



**MINUTES**  
**CAYUGA COUNTY LEGISLATURE**  
**Tuesday, September 24, 2019, Chambers – 6:00PM**

**CALL TO ORDER:** Hon. Tucker Whitman, Chair called the meeting to order at 6:00PM

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

**PLEDGE OF ALLEGIANCE:**

**MOMENT OF PRAYER:**

**DEATHS:** Our sincere condolences to the families and friends of:

- Joann Kaisa, worked for Cayuga County Department of Social Services
- Stephen McLoud, former Cayuga County Undersheriff
- Karen Dewey, mother of Lorrie Bradtke – Confidential Secretary to the County Administrator

**PUBLIC HEARING: Opened at 6:04PM**

- A Local Law establishing a Sustainable Energy Loan Program (Open C-PACE) in the County of Cayuga and repealing Local Law No.: 4 of 2018

**PROCLAMATIONS:**

- Undersheriff Stephen McLoud Day in Cayuga County, September 24, 2019
- 100<sup>th</sup> Anniversary of the Founding Roosevelt Memorial Baptist Church, September 22, 2019
- United Way Day in Cayuga County, September 17, 2019

**PRESENTATION:**

- Corporate Compliance - Jennifer Indelicato - Attached
- Shared Services Plan – Lynn Marinelli - Attached
- Global Common – Bob Foxen - Attached

**PRIVILEGE OF THE FLOOR:**

Dale Bush, wants to speak on the disturbing things going on at the Veterans Service Agency. He says a person who was a clerk and working as a service representative has been fired and along with that a clerk resigned as soon as the firing happened. He says he knows Government Operations oversees the office and he would request at the very least that the committee look into this matter and make sure the charges made are appropriate for a firing and there is credible evidence. He says the part time clerk was doing Veteran Service Officer Work and doing it very well and he has referred five to six others to him. He would like to see it looked into.

Steven Fedrizzi wants to touch base on the salt contract and the proposal that was brought back and they are no comfortable with it. He uses some numbers from the Town of Venice and they get \$106,000 a year to plow county rods. He says this year he will spend \$55,000 on salt alone and leaves him with \$51,000 to cover fuel, wages, repairs, and depreciation of trucks. He says they are looking for a 5% increase over the next 5 years, but they will take it over the 3 years if they have to. He says they will do like the State does and do time and material. He says it is a lot of paperwork, but they would make out better. He says the Town of Marcellus and Elbridge get \$8,000 a mile and they get \$4,300. He understand they have more money in that county, but with the price of salt and trucks going up and they have not gotten a raise in 5 years in the salt contract. He says pretty much everyone in the south of the county has agreed that come January 1<sup>st</sup>, if there is no contract the county will plow county roads and he does not think they can do it. He says they want to help, but they want to work together and they want the county to give 5% over the next 3 or 5 years.

**MINUTES TO APPROVE: August 27, 2019, Motion by Batman, 2<sup>nd</sup> by Bennett, all in favor.**

**Motion by Batman to approve appointments, 2<sup>nd</sup> by Mahunik, all in favor.**

**APPOINTMENTS AND RE-APPOINTMENTS:**

**Policy Review & Oversight Committee (PROC)**

Roger Anthony, 28 S Hurd Circle, Auburn, NY 13021, Term – 1/1/15 to 12/31/19 (resubmitted- did not sign oath book)

Patrick Burns, 10 Ketchell St., Auburn, NY 13021, Term – 1/1/16 to 12/31/20 (resubmitted- did not sign oath book)

Michael Deyneka, 6468 East Lake Rd., Auburn, NY 13021, Term – 1/1/15 to 12/31/19 (resubmitted- did not sign oath book)

Jason Green, 204 Ridgecrest Rd., Dewitt, NY 13214, Term – 1/1/16 to 12/31/20 (resubmitted- did not sign oath book)

**Cayuga –Cortland Workforce Development Board**

William Andre, 24 Maple St., Auburn NY 13021, Term – 7-1-19 to 6-30-22 – re-appt. (resubmitted- did not sign oath book)

**Motion by Dennison to waive the reading of communications, 2<sup>nd</sup> by McNabb-Coleman, all in favor.**

**COMMUNICATIONS AND ANNOUNCEMENTS:**

1. Resolution from Fulton County opposing Governor Cuomo’s proposed regulations requiring new license plates and fees

**CCC REPORT: Dr. Durant**

Durant thanks the legislature for their support in the resolution to ratify and approve the ESP contact along with the College Board of Trustees. He says they are on pace to reach their enrollment goals which sets them up with the way they project and model their enrollment patterns for the year in relation to the budget to be able to be on target. He says they are in the process of acquiring the Cornell Cooperative Extension Building on Grant Avenue. He says in the coming months they look for the Legislature to accept the property on the college’s behalf. He says the trustees have approved it, but they are looking through some other funding opportunities prior to bringing it to the Legislature. He says they are in the design stages of the culinary center that they will be looking to open up as early as spring of 2020.

**COMMITTEE REPORTS & INDIVIDUAL LEGISLATORS’ REPORTS:**

Lattimore went to the 100<sup>th</sup> anniversary of founding of Roosevelt Church and he would love to see a historic plaque put out there and maybe have the historian look into that.

Foley attended NYSAC, went to 2 workshops in particular that he wanted to bring information back for. The first was the County revenue trends and one trend it that sales tax is looking good throughout the state. He has a 100 packet they gave that he would like to share and another sales tax report that anyone can view. He says the 2<sup>nd</sup> workshop was for Bail Reform and its financial impact which he also has a packet on he would love to share.

Batman agrees with Foley the financial presentation was good and always good and if anyone emails NYSAC they will send an electronic copy. He spoke with other counties and it seems they are taking a wait and see attitude on the bail issue. He says it seems most counties are doing something moving forward with discovery.

DeForest attended kick off for the health department campaign for Healthy Child, Healthy Mother, and Healthy Family. He says it was a great event with many inspirational speakers and an impressive kick off.

Ripley says at NYSAC they found that coming up with the early intervention program the 25% portion the county would have to pay, if we stay under the 2% tax cap the 25% will be fully reimbursed by the state.

**CHAIRMAN’S REPORT: Tucker Whitman**

Whitman says he has been busy working on the budget and working on meeting with department heads.

