

**MINUTES  
CAYUGA COUNTY LEGISLATURE  
NOVEMBER 25, 2008, 6:30 PM**

**WELCOME:**

**CALL TO ORDER:** Hon. Roger Mills, Chairman, at 6:30PM

**ROLL CALL:** Mary Jones, Clerk of the Legislature, all Legislator's present.

**PLEDGE OF ALLEGIANCE:**

**MOMENT OF PRAYER:**

**PUBLIC HEARING: 6:30PM To Adopt the County Budget for 2009, Opened at 6:33PM**

Legislator Fearon, e-mail from Lyn Odell: I Understand the County will be meeting on their budget tonight and that it includes County funding for the ill conceived methane digester located at the Soil & Water Conservation office. The project was promoted at the onset as something that would cost Cayuga County Tax payer nothing...ever! It is apparently turning into the money pit that the County has been warned about since day one. Still on we go pouring scarce funds down a potential rat hole! It needs to stop now. The next excuse for additional future funding will be "look at all the money we are going to throw away if we don't finish the project that has been started" Do the legislators in this County understand the need to reduce spending! Thanks

**PRESENTATION:** Independent Auditors, Toski, Schaefer & Co., P.C., David Spara and Joseph Klimek gave a summary of the Financial Statement Highlights for the year ending December 31, 2007. Statement attached to original minutes.

**PROCLAMATION'S:** Jane T. Cabal Day in Cayuga County, Thursday, December 4, 2008, read by Mary Jones Clerk of the Legislature

**EMERGENCY AUTHORIZATION FOR HIRING:**

Health Department (CHHA)

2 (Two) RN's

Signed by Ann Petrus Patrick Mahunik, Roger Mills, Wayne Allen and Francis Mitchell on 11-7-08

**EMERGENCY AUTHORIZATION FOR SPENDING (Nursing Home)**

Reason for emergency spending:

The Dish Machine at the Nursing Home has been in need of replacement for some time. Proposals were received however since they exceed the amount required for bids, the process was initiated to go to formal bid. In the interim, the heating component now leaks so much water that the appropriate temperature cannot be maintained to meet the sanitary code.

The County Legislature does hereby authorize the purchase of the aforementioned equipment and items and any other associated components/equipment that may be needed to complete the installation of the dish machine. The cost will be paid out of the Nursing Home fund balance.

Signed by Petrus, Mahunik, Mills and Mitchell, 11-21-08

**PUBLIC BE HEARD:**

If you wish to speak notify your Legislator, who will grant you privilege of the floor. You will be allowed to speak for 3 to 5 minutes. You must state your name and address.

**MINUTES:** For Approval: 9-23-08 and 9-30-08, Motion by Chapman, 2<sup>nd</sup> by Sincebaugh, all in favor.  
For Reading: 10-20-08, 10-28-08, and 10-30-08

**CCC REPORT:** Dr. Daniel Larson, Fall enrollement is up eight FTEs pver Fall 2007. New Trustees, Officers, Jeffrey Edwards, Chair, John Camardo, Vice Chair, Dr. Linda Van Buuskirk, Stanley Kott. Veterans Day Events, both campuses held events. Kevin Rivoli Book Event, gave a presentation on his book, In Search of Norman Rockwell's America, at the Bisgrove Theatre. Harlequin Honors, an entry by the College Harlequin Productions was one of eight plays chosen. Spartan Classic, the men's basketball team won the 2008 Spartan Classic. Program Highlights, the new Dean, Carla DeShaw, joned us in October, Our Nursing Program again had a outstanding pass rate, the National Association for the Education of Young Children, announced the College meets the standards necessary to gain associate degree accreditation. Student Club News, a blood drive was held on November 13, 2008, the annual Leadership Weekend field trip was held this month, the Fulton Student Activities Board held a catered Thanksgiving meal today, and the Early Childhood Club held a fundraising event and raised \$650.00.

**COMMITTEE REPORTS & INDIVIDUAL LEGISLATORS' REPORTS:**

Legislator Lockwood, we are moving forward on the Radio System Project and will meet again in December.

**MANAGER'S REPORT:** Wayne Allen, no report.

**CHAIRMAN'S REPORT:** Roger Mills, thanks Mary Jones, Clerk of the Legislature for the beautiful wreath that was donated by Dickmans Farms.

**APPOINTMENTS AND RE-APPOINTMENTS:**

**Health Insurance Consortium Board of Directors:**

Francis Mitchell, 355 State Rte 34B, King Ferry, NY 13081 term – 1-1-09 to 12-31-09

Jim Orman, PO Box 86, Aurora, NY 13026-0174 term – 1-1-09 to 12-31-09

Jeff Edwards, 1986 Rte. 34, Genoa, NY 13071 term - 1-1-09 to 12-31-09

Pam Kirkwood, 22 Willowbrook Dr., Auburn, NY 13021 term - 1-1-09 to 12-31-09

Motion by Sincebaugh, 2<sup>nd</sup> by Tortorici to add two names:

Ron Paddolik and Wanda Jakaubs

Fearon, Director of Soil and Water should not be on committee, should be someone else.

Motion by Fearon to reconsider appointments.

Schuster, not appropriate for Director of Soil and Water.

Fearon withdrew motion

Motion by Chapman, all in favor.

**COMMUNICATIONS AND ANNOUNCEMENTS:**

1. Received a Letter from The Town of Moravia, re: there intent to join the New York State Municipal Workers' Comp. Alliance, effective 10-15-08.
2. Notice, The Downtown Auburn BID's 22<sup>nd</sup> Annual Holiday Parade & Family Fun Day Saturday, November 29, 2008, activities begin at 3:30PM, Parade begins at 6:00PM
3. Received a letter of thanks from NYSAC Stephen Acquario Executive Director, re: Student Government Day, educating the public and youth on the role of Cayuga County Government.
4. Received a letter form Tom Prystal Jr., Secretary Cayuga County Republican Committee, re: on November 4, 2008, Cherl Heary was reappointed as Republican Elections Commissioner.
5. Received Certificate of Recommendation for Appointment of Democratic Election Commissioner, Katie Lacey, Auburn, NY as the Democratic Election Commissioner for a term of four years, from James Dacey, Presiding Officer and Patricia Hunter , Secretary CC Democratic Committee.
6. Received a letter from Liz Mahoney, Auburn High School thanking Roger Mills Chairman, for the opportunity to take part in Student Government Day, and take on the role of Chairperson for the meeting. Motion by Lockwood, 2<sup>nd</sup> by Cuddeback to waive reading of the communications and announcements, all in favor.  
Motion by Chapamn to have #4 go to Government Operations Committee for December.

**RECESS:**

**RESOLUTIONS:**

**RESOLUTION NO. 686-08**

**AuditNov.08.doc**

**AUTHORIZING THE COUNTY TREASURER TO PAY NOVEMBER 2008 AUDIT OF CLAIMS**

BY: Hon. Francis Mitchell, Chairman, and Ways and Means Committee

WHEREAS, The Legislature did at its regular meeting on November 25, 2008 audit claims against the County of Cayuga in the aggregate sum \$1,803,219.34, therefore be it

RESOLVED, that the Clerk of this Legislature file a certified list of claims so audited with the County Treasurer, and be it further

RESOLVED, that the County Treasurer be and he hereby is authorized and directed to pay the several claims so audited and charge the amounts to the several appropriations made therefore in the County Budget finalized on December 31, 2007.

Signed by Mitchell, Axton, Lockwood, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 687-08**

**11/25/08**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF UTILITY BILLS.**

By: Hon. Francis Mitchell, Chairman, Ways & Means Committee.

WHEREAS, this Legislature did by Resolution No. 50, adopted April 11, 1978, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Electric and Gas service, and Water and Sewer service, and

WHEREAS, this Legislature did by Resolution No. 184, adopted August 14, 1984, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for telephone service, and Landfill Service, and

WHEREAS, said Committee has audited and authorized payments as follows:

**OCTOBER 2008**

Gas & Electric	:	\$114,757.97
Telephone:		\$ 21,190.05
Water		\$ 9,134.52
Landfill/Rubbish		<u>\$ 369.90</u>
Total:		\$145,452.44

RESOLVED, that said payments be part and partial payment of the full audit of this Board.

Signed by Mitchell, Axton, Lockwood, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 688-08**

**11/25/08**

**PURCHSVCSOCTOBER**

**AUTHORIZING THE CAYUGA COUNTY TREASURER TO CHARGE DEPARTMENTS FOR CENTRAL SERVICES AND PURCHASES FOR THE MONTH OF OCTOBER 2008**

BY: Hon. Francis Mitchell, Chairman, Ways & Means Committee.

WHEREAS, the Ways & Means Committee approved the payment of all Central Services,

RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to credit the revenue account and charge the following departments' .40 Accounts (Contractual Expenditures) in accordance with attached schedules:

DEPARTMENT	CREDIT	AMOUNT
Central Purchasing	A1275	\$2,148.01
TOTAL		\$2,148.01

Signed by Mitchell, Axton, Lockwood, Palermo, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 689-08 Date of meeting: December 16, 2008**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE ADMINISTRATOR OF THE CAYUGA COUNTY NURSING HOME**

By: Ann Petrus, Chairman Health & Human Services Committee  
Francis Mitchell, Chairman Ways & Means Committee

WHEREAS, this legislature did by Resolution Number 70, duly adopted on the 20th day of March 1984, authorize the Nursing Home Committee of the County Legislature to audit all claims against the Cayuga County Nursing Home, and

WHEREAS, said Committee has audited and authorized payment in the amount of \$249,277.58 for the month of October 2008, now therefore be it

RESOLVED, that said payment be part and partial payment of the full audit of this Board.

Signed by Petrus, Mahunik, Schuster, Cuddeback, Sincebaugh, Tortorici, Mitchell, Palermo, Lockwood, Axton.

Approved by voice vote, all in favor.

**RESOLUTION NO. 690-08**

**seniornutrition**

**REPORT AND APPROVAL OF BILLS PAID BY THE COUNTY TREASURER FOR OPERATION OF THE SENIOR NUTRITION PROGRAM IN THE OFFICE FOR THE AGING.**

BY: Ann Petrus, Chair, Health & Human Service Committee

Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, The Director of the Office for the Aging presented bills for service providers in regard to operation of the Senior Nutrition Program, to the County Treasurer for payment pursuant to Resolution No. 297, duly adopted on June 21, 1994, which claims total \$14,350.83 covering the period through 10-31-08 and have been paid as set forth on the attached lists; now, therefore, be it

RESOLVED, that the aforesaid claims shall become part and parcel of the full legislative audit for the Office for the Aging.

