

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, May 10, 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.

RESOLUTIONS

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 LuAn Judd, Ray Diable and Matthew Episcopo upon their retirement.

LuAn T. Judd	Social Services	1980 – 2011
Ray N. Diable	Highway	1985 – 2011
Matthew A. Episcopo	Sheriff's	1990 – 2011

PENDING BOARD APPROVAL

RESOLUTION NO. 2

**AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE
WHITE HOUSE COUNTY OFFICIALS MEETING
(Supervisor)**

WHEREAS, the Office of Intergovernmental Affairs is holding a White House County Officials meeting on May 3, 2011 in Washington, D.C., and

WHEREAS, Town of Lenox Supervisor, Rocco DiVeronica, has been invited to said meeting and requested to attend; and

WHEREAS, his expenses for transportation 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 \$921.00.

PENDING BOARD APPROVAL

RESOLUTION NO. 3

AMENDING THE MADISON COUNTY PURCHASING POLICY

WHEREAS, it is necessary to make a change to the Madison County Purchasing Policy; and

WHEREAS, it has been recommended that “Books and Periodicals” be included in the listing of “Exceptions to the Purchasing System”, whereby no requisition is needed when ordering these items; and

WHEREAS, the Government Operations Committee has reviewed the amendment and recommends that the purchasing policy be amended to reflect this change;

NOW, THEREFORE BE IT RESOLVED, that the following amendment be made to the Madison County Purchasing Policy:

D. REQUISITIONS

Page 14 **Exceptions To The Purchasing System**

Add I. Books and Periodicals

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors does hereby adopt the above amendment to the Madison County Purchasing Policy, effective immediately.

PENDING BOARD APPROVAL

RESOLUTION NO. 4

DESIGNATING DISPOSAL OF OBSOLETE AND/OR SURPLUS COUNTY PERSONAL PROPERTY

WHEREAS, in accordance with the Madison County disposal of Obsolete and/or Surplus County Personal Property Policy and Procedures, County Personal Property is required to be declared obsolete and/or surplus by the Board of Supervisors; and

WHEREAS, the current list of County Personal Property waiting obsolete and/or surplus designation is attached,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors declares the list of said items as obsolete and/or surplus.

PENDING BOARD APPROVAL

**MADISON COUNTY BOARD OF ELECTIONS
ADDRESSES OF WHERE LEVER MACHINES ARE STORED AND SERIAL NUMBERS**

MACHINES STORED AROUND THE COUNTY

TOWN	ADDRESSES WHERE MACHINE IS STORED	NUMBER OF MACHINES	MACHINE NUMBER
Cazenovia	New Woodstock Highway Garage		# 97554 #55889 #33186
TOTAL EXTRA MACHINES TO BE DISPOSED OF		3	

****Machine serial number 147572 was listed with Cazenovia on the last list, it should not have been. Cazenovia High School has kept it.**

The list of machines for Cazenovia should read: #175923; #175022; #175310; #97554; #55889 and #33186.

RESOLUTION NO. 5

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT FOR INTERPRETATION AND TRANSLATION SERVICES

WHEREAS, Madison County provides numerous services to the taxpayers of the County; and

WHEREAS, these services may require communication between the consumer and County employees; and

WHEREAS, there is a need for interpretation and translation services within numerous County Departments; and

WHEREAS, a Request for Proposal (RFP) to offer interpretation and translation services was sent out; and

WHEREAS, after review of the submitted proposals, the interpretation and translation committee and the Government Operations Committee recommend entering into an agreement with Interpreters Unlimited to provide such services; and

WHEREAS, this agreement will provide services for all County departments with the rate being determined by the type of service needed, and the language being interpreted in accordance with the following schedule:

- \$50 - \$60 per hour for on-site interpretation
- \$.15 - \$.25 per word for written document translation
- \$1.24 per minute for telephone interpretation

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to enter into an agreement with Interpreters Unlimited, for the period May 10, 2011 through May 9, 2013, a copy of which is on file with the Clerk of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 6

**AUTHORIZING THE CHAIRMAN TO
EXECUTE AN AMENDMENT TO AGREEMENT
WITH MVP HEALTH PLAN, INC.**

WHEREAS, certain County employees may participate in an Health Maintenance Organization (HMO) in lieu of subscribing to the County's self-funded health insurance plan; and

WHEREAS, the County has entered into an agreement with MVP Health Plan Inc., to provide HMO coverage; and

WHEREAS, the purpose of the amendment is to include Patient Protection and Affordable Care Act mandates for preventive care and dependent to age twenty-six coverage; and

WHEREAS, this amendment will be effective from January 1, 2011 through December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be and hereby is authorized to execute an amendment to agreement with MVP Health Plan, Inc., a copy of which is on file with the Clerk of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 7