**Whitman closes Public Hearing at 7:27PM**

**Motion by Mahunik to go into executive session regarding the employment history of a particular person at 7:27PM, 2<sup>nd</sup> by Bennett, all in favor.**

**Motion by Bennett to come out of executive session at 7:39PM, 2<sup>nd</sup> by Batman, all in favor.**



**RESOLUTION NO. 310-19            9/24/19            RPS Moravia Joint Services Agreement**  
**Authorizing the Chair of the Legislature to Renew a Joint Services Agreement with the Town of Moravia for**  
**Optional County Assessment Services Pursuant to RPTL 1537**

By: Patrick Mahunik Chair, Ways & Means Committee

WHEREAS, under NYS Real Property Tax Law (“RPTL”) Section 1537, an assessing unit (town) and a county shall have the power to enter into, amend, cancel and terminate an agreement for appraisal, exemption or assessment services, and such agreement shall be considered an agreement for the provision of a “joint service” pursuant to NYS General Municipal Law Article 5-G (hereinafter, the “Joint Services Agreement”); and

WHEREAS, the Town of Moravia adopted a resolution on November 16, 2016, which was subject to a permissive referendum, authorizing the negotiation of a Joint Services Agreement in accordance with RPTL Section 1537 with the County and the County’s Real Property Tax Service Office to provide these joint services to the Town; and

WHEREAS, the Town of Moravia and Cayuga County entered into a Joint Services Agreement for County Assessment services pursuant to County Resolution No. 65-16 in February 2016; and

WHEREAS, the Parties are desirous of renewing a Joint Services Agreement and have put forth the attached terms and conditions, which required a majority vote of the Moravia Town Board and Cayuga County Legislature for the period October 1, 2019 thru September 30, 2025, unless sooner terminated; and

NOW, THEREFORE BE IT

RESOLVED, that the Chair of the Cayuga County Legislature is hereby authorized and directed to execute and any all documents required to implement the Joint Services Agreement between the Town of Moravia and Cayuga County. Signed by Mahunik, Bennett, DeForest, Foley, and Pinckney, all in favor.

**RESOLUTION NO. 311-19            9/24/19            RPS Springport Joint Services Agreement**  
**Authorizing the Chair of the Legislature to Sign a Joint Services Agreement with the Town of Springport for**  
**Optional County Assessment Services Pursuant to RPTL 1537**

By: Patrick Mahunik Chair, Ways & Means Committee

WHEREAS, the Town of Springport will have a vacancy in the position of Town Assessor on October 1, 2019; and  
WHEREAS, under NYS Real Property Tax Law (“RPTL”) Section 1537, an assessing unit (town) and a county shall have the power to enter into, amend, cancel and terminate an agreement for appraisal, exemption or assessment services, and such agreement shall be considered an agreement for the provision of a “joint service” pursuant to NYS General Municipal Law Article 5-G (hereinafter, the “Joint Services Agreement”); and

WHEREAS, the Town of Springport adopted a resolution on August 12, 2019, which was subject to a permissive referendum, authorizing the negotiation of a Joint Services Agreement in accordance with RPTL Section 1537 with the County and the County’s Real Property Tax Service Office to provide these joint services to the Town; and

WHEREAS, the Parties are desirous of entering into a Joint Services Agreement and have put forth the attached terms and conditions, which required a majority vote of the Springport Town Board and Cayuga County Legislature for the period October 1, 2019 thru September 30, 2025, unless sooner terminated; and

NOW, THEREFORE BE IT

RESOLVED, that the Chair of the Cayuga County Legislature is hereby authorized and directed to execute and any all documents required to implement the Joint Services Agreement between the Town of Springport and Cayuga County.

Signed by Mahunik, Bennett, DeForest, Foley, and Pinckney, all in favor.

**RESOLUTION NO. 312-19                      9/24/19                      RPS Niles Joint Services Agreement**  
**Authorizing the Chair of the Legislature to Renew a Joint Services Agreement with the Town of Niles for**  
**Optional County Assessment Services Pursuant to RPTL 1537**

By: Patrick Mahunik Chair, Ways & Means Committee

WHEREAS, under NYS Real Property Tax Law (“RPTL”) Section 1537, an assessing unit (town) and a county shall have the power to enter into, amend, cancel and terminate an agreement for appraisal, exemption or assessment services, and such agreement shall be considered an agreement for the provision of a “joint service” pursuant to NYS General Municipal Law Article 5-G (hereinafter, the “Joint Services Agreement”); and

WHEREAS, the Town of Niles adopted resolution No. 20115-201 on December 30, 2015, which was subject to a permissive referendum, authorizing the negotiation of a Joint Services Agreement in accordance with RPTL Section 1537 with the County and the County’s Real Property Tax Service Office to provide these joint services to the Town; and

WHEREAS, the Town of Niles and Cayuga County entered into a Joint Services Agreement for County Assessment services pursuant to County Resolution No. 65-16 in February 2016; and

WHEREAS, the Parties are desirous of renewing a Joint Services Agreement and have put forth the attached terms and conditions, which required a majority vote of the Niles Town Board and Cayuga County Legislature for the period October 1, 2019 thru September 30, 2025, unless sooner terminated; and

NOW, THEREFORE BE IT

RESOLVED, that the Chair of the Cayuga County Legislature is hereby authorized and directed to execute and any all documents required to implement the Joint Services Agreement between the Town of Niles and Cayuga County.

Signed by Mahunik, Bennett, DeForest, Foley, and Pinckney, all in favor.

**RESOLUTION NO. 313-19                      9/24/19                      AUD Audit September**  
**Approving claims of the Clerk of the Legislature Office and authorizing the County Treasurer to pay**

BY: Patrick Mahunik, Chair, and Ways and Means Committee

WHEREAS, The Clerk of the Legislature has the following claims that must be approved by the Cayuga County Legislature

Office Supplies

Staples - \$27.83

Legal Ads

Wayuga Newspapers - \$52.35

Community Newspapers - \$36.16

RESOLVED, that the Legislature has reviewed said claims and found the same to be lawful county charges; now therefore be it

RESOLVED, that the County Treasurer is hereby authorized and directed to pay the above claims and charge the amounts to the Clerk of the Legislature budgeted accounts.

Signed by Mahunik, Bennett, DeForest, Foley, and Pinckney, all in favor.

