

MADISON COUNTY BOARD OF SUPERVISORS
Monthly Meeting – Tuesday, March 11, 2008

The Board convened at 10:00 a.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Hammond (21 votes).

Pledge of Allegiance.

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

COMMUNICATIONS

1. Letter sent to Chairman Becker from NYS DEC announcing the approval of landfill gas management project funding in the amount of \$1, 355,048.00.
2. Letter received from the NYS Office of Parks, Recreation and Historic Preservation naming the Marshall Oast House in Munnsville for consideration on the National and State Registers of Historic Sites.

REPORTS

1. 2007 Annual Report from the New York State Sheriff's Association.
2. Madison County Mental Health Department Monthly Report for February 2008.
3. Madison County Occupancy Tax Receipts/Expenditures for Quarter 10/1/07 – 12/31/07.

REPORTS OF COMMITTEES

Supervisors, Highway, Social Services, JTPA/WIA and Cazenovia Sewer District:	\$1,502,500.21
Miscellaneous Accounts:	\$ 187,893.41

RESOLUTIONS

Chairman Becker presented a gift to Sheriff Cary to give to Patricia Sterling who could not attend today's meeting. The Sheriff stated that Mrs. Sterling has been a good, dedicated employee and will be missed.

By Supervisor Bargabos:

RESOLUTION NO. 61-08

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 her retirement:

Patricia J. Sterling Sheriff's 1988 - 2008 20 years

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 62-08

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

WHEREAS, the Rural Law Enforcement Technology Center (RULETC) Spring 2008 Advisory Council Meeting will be held March 17-21, 2008 in Point Clear, Alabama; and

WHEREAS, the Madison County Sheriff has requested to attend said meeting; and

WHEREAS, his expenses are fully funded by the RULETC; and

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

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

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 63-08

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

WHEREAS, the Southern Regional Introduction to Child Advocacy Center Management Training will be held April 7 – 10, 2008 in Huntsville, Alabama; and

WHEREAS, the Sheriff has requested that Renee Smith, Child Advocacy Center Director attend this conference; and

WHEREAS, her expenses are fully funded by the multi-disciplinary team grant received by the Sheriff's Department; 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 Renee Smith be and hereby is authorized to attend said conference at no expense to the County.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 64-08

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

WHEREAS, the National Children's Alliance (NCA) Trak Training will be held April 21 – 25, 2008 in Oak Ridge, Tennessee; and

WHEREAS, the Sheriff has requested that Renee Smith, Child Advocacy Center Director and Pamela Mosher, Office Assistant II attend this conference; and

WHEREAS, their expenses are fully funded by the multi-disciplinary team grant received by the Sheriff's Department; 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 Renee Smith and Pamela Mosher be and hereby are authorized to attend said conference at no expense to the County.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 65-08

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

WHEREAS, the National Sheriffs' Association 2008 Annual Conference & Exhibition will be held June 27 - July 2, 2008 in Indianapolis, Indiana; and

WHEREAS, the Madison County Sheriff has requested to attend said conference; and

WHEREAS, his expenses are fully funded by the National Sheriff's Association; and

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

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

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 66-08

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
(Public Sector HR Consultants)**

WHEREAS, Madison County initiated a Management Pay for Performance Program this year; and

WHEREAS, the Government Operations Committee recommends that the County retain training and consulting services from Public Sector HR Consultants for this program in 2008; and

WHEREAS, the cost of said training and consulting shall not exceed \$7,500 subject to appropriations in the adopted 2008 Personnel Department budget, as amended,

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be and hereby is authorized to execute the agreement with Public Sector HR Consultants effective February 25, 2008 through June 30, 2008, a copy of which is on file with the Clerk to the Board.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 67-08

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
(Excellus Health Plan, Inc.)**

WHEREAS, Madison County provides an employee and retiree health insurance program through Excellus Health Plan, Inc.; and

WHEREAS, Excellus Health Plan, Inc. has a program to provide information requested by the County to help monitor program costs; and

WHEREAS, there is no additional cost to the County to participate in this program; and

WHEREAS, the Government Operations Committee recommends that the County enter into an agreement with Excellus Health Plan, Inc. to facilitate the provision of this information,

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board be and hereby is authorized to execute the agreement with Excellus Health Plan, Inc. and all required documents for this program effective immediately, a copy of which is on file with the Clerk to the Board.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 68-08

AMENDING THE DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF MADISON COUNTY

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Madison County Board of Supervisors hereby amends the Deferred Compensation Plan for Employees of Madison County effective April 1, 2008 by adopting Section 6.4 of the Model Plan, which Section is attached hereto as Exhibit A and filed with the Clerk to the Board of Supervisors; and

BE IT FURTHER RESOLVED, that the Madison County Board of Supervisors hereby adopts the loan procedures attached hereto as Exhibit B and filed with the Clerk to the Board of Supervisors; except that, consistent with the terms of the Model Plan, such procedures shall be modified to reflect that the maximum term of a loan used to acquire a primary residence is 15 years; and

BE IT FURTHER RESOLVED that the Chairman of the Board be and hereby is authorized to execute the documents required by the County's Deferred Compensation Plan administrator, the Hartford to initiate the loan procedures.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 69-08

ADOPTING A POLICY WITH REGARD TO THE LOCATION OF LEGISLATIVE COMMITTEE MEETINGS

WHEREAS, the Madison County Board of Supervisors wishes to facilitate public access to the meetings of its legislative committees; and

WHEREAS, the Government Operations Committee has reviewed this topic and recommends the adoption of the following policy;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby adopts the attached policy with regard to the location of legislative committee meetings.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 70-08

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 EMPLOYEE HEALTH BENEFITS

WHEREAS, the rising costs of public employee health benefits are a major factor in increasing county personnel costs; and

WHEREAS, county governments have been in the forefront of efforts to realize cost efficiencies and lower costs to taxpayers through innovative programs of shared services and inter-municipal cooperation; and

WHEREAS, the State Insurance Law places stringent requirements on the formation of municipal cooperative health benefit plans which deter their ability to be developed; and

WHEREAS, the formation of these cooperative health benefit plans offer the promise of future cost containment of health insurance premium costs for all of the municipalities participating in this pooled approach to employee health insurance coverage; and

WHEREAS, the Governor has appointed a blue ribbon Commission on Local Government Efficiency and Competitiveness to examine and provide recommendations on statutory changes to existing laws which create obstacles to inter-governmental cooperation in the purchase and delivery of services to the public; and

WHEREAS, the Governor has included amendments to Article 47 of the Insurance Law within the Executive Budget proposal, as recommended by the Commission on Local Government Efficiency and Competitiveness and counties, to ease the formation of health insurance cooperatives; and

WHEREAS, the amendments contained in the Executive budget proposal would require insurers to provide 3 years of claims experience to any county or other unit of local government exploring the formation of such a cooperative; and

WHEREAS, the proposed amendments would reduce the number of municipalities needed to form a cooperative from 5 to 3, provide flexibility in the determination of reserve requirements through the use of a private actuary, and allow new cooperatives to amass these reserves over a five year transitional period, making it more feasible for all local governments to explore this potential cost savings approach,

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors supports the recommendations of the Commission of Local Government Efficiency and Competitiveness to amend Article 47 of the State Insurance Law regarding formation of municipal cooperative health benefits plans as contained in the Executive Budget proposal and urges its adoption; and

