



**SPECIAL LEGISLATURE MEETING MINUTES
CAYUGA COUNTY LEGISLATURE
Tuesday, March 31, 2020 at 6:00PM
Live Stream Link: <https://youtu.be/SOWFQ52Hao>**

CALL TO ORDER: Hon. Aileen McNabb-Coleman, Chair called the meeting to order at 6:09PM

ROLL CALL: Sheila Smith, Clerk of the Legislature all legislators present

PRESENTATION:

Kathleen Cuddy, Public Health Director: Update on COVID-19

Cuddy says that there was a conference earlier today to try and help clarify some of the misconceptions that we are aware of or some misinformation out there about what is happening in our county. They are trying to identify to people how we are performing some of the activities we are required to do and are opting to do. There are no new cases today and in total there have been four cases. She says the first case we consider ours was not a Cayuga County resident, but he did not have a home and was our responsibility to care for. She says he is counted in Cayuga County as our first case, but New York State does not count him as he was an out of state resident. Our second cases were two that arrived on the same day that were Cayuga County residents. She says each of those three have been recuperated and are no longer in isolation. The fourth confirmed case was identified this past Friday, a male in his 30s who lives outside the City of Auburn and had 10 known contacts who are under mandatory quarantine. They spoke a little about the former inmate from Auburn Correctional facility who was transferred out and after the transfer tested positive, and the impact on employees of the Auburn Correctional facility. She says they anticipate all of them will return to work tomorrow. They spoke to the case of an employee at the Sheriff's Department and that employee does not count on our numbers because they do not live in our county. She says as part of contact tracing we have two people who were in contact and have been given mandatory quarantine papers. She speaks to the difference of mandatory quarantine and isolation and what they mean. She says if there is someone who is a confirmed COVID case that person would be placed in mandatory isolation and if there are close contacts to the confirmed case they are placed in mandatory quarantine. She says those are written legal orders that are issued and signed by her. She says the purpose of the orders is to reinforce the importance of compliance and restriction of movement.

McNabb-Coleman asks what the Health Department's rule is here on enforcement. She asks if there is someone under mandatory quarantine and yet they want to move around. She asks what enforcement would look like.

Cuddy responds that Palermo could speak to this also, but because this is a legal document and this is a Public Health Director order that they received signed by her. She says if they violate that order then they get taken before a judge and the judge will issue an order and ideally they go back to their homes and comply, but we probably would need to hire security for that resident to make sure they are compliant. She says if for some reason they violate the court order they would then go to jail. Palermo adds that as a result of the judge's order they would have the ability they do not have, which would be direct law enforcement to enforce the terms of his order. He says which would ultimately be that the person stay quarantined in the confines of their own home.

Cuddy says anyone who is under mandatory quarantine or mandatory isolation receives daily communication from the Health Department staff members. We have not had any deaths due to COVID-19. She discusses the issue of staffing and personal protective equipment. She says in order to perform the testing they need to have all the appropriate personal protective equipment. There was one day when they did not have appropriate Tyvek suits, so there was no testing that day, but they were able to get more suits. She says there is certainly sharing happening between healthcare providers to try and help each other out, but it is a real and true concern. There is a limit of our personal protective equipment needed to perform testing along with some of the viral testing swabs. The hospital has been very good about giving us a box of them if needed, so we can perform the testing. She thinks it is important for people to know it is not the health Department deciding whether someone gets a test, it is the person's healthcare provider deciding and the health

department executes the test. She says sending the specimens to the laboratory is a cooperative that they are utilizing the hospital laboratory to help them ship them out.

Cuddy discusses staffing and right now in good form because they have such great staff. However, people have been working very long hours and very many days. They are trying to schedule people to be able to be off one day a week for those who are first rung respond part of the COVID testing. She says they are trying to work out scheduling and build some bench steps and where they would benefit from additional nursing staff. This would help provide some redundancy and allow people to have a day off. They have got some pretty good protocols in place that they are still tweaking in order to track all of the test that come in, test that go out, calls that they get and calls they need to make. She says it is far more time consuming then most people realize. She says there is an assessment done for anyone who is under quarantine on a daily basis. This is to touch base and make sure they are still healthy. They have dozens of people who are in quarantine, so it takes some time. The telephone is constantly ringing. She says the resource line was helpful, but many people know their mainline and that is the number they call. They are trying to keep the mainline open for public healthcare providers and encourage others to use the resource line.