**TABLED                                      TABLED                                      TABLED                                      TABLED**  
**RESOLUTION NO. 314-19                      9/24/19                                      ADM Compliance Officer**  
**SETTING COMPENSATION FOR COUNTY COMPLIANCE OFFICER FOR 2019 (2/3 vote required)**

Hon. Patrick Mahunik, Chair Ways and Means Committee

WHEREAS, the Cayuga County Legislature (“Legislature”) is committed to preventing fraud, waste, abuse and improper conduct in Medicare, Medicaid, and other health care programs; and

WHEREAS, the Legislature seeks to ensure that Cayuga County entities, including but not limited to the Health Department, Human Services, and Community Mental Health Center, consistently comply with applicable federal and state laws and regulations relating to its professional, business and billing activities; and

WHEREAS, Jennifer Indelicato had been previously appointed as the Cayuga County Corporate Compliance Officer (Resolution 219-18) to ensure compliance with those matters addressed in the County’s Compliance Policy; and

WHEREAS, the matter of compensation for the additional responsibilities associated with the position of Corporate Compliance Officer had been deferred; now therefore be it

RESOLVED, that Jennifer Indelicato receive a stipend of \$4,500.00 per year starting in 2019; and be it

Further

RESOLVED, that Salary Account A13251-51001 be increased by \$4,500.00 with corresponding increases in Social Security (\$344) (A13251 58001) and Retirement (\$630) (A13251 58002) with the foregoing amounts to be deducted from the Contingency Account (A10164-54000); and be it further

RESOLVED, that the stipend is paid in accordance with the Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga

**RESOLUTION NO. 315-19      9/24/2019      HD      Fill 2 PT Drivers EI/Preschool rev 2**  
**Authorizing the Public Health Director to Fill 2 Part-Time Driver Vacancies in the Children with Special Health Care Needs Division of the Health Department (if the need should arise) for transportation of preschool special education and/or Early Intervention students.**

BY:     Elane Daly, Chairman of the Health & Human Services Committee  
        Patrick Mahunik, Chairman of the Ways & Means Committee

WHEREAS, there exists 2 part-time driver vacancies, position control #006686 and position control #006687, in the Health Department; and

WHEREAS, these positions are used to transport eligible children being served in the Preschool Special Education program who need a special transport to a preschool program that was not part of the current transportation bid; and

WHEREAS, using these **CDL licensed** part-time drivers is more cost effective than coordinating a special bus trip; and

WHEREAS, filling of these positions will be based on student need; NOW, THEREFORE, BE IT

RESOLVED, that payment for these services will be transferred from account A40454 54306 (Transportation), to A40451 51002 (part-time salary) if the need arises; BE IT ALSO

RESOLVED, that the Public Health Director be authorized at any time, to fill either PT driver position and transfer funds when necessary, when the department determines that it is cost effect to employee a driver as an alternative to having a contractor provide transportation for a student; BE IT ALSO

RESOLVED, that part II of the comp plan be amended to reflect a probationary rate of \$22.15 per hour and a step 1 rate of \$22.30 per hour.

Signed by Daly, Batman, Lattimore, McNabb-Coleman, Vitale, Bennett, DeForest, Foley, Petrus, and Pinckney, all in favor.

**RESOLUTION NO. 316-19      9/24/19      HD      Scanner Purchase**  
**Authorizing the Public Health Director to purchase a large scale image scanner for the Health Department**

BY:     Elane Daly, Chairman of the Health & Human Service Committee  
        Patrick Mahunik, Chairman of the Ways & Means Committee

WHEREAS, the Health Department is in need of a large scale image scanner; and

WHEREAS, this scanner would be utilized on a daily basis to provide the Department with digital images of large scale septic plans, as built schematics and subdivision plans and other documents; and

WHEREAS, the Health Department acquired pricing from three vendors; and

WHEREAS, funds are available within the 2019 Health Department budget in order to make this purchase; and

WHEREAS, the funding used to purchase the scanner is from State Aid Performance Incentives; NOW, THEREFORE, BE IT

RESOLVED, that the Public Health Director be authorized to purchase the large scale scanner per the County Purchasing Policy by adjusting funds in the following manner:

        Decrease Prof. Services A401104 54059 .....\$5,000

        Increase Equipment Trackables A401102 521000.....\$5,000

Signed by Daly, Batman, Lattimore, McNabb-Coleman, Vitale, Bennett, DeForest, Foley, Petrus, and Pinckney, all in favor.

**RESOLUTION NO. 317-19      9/24/19      HD WIC Budget Modification**

**Authorizing the Public Health Director to carry out a budget modification in the WIC program budget.**

BY: Elane Daly, Chairman of the Health & Human Service Committee  
Patrick Mahunik, Chairman of the Ways & Means Committee

WHEREAS, the WIC program had unexpected vacancies and staff changes throughout the course of the budget year; and  
WHEREAS, these vacancies and staff changes created a surplus in the WIC budget salary line; and  
WHEREAS, the NYSDOH WIC grant oversight office is giving us permission to utilize these grant funds to offset costs associated with program deliverables; and  
WHEREAS, a resolution is required by Cayuga County to move money from a salary line to any other expense line; NOW  
THEREFORE BE IT,

RESOLVED, to adjust the WIC program grant budget funds in the following ways:

Reduce: A40821-51001	\$14,320.00	Increase: A40824-54052	\$9,317.00
A40821-58001	\$2,260.00	A40824-54075	\$5,882.00
A40821-58002	\$5,000.00	A40824-54125	\$840.00
A40821-58003	\$4,200.00	A40824-54049	\$8,563.00
A40821-58004	\$10.00	A40824-54061	\$500.00
A40821-58005	<u>\$1,012.00</u>	A40824-54083	\$850.00
	\$26,802.00	A40824-54084	<u>\$850.00</u>
			\$26,802.00

Signed by Daly, Batman, Lattimore, McNabb-Coleman, Vitale, Bennett, DeForest, Foley, Petrus, and Pinckney, all in favor.

**RESOLUTION NO. 318-19      9/24/19      HS HEAP Cayuga Seneca 2019**

**Authorizing the Chairman of the Legislature and the Director of Community Services to enter into a contract with Community Action Programs Cayuga/Seneca (CAP) to perform any outreach activities for this State Mandated HEAP Program (100% Federally Funded), for the period of October 21, 2019 through April 30, 2020**

BY: Elane Daly, Chairman of the Health & Human Service Committee  
Patrick Mahunik, Chairman of the Ways & Means Committee

WHEREAS, the Low Income Home Energy Assistance Act of 1981 (Title XXVI of the Omnibus Budget Reconciliation Act) was signed into law to assist eligible households to meet the costs of home energy, said costs being 100% federally funded; and  
WHEREAS, the State of New York will oversee the Low Income Home Energy Assistance Act of 1981 in accordance with the requirements of Section 2605 of said Act; and  
WHEREAS, the Governor of the State of New York designated County Social Services Departments to carry out the purpose, functions and administration of the Low Income Energy Assistance Act of 1981 in the State of New York, which includes performing outreach activities; and  
WHEREAS, in order to administer this program, it is necessary to contract with outside agencies to assume responsibility for outreach activities in connection with HEAP (which includes providing and manning outreach and intake sites for regular and emergency assistance) consistent with the State Plan and regulations; and  
WHEREAS, Cayuga County desires to contract with Community Action Programs Cayuga/Seneca (CAP) to provide these services; and  
WHEREAS, we will be receiving an administrative allocation to cover the total cost of the contract; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Community Services be authorized to enter into a contract (100% federally funded) with Community Action Programs Cayuga/Seneca (CAP) in the amount of \$100,201.64 for the period 10/21/19 – 4/30/20; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to amend the County’s Social Services 2019 Budget when the administrative allocation is received from the State; and make any necessary journal & accounting entries to reflect additional HEAP funding upon receipt of notification and documentation from the County’s Social Services Department.