BE IT FURTHER RESOLVED that the Madison County Board of Supervisors supports further amendment to Article 47 of the State Insurance Law to permit municipalities with 50 or fewer employees to participate in experience-rated cooperatives; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Assemblyman William Magee, Senator David Valesky, the Commission on

Local Government Efficiency and Competitiveness, the New York State Association of Counties and all other parties deemed appropriate.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Salka:

RESOLUTION NO. 71-08

AUTHORIZING THE CHAIRMAN TO MODIFY AN AGREEMENT WITH BIRNIE BUS SERVICE TO TRANSPORT A CHILD TO THE UNITED CEREBRAL PALSY CLINTON SITE

WHEREAS, Madison County is responsible for providing transportation of preschool children to educational facilities; and

WHEREAS, there is presently one route that serves a wide area and is causing children to be on the bus over 90 minutes; with the addition of one bus, transportation can be provided to all children on the bus routes for less than 90 minutes each; and

WHEREAS, the current transportation bid provides this transportation at a rate of \$230.63 per day for what is referred to in the contract as Bid Destination 12; and

WHEREAS, the Public Health Director is responsible to see that this child is transported in the most efficient, cost effective manner, and the VMC Group, Inc. has determined that Birnie Bus Service would be the best choice as they transport children to this facility; and

WHEREAS, Birnie Bus Service has agreed to provide an additional bus to United Cerebral Palsy, Clinton site for the same rate per day/per bus, effective February 25, 2008;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into a modification agreement with Birnie Bus Service as is on file with the Clerk of The Board.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 72-08

AUTHORIZE THE CHAIRMAN TO AMEND AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION MADISON COUNTY

WHEREAS, the Madison County Health Department currently works with Seven Valleys Health Coalition, Inc. to educate Madison County residents about Diabetes risks; and

WHEREAS, the original grant was approved by Resolution #380 on November 13, 2007; and

WHEREAS, Cornell Cooperative Extension entered into a sub-award agreement to help accomplish the goals of the local diabetes work plan; and

WHEREAS, Cornell Cooperative Extension will provide an additional 6-session series that will increase the sub-award allocation by \$600; and

WHEREAS, the Board of Health and Public Health Services Committee approves of the amendment;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into a amended agreement with Cornell Cooperative Extension, as is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisors Salka and Bargabos:

RESOLUTION NO. 73-08

AUTHORIZING THE CHAIRMAN TO AMEND AN AGREEMENT WITH MCCARTHY AND CONLON, LLP AND MODIFYING THE 2008 ADOPTED COUNTY BUDGET

WHEREAS, currently the Public Health Department has made some adjustments that affect expenses in the Prevent Division; and

WHEREAS, the State now requires a Medicaid cost report for any clinic services and the cost of preparing this report was approved with Resolution 286A on September 11, 2007; and

WHEREAS, this report must be audited to ensure that the cost report is fairly presented; and

WHEREAS, McCarthy and Conlon, LLC currently has a contract with Madison County Department of Health to provide accounting services through year end 2008 and is willing to add this service to the contract as stated below:

2006 Medicaid Clinic Cost Report Audit	\$4,000
2007 Medicaid Clinic Cost Report Audit	<u>5,000</u>
Total	\$9,000

WHEREAS, these changes have been reviewed and approved by the Public Health Services Committee;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be and is hereby authorized to sign an amended agreement between Madison County Department of Health and McCarthy and Conlon, LLP, 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>General Fund</u>		
<u>Public Health Prevent</u>	<u>From</u>	<u>To</u>
<u>Expense</u>		
A4012.4201 Certified Public Health Accountant	\$0	\$ 9,000
 <u>Contingent Fund</u>		
<u>Expense</u>		
A1990.4444 Contingent Fund	<u>635,866</u>	<u>626,866</u>
Control Total	<u>\$635,866</u>	<u>\$635,866</u>

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Stepanski:

RESOLUTION NO. 74-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO A MAINTENANCE AGREEMENT WITH CONTINUUM VOICE & DATA SYSTEMS

WHEREAS, it is necessary to enter into a maintenance agreement for the care and upkeep of the imaging equipment and software that is being used by the Mental Health Department; and

WHEREAS, the Social and Mental Health Services Committee has reviewed and approved of this maintenance agreement; and

WHEREAS, the maintenance agreement for the imaging hardware and software is for the time period of January 1, 2008, to December 31, 2008, in the amount of \$3,270.45 paid upon entering into this agreement; 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 of Supervisors be and is hereby authorized to enter into an agreement with Continuum

Voice & Data Systems for the period of January 1, 2008, to December 31, 2008, for the performance of this maintenance agreement at a total cost not to exceed \$3,270.45.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 75-08

AMENDING AGREEMENTS AND MODIFYING THE 2008 ADOPTED COUNTY BUDGET

WHEREAS, the Office of Mental Retardation and Developmental Disabilities has approved a 2.3% Cost-of-Living Adjustment and Health Care Enhancement and these additional funds result in 100% State Aid in 2008 for certified programs in Madison County; and

WHEREAS, the Social and Mental Health Committee has approved modifying contracts with Madison-Cortland ARC and Heritage Farm, Inc. at no cost to the County; and

WHEREAS, it is necessary to modify the 2008 budget to account for the funds which have already been received by the County;

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

GENERAL FUND

4330 – Mental Health – ARC Programs

<u>Revenue</u>	FROM	TO
A3490.9005 St. Aid MR ARC Expense	\$535,714	\$577,314
Control Total		<u>\$ 41,600</u>

<u>Expense</u>		
A4330.42707 Madison County ARC Expense	\$695,745	\$737,345
Control Total		<u>\$ 41,600</u>

GENERAL FUND

4320 – Mental Health – Heritage Farms

<u>Revenue</u>	FROM	TO
A3490.5005 St. Aid MR Reg Heritage	\$ 16,719	\$ 17,275
Control Total		<u>\$ 556</u>

<u>Expense</u>		
A4320.42703 Heritage Farms Contract	\$ 32,964	\$ 33,520
Control Total		<u>\$ 556</u>

and

BE IT FURTHER RESOLVED, that the Chairman of the Board be hereby authorized to execute modification agreements, copies of which is on file with the Clerk of this Board, for the period January 1, 2008 through December 31, 2008 with Madison-Cortland ARC and Heritage Farm, Inc.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Ball:

RESOLUTION NO. 76-08

AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ENTER INTO AN AGREEMENT

WHEREAS, Madison County has been awarded grant monies by the New York State Office of Homeland Security from appropriations authorized by Congress under the FFY 2006 and FFY 2007 State Homeland Security Grant Program and

WHEREAS, these funds provide 100% federal reimbursement of eligible costs incurred in the effort to train first responders and to exercise emergency incident response planning documents dealing specifically with terrorism and weapons of mass destruction, and

WHEREAS, Michael Sudol of Safety First Training and Consulting, has the requisite training and expertise to provide the specialized services required of this planning, training and exercise program; and

WHEREAS, this agreement shall become effective on January 1, 2008 and expire on December 31, 2009

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be authorized to extend an existing agreement with Safety First Training and Consulting at a cost of \$18,750 per annum (a copy of which is on file with the Clerk of the Board) to perform the required services.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisors Ball and Bargabos:

RESOLUTION NO. 77-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF HOMELAND SECURITY FOR A STATE HOMELAND SECURITY GRANT AND TO AUTHORIZE THE MODIFICATION OF THE 2008 ADOPTED COUNTY BUDGET

WHEREAS, Madison County has been awarded a grant for \$90,000 by the Office of Homeland Security from appropriations authorized by Congress under the FFY 2007 State Homeland Security Program (SHSP), and

