

MADISON COUNTY BOARD OF SUPERVISORS
Meeting Resolutions – Tuesday, October 11, 2011

Please note that the numbers on the resolutions listed below are agenda numbers only. Final resolution numbers will be assigned after resolutions have been officially adopted by the Board of Supervisors.

By Supervisor Bargabos:

RESOLUTION NO. 1

RESOLUTION OF APPRECIATION – RETIREE RECOGNITION

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

WHEREAS, recognition of the distinguished service of certain County employees with upcoming retirements is in order,

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Daniel Griff, Caroline Hunt, Catherine Nagle, Nancy Snider, Martha Phillips and Dawn O’Day upon their retirement.

Daniel M. Griff	Highway	1996 - 2011
Caroline K. Hunt	Planning	2001 - 2011
Catherine E. Nagle	Solid Waste	2003 - 2011
Nancy L. Snider	Social Services	2006 - 2011
Martha L. Phillips	Public Health	2008 - 2011
Dawn M. O’Day	Public Health	2009 - 2011

PENDING BOARD APPROVAL

RESOLUTION NO. 2

**AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE
NACo BOARD OF DIRECTORS MEETING
(Supervisor)**

WHEREAS, the NACo Fall Board of Directors Meeting will be held December 8 – 10, 2011 in Orlando, Florida; and

WHEREAS, Town of Lenox Supervisor, Rocco DiVeronica, serves as an at-large member on this Board; and

WHEREAS, Supervisor DiVeronica has requested to attend said meeting;
and

WHEREAS, his expenses for transportation, lodging and meals will be funded through appropriations in the 2011 Legislative Board's budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Rocco DiVeronica be and hereby is authorized to attend said meeting at County expense not to exceed \$1,200.00.

PENDING BOARD APPROVAL

RESOLUTION NO. 3

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

WHEREAS, the Conference of Radiation Control Program Directors (CRCPD) is holding their National Radon Training Conference in Orlando, FL on October 16, 2011 through October 19, 2011; and

WHEREAS, Eric Faisst, Public Health Director has requested that Virginia Zombek, Public Health Educator, attend said conference; and

WHEREAS, travel, lodging, meals and registration expenses will be paid for by the Healthy Indoor Air Coalition (HIA of CNY) at the request of the NYS Bureau of Radiation; 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 Virginia Zombek be and hereby is authorized to attend said conference at no cost to the County.

PENDING BOARD APPROVAL

RESOLUTION NO. 4

AUTHORIZING COUNTY ATTORNEY TO COMMENCE LAWSUIT

WHEREAS, the Madison County Department of Health manages the Home Care division; and

WHEREAS, Brian Congden is responsible for services rendered; and

WHEREAS, Mr. Congden has a balance of \$625.00 that is owed to the Madison County Department of Health; and

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

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney of his designee is hereby authorized to commence suit against Brian Congden to collect the past due balance of \$625.00 owed to the County of Madison.

PENDING BOARD APPROVAL

RESOLUTION NO. 5

AUTHORIZING COUNTY ATTORNEY TO COMMENCE LAWSUIT

WHEREAS, the Madison County Department of Health manages the Home Care division; and

WHEREAS, Melissa Cobb is responsible for services rendered; and

WHEREAS, Ms. Cobb has a balance of \$1,325.00 that is owed to the Madison County Department of Health; and

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

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney of his designee is hereby authorized to commence suit against Melissa Cobb to collect the past due balance of \$1,325.00 owed to the County of Madison.

PENDING BOARD APPROVAL

RESOLUTION NO. 6

ABOLISHING FOUR POSITIONS

WHEREAS, the recently enacted property tax cap will result in cuts of non-mandated services as approximately 93% of Madison County's property tax levy is to provide unfunded State mandated programs; and

WHEREAS, the County continues to review current staffing structure as a result of the property tax cap and eliminate a number of vacant positions in order to control costs; and

WHEREAS, the Government Operations Committee has reviewed and approved this recommendation;

NOW, THEREFORE BE IT RESOLVED that one (1) full-time Deputy Director of Health position, one (1) full-time Heavy Equipment Operator position and two (2) part-time Transportation Aide positions be abolished effective immediately.

PENDING BOARD APPROVAL

RESOLUTION NO. 7

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
(Traffic Safety Research Inc.)**

WHEREAS, the Personnel Department is facilitating training for managers and supervisors surrounding reasonable suspicion alcohol/controlled substances testing; and

WHEREAS, the Personnel Department and Government Operations Committee recommend that the County retain Traffic Safety Research Inc. to provide said training; and

WHEREAS, the cost of said training shall not exceed \$1,300 subject to appropriations in the adopted 2011 Personnel Department budget,

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be and hereby is authorized to execute the agreement with Traffic Safety Research Inc. effective immediately, a copy of which is on file with the Clerk to the Board.

PENDING BOARD APPROVAL

RESOLUTION NO. 8

**AUTHORIZING CHAIRMAN TO EXECUTE RIGHT OF ENTRY AGREEMENT
WITH TIME WARNER CABLE INC. FOR PROPERTY AT 6662 BUYEA ROAD,
CANASTOTA, NEW YORK**

WHEREAS, certain property located at 6662 Buyea Road, Canastota, New York, is owned by the County of Madison; and

WHEREAS, the Madison County Weights and Measures Department, occupies the buildings at said location and uses internet services in furtherance of its work; and

WHEREAS, Time Warner Inc. is installing cable services along Buyea Road in front of such property, which services would greatly improve the quality of internet access at the site; and

WHEREAS, the Weights and Measures Department has requested Time Warner cable services for the site, the provision of which requires installation of underground cable lines, known as an "HFC System"; and

WHEREAS, Time Warner Inc. must obtain the permission of the property owner to enter the property and install the HFC System; and

WHEREAS, a Right of Entry Agreement, executed by the property owner, would provide Time Warner Inc. with the necessary permission to enter and install;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and hereby is authorized to execute the aforesaid Right of Entry Agreement on behalf of the County of Madison, in the form and as is on file with the Clerk of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 9