Signed by Daly, Batman, Lattimore, McNabb-Coleman, Vitale, Bennett, DeForest, Foley, Petrus, and Pinckney, all in favor.

**RESOLUTION NO. 319-19      9/24/19    HS Cayuga County Mental Health Diagnostics 2019**  
**Authorizing the Chairman of the Legislature and the Director of Community Services to Enter into a Contract with Cayuga County Department of Mental Health for the Provision of Community, Detention or Respite Based Mental Health Diagnostic Assessments to Children and To Make Recommendations for Treatment**

BY:     Elane Daly, Chairman of the Health & Human Service Committee  
         Patrick Mahunik, Chairman of the Ways & Means Committee

WHEREAS, the Department believes that having access to community-based diagnostics will offer Family Court a less expensive alternative to a 60-day residential diagnostic evaluation; and  
 WHEREAS, the Department of Social Services desires to contract with Cayuga County Department of Mental Health to provide the community-based diagnostics and make recommendations for treatment; NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the Director of Community Services be allowed to enter into a contract with Cayuga County Department of Mental Health to provide these services for the contract period October 1, 2019 through September 30, 2022 at the following costs:

<u>Services</u>	<u>Rates Per Unit of Service</u>
Clinic Rate for all face to face contacts including office visits, home visits, school observations and consultations	\$185 per hour
Meetings with other service providers who are already involved with the case, or to coordinate a service plan for the individual being assessed.	\$100 per hour
Written assessment time including review of previous evaluations.	\$ 50 per hour
Cost per person requested to make court appearances. Travel time will be factored into the hourly calculation.	\$ 75 per hour

RESOLVED, that these services be paid from Account #A60704 54184 of the 2019 Department of Social Services Budget. Signed by Daly, Batman, Lattimore, McNabb-Coleman, Vitale, Bennett, DeForest, Foley, Petrus, and Pinckney, all in favor.

**RESOLUTION NO. 320-19      9/24/19      HS Fill HS Examiner SCU**  
**Authorizing the Director of Community Services to Fill a Full-Time Human Services Examiner Position in the Support Collection Unit of Social Services**

BY:     Elane Daly, Chairman of the Health & Human Service Committee  
         Patrick Mahunik, Chairman of the Ways & Means Committee

WHEREAS, there is a Full-Time Human Services Examiner position vacancy (position control #2208) in the Support Collection Unit of Social Services due to a termination; and  
 WHEREAS, this position assists in the recovery of child support payments and is reimbursed at 83% State and Federal funding; and  
 WHEREAS, this position is budgeted for in the 2019 Social Services' Budget; NOW, THEREFORE, BE IT RESOLVED, that the Director of Community Services be authorized to fill the Full-Time Human Services Examiner vacancy in the Support Collection Unit of Social Services and any fill behind that may occur, in a manner consistent with the rules and regulations of the County of Cayuga and the Cayuga County Civil Service Commission.

Signed by Daly, Batman, Lattimore, McNabb-Coleman, Vitale, Bennett, DeForest, Foley, Petrus, and Pinckney, all in favor.



**RESOLUTION NO. 324-19            9/24/19                            VET Create VSO rev**  
**AUTHORIZES CAYUGA COUNTY VETERANS SERVICES TO ABOLISH ONE PART TIME CLERK POSITION**  
**AND CREATE ONE PART TIME VETERAN SERVICE OFFICER POSITION.**

BY: Hon. Joseph DeForest, Chair, Government Operations

Hon. Patrick Mahunik, Chair, Ways & Means

WHEREAS, presently there are two Part Time Clerk positions in the Veteran Services Department; and  
WHEREAS, a current Part Time Clerk has been accredited through the American Legion as a Veteran Services Officer. This accreditation is a requirement by the Veterans Administration to process and sign claims on a veterans behalf. Due to the increase in outreach initiatives and workload to support the county and community veterans the duties of the PT Clerk incumbent no longer reflect the work performed and the expanded ability resulting from the VA accreditation; and  
WHEREAS, the funding for the PT Clerk position salary is included in the 2019 budget (A65100-51001); and  
WHEREAS, the rate of pay for the PT Veterans Services Officer is the same as that of the PT Clerk position; now therefore be it

RESOLVED, that Cayuga County Director of Veteran Services be authorized to abolish the Part Time Clerk position (PC #007703), create and provisionally fill a Part Time Veteran Services Officer position effective October 2019 in accordance with the Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further  
RESOLVED, that Part II of the Cayuga County Compensation Plan be amended to include PT Veterans Services Officer with a probationary rate of pay at \$17.86/hr and Step 1 rate of pay at \$18.01/hr.

Signed by DeForest, Daly, Dennison, Didio, Foley, Mahunik, McNabb-Coleman, Bennett, and Pinckney, all in favor except Bennett.

**RESOLUTION NO. 325-19                            9/24/19                            PB HHW19 contract award**  
**AUTHORIZING SIGNING OF CONTRACT FOR HOUSEHOLD HAZARDOUS WASTE CLEANUP PROJECT**

BY: Mr. Paul Pinckney, Chair, Planning and Economic Development Committee

Mr. Patrick Mahunik, Chair, Ways and Means Committee

WHEREAS, the County of Cayuga has for many years conducted collections of household hazardous waste in an effort to remove potentially hazardous and toxic substances from the environment and by so doing protect the public health, remove potential threats to emergency workers who may respond to buildings where such materials are stored, and safeguard natural resources of Cayuga County; and

WHEREAS, an amount of \$30,000 has been properly budgeted for by the Cayuga County Planning and Economic Development Department for a public collection event (FY 2019 Special Programs Account A 80204-54164); and  
WHEREAS, the Cayuga County Planning and Economic Development Department is budgeted to receive \$15,000 in grant funds from New York State Department of Environmental Conservation (2019 Budget Revenue Account A 80200-42118) for this project, which represents 50% reimbursement for holding such events; and

WHEREAS, as authorized by Resolution #31-19 the County released a Request for Proposals to obtain the services of a hazardous waste service provider, which yielded the receipt of two proposals that were opened on September 3, 2019 and evaluated for responsiveness to the County's needs, resulting in the proposal from Environmental Products & Services of Vermont, Syracuse Branch, (EP&S) being found to be the more responsive; now, therefore, be it  
RESOLVED, that the Chairman of the County Legislature is hereby authorized to sign the necessary contract and any other related documents with Environmental Products & Services of Vermont, Syracuse Branch, (EP&S) to complete the required work in regard to said project in an amount not to exceed \$30,000.00; and be it further

RESOLVED, that this resolution shall take effect immediately.

