

MADISON COUNTY BOARD OF SUPERVISORS
Meeting – Tuesday, June 10, 2008

The Board convened at 7:00 p.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Henderson (64 votes).

Pledge of Allegiance.

At this time Chairman Becker announced and opened the scheduled public hearing on Local Law No. 3 for 2008 – Creating the Office of County Administrator. He asked for speakers with no wishing to speak. He then closed the hearing and continued with regular business.

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

COMMUNICATIONS

1. Acknowledgment received from NYASC regarding Resolution No. 70-08, adopted March 11, 2008 - Supporting Amendments to Article 47 of the State Insurance Law to Reform Requirements for Formation of Municipal Cooperative Health Benefit Plans to Address Rising Costs of Public Employees Health Benefits.
2. Thank you letter received from Cazenovia Sewer District Chief Operator Tom Clarke.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA And Cazenovia Sewer District:	\$1,510,739.23
Miscellaneous Accounts:	\$1,160,643.92

Chairman Becker called upon three members of Girl Scout Troop 483 of Cazenovia, along with Troop Leader Robin Clarke to announce that they are partnering with the Madison County Department of Solid Waste, the National Recycling Coalition, Nike Inc., and Monroe County Department of Environmental Services to collect and recycle unwanted athletic sneakers, a program they call “Nike’s Reuse-A-Shoe Program in Madison County. There will be drop off locations throughout the County.

RESOLUTIONS

By Supervisor Bargabos:

RESOLUTION NO. 204-08

RESOLUTION OF APPRECIATION – RETIREE RECOGNITION

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

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

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

Charles W. Allen Sheriff's 1988 – 2008 20 years

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 205-08

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

WHEREAS, OnBase System Administration training will be held June 8 - 13, 2008 in Cleveland, Ohio; and

WHEREAS, Michael Bischoff, Information Technology Director has requested that Michael Haag, Computer Support Specialist attend this training; and

WHEREAS, his expenses are funded through appropriations in the 2008 Information Technology Department budget; and

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

NOW, THEREFORE BE IT RESOLVED that Michael Haag be and hereby is authorized to attend said conference at County expense not to exceed \$3,346.00.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 206-08

**CREATING A TEMPORARY FULL-TIME POSITION IN THE HIGHWAY
DEPARTMENT**

WHEREAS, the Highway Superintendent has requested the creation of a temporary, full-time Motor Equipment Operator position to assist the paint crew during the construction season; and

WHEREAS, the salary and fringe benefits for said position shall be funded through existing appropriations in the Highway Department budget; and

WHEREAS, this request has been reviewed and approved in accordance with the vacancy review procedure by the Public Works Committee and the government Operations Committee; and

NOW, THEREFORE BE IT RESOLVED that one, temporary full-time Motor Equipment Operator position be and hereby is created for a period not to exceed four (4) months; and

BE IT FURTHER RESOLVED that the Highway Superintendent be and hereby is authorized to fill said position at the 2008 hourly rate of \$16.36 in accordance with Civil Service Law and Rule and County policies and procedures effective immediately.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 207-08

CREATING A TEMPORARY FULL-TIME POSITION IN THE SOLID WASTE DEPARTMENT

WHEREAS, the Director of Solid Waste Management has requested the creation of a temporary, Full-time Solid Waste Operator position for the summer season; and

WHEREAS, the Director of Solid Waste Management intends on increasing the hours of a per diem Solid Waste Operator on a temporary basis; and

WHEREAS, the additional salary and benefits for said position will be funded from appropriations in the 2008 Solid Waste Department budget; and

WHEREAS, this request has been reviewed and approved in accordance with the vacancy review procedure by the Solid Waste and Recycling Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that one (1), temporary full-time Solid Waste Operator position be and hereby is created for a period not to exceed three (3) months; and

BE IT FURTHER RESOLVED that the Director of Solid Waste Management be and hereby is authorized to fill said position at the 2008 hourly rate of \$10.82 in

accordance with Civil Service Law and Rule and County policies and procedures effective immediately.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 208-08

APPOINTING A CHIEF WASTEWATER TREATMENT PLANT OPERATOR AND ESTABLISHING THE 2008 SALARY

WHEREAS, the Chief Wastewater Treatment Plant Operator position is vacant due to a retirement; and

WHEREAS, the County and the Sewer District Board recruited to fill said position; and

WHEREAS, the Sewer District Board members and representatives from the Public Works Committee and the Government Operations Committee as well as staff from the County Personnel Department participated in the interviews for this position; and

WHEREAS, the Sewer District Board members recommend the appointment of Mark Bourdeau to this position; and

WHEREAS, the Government Operations Committee reviewed and recommends this appointment,

NOW, THEREFORE BE IT RESOLVED that Mark Bourdeau be and hereby is appointed as Chief Wastewater Treatment Plant Operator for the Madison County Sewer District at the 2008 salary of \$49,081 effective immediately.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 209-08

MODIFYING THE WORK HOURS OF THE COUNTY HISTORIAN FOR THE REMAINDER OF 2008

WHEREAS, the County Historian has been working full-time on the Records Management Program in recent months and said time is eligible for grant reimbursement; and

WHEREAS, due to this reimbursement of records management program hours, there will be additional salary available in the salary appropriation in the Historian budget; and

WHEREAS, the appointment resolution of the County Historian set the workweek at twenty hours; and

WHEREAS, the County Historian has requested to work up to 32 hours each week for the remainder of 2008 as a result of the circumstances described above with work hours returning to 20 hours each week effective January 1, 2009; and

WHEREAS, the increased cost of salary and fringe benefits due to the increase in work hours will be funded through the salary appropriation in the Historian's budget; and