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 2
FOR THE YEAR 2011 AND CALLING FOR A PUBLIC HEARING**

WHEREAS, Supervisor Bargabos has duly authorized proposed Local Law No. 2 for the year 2011, modifying the salary of the Sheriff for the year 2011; 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 June 14, 2011 at 10:45 a.m., or as soon as possible thereafter; and

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

PENDING BOARD APPROVAL

**COUNTY OF MADISON
LOCAL LAW NO. 2 FOR THE YEAR 2011**

**LOCAL LAW MODIFYING THE SALARY OF
THE SHERIFF FOR 2011**

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

Section 1. The annual salary of the following County official is modified and fixed as follows commencing June 14, 2011:

6/14/11

Madison County Sheriff

\$78,246

Section 2. This local law is adopted subject to permissive referendum as provided in Section 24 of Municipal Home Rule Law.

By Supervisors Bargabos and Reinhardt:

RESOLUTION NO. 8

**TRANSFERRING A WORK PROGRAM CREW LEADER POSITION TO THE
DEPARTMENT OF SOCIAL SERVICES, INCREASING THE HOURS WORKED FOR
THE POSITION AND MODIFYING THE 2011 ADOPTED BUDGET**

WHEREAS, the Director of Solid Waste Management and the Commissioner of Social Services have requested that a Work Program Crew Leader position in the

Department of Solid Waste and Sanitation be transferred to the Department of Social Services; and

WHEREAS, federal reimbursement is available to support the Work Program Crew Leader position at approximately 50 percent reimbursement; and

WHEREAS, the Work Program Crew Leaders have completed valuable projects for municipalities and not-for-profits in the past, logging 14,412 hours of service in 2010, an increase of 1,325 hours from the previous year; and

WHEREAS, the Director of Solid Waste Management and the Commissioner of the Department of Social Services request that the position's work hours be increased from twenty-seven (27) hours per week to up to thirty-two (32) hours per week which will result in more public assistance clients being assigned to the work program; and

WHEREAS, if said reimbursement for this position is eliminated, the position will be transferred back to the Department of Solid Waste Management and the hours worked will revert back to twenty-seven (27) hours per week; and

WHEREAS, this request has been reviewed and approved by the Solid Waste and Recycling Committee, Social and Mental Health Services Committee, Finance, Ways and Means Committee and the Government Operations Committee;

NOW, THEREFORE BE IT RESOLVED that one (1) part-time Work Program Crew Leader position be transferred from the Department of Solid Waste and Sanitation to the Department of Social Services; and

BE IT FURTHER RESOLVED that the work hours of this part-time Work Program Crew Leader position be and hereby are increased from twenty-seven (27) hours per week to up to thirty-two (32) hours per week; and

BE IT FURTHER RESOLVED that the 2011 Adopted County budget be modified as follows:

General Fund

6010 Social Services Administration

Expense

	<u>From</u>	<u>To</u>
A6010.1 Personal Services	\$4,671,471	\$4,690,196
A6010.8110 State Retirement Expense	663,220	666,179
A6010.8130 Social Security Expense	357,368	358,801
A6010.8140 Workers Compensation Expense	<u>42,200</u>	<u>42,749</u>
Total	\$5,734,259	\$5,757,925

Control Total \$23,666

Revenue

A2801.7510 Interfund Revenue Landfill	\$-0-	\$11,833
A4610.1010 Fed. Aid Social Services Admin.	<u>2,393,297</u>	<u>2,405,130</u>
Total	\$2,393,297	\$2,393,297

Control Total \$23,666

**Enterprise Environmental Landfill Fund
8164 Environmental Control (Landfill)**

<u>Expense</u>	<u>From</u>	<u>To</u>
EE8164.1 Personal Services	\$920,876	\$909,043
EE8164.4730 DSS Work Crew Leader Reimb.	<u>-0-</u>	<u>11,833</u>
Control Total	<u>\$920,876</u>	<u>\$920,876</u>

PENDING BOARD APPROVAL

By Supervisor Salka:

RESOLUTION NO. 9

**URGING THE STATE LEGISLATURE TO REQUIRE THE PROPER OVERSIGHT OF
HYDRAULIC FRACTURING OF GAS WELLS IN MADISON
COUNTY**

WHEREAS there has been found to be large deposits of natural gas found in the shale formations that lie beneath the ground in large areas of the Eastern United States from West Virginia to Upstate New York; and

WHEREAS natural gas has been found to be a relatively clean method of providing energy for the production of electricity, heating homes, providing fuel for cooking, and may, someday, be utilized for powering automobiles on a large scale; and

WHEREAS exploration and drilling for natural gas may provide much needed income for communities and a state that is suffering from a downturn in the economy that may be slow to recover from; and

WHEREAS there has been an increase in the leasing of land in many regions of our state, including Central New York, for the purpose of natural gas exploration and extraction. One process that has been utilized to increase the yield of gas wells is known as high-volume hydraulic fracturing, where water is injected into the ground under high pressure after a number of chemicals are mixed with it; and