Signed by Pinckney, Batman, Mahunik, McNabb-Coleman, Vitale, Bennett, DeForest, and Foley, all in favor.

**RESOLUTION NO. 326-19            9-24-19            PB Ag District Public Hearing**  
**RESOLUTION AUTHORIZING AND SETTING THE DATE OF A LEGISLATIVE PUBLIC HEARING ON**  
**RENEWAL OF COUNTY AGRICULTURAL DISTRICT #5**

By:     Hon. Paul Pinckney, Chair, Planning & Economic Development Committee

Hon. Patrick Mahunik, Chair, Ways and Means Committee

WHEREAS, in accordance with Article 25AA, §303-a of the New York State Agriculture and Markets Law Cayuga County is currently conducting the required Eight-Year Review of the Cayuga County Agricultural District also known as Cayuga County Consolidated Agricultural District No. 5; and

WHEREAS, the Cayuga County Department of Planning & Economic Development (CCPED) is coordinating this required review for the Cayuga County Legislature and as such has advertised and held the required 30-Day Public Review Period from July 1, 2019 to August 1, 2019; and

WHEREAS, Cayuga County Department of Planning & Economic Development staff presented proposed modifications to the Cayuga County Agricultural District which resulted from the 30-Day Public Review Period to the Cayuga County Planning Board on August 14, 2019 and to the Cayuga County Agriculture & Farmland Protection Board on August 19, 2019; and

WHEREAS, the Cayuga County Department of Planning & Economic Development received 12 requests from landowners to remove 50 parcels which is a total of 3,678.49 acres of land from the Cayuga County Agricultural District as detailed in the report and table attached to and made part of this resolution; and

WHEREAS, both the Cayuga County Planning Board and the Cayuga County Agriculture & Farmland Protection Board have reviewed the proposed modifications to the Cayuga County Agricultural District as presented by Cayuga County Department of Planning & Economic Development staff; and support the proposed modifications; and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law requires a County Legislature to hold a Public Hearing regarding the renewal of Agricultural Districts before a final Legislative vote on the renewed districts; now, therefore be it

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby authorized and directed to take such steps as may be required so that said Public Hearing may be held at 10:00 AM on October 22, 2019 in the Chambers of the Cayuga County Legislature; and be it further

RESOLVED, that this resolution shall take effect immediately

Signed by Pinckney, Batman, Mahunik, McNabb-Coleman, Vitale, Bennett, Foley, and DeForest, all in favor.

**DECLARATION OF INTENT THAT THE CAYUGA COUNTY LEGISLATURE BE LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE COUNTY AGRICULTURAL DISTRICT EIGHT-YEAR REVIEW**

By: Hon. Paul Pinckney, Chair, Planning & Economic Development Committee

Hon. Patrick Mahunik, Chair, Ways and Means Committee

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WHEREAS, the Cayuga County Department of Planning & Economic Development received 12 requests from landowners to remove 50 parcels which is a total of 3,678.49 acres of land from the Cayuga County Agricultural District as detailed in the report and table attached to and made part of this resolution; and

WHEREAS, both the Cayuga County Planning Board and the Cayuga County Agriculture & Farmland Protection Board have reviewed the proposed modifications to the Cayuga County Agricultural District as presented by Cayuga County Department of Planning & Economic Development staff; and support the proposed modifications; and

WHEREAS, the modification of a certified County Agricultural District is an Unlisted Action under SEQRA and as provided in 6 NYCRR §617.2(al), which requires the preparation of a Short Environmental Assessment Form ("Short EAF") and a coordinated review among all Involved Agencies; and

WHEREAS, Cayuga County and the New York State Department of Agriculture & Markets (NYSDAM) are the only Involved Agencies under SEQRA for approval of the proposed modifications to the County Agricultural District; and

WHEREAS, Cayuga County has prepared the Short EAF Part 1; now, therefore be it

RESOLVED, by the Cayuga County Legislature, as follows:

1. Cayuga County declares its intent to be Lead Agency under SEQRA for the purpose of environmental review of the proposed modifications to the County Agricultural District; and
2. That the Chair of the Legislature is authorized and directed to sign the verification on page 3 of the Short EAF Part 1, thereby completing Part 1; and
3. CCPED is directed to notify NYSDAM of the County's intent to be Lead Agency, deliver the completed Short EAF Part 1 to NYSDAM, and request their comments so that the County may proceed as Lead Agency in conducting environmental review of the proposed modifications to the County Agricultural District; and
4. That this resolution shall take effect immediately.

Signed by Pinckney, Batman, Mahunik, McNabb-Coleman, Vitale, Bennett, and DeForest, all in favor.

**TO ADOPT A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF CAYUGA AND REPEALING LOCAL LAW NO.: 4 OF 2018.**

BY: **Paul Pinckney**, Chair, Planning Committee

**Patrick Mahunik**, Chair, Ways & Means

**WHEREAS**, Local Law No. 3 for the year 2019 was presented to the Cayuga County Legislature on August 27, 2019; and **WHEREAS**, pursuant to law and after proper notice having been given, the County Legislature held a public hearing on said Local Law No. 3 for 2019 on September 24, 2019 at 6:00 P.M.; now, therefore be it

**ENACTED**, that the Cayuga County Legislature does hereby adopt Local Law No. 3 for 2019, Establishing a Sustainable Energy Loan Program (Open C-Pac) in the County of Cayuga and repealing Local Law No.: 4 of 2018; and be it further **RESOLVED**, that the Clerk of the County Legislature publish notice of the adoption of the said Local Law in the official newspapers of Cayuga County, one time per week for each of two weeks, the first publication to be within ten (10) days of its effective date.

**LOCAL LAW NO. 3– 2019****A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF CAYUGA**

Be it enacted by the County of Cayuga (the “Municipality”) as follows:

This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

**Legislative findings, intent and purpose, authority.**

It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

**Definitions**

Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

**Municipality** – the County of Cayuga, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

#### **Establishment of an Energize NY Open C-PACE Financing Program**

An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

#### **Procedures for eligibility**

Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.

Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

#### **Application criteria**

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

Sufficient funds are available from Financing Parties to provide financing to the property owner;

The property owner is current in payments on any existing mortgage on the Qualified Property;

The property owner is current in payments on any real property taxes on the Qualified Property; and

Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

#### **Energize NY Finance Agreement**

A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-

party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property".

Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.

EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

#### **Terms and conditions of repayment**

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.

