

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, October 14, 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.

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

COMMUNICATIONS

1. Copy of Resolution from Herkimer County – Report and Resolution of the Committee on County Planning and Development Extending the Consortium Agreement with Oneida and Madison Counties.
2. Thank you to the Board of Supervisors from Madison County Reality Check for continued support with youth smoking programs in Madison County.
3. Thank you to Chairman Becker and Board members for allowing Boy Scout Troop 107 to observe the September Board meeting.

REPORTS

1. County of Madison Single Audit Report dated December 31, 2007.
2. County of Madison Basic Financial Statements for fiscal year ended December 31, 2007.
3. County of Madison Agreed Upon Procedures Local Government Financial Test Worksheet dated December 31, 2007.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA and Cazenovia Sewer District:	\$3,294,031.54
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Miscellaneous Accounts:	\$ 143,116.81
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Chairman Becker announced the scheduled public hearing on Local Law No. 5 for the year 2008 entitled “A Local Law Authorizing the County of Madison to Make an Application for Empire Zone Designation of a Proposed Location Within the County as a Regionally Significant Project” and the Clerk read the notice of hearing. Chairman Becker asked twice for speakers and no one wished to speak on this local law.

Chairman Becker then asked for a motion to close the hearing, made by Supervisor Stepanski, seconded by Supervisor Reinhardt and carried.

Chairman Becker called upon Madison County ARC Executive Director, Raymond Lewandowski and presented him with a proclamation on Disability Mentoring Day in Madison County, recognizing those who work with the disabled. Mr. Lewandowski thanked the Board for their continued support.

Chairman Becker then called upon Madison County 4-H Leader, Terri Lanterman Becker and presented her with a proclamation for National 4-H Week in Madison County. She thanked the Board and introduced a new group of student interns, consisting of 14 students from various schools in Madison County.

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 355-08

AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE (Health)

WHEREAS, the Northeast Regional Public Health Leadership Institute will be held in Warwick, Rhode Island from October 20 - 22, 2008;

WHEREAS, the Public Health Director has requested that Geoffrey Snyder, Director of Environmental Health attend said institute; and

WHEREAS, his registration for the institute is 100% fully funded through the Public Health Leaders of Tomorrow scholarship; and

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

NOW, THEREFORE BE IT RESOLVED that Geoffrey Snyder be and hereby is authorized to attend the Leadership Institute at County expense not to exceed \$50.00.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 356-08

AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE (Mental Health)

WHEREAS, the Association for the Treatment of Sexual Abusers (ATSA) 27th Annual Conference will be held October 21 - 24, 2008 in Atlanta, Georgia; and

WHEREAS, Jim Yonai, Director of Community Mental Health Services has requested that Buddy Ballinger, Staff Psychologist attend this conference; and

WHEREAS, the County is not responsible for any conference related expenses; and

WHEREAS, this request has been reviewed and approved by the Social and Mental Health Services Committee and the Government Operations Committee;

NOW, THEREFORE BE IT RESOLVED that Buddy Ballinger be and hereby is authorized to attend said conference at no expense to the County.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 357-08

**AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE
(Multidisciplinary Team)**

WHEREAS, the Child Fatality Investigations Training Program will be held October 12 - 17, 2008 in Albuquerque, New Mexico; and

WHEREAS, Michael Fitzgerald, Commissioner of Social Services has requested that Karen Bright, Case Supervisor – Grade B attend this conference; and

WHEREAS, her expenses are fully funded by the Office of Juvenile Justice and Delinquency Prevention and the multi-disciplinary team grant received by the Sheriff's Department; and

WHEREAS, this request has been reviewed and approved by the Social and Mental Health Services Committee and the Government Operations Committee;

NOW, THEREFORE BE IT RESOLVED that Karen Bright be and hereby is authorized to attend said conference at no expense to the County.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 358-08

REAPPOINTING AN ELECTION COMMISSIONER

WHEREAS, in accordance with the provisions of Section 3-204 of the Election Law, Michael St. Leger, Chairman of the Madison County Republican Committee, has made and filed with this Board a certificate recommending the appointment of Lynne M.

Jones of the Town of Fenner, Madison County, New York, as the Republican member of the Board of Election Commissioners of Madison County,

NOW, THEREFORE BE IT RESOLVED that said certificate is accepted and that Lynne Jones be and hereby is appointed as Election Commissioner for a term of four years commencing January 1, 2009.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 359-08

REAPPOINTING AN ELECTION COMMISSIONER

WHEREAS, in accordance with the provisions of Section 3-204 of the Election Law, Bettina Simberg, Chairman of the Madison County Democratic Committee, has made and filed with this Board a certificate recommending the appointment of Laura P. Costello of the Town of Fenner, Madison County, New York, as the Democratic member of the Board of Election Commissioners of Madison County,

NOW, THEREFORE BE IT RESOLVED that said certificate is accepted and that Laura Costello be and hereby is appointed as Election Commissioner for a term of four years commencing January 1, 2009.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 360-08

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
(PUBLIC SECTOR HR CONSULTANTS)**

WHEREAS, the Personnel Department is sponsoring a Progressive Discipline Seminar for managers in November; and

WHEREAS, the Personnel Department will retain Public Sector HR Consultants to conduct said training; and

WHEREAS, the cost of said training is \$1,150.00 and is appropriated in the 2008 Personnel Department budget; and

WHEREAS, the Government Operations Committee recommends that the Chairman execute the agreement with Public Sector HR Consultants to provide said training,

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board be and hereby is authorized to execute the agreement with Public Sector HR Consultants effective immediately, a copy of which is on file with the Clerk to the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 361-08

REAPPOINTING THE COMMISSIONER OF SOCIAL SERVICES

WHEREAS, by Resolution No. 262 of 2003, Michael Fitzgerald was appointed to a five-year term as Madison County Commissioner of Social Services expiring December 30, 2008; and

WHEREAS, the Social and Mental Health Services Committee recommends the reappointment of Michael Fitzgerald for another term;

NOW, THEREFORE, BE IT RESOLVED that Michael Fitzgerald of Oneida, New York, be and hereby is appointed Madison County Commissioner of Social Services for a term of five years at the 2008 annual salary of \$73,982 effective December 30, 2008.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 362-08

DESIGNATING THE TREASURER’S DEPARTMENT AND THE DEPARTMENT OF SOCIAL SERVICES AS PART OF THE MADISON COUNTY HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT HYBRID

WHEREAS, the Federal Government adopted the Health Insurance Portability and Accountability Act, hereinafter referred to as HIPAA, which requires any entity providing health care follow certain rules and regulations to ensure patient privacy; and

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

WHEREAS, the Treasurer’s Department and the Department of Social Services handle individually identifiable health information and various aspects of Health Plans; and

WHEREAS, it is in the best interest of the County to incorporate the Treasurer’s Department and the Department of Social Services into the Madison County HIPAA Hybrid; and

WHEREAS, to officially incorporate these two Departments in the County’s HIPAA compliance plan, the County must designate in writing the Treasurer’s Department and the Department of Social Services are included in the Madison County HIPAA Hybrid; and

BE IT FURTHER RESOLVED, that the Department of Social Services and the Treasurer's Department now be included as part of the Madison County HIPAA Hybrid.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 363-08

DESIGNATING AN INTERIM PRIVACY OFFICER IN ACCORDANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

WHEREAS, the Health Insurance Portability and Accountability Act (HIPAA) requires an employer to designate a Privacy Officer to ensure compliance with the Act; and

WHEREAS, the current Privacy Officer, Anthony M. Wilmarth, has resigned; and

WHEREAS, the Government Operations Committee has recommended that Michael Bischoff be designated as the Interim Privacy Officer, until such time as a permanent designee is established;

NOW, THEREFORE BE IT RESOLVED that Michael Bischoff be and hereby is designated as the Interim Privacy Officer for Madison County in accordance with HIPAA.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 364-08

RELINQUISHING A STIPEND FROM THE CRIMINAL INVESTIGATOR POSITION AND ALLOCATING AN ADDITIONAL STIPEND TO THE ADMINISTRATIVE ASSISTANT TO THE DISTRICT ATTORNEY

WHEREAS, by Resolution No. 5-08, Madison County established stipends for employees in the Madison County District Attorney's Office, payable with funds from the New York State Aid to Prosecution grant, and

WHEREAS, stipends of \$2,700 and \$3,000, respectively were established for the part-time Criminal Investigator and the full-time Administrative Assistant to the District Attorney positions at that time; and

WHEREAS, on June 18, 2008, the Criminal Investigator retired and the position was subsequently refilled with a new employee; and

WHEREAS, the District Attorney desires to relinquish the remaining balance of the stipend for the Criminal Investigator position; and

WHEREAS, the District Attorney desires to allocate the remaining balance of the stipends in the grant to the Administrative Assistant to the District Attorney who has performed additional duties while the Confidential Secretary position vacated in May remains vacant; and

WHEREAS, this request has been reviewed and approved by the Criminal Justice, Public Safety and Telecommunications Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that the stipend established for the Criminal Investigator position be and hereby is relinquished for the remainder of 2008 effective immediately; and

BE IT FURTHER RESOLVED that the balance of the unexpended stipends in the amount of \$3,021.26 be allocated to the Administrative Assistant to the District Attorney effective immediately; and

BE IT FURTHER RESOLVED, that the additional stipend be paid in equal amounts, in the second payroll of each month for the remainder of 2008.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Salka:

RESOLUTION NO. 365-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH WINDS OF AGAPE

WHEREAS, the Public Health Department operates a duly Certified Home Health Agency (CHHA) and Long Term Home Health Care Program (LTHHCP); and

WHEREAS, due to the lack of qualified Certified Home Health Aides applicants for vacant Home Health Aide positions and the fact that the Madison County Health Department is unable to provide the certified training; and

WHEREAS, Winds of Agape can provide Certified Home Health Aides Certification training for Certified Nurses Aides (CNA) requiring certification to work as a Certified Home Health Aide for \$299/aide; and

WHEREAS, both the Board of Health and the Public Health Services Committee feel it most expeditious to enter into an agreement with Winds of Agape to provide training services beginning October 14, 2008 through December 31, 2009; and

WHEREAS, the cost of said services is reimbursed through Article 6 funding.