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH TIME WARNER CABLE FOR HIGH SPEED INTERNET SERVICE

WHEREAS, the Board of Supervisors desires to contract with Time Warner Cable to provide an open access Wifi hotspot for the connection of various electronic devices to the internet in the Supervisor's Chambers and Large Conference Room; and

WHEREAS, said hotspot would allow members of the Board, press and guests to connect to the internet and e-mail for business purposes separate from the County internal network; and

WHEREAS, the County is required to enter into an agreement to receive said services; and

WHEREAS, the service from Time Warner Cable, will be at a cost \$62.96 per month, for a term of three (3) years from the date of execution of the agreement; and

WHEREAS, the Government Operations Committee has reviewed and approved this agreement,

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into an agreement with Time Warner Cable of Syracuse, New York for the above service, a copy of which is on file with the Clerk to the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 10

AUTHORIZING THE CHAIRMAN TO ACCEPT SETTLEMENT

WHEREAS, Madison County entered into a retainer agreement with Kirby, McInerney & Squire in March of 2005, by Resolution 75; and

WHEREAS, Kirby McInerney & Squire were authorized to pursue claims on behalf of Madison County along with many other Counties throughout the State against pharmaceutical companies who had violated laws with regard to billing practices, and in turn had over charged Madison County on several drugs paid for by Medicaid; and

WHEREAS, Kirby McInerney & Squire has been negotiating settlements on behalf of Madison County and the many other Counties they represent; and

WHEREAS, they have recently reached a settlement with Novartis, Endo and Bayer in the amount of Five Million Five Hundred Seventeen Thousand Three Hundred Forty Six and 51/100 dollars (\$5,517,346.51), Madison County's distribution after expenses being Four Hundred Thirty and 60/100 dollars (\$430.60); and

WHEREAS, the Government Operations Committee has reviewed and approved the settlements of these matters;

NOW, THEREFORE, BE IT RESOLVED, that the County of Madison accept the settlements set forth above in full satisfaction of the claims against Novartis, Endo and Bayer and that the Chairman of the Board of Supervisors be and hereby is authorized to execute any necessary paperwork with regard to the acceptance of these amounts.

PENDING BOARD APPROVAL

By Supervisors Bargabos and Degear:

RESOLUTION NO. 11

AUTHORIZING THE CHAIRMAN TO ACCEPT SETTLEMENT

WHEREAS, Hiscock & Barclay, LLP was authorized to defend claims against Madison County brought by Plaintiffs Paul Brown and Vincent Rogowski (together as "Plaintiffs") in a lawsuit currently pending in the United States District Court for the Northern District of New York entitled *Brown v. County of Madison*, Civil Action No. 5:09-cv-00125 (the "Action"); and

WHEREAS, Plaintiffs' claims in the Action allege violations of New York State and federal law relating to the Madison County Courthouse (the "Courthouse"); and

WHEREAS, Plaintiffs also have a complaint pending at the United States Department of Justice relating to the Courthouse; and

WHEREAS, Hiscock & Barclay, LLP has participated in extensive settlement negotiations with Plaintiffs and their counsel on behalf of Madison County; and

WHEREAS, Madison County has reached a settlement in principle Plaintiffs regarding the Action and the matter currently pending with the Department of Justice; and

WHEREAS, pursuant to the terms of settlement agreed to by the parties, which are set forth in the Settlement Agreement and Release negotiated by Plaintiffs and the County, Plaintiffs have agreed to dismiss, with prejudice, their claims pending in the Action and at the Department of Justice in consideration of various rights and obligations; and

WHEREAS, the Government Operations Committee has reviewed and approved the terms contained in the Settlement Agreement and Release; and

WHEREAS, the Building and Grounds Committee has reviewed and approved the terms contained in the Settlement Agreement and Release; and

NOW, THEREFORE, BE IT RESOLVED, that the County of Madison accept the settlement set forth above pursuant to the terms of the Settlement Agreement and Release between the County and Plaintiffs in full satisfaction of the Plaintiffs' claims against it and that the Chairman of the Board of Supervisors be and hereby is authorized to execute any necessary paperwork with regard to the acceptance of these amounts; a copy of which is on file with the Clerk to the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 12

RESOLUTION URGING MULTI-YEAR STATE TAKEOVER OF LOCAL SHARE OF MEDICAID

WHEREAS, county officials across the state are presently introducing their 2012 budgets; and

WHEREAS, these budget decisions are being made under the constraints of the State's new property tax cap; and

WHEREAS, when State lawmakers enacted a property tax cap, they pledged to provide mandate relief that would enable and empower local leaders to implement that tax cap locally; and

WHEREAS that mandate relief has not materialized; and

WHEREAS, By far, at a local statewide cost of \$7.3 billion, Medicaid is the number one mandate facing counties and the projected 2012 Madison County Medicaid local share is estimated at \$11,355,099, which is approximately 39% of our current 2011 tax levy; and

WHEREAS, State Legislation (S.5889-B) will require state policymakers to take full fiscal responsibility for New York's largest in the nation Medicaid program, by implementing an eight (8) year gradual State takeover of county Medicaid costs; and

WHEREAS, removing county taxpayers from the financing of Medicaid is the single most important thing the State Legislature can do to lower property taxes for New Yorkers; and

WHEREAS, the State takeover of county Medicaid costs will lead to lower property taxes and enhance New York's economic competitiveness and improve economic opportunities for all New Yorkers; and

WHEREAS, state lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings and other spending controls, including, applying MRT (Medicaid Redesign Team) reform savings to mandate relief and pursuing a federal Medicaid waiver to leverage state cost containment initiatives that can be applied to property tax relief and applying future revenues to lowering property taxes and by allowing federal health care reforms to cover New Yorkers; and

WHEREAS, Senator David Valesky and Assemblyman William Magee have co-sponsored this critical legislation;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors calls on all State lawmakers to keep their promise, and sign on to legislation (S5889-B) designed to provide mandate relief for counties, in the form of an eight-year State takeover of county Medicaid costs.