WHEREAS, this request has been reviewed and approved by the Planning, Economic Development and Intergovernmental Affairs Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that the County Historian be and hereby is authorized to work up to 32 hours each workweek after the completion of the Records Management Program grant on June 30, 2008 and through December 31, 2008.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 210-08

**AUTHORIZING CHAIRMAN TO ENTER INTO
HIPAA REQUIRED BUSINESS ASSOCIATE AGREEMENT
WITH PROSHRED SECURITY**

WHEREAS, Congress passed the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to improve efficiency and effectiveness of health care systems by standardizing the electronic exchange of administrative and financial data; and

WHEREAS, 45 CFR parts 160 and 164 set out the Standards for Privacy of Individually Identifiable Health Information as required by HIPAA; and

WHEREAS, under said Standards for Privacy, the County of Madison is determined to be a "Covered Entity" and therefore subject to the Privacy Standards contained therein; and

WHEREAS, said Standards for Privacy include a requirement that any person who performs a function or activity on behalf of, or provides services to, a Covered Entity that involves Individually Identifiable Health Information and is not a workforce member enter into a Business Associate Agreement with the Covered Entity,

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into a Business Associate Agreement

as is on file with the Clerk of this Board with ProShred Security who provide services to the County of Madison that involve Individually Identifiable Health Information.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 211-08

ADOPTING LOCAL LAW NO. 3 FOR THE YEAR 2008

WHEREAS, there has been duly introduced Local Law No. 3 for the year 2008 entitled “CREATING THE OFFICE OF COUNTY ADMINISTRATOR”, and

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

NOW, THEREFORE BE IT RESOLVED that Local Law No. 3 for the year 2008, be and the same hereby is adopted.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 212-08

AUTHORIZING THE COUNTY TO ACCEPT A GRANT FROM THE NEW YORK STATE DEPARTMENT OF LABOR’S HAZARD ABATEMENT BOARD AND AUTHORIZING THE CHAIRMAN TO EXECUTE RELATED DOCUMENTS

WHEREAS, the Personnel Department applied for and was awarded a grant in the amount of \$17,125 from the New York State Department of Labor’s Hazard Abatement Board; and

WHEREAS, said grant will provide funding for employee safety training during the grant period, August 1, 2008 through July 31, 2009; and

WHEREAS, the Government Operations Committee has reviewed the award and recommends that the County accept this funding,

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors does hereby authorize the County to participate in the grant and accept the grant funding in the sum of \$17,125; and

BE IT FURTHER RESOLVED that the Chairman of the Board be and hereby is authorized to execute certain documents as required by the New York State Department of Labor to participate in the grant and receive reimbursements under the grant for the grant period of August 1, 2008 through July 31, 2009; and

BE IT FURTHER RESOLVED that the County Treasurer be and hereby is authorized to modify the 2008 Personnel Department budget to accept grant funding for activities approved and provided under the grant through December 31, 2008.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisors Bargabos and Stepanski:

RESOLUTION NO. 213-08

**CREATING A FULL-TIME POSITION IN THE MENTAL HEALTH DEPARTMENT AND
MODIFYING THE 2008 ADOPTED COUNTY BUDGET**

WHEREAS, there is a waiting list for Mental Health counseling services; and

WHEREAS, the Director of Community Mental Health Services has requested to convert the cost of part-time contract social worker positions to a full time Staff Social Worker position to alleviate the waiting list; and

WHEREAS, 100% of the cost of salary and fringe benefits of this position will be fully funded with mental health client fees that are already budgeted; and

WHEREAS, this request was reviewed and approved in accordance with the vacancy review procedure by the Social and Mental Health Services Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that one (1) full-time Staff Social Worker position be and hereby is created; and

BE IT FURTHER RESOLVED that the Director of Community Mental Health Services be and hereby is authorized to fill said position at the 2008 hourly rate of \$22.10 in accordance with Civil Service Law and Rule and the Agreement between the County and the CSEA White Collar Unit effective immediately; and

BE IT FURTHER RESOLVED that the 2008 budget be and hereby is modified as follows:

GENERAL FUND

4306 – Mental Health – Clinic Children Program

<u>Expense</u>	<u>FROM</u>	<u>TO</u>
A4306.1 Personal Services	\$424,204	\$447,409
A4306.4227 Medical & Psychiatric Services	\$342,433	\$310,303
A4306.810 Allocation of Fringe Benefits	<u>-0-</u>	<u>\$ 8,925</u>
Control Total	<u>\$766,637</u>	<u>\$766,637</u>

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 214-08

CREATING A FULL-TIME POSITION IN THE PLANNING DEPARTMENT

WHEREAS, the Planning Director has requested the creation of a Senior Planner position in the department to coordinate and perform a variety of planning and zoning duties including GML 239 reviews; and

WHEREAS, the salary and fringe benefits will be funded through existing appropriations for the vacant Assistant Director of Planning position in the 2008 Planning Department budget; and

WHEREAS, this request has been reviewed and approved in accordance with the vacancy review procedure by the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee and the Government Operations Committee,

NOW, THEREFORE BE IT RESOLVED that one, full-time Senior Planner position be and hereby is created; and

BE IT FURTHER RESOLVED that the Planning Director be and hereby is authorized to fill said position up to the 2008 hourly rate of \$20.02 in accordance with Civil Service Law and Rule and the agreement between the County and the CSEA White Collar Unit effective immediately.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisors Moran and Bargabos:

RESOLUTION NO. 215-08

MODIFYING THE 2008 ADOPTED COUNTY BUDGET

WHEREAS, the Planning Director is investigating a contract with a consultant to perform required services related to the County transportation program; and

WHEREAS, the Planning Director recommends using certain unused appropriations in his 100 accounts toward this expense; and