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with Winds of Agape effective October 14, 2008 through December 31, 2009, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 366-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH WINDS OF AGAPE

WHEREAS, the Public Health Department operates a duly Certified Home Health Agency (CHHA) and Long Term Home Health Care Program (LTHHCP); and

WHEREAS, due to the lack of qualified Certified Home Health Aides to provide aide services to the CHHA and LTHHCP patients; and

WHEREAS, Winds of Agape can provide Certified Home Health Aides for all areas within Madison County at a rate of \$24.50/hour; and

WHEREAS, both the Board of Health and the Public Health Services Committee feel it most expeditious to enter into an agreement with Winds of Agape for these services beginning October 14, 2008 through December 31, 2009; and

WHEREAS, the cost of said services is reimbursed through patient billing and/or Article 6 funding.

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with Winds of Agape effective October 14, 2008 through December 31, 2009, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 367-08

ACCEPTING THE RECOMMENDATION OF THE MADISON COUNTY HOME CARE REVIEW AS PRESENTED BY DAVID BOUCHER AND ASSOCIATE

WHEREAS, the Public Health Department operates a duly Certified Home Health Agency (CHHA) and Long Term Home Health Care Program (LTHHCP); and

WHEREAS, the Public Health Services Committee approved Resolution 117-08 to enter an agreement with Boucher and Associates to evaluate the best course of action for providing home care services in Madison County; and

WHEREAS, Boucher and Associates presented the final report on August 15, 2008 to the Public Health Services Committee; and

WHEREAS, the Public Health Services Committee accepts the Consultant's recommendation to retain the program since it supports the provision of mandated services and provides financial support for Health Department functions that would otherwise require additional taxpayer support; and

WHEREAS, the Public Health Services Committee also approves the implementation of initiatives as documented in the report; and

WHEREAS, the Board of Health and Public Health Services Committee recommends to re-evaluate the progress of the Home Care Division in 12 months from date of approval; and

NOW, THEREFORE BE IT RESOLVED, that the County accepts the recommendation from Boucher and Associates.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 368-08

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH PLANNED PARENTHOOD MOHAWK HUDSON, INC.**

WHEREAS, the Public Health Department operates a duly Certified Home Health Agency, Long Term Home Health Care Program, Diagnostic and Treatment Center, including the Prenatal Care Assistance Program, (PCAP); and

WHEREAS, the Planned Parenthood currently works with Madison County Health Department to provide basic sexually transmitted disease services; and

WHEREAS, Planned Parenthood is able and willing to provide additional services including Hepatitis A , Hepatitis B and Twinrix vaccinations to patient in addition to the basic services; and

WHEREAS, Planned Parenthood will continue to provide basic sexually transmitted disease services for \$126/client; HIV testing and Initial Hep B inoculations for \$40/client; and

WHEREAS, the new contract will include an additional rate of \$20/visit for the administration of Hep B, Hep A and Twinrix as needed; and

WHEREAS, both the Board of Health and the Public Health Services Committee feel it most expeditious to enter into an agreement with Planned Parenthood for these services beginning October 14, 2008 through December 31, 2009; and

WHEREAS, the cost of said services is reimbursed through Article 6 funding.

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with Planned Parenthood effective October 14, 2008 through December 31, 2009, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Stepanski

RESOLUTION NO. 369-08

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

WHEREAS, the Office of Children and Family Services has made available Temporary Assistance to Needy Families (TANF) funding to distribute to counties for the provision of non-residential domestic violence services; and

WHEREAS, Madison County has been granted \$25,000 in domestic violence TANF non-residential funding; and

WHEREAS, Liberty Resources, Inc., has the necessary expertise, staff and experience to administer the domestic violence non-residential programs; and

WHEREAS, the services proposed would enhance the services already provided under existing domestic violence contracts in place; and

WHEREAS, the funding is 100 percent federally reimbursed and will be utilized to provide necessary enhancements to women and families who are most at risk; 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 renew an agreement with Liberty Resources, Inc., to provide the aforementioned services at a total cost not to exceed \$25,000 for the period October 1, 2008, to September 30, 2009.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 370-08

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH MID-YORK CHILD CARE COORDINATING COUNCIL, INC., FOR CHILD CARE RESOURCES

WHEREAS, Madison County Department of Social Services provides child care assistance to low-income families; and

WHEREAS, Madison County Department of Social Services receives monies through the New York State Child Care Development Block Grant to assist TANF recipients and low-income families with child care services; and

WHEREAS, the assistance contained in this program is 100 percent funded by these federal monies; and

WHEREAS, Madison County Department of Social Services, with the assistance of Mid-York Child Care Coordinating Council, Inc., is responsible for referrals for child care, recruitment of providers, and assisting providers in securing mandated licensing training and safety equipment; and

WHEREAS, the Mid-York Child Care Coordinating Council has a demonstrated ability to provide these services onsite at the Department of Social Services, which allows for more TANF-eligible parents to secure employment; and

WHEREAS, Madison County Department of Social Services lacks the expertise and personnel to perform the functions of referrals, recruitment, and training; and

WHEREAS, Mid-York Child Care Coordinating Council, Inc., as the child care resource and referral agent for Madison, Oneida, and Herkimer Counties, has the experience and resources to provide referrals, recruitment, and training and has offered to provide these services at the same cost as last year; 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 renew an agreement with Mid-York Child Care Coordinating Council, Inc., for the period October 1, 2008, to September 30, 2009, for the performance of these services at a total cost not to exceed \$32,250.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 371-08

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH CORNELL
COOPERATIVE EXTENSION FOR FOOD STAMP NUTRITION EDUCATION
PROGRAM**

WHEREAS, Madison County Department of Social Services determines eligibility and issues food stamp benefits to Madison County residents; and

WHEREAS, the Food Stamp Program is a program operated under the United States Department of Agriculture (USDA) and was implemented to improve the nutrition of low-income families; and

WHEREAS, Madison County Department of Social Services does not have the nutrition expertise to operate such a program; and

WHEREAS, Cornell Cooperative Extension has operated a Food Stamp Nutrition Education Program (FSNEP) through an agreement with Madison County since November 1, 2003, and has served 100 families, which represents 338 family members during the 2007 program year; and

WHEREAS, Cornell Cooperative Extension has submitted an application to the Office of Temporary and Disability Assistance to continue operation of FSNEP for the period October 1, 2008, to September 30, 2009; and

WHEREAS, the funding for the FSNEP project is 100 percent federally reimbursed as an allowable cost under the Food Stamp Program; and

WHEREAS, this agreement is contingent upon approval of the New York State contract by the USDA, and no payment will be made by Madison County until said approval is granted; and

WHEREAS, the "Hold Harmless" clause diverges from the standard Madison County contract language to meet the needs of Cornell Cooperative Extension; 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 renew an agreement with Cornell Cooperative Extension for the period October 1, 2008, to September 30, 2009, for the performance of these services at a total cost of \$136,818; and

BE IT FURTHER RESOLVED, that Madison County Department of Social Services agrees to pay an annual rate not to exceed \$68,409 and Cornell Cooperative Extension agrees to accept responsibility for the \$68,409 as a federal match with local, in-kind revenue.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 372-08

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH COMMUNITY ACTION PROGRAM FOR TRANSPORTATION SERVICES

WHEREAS, Madison County Department of Social Services receives federal monies through the Temporary Assistance for Needy Families (TANF) to assist TANF recipients and low-income families eliminate barriers to employment; and

WHEREAS, Community Action Program, Inc., (CAP) has a documented record of assisting low-income residents of Madison County, including such services as CAP-CAR and other transportation linkages; and

WHEREAS, Community Action Program, Inc., is currently providing these services at a total cost of \$70,120 for the contract period October 1, 2007, to September 30, 2008; and

WHEREAS, an average of 20 families per month is currently being served through this program; and

WHEREAS, this funding is 100 percent reimbursable through the New York State Office of Temporary and Disability Assistance; 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 renew an agreement with Community Action Program, Inc., for the period of October 1, 2008, to September 30, 2009, for the performance of these services at a total cost of \$70,120.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Stepanski and Bargabos:

RESOLUTION NO. 373-08

ESTABLISHING A MADISON COUNTY ENERGY FUND AND AUTHORIZING THE MODIFICATION OF THE 2008 ADOPTED BUDGET

WHEREAS, the Madison County Department of Social Services (DSS) annually receives \$2.5 million in federal Low-Income Home Energy Assistance Program (HEAP) funding that serves over 5,200 households in this community; and

WHEREAS, other community agencies, to include Community Action Program, Office for the Aging and Stoneleigh Housing, Inc., also support the heating needs of the vulnerable populations of the county through funding they receive; and

WHEREAS, the price for home heating fuels (fuel oil, kerosene, propane and natural gas) have all increased in costs in the past 12 months, some more than doubling; and

WHEREAS, the prediction of a harsh winter season could cause poorly resourced families, already strained by increases in other costs, to struggle to keep their homes adequately heated, placing the elderly and young children at risk of harm;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors will establish a Madison County Energy Fund to be administered by DSS in an amount to not exceed \$25,000 for the remainder of 2008; and

BE IT FURTHER RESOLVED, that the Commissioner of Social Services is hereby directed to work collaboratively with the other community agencies to ensure the needs of vulnerable families are met; and

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

<u>General Fund</u>		
<u>Madison County Energy Fund</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A6143.41094 Energy Fund Expense	\$ -0-	\$ 25,000
 <u>Contingent Fund</u>		
<u>Expense</u>		
A1990.4444 Contingent Fund	<u>580,279</u>	<u>555,279</u>
Control Total	<u>\$ 580,279</u>	<u>\$ 580,279</u>

ADOPTED: AYES – 1462 NAYS – 38 (Cary)

RESOLUTION NO. 374-08

AUTHORIZING THE MODIFCATION OF THE 2008 ADOPTED BUDGET

WHEREAS, Madison County Department of Social Services receives federal monies through the Temporary Assistance for Needy Families (TANF) to assist TANF recipients and low-income families to eliminate barriers to employment; and

WHEREAS, Madison County Employment and Training is able to provide dedicated one-on-one employment-related services to this population; and

WHEREAS, Madison County Department of Social Services and Madison County Employment and Training have entered into a Memorandum of Understanding; and

WHEREAS, Madison County Department of Social Services has Flexible Funds for Family Services monies available to fund 100 percent of the cost of this program;

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

General Fund

<u>6010 Social Services Administration</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A6010.41093 FFFS – Employment and Training	-0-	\$ 41,582
Control Total		<u>\$ 41,582</u>

Revenue

A4615.1010 FFFS	\$888,876	\$930,458
Control Total		<u>\$ 41,582</u>

ADOPTED: AYES – 1311 NAYS – 189 (Mr. DiVeronica stepping out of the meeting)

By Supervisor Ball:

RESOLUTION NO. 375-08

SETTING A FINANCIAL CRITERIA FOR THE ASSIGNMENT OF COUNSEL IN FAMILY COURT CASES IN MADISON COUNTY

WHEREAS, pursuant to County Law section 722 the County of Madison is obligated to provide legal representation to indigents in criminal proceedings and to that end, in 1965 a bar association plan was developed and adopted by resolution by the Madison County Board of Supervisors, and since that time the plan has been modified to utilize the Madison County Legal Defense Bureau and the Madison County Public Defender’s Office; and

WHEREAS, the current Assigned Counsel Plan makes no provision for the assignment of attorneys in Family Court cases; and

WHEREAS, in the absence of a county designed plan for family court assignments, §722(4) of the County Law gives the Family Court Judges the authority to assign counsel and requires the county to compensate the attorneys in accordance with the rates prescribed in County Law §722-b; and

WHEREAS, income measures, such as a percentage of the poverty guidelines may be useful for an initial finding of indigency, however that should only be a tool to determine whether or not the applicant is “financially unable to afford counsel” which is the constitutional and statutory standard in determining eligibility;

WHEREAS, there is no statutory delineated income threshold in the statute, and the County of Madison wishes to address this issue so to give guidance to the Madison County Family Court Judges in determining who is eligible for an assigned attorney in Family Court matters; and

WHEREAS, a survey of contiguous counties and the practices of the Madison County Public Defender’s office and at least one of the Family Court judges indicates that most use as a threshold of eligibility 125% of the Federal Poverty Level as published annually in the Federal Register; and

WHEREAS, the Madison County Board of Supervisors finds that to determine the threshold of eligibility using 125% of the Federal Poverty Level as published annually in the Federal Register is both reasonable and rational; and

WHEREAS, 125% of the Federal Poverty Level as published annually in the Federal Register is meant to be an initial monetary guideline and be considered one factor , with the Courts taking into consideration such circumstances as they deem in their discretion important to consider in determining whether the applicant is “financially unable to afford counsel”;

NOW, THEREFORE, BE IT RESOLVED, that the County of Madison sets as the recommended monetary eligibility threshold to obtain an assigned attorney in Family Court at 125% of the Federal Poverty Level as published annually in the Federal Register, subject to the Family Court Judge’s discretion to make exceptions as may be permitted by law.

Supervisor Henderson made a motion to amend this resolution. Supervisor Ball stated that a more detailed resolution was needed to better explain the full effect of this resolution. The following amended resolution was presented to replace the old, seconded by Supervisor Stepanski and carried by unanimous vote.

RESOLUTION NO. 375-08 (As Amended)

SETTING A FINANCIAL CRITERIA FOR THE ASSIGNMENT OF COUNSEL IN FAMILY COURT CASES IN MADISON COUNTY

WHEREAS, pursuant to County Law section 722 the County of Madison is obligated to provide legal representation to indigents in criminal proceedings and to that end, in 1965 a bar association plan was developed and adopted by resolution by the Madison County Board of Supervisors, and since that time the plan has been modified

to utilize the Madison County Legal Defense Bureau and the Madison County Public Defender's Office; and

WHEREAS, the current Assigned Counsel Plan makes no provision for the assignment of attorneys in Family Court cases; and

WHEREAS, in the absence of a county designed plan for family court assignments, §722(4) of the County Law gives the Family Court Judges the authority to assign counsel and requires the county to compensate the attorneys in accordance with the rates prescribed in County Law §722-b; and

WHEREAS, income measures, such as a percentage of the poverty guidelines may be useful for an initial finding of indigency, however that should only be a tool to determine whether or not the applicant is "financially unable to afford counsel" which is the constitutional and statutory standard in determining eligibility;

WHEREAS, there is no statutory delineated income threshold in the statute, and the County of Madison wishes to address this issue so to give guidance to the Madison County Family Court Judges in determining who is eligible for an assigned attorney in Family Court matters; and

WHEREAS, a survey of contiguous counties and the practices of the Madison County Public Defender's office and at least one of the Family Court judges indicates that most use as a threshold of eligibility 125% of the Federal Poverty Level as published annually in the Federal Register; and

WHEREAS, a person's eligibility to be assigned an attorney in Family Court shall be determined by examining their income and assets (including but not limited to bank accounts, value of real property, stocks, automobile value, child support income) and liabilities (including but not limited to rent, mortgage payments, utilities, child support payments, medical debt and other pertinent liabilities). The income ceiling shall be set at 125% of the Federal Poverty Level as published annually in the Federal Register. A sworn statement of their gross annual/monthly/weekly income shall constitute proof of that income and the applicant shall fill out Schedule A, Application for Appointment of an Attorney, attached herewith; and

WHEREAS, a person shall be deemed eligible for assigned counsel if they also qualify for NY State Medicaid, Public Assistance, Social Security Income or Disability Income, and the applicant must attaché proof of the eligibility to their application; and

WHEREAS, for the purposes of determining the Federal Poverty level, an applicants household makeup shall consist solely of those individuals to which the applicant has a legal obligation to support (spouse, biological children and step-children); and

WHEREAS, the court may take into consideration other sources of income available to the respondent, such as income available to a spouse or other adult sharing living expenses with the applicant; and

WHEREAS, the court is authorized to make exceptions to the income ceiling as follows: documented proof that nursing home or medical expenses actually paid by the applicant, reduce their income eligibility to below the income ceiling; or an annual income at or below 200% of the Federal Poverty Guidelines and the applicant shows expenses for dependent care, transportation, necessary expenses related to employment, job training or educational activities in preparation for employment that reduces their income to at or below 125% of the Federal Poverty Level; an examination of the applicants rent, mortgage, utilities and child support obligations reduces their net income to 125% or below the Federal Poverty Level; the applicant is facing possible incarceration as a result of a willful violation of any court order, or the applicants matter relates to abuse or neglect allegations; and

WHEREAS, the Madison County Board of Supervisors believe that to determine the threshold of eligibility using 125% of the Federal Poverty Level as published annually in the Federal register is both reasonable and rational; and

NOW, THEREFORE, BE IT RESOLVED, that the County of Madison sets as the monetary eligibility threshold to obtain an assigned attorney in Family Court at 125% of the Federal Poverty Level as published annually in the Federal Register and mandates that all applicants utilize the attached Application for Appointment of an Attorney.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 376-08

APPOINTING A MEMBER TO THE MADISON COUNTY TRAFFIC SAFETY BOARD

RESOLVED, that Bernie Kennett of Troop D, Oneida, New York be and he is hereby re-appointed to the Madison County Traffic Safety Board for a term of three (3) years commencing on October 8, 2008 and expiring on October 7, 2011.

ADOPTED: AYES – 1500 NAYS – 0

At this time Chairman Becker announced Director of Ag & Markets Patrick Brennan, along with Madison County's Ag Development Specialist, Becca Brier-Rosenfield and special guest Congressman John McHugh, who presented a check in the amount of \$99,990.000 to Madison County for the Agricultural Revolving Loan Fund Program to help area farmers.

RESOLUTION NO. 377-08

IN RESPONSE TO THE PROMOTION OF THE AMETHYST INITIATIVE IN MADISON COUNTY

WHEREAS, according to New York State Law and Practice it is illegal for individuals under the age of 21 years to drink and use alcohol; and

WHEREAS, according to New York State Law and Practice it is also against the law to provide anyone under the age of 21 with alcohol; and

WHEREAS, scientific study suggests that increasing the drinking age from 18 to 21 has increased the number of high school seniors who have not consumed alcohol to 27% from 7%; and

WHEREAS, reliable estimates show that 25,000 lives have been saved since the implementation of the 21 year old drinking age; and

WHEREAS, the adolescent brain is not fully developed until the early to mid-20's, and as a result, alcohol use prior to age 21 can hamper brain development and function. Studies also have detected cognitive impairments in adolescent alcohol users weeks after they stopped drinking, and a different pattern of brain response to memory tests than among non-abusers; and

WHEREAS, youth who begin drinking before the age of 15 are four times more likely to develop alcohol dependence as an adult than those who wait until age 21; and

WHEREAS, there is no research indicating that lowering the drinking age will lead to decreases in alcohol use and abuse rates; and

WHEREAS, comprehensive, community wide strategies have been proven effective and can be replicated by those of us in Madison County who work with and care about our youth and young adults; and

WHEREAS, some of Madison County's college and university officials have come together and are promoting the **Amethyst-Initiative**, which calls for a repeal of the 21 year old drinking age laws;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors calls upon the public and educational leadership of Madison County and upon all Law Enforcement Professionals and upon our Judicial System to support and enforce the Age 21 Drinking Law including the ban on selling or distributing alcohol products to those under the age of 21; and

BE IT FURTHER RESOLVED, that we insist strongly that drinking and driving (of any age) is a menace to the safety and health of all Madison County residents (including those who drink and drive) and that doing so moves the use of alcohol from

the realm of personal decision to the realm of illegal and unacceptable public behavior;
and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors calls upon our Community Leaders, College Officials, all of our local Law Enforcement Officials, the Judicial System, and the Madison County Stop-DWI Program to undertake the process of building a collaborative effort both to decrease underage/young adult drinking and to reduce the terrible consequences of drinking and driving.

On motion by Supervisor Stepanski, seconded by Supervisor DiVeronica this resolution was TABLED.