WHEREAS there has been a considerable amount of attention to this process by a number of groups including the NYS DEC and various environmental organizations resulting in high profile studies and reports such as the dGEIS released by the State in 2008. This report is currently being revised and is due to be released shortly; and

WHEREAS an executive order was issued by then Governor Patterson, and supported by bills passed by the NYS Legislature, which instituted a moratorium on the process of high-

volume hydraulic fracturing that is set to expire in July of 2011. This should coincide with the release of the revised dGEIS and should give guidance to regulation of high-volume hydraulic fracturing in New York State; and

WHEREAS high-volume hydraulic fracturing in shale gas formations may have deleterious effects on near-surface aquifers and these effects are poorly documented, thorough testing of private and public water supplies and other surface and ground waters should be undertaken prior to permitting of high-volume hydraulic fracturing and continued assessment of environmental impacts on water should occur after development; and

WHEREAS the Public Health Committee of Madison County recognizes that this has the potential to be an issue of great importance with respect to the quality of the drinking water for large numbers of people in our county. Due to the critical importance of aquifers that supply our water, and the fact that once an aquifer is tainted, the probability of it being used again for general consumption if there is an accident could be called into question ; and

WHEREAS the issue of high-volume hydraulic fracturing is a complex one that requires careful and meticulous consideration, scientific evidence to develop best practices and policies, vigorous debate, and scrutiny from regulatory agencies that are responsible for protecting public health; and

WHEREAS the industry has the capability of developing technology that may allow for safer extraction of natural gas thus minimizing the probability of any environmental impacts, and that technology should be encouraged and closely monitored by both the industry and government; and

WHEREAS it is incumbent that these technologies and practices are instituted and applied before any potential large scale drilling utilizing this technique is performed in our state, and that there must be in place proper oversight from regulatory agencies before that drilling is to take place; and

THEREFORE, BE IT RESOLVED the Madison County Board of Supervisors Madison County and the Madison County Public Health Department urge the NYS Legislature to set into place regulations and means of oversight that shall be properly funded and staffed for the purpose of insuring that safe drilling practices are initiated and adhered to for as long as natural gas exploration and drilling take place in New York State, and that there be sound means of communication between those agencies responsible for public health with the intent of protecting drinking water supplies for all citizens of New York State.

PENDING BOARD APPROVAL

RESOLUTION NO. 10

AUTHORIZING THE CHAIRMAN TO ENTER INTO 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, 2010, to September 30, 2011, 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 enter into 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. 11

AUTHORIZING THE CHAIRMAN OF THE BOARD TO PROCLAIM MAY AS MENTAL HEALTH MONTH

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Chairman be and is hereby authorized to proclaim May 2011 - Mental Health Month in Madison County; and

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

PENDING BOARD APPROVAL

By Supervisor Suits and Reinhardt:

RESOLUTION NO. 12

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE
NEW YORK STATE BOARD OF ELECTIONS IN REGARDS TO THE HELP**

AMERICA VOTE ACT FEDERAL GRANT AND MODIFYING THE 2011 COUNTY BUDGET

WHEREAS, the Madison County Board of Elections has been allocated Federal HAVA (Help America Vote Act) funds; and

WHEREAS, these funds will provide reimbursement of eligible costs incurred in the effort to make poll sites accessible for individuals with disabilities. This grant program is described as follows:

Awarding Agency: US Health and Human Services
 Pass Thru. Agency: New York State Board of Elections
 Catalogue #: CFDA 93.617
 Program Name: HHS 2010 Voting Access for Individuals with Disabilities
 Grant Period: April 1, 2010 to September 30, 2015
 Contract #: T003109
 State Funds: \$ 3,051
 Grant Total: \$ 3,051

NOW, THEREFORE BE IT RESOLVED, that the Chairman be and hereby is authorized to execute grant contracts for the Madison County Board of Elections with the State Board of Elections, a copy of which is on file with the Clerk of the Board;

BE IT FURTHER RESOLVED, that the 2011 County Budget be modified as follows:

General Fund

<u>1451 Polling Place Access Grant</u>		<u>From</u>	<u>To</u>
	<u>Revenue</u>		
A4389.40	Fed Aid-2010 Access for Disabled Individuals	<u>- 0 -</u>	<u>\$3,051</u>
	<u>Expense</u>		
A1451.4102	2010 Grant Access for Disabled Individuals	<u>- 0 -</u>	<u>\$3,051</u>

PENDING BOARD APPROVAL

By Supervisor Ball:

RESOLUTION NO. 13

AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN AN AGREEMENT WITH ONONDAGA COUNTY TO UTILIZE THEIR MASTER SITE FOR 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 grant funding, Onondaga County has purchased a Master Site that has sufficient capacity to permit additional users; 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 Board is hereby authorized to sign an agreement with Onondaga County to utilize their master site.