WHEREAS, this budget modification was reviewed and approved by the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee and the Finance, Ways and Means Committee,

NOW, THEREFORE BE IT RESOLVED that the 2008 County budget be and hereby is modified as follows:

General Fund		
<u>8020 Planning</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A8020.1 Personal Services	\$347,859	\$338,852
A8020.4236 Transportation Consultant	<u>-0-</u>	<u>9,007</u>
Control Totals	<u>\$347,859</u>	<u>\$347,859</u>

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 216-08

**ABOLISHING THE ASSISTANT DIRECTOR OF PLANNING POSITION,
CREATING A FULL-TIME POSITION IN THE BOARD OF SUPERVISORS OFFICE
AND MAKING AN APPOINTMENT**

WHEREAS, the Planning Director will not refill the position of Assistant Director of Planning; and

WHEREAS, the Planning, Economic Development and Intergovernmental Affairs Committee and the Government Operations Committee recommend abolishing the Assistant Director of Planning position; and

WHEREAS, the Government Operations Committee recommends the creation of the position of Director of Research and Legislative Affairs; and

WHEREAS, this position will be responsible for conducting legislative research and coordinating legislative and special projects for the Board of Supervisors; and

WHEREAS, the Government Operations Committee recommends that Paul Miller be immediately appointed to this position because his Assistant Director of Planning position is being abolished,

NOW, THEREFORE BE IT RESOLVED that the Assistant Director of Planning position be and hereby is abolished; and

BE IT RESOLVED that one full-time Director of Research and Legislative Affairs position be and hereby is created; and

BE IT FURTHER RESOLVED that the title of Director of Research and Legislative Affairs be and hereby is allocated to Grade O in Appendix A of the Management Salary Plan; and

BE IT FURTHER RESOLVED that Paul Miller be and hereby is appointed effective immediately as Director of Research and Legislative Affairs at the 2008 annual salary of \$63,482; and

BE IT FURTHER RESOLVED that Paul Miller continue his interim appointment as Administrative Assistant to the Chairman of the Board of Supervisors until a County Administrator is appointed.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Salka:

RESOLUTION NO. 217-08

RENEWING CONTRACTS FOR EARLY INTERVENTION & PRE-SCHOOL CHILDREN TRANSPORTATION

WHEREAS, Madison County Department of Health is responsible to provide arrangements for transportation of children with handicapping conditions to education facilities under the Early Intervention Program and Special Education Program for ages 0-5; and

WHEREAS, transportation bids were accepted and awarded on August 8, 2006 for the transportation of handicapped children for the 2006-2007 school year; and

WHEREAS, Resolution #249 was approved with a 2.5% CPI increase on July 10, 2007 to extend transportation agreements with Paine Bus and Birnie Bus through June 30, 2008; and

WHEREAS, the County shall have two (2) additional separate and consecutive options to extend these contracts for additional periods of one year each with the CPI or 3% increase, whichever is less; and

WHEREAS, it is recommended that it is in the best interest of the County to extend these contracts for transportation with an increase based on 3% for the next school year from July 1, 2008 through June 30, 2009 as follows:

Program Name	Old Rate	New Rate
BIRNIE BUS		
1- OCM BOCES	\$286.49	\$295.09
2- Jowonio	\$258.30	\$266.05
5- Madison-Oneida BOCES	\$251.84	\$259.40

6- Oneida County BOCES	\$237.13	\$244.24
7- DCMO BOCES	\$286.59	\$295.19
8- SPICE- Elmcrest	\$248.15	\$255.60
9- Madison Cortland ARC Oneida	\$310.06	\$319.36
10-Madison Cortland ARC Canastota	\$256.46	\$264.15
11-Wheelchair Van	\$343.38	\$353.68
12-UCP – Clinton	\$230.63	\$237.55

PAINE BUS

3- Upstate Cerebral Palsy Rome	\$243.95	\$251.27
4- Upstate Cerebral Palsy Utica	\$275.73	\$284.00
13-New York School for the Deaf	\$251.64	\$259.19

WHEREAS, the Board of Health and Public Health Services Committee feels this is in the best interest of Madison County, and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into extension agreements with Birnie Bus and Paine Bus effective July 1, 2008 through June 30, 2009, as is on file with the Clerk of the Board.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisors Salka and Bargabos:

RESOLUTION NO. 218-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR THE CHILDREN WITH SPECIAL NEEDS GRANT AND MODIFYING THE 2008 BUDGET

WHEREAS, Madison County Public Health Department, through the Preventive Health Programs, has administered Children with Special Health Care Needs Program(CSHCN), which is a program to assist families of children with special developmental needs by determining appropriate services for these children; and

WHEREAS, The New York State Department of Health has devoted much time to implement this program on the local level in an effort to assure continuity of care for all children who meet the criteria; and

WHEREAS, grant funds have once again been made available with funding being provided as follows:

Awarding Agency: U.S. Dept. of Education/U.S. Dept. of Health & Human Services
 Pass-through Agency: New York State Department of Health

Catalog #: 93.994
 Program Name: Children with Special Health Care Needs
 Grant Extension: October 1, 2008 – September 30, 2009
 Contract #: C-021560
 Federal Funds: 100%
 Grant Total: \$19,754

WHEREAS, the Public Health Services Committee has reviewed this grant renewal and feels it to be appropriate;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of The Board of Supervisors be and is hereby authorized to enter into an agreement between Madison County and The New York State Department of Health, as is on file with the Clerk of The Board; and