Signed by Petrus, Cuddeback, Mahunik, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 691-08**

**11/25/08**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF THRUWAY TOLLS.**

BY: Hon. Francis Mitchell, Chairman, Ways & Means Committee.

WHEREAS, this Legislature did by Resolution No. 24-97, adopted January 21, 1997, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Thruway Tolls, and,

WHEREAS, said Committee has audited and authorized payments as follows:

OCTOBER 2008

\$ 203.14

RESOLVED, that said payments be part and partial payment of the full audit of this Board.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 692-08**

**11/25/08**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF CREDIT CARD CHARGES.**

BY: Hon. Francis Mitchell, Chairman, Ways & Means Committee.

WHEREAS, this Legislature did by Resolution No. 1-99, adopted January 01, 1999, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Credit Card Charges, and,

WHEREAS, said Committee has audited and authorized payments as follows:

OCTOBER 2008	
First Niagara	\$ 227.63
AmExpress	\$ 5,069.62
Sunoco	\$ 103.87
Walmart	\$ 4,570.09
<u>Exxon</u>	<u>\$ 111.93</u>
Total:	\$10,083.14

RESOLVED, that said payments be part and partial payment of the full audit of this Board.

igned by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 693-08**

**11/25/08**

**AUTHORIZING PAYMENT OF LEGAL NOTICE FEES PRIOR TO THE LEGISLATIVE AUDIT.**

BY: Hon. Francis Mitchell, Chairman, Ways & Means Committee.

WHEREAS, several county agencies are required by law to advertise legal notices in area media from time to time, and

WHEREAS, several of the officially designated newspapers offer a discount for prompt payment of legal Advertising invoices, and

WHEREAS, it would be in the best interest of the County to take advantage of the prompt payment discounts by paying these invoices prior to the legislative audit of claims, therefore be it

RESOLVED, that the Clerk of the Legislature is hereby authorized to process legal Advertising invoices for payment by the Cayuga County Treasurer prior to the monthly legislative audit, and be it further

RESOLVED, that a monthly report of said payments shall be provided to each legislator on a monthly basis.

**OCTOBER TOTAL**

\$6278.30

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor, Palermo abstained

**RESOLUTION NO. 694-08 (11/25/08)**

**COA-CAPH11PAY**

**AUTHORIZING THE COUNTY TREASURER TO PAY CLAIMS AGAINST VARIOUS CAPITAL "H" PROJECTS.**

BY: MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, claims have been received in regard to various Capital "H" Projects previously established by the County; and

WHEREAS, said claims have been reviewed and approved by the interested oversight committees; now, therefore, be it

RESOLVED, that the County Treasurer be and he is hereby authorized and directed to pay the following claims and charge the same to the appropriate Capital "H" Projects:

1. Project #03-7 (Phase 4/ Integration of Services (IOS):

PAR GOVERNMENT SYSTEMS CORP.:

Inv. No. 317309-03.....\$ 1,586.10

ESRI:

Inv. No. 91865234.....\$ 898.00

Inv. No. 91865235.....\$ 898.00

Inv. No. 91865236.....\$ 898.00

2. Project #07-1 (Erie Heritage Preservation):

KENT ENVIRONMENTAL:

Inv. No. 71.....\$ 3,192.10

3. Project #07-5 (Tyler Software):

TYLER TECHNOLOGIES, INC.:

Inv. No. 137715.....\$ 34,100.00

Inv. No. 138250.....\$ 10,336.40

INN AT THE FINGERLAKES:

Inv. No. 3901.....\$ 210.00

Inv. No. 3911.....\$ 140.00

And be it further

RESOLVED, that the Treasurer make the journal and accounting entries necessary to accomplish the foregoing.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 695-08**

**11/2508**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF EQUIPMENT LEASE PAYMENTS.**

BY: Hon. Francis Mitchell, Ways & Means Committee.

WHEREAS, this Legislature did by Resolution No. 76-02, adopted February 26, 2002, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Equipment Leases, and

WHEREAS, said Committee has audited and authorized payment as follows:

OCTOBER 2008

Copier Leases and Maintenance: \$14,966.23

Postage Leases: \$ 478.00

Misc. Leases: \$ 7,114.31

Total \$22,558.54

RESOLVED, that said payment be part and partial payment of the full audit of this Board.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 696-08**

**11/25/08**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF PARCEL SERVICE PAYMENTS.**

BY: Hon. Francis Mitchell, Chairman, Ways & Means Committee.

WHEREAS, this Legislature did by Resolution No. 03-03, adopted January 3, 2003, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Parcel Service Payments, and

WHEREAS, said Committee has audited and authorized payment as follows:

OCTOBER 2008

\$ 310.18

RESOLVED, that said payment be part and partial payment of the full audit of this Board.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 697-08 11/25/08 COL annexfinalmeet08**

**DESIGNATING DECEMBER 16, 2008, AS THE DATE OF THE FINAL MEETING OF THE CAYUGA COUNTY LEGISLATURE FOR THE FISCAL YEAR 2008(M).**

BY: Hon. Francis Mitchell, Chairman, Ways and Means Committee.

WHEREAS, at the November 25, 2008 meeting of the Cayuga County Legislature, it was agreed that the final meeting of the year be held, December 16, 2008; now, therefore, be it

RESOLVED, that it is hereby confirmed that this December 16, 2008 meeting is hereby designated to be the final meeting of the Cayuga County Legislature for the fiscal year 2008, subject to the right of the Chairman to call a special meeting if necessary.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 698-08 (11/25/08)**

**rpsmortgagetaxpyntapr**

**Authorize the County Treasurer to Pay Mortgage Tax**

By: Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS it appears from the final report of Sue Dwyer, as County Clerk of Cayuga County, that there has been paid to the County Treasurer the sum of \$580,801.48, the same being the net amount collected from the taxation of mortgages for the period April 1, 2008, to Sept 30, 2008; and

WHEREAS there is in the County Treasurer's Account No. T-58, the amount of \$580,801.48 which should be distributed among the City of Auburn and the Towns and Villages of the County; therefore be it

RESOLVED that the County Treasurer be directed and required to pay the sum of \$580,801.48 to the City of Auburn and the several Towns and Villages of the County of Cayuga in the following amounts:

<b>City of Auburn</b>	<b>140,054.79</b>	Montezuma	6,874.52
Aurelius	23,135.85	Moravia	11,446.70
Vlg Cayuga	1,853.06	Vlg Moravia	5,964.04
Brutus	26,607.24	Niles	17,841.00
Vlg Weedsport	14,077.76	Owasco	40,187.57
Cato	18,148.18	Scipio	9,717.18
Vlg Cato	747.86	Sempronius	3,873.32
Vlg Meridian	785.17	Sennett	34,224.09
Conquest	10,059.67	Springport	17,353.24
Fleming	26,901.16	Vlg Union Springs	6,306.16
Genoa	21,835.43	Sterling	16,769.77
Ira	15,681.58	Vlg Fair Haven	11,984.58
Vlg Cato	866.09	Summerhill	7,008.80
Ledyard	25,923.57	Throop	19,992.12
Vlg Aurora	5,857.80	Venice	6,181.81
Locke	11,045.35	Victory	<u>7,603.79</u>
Mentz	8,548.95		
Vlg Port Byron	5,343.28		
		<b>Grand Total</b>	<b>580,801.48</b>

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 699-08**

**11/25/08**

**DPunderbudget**

**AUTHORIZING THE DATA PROCESSING BUDGET TRANSFERS**

By: Francis Mitchell, Chairman, Ways and Means Committee

WHEREAS, Data Processing is under budgeted for Health Insurance by \$5,200.00 and Dental Insurance by \$400.00 and

WHEREAS, there are sufficient funds in Computer Lease (1680.400.017-A) and Forms (1680.400.070-A) the above; now, therefore, be it

RESOLVED, Data Processing is hereby authorized to transfer the following:

From:	Computer Lease (1680.400.017-A)	\$4,500.00
	Forms (1680.400.070-A)	\$1,100.00
To:	Health Insurance: (1680.800.003-A)	\$ 5,200.00
	Dental Insurance: (1680.800.004-A)	\$ 400.00

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 700-08**

**11/25/08**

**Treasunderbudget**

**AUTHORIZING THE COUNTY TREASURER BUDGET TRANSFERS**

By: Francis Mitchell, Chairman, Ways and Means Committee

WHEREAS, the Treasurer is under budgeted for Health Insurance by \$6,100.00, Dental Insurance by \$700.00, Retiree Health Insurance by \$800.00 and Fiscal Agent Fees by \$7100.00 and

WHEREAS, there are sufficient funds in Computer Support (1325.400.019-A) to cover the above; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer the following:

From: Computer Support (1325.400.019-A)	\$14,700.00
To: Health Insurance: (1325.800.003-A)	\$ 6,100.00
Dental Insurance: (1325.800.004-A)	\$ 700.00
Retiree's Health Insurance (1325.400.006-A)	\$ 800.00
Fiscal Agent Fees (1380.400.59-A)	\$ 7,100.00

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 701-08**

**11/25/08 tresAwardAuditingSvcs**

**TO AWARD THE PROPOSALS FOR VARIOUS AUDITING AND ACCOUNTING SERVICES**

Mr. Francis Mitchell, Chairman Ways and Means Committee

WHEREAS, Cayuga County is in need of the following auditing and accounting services: 1) Preparation of Cayuga County's Single Audit Report, 2) Preparation of Cayuga County's Central Services Cost Allocation Plan, 3) Preparation of the Cayuga County Nursing Home's Annual Financial Statements and opinion on the RCHF-4 , and 4) Certification of the Cayuga County Mental Health Department's consolidated fiscal report; and

WHEREAS, Resolution #383-05 authorized a request for proposals and proposals were received for these services from several service providers for the fiscal years 2005, 2006 and 2007: and

WHEREAS, the County is allowed to extend the following contracts (under General Municipal Law 104-b), as a Professional Service:

1. Toski, Schaefer & Co., PC - Preparation of Cayuga County Single Audit Report  
CY 2008 \$50,700 (no increase)
2. Venesky & Company – Preparation of Cayuga County's Central Services Cost  
Allocation Plan CY 2008 \$12,000 (\$1,000 increase)
3. BMC, LLC (formerly Fagliarone Group) – Preparation of the Cayuga County  
Nursing Home's Annual Financial Statements and opinion on the RCHF-4  
CY 2008 \$12,600 (no increase)
4. Cuddy and Ward, LLP - Certification of the Cayuga County Mental Health  
Department's consolidate fiscal report CY 2007 \$5,600 (no increase)

RESOLVED, that the Chairman of the Legislature and the Director of each respective department, for each applicable service, be authorized to enter into a contract with the above service providers at the amounts stated above.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 702-08 (11/25/08) COA-LLSalIncForCoTreasurerFor2009FIX**  
**FIXING DAY AND NOTICE OF PUBLIC HEARING ON A PROPOSED**  
**LOCAL LAW PROVIDING FOR A SALARY INCREASE FOR THE**  
**COUNTY TREASURER, WHO IS APPOINTED FOR A FIXED-TERM,**  
**DURING HIS TERM.**

BY: MR. PALERMO, Chairman, Government Operations Committee, and  
MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on November 25, 2008, a proposed Local Law entitled:

"A LOCAL LAW PROVIDING FOR A SALARY INCREASE FOR THE  
COUNTY TREASURER, WHO IS APPOINTED FOR A FIXED-TERM,  
DURING HIS TERM.