RESOLUTION NO. 378-08

AUTHORIZING CONTRACT WITH D&D CONSULTING

WHEREAS, the Information Technology Department will be undertaking a major upgrade of their Data Center;

WHEREAS, the IT Department has received 3 separate proposals for this upgrade;

WHEREAS, the IT Department is requesting that D&D Consulting be hired to review these proposals and render an impartial opinion on the most appropriate solution;

WHEREAS, the amount for this consultation shall not exceed six thousand four hundred dollars (\$6,400.00)

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to sign the contract with D&D Consulting of Albany, New York, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 379-08

AUTHORIZING AN AGREEMENT WITH THE NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR AN INTENSIVE SUPERVISION PROGRAM

WHEREAS, the NYS Division of Probation and Correctional Alternatives had approved up to \$12,000 in additional state aid for an Intensive Supervision Program for Madison County; and

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

WHEREAS, the allocation for Madison County's ISP program will now be \$11,300 in state aid; and

WHEREAS, the Department of Probation will use the funding to help pay for a Senior Probation Officer involved in our Alternative to Incarceration Service Plan;

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 – 1500 NAYS – 0

RESOLUTION NO. 380-08

**AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH CHEM RX**

WHEREAS, it is necessary and required to provide prescription and non-prescription medications to inmates at the Madison County Jail in the regular course of their incarceration; and

WHEREAS, the quantity and type of medications needed on a day to day basis cannot be predicted due to daily variations of the inmate population, thereby making it necessary to have access to prompt service and timely delivery of pharmacy services and medications twenty-four hours a day, seven days a week; and

WHEREAS, the Sheriff of Madison County seeks to continue to cut costs and maintain the efficiency in the provision of medication to the inmates under his care through the continued use of a single contracted provider of pharmacy services that meets the special needs of the Madison County Jail and to get the best price Madison County bid this service out in conjunction with Oneida County; and

WHEREAS, Chem Rx does possess the special skills and training required to perform the necessary services and provide the required medications pursuant to the terms of the contract; and

WHEREAS, the term of this agreement is for twelve months, commencing September 1, 2008 and expiring August 31, 2009, with the option to re-new for (4) additional years with the same terms and conditions in one year increments through August 2013; and

WHEREAS, the cost of this pharmacy service is based on the Monthly Red Book billing structure for current and future drugs; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors is hereby authorized to enter into an agreement with Chem Rx for the provision of pharmacy services and medications to be provided to inmates of the Madison County Jail. A copy of this agreement is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 381-08

AUTHORIZING CHAIRMAN TO EXECUTE SUBLEASE AGREEMENT WITH ROBERT TACKABURY FOR MADISON COUNTY MULTI-DISCIPLINARY TEAM

WHEREAS, the Madison County Children’s Advocacy Center, a grant-funded program through the Madison County Sheriff’s Department, has established a satellite interview site in the Hamilton area with monies received from the Central New York Community Foundation; and

WHEREAS, such site is located at 2556 Route 12B in the Town of Hamilton, New York, said location currently being leased by Robert L. Tackabury; and

WHEREAS, the County and the sublessor had negotiated a sublease agreement for the initial period of the sublease, such initial period terminating on October 31, 2008, and which sublease agreement had been reviewed and approved by the Madison County Attorney’s Office, the county’s insurance agent and the sublessors; and

WHEREAS, said sublease agreement needs to be extended for an additional twelve-month period; and

WHEREAS, except for the term of the sublease and the name of the sublessor, all other language of the sublease remains unchanged; and

WHEREAS, said sublease has also been reviewed and approved by the Criminal Justice, Public Safety and Telecommunications Committee;

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board of Supervisors be and hereby is authorized to execute the aforesaid sublease agreement on behalf of the County of Madison and the Madison County Multi-Disciplinary Team, in the form and as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Moran:

RESOLUTION NO. 382-08

CREATING A LOAN COMMITTEE FOR THE MADISON COUNTY AGRICULTURAL REVOLVING LOAN FUND

WHEREAS, the County of Madison has received a United States Department of Agriculture Rural Business Enterprise Grant for the purpose of creating an Agricultural Revolving Loan Fund for farmers and agribusiness-people residing within the Madison County; and

WHEREAS, the Agricultural Revolving Loan Fund is designed to satisfy the need for small (under \$10,000) low-interest loans to assist beginning farmers and agri-entrepreneurs in creating and expanding value-added enterprises including, but not limited to: building or enhancing farm stands; branding, marketing, preserving, or processing agricultural product; and purchasing equipment; and

WHEREAS, the successful implementation of such a revolving loan fund program will depend upon the creation of a qualified loan review committee to make recommendations to the Board of Supervisors regarding individual applications for such loans;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Agricultural Loan Review Committee be and hereby is created for the purpose of reviewing applications to Agricultural Revolving Loan Fund and making recommendations on such applications to the Board of Supervisors; and

BE IT FURTHER RESOLVED that such Agricultural Loan Review Committee shall consist of five (5) members, of whom three (3) shall be, *ex officio*, the Madison County Agricultural Development Specialist, the Director of the Madison County Industrial Development Agency, and the Madison County Economic Development Consultant, and the remaining two (2) shall be appointed, for three-year terms, by the Chairman of the Board of Supervisors from among the farming and agricultural service business community of Madison County.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 383-08

AUTHORIZING AN ECONOMIC DEVELOPMENT LOAN

WHEREAS, Madison County maintains an economic development loan fund to assist in job creation and job retention; and

WHEREAS, Hartman Enterprises, Inc. has completed an expansion of their manufacturing facility in Oneida, N.Y. and has requested a loan in the amount of \$100,000 to purchase a CNC Machine for this expansion; and

WHEREAS, the project will create no fewer than 6 full time jobs over the next two years;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors approve a loan to Hartman Enterprises, Inc. in the amount of \$100,000; and be it further

RESOLVED, that the Madison County Board of Supervisors authorize the Treasurer of Madison County to sign the documents necessary to close the loan on behalf of Madison County.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 384-08

DECLARING LEAD AGENCY STATUS AND ISSUING NOTICE OF DETERMINATION OF ENVIRONMENTAL NON-SIGNIFICANCE UNDER 6 NYCRR PART 617 FOR THE FOR THE ADOPTION OF A LOCAL LAW AUTHORIZING APPLICATION FOR EMPIRE ZONE DESIGNATION OF A PROPOSED LOCATION AS A REGIONALLY SIGNIFICANT PROJECT

WHEREAS, Madison County intends to apply to the New York State Empire State Development Corporation for Empire Zone status as a Regionally Significant Project for the Thermold Corporation manufacturing facility in the Town of Lenox; and

WHEREAS, adoption of a Local Law authorizing such application is required pursuant to the provisions of section 957-d of the General Municipal Law;

WHEREAS, proposed Local Law No. 5 of the Year 2008 to that effect, a copy of which has been furnished to each Supervisor and is in on file with Clerk of the Board, has been duly introduced to

WHEREAS, after review and recommendation by the Madison County Planning Department, it may be concluded that adoption of said proposed Local Law would not have a significant adverse impact on the environment and therefore an Environmental Impact Statement will not be required;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors declares itself Lead Agency for the environmental review of the proposed Local Law 5 of the Year 2008; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors authorizes the preparation of a Determination of Non-significance for adoption of said Local Law and authorizes the Chairman to sign the same; and

BE IT FURTHER RESOLVED, that the completed Environmental Assessment Form, the Negative Declaration/Notice of Determination of Non-Significance, and a copy of this resolution be made a part of the environmental review file for this project.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 385-08

ADOPTING LOCAL LAW NO. 5 FOR THE YEAR 2008

WHEREAS, there has been duly introduced Local Law No. 5 for the year 2008 entitled “**AUTHORIZING THE COUNTY OF MADISON TO MAKE AN APPLICATION FOR EMPIRE ZONE DESIGNATION OF A PROPOSED LOCATION WITHIN THE COUNTY AS A REGIONALLY SIGNIFICANT PROJECT**”; and

WHEREAS, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on October 14, 2008;

NOW, THEREFORE BE IT RESOLVED, that Local Law No. 5 for the year 2008 be and the same is hereby adopted

ADOPTED: AYES – 1500 NAYS – 0

Resolution No. 386-08

**RATIFYING AND ACCEPTING BIDS RECEIVED
AT PUBLIC AUCTION AND FORMER OWNER REDEMPTIONS
AND DIRECTING THE CONVEYANCE OF COUNTY OWNED PREMISES**

WHEREAS, the County of Madison has heretofore acquired a Tax Sale Title to the hereinafter described parcels of land, and

WHEREAS, Section 215 of the County Law authorizes the County to sell all its rights, titles, and interest in land it owns, and

WHEREAS, the County Treasurer and Planning, Economic Development and Environmental Affairs Committee have heretofore been authorized to offer for public sale or by former owner redemption County owned premises acquired for nonpayment of taxes, subject to the necessary ratification and acceptance of all sales made by the County Board of Supervisors, and

NOW, THEREFORE, BE IT RESOLVED, that the County Treasurer be and is hereby directed to convey to the respective parties listed in the attached schedule, the parcels described therein for the enumerated consideration representing the highest bid received under the terms and conditions of the public auction or former owner redemptions.

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
MELANIE FARGO C/O HENRY KING 2339 BEAVER CREEK ROAD- PO BOX 94 BROOKFIELD, NY 13314 Sale price: \$4,938.96	Former owner: MADISON COUNTY (FARGO) Parcel ID: 252000/173.16-1-14 Prop Loc: 2339 BEAVER CREEK RD Assessed value: \$36,200 Acreage: 0.55	County of Madison August 14, 2008 Book: 1450 Page: 61
RICHARD BAAKE 457A HAWKINS AVE. RONKONKOMA, NY 11779 Sale price: \$45,000.00	Former owner: MADISON COUNTY Parcel ID: 252000/218.-1-9 Prop Loc: JONES RD Assessed value: \$77,500 Acreage: 105.06	County of Madison August 28, 2007 Book: 1417 Page: 58
PHILLIP KEVILLE 5162 GORGE ROAD CAZENOVIA, NY 13035 Sale price: \$2,761.92	Former owner: MADISON COUNTY (KEVILLE) Parcel ID: 252289/77.-1-41 Prop Loc: 5162 ROUTE 13 Assessed value: \$20,000 Acreage: 0.22	County of Madison August 14, 2008 Book: 1450 Page: 63

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
HYLAND PARTNERS INC. PO BOX 563 CANASTOTA, NY 13032 Sale price: \$8,000.00	Former owner: MADISON COUNTY (WILLIAMS) Parcel ID: 252401/206.10-1-80.3 Prop Loc: 1720 MILL ST Assessed value: \$23,000 Acreage: 0.55	County of Madison August 14, 2008 Book: 1450 Page: 65
DOREEN A. YACKEL 1490 CARPENTER ROAD GEORGETOWN, NY 13072 Sale price: \$1,716.17	Former owner: MADISON COUNTY (YACKEL) Parcel ID: 252489/192.-1-26 Prop Loc: 1490 CARPENTER RD Assessed value: \$45,000 Acreage: 12.48	County of Madison August 14, 2008 Book: 1450 Page: 67
LESTINA BEACH ROAD REAL ESTATE, INC. P.O. BOX 127 CHITTENANGO, NY 13037 Sale price: \$33,000.00	Former owner: MADISON COUNTY (HARTKOPF) Parcel ID: 252601/111.14-1-5 Prop Loc: 54 MAIN ST Assessed value: \$77,000 Acreage: 0.40	County of Madison August 14, 2008 Book: 1450 Page: 69
KATHRYN A. SMITH 104 3RD STREET CANASTOTA, NY 13032 Sale price: \$1,712.43	Former owner: MADISON COUNTY (SMITH) Parcel ID: 252689/100.15-1-15 Prop Loc: 4160 PRATTS RD Assessed value: \$10,000 Acreage: 0.47	County of Madison August 14, 2008 Book: 1450 Page: 73
JAMES D. CHANDLER AND WILMA M. GLUMPE 4922 RESERVOIR ROAD MORRISVILLE, NY 13408 Sale price: \$2,264.02	Former owner: MADISON COUNTY (CHANDLER) Parcel ID: 252689/112.-1-39.1 Prop Loc: RT 20 Assessed value: \$16,300 Acreage: 29.64	County of Madison August 14, 2008 Book: 1450 Page: 75
STEVEN F. WAGNER P.O. BOX 86 MUNNSVILLE, NY 13407 Sale price: \$906.00	Former owner: MADISON COUNTY Parcel ID: 252689/99.-1-10 Prop Loc: SWAMP RD Assessed value: \$600 Acreage: 6.34	County of Madison August 04, 1994 Book: 994 Page: 238