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

Public Health Department

A4012 Public Health Prevent

<u>Expense</u>	<u>From</u>	<u>To</u>
A4012.4103 CSHCN Grant Expenses	<u>\$ 2,083</u>	<u>\$ 4,389</u>
Control Total		<u>\$ 2,306</u>
<u>Revenue</u>		
A4489.2010 Federal Aid CSHCN Grant	<u>\$19,842</u>	<u>\$22,148</u>
Control Total		<u>\$ 2,306</u>

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 219-08

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE EAT WELL PLAY HARD COMMUNITY PROJECT AND MODIFYING THE 2008 COUNTY BUDGET

WHEREAS, the Madison County Department of Health currently works with residents on issues regarding health and fitness; and

WHEREAS, the New York State Department of Health has funds through Maternal Child Block Grant to promote education on nutrition and physical activity; and

WHEREAS, the Madison County Health Department has the expertise to accomplish the necessary tasks and continue working with this grant; and

WHEREAS, the Board of Health and Public Health Services Committee has proposed to enter into agreements with Cornell Cooperative Extension and Herkimer County HealthNet to help accomplish the goals of the workplan; and

WHEREAS, grant funds are available with funding being provided as follows:

Awarding Agency: Maternal Child Block Grant
 Pass-through Agency: New York State Department of Health
 Catalog #: 93.994
 Program Name: Eat Well Play Hard Community Project
 Grant Period : October 1, 2008-September 30, 2009
 Contract #: C-021519
 State Funds: 100%
 Grant Total: \$85,000

WHEREAS, the Madison County Board of Health and the Public Health Services Committee believe that it is appropriate for the Department to provide this service to the community;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to renew the agreement with the New York State Department of Health as is on file with the Clerk of the Board of Supervisors; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into agreements with Cornell Cooperative Extension and Herkimer County HealthNet as is on file with the Clerk of the Board of Supervisors; and

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

Public Health Department

A4017 Public Health – Eat Well Play Hard		<u>From</u>	<u>To</u>
<u>Expense</u>			
A4017.402	Grant Expenses	\$20,610	\$ 33,145
A4017.41028	Contractual Expense	<u>\$51,220</u>	<u>\$103,220</u>
	Total	<u>\$71,830</u>	<u>\$136,365</u>
	Control Total		<u>\$ 64,535</u>
 <u>Revenue</u>			
A3401.68	State Aid- Eat Well Play Hard	<u>\$92,295</u>	<u>\$156,830</u>
	Control Total		<u>\$ 64,535</u>

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 220-08

**AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT FOR
FEDERAL & STATE GRANT RABIES COLA FUNDS
AND MODIFYING THE 2008 COUNTY BUDGET**

WHEREAS, the Madison County Public Health Department administers the Rabies Program through state funding provided by the New York State Department of Health; and

WHEREAS, the New York State Department of Health has amended the contract to incorporate a cost of living adjustment (COLA) of \$310 to be expended between April 1, 2007 and March 31, 2008; and

WHEREAS, these funds will be used for expenditures associated with the recruitment and retention of staff or other critical non-personal service costs; and

WHEREAS, the Public Health Services Committee has approved this proposal;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement with New York State Department of Health as is on file with the Clerk of the Board; and

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

	<u>From</u>	<u>To</u>
<u>4090 Public Health Environmental</u>		
<u>Revenue</u>		
A3489.6920 State Aid Rabies Victims	<u>\$ 5,000</u>	<u>\$ 5,310</u>
Control Total		<u>\$ 310</u>
 <u>Expense</u>		
A4090.4505 Post Exposure Rabies	<u>\$20,000</u>	<u>\$20,310</u>
Control Total		<u>\$ 310</u>

ADOTPED: AYES – 1436 NAYS – 0

By Supervisor Stepanski:

RESOLUTION NO. 221-08

**AUTHORIZING THE COMMUNITY SERVICES BOARD
TO SPONSOR AN ANNUAL DINNER MEETING AND AWARDS CEREMONY**

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, under Article 41 of the New York State Mental Hygiene Law, the Madison County Board of Supervisors created the Community Services Board to oversee services to the mentally ill, the mentally retarded and developmentally disabled, and those suffering from alcoholism and substance abuse; and

WHEREAS, since 1990 the Community Services Board has exercised its responsibility for promoting community and public understanding of mental disabilities and advocating for the cooperation with other human service agencies in advancing the provision of services by inviting representatives from county public and private agencies, certain elected officials, and other guests to participate in the Annual Dinner Meeting and Awards Ceremony; and

WHEREAS, at this event community volunteers and/or community professionals are recognized for their contributions in the service areas of Alcoholism and Substance Abuse, Mental Health, Developmental Disabilities, and Consumer Advocacy; and

WHEREAS, the Community Services Board also recognizes employees of the Mental Health Department with mementos for their dedicated service at five-year career milestones; and

WHEREAS, the Community Services Board moves the location of the Annual Dinner Meeting and Awards Ceremony to venues in different parts of Madison County with the 2008 event to be held at the Oneida Community Mansion House, Oneida, New York;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Community Services Board to hold its Annual Dinner Meeting and Awards Ceremony at the Oneida Community Mansion House and purchase plaques and mementos from Malones Service, Inc.; and

BE IT FURTHER RESOLVED that payment for the dinner, plaques and mementos shall be approved from the appropriate line item - Mental Health Administration – Mental Health Board Expense, A4310.4035 in the Mental Health Department 2008 budget with the cost of the dinner not to exceed \$2000.00 and the plaques and mementos not to exceed \$900.00.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 222-08

AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH DR. SCOTT PETOSA OF K.A.G. CONSULTING FOR PREVENTION SERVICES

WHEREAS, in recent years, federal and state funding for foster care placements has been significantly reduced; and

WHEREAS, recently the laws and regulations regarding Persons in Need of Supervision (PINS) have drastically changed with an emphasis on prevention; and