WHEREAS, these funds will provide 100% federal reimbursement of eligible costs incurred in the effort to support planning, equipment, training and exercise needs associated with preparedness and prevention activities for terrorist events using weapons of mass destruction, and this grant program is described as follows:

Awarding Agency: Federal Department of Homeland Security
 Pass Thru. Agency: NYS Office of Homeland Security
 Catalogue # CFDA# 97.067
 Program Name State Homeland Security Grant Program (SHSGP)
 Grant Period: 7/01/2007 to 6/30/2010
 Contract # WMO7837070
 Federal Funds: 100%
 Grant Total: \$90,000

NOW THEREFORE BE IT RESOLVED, that the Chairman of the Board of Supervisors be authorized to enter into an agreement with the New York State Office of Homeland security, a copy of which is on file with the Clerk of the Board, and

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

General Fund

3645 Homeland Security		
Revenue	<u>From</u>	<u>To</u>
A4306.1060 Federal Aid - Homeland Security Grant Program (WMD) 2007	-0-	<u>\$90,000</u>
Control Total		<u>\$90,000</u>
Expense		
A3645.4068 Homeland Security Grant Program (WMD) 2007	-0-	<u>\$90,000</u>
Control Total		<u>\$90,000</u>

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Moran:

RESOLUTION NO. 78-08

AUTHORIZING THE CHAIRMAN TO SIGN NECESSARY DOCUMENTS TO DEED MADISON COUNTY OWNED PREMISES TO DEC

WHEREAS, the County of Madison has heretofore acquired a Tax Sale title to parcel 108.-2-53 situated in the Town of Nelson; and

WHEREAS, approved Resolution No. 347 dated October 9, 2007 accepted the purchase price of \$600.00 from the DEC for the purchase of said premises; and

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to complete and sign the Deed, Affidavit of Title, Land Claims Payment Voucher, Tax and Finance form TP-584 and form RP-5217 in the form on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 79-08

AUTHORIZING CHAIRMAN TO ENTER INTO AN AGREEMENT WITH PICTOMETRY INTERNATIONAL CORPORATION

WHEREAS, Madison COUNTY presently contracts with Pictometry International Corporation (PICTOMETRY) for the use of high resolution aerial imagery flown in the spring of 2006; and

WHEREAS, numerous departments, agencies, and other governmental units of the County have used the imagery to assist in land use planning, zoning enforcement, law enforcement, disaster assistance, real property management, transportation planning, fire protection, emergency preparedness, 911 addressing, and much more; and

WHEREAS, PICTOMETRY software and imagery have been made available to all units of government and departments within the COUNTY without additional cost to them, thereby providing a powerful new tool to assist in carrying out their governmental responsibilities; and

WHEREAS, PICTOMETRY will re-fly the COUNTY in the spring of 2008 providing us with new imagery for use over the next two years;

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 PICTOMETRY for the purchase of aerial imagery products and software for use by COUNTY departments and other units of government in Madison County.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 80-08

**APPOINTING BOARD OF SUPERVISORS REPRESENTATIVE TO
THE MADISON COUNTY TOURISM, INC. BOARD**

BE IT RESOLVED, that Russell Cary, Town of Fenner Supervisor, 3877 Mile Strip Road, Canastota, NY 13032, be appointed as the Board of Supervisors representative to the Board of Directors of Madison County Tourism, Inc. for a term of two years, commencing on January 1, 2008 and expiring on December 31, 2009.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 81-08

**REAPPOINTING MEMBERS TO THE MADISON COUNTY AGRICULTURAL AND
FARMLAND PROTECTION BOARD**

BE IT RESOLVED, that Steven Durfee, 1459 Tuscarora Road, Chittenango, NY 13037, and Kirsten Tolman, 5157 Ridge Road, Cazenovia, NY 13035, be reappointed to four-year terms on the Madison County Agricultural and Farmland Protection Board commencing on February 10, 2008 and expiring on February 8, 2011.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 82-08

**APPOINTING A MEMBER TO THE NYSDEC REGION 7 FISH & WILDLIFE
MANAGEMENT BOARD**

WHEREAS, each of the nine counties comprising the Region 7 Fish & Wildlife Management Board (FWMB) may have three voting members, a landowner representative, a sportsmen's representative, and a legislative representative; and

WHEREAS, Madison County does not presently have an active legislative representative on the FWMB; and

WHEREAS, Daniel Degear, Supervisor of the Town of DeRuyter, 1705 Carey Road, DeRuyter, NY 13052, has agreed to the position as the Madison County Legislative Representative to the Region 7 FWMB;

NOW, BE IT RESOLVED, that Daniel Degear of the Town of DeRuyter, New York be hereby appointed to the FWMB for a term of two (2) years, commencing on March 11, 2008 and expiring on December 31, 2009 as the Madison County Legislative Representative.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 83-08

ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 2 FOR THE YEAR 2008 AND CALLING FOR A PUBLIC HEARING

WHEREAS, Supervisor Moran has duly introduced proposed Local Law No. 2 for the year 2008 entitled “**MADISON COUNTY OCCUPANCY TAX LAW**”, 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 in the Chambers of the Board of Supervisors at the Madison County Office Building on April 8, 2008 at 10:15 a.m. or as soon thereafter as possible; and

BE IT FURTHER RESOLVED, that the Clerk of the Board duly publish a notice of said hearing in the official newspapers of the County at least five (5) days prior to the scheduled hearing date.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

**PROPOSED LOCAL LAW 2 OF 2008
MADISON COUNTY OCCUPANCY TAX LAW**

A local law Imposing a Tax on Occupants of bed and breakfast, hotel, motel, tourist home, boarding house, cottage, motor court or club, bunkhouse, lodge, trailer or camper which have been established upon a site by the owner or user, campsite, and similar establishment for rental in the County of Madison.

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

- Section 1.** Title
2. Intent Purpose
3. Definitions
4. Imposition of Tax
5. Transitional Provisions
6. Exempt Organizations
7. Territorial Limitations
8. Registration
9. Administration and Collections
10. Records to be Kept
11. Returns
12. Payment of Tax
13. Determination of Tax
14. Refunds
15. Reserves
16. Remedies Exclusive
17. Proceedings to Recover Tax

18. General Powers of the County Treasurer
19. Administration of Oaths
20. Reference to Tax
21. Penalties and Interest
22. Returns to be Secret
23. Notices and Limitations of Time
24. Disposition of Revenues
25. Separability
26. Effective Date

1. Title:

This local law shall be known as the **Madison County Occupancy Tax Law**.

2. Intent Purpose:

The purpose of this local law shall be to enhance the general economy of Madison County, its city, towns and villages through promotion of tourist related and supporting activities.

3. Definitions:

(a) Person: An individual, partnership, society, association, joint stock company, corporation, estate receiver, trustee, assignee, referee, and other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the above.

(b) Operator: Any person operating a bed and breakfast, hotel, motel, tourist home, boarding house, cottage, motor court or club, bunkhouse, lodge, trailer, or camper which have been established upon a site by the owner or user, campsite, and similar establishment for rental in the County of Madison, and which is regularly used and kept open for the lodging of guests, including, but not limited to, the owner or proprietor, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such premises.

(c) Occupancy: The use or possession or the right to the use or possession, of any room in properties set forth and described in Section 3(b).