PENDING BOARD APPROVAL

By Supervisor Salka:

RESOLUTION NO. 13

PROCLAIMING OCTOBER 24, 2011 FOOD DAY

WHEREAS, the health and well-being of our citizens is of primary concern for the County of Madison; and

WHEREAS, reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens' overall health; and

WHEREAS, curbing junk-food marketing aimed at children is of vitally important in order to combat rising obesity rates and raise a generation of healthy children; and

WHEREAS, expanding access to healthy food and ending hunger is of critical importance; and

WHEREAS, supporting sustainable family farms and local agriculture benefits the local economy; and

WHEREAS, protecting the environment and farm animals is necessary to sustain future generations;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors, does hereby declare October 24, 2011 as:

FOOD DAY

in the County of Madison, and I urge all citizens to join in the activities planned hereforth.

PENDING BOARD APPROVAL

RESOLUTION NO. 14

**AUTHORIZING THE CHAIRMAN TO ACCEPT GRANT FUNDS FROM
COMMUNITY MEMORIAL HOSPITAL**

WHEREAS, Madison County Public Health Department has been notified by Community Memorial Hospital that grant funds are available for Health Literacy and Diabetes Programs, and

WHEREAS, a private contribution from Community Memorial will aid the Health Department in the development of Health Literacy Action kits for providers in Madison County and with Type 2 Diabetes Self-management programs for our residents; and

WHEREAS, both Board of Health and the Public Health Services Committee supports the Health Department's involvement in this initiative,

NOW, THEREFORE BE IT RESOLVED, that the 2011 Adopted County Budget be modified as follows:

Public Health Department

A4014 Public Health Promotion and Planning

Expense		From	To
A4014.405	Health Promotion Expenses	\$ 2,200	\$17,200
Revenue			
A2705.3020	Private Contribution – CMH	\$ 0	\$15,000

PENDING BOARD APPROVAL

RESOLUTION NO. 15

AUTHORIZING MODIFICATION OF THE 2011 ADOPTED COUNTY BUDGET

WHEREAS, effective October 1, 2011, L. Woerner, Inc., dba HCR, a certified home care agency and Madison County will have an agreement to contract for nursing and therapy services; and

WHEREAS, the Public Health Department, has an insufficient appropriations for these expense; and

WHEREAS, there is an additional need to move long term care expenses to cover patient needs; and

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

NOW, THEREFORE BE IT RESOLVED, that the 2011 Adopted County Budget be modified as follows:

General Fund

4013 Public Health Homecare

Expense

A4013.4720	HCR Contract	\$ 0	\$ 233,500
A4013.4723	CHHA Service Contract	220,000	120,000
A4013.4724	LT Service Contract	15,000	10,000
A4013.1	Personal Services	1,867,269	1,738,769
A4013.41046	LTHHC Misc	3,500	4,500
A4013.41042	LTHHC Home Delivered Meals	<u>37,000</u>	<u>36,000</u>
	Total	<u>\$ 2,142,769</u>	<u>\$ 2,142,769</u>

PENDING BOARD APPROVAL

By Supervisor Salka:

RESOLUTION NO. 16

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH
CORNELL COOPERATIVE EXTENSION OF ONEIDA COUNTY**

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 Cornell Cooperative Extension of Oneida County, is responsible for referrals for child care, recruitment of providers, and assisting providers in securing mandated licensing training and safety equipment; and

WHEREAS, Cornell Cooperative Extension of Oneida County 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, Cornell Cooperative Extension of Oneida County 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 for the period October 1, 2011, to September 30, 2012, at a cost not to exceed \$33,218, the same amount as the 2010-2011 contract period; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to renew an agreement on behalf of the County of Madison with Cornell Cooperative Extension of Oneida County, in the form as is on file with the Clerk of the Board.

PENDING BOARD APPROVAL

RESOLUTION NO. 17

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH
MADISON COUNTY OFFICE FOR THE AGING**

WHEREAS, the cost to heat homes in the county has risen to the point that many low-income families are unable to afford those costs; and

WHEREAS, the Madison County Department of Social Services (DSS) administers the HEAP program, a federally subsidized energy program that targets benefits to low-income, at-risk populations; and

WHEREAS, the Department of Social Services requires a service agreement with a qualified provider to comply with the Social Services Law of the State of New York and the rules and regulations of Title 18 NYCRR, specifically that the County of Madison shall provide for a comprehensive program of assistance and care to supply the basic needs of those eligible individuals living within the county who qualify for needed assistance and care; and

WHEREAS, the Department of Social Services has requested provision of HEAP outreach and certification services to low-income residents of Madison County, especially households with elderly and handicapped individuals consistent with the New York State Plan and regulations; and

WHEREAS, The Madison County Office for the Aging (MCOFA) has a documented record of performing intake services at the main office located in Canastota, New York, and in the homes of senior citizens; and

WHEREAS, Madison County Office for the Aging has assisted 124 seniors with their HEAP applications, including the early outreach program along with regular HEAP applications, through March 30, 2011; and

WHEREAS, Madison County Office for the Aging has agreed to administer the HEAP intake services for the period October 1, 2011, to September 30, 2012, at a cost of \$9.50 per application and at a total cost not to exceed \$1,200; and

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

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

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

PENDING BOARD APPROVAL

RESOLUTION NO. 18

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH COMMUNITY ACTION PROGRAM, INC.

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, the program would provide the ability to meet the transportation needs of a rural population in Madison County who are TANF eligible or are below the 200 percent of the federal poverty level in order to assist them in obtaining or maintaining employment; and

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

WHEREAS, Community Action Program, Inc., has agreed to provide these services for the period October 1, 2011, to September 30, 2012, at a total cost not to exceed \$72,224, the same amount as the 2010-2011 contract period; and

WHEREAS, this funding is 100 percent reimbursable through the New York State Office of Temporary and Disability Assistance; and

WHEREAS, this agreement has been reviewed and approved by the Social and Mental Health Services Committee:

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to renew an agreement on behalf of the County of Madison with Community Action Program, Inc., in the form as is on file with the Clerk of the Board.