Now, therefore, be it

RESOLVED, that a public hearing shall be held concerning said Local Law before the Cayuga County Legislature on December 16, 2008 at 6:30 P.M., at the Chambers of the Cayuga County Legislature, County Office Building, 160 Genesee Street, Auburn, New York, and the Clerk of the Cayuga County Legislature is hereby directed to give due legal notice of said public hearing as provided by statute.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 703-08 (11/25/08) WM-MOA-CSEA**  
**Authoring the County Manager, the Chairperson of the Legislature, the Director of CMH Services and the**  
**County Highway Superintendent to sign a "Memorandum of Agreement" with an employee of the CMH**  
**Services and an employee of the County Highway Department and CSEA.**

BY: Francis Mitchell, Chairperson, Ways and Means Committee

WHEREAS, Resolution Number 646-08 authorized and permitted employees to rescind their "Irrevocable Intent to Retire on or before 12/31/08" upon payment of previously unpaid health insurance premiums and the consent of their bargaining unit; and

WHEREAS, a "Memorandum of Agreement" has been drawn up by the County of Cayuga in the matter of the employment relationship between two employees within the CSEA bargaining unit, and their respective departments, Community Mental Health Services and County Highway Department, and the Civil Service Employees Association (hereinafter referred to as "CSEA"); NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Cayuga hereby approves the "Memorandum of Agreement" for the two employees presented by CSEA, and authorizes and directs the County Manager, the Chairperson of the County Legislature, the Director of Community Mental Health Services, and the County Highway Superintendent to sign any aforementioned "Memorandum of Agreement(s)" with the two "Employee (s)" represented by CSEA.

Signed by Mitchell, Axton, Palermo, Lockwood, Tortorici, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 704-08 (November 25, 2008)**

**HD Budget Adjustments**

**Authorizing the Cayuga County Treasurer to Amend the 2008 Health Department Budget**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, after the submission of the 2008 Health Department Budget, it has been determined that additional funding is needed for unanticipated expenses based on increased utilization in Account #4012.400.175 related to providing services in the Long Term Home Health Care Program; and

WHEREAS, these services will generate increased billings/revenues; and

WHEREAS, the Department has been approved and able to generate additional revenue due to school-based dental billing to cover additional dental program costs; NOW, THEREFORE, BE IT

RESOLVED, that the Cayuga County Treasurer be authorized and directed to provide for the transfer of funds in the following manner:

MUNIS

<u>Org</u>	<u>Object</u>		
A40124	54175	Increase Expenditure Acct. #4012.400.175	\$10,000
A40120	41601	Increase Revenue (CHHA Fees) Acct. #1601	\$10,000
A40294	54000	Increase Expenditure Acct. #4010.460.059	\$ 2,600
A40100	41612	Increase Revenue Acct. #1612.000.000	\$ 2,600

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

Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 705-08 (November 25, 2008) HS Facilitated Enrollment 2009**

**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew its Contract with the State to Accept Funding for the Facilitated Enrollment Grant**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, Cayuga County Department of Health & Human Services wishes to renew its contract with the NYS Department of Health by accepting a third year of funding for the purpose of managing the 100% funded Facilitated Enrollment Program for the period January 1, 2009 through December 31, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to renew the contract with NYS Department of Health in order to continue participation in the 100% funded Facilitated Enrollment Program and to authorize them to enter into any subcontracts necessary to implement this grant; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make all the necessary journal and accounting entries as follows:

MUNIS

<u>Org</u>	<u>Object</u>		
A60104	54265	Increase Account #6010.48.....	\$149,800
A60100	43651	Increase Account #3651.....	\$149,800

Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Lockwood, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 706-08 (November 28, 2008) HS Accept OCFS Funding 2008**  
**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Accept \$93,700**  
**funding from NYS OCFS for Alternatives to Detention for PINS and JD Youth and Contract with Cayuga**  
**Home for Children to Implement This Program**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, the NYS Office of Children and Family Services (OCFS) has approved Cayuga County Human Services' application for SFY 2008-2009 Funding for Prevention of Detention and Services to Youth at Risk of Becoming a PINS or Entering the Juvenile Justice System in the amount of \$93,700 (100% funding); and WHEREAS, in order to implement this program, we desire to partner with Cayuga Home for Children using a multi-systemic therapy (MST) approach, the primary goals of which are (a) reduce youth criminal activity; (b) reduce other types of antisocial behavior such as drug abuse; and (c) achieve these outcomes at a cost savings by decreasing rates of out-of-home placements and detention; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of the Health and Human Services Department be authorized to accept \$93,700 from NYS OCFS and to enter into a contract with Cayuga Home for Children to implement this program; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the necessary journal and accounting entries to the Human Services 2008 Budget as follows:

MUNIS

<u>Org</u>	<u>Object</u>	
A60700	43624	Increase Revenue Account #3624.000.000..... \$93,700
A60704	54151	Increase Expenditure Account #6070.400.151.....\$93,700

Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Lockwood, Palermo.  
Approved by voice vote, all in favor.

**RESOLUTION NO. 707-08 (Nov. 25, 2008) HS Amend HEAP/Catholic Charities 2008**  
**Authorizing the Chairman of the Legislature and the Director of Health and Human Services to Amend the**  
**Contract With Catholic Charities of the Fingerlakes, Inc., to Perform Outreach Activities for the State**  
**Mandated HEAP Program**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Francis Mitchell, Chairman of the Ways & Means Committee

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, an early start-up of the program and early administrative funds (100% Federal Funds) had been made available to assist our Human Services Department in opening the program early; and

WHEREAS, in order to administer this program, we contracted with Catholic Charities (Resolution #525-08) 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, we have received another administrative allocation to cover the total cost of the contract in the amount of \$43,733; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services be authorized to amend the contract (100% federally funded) with Catholic Charities of the Fingerlakes, Inc., to be in the amount of \$65,000; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to amend the County's Human Services 2008 Budget in the following manner:

MUNIS

<u>Org</u>	<u>Object</u>	
A60100	44610	Increase Revenue Acct. #4610.....\$43,733
A60104	54260	Increase Expenditure Acct. #6010.42.....\$43,733

and make any necessary journal and accounting entries to reflect this additional HEAP funding.  
Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Lockwood, Palermo.  
Approved by voice vote, all in favor.

**RESOLUTION NO. 708-08      DATE: 11/25/08    OFANewsletterBidNov08**

**Authorizing the Clerk of the Legislature and the Purchasing Agent to advertise for sealed proposals for the printing of the Cayuga County Office for the Aging Senior Citizen quarterly newsletter and authorizing the Chairman of the Legislature to award bid to the lowest qualified, responsible bidder.**

BY: Ms. Ann Petrus, Chair, Health & Human Services Committee, and  
Mr. Francis Mitchell, Chair, Ways and Means Committee.

WHEREAS, The Cayuga County Office for the Aging publishes a quarterly newsletter for the benefit of 9,000 Senior Citizen residents of Cayuga County; and

WHEREAS, funds have been received from the New York State Office for the Aging to continue this publication; and

WHEREAS, the Health and Human Services Committee of this legislature has reviewed and approved the attached bid specifications for the printing of a quarterly newsletter; now, therefore be it

RESOLVED, that the Clerk of the Legislature and Deputy Clerk/Purchasing Agent be authorized and directed to advertise and receive sealed bids in accordance with General Municipal Law, Section 103, for the quarterly printing of the Cayuga County Office for the Aging Senior Citizen Newsletter; and be it further

RESOLVED, that the Chairman of the Legislature be authorized to award said bid to the lowest qualified, responsible bidder.

Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 709-08 (November 25, 2008) HD                      Jennifer Balliette Contract**

**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Jennifer Balliette, Speech Therapist**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, there is a need to provide speech language therapy to clients of the County's Certified Home Health Agency (CHHA) who require these services based on their plan of care; and

WHEREAS, Jennifer Balliette, Speech Therapist, has agreed to provide these services for the CHHA; NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a contract with Jennifer Balliette to provide speech language therapy for the period 11/26/08 through 12/31/09 at the following rates;

11/25/08 – 12/31/09  
Visit.....\$60/visit  
Inservice/Training.....\$20/hr.

and be it further

RESOLVED, that payment for these services will be from account #4012.400, line item #.221, of the Health Department's Budget.

Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 710-08      Action 11/25/08   MHNPCContract11-08**  
**AUTHORIZE THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE AND THE INTERIM DIRECTOR OF COMMUNITY MENTAL HEALTH SERVICES TO ENTER INTO AN AGREEMENT WITH SANDRA ZAMBELLO, MSN, NPP, TO PROVIDE PSYCHIATRIC NURSE PRACTITIONER SERVICES**

By:      Hon. Ann Petrus, Chair Health and Human Services Committee, and  
            Hon. Francis Mitchell, Chair Ways and Means Committee.