PENDING BOARD APPROVAL

RESOLUTION NO. 14

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH APPLIED PSYCHOLOGICAL TECHNOLOGIES, LLC.

WHEREAS, the Probation Department and Sheriff's Office will utilize the services of Applied Psychological Technologies in their personnel matters; and

WHEREAS, the Criminal Justice, Public Safety and Telecommunications Committee have viewed a presentation made by Dr. Jay Supnick of Applied Psychological Technologies, LLC. and their feedback was positive to using such services; and

WHEREAS, the funding allocated for such services is in the Probation Department and Sheriff's Office budgets; and

WHEREAS, the contract shall be in effect for one year; and

WHEREAS, the Probation Department and Sheriff's Office will implement the services as outlined in the contract;

WHEREAS, this agreement has 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 is hereby authorized to enter into an agreement on behalf of the County of Madison with Applied Psychological Technologies, LLC., in the form as is on file with the Clerk of the Board.

PENDING BOARD APPROVAL

RESOLUTION NO. 15

AUTHORIZING THE CHAIRMAN TO APPLY FOR NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROGRAM DEVELOPMENT & FUNDING 2011 VIDEO TELECONFERENCING EQUIPMENT GRANT

WHEREAS, the County of Madison is eligible to apply for a New York State Division of Criminal Justice Services Office of Program Development & Funding 2011 Video Teleconferencing Equipment Grant in an amount not to exceed \$30,000; and

WHEREAS, the County of Madison has recognized the need to ensure the safety and security of its citizens, persons in the custody of the Madison County Office of the Sheriff, and its staff in an effective manner; and

WHEREAS, this is a grant to provide a Telepresence/Video Conference capability at the Madison County Jail and Correctional Facility, to reduce transportation costs and safety risks, and to expand the capability of the agency to meet the needs of youths and adults involved in the correctional system effectively and efficiently; and

WHEREAS, the total cost of the equipment is not more than \$30,000; and the grant will provide for \$30,000 of this total cost, and

WHEREAS, the county has no required cost share; and

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman of the Board to sign any and all necessary contract documents for a New York State Division of Criminal Justice Services Office of Program Development & Funding 2011 Video Teleconferencing Equipment Grant application, in an amount not to exceed \$30,000.

PENDING BOARD APPROVAL

RESOLUTION NO. 16

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT WITH SWANSON SERVICES CORPORATION

WHEREAS, it is necessary to provide commissary services to inmates at the Madison County Jail in the regular course of their incarceration; and

WHEREAS, the Sheriff of Madison County seeks to continue to cut costs and maintain the efficiency in the provision of commissary services to the inmates under his care through the continued use of a single contracted provider of commissary services that meets the needs of the Madison County Jail and to allow for the best pricing for this service, Madison County has been authorized to use the competitively bid process of Onondaga County with this vendor; and

WHEREAS, Swanson Services Corporation does possess the special skills and training required to perform the necessary services and provide the required services pursuant to the terms of the contact; and

WHEREAS, the term of this agreement is for one year commencing on June 1, 2011, with the option to renew the agreement for three (3) one year intervals thereafter; and

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

WHEREAS, it is necessary to provide notice confirming termination of the existing commissary services agreement with Keefe Commissary at the expiration of the existing agreement; and

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

PENDING BOARD APPROVAL

RESOLUTION NO. 17

AUTHORIZING CHAIRMAN TO MODIFY FEES SCHEDULE

WHEREAS, Madison County has various fees for services provided by the Sheriff's Office; and

WHEREAS, the Criminal Justice Committee has reviewed the following set of fees and has agreed to the following changes; and

	<u>Old Rate</u>	<u>New Rate</u>
Sheriff ID's		
1 st Card	\$10.00	\$ 15.00
Replacement Card	\$15.00	\$ 20.00
Handicapped	\$ 5.00	\$ 5.00

Senior Citizen	\$ 4.00	\$ 5.00
Employee ID's 1 st Card		\$ 5.00
Replacement Card		\$ 10.00
Veterans		\$ 5.00

WHEREAS, the above charges are approved effective June 1, 2011; and

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

PENDING BOARD APPROVAL

By Supervisor Cary:

RESOLUTION NO. 18

AUTHORIZING A CONTRACT WITH THE CENTRAL NEW YORK REGIONAL PLANNING AND DEVELOPMENT BOARD

WHEREAS, on May 10, 2010, the U.S. Environmental Protection Agency awarded the Central New York Regional Planning and Development Board with a Climate Showcase Communities Program grant; and

WHEREAS, the grant has established the Central New York Climate Change Innovation Program (C2IP) with the goal of creating replicable models of sustainable community action that result in cost-effective greenhouse gas reductions; and

WHEREAS, Madison County applied and was awarded a grant through Regional Planning (along with 8 other municipalities in Central New York) to participate in the C2IP program; and

