ADOPTED: AYES – 1264 NAYS – 189 (DiVeronica) ABSENT – 47 (Stepanski)

RESOLUTION NO. 451-08

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 September 30, 2008;

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	\$12,960.41
Town of Cazenovia	\$78,584.99
Village of Cazenovia	\$14,320.17
Town of DeRuyter	\$ 10,639.00
Village of DeRuyter	\$965.81
Town of Eaton	\$16,614.15
Village of Hamilton	\$2.37
Village of Morrisville	\$5,250.61
Town of Fenner	\$11,816.92
Town of Georgetown	\$4,426.44
Town of Hamilton	\$23,631.64
Village of Earlville	\$631.67
Village of Hamilton	\$14,232.68
Town of Lebanon	\$12,492.76
Town of Lenox	\$72,338.22
Village of Canastota	\$21,079.86
Village of Wampsville	\$4,347.17
Town of Lincoln	\$19,596.48
Town of Madison	\$28,466.97
Village of Hamilton	\$253.39
Village of Madison	\$1,077.97
Town of Nelson	\$28,858.03
Town of Smithfield	\$7,626.67
Town of Stockbridge	\$11,037.51
Village of Munnsville	\$1,237.03
Town of Sullivan	\$120,106.10
Village of Chittenango	\$20,040.33
City of Oneida	\$92,981.39
TOTAL	\$635,616.74

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

RESOLUTION NO. 452-08

AUTHORIZING THE CANCELLATION OF A 2007 CAZENOVIA SEWER DISTRICT TAX

WHEREAS, parcel 94.4-1-3, situated in the Village of Cazenovia and owned by the Lorenzo Historic Site, is located in Roll Section 8, Wholly Exempt section of the 2007 Tax Roll; and

WHEREAS, parcel 94.4-1-3 had a Special Assessment District tax levied against it for Cazenovia Sewer District for 1.20 units in the amount of \$72.60 on the 2007 tax roll; and

WHEREAS, New York State requires that the Town Assessor serve annually on the comptroller of the state, at least three weeks prior to the confirmation of the same, a written notice of assessment on State lands, showing the purpose of the assessment and the amount for which they are assessed; and

WHEREAS, no such assessment shall be legal unless such notice is duly served and no fee, interest penalty or expense shall be added to or accrue on any such assessment against state lands pursuant to Section 19 of the Public Lands Law; and

WHEREAS, the town assessor has been given sufficient time by the State to submit such required written notice of assessment to the State; and

WHEREAS, the 2007 Cazenovia Sewer District tax is no longer enforceable;

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be and hereby is directed to cancel the 2007 taxes, interest and penalties, totaling the amount of \$244.22, for parcel 94.4-1-3.

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

RESOLUTION NO. 453-08

AUTHORIZING THE MODIFICATION OF THE 2008 ADOPTED COUNTY BUDGET

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

Modification #1

General Fund

1185 – Medical Examiners and Coroners Expense

A1185.477 Autopsy Expense

From

\$ 77,000

To

\$ 85,750

1990 Contingent Account

Expense

A1990.4444 Contingent Fund

505,279

496,529

Control Total	<u>\$582,279</u>	<u>\$582,279</u>
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Modification #2

General Fund

1355 Assessment

Expense

	<u>From</u>	<u>To</u>
A1355.4200 Consultant	\$ 6,485	\$ 5,335
A1355.4206 Computer Software Maintenance	<u>18,300</u>	<u>19,450</u>
Control Total	<u>\$24,785</u>	<u>\$24,785</u>

Modification #3

General Fund

1410-County Clerk

Expense

	<u>From</u>	<u>To</u>
A1410.405 Telephones	\$ 536	\$ 0
A1410.4712 Computerized Indexing	65,119	64,155
A1410.4201 Records Disposal Expense	<u>2,000</u>	<u>3,500</u>
Control Total	<u>\$67,655</u>	<u>\$67,655</u>

Modification #4

General Fund

1430 Personnel & Civil Service

Expense

	<u>From</u>	<u>To</u>
A1430.4014 Background Investigations	\$ 790	\$ 690
A1430.402 Miscellaneous Expense	<u>500</u>	<u>600</u>
Control Total	<u>\$1,290</u>	<u>\$1,290</u>

Modification #5

General Fund

3110 Sheriff Department

Expense

	<u>From</u>	<u>To</u>
A3110.41013 Handicapped Parking Program Expense	<u>\$ 0</u>	<u>\$ 2,002</u>
Control Total		<u>\$ 2,002</u>

Revenue

A880.5010 Appropriation of Handicapped Parking Surcharge Reserves	<u>\$ 0</u>	<u>\$ 2,002</u>
Control Total		<u>\$ 2,002</u>

Modification #6

General Fund

3150 Sheriff – Correctional Facility

Expense

	<u>From</u>	<u>To</u>
A3150.2912 Hot Water Extractor	\$ 4,000	\$ 3,750
A3150.44204 Housing Inmates Other Facility	10,000	3,750
A3150.464 Physical Exams	6,000	5,000
A3150.4510 Tuberculosis Program	4,500	1,000