PENDING BOARD APPROVAL

RESOLUTION NO. 19

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH
STONELEIGH HOUSING, INC.**

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

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

WHEREAS, Stoneleigh Housing, Inc., is an agency with a demonstrated ability to develop and implement a full-service package of services for home weatherization and heating equipment repair/replacement; and

WHEREAS, 75 families were served in the 2010 – 2011 contract year; and

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

WHEREAS, Stoneleigh Housing, Inc., has agreed to provide said services for the period October 1, 2011, to September 30, 2012, at a total cost not to exceed \$15,000; and

WHEREAS, no monies will be expended until final funding approval is received from the New York State Office of Temporary and Disability Assistance Home Energy Program; and

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

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

PENDING BOARD APPROVAL

By Supervisors Suits:

RESOLUTION NO. 20

**AMENDING RESOLUTION NO. 452-10
FIXING TIME FOR THE FIRST DAY OF ANNUAL SESSION IN 2011**

WHEREAS, pursuant to provisions contained in Section 152 of the County Law, the Madison County Board of Supervisors shall hold meetings on the second Tuesday of each month, such meeting to be called at 10:30; and

WHEREAS, the session held in November shall be designated as "**ANNUAL SESSION**" and shall convene on the Monday following Election Day; and

WHEREAS, the Board of Supervisors by Resolution No. 452-10 set the first day of "Annual Session" for Monday, November 7, 2011 which is incorrect; and

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby corrects the date set for the first day of "Annual Session" to Monday, November 14, 2011 at 10:30 a.m.

PENDING BOARD APPROVAL

By Supervisor Ball:

RESOLUTION NO. 21

AUTHORIZING THE CHAIRPERSON OF THE LEGISLATURE TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF NEW YORK DIVISION OF STATE POLICE FOR CONNECTION TO THE ONONDAGA COUNTY MASTER SITE THE NEW EMERGENCY COMMUNICATIONS SYSTEM

WHEREAS, the Madison County has contracted with Motorola for the build out of a new Emergency Communications System; and

WHEREAS, the new Emergency Communications System will rely on a Master Site to coordinate radio conversations on the trunked land mobile radio network (TLMR); and

WHEREAS, through the availability of funding the State of New York Division of State Police will fund the connection to the Onondaga County Master Site; and

WHEREAS, this connection will cost \$328,569; and

WHEREAS, the benefits to each respective New York State governmental entity will result in procurement, operational and maintenance cost savings to each entity, improved communications for both routine and joint service operations, and improved cohesion during major crimes, fire fighting, EMS operations, natural or man-made disasters and Homeland Security operations; and

WHEREAS, the Central new York Interoperable Communications Consortium (CNYICC), was formed for the purpose of fostering a regional interoperable communications network that would serve agencies in the five counties involved; and

WHEREAS, Onondaga County has established an agreement to allow Madison County use of the Master Site in a fair and equitable manner;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign an agreement with the State of New York Division of State Police for their funding of the connection to the Onondaga County Master Site.

PENDING BOARD APPROVAL

RESOLUTION NO. 22

**RE-APPOINTING MEMBERS TO THE MADISON COUNTY
TRAFFIC SAFETY BOARD**

RESOLVED, that Bernie Kennett of Oneida, New York be and he is hereby appointed to the Madison County Traffic Safety Board for a three (3) year term commencing on October 8 2011 and expiring October 7, 2014 and David Meeker of Wampsville, New York be and he is hereby appointed to the Madison County Traffic Safety Board for a three (3) year term commencing on November 12, 2011 and expiring on November 11, 2014.

PENDING BOARD APPROVAL

RESOLUTION NO. 23

**AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENT WITH SWANSON
SERVICES CORPORATION**

WHEREAS, the Sheriff's Office would like to enter into agreement with Swanson Services Corporation for means to collect, disburse, and account for funds through the use of Kiosks; and

WHEREAS, Swanson Services Corporation will provide such equipment and services at no charge; and

WHEREAS, the Sheriff's Office is currently contracted with Swanson Services Corporation for commissary services to inmates; and

WHEREAS, the term of this agreement shall be from September 15, 2011 for five (5) years and shall automatically renew thereafter; and

WHEREAS, this agreement has been reviewed and approved by the Criminal Justice, Public Safety and Telecommunications Committee; and

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

PENDING BOARD APPROVAL

RESOLUTION NO. 24

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH THE STATE OF NEW YORK, EXECUTIVE DEPARTMENT, OFFICE OF
GENERAL SERVICES, DIVISION OF FOOD DISTRIBUTION & WAREHOUSING**

WHEREAS, the Madison County Sheriff's Office wishes to enter into an agreement with the State of New York, Executive Department, Office of General Services, Division of Food Distribution & Warehousing for the Child Nutrition Program; and

WHEREAS, the Madison County Sheriff's Office will hereby make application for food donated by the United States Department of Agriculture for distribution to Madison County Jail and agree to the terms and conditions regarding the receipt, transportation, handling, storage, record keeping, preparation, use and disposal of such donated foods; and

WHEREAS, the term of this agreement shall commence effective September 1, 2011 and shall be considered permanent unless terminated by either party; and

WHEREAS, this agreement has been reviewed and approved by the Criminal Justice, Public Safety and Telecommunications Committee; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and he is hereby authorized to enter into agreement with the State of New York, Executive Department, Office of General Services, Division of Food Distribution & Warehousing, a copy of which is on file with the Clerk of the Board.