WHEREAS, it is recognized that it is better for children to stay with their own families if at all possible; and

WHEREAS, Madison County applied for and received a grant from the New York State Office of Children and Family Services to be used for provision of services as an alternative to Family Court involvement and non-secure detention placement; and

WHEREAS, the above mentioned grant will cover the complete cost of this contract; and

WHEREAS, Dr. Scott Petosa of K.A.G. Consulting, has experience and expertise in working with young people to help them make better choices in their lives; and

WHEREAS, Dr. Scott Petosa also has training and experience in working with parents to help them improve their skills; and

WHEREAS, Dr. Scott Petosa is currently providing this service; and

WHEREAS, the Office of Children and Family Services has reallocated the funding for this service; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be, and is hereby authorized, to renew an agreement with Dr. Scott Petosa of K.A.G. Consulting from the contract period of July 1, 2008, to June 30, 2009, for the performance of these services at a total cost not to exceed \$58,925.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisors Stepanski and Bargabos:

RESOLUTION NO. 223-08

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 4
OF 2008 AND CALLING FOR A PUBLIC HEARING**

WHEREAS; the Social and Mental Health Services Committee reviewed the issue and recommended adoption at their meeting on April 28, 2008; and

WHEREAS, the Finance, Ways and Means Committee reviewed the issue and recommended adoption at their meeting on May 29, 2008: and

WHEREAS, Supervisor Bargabos has duly introduced proposed Law No. 4 for the year 2008 entitled “A LOCAL LAW ADOPTING AND SETTING LIMITS OF THE COLD WAR VETERAN’S REAL PROPERTY TAX EXEMPTION”; 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 July 8, 2008 at 10:15 a.m.; 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 date.

ADOPTED: AYES – 1436 NAYS – 0

PROPOSED LOCAL LAW NO. 4 OF 2008

“A LOCAL LAW ADOPTING AND SETTING LIMITS OF THE COLD WAR VETERANS REAL PROPERTY TAX EXEMPTION”

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

Section 1. The purpose of this local law is to adopt the Cold War Veterans Property Tax Exemption and set a basic 10% assessment reduction, capped at \$8,000 for military service and one-half their service connected disability rating, capped at \$40,000, as authorized by Section 458-b of the Real Property Tax Law.

Section 2. Pursuant to Section 458-b of the Real Property Tax Law of the State of New York, the County here by adopts Local Law Number 4 of the year 2008 of the County of Madison, granting the Cold War Veterans Exemption.

Section 3. Pursuant to Section 458-b of the Real Property Tax Law, the County hereby sets the basic 10% exemption capped at \$8,000 allowable for Active duty service between September 2, 1945 and December 26, 1991, who do not currently receive either the eligible funds or alternative veterans’ exemption.

Section 4. Pursuant to Section 458-b of the Real Property Tax Law, the County hereby sets the additional exemption for disabled veterans at one-half their service connected disability rating, capped at 40,000.

Section 5. This Local Law shall take effect immediately upon filing with the Office of the Secretary of the State and shall apply to the taxation of real property by the County of Madison after December 31, 2008.

By Supervisor Ball:

RESOLUTION NO. 224-08

RE-APPOINTING A SUPERVISOR TO THE JURY BOARD

WHEREAS, Section 652 of the Judiciary Law states that there shall be established for each County, except Albany, Westchester, Suffolk and Nassau, a County Jury Board consisting of the Justice of the Supreme Court, the Senior County Judge and any member of the Board of Supervisors who shall be designated for that purpose by the Board of Supervisors; and

WHEREAS, Alexander Stepanski, Supervisor from the town of Stockbridge has served on this Board and wishes to be re-appointed for a new term; and

NOW, THEREFORE BE IT RESOLVED, that Alex Stepanski, Supervisor from the town of Stockbridge be and he hereby is re-appointed to serve on the Jury Board commencing on June 1, 2008 and expiring on December 31, 2009.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 225-08

AUTHORIZING CONTRACT WITH CONTINUUM

WHEREAS, a number of Madison County departments utilize the Onbase Electronic Document Management System;

WHEREAS, previously each Department has engaged the Onbase vendor, Continuum, separately for a Software Support contract; resulting in multiple contracts renewing at different times of the year;

WHEREAS, the IT Department has been requested to take the lead and create one Software Support contract and charge all participating Departments accordingly;

WHEREAS, this contract will combine all previous individual contracts and establish a specific annual renewal date;

WHEREAS, any additional Department that utilizes the Onbase System in the future will be added to this contract;

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors authorize the Chairman of the Board to sign the agreement, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Moran:

RESOLUTION NO. 226-08

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE MADISON COUNTY SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, Madison County presently contracts with the Finger Lakes Association, Inc. to receive a Finger Lakes-Lake Ontario Watershed Protection Alliance (formerly the Finger Lakes Aquatic Vegetation Control Program) grant from the New York State Environmental Protection Fund; and

WHEREAS, Madison County has also received a Special Projects Fund Grant through the Finger Lakes Association, Inc.; and

WHEREAS, damage was sustained to the Limestone Creek Restoration Project during periods of heavy rainfall in 2006; and

WHEREAS, the Madison County Soil and Water Conservation District has the expertise and skills necessary to effect the desired repairs to Limestone Creek through natural stream design methodologies; and

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman to enter into an agreement with the Madison County Soil and Water Conservation District to complete the repairs to Limestone Creek, a copy of which is on file with the Clerk of this Board.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 227-08