The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

#### **Levy of Annual Installment Amount and Creation of Annual Installment Lien**

Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The

Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

**Verification and report**

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Local Law No.: 4 of 2018 is hereby repealed.

This local law shall take effect upon filing with the Secretary of State.

**RESOLUTION NO. 329-19            9/24/19            BLD Replace CH Heat Exchanger 9 19rev**  
**AUTHORIZING THE REPLACEMENT OF A HEAT EXCHANGER IN ONE OF THE BOILERS SERVING THE**  
**COURTHOUSE (2/3)**

By: Joseph Bennett Chair, Public Works

By: Patrick Mahunik, Chair, Ways & Means Committee

Whereas, the heat exchanger in one of the boilers serving the Cayuga County Courthouse has developed a leak and cannot be repaired; and

Whereas, the heat exchanger can be replaced at a cost not to exceed \$10,500; and

Whereas, the Buildings and Grounds Department highly recommends replacing the heat exchanger before the heating season to insure uninterrupted heating service; and

Whereas, the Buildings and Grounds Department will select a vendor per County purchasing policy; and

Whereas, the Superintendent of Buildings and Grounds proposes funding the project from the contingency account; now therefore be it

RESOLVED, that the County Treasurer is hereby authorized and directed to transfer the funds in an amount not to exceed \$10,500.00 into account A16214 54012 Building Maintenance for the Cayuga County Courthouse; and be it further

RESOLVED, that the Superintendent of Buildings and Grounds is authorized and directed sign the work order provided to carry out the intent of this resolution.

Signed by Bennett, DeForest, Dennison, Foley, Lattimore, Ripley, Mahunik, and Pinckney, all in favor.

**RESOLUTION NO. 330-19            9/24/19            HWY CR 43 procure bids rev**  
**AUTHORIZATION TO PROCURE BIDS FOR CONSTRUCTION OF COUNTY RTE 43C OVER OWASCO OUTLET**  
**BRIDGE REPLACEMENT PROJECT**

By: Joseph Bennett, Public Works Committee

Patrick Mahunik, Chairman, Ways & Means

WHEREAS, resolution #156-12 authorized the implementation and funding in the first instance of 100% of the federal-aid and state Marchiselli program-aid eligible cost for CR 43C Long Hill over Owasco Inlet Bridge Replacement, BIN 3311680, (PIN 375475, D034208) project; and

WHEREAS, resolution #368-13 established a Capital H project (13-03) in the amount of up to \$71,000;

WHEREAS; resolution #222-17 authorized Supplemental Agreement No. 1 with NYSDOT for reimbursement on up to \$106,000 in PE Phase and ROW Acquisition phase costs; and

WHEREAS, resolution #133-18 authorized Supplemental Agreement No. 2 with NYSDOT for reimbursement on up to \$196,000 in PE Phase and ROW Acquisition phase costs; and

WHEREAS, resolution #175-18 authorized funding to an amount not to exceed \$2,006,000 by an inter-fund loan from the general fund (A fund) until Federal and State reimbursement is received; and

WHEREAS resolution #325-18 authorized Supplemental Agreement No. 3 with NYSDOT to extend the contract by one year from 2021 to 2022 and to add the construction phase of the project

WHEREAS, NYSDOT has finished their review and granted the County of Cayuga permission to advertise so that sufficient time is allowed for the solicitation and receiving of bids; now therefore let it be

RESOLVED, the Deputy Director of Public Works is authorized, with the approval of the Cayuga County Purchasing Director, to prepare, solicit and receive bids for CR 43C Long Hill over Owasco Inlet Bridge Replacement.

Signed by Bennett, DeForest, Dennison, Foley, Lattimore, Ripley, Mahunik, and Pinckney, all in favor.

**RESOLUTION NO. 331-19            September 24, 2019            HWYLaundryContract Rev.3**  
**Authorizing the Director of Public Works to Contract for Laundry Services for a term of 36 Months.**

BY: Joseph Bennett, Public Works Chairperson

Patrick Mahunik, Ways & Means Chairperson

WHEREAS Laundry was budgeted in the 2019 highway budget at a cost of \$10,000 in account DM51304 54044 and \$3,000 in account DM51314 54044 for the year and;

WHEREAS the current contract for laundry is expired; and

WHEREAS, the Highway Department obtained three quotes and UniFirst was the lowest quote at \$7,038.72 per year; now therefore be it

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized to enter into a contract for laundry services for a term of 36 months with UniFirst, subject to the approval of the County Attorney's Office as to form; and be it further

Signed by Bennett, DeForest, Dennison, Foley, Lattimore, Ripley, Mahunik, and Pinckney, all in favor.

**RESOLUTION NO. 332-19      9/24/19      HWY amend Bdgt Paving**  
**Authorization to amend the 2019 Highway budget for Extreme Weather funding appropriation over budget and increase paving account**

BY: Joseph Bennett, Public Works Chairperson  
Patrick Mahunik, Ways & Means Chairperson

WHEREAS it was not anticipated that New York State would include Extreme Winter Recovery funds in the New York State Budget therefore it was not included in the 2019 Highway budget; and

WHEREAS Extreme Winter Recovery funds were included in the final New York State budget and Cayuga County has been appropriated \$495,296.74; now therefore be it

RESOLVED, that the appropriation of \$495,296.74 be increased in revenue to account D50100 43505 – State Aid –Highway-Other and Expense Account D51134 54099- Paving

RESOLVED, that the Cayuga County Treasurer is authorized and directed to make the necessary journal and accounting entries required to implement the intent of this resolution.

Signed by Bennett, DeForest, Dennison, Foley, Lattimore, Ripley, Mahunik, and Pinckney, all in favor.

**RESOLUTION NO. 333-19      10/22/19 PT Buildings Repair Reserve Hearing Roofs 10 19**  
**FIXING THE DAY AND NOTICE OF PUBLIC HEARING PURSUANT TO NY GEN. MUN. LAW SECTION 6-D TO MAKE APPROPRIATIONS FROM THE BUILDINGS REPAIR RESERVE**

By: Joseph Bennett, Chair, Public Works  
Patrick Mahunik, Chair, Ways and Means Committee

Whereas, N.Y. General Municipal Law Section 6-D requires that the governing board provide notice and a public hearing; and

Whereas, three roofs at Emerson Park including the roof over the Log Cabin, the roof over the front section of the Ward W. O'Hara Agricultural Museum and the roof over the Administrative Offices all need to be replaced; and

Whereas, the Superintendent of Buildings and Grounds and the Director of Purchasing issued ITB-2019-17 to get the best possible price for this work; and

Whereas, the Director of Purchasing established the bid opening for October 8, 2019 at 2:00PM so the cost to replace the roofs will be known by the time of the hearing; and

Whereas, the Legislature has determined that this repair does not recur annually or less frequently, and that it falls within the purpose for which the Buildings Repair Reserve was established; now, therefore, be it

Resolved, that a public hearing shall be held in connection with the proposed use of the Buildings Repair Reserve before the Cayuga County Legislature on October 22, 2019 at 10:00AM in the Sixth Floor Legislative Chambers, located at 160 Genesee Street, Auburn, NY; and be it further

Resolved, that the Clerk of the Cayuga County Legislature is directed to issue notice of the same as prescribed by and in accordance with law.