PENDING BOARD APPROVAL

By Supervisors Ball and Reinhardt:

RESOLUTION NO. 25

**AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENT
AND MODIFYING THE 2011 COUNTY BUDGET**

WHEREAS, BRiDGES has received a 2011 NYS Enforcing Underage Drinking Laws College Community Coalition Subgrant; and

WHEREAS, the Sheriff's Office will conduct off and on-premise compliance checks of licensed establishments and any details related to underage drinking targeted at the Morrisville College area and surrounding communities and the Route 20 Corridor; and

WHEREAS, BRiDGES hereby agrees to pay \$10,020 to the Madison County Sheriff's Office for the above mentioned services; and

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

Awarding Agency: Office of Juvenile Justice and Delinquency Prevention
 Pass-through Agency: NYS Office of Alcoholism and Substance Abuse Services
 Catalog #: 16.727
 Program Name: 2011 NYS Enforcing Underage Drinking Laws College
 Community Coalition Subgrant
 Award Period: August 2011 – May 2012
 Federal Funds %: 100%
 Total Grant Amount: \$10,020; and

WHEREAS, the funding agencies have approved the following budget for this project during the project period of August 2011 – May 2012; and

General Fund

3110 Sheriff's Department

		From	To
<u>Expense</u>			
A3110.41030	Enforcing Underage Drinking Laws- College	<u>\$ -0-</u>	<u>\$10,020</u>
	Control Total		<u>\$10,020</u>
<u>Revenue</u>			
A4389.6030	Fed Aid-Enforcing Underage Drinking Laws-College	<u>\$ -0-</u>	<u>\$10,020</u>
	Control Total		<u>\$10,020</u>

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

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

PENDING BOARD APPROVAL

By Supervisor Cary:

RESOLUTION NO. 26

**AMENDING A CONTRACT WITH NYS DEC
 FOR ENVIRONMENTAL RESTORATION PROJECT**

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

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

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

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

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

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

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

WHEREAS, a subsequent Amendment No. 3 to the original contract, approved by the Board Resolution 40-10 and extended the term of the contract to February 28, 2011; and

WHEREAS, the contract was again modified by the parties by Amendment No. 4 dated June 8, 2010; and

WHEREAS, there are circumstances necessitating a final no cost time extension (Amendment #5) of the Original Contract creating a new and final end date of November 30, 2012;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is authorized to sign the no cost time extension amendment to our existing State Assistance Contract with the NYS Department of Environmental Conservation, a copy of which is on file with the Clerk of the Board, and

PENDING BOARD APPROVAL

RESOLUTION NO. 27

AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A CONTRACT WITH THE MADISON COUNTY ASSOCIATION OF SNOWMOBILE CLUBS

WHEREAS, the NYS Office of Parks Recreation and Historic Preservation disburses Snowmobile Trails Grant-in-Aid Funding to participating Snowmobile Program Local Sponsors; and

WHEREAS, Madison County is the Local Sponsor of the Madison County Snowmobile Program; and

WHEREAS, the Madison County Association of Snowmobile Clubs incorporated in 2003 and has agreed to maintain snowmobile trails within Madison County, and comply with Snowmobile Program requirements;

WHEREAS, Madison County has received a Snowmobile Trails Grant-in-aid for snowmobile trail maintenance within Madison County;

NOW THEREFORE, BE IT RESOLVED, that Madison County Board of Supervisors hereby authorizes John M. Becker, Chairman of the Board, to enter into a contract (a copy of which is on file with the Clerk of this Board) with the Madison County Association of Snowmobile Clubs for snowmobile trail maintenance.

PENDING BOARD APPROVAL

RESOLUTION NO. 28

APPOINTING A MEMBER TO THE CENTRAL NEW YORK REGIONAL MARKET AUTHORITY

RESOLVED, that Beth McKellips, Madison County's Agricultural Economic Development Specialist, be appointed to fill Madison County's vacant seat (created by the departure of our prior AED specialist Becca Jablonski) of the Central New York Regional Market Authority, commencing immediately and to serve at the pleasure of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 29

RESOLUTION AGAINST THE FINDINGS OF THE CITIZENS BUDGET COMMISSION REGARDING CONSOLIDATION OF INDUSTRIAL DEVELOPMENT AGENCIES

WHEREAS, Madison County coordinates its economic development activities through the Madison County Center for Economic Development and the Madison County Industrial Development Agency (IDA) to advance job opportunities, economic growth, and general prosperity for the people of the County; and

WHEREAS, the IDA is a public benefit corporation organized under Article 18-a of the General Municipal Law to advance the job opportunities, health, general prosperity and economic growth of the people of the State of New York and the County of Madison; and

WHEREAS, the Citizens Budget Commission argues that Upstate NY has a poor record of job creation and economic development, and blames IDA's for this failure; and

WHEREAS, the difficulty of business recruitment and business retention has more to do with New York's high taxes, unfunded mandates, debt and spending, and tough regulatory environment, than the number of IDA's ; and

WHEREAS, State Comptroller Thomas DiNapoli recently released his annual report on the effectiveness of IDA's and determined that statewide, IDA's created 204,000 net new

jobs at a remarkable cost of only \$2,429 on average, and in Madison County the cost was only \$401 per new job; and

WHEREAS, it is in the best interest of Madison County that decisions on financial incentives and tax breaks for County based businesses are determined locally without the intrusion of any state or regional councils on home rule matters, thereby maximizing local control; and

NOW THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors urges Governor Cuomo and the New York State Regional Economic Development Councils to reject the recommendation of the Citizens Budget Commission, to allow local officials to approve local projects, and to determine our own fate when it comes to economic development decisions that are best for the people of our community.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Lt. Governor Robert Duffy, Senator David Valesky, Assemblyman William Magee, Chancellor Nancy Cantor, and Robert Simpson.

PENDING BOARD APPROVAL

**RESOLUTION NO. 30
(LAND SALE RESOLUTION – 20 PAGES)**

By Supervisors Cary and Reinhardt:

RESOLUTION NO. 31

**EXPRESSING THE INTENTION OF THE BOARD TO ACCEPT THE USDA
INTERMEDIARY RELENDING PROGRAM LOAN OF \$750,000 at 1%
INTEREST**

WHEREAS, the United States Department of Agriculture received approval to administer a 30-year low-interest loan for an Intermediary Relending Program (IRP) to make loans to businesses for the purposes of assisting in business expansion and new business start-ups in the County.