WHEREAS, in order to formally participate in the program and be eligible to receive its grant funds (\$31,000), the County must sign a contract with the Central New York Regional Planning and Development Board;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign a Contract with the Central New York Regional Planning and Development Board as is on file with The Clerk of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 19

AUTHORIZING A CONTRACT EXTENSION FOR THE PROVISION OF PUBLIC TRANSIT SERVICES

WHEREAS, the County presently has a contract with Birnie Bus Service Inc. to operate the County's public transit system, the Madison Transit System (MTS) ; and

WHEREAS, provision of public bus service is essential to the wellbeing of many Madison County residents without reasonable access to alternative means of transportation to work, around town, medical treatment, and social or mental health services; and

WHEREAS, the current contract with Birnie Bus ends on May 31st, 2011, but contains provisions for extending the contract for two (2) additional one (1) year terms; and

WHEREAS, Madison County and Birnie Bus would like to exercise their option to extend the current contract by one (1) year, starting June 1st, 2011 and ending on May 31st, 2012;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign an extension agreement with Birnie Bus Service, Inc. as is on file with The Clerk of the Board of Supervisors.

PENDING BOARD APPROVAL

RESOLUTION NO. 20

APPOINTING A MEMBER TO THE MADISON COUNTY CAPITAL RESOURCE CORPORATION

BE IT RESOLVED, that Jack Romagnoli of 2527 US Rte 20, Cazenovia, NY 13035, be hereby appointed to the Madison County Capital Resource Corporation, filling a vacant position, commencing on May 10, 2011, and to serve at the pleasure of the Board of Supervisors.

PENDING BOARD APPROVAL

By Supervisor Goldstein:

RESOLUTION NO. 21

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

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

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

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

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

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

BE IT FURTHER RESOLVED, the Solid Waste Disposal Agreement shall cover the period from January 1, 2011 through December 31, 2016; and

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

1. DISCOUNT DUMPSTERS RENTAL
(A+ SERVICES)
2. ISADORA A. RAPASADI & SONS

PENDING BOARD APPROVAL

By Supervisor Degear:

RESOLUTION NO. 22

AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENTS FOR THE SURFACE AND WATERPROOF MEMBRANE REPLACEMENT AT THREE (3) COUNTY BRIDGE SITES

WHEREAS, the County Superintendent of Highways has listed three (3) Bridge Sites for rehabilitation with County Funds during the year 2011 as follows:

Site 1 South Butler Road Bridge – Town of Smithfield	#SMI-205
Site 2 Peterboro Road Bridge – Town of Smithfield	#SMI-207
Site 3 Haslauer Road Bridge – Town of Stockbridge	#STO-130

WHEREAS, this request has been reviewed by the Public Works Committee on April 26, 2011; and

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

WHEREAS, the cost for this service has been appropriated in the County Road Fund 2011 Budget;

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

PENDING BOARD APPROVAL

By Supervisors Degear and Reinhardt:

RESOLUTION NO. 23

AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENT FOR SALT STORAGE ROOF SYSTEM AND MODIFYING THE 2011 COUNTY BUDGET

WHEREAS, the Public Works Committee has authorized the County Highway Superintendent to proceed with a bid for the Salt Storage Roof System located at the Madison County Highway Department in Wampsville, New York; and

WHEREAS, this request was approved at the Public Works Committee on January 18, 2011; and

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

WHEREAS, the appropriation line item is in the 2011 Road Machinery Fund Budget DM5130.2902;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and he hereby is authorized to enter into an agreement with low bidder to proceed with the Salt Storage Roof System, a copy of which is on file with the Clerk to the Board; and

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

Road Machinery Fund

<u>5130 Road Machinery Repairs & Expense</u>		<u>From</u>	<u>To</u>
<u>Revenue</u>			
DM2665.10	Sale of Cover-All Storage Building	\$ 0	\$ 69,000
	Control Total		<u>\$ 69,000</u>
<u>Expense</u>			
DM5130.2902	Salt Storage Facility	\$223,602	\$292,602
	Control Total		<u>\$ 69,000</u>

PENDING BOARD APPROVAL

RESOLUTION NO. 24

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
WITH GPO FEDERAL CREDIT UNION FOR THE RENEWAL OF AN ATM MACHINE
ON COUNTY PREMISES**

WHEREAS, an ATM machine has been located in the lobby of the County Office Building for three years and has served the public and county employees, and

WHEREAS, GPO Federal Credit Union has agreed to provide, maintain, insure and service the ATM, and

WHEREAS, the County Buildings and Grounds Committee and the Finance, Ways and Means Committee has reviewed the detailed requirements and recommends that the ATM contract be renewed; and

WHEREAS, said agreement is a one-year agreement, effective May 16, 2011 through May 16, 2012 with the County receiving a 25% return from ATM surcharge fees to cover costs to the County;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorizes the Chairman of the Board to authorize an agreement with GPO Federal Credit Union for a one (1) year period commencing on May 16, 2011 and expiring on May 16, 2012, a copy of which is on file with the Clerk of the Board of Supervisors.