WHEREAS, the Community Mental Health Center of Cayuga County (CMHCCC) is required to provide psychiatric services; and

WHEREAS, one part-time psychiatrist has resigned and a full-time psychiatrist has significantly reduced his hours resulting in a need to replace those services; and

WHEREAS, a nurse practitioner can provide many of those needed services; therefore, be it RESOLVED, that the Chairman of the Cayuga County Legislature and the Interim Director of Community Mental Health Services, be hereby authorized to enter into an agreement with Sandra Zambello, MSN, NPP, for the provision of psychiatric nurse practitioner services at a cost of \$75.00 per hour, for the period of December 1, 2008 through December 31, 2009; and be it further

RESOLVED, that the charges for these services be paid out of account 4310.420.000, Medicaid Eligible Services, which is Org #A43104 Object #54330 in Munis, in the Mental Health Budget.

Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 711-08      Date of Meeting: 11/25/08      NHpurcarpet**  
**AUTHORIZING THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO REPLACE CARPETING AT THE NURSING HOME.**

BY: Francis Mitchell, Chairman, Ways and Means Committee

BY: Ann Petrus, Chairman, Health and Human Services Committee

WHEREAS, the Cayuga County Nursing Home has the need to replace carpet in the conference room; and

WHEREAS several vendors were contacted to submit quotes to install and replace the carpeting; and

WHEREAS proposals were received from three vendors including:

Tile and Carpet at \$1,373

Baker Carpet House at \$1,318

ProCarpet at \$1,857.18

Balian's at \$ 1,196; and

WHEREAS, Balian's is able to provide the necessary carpeting at the lowest price; now therefore be it

RESOLVED that the Administrator of the Nursing Home arrange for replacement carpet in the conference room from Balian's for \$1,196, (One thousand one hundred ninety-six dollars).

Signed by Petrus, Cuddeback, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 712-08 11.25.08**

**coacaychladvcyctrrev4**

**Authorizing the Chairman of the Cayuga County Legislature to enter into an agreement with Cayuga Counseling Services and transfer monies.**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, it has been identified that there is a need in Cayuga County to have a one-stop, child-friendly, safe building for children and families that have experienced abuse/ neglect, or sexual assault; and

WHEREAS, Cayuga Counseling Services has initiated a project to acquire a property in the City of Auburn to establish a child advocacy center; and

WHEREAS, Cayuga Counseling Services is securing funding from various public and private institutions so this project will come to fruition; and

WHEREAS, the Child Advocacy Center will need funds to assist in the acquisition and renovation of this building; now there fore be it

RESOLVED, the Cayuga County Legislature does hereby approve the allocation of \$30,000.00 to assist in the purchase and development of the Child Advocacy Center of Cayuga County; and be it further

RESOLVED, that the sum of \$25,160.00 be transferred from Account No. A10164.54000 (A-1990), Contingency, to Account No. A-7310.400.305 (A10144 54513), Child Advocacy Account; and be it further

RESOLVED, that the sum of \$4,840.00 be transferred from Account No., A 7310.400.118 (A10144 54502), SANE Grant to Account No. A-7310.400.305 (A10144 54513), Child Advocacy Account; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute a contract with Cayuga Counseling Services to assist in the purchase and development of the Child Advocacy Center of Cayuga County; and be it further

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

Signed by Petrus, Cuddeback, Mahunik, McIntosh, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.  
Approved by voice vote, all in favor, except Murphy Abstained.

**RESOLUTION NO. 713-08 11.25.08**

**coaagmtchapelhserev2**

**Authorizing the Chairman of the Cayuga County Legislature to enter into an agreement with Holy Family Church to support Chapel House Homeless Shelter and transfer monies.**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, the Chapel House Homeless Shelter has been operating out of the Holy Family Church gymnasium to serve the homeless for approximately 11 months; and

WHEREAS, there is a growing need for homeless shelter and beds in Cayuga County; and

WHEREAS, the Chapel House Homeless Shelter provides shelter for no more than 19 individuals; and

WHEREAS, the Chapel House Homeless Shelter wishes to expand its' facilities to address the temporary need for shelter for women and children in Cayuga County

WHEREAS, the Chapel House Homeless Shelter wished to acquire a property on Franklin Street for the purpose of expanding their services; now therefore be it

RESOLVED, the Cayuga County Legislature does thereby provide \$5,000.00 to the Chapel House Homeless Shelter for this expansion project to acquire a property on Franklin Street in Auburn; and be it further

RESOLVED, that the sum of \$5,000.00 be transferred from Account No. A-1990, Contingency, to Account No. A-6410.430.000; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute a contract with Holy Family Church to support Chapel House Homeless Shelter; and be it further

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

Signed by Petrus, Cuddeback, Mahunik, McIntosh, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.  
Approved by voice vote, all in favor, except Sincebaugh Abstained.

**RESOLUTION NO. 714-08                      Date of Meeting: 11/25/08                      NHCNGCSCOREV  
AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF  
CAYUGA COUNTY NURSING HOME TO ACCEPT A CHANGE TO THE PROPOSAL FOR  
REPLACEMENT OF THE FIRE SYSTEM (C&SCOMPANIES).**

BY: Ann Petrus, Chairman, Health & Human Services Committee

BY: Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS, Resolution No. 54-07 authorized the issuance of an RFP to obtain proposals for replacement of the fire control system at the Cayuga County Nursing Home; and

WHEREAS, Resolution No. 386-08 awarded the proposal to C & S Companies; and,

WHEREAS, specifications of the drawings were not accurate and that additional work is required to finish the project in compliance with codes; and,

WHEREAS, C & S Companies has submitted an updated proposal that contains all of the above stipulations for an additional cost of \$ 12,500; and

WHEREAS, the proposal has been approved by the engineering firm Erdman Anthony Associates; now therefore be it,

RESOLVED, that the proposal be changed to include the above costs for an amount not to exceed \$12,500.00 (Twelve thousand five hundred dollars); and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature and the Administrator of the Nursing Home are hereby authorized and directed to sign any and all documents required to implement this resolution.

Signed by Petrus, Cuddeback, Mahunik, McIntosh, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 715-08                      Date of Meeting: 11/25/08                      nhcngbinderrev  
AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF  
CAYUGA COUNTY NURSING HOME TO ACCEPT A CHANGE TO THE PROPOSAL FOR  
REPLACEMENT OF THE FIRE SYSTEM (BINDER ELECTRIC CORPORATION).**

BY: Ann Petrus, Chairman, Health & Human Services Committee

BY: Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS, Resolution No. 54-07 authorized the issuance of an RFP to obtain proposals for replacement of the fire control system at the Cayuga County Nursing Home; and

WHEREAS, Resolution No. 386-08 awarded the proposal to Binder Electric Corporation; and,

WHEREAS, specifications of the drawings were not accurate and that additional work is required to finish the project in compliance with codes; and,

WHEREAS, Binder Electric Corporation has submitted an updated proposal that contains all of the above stipulations for an additional cost of \$ 25,490; and

WHEREAS, the proposal has been approved by the engineering firm Erdman Anthony Associates; now therefore be it,

RESOLVED, that the proposal be changed to include the above costs for an amount not to exceed \$25,490.00 (Twenty-Five thousand four hundred ninety dollars); and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature and the Administrator of the Nursing Home are hereby authorized and directed to sign any and all documents required to implement this resolution.

Signed by Petrus, Cuddeback, Mahunik, McIntosh, Schuster, Sincebaugh, Tortorici, Mitchell, Axton, Lockwood, Palermo.

Approved by voice vote, all in favor.

**Close Public Hearing at 7:47PM.**

**(PULLED)** RESOLUTION NO. 716-08                      Date of Meeting: 11/25/08 nhcngcmppln  
AUTHORIZING A CHANGE IN THE COMPENSATION PLAN TO ALLOW A RETIRING NURSE TO  
CONTINUE TO WORK PART TIME FOR THE COUNTY AT THE SAME RATE OF BASE PAY.

BY: Francis Mitchell, Chairman, Ways and Means Committee

BY: Ann Petrus, Chairman, Health and Human Services Committee

WHEREAS, there is a significant shortage of qualified nurses to serve in the capacity of Licensed Practical Nurse for the Cayuga County Nursing Home; and

WHEREAS, Cayuga County Nursing Home has nurses that are willing to come out of retirement to fulfill this role that have been dependable employees with at least 15 years of service; and

WHEREAS, the current Compensation Plan would require those individuals who come back to the work force be paid at a reduced pay rate; now therefore be it

RESOLVED that an individual licensed practical nurse who is willing to work after their retirement may be compensated at the same base rate of pay without longevity as the base rate of pay when they terminated their relationship with the County by retirement; and be it further

RESOLVED, that the decision would be based on a review of their work record by the Nursing Home Administrator or designee and that they had been in the employ of the County for at least 15 years.

Motion by Ann Petrus to Pull HH-7(**Resolution No.716-08**), all in favor.

**Motion by Chapman to go into executive Session at 7:55PM re: Pending Litigation. Legislator Petrus asked DA, Jon Budelmann, Sheriff, David Gould, and Mental Health Director, Kate O'Connell to go into Executive Session, all in favor.**

**Motion by Lockwood, 2<sup>nd</sup> by Chapman to come out of Executive Session at 8:33PM, all in favor.**

**RESOLUTION NO. 717-08                                      11/25/08                      COL dogquarantine09  
DECLARING A 24 HOUR DOG QUARANTINE DURING THE WINTER SEASON.**

BY: Hon. Christopher Palermo, Chairman  
Government Operations.

WHEREAS, the deer population in Cayuga County is suffering depredation due to dogs pursuing and killing deer, therefore be it

RESOLVED, that this Cayuga County Legislature hereby orders that all dogs in the County of Cayuga be securely confined for a period of twenty four hours per day, effective immediately and until April 30, 2009, pursuant to Article 7, Section 122 and 123 of the New York Agriculture Markets Law, and be it further,

RESOLVED, that the Clerk of the Legislature shall file a certified copy of this resolution with the New York State Commissioner of Agriculture and Markets and with the City Clerk of the City of Auburn and with the twenty three town clerks in Cayuga County. The Clerk of the Legislature shall also publish a copy of this resolution once in the officially designated newspapers in the county.

Signed by Palermo, Mitchell, Chapman, Fearon, Murphy, Sincebaugh.