Amy Russett, Director EMO: update on COVID-19

Russett says the office has been organizing any incoming donations and pushing those right back out typically within 24 hours. She says when everything comes in she starts making calls to see who needs what and any immediate needs. They are entering any NY Respond tickets for the PPE items and anything outside of a normal PPE item and is monitoring the status of those every day. They have received two orders from NYS of PPE and that has all been pushed out. They have received 3 pallets of hand sanitizer. They are in communications with the coroner's office regarding our mass fatality plan and making preparation if we get to that point. They are in close communication with human service department to make sure they have proper masks, gloves, and other things that they may need because there is still personal going to homes. They are in close communication with towns and villages and sending any updated guidance from the state and fielding questions. They take part in a weekly EMS conference calls to get any updated guidance from the state. The office is fielding every Tuesday and Friday a 1:00PM call from first responders to give them updates and ask them how they are and if they have any questions. She is in communication every day at 2:30PM with the NY Watch Center, which are the state people who fill our orders. She is also fielding phone calls from NYS asking her questions. They had to implement a distribution plan per NYS with any subsequent orders that come in. She says this plan was based on weekly usage rates of PPE. The state will allot our county a certain percentage of their total. She says our allotment is broken down between the hospitals, Fire/EMS/Law/First Responders, nursing homes/adult care facilities, and the health department and seven medical offices. She says EM Directors are advised that those items are to be pushed out based on the distribution plan and is pushed out in 24 hours.

Kerr thanks Cuddy, Russett, and McNabb-Coleman for the press conference. She says the governor has been on in his press conferences talking about statewide coordination of the healthcare system and managing the response. She asks if we are seeing any of that activity from areas of the state that are more hotspots then we are right now in terms of transfer of patients. Russett says she does not have that information or been on any calls as far as the healthcare side of things. She says from sitting in her chair and the calls she is in they change how we order and put in request four different times in the past two weeks. She think the state is trying to get their bearings too and create a structure that they can handle as well. She says there are almost 5,000 PPE request tickets in NY Response right now. They are telling the EM Directors that they just do not have the stuff to ship right now, but she does not have a lot of information on the healthcare side right now and how they are structuring.

Cuddy says she heard Kerr's inquiry about regionalization and they have not heard a lot about that for our hospitals or health departments, but it is something that local health departments are asking questions about. She is anticipating we may hear some more forthcoming and is hopeful for that. She says back to the point of staffing concerns. They are limited in performing some of their functions when they are limited in PPE and their supplies. They know that EMO and Don Carr is doing the best they can and our colleagues are doing the best they can. They have an every other day call with leadership of some people around the county and has benefited us to speak to what our particular agencies are doing and helpful to get some PPE. She says her staff is fantastic and everyone has stepped up. The WIC Office have had more referrals of as late because of economic circumstances, so they are very busy. Early Intervention and preschool are somewhat curtailed and some people are working from home, but staff on day they are scheduled to come in may take a telephone to filed some calls. The environmental health staff are helping make some of the on the road site visits along with critical environmental health work that needs to be done. She says community health staff tend to be more of the first rung and talking lots of phone calls and lots of time for contact tracing, testing being performed, follow up that happens, trying to get through to another county to get confirmation, but they have had clever staff members who have

created excel spreadsheets that are helping keep track. They have started to get to a pretty good system of documenting their processes, so that they will have something to help orient additional people who may come in. She says some of the staff has been working seven days a week and they at minimum want to give them one day off a week. She says none of them are complaining and some of the work is finite in its time any given day, but nonetheless it would be nice for them to have a whole day to themselves especially if this goes on for a number of weeks. They hope they will be starting later this week with some medical personnel who will assist us in taking some phone calls that come from outside our agency. The members of the public who do not necessarily need to be answered by a nurse as part of a case investigation and can be answered by someone with information on rules and regulations. They also have some nurses from long term care who have been fantastic. They have some ideas where they can build in some additional bench step with other nurses who can provide some assistance in doing this work. They are also looking into some of the technology that the state is putting together a telephone messaging that might be helpful for one of the contacts of the daily contacts that may need to be done.