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
STEVEN F. WAGNER P.O. BOX 86 MUNNSVILLE, NY 13407 Sale price: \$1,057.00	Former owner: MADISON COUNTY Parcel ID: 252689/99.-1-11 Prop Loc: SWAMP RD Assessed value: \$700 Acreage: 7.25	County of Madison September 23, 1988 Book: 870 Page: 170
STEVEN F. WAGNER P.O. BOX 86 MUNNSVILLE, NY 13407 Sale price: \$1,057.00	Former owner: MADISON COUNTY Parcel ID: 252689/99.-1-12.1 Prop Loc: SWAMP RD Assessed value: \$700 Acreage: 6.81	County of Madison September 23, 1988 Book: 870 Page: 173
STEVEN F. WAGNER P.O. BOX 86 MUNNSVILLE, NY 13407 Sale price: \$604.00	Former owner: MADISON COUNTY Parcel ID: 252689/99.-1-13 Prop Loc: SWAMP RD Assessed value: \$400 Acreage: 3.57	County of Madison September 23, 1988 Book: 870 Page: 176
STEVEN F. WAGNER P.O. BOX 86 MUNNSVILLE, NY 13407 Sale price: \$1,509.00	Former owner: MADISON COUNTY (LOVELESS) Parcel ID: 252689/99.-1-15.2 Prop Loc: SWAMP RD Assessed value: \$1,000 Acreage: 6.83	County of Madison August 14, 2008 Book: 1450 Page: 71
LOUIS C. AND NANCY C. PULVERENTI 7143 NELSON ROAD CANASTOTA, NY 13032 Sale price: \$2,816.00	Former owner: MADISON COUNTY Parcel ID: 252689/99.-1-26 Prop Loc: SWAMP RD Assessed value: \$2,800 Acreage: 9.49	County of Madison June 26, 1985 Book: 796 Page: 157
LOUIS C. AND NANCY C. PULVERENTI 7143 NELSON ROAD CANASTOTA, NY 13032 Sale price: \$384.00	Former owner: MADISON COUNTY Parcel ID: 252689/99.-1-27 Prop Loc: SWAMP RD Assessed value: \$400 Acreage: 4.05	County of Madison February 27, 1987 Book: 834 Page: 163

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
STEVEN F. WAGNER P.O. BOX 86 MUNNSVILLE, NY 13407 Sale price: \$2,112.00	Former owner: MADISON COUNTY (ROUSELLE) Parcel ID: 252689/99.-1-6 Prop Loc: SWAMP RD Assessed value: \$1,400 Acreage: 14.14	County of Madison July 02, 1996 Book: 1011 Page: 242
STEVEN F. WAGNER P.O. BOX 86 MUNNSVILLE, NY 13407 Sale price: \$755.00	Former owner: MADISON COUNTY Parcel ID: 252689/99.-1-9 Prop Loc: SWAMP Assessed value: \$500 Acreage: 5.20	County of Madison September 23, 1988 Book: 870 Page: 179
THOMAS L. STRONG 3937 CODY ROAD CAZENOVIA, NY 13035 Sale price: \$1,100.00	Former owner: MADISON COUNTY (FLOOD) Parcel ID: 252800/88.-1-24.1 Prop Loc: CODY RD Assessed value: \$2,200 Acreage: 0.89	County of Madison August 14, 2008 Book: 1450 Page: 77
AUGUSTINE J. DELLEA III 6079 BOX 26 LANDON ROAD EATON, NY 13334 Sale price: \$9,000.00	Former owner: MADISON COUNTY (WELYTOK) Parcel ID: 253000/194.-1-23.211 Prop Loc: PARKER HILL RD Assessed value: \$8,400 Acreage: 9.24	County of Madison August 14, 2008 Book: 1450 Page: 79
W. ERWIN LAMB 2251 STATE ROUTE 12 HUBBARDSVILLE, NY 13355 Sale price: \$26,000.00	Former owner: MADISON COUNTY (PEDRICK) Parcel ID: 253289/185.-1-50.21 Prop Loc: 1604 ROUTE 12 Assessed value: \$51,000 Acreage: 1.32	County of Madison August 14, 2008 Book: 1450 Page: 81
ROBERT D. STERLE SR. MARY LEE STERLE 2187 BRADLEY BROOK ROAD EATON, NY 13334 Sale price: \$16,000.00	Former owner: MADISON COUNTY (RONCHETTI) Parcel ID: 253400/166.-1-21 Prop Loc: SOULE ROAD Assessed value: \$11,500 Acreage: 11.48	County of Madison August 14, 2008 Book: 1450 Page: 85

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
<p>CONSTANCE M. HERBS 3258 COLE ROAD BOUCKVILLE, NY 13310 Sale price: \$16,500.00</p>	<p>Former owner: MADISON COUNTY (HAWK) Parcel ID: 253400/182.-1-17 Prop Loc: 1344 BASTIAN RD Assessed value: \$16,000 Acreage: 8.21</p>	<p>County of Madison August 14, 2008 Book: 1450 Page: 87</p>
<p>MARVIN R. AND LINDA C. CHASE 6068 LAKE SHORE ROAD HAMILTON, NY 13346 Sale price: \$1,475.19</p>	<p>Former owner: MADISON COUNTY (CHASE) Parcel ID: 253400/182.6-3-2 Prop Loc: LEBANON RESERVOIR Assessed value: \$9,000 Acreage: 0.13</p>	<p>County of Madison August 14, 2008 Book: 1450 Page: 89</p>
<p>MARVIN R. AND LINDA C. CHASE 6068 LAKE SHORE DRIVE HAMILTON, NY 13346 Sale price: \$1,605.75</p>	<p>Former owner: MADISON COUNTY (CHASE) Parcel ID: 253400/182.6-3-3 Prop Loc: LEBANON RESERVOIR Assessed value: \$10,000 Acreage: 0.15</p>	<p>County of Madison August 14, 2008 Book: 1450 Page: 91</p>
<p>RUSSELL T. AND LIANA M. DENNEY 107 CHAPMAN PLACE CANASTOTA, NY 13032 Sale price: \$950.00</p>	<p>Former owner: MADISON COUNTY (JAYSON) Parcel ID: 253601/36.61-1-70 Prop Loc: CHAPMAN PL Assessed value: \$4,000 Acreage: 0.07</p>	<p>County of Madison August 14, 2008 Book: 1450 Page: 93</p>
<p>RUSSELL T. AND LIANA M. DENNEY 107 CHAPMAN PLACE CANASTOTA, NY 13032 Sale price: \$4,050.00</p>	<p>Former owner: MADISON COUNTY (JAYSON) Parcel ID: 253601/36.61-1-72 Prop Loc: 111 CHAPMAN PL Assessed value: \$68,400 Acreage: 0.17</p>	<p>County of Madison August 14, 2008 Book: 1450 Page: 95</p>
<p>DARLENE WHALEY 6902 BRUCE ROAD CANASTOTA, NY 13032 Sale price: \$500.00</p>	<p>Former owner: MADISON COUNTY (CESARIO) Parcel ID: 253601/36.70-1-14 Prop Loc: HICKORY ST Assessed value: \$8,800 Acreage: 0.06</p>	<p>County of Madison August 14, 2008 Book: 1450 Page: 99</p>

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
FREDERICK A. CASLER SR. SHIRLEY A. CASLER P.O. BOX 564 WAMPSVILLE, NY 13163 Sale price: \$6,731.20	Former owner: MADISON COUNTY (CASLER) Parcel ID: 253603/37.9-1-32 Prop Loc: 111 ELM ST Assessed value: \$78,500 Acreage: 0.51	County of Madison August 14, 2008 Book: 1450 Page: 101
STEPHEN HALL 207 S. WILLOW STREET ONEIDA, NY 13421 Sale price: \$100.00	Former owner: MADISON COUNTY (CESARIO) Parcel ID: 253689/12.-1-12 Prop Loc: MAIN STREET RD Assessed value: \$600 Acreage: 0.19	County of Madison August 14, 2008 Book: 1450 Page: 109
WOODLAND ENTERPRISES, LLC 100 WOODLAND TERRACE ONEIDA, NY 13421 Sale price: \$1,100.00	Former owner: MADISON COUNTY (BAXTER) Parcel ID: 253689/12.-1-39.1 Prop Loc: MAIN STREET Assessed value: \$2,100 Acreage: 0.71	County of Madison August 14, 2008 Book: 1450 Page: 111
STEVEN AND ALICE DIVERONICA 7548 ROBERTS STREET CANASTOTA, NY 13032 Sale price: \$490.40	Former owner: MADISON COUNTY (DIVERONICA) Parcel ID: 253689/36.-1-32.181 Prop Loc: ROBERTS ST Assessed value: \$1,400 Acreage: 0.28	County of Madison August 14, 2008 Book: 1450 Page: 117
STEVEN AND ALICE DIVERONICA 7548 ROBERTS STREET CANASTOTA, NY 13032 Sale price: \$1,730.78	Former owner: MADISON COUNTY (DIVERONICA) Parcel ID: 253689/36.-1-32.19 Prop Loc: ROBERTS ST Assessed value: \$10,700 Acreage: 0.71	County of Madison August 14, 2008 Book: 1450 Page: 115
ESTATE OF ROBERT A. MOTT 6857 CANASERAGA ROAD CHITTENANGO, NY 13037 Sale price: \$3,341.18	Former owner: MADISON COUNTY (MOTT) Parcel ID: 253689/36.-1-41 Prop Loc: 7780 ROBERTS ST Assessed value: \$68,400 Acreage: 1.48	County of Madison August 14, 2008 Book: 1450 Page: 119