Approved by voice vote, all in favor.

**RESOLUTION NO. 718-08      11/25/08      COL NightQuarantineDogs09**  
**AUTHORIZING THE CONTINUATION OF THE NIGHT QUARANTINE ON DOGS IN CAYUGA COUNTY.**

BY:      Hon. Christopher Palermo, Chair, Government Operations Committee.

WHEREAS, the present night quarantine on dogs will soon expire, and

WHEREAS, it is the desire of this committee and the Cayuga County Legislature to have the night quarantine on dogs continued; therefore be it

RESOLVED, that this Legislature hereby orders that the night quarantine on dogs be continued until December 31, 2009 in accordance with Section 123 of the New York State Agriculture and Markets Law which defines "night" as between sunset and one hour after sunrise; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the New York State Commissioner of Agriculture and Markets, the Town Clerks of the twenty three Towns of the county and the City Clerk of the City of Auburn; and be it further,

RESOLVED, that the Clerk of the Legislature shall publish a copy of this resolution in our officially designated newspapers.

Signed by Palermo, Mitchell, Chapman, Fearon, Murphy, Sincebaugh.

Approved by voice vote, all in favor.

**RESOLUTION NO. 719-08      11/25/08      veteransweedsportagr2008rev**  
**ALLOW THE CHAIRMAN OF THE LEGISLATURE AND THE DIRECTOR OF THE CAYUGA COUNTY VETERANS SERVICE AGENCY TO SIGN AN AGREEMENT WITH THE VILLAGE OF WEEDSPORT FOR THE PURPOSE OF ACCEPTING A DONATION TO PROVIDE NEEDED SERVICES FOR MILITARY VETERANS**

BY:      Mr. Christopher M. Palermo, Chairperson, Government Operations Committee

          Mr. Francis Mitchell, Chairperson, Ways and Means Committee

WHEREAS, the Cayuga County Legislature needs to approve the signing of all agreements between the County of Cayuga and other parties; and

WHEREAS, the Village of Weedsport, pursuant to Section 541-546 of Article 19-J of the Executive Law of New York State needs to have a signed agreement for the purpose of contracting to provide needed services for military veterans; and

WHEREAS, Resolution No. 644-08 created a Trust Account for the Cayuga county Veterans Services Agency for the purpose of accepting donations in support of the maintenance and driver cost associated with the provision of transportation services for Cayuga County Veterans.

WHEREAS, the Chairman of the Cayuga County Legislature and the Director of the Cayuga County Veterans Service Agency are the responsible signers on behalf of Cayuga County; now therefore be it

RESOLVED, that the Chairman of the Legislature and the Director of the Cayuga County Veterans Service Agency be authorized and directed to sign the agreement associated with the provision of ambulatory services for military veterans; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized to accept the donation amount of \$500.00 into the appropriate budgetary accounts of the Cayuga County Veterans Service Agency as well as make any journal and accounting entries that may be required.

Signed by Palermo, Mitchell, Fearon, Petrus, Murphy, Chapman, Sincebaugh, Lockwood, Axton, Tortorici, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 720-08 (11-25-08)**

**DMV CASHIER-rev1**

**AUTHORIZES CAYUGA COUNTY CLERK TO FILL PART TIME MOTOR VEHICLE CASHIER.**

BY: MR. CHRISTOPHER PALERMO, Chairman, Government Operations Committee  
MR. FRANCIS MITCHELL, Chairperson, Ways and Means Committee

WHEREAS, there is a Full Time Motor Vehicle Cashier position (#1833) vacancy in the Motor Vehicle Bureau due to a retirement effective 12-27-08 and this full time position provides essential services to the County; and WHEREAS, the position must be filled on a permanent basis from the certified candidates on the civil service eligible list established by the Cayuga County Civil Service Commission; and WHEREAS, the funding for the Full Time Motor Vehicle Cashier position has been appropriated in the 2008 Motor Vehicle Bureau salary account in the amount of \$36,738; Now, be it therefore RESOLVED, that Cayuga County Clerk Susan Dwyer and Motor Vehicle Supervisor Shereen Androsko be authorized to fill the position of Full Time Motor Vehicle Cashier; and be it further RESOLVED, that the position be paid in accordance to the Cayuga County Compensation Plan, Part I for Bargaining Employees, for the title of Motor Vehicle Cashier not to exceed \$32,664; and be it further RESOLVED, that this full time position be filled in accordance with the Civil Service Rules and Regulations and the policies of the County of Cayuga.

Signed by Palermo, Mitchell, Fearon, Petrus, Murphy, Chapman, Sincebaugh, Lockwood, Axton, Tortorici, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 721-08 11/25/08**

**veteransmainagr2008**

**ALLOW THE CHAIRMAN OF THE LEGISLATURE TO SIGN A RENEWAL MAINTENANCE AGREEMENT ON A COPIER FOR THE CAYUGA COUNTY VETERANS SERVICE AGENCY**

BY: Mr. Christopher Palermo, Chairperson, Government Operations Committee  
Mr. Francis Mitchell, Chairperson, Ways and Means Committee

WHEREAS, the Cayuga County Legislature has passed annual resolutions authorizing the Chairman of the Legislature to sign a maintenance agreement associated with the purchase of a used copier; and WHEREAS, the copier was a 100% funded purchase; and WHEREAS, a renewal for the maintenance agreement has come due in the amount of \$511.97 for the year December 1, 2008 – November 30, 2009; and WHEREAS, each year of the maintenance agreement a renewal needs to be approved by the Legislature before the Chairman can sign it; now therefore be it RESOLVED, that the Chairman of the Legislature be authorized and directed to sign the maintenance agreement associated with the used copier; and be it further RESOLVED, that the Cayuga County Treasurer be authorized to charge appropriations account A6510.400.045 as well as make any journal and accounting entries that may be required.

Signed by Palermo, Mitchell, Fearon, Petrus, Murphy, Chapman, Sincebaugh, Lockwood, Axton, Tortorici, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 722-08      11/25/08      veteransbrutusagr2008rev**  
**ALLOW THE CHAIRMAN OF THE LEGISLATURE AND THE DIRECTOR OF THE CAYUGA COUNTY VETERANS SERVICE AGENCY TO SIGN AN AGREEMENT WITH THE TOWN OF BRUTUS FOR THE PURPOSE OF ACCEPTING A DONATION TO PROVIDE NEEDED SERVICES FOR MILITARY VETERANS**

BY: Mr. Christopher M. Palermo, Chairperson, Government Operations Committee  
Mr. Francis Mitchell, Chairperson, Ways and Means Committee

WHEREAS, the Cayuga County Legislature needs to approve the signing of all agreements between the County of Cayuga and other parties; and

WHEREAS, the Town of Brutus, pursuant to Section 541-546 of Article 19-J of the Executive Law of New York State needs to have a signed agreement for the purpose of contracting to provide needed services for military veterans; and

WHEREAS, Resolution No. 644-08 created a Trust Account for the Cayuga county Veterans Services Agency for the purpose of accepting donations in support of the maintenance and driver cost associated with the provision of transportation services for Cayuga County Veterans.

WHEREAS, the Chairman of the Cayuga County Legislature and the Director of the Cayuga County Veterans Service Agency are the responsible signers on behalf of Cayuga County; now therefore be it

RESOLVED, that the Chairman of the Legislature and the Director of the Cayuga County Veterans Service Agency be authorized and directed to sign the agreement associated with the provision of ambulatory services for military veterans; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized to accept the donation amount of \$500.00 into the appropriate budgetary accounts of the Cayuga County Veterans Service Agency as well as make any journal and accounting entries that may be required.

Signed by Palermo, Mitchell, Fearon, Petrus, Murphy, Chapman, Sincebaugh, Lockwood, Axton, Tortorici, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 723-08      (11/25/08)      COA-LLSalIncForCoAttyFor2009FIX**  
**FIXING DAY AND NOTICE OF PUBLIC HEARING ON A PROPOSED LOCAL LAW PROVIDING FOR A SALARY INCREASE FOR THE COUNTY ATTORNEY, WHO IS APPOINTED FOR A FIXED-TERM, DURING HIS TERM.**

BY: MR. PALERMO, Chairman, Government Operations Committee, and  
MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on November 25, 2008, a proposed Local Law entitled:

"A LOCAL LAW PROVIDING FOR A SALARY INCREASE FOR THE COUNTY ATTORNEY, WHO IS APPOINTED FOR A FIXED-TERM, DURING HIS TERM.

Now, therefore, be it

RESOLVED, that a public hearing shall be held concerning said Local Law before the Cayuga County Legislature on December 16, 2008 at 6:30 P.M., at the Chambers of the Cayuga County Legislature, County Office Building, 160 Genesee Street, Auburn, New York, and the Clerk of the Cayuga County Legislature is hereby directed to give due legal notice of said public hearing as provided by statute.

Signed by Palermo, Mitchell, Fearon, Petrus, Murphy, Chapman, Sincebaugh, Lockwood, Axton, Tortorici, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 724-08 (11/25/08) e&tfios**  
**AUTHORIZING THE CHAIRMAN TO SIGN AN AGREEMENT WITH VERIZON FOR A DEDICATED INTERNET CONNECTION**

By: Daniel Schuster, Chairman, Planning & Economic Development Committee  
Frances Mitchell, Chairman Ways and Means Committee

WHEREAS, Cayuga County Employment & Training Department currently has internet connection with a hosted service; and

WHEREAS, Cayuga County Employment & Training Department received a cost proposal from Verizon for internet connectivity at a much lower price and increased bandwidth that would increase our internet capabilities; and

WHEREAS, all proposals received from a recent RFP were higher than Verizon's standard two year business package which has become available to the County; and,

WHEREAS, The Cayuga County Employment & Training Department would be paying \$ 139.99 per month, for a yearly cost of \$1,679.88 compared to the present monthly cost of \$ 235.24, or a yearly cost of \$ 2,822.88, for an overall yearly savings of \$ 1,143.00, therefore, be it

RESOLVED, that the Chairman of the County Legislature is authorized to sign an agreement with Verizon for a dedicated Internet connection for internet services; the annual cost per year being \$1,679.88 from Employment & Training Account No. A63704-54210 (6370.400.210A);; and be it further

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

Signed by Schuster, Axton, Fearon, Palermo, Palermo, Tortorici, Mitchell, Petrus, Lockwood.