McNabb-Coleman asks Cuddy to walk us through if someone is feeling ill and wants to contact primary care physician to be tested and how that works. Cuddy says no one should be tested if they do not have symptoms. She says in the ideal situation someone would call their healthcare provider and they assess in some type of capacity. She says if someone does not have a healthcare provider, East Hill Family Medical has been taking additional patients as well as our urgent care centers. She says based on the assessment made by the healthcare provider they make a determination whether someone should be tested for COVID-19. She says they base that on signs and symptoms, as well as some CDC and state department of health criteria. The referral comes to the health department, they call the individual and let them know the time and location for their test. They drive up in their car and they ask them to stay in their vehicle and one of the nurses comes to them, verifies who they are and takes the specimen. The test results have been back and forth and can take up to seven days to get results back or short as three or four days.

Lattimore says he is wondering about the finances of this entire situation. He says he would love for us to have one of these Legislature Meetings just on the financial side of it all, so we know where we are going to be. McNabb-Coleman says she hopes he saw the communication from NYSAC about sales tax revenues. She says it paints a grim, but realistic picture so we will start there with some of our assessment.

Foley asks about the working with the hospital staff and asks Cuddy how the hospital is looking during this. Cuddy says she cannot speak for the hospital and does not know their specifics. She says she does speak with them a few times a day and they go the ok to use an area of the county nursing home for a respiratory clinic, which appears to be moving forward. They are establishing the equipment they need in there as well as how they will staff it. She says it will definitely benefit the emergency room and the fact that people will not need to go there or urgent care and hopefully deflect some people from their hospital owned practices and centralize that. She says ideally it will keep people healthier by not exposing healthcare workers unnecessarily if everything goes as planned. She says in that regard if we identify people who are ill they can go home and may not expose others or a minimum and keep our healthcare workers healthier in this critical area that is our hospital. She knows they have developed a surge plan for an influx of patients and they have ceased doing elective procedures in order to preserve PPE and have personnel and space to utilize if necessary.

McNabb-Coleman says the press conference today was mostly to clear some confusion about testing practices, about our lack of PPE and testing here in Cayuga County. She says her main concern is the governor has developed a strategy that is data driven and Cayuga County she feels has been largely left out of that strategy. She says we need to do more testing and need to be free to do more testing. She spoke with Schumer and Katko's offices, sent emails today and every day on our lack of PPE and tests.

RESOLUTIONS:

Resolution No. 159-20

3/31/20

TRE Cancel Penalty 1% Int April

RESOLUTION AUTHORIZING THE CANCELLATION OF PENALTY AND 1% INTEREST FOR ALL 2020 TOWN & COUNTY TAX PAYMENTS RECEIVED IN THE MONTH OF APRIL

BY: Hon. Christopher Petrus, Chair, Ways & Means Committee

WHEREAS, New York State Real Property Tax Law Section 1182 permits the cancellation or reduction of interest, penalties and other charges if the governing body determines that it is in the best interests of the tax district and passes a resolution to authorize the enforcing officer to permit the cancellation in part or in whole of any interest, penalty or other charges; and

WHEREAS, on March 14, 2020, the Chair of the Cayuga County Legislature declared all of Cayuga County under a State of \ Emergency due to the COVID-19 outbreak; and

WHEREAS, Governor Andrew Cuomo has issued a series of Executive Orders putting New York State on 'PAUSE'; and

WHEREAS, many residents of Cayuga County have been under additional financial strain due to the COVID-19 outbreak and corresponding policies to slow the spread; and

WHEREAS, the last day for Town collection of the 2020 Town & County property tax is April 1, 2020; and

WHEREAS, 2020 Town & County taxes will be turned over to the County Treasurer for collection of delinquent taxes on April 2nd, at which time a state mandated 5% penalty and interest of 1% per month, or part thereof, for each month of delinquency will be applied; and

WHEREAS, the Legislature desires to alleviate financial strain due to 2020 Town & County property taxes by canceling the penalty and 1% interest on tax payments received in the month of April 2020; now therefore be it

RESOLVED, that the Cayuga County Legislature finds it to be in the best interests of the county to cancel the penalty and interest for all 2020 Town and County tax payments received by the Cayuga County Treasurer in the month of April 2020.