PENDING BOARD APPROVAL

By Supervisor Reinhardt:

RESOLUTION NO. 25

APPROVAL – MORTGAGE TAX REPORT

WHEREAS, this Board is in receipt of the Semi-Annual Mortgage Tax Report showing the amounts to be credited to each tax district of the County of the money collected during the preceding six months ending March 31, 2011;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 261 of the Tax Law, this Board issue tax warrants for the payment of the respective tax districts of the amounts so credited, and authorize and direct the County Treasurer to make payment of said amounts to the respective districts in accordance with the report:

Town of Brookfield	\$9,482.95
Town of Cazenovia	\$102,528.75
Village of Cazenovia	\$18,654.36
Town of DeRuyter	\$10,911.29
Village of DeRuyter	\$974.84
Town of Eaton	\$14,375.58
Village of Hamilton	\$2.65
Village of Morrisville	\$3,932.87
Town of Fenner	\$6,744.53
Town of Georgetown	\$1,067.21
Town of Hamilton	\$13,468.07
Village of Earlville	\$357.06
Village of Hamilton	\$8,066.75
Town of Lebanon	\$6,706.31
Town of Lenox	\$40,211.85
Village of Canastota	\$11,767.29
Village of Wampsville	\$2,402.93
Town of Lincoln	\$9,353.39
Town of Madison	\$20,078.07
Village of Hamilton	\$200.64
Village of Madison	\$807.60
Town of Nelson	\$15,520.48
Town of Smithfield	\$4,104.77
Town of Stockbridge	\$6,395.40
Village of Munnsville	\$700.97
Town of Sullivan	\$104,445.93
Village of Chittenango	\$17,422.63
City of Oneida	\$65,946.99
TOTAL	\$496,632.16

PENDING BOARD APPROVAL

RESOLUTION NO. 26

AUTHORIZING THE MODIFICATION OF THE 2011 ADOPTED COUNTY BUDGET

BE IT RESOLVED that the 2011 Adopted County budget be modified as follows:

Modification No. 1

General Fund

1325 County Treasurer

Expense

	<u>From</u>	<u>To</u>
A1325.4071 GASB #45 Actuarial Services	\$ -0-	\$ 2,500
A1325.4710 Lien Holder Search	<u>42,500</u>	<u>40,000</u>
Control Total	<u>\$42,500</u>	<u>\$42,500</u>

Modification No. 2

General Fund

3315 Special Traffic Programs-STOP DWI

Expense

	<u>From</u>	<u>To</u>
A3315.42900 Road Equipment & Supplies	\$ -0-	<u>\$1,500</u>
Control Total		<u>\$1,500</u>

Revenue

A880.4010 Appropriation of STOP DWI Reserves	\$ -0-	<u>\$1,500</u>
Control Total		<u>\$1,500</u>

Modification No. 3

General Fund

4308 Mental Health - Clinic

Expense

	<u>From</u>	<u>To</u>
A4308.4501 Medicaid Reimb. Prescriptions	<u>\$13,000</u>	<u>\$37,800</u>
Control Total		<u>\$ 24,800</u>

Revenue

A1620.122 Medicaid Reimb. Prescriptions	<u>\$13,000</u>	<u>\$37,800</u>
Control Total		<u>\$ 24,800</u>

PENDING BOARD APPROVAL

RESOLUTION NO. 27

**AUTHORIZING THE CLERK OF THE BOARD TO SIGN THE HOME RULE
REQUESTING THE STATE ENACT LEGISLATION EXTENDING THE ADDITIONAL
ONE PERCENT (1%) SALES AND COMPENSATING USE TAX**

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

WHEREAS, in 2004 the Board reviewed and studied the issues and found that it was in the best interest of the residents of Madison County to increase the County Local Sales and Compensating Use Tax from three percent (3%) to four percent (4%); and

WHEREAS, the Board has revisited the issues and finds that the residents of Madison County would benefit from extending the additional one percent (1%) Sales and Compensating Use Tax; and

WHEREAS, a copy of the State legislation extending the additional one percent (1%) Local Sales and Compensating Use Tax through November 30, 2013 is on file with the Clerk of the Board of Supervisors; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors authorizes and requests the State Legislature enact Senate bill S4923 and Assembly bill _____ as is on file with the Clerk of this Board; and

BE IT FURTHER RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized to sign and submit Home Rule Requests required to pass Senate bill S4923 and Assembly bill _____.

