

**MADISON COUNTY BOARD OF SUPERVISORS  
ORGANIZATION – BOARD MEETING  
Tuesday, January 3, 2012**

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

**UNFINISHED BUSINESS**

**Resolution No. 522-11 – Amending Rule No. 30 of the Rules of the Madison County Board of Supervisors. TABLED By: Supervisor Cary, seconded by Supervisor Degear on December 28, 2011.**

**PENDING BOARD APPROVAL**

**RESOLUTIONS**

**By Supervisor Bargabos:**

**RESOLUTION NO. 1**

**RESOLUTION OF APPRECIATION – RETIREE RECOGNITION**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Eric Howard and Joseph Loosman, Jr. upon their retirement.

Eric C. Howard	Sheriff's	1978 - 2011
Joseph W. Loosman, Jr.	Highway	2001 - 2011

**PENDING BOARD APPROVAL**

**RESOLUTION NO. 2**

**APPOINTING A COUNTY ATTORNEY**

**RESOLVED**, pursuant to Section 500 of the County Law, that S. John Campanie be and he hereby is reappointed as County Attorney of Madison County to serve for the life of this Board.

**PENDING BOARD APPROVAL**

**RESOLUTION NO. 3**

**APPOINTING A CLERK TO THE BOARD OF SUPERVISORS**

**RESOLVED**, pursuant to Section 47 of the County Law, that Cindy Urtz be and she is hereby reappointed as Clerk to this Board, to serve for the life of this Board and until her successor is appointed and shall have qualified.

**PENDING BOARD APPROVAL**

**RESOLUTION NO. 4**

**DESIGNATING DISPOSAL OF OBSOLETE AND/OR SURPLUS COUNTY PERSONAL PROPERTY**

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

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

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

<u>ITEM</u>	<u>DEPARTMENT</u>	<u>MILEAGE</u>	<u>CONDITION</u>
1997 Chevy Lumina	Sheriff	116,354	Poor, no brakes, airbag light on, oil leaks, blown brake line, tires go flat
1997 Chevy Lumina	Sheriff	111,868	Poor, ABS light on, airbag light on, engine knocks, oil leaks, tires go flat
1998 Chevy Malibu	Public Health	100,653	Fair/Good, transmission Slips, left rear rusted
1998 Chevy Malibu	Public Health	82,143	Fair/Good, needs battery, some rust on body, under body rusty
2004 Chevy Cavalier	Public Health	106,185	Poor/Good, body is rusty

2004 Chevy Cavalier	Public Health	70,983	Fair/Good, some body rust
1998 Chevy Lumina	Public Health	105,875	Poor/Fair, engine oil leaks, Rusty frame
2001 Chevy Cavalier	Public Health	113,490	Poor/Fair, rocker panels rusted, body rust
2001 Chevy Cavalier	Public Health	85,181	Poor/Fair, rusty frame & body
2001 Jeep Liberty	District Attorney	45,937	Good, check engine light On, small hole in drivers driver's seat and floor mat
1998 Chevy Lumina	Sheriff	96,146	No brakes, bad battery, very rusty

**PENDING BOARD APPROVAL**

**RESOLUTION NO. 5**

**DESIGNATING NEWSPAPERS FOR 2012**

**WHEREAS**, Subdivision 2 of Section 214 of the County Law states that the Board of Supervisors shall annually designate two newspapers to publish local laws, notices and other matters required by law to be published; and

**WHEREAS**, in designating such newspapers, “. . .consideration shall be given to those newspapers [with] general circulation throughout the county”; and

**WHEREAS**, Subdivision 1 of Section 214 of County Law requires that a majority of the members of the Board of Supervisors from each party designate a newspaper for the publication for concurrent resolutions, election notices issued by the secretary of state, and the official canvass; and

**WHEREAS**, a majority of the members of the Board of Supervisors from each party have designated the *Oneida Daily Dispatch* and the *Madison County Courier* as the papers to publish the concurrent resolutions, the election notices issued by the secretary of state, and the official canvass;

**NOW THEREFORE BE IT RESOLVED THAT** the Board of Supervisors hereby designates the following newspapers for the following official publications:

**Concurrent Resolutions**

***Oneida Daily Dispatch***  
***Madison County Courier***

**Official Canvass**

***Oneida Daily Dispatch***  
***Madison County Courier***

**Election Notices**

***Oneida Daily Dispatch***  
***Madison County Courier***

**Official Notices**

***Oneida Daily Dispatch***  
***Madison County Courier***

**Local Laws, Notices, and  
other matters required by law to be  
published**

***Oneida Daily Dispatch***  
***Madison County Courier***

**BE IT FURTHER RESOLVED**, that a copy of each County legal advertisement shall be distributed by the official County newspapers to all of the following located in Madison County: Town Clerks, Village Clerks, City Clerks, Public Libraries and Reading Centers, County Clerk, Clerk of the Board of Supervisors, County Veterans and County Board of Elections.