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
BRUCE D. HAZEN 3797 CANAL ROAD CANASTOTA, NY 13032 Sale price: \$4,487.25	Former owner: MADISON COUNTY (HAZEN) Parcel ID: 253689/36.-1-81.1 Prop Loc: 3797 CANAL RD Assessed value: \$59,300 Acreage: 1.59	County of Madison August 14, 2008 Book: 1450 Page: 121
FRANK J. VOGT 180 WACO STREET LINDENHURST, NY 11757 Sale price: \$1,550.00	Former owner: MADISON COUNTY (REINMANN) Parcel ID: 253689/6.75-1-4 Prop Loc: BERNHARDS BAY AVE Assessed value: \$700 Acreage: 0.09	County of Madison August 14, 2008 Book: 1450 Page: 103
FRANK J. VOGT 180 WACO STREET LINDENHURST, NY 11757 Sale price: \$1,550.00	Former owner: MADISON COUNTY (REINMANN) Parcel ID: 253689/6.75-1-5 Prop Loc: BERNHARDS BAY AVE Assessed value: \$700 Acreage: 0.09	County of Madison August 14, 2008 Book: 1450 Page: 105
MARY BETH SBARAGLIA PO BOX 577 SYRACUSE, NY 13206 Sale price: \$3,800.00	Former owner: MADISON COUNTY (REINMANN) Parcel ID: 253689/6.83-1-4 Prop Loc: BERNHARDS BAY AVE Assessed value: \$8,500 Acreage: 0.23	County of Madison August 14, 2008 Book: 1450 Page: 103
GARY J. CAMPBELL 7254 OLD COUNTY ROAD WEST CANASTOTA, NY 13032 Sale price: \$900.00	Former owner: MADISON COUNTY (ALBANESE) Parcel ID: 253800/52.10-1-1.1 Prop Loc: OXBOW RD Assessed value: \$1,700 Acreage: 0.57	County of Madison August 14, 2008 Book: 1450 Page: 127
AARON M. MARSHALL 12360 RIVERSIDE DRIVE #127 VALLEY VILLAGE, CA 91607 Sale price: \$2,044.13	Former owner: MADISON COUNTY (MARSHALL) Parcel ID: 253800/52.-1-40.5 Prop Loc: TIMMERMAN RD Assessed value: \$11,200 Acreage: 3.10	County of Madison August 14, 2008 Book: 1450 Page: 125

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
ANNA M. GAUDETTE LIVING TRUST 213 LEWIS STREET CANASTOTA, NY 13032 Sale price: \$2,600.00	Former owner: MADISON COUNTY (BERGER) Parcel ID: 253800/62.-1-54.5 Prop Loc: WHITMAN RD Assessed value: \$2,200 Acreage: 0.73	County of Madison August 14, 2008 Book: 1450 Page: 129
DOUGLAS R. CASE 6043 CREEK ROAD ONEIDA, NY 13421 Sale price: \$8,631.30	Former owner: MADISON COUNTY (CASE) Parcel ID: 253800/63.-2-7.2 Prop Loc: 6043 CREEK RD Assessed value: \$93,500 Acreage: 1.29	County of Madison August 14, 2008 Book: 1450 Page: 131
TOM AND JENNIFER BOYLAN 1826 W. ELM STREET ONEIDA, NY 13421 Sale price: \$19,000.00	Former owner: MADISON COUNTY (DIAMOND) Parcel ID: 254200/108.-1-15.133 Prop Loc: LYON RD Assessed value: \$34,000 Acreage: 5.07	County of Madison August 14, 2008 Book: 1450 Page: 133
LANE J. NEWTON 104 WENTWORTH DRIVE ONEIDA, NY 13421 Sale price: \$7,200.00	Former owner: MADISON COUNTY (PFOHL) Parcel ID: 254200/133.9-2-52 Prop Loc: FUNK RD Assessed value: \$15,900 Acreage: 0.11	County of Madison August 14, 2008 Book: 1450 Page: 137
JOSEPH AND GERILYN EDWARDS 4935 GOFF ROAD MORRISVILLE, NY 13408 Sale price: \$12,155.26	Former owner: MADISON COUNTY (EDWARDS) Parcel ID: 254400/72.-1-11.13 Prop Loc: 4935 GOFF RD Assessed value: \$113,800 Acreage: 2.21	County of Madison August 14, 2008 Book: 1450 Page: 141
KATHY L. SHELDON 6008 CREEK ROAD ONEIDA, NY 13421 Sale price: \$2,946.90	Former owner: MADISON COUNTY (SHELDON) Parcel ID: 254400/72.-1-2.1 Prop Loc: 6008 CREEK RD Assessed value: \$12,800 Acreage: 0.24	County of Madison August 14, 2008 Book: 1450 Page: 139

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
WARREN S. AND CONSTANCE L. PERRY 4876 GILL ROAD MORRISVILLE, NY 13408 Sale price: \$600.00	Former owner: MADISON COUNTY Parcel ID: 254400/90.-1-8.5 Prop Loc: GILL RD Assessed value: \$400 Acreage: 4.14	County of Madison November 20, 1985 Book: 806 Page: 259
WOODLAND ENTERPRISES, LLC 100 WOODLAND TERRACE ONEIDA, NY 13421 Sale price: \$350.00	Former owner: MADISON COUNTY Parcel ID: 254400/99.-2-2.9 Prop Loc: SWAMP RD Assessed value: \$300 Acreage: 2.50	County of Madison August 23, 1994 Book: 995 Page: 231
UPSTATE ENTERPRISE 5165 S. MAIN STREET MUNNSVILLE, NY 13409 Sale price: \$400.00	Former owner: MADISON COUNTY Parcel ID: 254601/83.5-1-11 Prop Loc: EAST HILL RD Assessed value: \$500 Acreage: 0.02	County of Madison May 29, 1959 Book: 563 Page: 194
SHAWN AND LYNNETTE MURRAY 5936 STREETER ROAD MUNNSVILLE, NY 13409 Sale price: \$2,593.62	Former owner: MADISON COUNTY (MURRAY) Parcel ID: 254689/100.-2-4.11 Prop Loc: STREETER RD Assessed value: \$25,000 Acreage: 37.15	County of Madison August 14, 2008 Book: 1450 Page: 145
SHAWN W. AND LYNNETTE MURRAY 5936 STREETER ROAD MUNNSVILLE, NY 13409 Sale price: \$1,652.43	Former owner: MADISON COUNTY (MURRAY) Parcel ID: 254689/100.-2-5 Prop Loc: 5936 STREETER RD Assessed value: \$80,000 Acreage: 2.72	County of Madison August 14, 2008 Book: 1450 Page: 147
ROBB ROBERTS 5165 S. MAIN STREET MUNNSVILLE, NY 13409 Sale price: \$20,000.00	Former owner: MADISON COUNTY (ROHER) Parcel ID: 254689/73.-1-44 Prop Loc: 5386 WEST RD Assessed value: \$29,300 Acreage: 0.37	County of Madison August 14, 2008 Book: 1450 Page: 143

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
DENNIS HUBBS 742 MARSH MILLS ROAD KIRKVILLE, NY 13082 Sale price: \$1,261.33	Former owner: MADISON COUNTY (HUBBS) Parcel ID: 254889/15.-1-42 Prop Loc: MARSH MILLS RD Assessed value: \$9,600 Acreage: 0.63	County of Madison August 14, 2008 Book: 1450 Page: 153
DENNIS HUBBS 742 MARSH MILLS ROAD KIRKVILLE, NY 13082 Sale price: \$7,716.80	Former owner: MADISON COUNTY (HUBBS) Parcel ID: 254889/15.-1-47 Prop Loc: MARSH MILLS RD Assessed value: \$76,100 Acreage: 186.11	County of Madison August 14, 2008 Book: 1450 Page: 155
TIMOTHY M. DEVINE 7502 SEEBER ROAD CANASTOTA, NY 13032 Sale price: \$4,763.09	Former owner: MADISON COUNTY (DEVINE) Parcel ID: 254889/25.-2-10 Prop Loc: LAKEPORT RD Assessed value: \$31,500 Acreage: 102.99	County of Madison August 14, 2008 Book: 1450 Page: 157
WILLIAM NORTHUP 7449 SANDY HATCH ROAD CHITTENANGO, NY 13037 Sale price: \$2,891.92	Former owner: MADISON COUNTY (NORTHUP) Parcel ID: 254889/33.1-1-31 Prop Loc: 7449 SANDY HATCH RD Assessed value: \$39,700 Acreage: 0.32	County of Madison August 14, 2008 Book: 1450 Page: 159
COLLEEN HOLT 613 MANOR DRIVE CHITTENANGO, NY 13037 Sale price: \$18,131.77	Former owner: MADISON COUNTY (HOLT) Parcel ID: 254889/5.83-2-8 Prop Loc: 2715 BURLINGAME RD Assessed value: \$135,000 Acreage: 0.22	County of Madison August 14, 2008 Book: 1450 Page: 149
DENNIS F. HILGENBERG 2444 LAKE MORaine ROAD HAMILTON, NY 13346 Sale price: \$1,600.00	Former owner: MADISON COUNTY (GARLOCK) Parcel ID: 254889/50.-1-50.3 Prop Loc: CREEK RD Assessed value: \$2,000 Acreage: 2.85	County of Madison August 14, 2008 Book: 1450 Page: 161

New owner Address Sale price	Parcel details	County title Recorded date Liber Page
ANNA M. GAUDETTE LIVING TRUST 213 LEWIS STREET CANASTOTA, NY 13032 Sale price: \$1,000.00	Former owner: MADISON COUNTY (DEEJEM) Parcel ID: 254889/58.-1-2.14 Prop Loc: EAST LAKE RD Assessed value: \$21,300 Acreage: 0.32	County of Madison August 14, 2008 Book: 1450 Page: 163
FRANK J. VOGT 180 WACO STREET LINDENHURST, NY 11757 Sale price: \$1,500.00	Former owner: MADISON COUNTY (GIORDANO) Parcel ID: 254889/9.26-1-19 Prop Loc: 9040 TYLER RD Assessed value: \$3,600 Acreage: 0.11	County of Madison August 14, 2008 Book: 1450 Page: 151

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 387-08

AUTHORIZING THE TRANSFER OF REAL PROPERTY TO WHITE EAGLE FARM LAND

WHEREAS, the Madison County Highway Department has determined that it was necessary to relocate a portion of Smith Road in the Town of Eaton to facilitate construction of bridge Eaton 356; and

WHEREAS, by resolution #67 dated and adopted March 11, 1997 Madison County acquired parcel 154.-1-36 from Julia Carhart to facilitate the bridge project on Smith Road; and

WHEREAS, by resolution #99 dated and adopted April 14, 1998 a quit claim deed was to be prepared and held in escrow until the completion of the improvements and construction by the Madison County Highway Department transferring the section of the old road to the abutting property owner; and

WHEREAS, the project was abandoned and such section of the road was never relocated; and