(d) Occupant: A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in the properties set forth and described in Section 3(b) under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(e) Permanent Resident: Any occupant of any room or rooms in the properties set forth and described in Section 3(b) for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(f) Rent: The consideration received for occupancy valued in money, whether received in money or otherwise.

(g) Room: Any room or rooms, or portion of the premise comprising any of the properties set forth and described in Section 3(b), of any kind in any part or portion which is available for or let out for any purpose other than a place of assembly.

(h) Return: Any return filed or required to be filed as herein provided.

(i) County Treasurer: The Treasurer of Madison County.

4. Imposition of Tax:

In addition to any other tax presently authorized and imposed (pursuant to Article 29 of the Tax Law), there is hereby imposed and there shall be paid a tax of four percent upon the rent for every occupancy of a room in this county, except that the tax shall not be imposed upon a permanent resident.

5. Transitional Provisions:

The Tax imposed by this Local Law shall be paid upon any occupancy on and after effective date of this local law, even though such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this Local Law to the extent that it is not in violation of this law.

6. Exempt Organization:

(a) Nothing in this local law shall be construed to authorize the imposition of such tax upon any transaction, by or with those entities enumerated in Section twelve hundred thirty of the New York State Tax Law.

(b) The operator shall submit such written proof as may be required to show that the use or occupancy falls within those exemptions enumerated in Section twelve hundred thirty of the New York State Tax Law, and in the absence of such documentation, the tax must be collected by the operator.

(c) Where any organization described in paragraph (d) of Section twelve hundred thirty of the New York State Tax Law, carries on its activities in furtherance of the purposes for which it is organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

7. Territorial Limitations:

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Madison.

8. Registration:

Every person required to collect any tax imposed by this Local Law presently operating, commencing business or opening a new place of business, and every person who takes possession of or pays for business assets under circumstances requiring notification by such person to the County Treasurer pursuant to subdivision (b) of Section 17 of this Local Law shall file with the County Treasurer a certificate of registration, in a form prescribed by it, at least twenty days prior to commencing business or opening a new place of business or such purchase or taking of possession or payment, whichever ever comes first.

The certificate or registration forms shall contain information with respect to the notice requirements of a purchaser, transferee or assignee and his liability for the payment of taxes pursuant to subdivision (b); of (Section 17) of this Local Law. The County Treasurer shall within five days after such registration issue, without charge, to each registrant a certificate of authority empowering him to collect the tax and a duplicate thereof for each additional place of business of such registrant. The County Treasurer shall issue with the certificate of authority general information about the tax imposed under this Local Law, including information on records to be kept, returns and payments, notification requirements and forms. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates of authority shall be prominently displayed in the places of business of the registrant. Such certificates shall be non-assignable and non-transferable and shall be surrendered to the County Treasurer immediately upon the registrant's ceasing to do business at the place named or in the event that such business never commenced.

9. Administration and Collection:

(a) Every person required to collect the tax shall collect the tax from the occupant when collecting the rent to which it applies. If the occupant is given any receipt or other statement or memorandum of rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the Madison County Treasurer.

(b) The County Treasurer shall by regulation prescribe a method or methods or a schedule or schedules of the amounts to be collected from occupants in respect to rent upon which a tax is imposed by this Local Law so that the aggregate collection of taxes by a person required to collect tax shall, as far as practicable, be equal to four percent of the total rents of such person upon whom a tax is imposed by this local law.

(c) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents of occupancy of properties described in Section 3(b) are subject to tax until the contrary is established,

and the burden of proving that any rent is not taxable shall be upon the person required to collect tax from the occupant. Unless an occupant, prior to taking possession, furnished to the operator a statement demonstrating that the occupant is an exempt organization described in Section 6 of this Local Law, the sale shall be deemed a taxable transaction. Where such a statement has been furnished to the operator, the burden of proving that the rent is not taxable hereunder shall be solely upon the occupant. The operator shall not be required to collect tax from occupants who furnish an exempt organization statement in proper form.

(d) The County Treasurer may provide, by regulation, for the exclusion from taxable rents, rent which has been ascertained to be uncollectible or, in the case the tax has been paid upon such rent, for refund or credit for the tax so paid, he shall require an application for credit to be filed, but he may also allow the applicant to immediately take the credit on the return which is due coincident with or immediately subsequent to the time the applicant files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to application for credit in Section 14 of this Local Law.

10. Records to be Kept:

Every operator shall keep records of every occupancy and all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall include a true copy of each receipt or statement separately stating the tax charged. Such records shall be available for inspection, examination and audit at any time upon demand by the County Treasurer or his duly authorized agent or employees and shall be preserved for a period of five years, except that the County Treasurer may require that they be kept longer.

11. Returns:

(a) Every operator required to register pursuant to Section 8 hereof shall file a return quarterly with the County Treasurer. The return shall show all rents received or charged and the amount of tax thereon. The returns to be filed quarterly shall be filed for the quarterly periods ending on the last day of February, May, August, and November of each year, and shall be filed within twenty days after the end of the quarterly period covered thereby. The County Treasurer may permit or require returns to be made for other periods and upon such dates he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter or longer periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The form of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local

Law. The County Treasurer may require amended returns to be filed within fifteen days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

12. Payment of Tax:

(a) Every operator required to file a return under the preceding section shall, at the time of filing such return, pay to the County Treasurer four percent of the total of all rents subject to tax pursuant to Local Law, as well as other moneys collected by the operator acting or purporting to act under the provisions of this Local Law.

(b) The amount payable for the period for which a return is filed shall be due and payable to the County Treasurer on the date limited for filing the return, whether or not the return is filed, or whether or not the return filed correctly shows the rents or the taxes due thereon.

(c) Where the County Treasurer in his discretion deems it necessary to protect revenues to be obtained under this Local Law, he may require any operator to collect the tax imposed by this Local Law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix, to secure the payment of any tax or penalties or interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond, he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before a Board comprised of three members of the Finance, Ways and Means Committee of the Madison County Board of Supervisors, which members shall be appointed by the Chairman of such Committee, at which the necessity, propriety and amount of the bond shall be determined by such Board. Such determination shall be final and shall be complied with within fifteen days after the giving of notice thereof, in lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited with and shall be kept in the custody of the County Treasurer, who may at any time without notice to the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

13. Determination of Tax:

(a) If a return required by this Local Law is not filed, or if a return filed is incorrect or insufficient, the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on

the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer, on his own motion, shall re-determine the same.

(b) Whenever such tax is estimated as provided for in this section, such notice shall contain a statement conspicuously placed on such notice advising the person: that the amount of tax was estimated, that the tax may be challenged through a hearing process, and that the petition for such challenge must be filed with the County Treasurer within ninety days.

(c) After such hearing, the County Treasurer shall give notice promptly, by registered or certified mail, of his determination to the applicant. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the County Treasurer, and there shall be filed with the County Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or at the option of the application, such undertaking filed with the County Treasurer may be in a sum sufficient to cover taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

14. Refunds:

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. No actual refund of monies shall be made to any operator, of tax which he collected from an occupant, until he shall first establish to the satisfaction of the County Treasurer under such regulations as the County Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The County

Treasurer may in lieu of any refund required to be made, allow credit thereof of payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the County Treasurer may receive evidence with respect thereto. After making his determination, the County Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided such proceeding is instituted within four months after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 13 of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to Section 13 of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event, refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

15. Reserves:

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

16. Remedies Exclusive:

The remedies provided by Sections 13 and 14 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law; and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

17. Proceedings to Recover Tax:

(a) Whenever any operator required to collect a tax shall fail to collect and pay any tax, penalty or interest, or whenever any occupant shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, the County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Madison in any court of the State of New York, the United States, or of any other state of the United States. The cost thereof shall be an expense of administration, and may be reimbursed out of the revenues generated by the imposition of this tax generally, which reimbursement shall not be limited to the tax recovered as a result of any individual action brought under this subsection.