Approved by voice vote, all in favor.

**RESOLUTION NO. 725-08 (11/25/08) e&ttermmanpwreleaserev**  
**Authorizing the termination of a Sub-Lease Agreement between Cayuga County Employment and Training Department and Manpower, Inc.**

By: Daniel Schuster, Chairman, Planning & Economic Development Committee  
Frances Mitchell, Chairman Ways and Means Committee

Whereas, Cayuga County Employment and Training Department and Manpower, Inc. enter into a Sub-Lease Agreement on or about August 7, 2008; and

Whereas, the term of the Sub-Lease Agreement is from August 1, 2008 until July 31, 2009; and

Whereas, Manpower, Inc. requests that the Sub-Lease Agreement be terminated due to a change in the economic conditions; now there fore be it

Resolved, that the Sub-Lease Agreement between County Employment and Training Department and Manpower, Inc. dated August 7, 2008 may be terminated upon 90 days written notice from Manpower, Inc. to the County of Cayuga and payment of three months rent.

Signed by Schuster, Axton, Palermo, Tortorici, Mitchell, Petrus, Lockwood.

Approved by voice vote, all in favor.

**RESOLUTION NO. 726-08 Date: 11/25/08 P&T Renter Radio Refund 11 08**  
**AUTHORIZING REFUND OF CHARGE AGAINST RENTER FOR LOST PORTABLE RADIO**

By: By: David R. Axton, Chair, Public Works  
Francis Mitchell, Chair, Ways & Means Committee

Whereas, in June of 2007 a renter of the Emerson Park pavilion was provided with a portable radio as a means of contacting park security if needed and at the end of the event the renter could not find the radio; and

Whereas, a deduction of \$343.00 was made from their security deposit for the expense of replacing the lost radio; and

Whereas, the renter recently obtained the radio and returned it to the Parks Department and is requesting reimbursement for the expense of the radio; and

Whereas, the radio works properly but needs a new battery which costs \$55.00; and

Whereas, the Parks Department has neither the equipment funds available, nor provisions for this type of refund; now therefore be it

Resolved, that the Cayuga County Treasurer is hereby directed to make the refund in the amount of \$288.00 (cost of the radio minus cost of the replacement battery) from the County Contingency Account # A1990.000.000 (Munis Account # A10164.54000).

Signed by Axton, Cuddeback, McIntosh, Mitchell, Lockwood, Chapman, Sincebaugh, Petrus, Schuster, Palermo, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 727-08 (11/25/08) P&T Sterling Roof And Siding 11 08 Rev 4**

**Authorizing the Clerk of the Cayuga County Legislature advertise for sealed bids for encapsulating and/or removing the asbestos siding flashing and caulk on The Sterling Nature Center building and to provide new siding (including trim), flashing and roofing as needed for the Sterling Nature Center building to make the exterior maintenance free; and authorizing Cayuga County Treasurer to encumber the money budgeted for this project into 2009.**

By: David R. Axton, Chairperson, Public Works

Francis Mitchell, Chairperson, Ways & Means Committee

Whereas, The Parks and Trails Department equipment budget account A7110.25200 (A7110.200.000) did include \$6,660 for a paved handicapped parking area and \$14,000 for a new roof on the building for a total of \$20,660; and Whereas, it has been determined that the problems with the building are not isolated to the roof but are also the result of poor siding and flashing; and

Whereas, the Parks Department, the Parks Commission and the Public Works Committee agree that we should correct this problem as soon as possible to prevent further deterioration of the building, and

Whereas, it has been estimated that the cost to remove the asbestos siding and flashing from the building will be approximately \$25,000 adding substantially to the cost of the project, and

Whereas, the entire building would cost substantially more than is currently available we will break the project down into stages; and be it further

Whereas, the Parks Department would request that the Clerk of the Cayuga County Legislature advertise for sealed bids for encapsulating and/or removing the asbestos siding flashing and caulk on the Sterling Nature Center building and to provide new siding (including trim), flashing and roofing as needed for the Sterling Nature Center building to make the exterior maintenance free; and authorizing Cayuga County Treasurer to encumber the money budgeted for this project into 2009; now therefore, be it

Resolved, that the Clerk of the Cayuga County Legislature advertise for sealed bids for encapsulating and/or removing the asbestos siding flashing and caulk on the Sterling Nature Center building and to provide new siding (including trim), flashing and roofing as needed for the Sterling Nature Center building to make the exterior maintenance free; and be it further

Resolved, that the Cayuga County Treasurer is hereby authorized and directed to encumber the \$20,660 in the 2008 parks budget Account Number A7110.25200 (A7110.200.000) insuring that money is available next year toward encapsulating and/or removing the asbestos and installing siding, flashing and roofing as required for the structure and; be it further

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

Signed by Axton, Cuddeback, McIntosh, Mitchell, Lockwood, Chapman, Sincebaugh, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 728-08**

**Date: 11/25/08**

**P&T Budget Transfer 11 08**

**AUTHORIZING TRANSFER OF 2008 BUDGETARY FUNDS FROM GAS SERVICE TO WATER AND SEWER**

By: David R. Axton, Chair, Public Works

Francis Mitchell, Chair, Ways & Means Committee

Whereas, the 2008 Emerson Park Budget included \$7,828 in account 7110.400.068 Munis # A71104.54068) for water and sewer; and

Whereas, the Town of Owasco has increased their fees for water and sewer; and

Whereas, the increase took place after the adoption of the 2008 budget; and

Whereas, the remaining funds in 7110.400.068 will neither pay the current bill from the Town of Owasco, nor remaining anticipated bills, now therefore be

Resolved, that the Cayuga County Treasurer be directed to transfer within the 2008 Emerson Park budget, \$5,000 from 7110.400.024 (Munis # A71104.54024) Gas Service to 7110.400.068 (Munis # A71104. 54068) Water and Sewer.

Signed by Axton, Cuddeback, McIntosh, Mitchell, Lockwood, Chapman, Sincebaugh, Petrus, Schuster, Palermo, Tortorici.

Approved by voice vote, all in favor.



**RESOLUTON NO. 732-08      November 25,2008      hwyondsremovalagree**  
**AUTHORIZING THE COUNTY CHAIRMAN TO SIGN THE SNOW REMOVAL AGREEMENT WITH**  
**ONONDAGA COUNTY FOR 2008-2011**

By: David Axton, Chairman Public Works Committee

By: Francis Mitchell, Chairman Ways and Means Committee

WHEREAS, the Public Works Committee has recommended that the County Highway Department continue to conduct snow removal operations on the State Highways, and

WHEREAS, the present agreement expired on May 31, 2008; now therefore be it

RESOLVED, to authorize the Chairman of the Cayuga County Legislature to sign the Snow and Ice Control Agreement with Onondaga County for 2008-2011.

Signed by Axton, Cuddeback, McIntosh, Mitchell, Lockwood, Chapman, Sincebaugh, Petrus, Schuster, Palermo, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO.733-08      11/25/08      Blds-Compliance Workrev**

**Authorization to pay for compliance work done on County Buildings**

BY: Hon. David R. Axton, Chairman, Public Works Committee

Hon. Francis C. Mitchell, Chairman, Ways & Means Committee

WHEREAS, the County has been working correcting the life safety issues in Cayuga County; and

WHEREAS, the County authorized Kleinfelder to be our Compliance Officer; and

WHEREAS, Kleinfelder was called to do some investigation on a pre-demolition survey on a boiler replacement at Highway and an investigation at the Records Building, and

WHEREAS, currently there are not enough funds in the Account No. A16204 54059 (1620.400.059a) to pay this invoice; now therefore let it be,

RESOLVED, that the sum of \$3695.41 be transferred from Account No. A1990 to Buildings Account No.

A16204 54059 (1620.400.059a), to be used to pay the invoice from Kleinfelder for work performed; and be it further

RESOLVED, that the Superintendent of Buildings and Grounds be authorized and directed to complete the necessary documents required to accomplish this payment; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized to make the journal entries appropriate and necessary to implement the intent of this resolution.

Signed by Axton, Cuddeback, McIntosh, Mitchell, Lockwood, Chapman, Sincebaugh, Petrus, Schuster, Palermo.

Approved by voice vote, all in favor.

**RESOLUTION NO. 734-08**

**COUNTY OF CAYUGA, NEW YORK**

**November 25, 2008**

A regular meeting of the County Legislators of the County of Cayuga, New York (the "County") was held at the Legislature Chamber on the 6<sup>th</sup> floor of the Cayuga County Office Building, 160 Genesee Street, Auburn, New York on November 25, 2008, at 6:30 P.M. (Prevailing Time).

**There were present:** (County Legislators)

Roger Mills, Chairman  
David Axton  
Michael Chapman  
Steven Cuddeback  
Raymond Lockwood  
Patrick Mahunik  
Patrick McIntosh  
Francis Mitchell  
Linda Murphy  
Christopher Palermo  
Ann Petrus  
Daniel Schuster  
Daniel Sincebaugh  
Peter Tortorici

**There were Absent:** (County Legislators)

None

**Also Present:**

**Fred Westphal, Wayne Allen, Andrea Seamans, Lynn Marinelli, Mary Jones, Sheila Smith, David Gould, Mike Pawlenko, Brian Dahl, Jon Budelmann, Ted Herrling, George Wethey, Elane Daly, Steve Johnson, Deb English, Nancy Siefka, Gary Duckett, Steve Lynch, Cynthia Aikman, Ed Salyes, George Daniels, Bernie Newcomb, Sue Dwyer, Dr. Daniel Larson, Denise Stayton, Jim Orman, Nick Valenti, Lloyd Hoskins, Cheryl Heary, David Spara, Joe Klimek, Bob Westover, Scott Rapp and Gitana Mirochnik.**

The following resolution was offered by David Axton, who moved its adoption, approved by voice vote, all in favor to wit:

**SEQRA RESOLUTION OF THE COUNTY OF CAYUGA, NEW YORK,  
ADOPTED ON NOVEMBER 25, 2008 RELATING TO A PROJECT  
CONSISTING OF THE RENOVATION AND EXPANSION OF THE  
COUNTY'S EXISTING MENTAL HEALTH FACILITY LOCATED AT 146  
NORTH STREET IN AUBURN, NEW YORK**

**WHEREAS**, the County Legislators of the County have determined that it is necessary for the County to undertake a project (the "Project") consisting of certain additions, renovations and improvements to the County's existing mental health facility located at 146 North Street in Auburn, New York, including the acquisition of certain real property adjacent to the existing facility as well as all related construction, renovations, site improvements, furnishings, fixtures and equipment required for such purposes, architectural, legal and engineering fees, and all other necessary costs incidental to such work; and

**WHEREAS**, the County is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

**WHEREAS**, the Cayuga County Planning Department tentatively classified the Project as an "unlisted action" as defined under the Regulations and caused the preparation of a short form Environmental Assessment Form, dated October 7, 2009 and attached hereto as Exhibit A (the "EAF") by C&S Companies, an engineering firm retained by the County, to facilitate a review of the potential environmental impacts of the Project; and

**WHEREAS**, on October 7, 2008 the County Attorney circulated to potential Involved Agencies (as defined in the Regulations) a notice of the County's intent to act as the SEQRA lead agency for environmental review of the Project; and

**WHEREAS**, the period for Involved Agencies to object to the County's intention to assume the role of SEQRA's lead agency has expired without such objection; and

**WHEREAS**, the County Legislature has carefully considered the nature and scope of the proposed Project, as set forth in the EAF prepared by the engineering firm retained by the County and makes the following determinations.