WHEREAS, the stagnation in new business expansion and new business start-ups has weakened the economy in Madison County and New York State; and

WHEREAS, the uncertainty in the local, national, and world economy has highlighted the need for alternative economic development programs for businesses in Madison County; and

WHEREAS, the Madison County Center for Economic Development receives many inquiries on a regular basis from local small businesses looking for resources to start-up or grow; and

WHEREAS, the availability of proceeds from the low-interest IRP loan, coupled with individual commitment and financial investment will greatly facilitate business expansion and retention of new and existing small businesses in the County; and

\ **WHEREAS**, the USDA program requires a commitment by the loan recipient to provide matching funds in the amount of \$112,500, which the Madison County's revolving Loan Committee has approved for such purposes; and

WHEREAS, Madison County has demonstrated experience and capacity to administer business development loans through its Economic Development Loan and Microenterprise Loan programs; and

WHEREAS, before making any loans under this IRP, due diligence and continued Board oversight will minimize risk to the County, and

WHEREAS, applications receiving favorable recommendations from the Loan Committee will be forwarded to the Madison County Planning Committee and the Madison County Board of Supervisors for final approval; and

WHEREAS, the USDA has prepared the necessary documents for the County to sign to effectuate transfer of these IRP responsibilities from the Madison County IDA to the County of Madison and for the closing of the loan;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board be and is hereby authorized and directed to execute the necessary paperwork for the County's takeover, administration, and closing of the USDA Intermediary Relending Program loan.

PENDING BOARD APPROVAL

By Supervisor Degear:

RESOLUTION NO. 32

**CONTROL OF SNOW AND ICE ON THE VILLAGE OF WAMPSVILLE
STREETS FOR THE SNOW SEASON OCTOBER 1, 2011 THROUGH APRIL
30, 2011**

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

WHEREAS, the Agreement for payment is \$6,000 for the Snow Season October 1, 2011 through April 30, 2012;

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

PENDING BOARD APPROVAL

By Supervisor Degear and Reinhardt:

RESOLUTION NO. 33

ESTABLISHING A CAPITAL RESERVE IN THE ROAD MACHINERY FUND TO FINANCE THE PURCHASE OF CAPITAL EQUIPMENT, MACHINERY, AND/OR APPARATUS

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Madison County Board of Supervisors does hereby establish a capital reserve fund to be known as the Highway Capital Equipment Reserve Fund (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of capital equipment. The type of capital equipment to be financed from the Reserve Fund is the acquisition of highway equipment, machinery, and/or apparatus for the Road Machinery Fund.

The Madison County Treasurer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Madison County Treasurer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of Madison County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Madison County Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the cash and investments of the Reserve Fund.

Except as otherwise provided by Section 6-c of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No purchase shall be financed by any appropriation and expenditure pursuant to this resolution unless same shall have a cost of at least \$50,000. No expenditure shall be made from this Reserve Fund without the approval of this governing board and without such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law, including a permissive referendum if required by subdivision 4 of Section 6-c of the General Municipal Law.

The sources from which the funds for such Reserve Fund will be obtained are: appropriations contained in the annual County budget; revenue from the sale of equipment, machinery, and apparatus; and surplus moneys in excess of 10% of total Road Machinery Fund appropriations shall be transferred to said Reserve Fund.

PENDING BOARD APPROVAL

By Supervisor Goldstein:

RESOLUTION NO. 34

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

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

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

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

Type of Fee	Amount	Local Law Provision
Commercial Waste Permit	\$50 plus \$20 per vehicle	III.1.c.
Renewal of CWP	same as original permit fee	III.1.g.
Lost permit fee	\$5	III.1.h.
<u>Commercial tipping fees/ton</u>	<u>\$64.00/ton</u> Contract rate / All Towns, Villages and the City of Oneida <u>\$75.00/ton</u> without Contract <u>\$85.00/ton</u> Day Use Permits <ul style="list-style-type: none"> • Minimum scale charge \$15.00 • Vehicle weighing charge \$6.00 	III.5.a., III.6.a.
Tire Disposal Fee - car , truck tires, Off Road Tires (for all Commercial and Day Use Permittees)	\$90 per ton	III.5.a., III.6.a.
Refrigeration Units Propane Cylinders Televisions Computer Monitors	\$13.50 each \$2.70 each \$2.70 each \$2.70 each	III.5.a., III.6.a.

Type of Fee	Amount	Local Law Provision
Insufficient Funds (Bounced Check) Charge (Residential and Commercial)	\$20	III.5.e
Penalty for Late Tipping Fee Payments	Municipalities shall pay 1.5 % per month on unpaid balance after 60 days All others shall pay 1.5 % per month on unpaid balance after 30 days	III.5.d.
Day Use Permit Fee (Special Use)	No Charge	III.2.a.

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

FURTHER RESOLVED, that this Resolution takes effect January 1, 2012.

PENDING BOARD APPROVAL

RESOLUTION NO. 35

**ESTABLISHING A FEE AND EXPIRATION DATE FOR
2012 SOLID WASTE PUNCH CARDS
RELATING TO RESIDENTIAL SOLID WASTE DISPOSAL IN MADISON
COUNTY**

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

WHEREAS, upon review of the costs associated with transfer station operations, the Solid Waste and Recycling Committee has determined that the **2012 Solid Waste Punch Card fee be increased by five cents per punch to \$13.50 per Solid Waste Punch Card** ; and

NOW, THEREFORE, BE IT RESOLVED, that the following residential fee schedule be adopted by the Board for the year 2012;

Solid Waste Punch Cards may be purchased from the Solid Waste Department, authorized County Agents and Clerks of the town, city or village in which such residents reside at the following rate: **Punch Card of 5 = \$13.50** with the Clerk, on behalf of the selling municipality or the agent, retaining \$.35 per card sold; and

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

BE IT FURTHER RESOLVED, The 2012 fee schedule shall become **effective January 01, 2012** and the Solid Waste Punch Cards shall indicate on their face an **expiration date of December 31, 2013.**

PENDING BOARD APPROVAL

By Supervisor Reinhardt:

RESOLUTION NO. 36

APPROVAL OF APPLICATION FOR REFUND AND CREDIT OF REAL PROPERTY TAXES UNDER SECTION 556 OF THE REAL PROPERTY TAX LAW

WHEREAS, the following application for refund and credit of real property taxes was made in accordance with Section 556 of the Real Property Tax Law,

James Toole
4615 Francis Rd.
Cazenovia, NY 13035

Tax Map #88.-1-12
Town of Fenner

WHEREAS, on August 30, 2011 the property owner paid to the Madison County Treasurer a delinquent 2011 Town and County tax in the amount of \$2,111.33; and

WHEREAS, the delinquent tax amount included the 2010 Cazenovia Central School reliev in the amount of \$1,192.57; and

WHEREAS, after payment had been made it was determined that the STAR exemption for school purposes in the amount of \$30,000 had been removed in error; and

WHEREAS, the correct amount for the 2010 school reliev should be \$659.22; and

WHEREAS, the Director of Real Property Tax Services recommends approval of this application,

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be and hereby is directed to refund to the owner the amount of \$599.21, which includes interest and penalties, due to this error.

PENDING BOARD APPROVAL

RESOLUTION NO. 37

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH SYSTEMS EAST, INC.

WHEREAS, Systems East, Inc. has designed and developed several customized software applications utilized by the County Treasurer's Office and

has provided annual maintenance and supportive services for the various programs since their inception; and

WHEREAS, Systems East Inc. maintained their level of support in 2011 with no increase from their 2010 fees for annual maintenance and supportive services; and

WHEREAS, Systems East Inc. was again asked to forego any increase in cost associated with the maintenance agreement for fiscal year 2012; and

WHEREAS, Systems East Inc. responded by proposing a renewal of the maintenance agreement for January 1, 2012 through December 31, 2012, at a cost of \$36,120.00, a decrease of 2.9% from the 2010 and 2011 agreements; and

WHEREAS, this contract covers maintenance and support for the following software applications:

- Integrated accounting/budget system
- Delinquent tax collection system
- Integrated payroll system
- Employee health insurance tracking system
- Certificate of residency program

WHEREAS, this contract also covers consultation, training, and New York State Real Property System interface support.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be, and hereby is, authorized to renew an agreement with Systems East, Inc., as is on file with the Clerk of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 38

AUTHORIZING THE MODIFICATION OF THE 2011 ADOPTED COUNTY BUDGET

RESOLVED, that the 2011 Adopted County Budget be modified as follows:

Modification No. 1
General Fund
1355 Assessment
Expense

	<u>From</u>	<u>To</u>
A1355.40101 Computer Equip.	\$ 300	\$ 0
A1355.488 Map Copier Expense	900	1,000
A1355.4206 Computer Software Maintenance	<u>19,300</u>	<u>19,500</u>
Control Totals:	<u>\$ 20,500</u>	<u>\$ 20,500</u>

Modification No. 2

General Fund

3020 Communications Center

Expense

	<u>From</u>	<u>To</u>
A3020.2505 Security Cameras	\$ 5,000	\$ -0-

3021 Communications-E911

Expense

A3021.4195 CAD System Maintenance	<u>29,000</u>	<u>34,000</u>
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Control Totals:	<u>\$ 34,000</u>	<u>\$ 34,000</u>
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Modification No. 3

General Fund

3110 Sheriff Department

Expense

	<u>From</u>	<u>To</u>
A3110.2804 Replace Rifles/Shotguns	\$ 0	\$ 3,100
A3110.2806 New Hand Guns	3,100	0
A3110.2810 Bullet Proof Vest (Grant)	5,200	7,300
A3110.2811 Replacement Vests (Non-Grant)	4,500	2,400
A3110.2843 Livescan Fingerprint System	0	10,090
A3110.406 Records Disposal Expense	700	900
A3110.463 Polygraph/Psychological Exams	<u>10,290</u>	<u>0</u>
Totals	<u>\$ 23,790</u>	<u>\$ 23,790</u>

3150 Sheriff-Correctional Facility

Expense

	<u>From</u>	<u>To</u>
A3150.2103 Laptops	\$ 11,000	\$ 10,885
A3150.2505 Replace Locks	3,000	1,560
A3150.406 Medical Files	1,500	652
A3150.409 Service Plan-Black Creek	11,451	0
A3150.44204 Housing Inmates Other Facility	7,500	5,500
A3150.4425 Personnel Uniforms & Equipment	22,000	31,937
A3150.450 Prescriptions	110,000	125,854
A3150.4847 Hardware/Repair Parts-Black Creek	<u>10,000</u>	<u>63</u>
Totals:	<u>\$176,451</u>	<u>\$176,451</u>

Modification No. 4

General Fund

4310 Mental Health - Administration

Expense

A4310.4206 Computer Software Maintenance	\$ 40,355	\$ 37,809
A4310.489 Photo Copy Usage/Lease Exp	<u>1,272</u>	<u>3,818</u>

Control Totals:	<u>\$ 41,627</u>	<u>\$ 41,627</u>
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General Fund

4308 Mental Health – Clinic

Expense

A4308.4200 Misc. Consulting Services	\$ 9,090	\$ 8,375
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A4308.489 Photo Copy Usage/Lease Exp	<u>2,857</u>	<u>3,572</u>
Control Totals:	<u>\$ 11,947</u>	<u>\$ 11,947</u>

Modification No. 5

General Fund

7110 Madison County Parks

<u>Expense</u>	<u>From</u>	<u>To</u>
A7110.4041 Maintenance & Development	\$ 74,900	\$121,314

8020 Planning

<u>Expense</u>	<u>From</u>	<u>To</u>
A8020.4111 Tuition/Education Reimbursement	<u>1,500</u>	<u>86</u>
Totals	76,400	121,400

Control Total: \$ 45,000

7110 Madison County Parks

<u>Revenue</u>		
A3897.1010 St. Aid EPF Parks & Development Grant	<u>-0-</u>	<u>45,000</u>