Motion by Batman, 2nd by Lattimore, all in favor.

RESOLUTION NO. 160-20

March 31, 2020

HR Exempt Emg Resp FFCRA

EXCLUDING EMERGENCY PERSONNEL FROM THE PROVISIONS OF THE FFCRA WHILE RESOLUTION NO. 105-20 IS IN EFFECT

BY: Hon. Christopher Petrus, Chair, Ways & Means

WHEREAS, on March 18, the Families First Coronavirus Response Act ("FFCRA") was enacted as Federal Law providing for up to ten days of paid sick leave under certain circumstances ("Emergency Paid Sick Leave Act", "EPSLA"), and up to twelve weeks leave for parents caring for a child whose school or daycare has been closed due to Coronavirus ("Emergency Family and Medical Leave Expansion Act", "EFMLA"), for a set of employers which includes the County of Cayuga; and

WHEREAS, The FFCRA contains provisions which allow employers of health care providers and emergency responders to exclude those employees from the leave provisions under both the EPSLA and the EFMLA; and\

WHEREAS, on March 16, 2020, the Cayuga County Legislature passed Resolution No. 105-20 allowing for the Chair of the Cayuga County Legislature to issue paid time off to employees who meet the requirements contained in the EPSLA and the EFMLA, as well as under other circumstances for a forty-five day period, effective March 16, 2020; and

WHEREAS, prior to the expiration of Resolution 105-20, the Cayuga County Legislature shall determine whether the ability of the Chair to grant additional paid time off is necessary; and

WHEREAS, the Cayuga County Legislature finds that the provisions of Resolution 105-20 provide a more comprehensive solution than the federal government has enacted, and further finds that the critical importance of our emergency responders necessitates the evaluation of circumstances on a case-by-case basis; now, therefore be it

RESOLVED, that the County of Cayuga hereby excludes those emergency responders from the provisions of the FFCRA while Resolution 105-20 is in effect, and be it further

RESOLVED, that for the purposes of this resolution, "emergency responders" shall include, but not be limited to: law enforcement officers, jail personnel, 911 operators, public health personnel, emergency management personnel, and other such persons with specialized training or skills needed to provide essential aid in times of a declared emergency.

Motion by Foley, 2nd by Whitman, all in favor

RESOLUTION NO. 161-20 3/31/20 DA VACANCY SR ADA rev
AUTHORIZING THE DISTRICT ATTORNEY TO FILL FT SENIOR ASSISTANT DISTRICT ATTORNEY
VACANCY IN THE DISTRICT ATTORNEY'S OFFICE

BY: Hon. Andrew C. Dennison, Chairman, Judicial & Public Safety; and
 Hon. Christopher K. Petrus, Chairman, Ways and Means

WHEREAS, District Attorney Jon Budelmann has a vacancy (as of 3/6/2020) in the full-time Senior Assistant District Attorney Position (control Nos. 007796 and 004896 (EFPP)) as the result of a resignation; and

WHEREAS, the full-time Senior Assistant District Attorney position is a critical position in the District Attorney's office responsible for the prosecution of cases up to and including serious felony cases; and

WHEREAS, the Legislature is desirous about continuing this important prosecutorial position in the District Attorney's Office; and

WHEREAS, this position has been budgeted for the entire year; now therefore be it

RESOLVED, that the District Attorney is authorized to fill the Senior Assistant District Attorney position, Grade 10, at a minimum salary of \$69,085.00 / year, by either an outside applicant or by promotion from within the department; and be it further

RESOLVED, that the District Attorney be hereby authorized to backfill any positions created by upward promotion from within the department; and be it further

RESOLVED, that the foregoing be accomplished in accordance with Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga.