A3150.4110	Training and Staff Development	3,500	3,105
A3150.408	Advertising Expense	250	645
A3150.452	Medical & Personal Care Expense	<u>95,000</u>	<u>106,000</u>
	Control Total	<u>\$123,250</u>	<u>\$123,250</u>

Modification #7

General Fund			
<u>4307 – Mental Health - Cedar House</u>			
<u>Expense</u>			
A4307.4227	Medical & Psychiatric Services	\$415,063	\$417,563
A4307.2411	Telephone System	<u>2,500</u>	<u>-0-</u>
	Control Total	<u>\$417,563</u>	<u>\$417,563</u>

Modification #8

General Fund			
<u>4309 – Mental Health – ADAPT Programs</u>			
<u>Expense</u>			
A4309.4911	Office Supply & Expense	\$ 1,620	\$ 2,180
A4309.4301	Professional Liability Insurance	<u>5,375</u>	<u>4,815</u>
	Control Total	<u>\$ 6,995</u>	<u>\$ 6,995</u>

Modification #9

County Road Fund			
<u>5110 Maintenance of Roads and Bridges</u>			
<u>Expense</u>			
D5110.46001	Bridge Materials	\$ 84,921	\$ 69,921
D5110.46008	Culvert Pipe	<u>75,000</u>	<u>90,000</u>
	Control Total	<u>\$159,921</u>	<u>\$ 159,921</u>

Modification #10

Road Machinery Fund			
<u>5130 Road Machinery Repairs & Expense</u>			
<u>Expense</u>			
DM5130.2905	10 Wheel Dump Truck	\$483,741	\$484,386
DM5130.2913	Diesel Truck & Trailer	113,510	113,725
DM5130.4830	Welding Supplies	12,500	10,640
DM5130.4845	Outside Maintenance & Repair	<u>20,500</u>	<u>21,500</u>
	Control Total	<u>\$630,251</u>	<u>\$630,251</u>

Modification #11

General Fund			
<u>6010 Social Services Administration</u>			
<u>Expense</u>			
A6010.2102	Computer Software	\$ 64,600	\$ 64,480
A6010.221	Automobile-Investigations	20,000	20,120
A6010.41053	Chargebacks	-0-	117,000

A6010.403	Misc. Building Exp. & Repair	15,120	23,000
A6010.41074	Children Services	20,500	19,100
A6010.4301	Professional Liability Insurance	48,340	39,460
A6010.4911	Office Supply & Expense	<u>30,000</u>	<u>32,400</u>
	Total	<u>\$ 198,560</u>	<u>\$ 315,560</u>

Control Total \$ 117,000

Revenue

A3610.1010	St. Aid Social Services Admin	\$1,525,633	\$1,576,081
A4611	Fed. Aid Food Stamp Admin	<u>401,616</u>	<u>468,168</u>
	Total	<u>\$1,927,249</u>	<u>\$2,044,249</u>

Control Total \$ 117,000

Modification #12

General Fund

7510 – Historian

Expense

		<u>From</u>	<u>To</u>
A7510.40101	Computer Equipment	\$ 1,500	\$ 0
A7510.42742	County Historian Expense	<u>500</u>	<u>2,175</u>

Control Total \$ 175

Revenue

A2770.7040	Misc. Revenue-Donations	<u>\$ 0</u>	<u>\$ 175</u>
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Control Total \$ 175

Modification #13

Risk Retention Fund

9055 Disability Insurance

Expense

		<u>From</u>	<u>To</u>
CS9055.44007	Claims Administration	\$11,000	\$11,250
CS9055.8400	Disability Claim Expense	<u>31,000</u>	<u>30,750</u>
	Control Total	<u>\$42,000</u>	<u>\$42,000</u>

Modification #14

Risk Retention Fund

9060 Hospital & Medical Insurance

Expense

		<u>From</u>	<u>To</u>
CS9060.8601	Blue Cross Hospital Premiums	\$ 308,500	\$ 340,000
CS9060.8602	Blue Cross Hospital Claims	<u>5,031,500</u>	<u>5,000,000</u>
	Control Total	<u>\$5,340,000</u>	<u>\$5,340,000</u>

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

RESOLUTION NO. 454-08

APPROVING THE PAYMENT OF CLAIMS

RESOLVED, that the claims presented to this Board by the Clerk, having been duly audited, be and the same hereby are authorized to be paid by the Treasurer upon receipt of a copy of the abstract of audited claims attested by the Clerk.

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

PUBLIC COMMENT PERIOD

No speakers.

SUNY Morrisville President Dr. Ray Cross was then called upon again to introduce Mr. Peter Dunn, President and CEO of the Central New York Preservation Foundation.

The Board stands recessed until Tuesday, November 18, 2008.