Motion by Bennett, 2<sup>nd</sup> by Ripley, all in favor.

**RESOLUTION NO. 334-19      9/24/19      DA.GJREPORTERVACANCY 2019**  
**AUTHORIZING DISTRICT ATTORNEY TO FILL FULL-TIME GRAND JURY REPORTER VACANCY IN DISTRICT ATTORNEY'S OFFICE**

BY: Hon. Christopher K. Petrus, Legislator, District 4

WHEREAS, District Attorney Budelmann now has a vacancy in the full-time Grand Jury Reporter Position Control No. 005025 within the District Attorney's office; and

WHEREAS, this full-time Grand Jury Reporter is a critical position in the District Attorney's office. The Cayuga County Grand Jury cannot function without the services of a licensed, experienced Court Reporter to record the proceedings in order to provide a transcript of them to the Superior Court Judge when needed; and

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

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

RESOLVED, that the District Attorney is authorized to fill this vacancy immediately; 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 Petrus, 2<sup>nd</sup> by Ripley, all in favor except Bennett.

**RESOLUTION NO. 335-19            9/24/19            DA Victim Witness 2019**  
**AUTHORIZING DISTRICT ATTORNEY TO ACCEPT A GRANT FROM NEW YORK STATE OFFICE OF VICTIM SERVICES IN ORDER TO CONTINUE THE FULL-TIME POSITION OF “VICTIM/WITNESS PROGRAM COORDINATOR” IN THE DISTRICT ATTORNEY’S OFFICE IN ORDER TO COMPLY WITH LEGAL REQUIREMENTS PURSUANT TO THE TERMS OF THE GRANT PROGRAM.**

By:     Hon. Christopher K. Petrus, Chairman, Judicial & Public Safety and  
       Hon. Patrick V. Mahunik, Chairman Ways & Means

WHEREAS, the Cayuga County District Attorney’s Office has been awarded a “multi-year” Grant with annual award amounts of \$31,802.41 for each contract period (10/1/2019-9/30/2020), (10/1/2020-9/30/2021), and (10/1/2021-9/30/2022) from the New York State Office of Victim Services to continue operation of a Victim/Witness Services Program out of the District Attorney’s Office, and WHEREAS, the grant program requires the District Attorney to continue in his office the position of “Victim/Witness Program Coordinator,” and

WHEREAS, the grant program requires the District Attorney to comply with legal requirements and to carry out the terms of the grant program, so as to provide the appropriations and revenues necessary to support the services associated with the grant,

NOW, after due deliberation it is hereby

RESOLVED, that the District Attorney is authorized to accept the said Grant, and it is further

RESOLVED, that the full-time position of “Victim/Witness Program Coordinator” is continued in the District Attorney’s Office with an annual salary as set forth in the Cayuga County Compensation Plan, Part I, CSEA (Civil Service Employees Association) for the appropriated year, and it is further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the necessary journal and accounting entries to accomplish the foregoing.

Motion by Petrus, 2<sup>nd</sup> by Ripley, all in favor

**RESOLUTION NO. 336-19            9/24/19            EMO Accept Hazard Mitigation Grant**  
**AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE AND THE DIRECTOR OF EMERGENCY SERVICES TO ACCEPT A NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION GRANT TO UPDATE THE CAYUGA COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN**

BY:     Mr. Christopher Petrus, Chairman, Judicial & Public Services Committee

BY:     Mr. Patrick Mahunik, Chairman, and Ways and Means Committee

WHEREAS, the Cayuga County Office of Emergency Services has applied for and Cayuga County was awarded a FY 2017 Pre-Disaster Mitigation Competitive (PDMC) Grant from the Federal Emergency Management Agency (FEMA) and acceptance by the New York State Division of Homeland Security and Emergency Services (DHSES) for Cayuga County to update the Cayuga County Multi-Jurisdictional All-Hazard Mitigation Plan (“Grant”); and

WHEREAS, the Grant funds awarded to Cayuga County total \$112,500, with a Federal share of \$84,375 and a required 25% non-Federal matching share of \$28,125, that can be any combination of In-Kind Services; and

WHEREAS, the Grant funds are specified by FEMA and DHSES to update the Cayuga County Multi-Jurisdictional All-Hazard Mitigation Plan; now therefore be it

RESOLVED, that the Cayuga County Legislature hereby authorizes the Chairman of the Legislature and the Director of Emergency Services to accept said Grant and to sign any and all documents necessary for acceptance and administration of the Grant and to carry out the intent of this resolution and complete the Grant activities; and be it further

RESOLVED, that the Chairman of the Legislature and Director of Emergency Services be authorized to develop and release a Request for Proposal (RFP) and to enter into contracts with appropriate vendors in order to accomplish the goals of this grant without further legislative action; and be it further

RESOLVED, that the Cayuga County Treasurer's Office is hereby authorized and directed to amend the Emergency Management Department's 2019 Budget in the following manner:

Increase Munis Account No. A36470-44314 revenue in the amount of \$84,375;

Increase Munis Account No. A36474-54519 expense in the amount of \$84,375; and be it further

RESOLVED, that this Resolution take effect immediately.

Signed by Batman, Bennett, Pinckney, Vitale, DeForest, and Foley, all in favor.

**RESOLUTION NO. 337-19**

**9/24/19**

**SHR Reorganize Custody Division 2019**

**Authorize the Sheriff to create one Lieutenant and eliminate one Sergeant Position at the Cayuga County Jail**

By: Mr. Christopher Petrus, Chair, Judicial & Public Safety Committee  
Mr. Patrick Mahunik, Chair, Ways & Means Committee

WHEREAS, the Sheriff has conducted an analysis of the Cayuga County Sheriff's Custody Division; and the addition of a Custody Lieutenant position, and elimination of a Custody Sergeant position, would equalize the operational needs of the jail to share the day to day responsibilities of the existing Lieutenant and provide the necessary supervision; and

WHEREAS, both Lieutenant's positions would overlap in shift hours to effectively coordinate, manage, and communicate with each other to properly oversee the Sheriff's Custody Supervisors, Sheriff's Custody Officers, and Medical Nursing Staff in relation to 24/7 operations; and

WHEREAS, with the addition of a second Lieutenant, delegation of duties and responsibilities will ensure accountability as well as increase the effectiveness of all levels of supervision and staff during multiple shifts; and

WHEREAS, there are currently seven (7) Sheriff Custody Sergeant positions occupied, and only one Sheriff Custody Lieutenant Position, as well as (9) Sheriff Custody Corporal positions; and one of these seven Custody Sergeant positions should be eliminated pending the vacancy created by promoting an existing officer to the position; now therefore, be it

RESOLVED, that one Sheriff's Custody Lieutenant position will be created and one Sheriff's Custody Sergeant position will be eliminated within the Cayuga County Jail in accordance with Civil Service Rules and Regulations, SEACC Contract Language, and the Policies of the County of Cayuga; and be it further

RESOLVED, that this resolution should take effect immediately.