WHEREAS, the quit claim deed was erroneously filed in the Office of the County Clerk and the section of the existing road has been erroneously transferred to Julia Carhart; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign all documents necessary to transfer parcel 154.-1-36 back to White Eagle Farm Land by Warranty Deed and to sign all documents necessary for Madison County to accept such portion of Smith Road from Edward Carhart previously transferred in error by Quit Claim deed.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 388-08

**AGREEMENT FOR CONSTRUCTION / INSPECTION SERVICES
WITH BARTON & LOGUIDICE, P.C.**

WHEREAS, the Public Works Committee on September 16, 2008, authorized the Madison County Highway Department to proceed with the Construction/Inspection for the North Court Street Bridge over Cowaselon Creek (BIN 3309290), Town of Lenox, Madison County; and

WHEREAS, the firm Barton & Loguidice, P.C., has provided a Construction/Inspection Agreement in the amount of One hundred thirty thousand nine hundred dollars and no cents (\$130,900.00); and

WHEREAS, the cost for Construction Support/Inspection services has been appropriated in the County Road Fund Budget line item D5110.450017; 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 is hereby authorized to enter into a Construction/Inspection Agreement to provide said services as outlined in the attached Engineering Agreement to be on file with the Clerk to the Board of Supervisors.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 389-08

**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION TO EXTEND AND MODIFY THE MUNICIPAL SNOW AND ICE
AGREEMENT FOR JULY 1, 2008 THROUGH JUNE 30, 2009**

WHEREAS, the Commissioner of the New York State Department of Transportation and the County of Madison have entered into an Agreement No. D089857 entitled "Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of "County of Madison" dated February 13, 1975; and

WHEREAS, the term of said Agreement is for a period of three (3) years commencing on July 1, 1975 and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended expires June 30, 2008; and

WHEREAS, the parties are willing to renew and extend the same for a one (1) year period commencing July 1, 2008 to June 30, 2009; and

WHEREAS, Section 7 of said Agreement provides that the Commissioner shall furnish the Municipality with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by the Agreement; and

WHEREAS, Section 10 of said Agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10, at the time of extension of the Agreement;

NOW, THEREFORE BE IT RESOLVED, the Chairman of the Board be and is hereby authorized and directed to enter into the Agreement to extend the Municipal Snow and Ice Agreement, a copy of which is on file with the Clerk of the Board; and

BE IT FURTHER RESOLVED, upon execution of the Agreement to extend and modify the Municipal Snow and Ice Agreement by the Commissioner of Transportation or his designee, that the "Snow and Ice Agreement Between New York State Department of Transportation and the Municipality of Madison County" shall be extended for a period of one (1) year, now to expire on June 30, 2009, unless further extended; that the State Highways or parts thereof effected are as delineated on the map attached to such extension and modification agreement; and that the estimated expenditure as specified in Section 10 of the "Snow and Ice Agreement Between New York State Department of Transportation and the Municipality of Madison County" shall be **\$850,175.98** for the remainder of the term of such Agreement commencing July 1, 2008 unless changed by future update.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 390-08

CONTROL OF SNOW AND ICE ON COUNTY ROADS IN 2009

WHEREAS, the County of Madison entered into an Agreement with the Towns of the County of Madison on October 12, 1982, for Control of Snow and Ice on the County Road System in accordance with the terms and provisions of said agreement; and

WHEREAS, the Public Works Committee met on September 16, 2008 and recommended the adoption of a new payment policy to the Towns; and

WHEREAS, this Agreement has been modified so payment to the Town will be based on a per lane mile cost; and

WHEREAS, the Agreement for payment is \$14.87 per lane mile for plowing and application of abrasives; and

WHEREAS, the Agreement for payment has been included in the Madison County Highway Budget for 2009;

NOW, THEREFORE BE IT RESOLVED, that the County of Madison shall commence with this Agreement starting January 1, 2009 and ending December 31, 2009, and the County Superintendent of Highways is hereby authorized to execute said Agreement on behalf of the County.

ADOPTED: AYES – 1473 NAYS – 27 (Bargabos)

By Supervisor Hammond:

RESOLUTION NO. 391-08

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
FOR THE SALE OF MIXED WASTE PAPER**

WHEREAS, Solvay Paperboard LLC is seeking to enter into an Agreement with Madison County so as to encourage the removal of mixed paper from the municipal solid waste stream and thereby decreasing the flow of solid waste into the Madison County Landfill Facility, to aid in the recovery of valuable resources and to conserve energy; and

WHEREAS, Solvay Paperboard LLC shall purchase all of the acceptable quality bales of mixed paper from the Madison County A.R.C. Materials Recovery Facility on Buyea Road, Town of Lincoln, State of New York; and

WHEREAS, Solvay Paperboard LLC will be responsible for the cost of all trucking and insurance and pay Madison County eighty seven dollars and fifty cents (\$87.50) per ton for acceptable quality mixed paper; and

WHEREAS, the term of this Agreement shall be for two (2) years commencing on September 10, 2008; and

WHEREAS, this Agreement was formulated after due solicitation of competitive quotes; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and is hereby authorized to enter into an Agreement with Solvay Paperboard LLC (a corporation having its principle place of business at 53 Industrial Drive, Syracuse NY 13204 in the form as is on file with the Clerk of the Board

ADOPTED: AYES – 1500 NAYS – 0

By Supervisors Hammond and Bargabos:

RESOLUTION NO. 392-08

MODIFYING THE 2008 ADOPTED COUNTY BUDGET

WHEREAS, the Solid Waste Department with approval of the Solid Waste Committee has requested purchasing curbside recycling bins for use by residents of Madison County; and

WHEREAS, the purchasing of 2,000 recycling bins (approx. \$20,000) exceeds what was requested in the original 2008 budget for recycling; and

WHEREAS, it is necessary to modify the 2008 budget to cover the cost for recycling bins and the cost shall be totally funded by a \$34,383.00 NYSDEC equipment grant received on September 8, 2008; and

WHEREAS, the remaining grant funds (approx. \$14,383) shall be transferred into the Capital Equipment Reserve Fund; and

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

ENTERPRISE ENVIRONMENTAL LANDFILL FUND

Landfill State & Federal Grants

<u>Revenue</u>	<u>From</u>	<u>To</u>
EE3910.1030 St. Aid Municipal Waste Reduction & Recycling Program	<u>-0-</u>	<u>\$34,383</u>
Control Total		<u>\$34,383</u>

Environmental Control (Landfill)

<u>Expense</u>		
EE8164.4045 Recycling Expense	\$ 55,000	\$ 75,000
EE8164.2999 Capital Equipment Reserves	<u>200,000</u>	<u>214,383</u>
Totals	<u>\$255,000</u>	<u>\$289,383</u>
Control Total		<u>\$ 34,383</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 393-08

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

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

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

WHEREAS, the Town of Sullivan has requested the County assist them in a defense of assessment review proceedings brought by Tall Pines Lake Haven Association LLC seeking a reduction in assessment of \$1,558,600 and Idlewood MHP, LLC seeking a reduction of assessment of \$573,475;

NOW, THEREFORE, BE IT RESOLVED, by at least the two thirds majority vote of the Madison County Board of Supervisors that the County will in accordance with Local Law #5 of the year 1984 assist the Town of Sullivan in the defense of the assessment proceedings brought by Tall Pines Lake Haven Association LLC and Idlewood MHP, LLC in the amount not to exceed 25% of the total cost and expense actually incurred in the defense of the Town of Sullivan, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the County Treasurer is authorized to reimburse the Town of Sullivan 25% of the legal fees incurred for the certiorari proceedings between Tall Pines Lake Haven Association LLC and Idlewood MHP LLP and the Town of Sullivan in the amount of \$11,792.99.

Supervisor Bargabos made a motion to amend this resolution to include the following paragraph after paragraph 1:

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

The motion was seconded by Supervisor Williams and carried by unanimous vote.

The resolution with amendment was then voted on as follows:

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 394-08

AUTHORIZING THE ASSISTANCE IN DEFENSE OF ASSESSMENT REVIEW PROCEEDINGS

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

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

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

WHEREAS, the Town of Cazenovia has requested the County assist them in a defense of assessment review proceedings brought by Carriage House Village Apartments, LP seeking reduction in assessment of a total of \$441,113.00;

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the County Treasurer is authorized to reimburse Costello, Cooney and Fearon, Attorneys at Law 25% of the legal fees incurred for the certiorari proceedings between Carriage House Village Apartments, LP and the Town of Cazenovia in the amount of \$56.53.

ADOPTED: AYES – 1500 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 395-08

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 6 FOR THE YEAR 2008 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Bargabos has duly introduced proposed Local Law No. 6 for the year 2008, "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 copy of said proposed local law has been furnished to each Supervisor;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on the proposed local law in the Chambers of the Board of Supervisors at the Madison County Office Building on November 10, 2008 at 10:15 a.m., or as soon as possible thereafter; and

BE IT FURTHER RESOLVED, that the Clerk of the Board duly publish a notice of this hearing in the official newspapers of the County at least five days prior to the scheduled hearing.

ADOPTED: AYES – 1500 NAYS – 0

**LOCAL LAW NO. 6 FOR THE YEAR 2008
STATE OF NEW YORK
COUNTY OF MADISON**

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

BE IT ENACTED by the Madison County Board of Supervisors of the County of Madison, New York, as follows:

Section 1. Title. This law shall be known as **”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.”**

Section 2. Declaration of Intent. In accordance with subparagraph (2) of paragraph 4 of subdivision (a) of section 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Madison County Board of Supervisors authorizes the Madison County Clerk to increase fees charged for certain documents recorded with the County Clerk’s Office.