APPROVING AGREEMENT TO CONTRACT WITH THE MADISON COUNTY FEDERATION OF LAKE ASSOCIATIONS

WHEREAS, Madison County presently contracts with the Finger Lakes Association, Inc. to receive a Finger Lakes-Lake Ontario Watershed Protection Alliance (formerly the Finger Lakes Aquatic Vegetation Control Program) grant from the New York State Environmental Protection Fund; and

WHEREAS, Madison County has received \$15,000 in funding for the operation of the aquatic weed harvester; and

WHEREAS, member lakes within the Madison County Federation of Lake Associations have expressed interest in benefiting from the weed harvester again this summer;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman to sign a contract (a copy of which is on file with the Clerk of this Board) with the Madison County Federation of Lake Associations to operate the harvester in the summer of 2008, for no more than \$15,000; and

BE IT FURTHER RESOLVED that the Madison County Treasurer is authorized to make the necessary arrangements to disburse the funds.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Moran:

RESOLUTION NO. 228-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO CONTRACT WITH THE FOOD AND LIVESTOCK PLANNING INC.

WHEREAS, the County of Madison is eligible to enter into a contractual agreements with the NY AgriDevelopment Corporation and Food and Livestock Planning Inc.; and

WHEREAS, the County of Madison has recognized the need for agricultural economic development through their financing of the Agricultural Economic Development Program in their 2008 budget; and

WHEREAS, the Agricultural Economic Development Program in conjunction with NY's Department of Ag and Markets has determined the need for a Livestock Processing Facility; and

WHEREAS, the NY AgriDevelopment Corporation will provide the financing for the livestock processing facility business plan; and

WHEREAS, Food and Livestock Planning Inc. has provided a proposal for the business plan that has been approved by the Agricultural Economic Development Program; and

WHEREAS, Food and Livestock Planning Inc. is qualified and eligible to write the Livestock Processing Facility business plan.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman of the Board to enter into a contract with Food and Livestock Planning, Inc. a copy of which is on file with the Clerk of the Board

ADOPTED: AYES – 1436 NAYS – 0

By Supervisors Moran and Bargabos:

RESOLUTION NO. 229-08

MODIFYING THE ADOPTED 2008 COUNTY BUDGET

WHEREAS, Madison County has received approval for a grant of \$30,000 from New York State through Assemblyman Bill Magee's office; and

WHEREAS, the grant will be used to hire a consultant to develop a business plan for the development and placement of a livestock processing facility; and

WHEREAS, the County will contract with Feed and Livestock Planning Inc., of Kansas City, MO, to undertake the study; and

WHEREAS, it is necessary to establish the appropriate accounts for the project;

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

General Fund

8020 Planning Department

Revenue

	<u>From</u>	<u>To</u>
A3902.1010 State Aid Agri-development Plan	<u>-0-</u>	<u>\$30,000</u>

Expense

A8020.4235 Business Development Plan/ Agri-development	<u>-0-</u>	<u>\$30,000</u>
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ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Williams:

RESOLUTION NO. 230-08

AUTHORIZING AN AGREEMENT BETWEEN MADISON COUNTY AND UPSTATE LABORATORIES FOR PROFESSIONAL LABORATORY SERVICES

WHEREAS, the Madison County Department of Solid Waste continues to require professional services of a New York State Department of Health certified laboratory in

support of its groundwater monitoring program for its east and west side landfills located astride Buyea Road in the Town of Lincoln; and

WHEREAS, the Department of Solid Waste received a two (2) year proposal to continue the required professional services from a qualified laboratory; and

WHEREAS, after evaluation of the proposal received and considering price and other factors, the Director of the Department of Solid Waste, the Solid Waste/Recycling Committee and the County's Solid Waste consulting engineer, Barton and Loguidice, P.C., recommend to retain the professional services of Upstate Laboratories, Inc., 6034 Corporate Drive, East Syracuse, NY; and

WHEREAS, Upstate Laboratories, Inc. possesses all of the required New York State Department of Health certifications required to perform laboratory and analytical services in accordance with the Analytical Services Protocol/Contract Laboratory Protocol; and

WHEREAS, Upstate Laboratories, Inc. has provided satisfactory service and agrees to provide the same service for the next two (2) years utilizing the current unit prices; and

WHEREAS, a copy of a proposed contract to continue these services has been filed with the Clerk of the Board of Supervisors; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into an agreement with Upstate Laboratories, Inc. for providing laboratory and analytical services in support to the Department of Solid Waste groundwater monitoring program.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 231-08

**AUTHORIZING THE CHAIRMAN TO ENTER INTO A CONTRACT WITH
GOVERNMENT PAYMENT EXP**

WHEREAS, Madison County has from time to time considered allowing the use of credit and/or debit cards in paying for County services, fees, and taxes; and

WHEREAS, Government Payment EXP (GovPayEXP) provides a service to process payments by credit or debit card for the payment of various County services, fees, and taxes; and

WHEREAS, GovPay EXP charges the payee rather than the County for this service, thereby making the service available at no cost to the County;

WHEREAS, no payee is required to use the service; and

WHEREAS, the contract shall run through January 31, 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the agreement with GOVERNMENT PAYMENT EXP as is on file with the Clerk of this Board.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 232-08

**AUTHORIZING THE CHAIRMAN TO EXECUTE AGREEMENTS FOR
BANKRUPTCY SEARCH SERVICES**

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

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

WHEREAS, Leatherstocking Abstract Corporation and Allied American Abstract Corporation have submitted proposals to perform this service for \$5.00 per name, per search;

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board be authorized to execute agreements with Leatherstocking Abstract Corporation and Allied American Abstract Corporation for this service, copies of which are on file with the Clerk of the Board.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 233-08

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

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

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

WHEREAS, there are approximately 600 parcels that are currently in the foreclosure process; and