Signed by Batman, Bennett, Lattimore, Pinckney, Vitale, DeForest, and Foley, all in favor.

**RESOLUTION NO. 338-19**

**9/24/19**

**EMO Salary Adjustment**

**ADJUSTING SALARIES OF STEVE LYNCH AND DENISE SPINGLER FOR OPERATIONAL OVERSITE OF THE CAYUGA COUNTY EMERGENCY MANAGEMENT OFFICE**

BY: Mr. Christopher Petrus, Chairman, Judicial & Public Safety Committee

BY: Mr. Patrick Mahunik, Chairman, Ways and Means Committee

WHEREAS, Planning Director Steven Lynch was directed by the former County Administrator to assume the administrative responsibilities and operational oversight of the Cayuga County Emergency Management Office and;

WHEREAS, E-911 Director Denise Spingler agreed to assume necessary duties and responsibilities associated with the Cayuga County Emergency Management grant funding and;

WHEREAS, the County Legislature has waited until this time to see how much time, effort, and work these two employees would incur due to the delay in hiring a new Emergency Management Director; be it

RESOLVED, that Planning Director Steven Lynch be compensated for 396 hours @ (11 hours/week x 36 weeks) at a rate of \$44.6070/hour for a total of \$17,664.37; and be it further

RESOLVED, that E-911 Director Denise Spingler be compensated for 330 hours @ (10 hours week x 33 weeks) at a rate of \$39.2457/hour for a total of \$12,951.08; and be it further

RESOLVED, that these amounts be paid from the Emergency Management salary line budget.

Signed by Bennett, DeForest, Foley, and Pinckney, all in favor.

**RESOLUTION NO. 339-19 9/24/19 EMO Shared Services Public Safety Building  
AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO AUTHORIZE A MEMORANDUM  
OF UNDERSTANDING (MOU) FOR RELOCATING THE CAYUGA COUNTY EMERGENCY OPERATIONS CENTER  
(EOC) TO THE NEW SHARED SERVICES PUBLIC SAFETY BUILDING IN THE CITY OF AUBURN**

**BY:** Mr. Christopher Petrus, Chairman, Legislator, District 4

WHEREAS, the Cayuga County Office of Emergency Services is responsible for supporting and promoting emergency planning & preparedness as well as disaster mitigation, response and recovery throughout Cayuga County with offices and emergency operations located in the basement of the Cayuga County Office Building at 160 Genesee Street; and

WHEREAS, the 2013 Cayuga County All Hazards Mitigation Plan outlines that the existing Emergency Operations Center (EOC) is prone to flooding and recommends the implementation of green infrastructure at the Cayuga County office building or relocation; and WHEREAS, the City of Auburn will be relocating critical fire and emergency response services from the current location at 23 Market Street to 31 Seminary Street and would like to partner with Cayuga County Emergency Management to provide a purpose built emergency operations center to serve the City and Cayuga County;

WHEREAS, the City of Auburn is proposing to incorporate an emergency operations center into the new Shared Services Public Safety Building project at no cost to Cayuga County Emergency Services; now therefore be it

**RESOLVED**, that the Cayuga County Legislature hereby authorizes the Chairman of the Legislature to enter into a Shared Services Public Safety Building Memorandum of Understanding (MOU) for the relocation of the Cayuga Emergency Operations Center from 160 Genesee Street to 31 Seminary Street in the City of Auburn; and be it further

**RESOLVED**, that the Shared Services Public Safety Building MOU will allow Cayuga County to participate in project discussions and further explore other emergency services that could be shared with the City of Auburn; and be it further

**RESOLVED**, that this Resolution take effect immediately.

Motion by Bennett, 2<sup>nd</sup> by Ripley, all in favor except Dennison.

**Motion by Petrus to go into executive session at 7:50PM for contract negotiations, real estate, and personnel matters, 2<sup>nd</sup> by Ripley, all in favor.**

**Motion by Dennison to come out of executive session at 9:56PM, 2<sup>nd</sup> by Bennett, all in favor.**

**RESOLUTION NO. 340-19 9/24/19 PT Assgnmt Pavilion Contract  
AUTHORIZING THE ASSIGNMENT OF THE EMERSON PARK PAVILION CONTRACT AND AUTHORIZING THE  
CHAIR TO SIGN DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME**

**BY:** Tucker Whitman, Chair, Cayuga County Legislature

WHEREAS, the County of Cayuga (the "County") and H and J Hospitality, Inc. ("H&J") are parties to a certain Limited Use License Agreement as modified by Modification Agreements I-V (collectively the "License") for the provision of catering and hospitality services by H&J at the County's Emerson Park Pavilion; and

WHEREAS, H&J requests consent under paragraph 10 of Appendix A of Modification Agreement III for the assignment of said License to a new corporate entity; and

WHEREAS, primary day-to-day operations of the Pavilion's catering and hospitality service have been performed by long-term staff Michael and Andrea Gavigan ("Gavigan"), who now wish to assume control over, and take assignment of the License, ensuring that said services continue to be performed without interruption for the duration of the License; now, therefore be it

**RESOLVED**, that the County hereby consents to the assignment of the License by H&J to a separate corporate entity under the control of Gavigan with all rights and obligations under said License to begin upon assignment and to the extent those rights and obligations accrue from the date of assignment forward; and be it further

**RESOLVED**, that the Chair of the Cayuga County Legislature is hereby authorized to execute any documentation necessary to carry out the intent of this resolution.

**Resolution passed by majority vote; Ayes – Dennison, Vitale, Petrus, McNabb-Coleman, Batman, DeForest, Ripley, Daly, and Whitman; Noes - Pinckney, Lattimore, Didio, and Foley; Abstain - Bennett and Mahunik; 578/209/96.**

**Motion by Didio to adjourn at 10:00PM, 2<sup>nd</sup> by Foley, all in favor.**