(b) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his assets relating to the properties and business set forth and described in Section 3(b), otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferror or assignor has represented to or informed the purchaser, transferee or assignee that he owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph, or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exist, any sums of money, property or choses in action, or other consideration which the purchaser, transferee or assignee is required to transfer over to the seller, transferror or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferror or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferror or assignor any such sums of money, property or choses in action to the extent of the amount of the county's claim.

For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall be personally liable for the payment to the county of any such taxes theretofore or thereafter determined to be due to the county from the seller, transferror, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

18. General Powers of the County Treasurer:

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

- (1) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;
- (2) Extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;
- (3) To request information from the tax commission of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;
- (4) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of the Treasurer;
- (5) To prescribe methods for determining the amount of rents for determining which of them are taxable or nontaxable;
- (6) To require any operator to keep detailed records of all rents received, charged and accrued, including those claimed to be nontaxable, and also the nature, type, value and amount of all occupancies, names and addresses of occupants, and other facts relevant in determining the amount of tax due, and to furnish such information to the County Treasurer;
- (7) Impose as a penalty upon any operator within the County any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator;
- (8) Consistent with the provisions of this Local Law, to assess, determine, revise, and readjust the taxes reimposed under this Local Law.

19. Administration of Oaths and Compelling Testimony:

- (a) The County Treasurer, or his employees or agents duly designated and authorized by him, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of state or unable to attend before him or excused from attendance.
- (b) A justice of the supreme court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses

and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of records, except as herein otherwise provided. Such officers shall be the county sheriff and his duly appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

20. Reference to Tax:

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form "tax on receipts of occupancy" except that any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

21. Penalties and Interest:

(a) Any person failing to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty of ten percent (10%) of the amount of tax due, plus interest at the rate of one and one-half percent (1.5%) of such tax for each month or part thereof of delay. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law.

(b) If the County Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, he shall remit all of such penalty. The County Treasurer shall promulgate rules and regulations as to what constitutes reasonable cause.

(c) If the failure to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law is due to fraud, there shall be added to the tax a penalty of fifty percent (50%) of the amount of the tax due (in lieu of the penalty provided for in paragraph (a)), plus interest at the rate of one percent (1%) of such tax for each month of delay after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law.

Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this Local Law.

(d) Any operator failing to file a return or report required by this Local Law or filing, or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, or willfully failing to file a bond required by this Local Law or willfully failing to comply with the provisions of Section 12(c) of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this Local Law, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in Section 10 of this Local Law willfully failing to collect the tax from a customer, or who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment. The penalties provided herein shall not apply to a failure to surrender a certificate or authority which is required to be surrendered where business never commenced.

(e) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

(f) The penalties provided for in this section shall not preclude prosecution pursuant to the penal law with respect to the willful failure of any person to pay over to the county any tax imposed by this Local Law, whenever such person has been required to collect and has collected any such sales tax.

22. Returns to be Secret:

(a) Except in accordance with the proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the County Treasurer's office, or any person who in any manner obtaining knowledge of the contents of a return or report filed with the County Treasurer pursuant to this Local Law to disclose in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law, except to such persons and at such times as necessary to carry out this Local Law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local

Law when the returns or facts shown thereby are directly involved in such action or proceeding.

In any of these events, the Court may require the production of and may admit into evidence as much of said returns or the facts shown thereby as are pertinent to the action or proceeding, and no more. Nothing herein shall be construed to prohibit the delivery to the taxpayer (or person liable under Section 17(b)) or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics classified so as to prevent the identification of particular returns and the items thereof. In addition nothing herein shall be construed to prohibit the inspection by the County Attorney or other legal representatives of the County of the return of the taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

(b) Returns shall be preserved for not less than five years and thereafter until the County Treasurer permits them to be destroyed.

(c) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, in the discretion of the Court. If the offender is an officer or employee of the County, he shall be subject to disciplinary action, including but not limited to dismissal from office.

23. Notices and Limitations of Time:

(a)(1) Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him, or, if no return has been filed or application made, then to such address as may be obtainable. A notice of determination shall be mailed promptly by registered or certified mail. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(a)(2) If any return, claim, statement, notice, application, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of this Local Law is, after such period of such date delivered by United States mail to the County Treasurer or his office, the date of the United State postmark stamped on the envelope shall be deemed to be the date of delivery. This subdivision shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document, or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the County Treasurer or his office. If any document is sent by United

State registered mail, such registration shall be prima facie evidence that such document was delivered to the County Treasurer or his office.

Certified mail may be used in lieu of registered mail under this section. This subdivision shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulation of the County Treasurer.

(a)(3) When the last day prescribed under the authority of this Local Law (including any extension of time) for performing any act falls on Saturday, Sunday or a legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing made before the expiration of the extended period.

24. Disposition of Revenues:

All revenues resulting from the imposition of the tax under this Local Law shall be deposited to the general fund of the County, thereafter to be allocated only for tourism promotion in Madison County; provided, however, that a portion of such revenue may be specifically allocated to the expense of the County in administering such tax. The revenue derived from such tax, after deducting the amount provided for administering such tax, shall be allocated only to enhance the general economy of the County of Madison, its city, towns and villages through promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities. The amount retained by Madison County with respect to administering said tax shall not exceed ten percent of the revenues collected from the imposition of this tax.

25. Separability:

If any provision of this Local Law, or the application thereof to any person or circumstances, is held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

26. Effective Date:

This Local Law shall take effect on July 1, 2008, and shall remain in effect for thirty-six (36) months from the date of its enactment.

By Supervisors Moran and Bargabos:

RESOLUTION NO. 84-08

**ACCEPTING KONOSIONI SOCIETY GRANT FROM COLGATE UNIVERSITY AND
MODIFYING THE 2008 ADOPTED COUNTY BUDGET**

WHEREAS, the County Historian has applied to the Konosioni Society of Colgate University for a grant in the amount of \$760; and

WHEREAS, the monies must be used for an archiving project; and

WHEREAS, Madison County has been awarded the grant;

NOW, THEREFORE BE IT RESOLVED, that Madison County accept the grant from the Konosioni Society of Colgate University; and

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

General Fund

7510 – Historian

Expense

	<u>From</u>	<u>To</u>
A7510.4103 Colgate University-Konosioni Grant Archives	\$ 0	\$ 760

Revenue

A2770.7020 Misc. Revenue – Colgate University Konosioni Grant	\$ 0	\$ 760
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ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 85-08

**ACCEPTING MID-YORK FOUNDATION GRANT AND MODIFYING THE 2008
ADOPTED COUNTY BUDGET**

WHEREAS, the County Historian has applied to the Mid-York Foundation for a grant in the amount of \$872; and

WHEREAS, the monies must be used for an archiving project; and

WHEREAS, Madison County has been awarded the grant;

NOW, THEREFORE, BE IT RESOLVED, that Madison County accept the grant from the Mid-York Foundation; and

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

General Fund

7510 – Historian

Expense

	<u>From</u>	<u>To</u>
A7510.4104 Mid-York Foundation Grant	\$ 0	\$ 872

Revenue

A2770.7020 Misc. Revenue Mid-York Foundation Grant	\$ 0	\$ 872
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ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Bargabos:

RESOLUTION NO. 86-08

AMENDING RULE NO. 6 OF THE RULES OF THE MADISON COUNTY BOARD OF SUPERVISORS TO COMBINE TWO STANDING COMMITTEES

WHEREAS, Rule No. 6 of the Rules of the Madison County Board of Supervisors sets forth various committees of this board and their respective responsibilities;

WHEREAS, after review by the Chairman of the Board of Supervisors, the Administration and Oversight Committee, the Long Range Planning Committee, and the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee, it has been determined that, due to functional overlap, the identity of supporting staff, and the identity of committee membership of the last-named two committees, the Long Range Planning Committee should be abolished and its responsibility be assumed by the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee; and

WHEREAS, amendment to Rule No.6 eliminating the Long Range Planning Committee and assigning its responsibility to the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee has been made in writing, offered, and laid upon the table for more than 24 hours in accordance with Rule No. 25 of the Rules of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, that Rule No. 6 of the Madison County Board of Supervisors be and hereby is amended effective immediately and with respect to following the committee listing and responsibilities as follows:

[~~LONG RANGE PLANNING:~~]

~~[Responsible for the development, implementation, and ongoing evaluation of Madison County's Long Range Planning Program.]~~

PLANNING, ECONOMIC DEVELOPMENT, ENVIRONMENTAL AND INTERGOVERNMENTAL AFFAIRS:

Responsible for the County Planning Department, the development, implementation, and ongoing evaluation of Madison County's long range planning program, the County Planning Board, community development, public transportation, Madison County Tourism Inc., economic development, the Industrial Development Agency, the Environmental Management Council, public lands, County parks and the County Parks Commission, Agricultural Districts and the Agricultural and Farmland Protection Board, the County Fair, historic preservation, County Historian, County Historical Society, Central New York Regional Planning & Development Board, Central New York Regional Market Authority, Cooperative Extension, Federated Conservation Clubs, Soil and Water Conservation District, forest practices, Fish & Wildlife Management, County ABC Board, Children's Camp, Mid-York Library System.

On motion by Supervisor Cary, seconded by Supervisor Williams, this resolution was TABLED and will be brought up under "unfinished business" at the next scheduled Board meeting.

RESOLUTION NO. 87-08

AMENDING RULE NO. 6 OF THE RULES OF THE BOARD OF SUPERVISORS

WHEREAS, Rule No. 6 of the Rules of the Board of Supervisors sets forth the various committees of this Board and their respective responsibilities; and

WHEREAS, after review by the Administration and Oversight Committee, alterations need to be made to the Government Operations Committee; and

WHEREAS, the proposed amendment to Rule No. 6 has been made in writing, offered, and laid upon the table for more than 24 hours prior to this meeting in accordance with Rule No. 25 of the Rules of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, that Rule No. 6 of the Rules of the Board of Supervisors of Madison County be and is hereby amended (as underlined) effective immediately and with respect to the following committee listing and responsibilities shall provide as follows:

OLD

CRIMINAL JUSTICE, PUBLIC SAFETY AND TELECOMMUNICATIONS: responsible for Office of the District Attorney, Sheriff's Department, Law Enforcement, Correctional Facilities, Assigned Counsel, Stop DWI Program, Legal Aid and Judiciary, Coroner/Medical Examiner, Probation, Volunteer Firemen, Office of Emergency Preparedness, Civil Defense, Traffic Safety Board, Fire Advisory Board, Communications and Rescue, E-911 and all functions related to the County telephone services, to include calling cards.

GOVERNMENT OPERATIONS: responsible for Personnel, Civil Service, Labor Relations, Insurance, Information Technology, County Attorney, Ethics Law, Office of the Clerk to the Board of Supervisors, Receptionist, Supervisors' Accounts, Official papers, Supervisors' Journal, NYSAC, Public Relations to include Freedom of Information Law and Records Access Officer, OSHA, ADA, HIPAA, Safety and Workers' Compensation, Employees Assistance Program, Weights and Measures, Personnel Management Functions, participate in the interview process for new Department Heads with the respective legislative committee and to recommend to the Board the names of candidates for all County management positions and Purchasing.

NEW

CRIMINAL JUSTICE, PUBLIC SAFETY AND TELECOMMUNICATIONS: responsible for Office of the District Attorney, Sheriff's Department, Law Enforcement, Correctional Facilities, Assigned Counsel, Stop DWI Program, Legal Aid and Judiciary, Coroner/Medical Examiner, Probation, Volunteer Firemen, Office of Emergency Preparedness, Civil Defense, Traffic Safety Board, Fire Advisory Board, Communications and Rescue, E-911.

GOVERNMENT OPERATIONS: responsible for Personnel, Civil Service, Labor Relations, Insurance, Information Technology including all County telephone services, County Attorney, Ethics Law, Office of the Clerk to the Board of Supervisors, Receptionist, Supervisors' Accounts, Official papers, Supervisors' Journal, NYSAC, Public Relations to include Freedom of Information Law and Records Access Officer, OSHA, ADA, HIPAA, Safety and Workers' Compensation, Employees Assistance Program, Weights and Measures, Personnel Management Functions, participate in the interview process for new Department Heads with the respective legislative committee and to recommend to the Board the names of candidates for all County management positions and Purchasing.

GOVERNMENT OPERATIONS (Cont.):
Compensation, Employees Assistance Program, Weights and Measures, Personnel Management Functions, participate in the interview process for new Department Heads with the respective legislative committee and to recommend to the Board the names of candidates for all County management positions and Purchasing.

On motion by Supervisor Henderson, seconded by Supervisor Jaquay, this resolution was TABLED and will be brought up under "unfinished business" at the next scheduled Board meeting.

RESOLUTION NO. 88-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN INTERFACE MESSAGING SYSTEM MAINTENANCE AND SUPPORT AGREEMENT WITH NTS DATA SERVICES

WHEREAS, the advent of the Statewide Voter Registration database required the creation of an interface between the County TEAM registration system and the New York State NYS Voter II; and

WHEREAS, the State Board of Elections contracted with NTS to develop the interface, license it to the County, and support it through December 31, 2007; and

WHEREAS, the County requires ongoing support and maintenance for the interface to NYS Voter II; and

WHEREAS, NTS has agreed to a three year contract to be paid by the County as follows;

- On January 15, 2008 the County shall make a payment to NTS in the amount of \$7,000.00
- On January 15, 2009 the County shall make a payment to NTS in the amount of \$7,000.00
- On January 15, 2010 the County shall make a payment to NTS in the amount of \$7,000.00

NOW, THEREFORE BE IT RESOLVED, that the Chairman be hereby authorized to enter into an agreement with NTS Data Services, LLC of Niagara Falls, New York, a copy of which is on file with the Clerk of the Board of Supervisors.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Williams:

RESOLUTION NO. 89-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO A MAINTENANCE AGREEMENT WITH CUMMINS NORTHEAST, INC.

WHEREAS, it is necessary to enter into a maintenance agreement for the bi-annual inspections to keep the generator systems, located in the County Office Building, Public Safety Building, Social Services Building, Public Health and Highway Department in top working condition; and

WHEREAS, the County Buildings and Grounds Committee have reviewed and approve of this maintenance agreement; and

WHEREAS, the maintenance agreement is for one year, commencing on March 30, 2008, in the amount of \$635.99 for the Public Safety Building, \$574.97 for the

County Office Building, \$500.83 for the Social Services Building, \$534.42 for Public Health and \$714.00 for the Highway Department , a total of **\$2,960.21** per year.