**NOW, THEREFORE BE IT RESOLVED ON NOVEMBER 25, 2008 BY THE COUNTY LEGISLATORS OF CAYUGA COUNTY, NEW YORK, AS FOLLOWS:**

1. The Project is classified under SEQRA as an Unlisted Action within the meaning of the Regulations.
2. The County declares itself lead agency with respect to the environmental review of the Project.
3. Upon consideration of the action, review of the EAF, the criteria contained in Section 617.7(c) of the Regulations, and all other supporting information and recommendations supplied by C&S Companies, the County Legislature identifies the following relevant areas of environmental concern, as set forth hereafter, and analyzes whether the Project may have a significant adverse impact on the environment.
  - a. The development and use of the property may result in a physical change to the project site. This is determined to be a small to moderate impact due to planned mitigation measures.
  - b. The proposed development and use of the property will not have a significant adverse affect on any unusual land forms found on the site.
  - c. The proposed development use of the property will not have an impact upon non-NYSDEC identified fresh water wetlands.

d. The proposed development and use of the property will not adversely affect any non-protected existing or new body of water.

e. The proposed development and use of the property will not require a NYSDEC stormwater discharge permit.

f. The proposed development and use of the property may increase impervious areas which will create more storm water run-off which will be addressed during construction. This is identified as a small to moderate impact.

g. The proposed development and use of the property will not have a significant adverse affect on air quality.

h. The proposed development and use of the property will not result in the removal of existing underdeveloped land which is habitat to various species of wildlife.

i. The proposed development and use of the property will not have a significant adverse affect upon non-threatened or non-endangered species.

j. The proposed development and use of the property will not have a significant adverse affect upon agricultural land resources.

k. The proposed development and use of the property will not have a significant adverse impact upon aesthetic resources.

l. The proposed development and use of the property will not occur in an area designated as sensitive for archeological sites on the New York State site inventory.

m. The proposed development and use of the property will not have a significant adverse affect upon exceptional or unique characteristics of a Critical Environmental Area.

n. The proposed development and use of the property will not result in the alterations of present patterns of movement of people and or goods.

o. The proposed development and use of the property will not adversely affect existing community resources of fuel or energy supply.

p. The proposed development and use of the property may result in a small to moderate impact on noise and odor due to removal of natural barriers, temporary construction noise and bus/vehicle traffic.

q. The proposed development and use of the property will not adversely affect public health and safety.

r. The proposed development and use of the property will have a small to moderate impact upon the characteristics of the existing community by changing the land density.

4. The County finds and concludes that the Project will not result in any significant adverse impacts to the environment.

5. The County hereby issues a Negative Declaration with respect to the Project.

6. Pursuant to § 617.12(b)(2) of the Regulations, the County Attorney is hereby directed to prepare and maintain on file a copy of the Negative Declaration.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the County Legislators of the County on November 25, 2008, the result of which vote was as follows:

<b><u>COUNTY LEGISLATOR</u></b>		<b><u>VOTE</u></b>
Roger Mills, Chairman	Yes	
David Axton		Yes
Michael Chapman		Yes
Steven Cuddeback		Yes
Raymond Lockwood		Yes
Patrick Mahunik	Yes	
Patrick McIntosh	Yes	
Francis Mitchell	Yes	
Linda Murphy		Yes
Christopher Palermo		Yes
Ann Petrus		Yes
Daniel Schuster	Yes	
Daniel Sincebaugh		Yes
Peter Tortorici		Yes

**DATED:** November 25, 2008

**CERTIFICATE**

I, the undersigned County Clerk of Cayuga County, State of New York, **HEREBY CERTIFY**:

That I have compared the annexed extract of the minutes of a meeting of the County Legislators of said County including the resolution contained therein, held on November 25, 2008, with the original thereof on file in my office, and that the same is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said County Legislators had due notice of said meeting.

**I FURTHER CERTIFY** that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) proper notice was given relative to said meeting and said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the Cayuga County, New York, this \_\_\_ day of November, 2008.

\_\_\_\_\_  
**Susan M. Dwyer, County Clerk**

[SEAL]

Short Form EAF

Exhibit A

**RESOLUTION NO. 735-08 (11.25.08)**

**COA-CAPH08-1(Ren&ExpMHfac@146northstreet**

**ESTABLISHING CAPITAL "H" PROJECT NO. 08-1 (RENOVATION AND EXPANSION OF 146 NORTH STREET). (2/3)**

BY: BY: Hon. David R. Axton, Chairman, Public Works Committee

Hon. Francis C. Mitchell, Chairman, Ways & Means Committee

WHEREAS, Resolution No. 186-08 authorized the hiring of an architectural and engineering firm for the purpose of the renovation and construction of new space at 146 North Street, Auburn, New York; and

WHEREAS, Resolution No. 356-08 authorized the purchase of 2 Park Avenue, Auburn, New York for the purpose of converting the lot into parking space for employees, staff and consumers utilizing services at 146 North Street; and

WHEREAS, the anticipated cost of the construction, reconstruction, additions to and improvement of the Building, together with all related site improvements, original furnishings, fixtures, equipment, machinery and apparatus required for such purposes, architectural fees and all other necessary costs incidental to such work (collectively, the "Project") is estimated not to exceed \$7,500,000;

WHEREAS, the County, as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations") has previously determined by resolution that the Project constitutes a Type I Action and will NOT result in any significant adverse impacts to the environment; and

WHEREAS, Resolution No. 734-08 authorized the County to undertake the Project and further authorized the financing of the Project by the issuance of up to \$7,500,000, or such amount less than \$7,500,000 as may be necessary, of serial bonds or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said County and the levy of a tax to pay interest on said obligations; now, therefore, be it

RESOLVED, that in order to carry out the Project, the County Treasurer be and he is hereby authorized and directed to create Capital "H" Project No. 08-1 (Renovation and expansion of Mental Health facility at 146 North Street) in an amount not to exceed \$7,500,000.00, source of funding to be by the issuance of serial bonds or bond anticipation notes in said amount; and be it further

RESOLVED, that the County Treasurer is authorized to sign the any and all financial documents necessary to carry out the project.

Signed by Axton, Cuddeback, McIntosh, Mitchell, Lockwood, Chapman, Sincebaugh, Petrus, Schuster, Palermo, Tortorici.

Approved by majority vote, all in favor, except Palermo absent. 824/58

**RESOLUTION NO. 736-08**

**COUNTY OF CAYUGA, NEW YORK**

**November 25, 2008**

A regular meeting of the County Legislators of the County of Cayuga, New York (the "County") was held at the Legislature Chamber on the 6<sup>th</sup> floor of the Cayuga County Office Building, 160 Genesee Street, Auburn, New York on November 25, 2008, at 6:30 P.M. (Prevailing Time).

**There were present:** (County Legislators)

Roger Mills, Chairman  
David Axton  
Michael Chapman  
Steven Cuddeback  
Raymond Lockwood  
Patrick Mahunik  
Patrick McIntosh  
Francis Mitchell  
Linda Murphy  
Christopher Palermo  
Ann Petrus  
Daniel Schuster  
Daniel Sincebaugh  
Peter Tortorici

**There were Absent:** (County Legislators)

None

**Also Present:**

**Fred Westphal, Wayne Allen, Andrea Seamans, Lynn Marinelli, Mary Jones, Sheila Smith, David Gould, Mike Pawlenko, Brian Dahl, Jon Budelmann, Ted Herrling, George Wethey, Elane Daly, Steve Johnson, Deb English, Nancy Siefka, Gary Duckett, Steve Lynch, Cynthia Aikman, Ed Salyes, George Daniels, Bernie Newcomb, Sue Dwyer, Dr. Daniel Larson, Denise Stayton, Jim Orman, Nick Valenti, Lloyd Hoskins, Cheryl Heary, David Spara, Joe Klimek, Bob Westover, Scott Rapp and Gitana Mirochnik.**

The following resolution was offered by David Axton who moved its adoption, and was approved by voice vote, all in favor to wit:

**BOND RESOLUTION OF THE COUNTY OF CAYUGA, NEW YORK, ADOPTED ON NOVEMBER 25, 2008 AUTHORIZING A PROJECT CONSISTING OF THE RENOVATION AND EXPANSION OF THE COUNTY'S EXISTING MENTAL HEALTH FACILITY LOCATED AT 146 NORTH STREET IN AUBURN, NEW YORK AT AN ESTIMATED MAXIMUM COST OF \$7,500,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$7,500,000.00 BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE COUNTY TO PAY IN PART THE COST OF SUCH PROJECT (2/3)**

**WHEREAS**, the County Legislators of the County have determined that it is necessary for the County to undertake a project (the "Project") consisting of certain additions, renovations and improvements to the County's existing mental health facility located at 146 North Street in Auburn, New York, including the acquisition of certain real property adjacent to the existing facility as well as all related construction, renovations, site improvements, furnishings, fixtures and equipment required for such purposes, architectural, legal and engineering fees, and all other necessary costs incidental to such work; and

**WHEREAS**, the County is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

**WHEREAS**, the Cayuga County Planning Department tentatively classified the Project as an "unlisted action" as defined under the Regulations and caused the preparation of a short form Environmental Assessment Form, dated October 7, 2009 (the "EAF") by C&S Companies, an engineering firm retained by the County, to facilitate a review of the potential environmental impacts of the Project; and

**WHEREAS**, on October 7, 2008 the County Attorney circulated to potential Involved Agencies (as defined in the Regulations) a notice of the County's intent to act as the SEQRA lead agency for environmental review of the Project; and

**WHEREAS**, the period for Involved Agencies to object to the County's intention to assume the role of SEQRA's lead agency expired without such objection; and

**WHEREAS**, the County Legislature, by resolution adopted on November 25, 2008, determined that the Project is classified under SEQRA as an Unlisted Action within the meaning of the Regulations, declared itself lead agency with respect to the environmental review of the Project, determined that the Project will not result in any significant adverse impacts to the environment and issued a Negative Declaration with respect to the Project.