WHEREAS, Oneida Valley Abstract Corporation has submitted a bid proposal for performing the required service of \$60.00 for each complete search and \$30.00 for each search completed but not typed;

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

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 234-08

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

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

Modification #1 Public Health Department

General Fund

4010 Public Health Administration

Expense

	<u>From</u>	<u>To</u>
A4010.4102 Community Health Assessment Expense	\$ 0	\$ 5,000
A4010.4130 Advertising Expense	4,500	9,313
A4010.4305 Malpractice Insurance	<u>53,391</u>	<u>48,578</u>
Total	\$57,391	\$62,391

Revenue

A2705.3020 Private Contribution – OHC	<u>\$ 0</u>	<u>\$ 5,000</u>
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Control Total	<u>\$57,391</u>	<u>\$62,391</u>
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Modification # 2 Sheriff Department Corrections

3150 Sheriff-Correctional Facility

Expense

	<u>From</u>	<u>To</u>
A3150.404 Furniture	\$1,000	\$1,013
A3150.4911 Office Supply & Expense	<u>3,000</u>	<u>2,987</u>

Control Total	<u>\$4,000</u>	<u>\$4,000</u>
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Modification # 3 Sheriff Department3110 Sheriff Department

<u>Expense</u>	<u>From</u>	<u>To</u>
A3110.4194 Radio Maintenance & Parts	\$ 8,000	\$13,400
A3110.2824 Consolidators	<u>7,435</u>	<u>2,035</u>
Control Total	<u>\$15,435</u>	<u>\$15,435</u>

Modification # 4 Highway Department

Road Machinery Fund

5130 Road Machinery Repairs & Expense

<u>Expense</u>	<u>From</u>	<u>To</u>
DM5130.2955 2-Way Base Radio/Intercom	\$ 16,000	\$ 4,528
DM5130.2905 10 Wheel Dump Truck	150,000	161,247
DM5130.2956 Concrete Floors Bldg #6	4,000	4,225
DM5130.2909 Hydro Seeder	31,490	8,996
DM5130.9420 Transfer to County Rd Fund	<u>0</u>	<u>22,494</u>
Control Total	<u>\$201,490</u>	<u>\$201,490</u>

Modification # 5 Highway DepartmentCounty Road Fund5113 Consolidated Highway Program

<u>Revenue</u>	<u>From</u>	<u>To</u>
D5031.10 Contribution from Road Machinery	\$ 0	\$22,494
Control Total		<u>\$22,494</u>

Expense

D5113.2901 Ten Wheel Dump Trucks (2)	<u>\$300,000</u>	<u>\$322,494</u>
Control Total		<u>\$22,494</u>

Modification # 6 Real Property Tax DepartmentGeneral Fund1355 Assessment

<u>Expense</u>	<u>From</u>	<u>To</u>
A1355.4200 Consultant	\$8,000	\$7,000
A1355.4130 Advertising Expense	<u>150</u>	<u>1,150</u>
Control Totals	<u>\$8,150</u>	<u>\$8,150</u>

Modification # 7 Information Technology DepartmentGeneral Fund

<u>1680 Information Technology</u>	<u>From</u>	<u>To</u>
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<u>Expense</u>		
A1680.4050 SiteWide Antivirus Subscription	\$7,100	\$7,750
A1680.40101 Computer Equipment	<u>12,700</u>	<u>12,050</u>
Control Totals	<u>\$19,800</u>	<u>\$19,800</u>

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 235-08

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

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

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

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

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

ADOPTED: AYES – 1436 NAYS – 0

By Supervisors Bargabos and Rafte:

RESOLUTION NO. 236-08

AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE

WHEREAS, the National Association of Counties will hold its Annual Conference and Exposition in Kansas City, MO from July 11 to July 15, 2008; and

WHEREAS, the Conference agenda, as in the past, will include resolutions, discussions and training on topics of importance to the County of Madison; and

WHEREAS, funding for attendance at this conference have been included in the Department of Law Budget; and

WHEREAS; a request to attend this conference has been reviewed and approved by the Native American Affairs and Government Operations Committees; and

NOW THEREFORE BE IT RESOLVED, that Supervisor Rocco DiVeronica, County Attorney John Campanie and Interim Administrative Assistant Paul Miller be authorized to attend said conference at County expense estimated to be \$3709.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 237-08

AUTHORIZING ATTENDANCE AT AN OUT-OF-STATE CONFERENCE

WHEREAS, the Northeast Regional Public Health Leadership Institute is a four part program with three sessions held in New York and one session held in Warwick, Rhode Island from October 20 to 22, 2008;

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

WHEREAS, his attendance is approximately seventy percent (70%) funded through the public water supply grant, State Aid and fees; and

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

NOW, THEREFORE BE IT RESOLVED that Geoffrey Snyder be and hereby is authorized to attend the session in Warwick, Rhode Island as part of this Leadership Institute at total County expense for the full program not to exceed \$3,050.00.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisors Rafte:

RESOLUTION NO. 238-08

CALLING FOR THE ACTION BY THE GOVERNOR OF THE STATE OF NEW YORK TO MITIGATE SALES TAX REVENUE CRISIS

WHEREAS, numerous federal court cases involving the application of state and local excise and sales taxes to sales by tribal retailers to non-tribal members, including the United States Supreme Court case of *Department of Taxation and Finance of New York et. al. v. Milhelm Attea and Bros., Inc., et. al. (No 93-377)*, have repeatedly affirmed that states have a right to the sales and excise tax revenues on such transactions; and

WHEREAS, the State of New York has failed to implement effective measures to collect those taxes as required by the Legislature of the State of New York by Chapter 62 of 2003 amending various laws of the State regarding taxation on sales by tribal retailers; and