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors be and he hereby is authorized to enter into a maintenance agreement with **Cummins Northeast, Inc. of Syracuse**, a copy of which is on file with the Clerk of the Board.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 90-08

**EXTENDING CONTRACT WITH MYERS & CO., LLC FOR
FIRE EXTINGUISHER SERVICES**

WHEREAS, Madison County contracts with Myers & Co., LLC for fire extinguisher services to the County Office Building Complex; and

WHEREAS, Myers & Co., LLC proposes extending their contract until April 30, 2008; and

WHEREAS, The County Buildings & Grounds Committee has approved this extension;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign a contract extension with Myers & Co., LLC, a copy of which is on file with the Clerk of this Board.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 91-08

**ACCEPTING AND AWARDED BID FOR A MODIFIED SHREDDER SCREENING
PLANT FOR THE MADISON COUNTY (CAZENOVIA) SEWER DISTRICT**

WHEREAS, bids were duly received and opened on February 14, 2008 for a Modified Shredder Screening Plant for the Madison County (Cazenovia) Sewer District; and

WHEREAS, only one bid was received; and

WHEREAS, this bid was reviewed and approved by the County Buildings and Grounds Committee and also approval by the Madison County (Cazenovia) Sewer District Board;

NOW, THEREFORE, BE IT RESOVLED, that the County accepts and awards the following bid meeting bid specifications:

**Emerald Equipment Systems
7600 Morgan Road
Liverpool, New York 13090
Attn: Patrick McGarrity**

TOTAL BID AWARD: \$89,195.00

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 92-08

APPOINTING MEMBERS TO THE MADISON COUNTY (CAZENOVIA) SEWER DISTRICT BOARD

WHEREAS, Larry Wetzel has resigned his position on the Madison County (Cazenovia) Sewer District Board, such term due to expire on February 15, 2009; and

WHEREAS, Robert Davies, Hatch Lake Road, Nelson, New York will fill out the unexpired term of Mr. Wetzel on the Madison County (Cazenovia) Sewer District Board; and

WHEREAS, David Vredenburgh presently serves on the Madison County (Cazenovia) Sewer District Board and wishes to be reappointed;

NOW THEREFORE BE IT RESOLVED, that Robert Davies, Hatch Lake Road, Nelson, New York be appointed to fill out the unexpired 5 year term of Mr. Wetzel and David Vredenburgh of 24 Cousin St., Cazenovia, New York be reappointed to the Madison County (Cazenovia) Sewer District Board for a term of 5 years, commencing on February 16, 2008 and expiring on February 15, 2013.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 93-08

AUTHORIZING A SOFTWARE SERVICE AGREEMENT WITH CITITECH SYSTEMS, INC.

WHEREAS, the Public Works Committee met on February 18, 2008 and has authorized the Madison County Highway Superintendent to enter into a Software Service Agreement with CitiTech Systems, Inc.; and

WHEREAS, the Agreement for payment is \$6,030.00 for Software Annual Maintenance Agreement from March 1, 2008 through February 29, 2009; and

WHEREAS, necessary funding for the agreement is funded in the 2008 County Highway Budget, County Road Fund;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Madison County Board of Supervisors hereby authorizes the County Highway Superintendent to enter into this Agreement with a copy on file with the Clerk to the Board of Supervisors.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 94-08

AUTHORIZING COUNTY ATTORNEY TO COMMENCE LAWSUITS

WHEREAS, Commercial Haulers are given permits to use the Madison County Landfill and as a result of their use they generate tipping fees which are to be paid in a timely fashion pursuant to the terms of the permit; and

WHEREAS, Smith’s Services / Michael Smith and Jeff Shader were issued a commercial hauler permit and were permitted to use the Madison County Landfill and their use thereof generates tipping fees for which they are responsible; and

WHEREAS, Smith’s Services / Michael Smith and Jeff Shader are currently in arrears in tipping fees according to the terms of their use of the Madison County Landfill;

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney of his designee is hereby authorized to commence suit against Smith’s Services/ Michael Smith and Jeff Shader to collect the past due tipping fees now over due and owing to the County of Madison.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 95-08

AUTHORIZING THE COUNTY ATTORNEY TO COMMENCE A LAWSUIT

WHEREAS, commercial recycling markets are given recycled material purchase orders to purchase recyclables from Madison County Department of Solid Waste and as a result of the sale the buyer shall pay the county pursuant to the terms of the invoice; and

WHEREAS, Hilltop Enterprises, Owner Roy Eiklor was issued a pick-up notice and was allowed to purchase recycled steel containers from Madison County; and

WHEREAS, Hilltop Enterprises, Owner Roy Eiklor is currently in arrears in the purchase of recycled steel containers from Madison County; and

NOW THEREFORE, BE IT RESOLVED, that the County Attorney or his designee is hereby authorized to commence suit against Hilltop Enterprises and or Roy Eiklor to collect the past due fees now over due and owing to the County of Madison

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 96-08

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

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

Edward Nabinger
4701 Troopk Road
Manlius, NY 13104

Tax Map# 3.49-1-3.1
Town of Sullivan

WHEREAS, it has come to the attention of the local assessor that this parcel erroneously had an incorrect assessment of \$29,600 for vacant land when in fact the assessment of \$29,600 included the value of a camp that was situated on another parcel; and

WHEREAS, the unpaid 2006-2007 school tax and the 2007 town and county taxes were levied on an erroneous assessment; and

WHEREAS, the taxes due for the 2006-2007 school and 2007 town and county taxes are \$1,340.10, and

WHEREAS, the amount of taxes on a correct assessment of \$300 should be \$14.72; and

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

NOW, THEREFORE, BE IT RESOLVED that the County Treasurer be and she is hereby directed to correct the 2006-2007 school and 2007 town and county taxes in the total amount of \$1,325.38.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 97-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH SYSTEMS EAST, INC. FOR AN INTEGRATED PAYROLL SYSTEM

WHEREAS, the County Treasurer’s Payroll Division currently utilizes an MS-DOS integrated payroll system developed and maintained by Systems East, Inc.; and

WHEREAS, this software is becoming out-of-date and is the only software program currently utilized in the Treasurer’s Office that is DOS-based; and

WHEREAS, Systems East, Inc. has submitted a proposal to replace our existing software with a new, Windows platform integrated payroll system, at a cost of \$100,000.00; and

WHEREAS, appropriations sufficient to purchase this system are provided in 2008 Adopted County Budget, account number A1325.2110 Payroll Software Upgrade.