PENDING BOARD APPROVAL

RESOLUTION NO. 28

**URGING MEMBERS OF THE NEW YORK CONGRESSIONAL DELEGATION TO
COMMUNICATE THEIR OPPOSITION TO ANY 'CARCIERI FIX' AND HASTY
MODIFICATIONS TO THE LAND INTO TRUST PROCESS**

WHEREAS, in the Supreme Court case Carciery vs. Salazar 129 S Ct 1058 (2009), the Supreme Court of the United States ruled in favor of the State of Rhode Island, holding that the Secretary of the Interior is not authorized to take land into trust for the Narragansett Indian tribe because it was not a federally recognized tribe under federal jurisdiction in 1934 when the Indian Reorganization Act (IRA) was passed by Congress; and

WHEREAS, this decision is consistent with the legislative intent of Congress in passing the IRA, which was designed to restore to Indian tribes land they had lost due to the Dawes Act of 1887 which provided for tribal land to be allotted to individual tribal members, many of whom subsequently lost title to the land due to death, divorce, bankruptcy, other misfortune; and

WHEREAS, no land in the State of New York was lost to any tribe due to allotment; and

WHEREAS, the history of relations with tribes and tribal land ownership in New York are significantly different than those in other states and circumstances where the fee-to-trust process may be appropriate; and

WHEREAS, local governments and states throughout the country have complained about the current fee-to-trust process because they are given little opportunity to participate in the process and their concerns are given little consideration from Department of the Interior and Bureau of Indian Affairs officials biased in favor of trust land for tribes, and

WHEREAS, despite these circumstances, many of the Indian tribes residing in New York, including the Oneida Indian Nation of New York whose members voted not to have the provisions of the IRA apply to them and their lands, have submitted applications to have land taken into trust creating uncertainty and opportunity for jurisdictional conflict, lost tax revenue, loss of governance and hardship on local governments and the State of New York, and

WHEREAS, the flaws in the fee-to-trust process are starkly apparent in the granting of the application by the Oneida in New York, in which a record of decision of the Department of Interior approved the taking into trust of 13,000 checker-boarded acres, a process we have challenged and in which a the federal district court in the Northern District has found the State and Counties “have made a strong preliminary showing of bad faith and improper motives” (including the payment by the Oneida Indian Nation of New York of over \$1 million to former US Department of Justice lawyer Thomas Sansonetti to lobby the decision maker, his former colleague, Associate Deputy Secretary of the Department of the Interior James E. Cason); and

WHEREAS, Secretary of the Interior Kenneth Salazar and some members of Congress, in response to withering lobbying by tribal advocates, have indicated an intention to resolve the situation by “quick-fix” legislation that would overturn the Supreme Court’s decision in *Carcieri* that tribes not federally recognized and under federal jurisdiction in 1934 are not eligible for federal trust land, and with the “quick fix” not moving fast enough to suit them, have taken steps to administratively overturn the ruling of this nation’s highest court; and

WHEREAS, some tribal advocates support amending the IRA or otherwise changing the law to include lands acquired in trust by the Bureau of Indian Affairs (BIA) since 1934 and re-defining what is meant by “federal jurisdiction”; and

WHEREAS, any “*Carcieri* fix” would violate the intent of Congress in enacting the IRA and circumvent the carefully considered ruling of the Supreme Court in *Carcieri vs. Salazar* and would provide that any tribe, anywhere would be eligible; and

WHEREAS, the impacts of lands taken into trust most directly affect non-Indian communities adjacent to the lands in question by removing land from local and state jurisdiction, while creating the opportunity for loss of local revenues, as well as increasing the complexity, conflict and chaos in intergovernmental relations; and

WHEREAS, tribal advocates, the Department of the Interior and the Bureau of Indian Affairs have resisted Congressional inquiry about the full impact of *Carcieri*, refused to provide answers to Congressional questions, and have vigorously resisted any suggestion for comprehensive review and modernization of the trust process to balance the competing interests of tribes and local communities; and

WHEREAS, any hasty modifications to the land into trust process would undermine the deliberative process used to create laws to or to provide the opportunity for input from State and local governments; and

WHEREAS, opposition to a *Carcieri* “quick-fix” and calls for the study and comprehensive reform of the trust process by the New York State Association of Counties and the National Association of Counties has gone unheeded by the Department of the Interior and the Bureau of Indian Affairs;

NOW THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors urges Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congressman William Owens and Governor Andrew Cuomo to communicate the problems caused by the current approach to the fee-to-trust process, to indicate their opposition to any “quick-fix” overturning the *Carcieri* decision and to urge a more deliberative, balanced and comprehensive reform of the process; and

BE IT FURTHER RESOLVED, that said communication include a letter to President Obama, urging that his support of such legislation absent further study is misplaced, copies of said letter shall also be sent to Secretary of the Interior Kenneth Salazar, Assistant Secretary-Indian Affairs Larry Echo Hawk, the chair and members of the House Natural Resources Committee, the chair and members of the Senate Indian Affairs Committee, State Senator David Valesky, Assemblyman William McGee, the New York delegation, and to all members of the 112th Congress and Senate; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to the New York State Congressional Delegation and all others deemed necessary and proper.