Section 3. Fees for Recording Documents. For recording, entering, indexing and endorsing a certificate on any instrument, the fee is increased from five dollars to twenty dollars and, in addition thereto, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the

extent that the Madison County Clerk places an image of such cover page on-line, the County Clerk shall make a good faith effort to redact such information.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or other portion of this Local Law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 5. Effective Date. This Local Law shall take effect January 1, 2009 after filing in the office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

END

RESOLUTION NO. 396-08

**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

1010 – Legislative Board

Expense

	<u>From</u>	<u>To</u>
A1010.4062 Employee Recognition	\$ 1,300	\$ 2,150
A1010.41 Travel Expense (mileage)	<u>\$ 21,000</u>	<u>\$ 20,150</u>
Control Totals	<u>\$ 22,300</u>	<u>\$ 22,300</u>

Modification #2

General Fund

1010 – Legislative Board

Expense

	<u>From</u>	<u>To</u>
A1010.4911 Office Supply & Expense (Outside)	\$ 321	\$ 821

1040 - Clerk of Legislative Board

Expense

	<u>From</u>	<u>To</u>
A1040.4911 Office Supply & Expense (Outside)	<u>\$4,100</u>	<u>\$3,600</u>
Control Totals	<u>\$4,421</u>	<u>\$4,421</u>

Modification #3

General Fund

1165 – District Attorney

Expense

	<u>From</u>	<u>To</u>
A1165-4005 Books and Periodicals	\$ 5,500	\$ 4,400
A1165-4911 Office Supplies & Expense		

(Outside)	<u>0</u>	<u>1,100</u>
Control Totals	<u>\$ 5,500</u>	<u>\$ 5,500</u>

Modification #4

General Fund

<u>1170 Public Defender Service</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		

A1170.4218 Assigned Counsel Fees & Disbursements (Criminal Court)	\$125,000	
\$150,000		

A1170.4219 Assigned Counsel Family Court	\$150,000	
\$175,000		

1990 Contingent Fund

Expense

A1990.4444 Contingent Account	<u>\$555,279</u>	<u>\$505,279</u>
Control Totals	<u>\$830,279</u>	<u>\$830,279</u>

Modification #5

General Fund

<u>1362 Tax Advertising & Expense</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		

A1362.4031 Taxes County Owned Property	-0-	\$ 430
A1362.402 Miscellaneous Expense	<u>\$8,000</u>	<u>\$7,570</u>
Control Totals	<u>\$8,000</u>	<u>\$8,000</u>

Modification #6

General Fund

<u>1430 Personnel/Civil Service</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		

A1430.4014 Background Investigations	\$5,000	\$790
A1430.4110 Training and Staff Development	18,125	20,175
A1430.471 Clerical and Office Assistance	<u>650</u>	<u>2,810</u>
Control Totals:	<u>\$23,775</u>	<u>\$23,775</u>

Modification #7

General Fund

<u>1620-County Buildings</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		

A1620.2706 Reset Curbing/Replace Sidewalks	\$29,358	\$19,613
A1620.4015 Painting COB Soffits	<u>0</u>	<u>9,745</u>
Control Totals	<u>\$29,358</u>	<u>\$29,358</u>

Modification #8

General Fund

<u>1680 – Information Technology</u>	<u>From</u>	<u>To</u>
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<u>Expense</u>			
A1680.2101	Network Equipment	\$40,596	\$35,224
A1680.4911	Office Supply	3,279	2,251
A1680.4200	Consultant Expense	<u>\$ 0</u>	<u>\$ 6,400</u>
	Control Totals	<u>\$43,875</u>	<u>\$43,875</u>

Modification #9

General Fund

3110 Sheriff Department

<u>Expense</u>		<u>From</u>	<u>To</u>
A3110.22	Automobiles	\$111,000	\$ 120,630
A3110.222	Vehicle Striping	3,500	1,295
A3110.2405	Radars	10,800	10,563
A3110.2408	Portable Radios	3,073	2,449
A3110.2803	Bar Lights/Cages	6,500	10,000
A3110.2804	Replace Rifles/Shotguns	1,700	856
A3110.2806	New Hand Guns	2,700	2,200
A3110.2824	Consolidators	2,035	0
A3110.4110	Training and Staff Development	11,000	9,425
A3110.4194	Radio Maintenance & Parts	13,400	9,900
A3110.44233	Shotgun Locks	850	0
A3110.4426	Emergency Equipment (Flares, Masks, Etc.)	<u>\$ 3,000</u>	<u>\$ 2,240</u>
	Control Totals	<u>\$169,558</u>	<u>\$169,558</u>

Modification #10

General Fund

3315 – Special Traffic Programs STOP DWI

<u>Expense</u>		<u>From</u>	<u>To</u>
A3315.2004	Office Furniture	\$ 0	\$2,000
A3315.42900	Road Equipment and Supplies	2,050	550
A3315.466	Chemical Testing	<u>\$1,750</u>	<u>\$1,250</u>
	Control Totals	<u>\$3,800</u>	<u>\$3,800</u>

Modification #11

General Fund

4010 Public Health Administration

<u>Expense</u>		<u>From</u>	<u>To</u>
A4010.4130	Advertising Expense	\$ 9,313	\$12,313
A4010.4921	Telephone/Pager/Cell Phones	<u>22,500</u>	<u>19,500</u>
	Control Totals	<u>\$31,813</u>	<u>\$31,813</u>

Modification #12

County Road Fund

5010 County Highway Administration

<u>Expense</u>		<u>From</u>	<u>To</u>
D5010.4016	Training & Safety Seminar	\$1,500	\$305

D5010.41	Travel Expense (Mileage)	4,000	3,695
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5142 County Snow Removal

Expense

D5142.4110	Training & Staff Development	\$ 0	\$ 1,500
	Control Totals	<u>\$5,500</u>	<u>\$5,500</u>

Modification #13

County Road Fund

5110 Maintenance of Roads and Bridges

Expense

		<u>From</u>	<u>To</u>
D5110.450017	North Court Street Bridge	\$1,716,354	1,823,428
D5110.46001	Bridge Materials	110,275	84,921
D5110.46003	Asphalt, Tar & Stone	447,255	555,525
D5110.46008	Culvert Pipe	55,000	75,000
D5110.4730	Contract Surface Treatment	450,000	341,730

5112 Construction Projects

Expense

D5112.45009	Reconstruct County Roads in Villages	150,000	0
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5113 Consolidated Highway Program

Expense

D5113.4733	Contract Paving	<u>1,180,393</u>	<u>1,330,393</u>
	Total	\$4,109,277	\$4,210,997
	Control Total		<u>\$101,720</u>

County Road Fund

Revenue

D3589.20	St. Aid Marchiselli N Court St Bridge	189,953	206,014
D4589.70	Fed Aid N Court St Bridge	<u>1,013,083</u>	<u>1,098,742</u>
	Total	\$1,203,036	\$1,304,756
	Control Total		<u>\$101,720</u>

Modification #14

Road Machinery Fund

5130 Road Machinery Repairs & Expense

Expense

		<u>From</u>	<u>To</u>
DM5130.2904	10 Ton Trailer	\$ 16,000	\$10,839
DM5130.2908	Truck, Pickup	105,000	99,354
DM5130.2909	Hyrdo Seeder	4,446	0
DM5130.2910	Tractor Mower	135,000	118,910
DM5130.2914	Truck with Tree Crane	170,000	167,059
DM5130.2925	Garage Security Fence	48,400	41,456
DM5130.2926	Air Handler	20,000	18,700
DM5130.2929	Tamper	10,000	6,960
DM5130.2951	Salt Storage Roof Replacement	25,000	0

DM5130.2955	2-Way Base Radio/Intercom	4,528	0
DM5130.2957	Skid Steer Sweeper Head	4,000	3,722
DM5130.2958	Generator Light Tower	4,000	3,549
DM5130.2959	Demo Saw	2,500	1,728
DM5130.4059	Sandblasting Equipment	10,000	0
DM5130.4815	Tires & Batteries	49,000	52,000
DM5130.4826	Fuel Oil (Diesel)	325,000	406,097
DM5130.4845	Outside Maintenance & Repair	<u>\$ 18,000</u>	<u>\$ 20,500</u>
	Control Totals	<u>\$950,874</u>	<u>\$950,874</u>

Modification #15

General Fund

6109 TANF

Expense

		<u>From</u>	<u>To</u>
A6109.41084	EAF-Foster Care	\$ 518,943	\$ 804,883
A6109.41087	EAF FC JD PINS	<u>\$ 785,940</u>	<u>\$ 500,000</u>
	Control Totals	<u>\$1,304,883</u>	<u>\$1,304,883</u>

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 397-08

CHANGING THE PLACE TO HOLD A PUBLIC HEARING DURING THE 2008 ANNUAL SESSION SCHEDULE

WHEREAS, the Board of Supervisors is preparing for Annual Session for the 2008 budget season; and

WHEREAS, public hearings on the tentative county budget during annual session will be held on Tuesday, November 18, 2008 at 9:20 a.m. and 7:00 p.m.; and

WHEREAS, these hearings are held in the Supervisors Chambers, second floor, County Office Building in Wampsville, New York; and

WHEREAS, Chairman John Becker wishes to move the 7:00 p.m. public hearing on November 18th to the SUNY Morrisville State College, located on Route 20 in Morrisville, New York, to accommodate the residents in the Southern part of the County;

NOW, THEREFORE BE IT RESOLVED, that the November 18th public hearing on the tentative county budget scheduled for 7:00 p.m. be held at the SUNY Morrisville State College in Morrisville, New York; and

BE IT FURTHER RESOLVED, that in accordance with Section 152 of County Law, the changing of a place of meeting where such board has regularly met to any

other city, town or village in the county requires the affirmative vote of at least three-quarters of the total membership of such board.

Note: A three-quarters vote was taken:

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 398-08

RESOLUTION TO AMEND AND RESTATE THE MODEL PLAN FOR DEFERRED COMPENSATION FOR EMPLOYEES OF MADISON COUNTY

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Madison County (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS, Madison County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Madison County; and

WHEREAS, when the Madison County Deferred Compensation Committee (the Government Operations Committee) amended and restated the Deferred Compensation Plan for Employees of Madison County effective May 21, 2004 by adopting the amended and restated Model Plan effective May 21, 2004, it expressly excluded those parts of the Model Plan that discussed the availability and administration of plan loans; and

WHEREAS, upon due deliberation, the Madison County Deferred Compensation Committee (the Government Operations Committee) has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Madison County by adopting those provisions of the Model Plan related to availability of plan loans; and

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions relating to

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.

- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Madison County Deferred Compensation Committee (the Government Operations Committee) has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Madison County by adopting the amended and restated Model Plan., including those provisions related to availability of plan loans,

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors hereby amends the Deferred Compensation Plan for Employees of Madison County effective as of December 7, 2007 in the form filed with the Clerk to the Board of Supervisors and attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors and the County Attorney be and hereby are authorized to execute the required Certificate and documents related to the filing of this change with the New York State Deferred Compensation Board.

ADOPTED: AYES – 1500 NAYS – 0

RESOLUTION NO. 399-08

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 – 1500 NAYS – 0

PUBLIC COMMENT PERIOD

A hand written letter was delivered to the Board of Supervisors from Mr. Robb Wojsiat of Munnsville, NY to be included in the public comment period. He expressed being whole-heartedly against the issue of lowering the drinking age from 21 to 18.

On motion by Supervisor Bargabos, seconded by Supervisor Carinci, the Board adjourned