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

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Bargabos:

RESOLUTION NO. 98-08

MODIFYING THE ADOPTED 2008 COUNTY BUDGET

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

Modification # 1 County Clerk

General Fund

1410 County Clerk

Expense

	<u>From</u>	<u>To</u>
A1410.4712 Deed Book Scanning-LGRMIF-Co. Clerk	\$68,389	\$64,506
A1460.2100 Installation/Digitalization-LGRMIF-Co. Clerk	\$ 0	\$ 3,883
Control Total	<u>\$68,389</u>	<u>\$68,389</u>

Modification # 2 Personnel Department

General Fund

1430 Personnel/Civil Service

Expense

	<u>From</u>	<u>To</u>
1430.4110 Training and Staff Development	\$4,000	\$9,500
1430.4111 Tuition/Education Reimbursement	3,000	-0-
1430.4013 Labor Relations Expense	<u>10,000</u>	<u>7,500</u>

Control Total	<u>\$17,000</u>	<u>\$17,000</u>
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Modification # 3 Public Health Department

General Fund

<u>4090 Public Health Environmental Expense</u>	<u>From</u>	<u>To</u>
A4090.4719 Interpreting Services	\$0	\$ 500
A4090.4110 Training & Staff Development	<u>\$4,000</u>	<u>\$3,500</u>
Control Total	<u>\$4,000</u>	<u>\$4,000</u>

Modification # 4 Department of Social Services

General Fund

<u>6010 Social Services Administration Expense</u>	<u>From</u>	<u>To</u>
A6010.4072 Community Service Transportation	<u>\$ -0-</u>	<u>\$ 35,000</u>
Control Total		<u>\$ 35,000</u>

Revenue

A4610.1010 Fed. Aid Social Services	<u>\$2,038,865</u>	<u>\$2,073,865</u>
Control Total		<u>\$ 35,000</u>

Modification # 5. Social Services Department

General Fund

<u>6010 Social Services Administration Expense</u>	<u>From</u>	<u>To</u>
A6010.40101 Computer Equipment	\$ 32,463	\$ 33,463
A6010.4038 Information Technology Service Expense	79,834	81,834
A6010.41096 CAP – Food Stamp Bonus Award	<u>-0-</u>	<u>14,507</u>
Total		<u>\$112,297</u>

\$129,804

Control Total		<u>\$ 17,507</u>
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Revenue

A4611 Fed. Aid Food Stamp Admin.	<u>\$384,109</u>	<u>\$401,616</u>
Control Total		<u>\$ 17,507</u>

Modification # 6 Highway Department

Road Machinery Fund

<u>5130 Road Machinery Fund Expense</u>	<u>From</u>	<u>To</u>
DM5130.2909 Hydro Seeder	\$ 35,000	\$ 31,490
DM5130.2913 Diesel Truck with Trailer	<u>110,000</u>	<u>113,510</u>
Control Total	<u>\$145,000</u>	<u>\$145,000</u>

Modification # 7 Planning-Empire Zone

General Fund

8021 Planning - Madison County Empire Zone

Expense

	<u>From</u>	<u>To</u>
A8021.4232 Economic Development Consultant	\$58,000	\$55,600
A8021.490 Central Postage Expenses	0	200
A8021.491 Central Printing & Supply	0	500
A8021.4911 Office Supply & Expenses	0	500
A8021.492 Central Telephone Expenses	<u>0</u>	<u>1,200</u>
Control Total	<u>\$58,000</u>	<u>\$58,000</u>

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Moran:

RESOLUTION NO. 99-08

AUTHORIZING THE CHAIRMAN TO APPLY FOR GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE’S RURAL DEVELOPMENT PROGRAM.

WHEREAS, the County of Madison is eligible to apply for the United States Department of Agriculture’s Rural Business Enterprise Grant; 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 Specialist’s administration of the funds would be an in-kind contribution, and her contribution to the administration of the Agricultural Revolving Loan Fund would be equal to or greater than \$5,000; and

WHEREAS, administration of the revolving loan fund would require in-kind contributions from the County of Madison, and its contribution to the administration of the Agricultural Revolving Loan Fund would be equal to or greater than \$3,000; and

WHEREAS, the Agricultural Economic Development Program has recognized a need for small (under \$10,000) low-interest loans to assist beginning farmers and agri-entrepreneurs in creating and expanding value-added enterprises including, but not limited to: building or enhancing farm stands; branding, marketing, preserving or processing an agricultural product; and purchasing equipment; and

WHEREAS, the establishment of an Agricultural Revolving Loan Fund would assist the Agricultural Economic Development Program in its mission to maintain,

develop, and promote a viable agricultural economy that benefits the County of Madison.

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors authorizes the Chairman of the Board to sign a grant application through the United States Department of Agriculture's Rural Development Program, in the amount of \$99,999, to establish an Agricultural Revolving Loan Fund.

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

By Supervisor Williams:

RESOLUTION NO. 100-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH BIVENS & ASSOCIATES

WHEREAS, the Courthouse dome is in disrepair; and

WHEREAS, the front porch of the Courthouse needs to be repaired; and

WHEREAS, the Building and Grounds Committee has met with Bivens and Associates and determined that they have the requisite skills to provide the necessary architectural services, including the preparation of bid documents and construction oversight for the two projects;

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 Bivens & Associates Architects, PLLC. of Syracuse, New York for the necessary architectural services including the preparation of bid documents and construction oversight for the proposed renovations at the Madison County Court House; and

BE IT FURTHER RESOLVED, that a copy of said agreement is on file with the Clerk of the Board.

Supervisor Williams made a motion to amend this resolution, seconded by Supervisor Ball and **CARRIED** to add the following to the end of paragraph 4, after the words "Madison County Courthouse;" a fee not to exceed \$38,000.00; and

A final vote with amendment was then taken:

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 101-08

AUTHORIZING THE CHAIRMAN TO ENTER INTO AN

**AGREEMENT WITH TOSKI, SCHAEFER & CO, P.C.
FOR PROFESSIONAL AUDITING SERVICES**

WHEREAS, a Consolidated Fiscal Report (CFR) is required to be completed by service providers receiving funding from the following New York State agencies: Office of Alcoholism and Substance Abuse Services (OASAS), Office of Mental Health (OMH), and Office of Mental Retardation and Developmental Disabilities (OMRDD); and

WHEREAS, the County Local Governmental Unit (LGU) must submit a Compliance Review which is intended to ensure that the CFR has been subjected to certain agreed upon procedures specified by the Department of Mental Hygiene (DMH); and

WHEREAS, the County is required to engage an independent auditor for the purpose of performing the agreed-upon procedures relative to the financial assurance requirements of DMH; and

WHEREAS, Toski, Schaefer & Co, P.C., has provided a proposal for the aforementioned auditing services for the fiscal year ending December 31, 2007 at a cost not to exceed \$4,900; and

WHEREAS, the budgeted appropriation in the Mental Health Consultant Expense account A4310.4216 is sufficient to cover the fee for professional auditing services as outlined above.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be and hereby is authorized to enter into an agreement with Toski, Schaefer & Co, P.C., for professional auditing services, as is on file with the Clerk of the Board of Supervisors.

Supervisor Stepanski made a motion to amend this resolution, seconded by Supervisor Goldstein and **CARRIED** to change paragraph 4 as follows:

WHEREAS, Toski, Schaefer & Co., P.C., the auditing firm that will audit the County's financial records (ref. Resolution #31-08, dated 2/12/2008, has provided a proposal for the aforementioned auditing services for the fiscal year ending December 31, 2007, at a cost not to exceed \$4,900; and

A final vote with amendment was then taken:

ADOPTED: AYES – 1479 NAYS – 0 ABSENT – 21 (Hammond)

RESOLUTION NO. 102-08

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 – 1479 NAYS – 0 ABSENT – 21 (Hammond)

PUBLIC COMMENT PERIOD

1. Mr. Bill Danahey of Cazenovia, New York addressed different issues with the Agricultural and Farmland Protection Board for Madison County.
2. Rebecca Brier-Rosenfield, Agricultural Economic Development Specialist – Cornell University Cooperative Extension invited the Board members to attend a lunch being held on Thursday, March 13, 2008 at the Ag Center in Morrisville.

There being no further business, Supervisor Williams, seconded by Supervisor Stepanski, the Board adjourned.