WHEREAS, a portion of that tax revenue rightfully belongs to the County of Madison and should be available to the County for support of various programs necessary to provide services to the citizens of Madison County and to others who come to the County; and

WHEREAS; failure to collect these taxes has deprived the County of Madison of significant revenues for over a decade that are estimated to range between 13.4 and 22.5 percent for the 2008 budget year; and

WHEREAS, this misfeasance by the State of New York has placed an extraordinarily heavy burden on the citizens, businesses, farms, communities and governments of the County of Madison as well as others across the entire State; and

WHEREAS, failure to collect these revenues further creates an unfair business environment and competitive disadvantage for non-Indian retailers across the State of New York, diverts business to tribal and Indian retailers and creates a generally unhealthy economic climate within the County due to shifting tax burden; and

WHEREAS, the Madison Board of Supervisors and its individual members have repeatedly expressed strong support for implementation of effective measures to collect these taxes on tribal sales to non-Indians;

WHEREAS, the Madison County Board of Supervisors, in concert with other counties individually and in cooperation with them through the New York State Association of Counties has repeatedly called on the Governor of the State of New York and responsible officials, to effectively collect sales and excise taxes on tribal sales to non-tribal members;

NOW THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors calls on the Governor of the State of New York to take any and all action necessary to collect and remit sales taxes on sales by Native American retailers until such time mitigate the impact on Madison County of non-collection of such taxes on sales by Native American retailers to include the providing aid to Madison County to mitigate the lost tax revenues.

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors shall forward copies of this Resolution to the Governor, members of the New York State Legislature and all others deemed necessary and proper and communicate with them to facilitate resolution of these issues.

ADOPTED: AYES – 1436 NAYS – 0

RESOLUTION NO. 239-08

**AUTHORIZING THE COMMENCEMENT
OF AN ACTION IN CONNECTION WITH LAND INTO TRUST**

WHEREAS, the County of Madison, its communities and residents are substantially impacted by the unlawful Decision of the Secretary of the Interior to take into trust for the Oneida Indian Nation of New York over 4,000 acres of land within the County; and

WHEREAS, this Decision was signed May 20, 2008 by James E. Cason, Associate Deputy Secretary U.S. Department of the Interior and P. Lynn Scarlett, Deputy Secretary U.S. Department of the Interior; and

WHEREAS, the purpose of this Decision is to remove the land currently held in fee simple by the OIN from the tax and regulatory jurisdiction of the State of New York, the County of Madison, the City of Oneida, and the Towns of Stockbridge and Lincoln; and

WHEREAS, Special Counsel, Nixon Peabody, LLP and the County Attorney have been working with the State of New York in developing a challenge to this Decision, which must be commenced within a thirty (30) day period; and

WHEREAS, among the grounds of the challenge are that the Decision is unconstitutional; is arbitrary and capricious; exceeds the Secretary's statutory authority; is an abuse of discretion; and is otherwise not in accordance with law;

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney and Nixon Peabody LLP are hereby authorized to commence and prosecute a legal action or actions against the United States and/or its officials, individuals and/or other persons participating in such Decision, including Dirk Kempthorne, Secretary, United States Department of the Interior; James E. Cason, Associate Deputy Secretary of the Interior; P. Lynn Scarlett, Deputy Secretary of the Interior; and Franklin Keel, Eastern Regional Director, Bureau of Indian Affairs to overturn such Decision and seek appropriate relief.

ADOPTED: AYES – 1436 NAYS – 0

By Supervisor Bargabos:

RESOLUTION NO. 240-08

APPROVING THE PAYMENT OF CLAIMS

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

ADOPTED: AYES – 1436 NAYS – 0

PUBLIC COMMENT PERIOD

Speakers:

- 1. Mr. Dennis Mills from Oneida, NY operates SUN Towing in Madison County and has concerns about the County not using the 15 towing services available in Madison County, but instead uses outside the county towing services. This takes tax money out of Madison County. He raised concerns about not having good communications with our Sheriff's and Communications departments.**
- 2. Ed Reuter from Hamilton, NY and representative from New York Empire Towing stated that the County always had a towing service rotation schedule that worked well and now do not use it. What is needed is better communications and he would like to see some type of committee appointed to work with the towing companies and come up with a solution to this ongoing problem. Chairman Becker stated that Mr. Reuter should contact Darrin Ball, Chairman of the Criminal Justice Committee to discuss.**

PROCLAMATION

**PROBATION, PAROLE, AND COMMUNITY SUPERVISION WEEK
JULY 13-19, 2008**

WHEREAS, community corrections is an essential part of the Criminal Justice System; and

WHEREAS, community corrections professionals as New York State Peace Officers uphold the law while recognizing the right of the public to be safe-guarded from criminal activity; and

WHEREAS, community corrections professionals are responsible for supervising adult and juvenile offenders in the community; and

WHEREAS, community corrections professionals collaborate in partnership with other law enforcement agencies, community agencies and groups; and

WHEREAS, community corrections professionals promote prevention, intervention, advocacy, and reduction of recidivism; and

WHEREAS, community corrections professionals provide services, support, and protection for victims; and

WHEREAS, community corrections professionals in Madison County, New York supervise approximately 400 offenders with our main mission being to protect the community;

NOW, THEREFORE, I, John M. Becker, Chairman of the Madison County Board of Supervisors do hereby proclaim the week of July 13 – 19, 2008 as:

PROBATION, PAROLE, AND COMMUNITY SUPERVISION WEEK

in Madison County and encourage all citizens of the County to honor these community corrections professionals and to recognize their achievements.

There being no further business, Supervisor Rafte made a motion to adjourn, seconded by Supervisor Bono and carried.