Control Total: \$ 45,000

Modification No. 6

Road Machinery Fund

5130 Road Machinery Fund

<u>Expense</u>	<u>From</u>	<u>To</u>
DM5130.2959 Power Saws	\$ 5,000	\$ 1,415
DM5130.4294 Cleaning Supplies	4,000	4,585
DM5130.4815 Tires & Batteries	30,000	32,000
DM5130.4835 Tools & Repair to Tools	<u>12,000</u>	<u>13,000</u>

Control Totals: \$ 51,000 \$ 51,000

Modification No. 7

Road Machinery Fund

5130 Road Machinery Repairs & Expense

<u>Expense</u>	<u>From</u>	<u>To</u>
DM5130.2902 Salt Storage Facility	\$292,602	\$288,013
DM5130.2937 Stockroom Renovations	21,423	8,423
DM5130.4046 Energy Efficiency Expense	<u>89,850</u>	<u>107,439</u>

Control Totals: \$403,875 \$403,875

Modification No. 8

County Road Fund

5110 Maintenance of Roads & Bridges

<u>Expense</u>	<u>From</u>	<u>To</u>
D5110.450031 Center Road Bridge Culvert	\$ 24,463	\$ 200
D5110.46001 Bridge Materials	55,000	35,000
D5110.46003 Asphalt, Tar & Stone	300,000	285,000

D5110.46007	Misc. Materials	80,000	40,000
D5110.4730	Contract Surface Treatment	300,000	295,124

5112 Construction Projects

Expense

D5112.450013	Canada St/STO-125 Culvert Replacement	70,000	44,000
D5112.4733	Contract Paving	100,000	105,000

5113 Consolidated Highway Program

Expense

D5113.4733	Contract Paving	1,068,127	1,449,266
D5113.4735	In-Place Recycling	800,000	544,000

5142 County Snow Removal

Expense

D5142.46000	Stonedust	150,000	73,000
D5142.46009	Sand & Salt	<u>580,000</u>	<u>657,000</u>

Control Totals: \$3,527,590 \$3,527,590

Modification No. 9

Enterprise Environmental Landfill Fund

8164 Environmental Control (Landfill)

Expense

	<u>From</u>	<u>To</u>
EE8164.4821	Equipment Fuel	\$ 200,000
		\$ 120,000

8165 Landfill Closure Expense

Expense

EEE8165.43003	Misc. Site Work	<u>135,000</u>	<u>55,000</u>
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Control Totals: \$ 255,000 \$ 255,000

PENDING BOARD APPROVAL

By Supervisor DiVeronica:

RESOLUTION NO. 39

SUPERVISORS URGE GOVERNOR TO COLLECT SALES AND EXCISE TAXES ON NATIVE AMERICAN BRAND CIGARETTES AND ENFORCE LAWS PROHIBITING THE POSSESSION OF UNSTAMPED OR IMPROPERLY STAMPED CIGARETTES

WHEREAS, the U. S. Court of Appeals has issued a unanimous decision upholding the authority of the State of New York to collect taxes on cigarette sales made on reservation land to non-Indians; and

WHEREAS, that ruling made no distinction between cigarettes manufactured on a reservation with an Indian brand and those manufactured off reservation with a non-Indian brand; and

WHEREAS, Section 471-e of New York State Tax Law states that "all cigarettes sold on an Indian reservation to non-members of the nation or tribe or to non-Indians shall be taxed;" and

WHEREAS, "all" means ALL; and

WHEREAS, special exemptions for Native American brands would violate federal cigarette manufacturing laws and principles of federal Indian law; and

WHEREAS, recognizing a generic Native American brand exemption would violate federal and state equal protection guarantees; and

WHEREAS, failure to collect state sales and excise taxes on Native American brand cigarettes would produce a fiscal, public health, law enforcement and public policy disaster; and

WHEREAS, Section 1814e of New York State Tax Law, which sets penalties for the possession of unstamped or unlawfully stamped cigarettes, makes no distinction between Native American brand and non-Native American brand cigarettes; and

WHEREAS, the State of New York is now enforcing laws requiring sales and excise taxes to be collected on non-Indian brand cigarettes delivered to Native American stores for resale to non-Indians;

NOW, THEREFORE, BE IT RESOLVED, the Madison County Board of Supervisors urges Governor Cuomo to see that sales and excise taxes are collected on Native American brand cigarettes and that laws prohibiting the possession of unstamped or improperly stamped cigarettes are enforced.

PENDING BOARD APPROVAL

By Supervisor Salka:

RESOLUTION NO. 40

**INITIATING A REQUEST FOR PROPOSALS
TO EXPLORE ALTERNATIVES FOR PROVIDING
OUTPATIENT CHEMICAL DEPENDENCY TREATMENT SERVICES**

WHEREAS, the County's Mental Health Department operates a Part 822 Outpatient Chemical Dependency Service (the ADAPT Program) to provide outpatient chemical dependency treatment to individuals in Madison County; and

WHEREAS, the ADAPT Program is certified by the New York State Office of Alcoholism and Substance Abuse Services (OASAS); and

WHEREAS, the administrative demands and financial pressures placed on Madison County's chemical dependency treatment program by the federal and state governments under Medicare and Medicaid have become increasingly burdensome and require more and more resources for treatment activities; and

WHEREAS, the County's ADAPT Program has faced yearly financial losses, as a result of these growing administrative demands coupled with increasing operating costs and regulatory requirements; and

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

WHEREAS, in many counties throughout New York chemical dependency treatment services are operated successfully through the private sector; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors, does hereby direct the Administrative Assistant to the Chairman of the Board of Supervisors and the Director of the County Mental Health Department, in collaboration with the Madison County Community Services Board and the Social and Mental Health Service Committee, to draft a Request for Proposals and to solicit offers from qualified providers for transfer of its Part 822 Operating Certificate for Outpatient Chemical Dependency Services, subject to approval by OASAS and to satisfactorily meeting the conditions put forth by the County; and

BE IT FURTHER RESOLVED, that the Madison County Community Services Board and the Social and Mental Health Service Committee, consider measures to be incorporated into the RFP that minimize and mitigate negative impacts to employees.

PENDING BOARD APPROVAL

END