PENDING BOARD APPROVAL

RESOLUTION NO. _____

CALLING ON THE US SUPREME COURT TO DENY ANY FURTHER ATTEMPTS BY THE ONEIDA INDIAN NATION OF NEW YORK TO DELAY THEIR APPLICATION FOR CERTIORARI

WHEREAS, for decades the citizens of Madison and Oneida County have lived under the cloud of the claim by the Oneida Indians for title to and possession of the northerly half of Madison and the westerly third of Oneida Counties; and

WHEREAS, this litigation has continued despite repeated good faith efforts by Madison County to resolve the claims through reasonable compromise and offers of settlement; and

WHEREAS, the County and the State have been forced to continue to devote great time and resources to maintain a defense to these legal actions and defend the title, sovereignty and jurisdiction of the State of New York and its citizens; and

WHEREAS, as a result of this defense the United States Court of Appeals, Second Circuit, issued its decision dismissing the 1974 Oneida land claim August 9, 2010 and denied the Oneidas' and the U.S.'s requests for rehearing or rehearing en banc December 16, 2010; and

WHEREAS, on January 10, 2011, United States District Judge Lawrence Kahn entered an order dismissing the case in accordance with the mandate of the Second Circuit; and

WHEREAS, the Oneidas and the U.S. have requested and received multiple extensions of time to file their petitions with the U.S. Supreme Court for a writ of certiorari for review of the Second Circuit's dismissal of this 250,000 acres land claim; and

WHEREAS, the latest deadline imposed by the Court for the Oneidas' and U.S.' application for certiorari is May 15, 2011; and

WHEREAS, to provide the citizens of Madison and Oneida Counties with finality in regards to this 40 year old land claim the Supreme Court should no longer grant any extension past the Court imposed May 15, 2011 deadline;

NOW THEREFORE BE IT RESOLVED, Madison County Board of Supervisors respectfully urges the Supreme Court to deny any further attempts by the Oneidas' and U.S. to extend the deadline for their application for a writ of certiorari past May 15, 2011, and if submitted to promptly review and deny any such application; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to the US Supreme Court and all others deemed necessary and proper.

PENDING BOARD APPROVAL

PROCLAIMING MAY 11, 2011 LITERACY COALITION DAY

***WHEREAS**, the 2009 Literacy Needs Assessment of Madison County revealed that 10% of the adult population in Madison County functions below the basic level and these 5,520 individuals need adult literacy services; that 79% of children under 5 years of age are not enrolled in early education programs; that 28% of fourth grade students are behind in reading; and*

***WHEREAS**, the Madison County Literacy Coalition, formed to address these urgent literacy needs in May 2009, has developed a comprehensive plan from October 2010—March 2011 and will present it to the public at the 3rd Annual Literacy Summit May 11, 2011; and*

***WHEREAS**, initial funding to establish Madison County Literacy Coalition staff and infrastructure has been secured from Central New York Community Foundation; and*

***WHEREAS**, the Madison County Literacy Coalition will implement a management staff and program structure on September 1, 2011 to facilitate provider collaboration; and*

WHEREAS, activities and programs to impact early childhood literacy and family literacy will be the focus for the 2011-2012 year; and

WHEREAS, the Madison County Literacy Coalition's goals are to unite the community around the importance of literacy, to obtain resources to efficiently service those in need, and to positively impact citizens' social behaviors and expectations to yield sustainable results and an improved future;

NOW THEREFORE, I, John M. Becker, Chairman of Madison County Board of Supervisors, do hereby proclaim May 11, 2011 as:

LITERACY COALITION DAY

in Madison County and ask all citizens of our county to commit themselves to 100% engagement in literacy to achieve 100% literacy proficiency.

PROCLAIMING MAY 2011 OLDER AMERICANS MONTH

WHEREAS, Madison County is a community that includes 13,931 citizens aged 60 and older; and

WHEREAS, the older adults in Madison County are the roots from which our community grows, who bestow gifts of wisdom and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and

WHEREAS, our society can be enhanced by older adults aging peacefully in their communities; and

WHEREAS, the older adults in Madison County should be commended for their role in creating and bolstering the fiber of our community and nation; and

WHEREAS, our community can provide that recognition and respect by enriching the quality of life for older Americans by:

- Increasing their opportunities to remain in their communities as active and engaged citizens
- Providing services, technologies, and support systems that allow seniors to foster and maintain connections within the community
- Emphasizing the value of elders by publically recognizing their contributions to the diversity, strength, and unity of our community

NOW, THEREFORE, I, John Becker, Chairman of the Madison County Board of Supervisors do hereby proclaim:

May 2011 - Older Americans Month

and urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for them. Our recognition of older Americans and their involvement in our lives can help us achieve stronger and more meaningful connections with each other and enrich our community's quality of life.

END