Motion by Pinckney, 2nd by Lattimore.

Whitman says he does not think we are going about this the right way if we are not going to consider them all again. Nightengale says she wanted to comment on Whitman's comments. She says she lives in a district with high density of crime and that these positions are needed. Whitman says he hopes he will get the same support when the Public Works resolutions come forward. Ripley agrees that the Highway positions are also just as important. Kerr agrees but does think things have changed and so much has changed where our economic picture is totally different. She says we have to look with a critical eye going forward. She thinks they are important positions.

All in favor.

RESOLUTION NO. 162-20 3/31/20 DA Create New FT ADA Position rev
AUTHORIZATION TO CREATE A FULL-TIME ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT
ATTORNEY'S OFFICE AND SETTING THE SALARY (2/3)

BY: Andy Dennison, Chair, Judicial & Public Safety Committee
 Chris Petrus, Chair, Ways & Means Committee

WHEREAS, New York State's Criminal Justice "Reform" Acts (Bail, Discovery, and Speedy Trial) took effect January 1, 2020; and

WHEREAS, the new statutes created significant additional burdens substantially increasing the workload and shortening the time frame for required actions by the District Attorney's Office; and

WHEREAS, the prosecution is now required to complete their discovery obligations within fifteen calendar days of the defendant's arraignment, and obligation is to provide absolutely everything (akin to what was required prior to trial, months after any arrests); and the sanction will be dismissal if not done; and

WHEREAS, the District Attorney has demonstrated a need for additional legal assistance in handling the increased workload in accordance with the new statutes to avoid dismissals and other unacceptable ramifications and the State has failed to fund this new mandate; and

WHEREAS, the Cayuga County Legislature is desirous of providing the District Attorney with adequate resources to prosecute crime in Cayuga County and protect its Citizens; now therefore be it

RESOLVED, that a full-time Assistant District Attorney position is hereby created in the District Attorney's Office at Grade 9 at a minimum salary of \$63,968 and shall be placed in Part IV of the Compensation Plan; and be it further

RESOLVED, that the amount of \$65,000 be transferred from the Contingency Account (A10164-54000) to the Full-Time Salary, District Attorney budget line (A11651-51001) and associated fringe benefit lines as determined by the Cayuga County Treasurer; and be it further

RESOLVED, that the foregoing be accomplished in accordance with Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further

RESOLVED, if any changes in the New York State Bail Reform occurs, a review of the position will need to be reevaluated; and be it further

RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make such necessary journal entries to accomplish the foregoing.

Motion by Daly, 2nd by Lattimore, all in favor except Vitale and Batman.

RESOLUTION NO. 166-20 3/31/20 911 PT time fill
AUTHORIZATION TO FILL TWO VACANT PART-TIME EMERGENCY SERVICES DISPATCHER POSITION
DUE TO VACANCIES.

BY: Mr. Andrew Dennison, Chairperson, Judicial and Public Safety Committee

 Mr. Christopher Petrus, Chairperson, Ways & Means Committee

WHEREAS, the Cayuga County 911 Center currently has two vacant Part-Time Emergency Services Dispatcher positions; and
WHEREAS, current vacancies are causing excessive amounts of overtime; to help alleviate some of the open shifts we need to fill
the Part-Time Emergency Services Dispatcher positions for continuity of services; and

WHEREAS, there is money in the 911 budget account A30201 51002 to fund position; now therefore be it

RESOLVED, that positions (#1914 & #1892) be filled, and that the 911 Administrator be hereby authorized to fill the vacant
Part-Time Emergency Services Dispatcher positions from the existing Civil Service list; and be it further

RESOLVED, that the position be filled in accordance to the Cayuga County Civil Service Rules and Regulations and the Policies
of the County of Cayuga.

Motion by Whitman, 2nd by Pinckney, all in favor.

**Whitman talks about the high speed internet. He reached out to Spectrum and they said he was too far away. He says the
Governor made it so we can do meetings like this and maybe use this opportunity to put a little more pressure on the
governor's office.**

Motion by Whitman to adjourn at 7:30PM, 2nd by Pinckney, all in favor.