**PENDING BOARD APPROVAL**

**By Supervisors Bargabos and Degear:**

**RESOLUTION NO. 6**

**AUTHORIZING THE CHAIRMAN TO ACCEPT SETTLEMENT**

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

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

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

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

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

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

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

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

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

**PENDING BOARD APPROVAL**

**By Supervisor Salka:**

**RESOLUTION NO. 7**

**RE-APPOINTING MEMBER OF THE COMMUNITY SERVICES BOARD**

**WHEREAS**, the Madison County Board of Supervisors must approve the appointment of the members of the Community Services Board which oversees the Madison County Mental Health Department; and

**WHEREAS**, the term of one member of the Community Services Board expires on 2/29/2012; and

**WHEREAS**, the member has served the community well and desires to continue to serve as a member of this Board, and the membership of the Community Services Board has recommended that she be re-appointed by the Board of Supervisors;

**NOW, THEREFORE BE IT RESOLVED**, that **Mary E. Patricia, 245 North Street, Oneida, New York** be re-appointed to a four year term, March 1, 2012 through February 29, 2016.

**PENDING BOARD APPROVAL**

**RESOLUTION NO. 8**

**RE-APPOINTING MEMBERS TO THE MADISON COUNTY YOUTH BOARD**

**WHEREAS**, the Madison County Board of Supervisors must approve the appointment of members to the Madison County Youth Board, which acts as a community advisory board to the Madison County Youth Bureau; and

**WHEREAS**, the following individuals have been recommended by the membership of the Madison County Youth Board for re-appointment to the Youth Board and have been approved by the Social & Mental Health Services Committee;

**NOW, THEREFORE BE IT RESOLVED**, that the Madison County Board of Supervisors do hereby re-appoint **James Yonai, Ph.D.**, Madison County Mental Health Dept.; **Dawn Post**, Canastota; **Jill Moore**, Madison County Probation Dept.; **Ronald Cary**, Canastota, and **Bud Ballinger, Ph.D.**, Hamilton to the Madison County Youth Board for 2 year terms commencing on January 1, 2012 and expiring on December 31, 2013.

### **PENDING BOARD APPROVAL**

**By Supervisor Ball:**

### **RESOLUTION NO. 9**

#### **AUTHORIZING THE CHAIRMAN OF THE BOARD 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 2009 and FFY 2010 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**: an RFP process was undertaken by the Office of Emergency Preparedness to seek competitive proposals to provide the professional services necessary to accomplish its programmatic objectives as part of on-going New York State department of Homeland Security and Emergency Services grant programs, 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 4, 2012 and expire on December 31, 2013

**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.

**PENDING BOARD APPROVAL**

**By Supervisor Cary:**

**RESOLUTION NO. 10**

**ADOPTING THE INCLUSION OF CERTAIN PARCELS OF PREDOMINATELY AGRICULTURAL LAND IN CERTIFIED AGRICULTURAL DISTRICTS**

**WHEREAS**, pursuant to the provisions contained in Section 303B of the New York State Agricultural Districts Law, and during two annual thirty-day periods designated for the purpose, Madison County has received requests from five property owners for the addition of property belonging to them be added to a nearby existing agricultural district; and

**WHEREAS**, Madison County has undertaken a review process pursuant to Section 303B of the New York State Agricultural Districts Law; and

**WHEREAS**, the Madison County Agricultural and Farmland Protection Board has reported that the property of these landowners consists of predominately viable agricultural land, as defined in Section 301 (7) of the New York State Agricultural Districts Law; and

**WHEREAS**, the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within those existing agricultural districts;

**WHEREAS**, the Madison County Board of Supervisors have declared themselves Lead Agency for the environmental review; and

**WHEREAS**, the Madison County Board of Supervisors, after review and recommendation by the Madison County Planning Department, have determined that the inclusion of these parcels will not have a significant adverse impact on the environment and therefore an Environmental Impact Statement will not be required;

**NOW, THEREFORE BE IT RESOLVED**, that the following properties be approved for inclusion in Madison County Agricultural Districts 2:

Parcel: 37.17-1-38	Jeffrey C. Smith	T. Lenox	5.2 ac
Parcel: 44.-1-47	Jeffrey C. Smith	T. Lenox	43.76 ac
Parcel: 37.-3-39.3	David Ball	C. Oneida	4.35 ac
Parcel: 36.-1-45.2	David Ball	T. Lenox	35.04ac
Parcel: 28.-2-41	David Ball	T. Lenox	14.92ac; and

**BE IT FURTHER RESOLVED**, that the following properties be approved for inclusion in Madison County Agricultural District 5:

Parcel: 203.-1-1	Dennis Owens	T. Brookfield	35.74ac
Parcel: 188.-1-1	Dennis Owens	T. Brookfield	185.90ac
Parcel: 188.-1-4	Dennis Owens	T. Brookfield	60.32ac
Parcel: 202.-1-24.1	Dennis Owens	T. Brookfield	28.84ac
Parcel: 173.-1-10	Dennis Owens	T. Brookfield	60.05ac
Parcel: 173.-1-14	Dennis Owens	T. Brookfield	69.58ac
Parcel: 173.-1-12.2	Dennis Owens	T. Brookfield	13.51ac
Parcel: 202.-1-24	Dennis Owens	T. Brookfield	19.59ac
Parcel: 188.-1-14	Dennis Owens	T. Brookfield	13.45ac
Parcel: 161.9-1-32.1	Tim & Melissa Glisson	T..DeRuyter	3.03ac
Parcel: 161.-1-2.321	Tim & Melissa Glisson	T. DeRuyter	3.03ac
Parcel: 161.-1-2.31	Tim & Melissa Glisson	T. DeRuyter	50.67ac; and

**BE IT FURTHER RESOLVED**, that the following properties be approved for inclusion in Madison County Agricultural District 7:

Parcel: 118.-1-48	James & Nicole McLean	T.Cazenovia	34ac
Parcel: 110.-2-40.12	David Jones	T.Nelson	96.5ac
Parcel: 110.-2-40.1	David Jones	T.Nelson	8.29ac; and

**BE IT FURTHER RESOLVED**, that the following properties be approved for inclusion in Madison County Agricultural District 9:

Parcel: 67.-1-1.1	David & Penelope Hazer	T.Cazenovia	8.021ac
Parcel: 57.-1-14-1	David & Penelope Hazer	T.Sullivan	4.514ac; and

**BE IT FURTHER RESOLVED**, that the following properties be approved for inclusion in Madison County Agricultural District 11:

Parcel: 150.-2-8	Sanderson Sheep Farm LLC c/o Kevin Pace; and	T.Erieville	60.64 ac
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**BE IT FURTHER RESOLVED**, that the following properties be approved for inclusion in Madison County Agricultural District 12:

Parcel: 97.-1-21.2	Christina Jacobs	T.Nelson	70.41 ac; and
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**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Commissioner of the NYS Department of Agricultural and Markets for his action.

**PENDING BOARD APPROVAL**

**RESOLUTION NO. 11**

**AUTHORIZING THE RECERTIFICATION OF AGRICULTURAL DISTRICT # 2  
IN MADISON COUNTY**

**WHEREAS**, pursuant to the provisions contained in Article 25AA, Section 303 of the New York State Agriculture and Markets Law, Agricultural District #2 located in the Towns of Sullivan, Lenox, Lincoln, Stockbridge, Smithfield, Fenner,

Cazenovia, Nelson, and the City of Oneida is under review for modification and recertification; and

**WHEREAS**, Madison County has undertaken a review process pursuant to the Article 25AA of the New York State Agriculture and Markets Law; and

**WHEREAS**, the Madison County Agricultural and Farmland Protection Board and the Madison County Planning Committee have met and recommend to the Board of Supervisors the recertification of Agricultural District #2 as modified; and

**WHEREAS**, the recertification of District 2 is in accordance with the approved Ag District consolidation efforts approved by the Board in October, 2010; and

**WHEREAS**, the recertification of the District is an unlisted action under the State Environmental Quality Review Act; and

**WHEREAS**, the Madison County Board of Supervisors have declared themselves Lead Agency for the environmental review; and

**WHEREAS**, the Madison County Board of Supervisors, after review and recommendation by the Madison County Planning Department, have determined that the recertification as modified will not have a significant adverse impact on the environment and therefore an Environmental Impact Statement will not be required;

**NOW, THEREFORE BE IT RESOLVED**, that Agricultural District #2 be approved for recertification as modified, a copy of such modification being on file with the Clerk of this Board; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Commissioner of the NYS Department of Agriculture and Markets for his action.

**PENDING BOARD APPROVAL**

**END**