**NOW, THEREFORE BE IT RESOLVED ON NOVEMBER 25, 2008 BY THE COUNTY LEGISLATORS OF CAYUGA COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Legislature), AS FOLLOWS:**

**Section 1.** Undertaking the Project, at a maximum estimated cost of \$7,500,000.00, is hereby approved.

**Section 2.** The plan for the financing of the aforesaid specific object or purpose is by the issuance of up to \$7,500,000.00, or such amount less than \$7,500,000.00 as may be necessary, of serial bonds or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said County, hereby authorized to be issued pursuant to the Local Finance Law and the levy of a tax to pay interest on said obligations.

**Section 3.** The full faith and credit of the County is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in

such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

**Section 4.** Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

**Section 5.** The County Treasurer is hereby further authorized, at his sole discretion, to execute all agreements and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said County.

**Section 6.** The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this County Legislators.

**Section 7.** The following additional matters are hereby determined and declared:

- (a) Pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is twenty-five (25) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.
- (d) The County reasonably expects to reimburse itself for expenditures made out of the County's General Fund for the Project from the proceeds of the bonds or notes herein authorized.
- (e) This resolution is a declaration of official intent to reimburse for purposes of Treasury Regulation Section 1.150-2.
- (f) The bonds authorized herein are not being issued for an assessable improvement.

**Section 8.** Such bonds shall be in fully registered form and shall be signed in the name of Cayuga County, New York, by the manual or facsimile signature of the County Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the County Clerk.

**Section 9.** The County hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the County will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

**Section 10.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the

method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of its County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated Official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

**Section 11.** The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 12.** This Resolution shall become effective immediately. The County Clerk is hereby directed to cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the County Legislators of the County on November 25, 2008, the result of which vote was as follows:

<b><u>COUNTY LEGISLATOR</u></b>		<b><u>VOTE</u></b>
Roger Mills, Chairman	Yes	
David Axton		Yes
Michael Chapman		Yes
Steven Cuddeback		Yes
Raymond Lockwood		Yes
Patrick Mahunik	Yes	
Patrick McIntosh	Yes	
Francis Mitchell	Yes	
Linda Murphy		Yes
Christopher Palermo		Yes
Ann Petrus		Yes
Daniel Schuster	Yes	
Daniel Sincebaugh		Yes
Peter Tortorici		Yes

**DATED:** November 25, 2008

**CERTIFICATE**

I, the undersigned County Clerk of Cayuga County, State of New York, **HEREBY CERTIFY**:

That I have compared the annexed extract of the minutes of a meeting of the County Legislators of said County including the resolution contained therein, held on November 25, 2008, with the original thereof on file in my office, and that the same is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said County Legislators had due notice of said meeting.

**I FURTHER CERTIFY** that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) proper notice was given relative to said meeting and said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the Cayuga County, New York, this \_\_\_ day of November, 2008.

\_\_\_\_\_  
**Susan M. Dwyer, County Clerk**

[SEAL]

## NOTICE OF BOND RESOLUTION

The resolution, a summary of which is published herewith, was adopted on November 25, 2008. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Cayuga, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

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**Susan M. Dwyer, County Clerk**

## SUMMARY OF BOND RESOLUTION

A Resolution adopted by the County Legislators of the Cayuga County, Cayuga County, New York (the "County") on November 25, 2008 authorizes the issuance of bonds and other obligations to finance a project (the "Project") consisting of certain additions, renovations and improvements to the County's existing mental health facility located at 146 North Street in Auburn, New York, including the acquisition of certain real property adjacent to the existing facility as well as all related construction, renovations, site improvements, furnishings, fixtures and equipment required for such purposes, architectural, legal and engineering fees, and all other necessary costs incidental to such work, and to pay for such Project by the levy of a tax for the foregoing object or purpose in an amount not to exceed \$7,500,000.00, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the County Legislators and that in anticipation of the collection of such tax, bonds and notes of the County are hereby authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$7,500,000.00 and a tax is authorized to pay the interest on said obligations when due. Under the Local Finance Law, the Project has a period of probable usefulness of twenty-five (25) years. Such resolution shall be kept available for public inspection in the County Clerk's Office during regular business hours for twenty days following this publication.

**RESOLUTION NO. 737-08                      11/25/08                      E911Stateaidmonies**  
**AUTHORIZING THE CHAIRPERSON OF THE LEGISLATURE TO EARMARK MONIES RECEIVED**  
**FROM THE NEW YORK STATE LOCAL ENHANCED WIRELESS 911 PROGRAM, TO BE USED**  
**SOLELY FOR 9-1-1 UPGRADES.**

BY: Mr. Raymond Lockwood, Chairperson, Judicial and Public Safety Committee  
Mr. Francis Mitchell, Chairperson, Ways & Means Committee

WHEREAS, the Cayuga County E-911 Center received monies from New York State through their Local Enhanced Wireless 911 program; and,

WHEREAS, the monies received were reimbursements for monies expended between the years of 2005-2007 for specific costs attributed to the 911 Center; and,

WHEREAS, the 911 Administrator deems it beneficial to earmark the monies solely for potential 9-1-1 projects, including radio upgrades; and

WHEREAS, the total received from this program was \$143,373.00; now therefore be it

RESOLVED, that all of the monies received be earmarked for this purpose and the money be kept in account number 3390.000.000-A, Munis account number A30200, Obj 43300; and be it further

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

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster.  
Approved by voice vote, all in favor.

**RESOLUTION NO. 738-08            11/25/08            SHR-Transfer Monies (Diesel Generator Repairs)**  
**AUTHORIZING THE SHERIFF OF CAYUGA COUNTY TO TRANSFER MONIES FROM THE SHERIFF'S**  
**2008 CUSTODY DOCTORS AND HOSPITALS BUDGET LINE A31504 54036 (3150.400.036A) TO THE**  
**SHERIFF'S 2008 CUSTODY BUILDING MAINTENANCE BUDGET LINE A31504 54012 (3150.400.012A).**

BY:     Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
         Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, the diesel generator's exhaust system on the west side of the Cayuga County Public Safety Building is in need of repair as it is emitting potentially dangerous fumes into the building; and

WHEREAS, \$15,000 is needed to make the necessary repairs to the diesel generator on the west side of the Public Safety Building and an additional \$5,000 is needed to make additional repairs within the interior of the Jail (i.e. supplies to make essential plumbing repairs to individual cells within the pods of the Jail, podiums utilized by the Officers are in need of repair as their present state presents a safety hazard); and

WHEREAS, there is an insufficient amount of money in the Sheriff's 2008 Custody Building Maintenance Budget Line A31504 54012 (3150.400.012A) to cover the cost of the aforementioned repairs; and

WHEREAS, there is enough money in the Sheriff's 2008 Custody Doctors and Hospitals Budget Line A31504 54036 (3150.400.036A) to compensate the shortfall in the Sheriff's 2008 Custody Building Maintenance Budget Line A31504 54012 (3150.400.012A); now therefore be it

RESOLVED, that the Cayuga County Treasurer be authorized to transfer \$20,000.00 from the Sheriff's 2008 Custody Doctors and Hospitals Budget Line Budget Line A31504 54036 (3150.400.036A) to the Sheriff's 2008 Custody Building Maintenance Budget Line A31504 54012 (3150.400.012A); and further be it

RESOLVED that the Cayuga County Treasurer make the necessary accounting and journal entries to accomplish the intent of this Resolution.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**Motion by Lockwood, 2<sup>nd</sup> by Tortorici to add: Resolved that the salary for the position be set at \$63,500.00, all in favor.**

**RESOLUTION NO. 739-08            11/25/08            PRO-hireDirectorII-08**  
**AUTHORIZING THE FILLING OF THE POSITION OF PROBATION DIRECTOR II.**

BY:     Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
         Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, a vacancy will exist in the Probation Department due to the retirement of Probation Director II George H. Daniels, effective December 31, 2008; and

WHEREAS, it is imperative that the Legislature select a candidate and fill the position in accordance to state regulations; now, therefore, be it

RESOLVED, that the vacant position of Probation Director II be hereby filled effective December 31, 2008 in accordance with the Civil Service Rules and Regulations and the Policies of Cayuga County; and be it further

RESOLVED, that the appointee be paid in accordance to Cayuga County Compensation Plan, Part IV for the title of Probation Director II; and be it further

RESOLVED, that the salary for the position be set at \$63,500.00; and be it further

RESOLVED, that the Treasurer make any and all journal and accounting entries necessary to accomplish the forgoing.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 740-08      11/25/08                      PRO-hireProbSup-08**  
**AUTHORIZING PROBATION DIRECTOR II to fill vacant Probation Supervisor position.**

BY:     Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
         Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, a vacancy will exist in the Probation Department due to the promotion of the current Probation Supervisor to Probation Director II, effective December 31, 2008; and

WHEREAS, the new Probation Director II will need to fill the position of Probation Supervisor for the efficient operation of the Probation Department; now, therefore, be it

RESOLVED, that the vacant position of Probation Supervisor be hereby filled in accordance with the Civil Service Rules and Regulations and the Policies of Cayuga County; and be it further

RESOLVED, that the appointee be paid in accordance to Cayuga County Compensation Plan, CSEA, Part I; and be it further

RESOLVED, that the County Treasurer make any and all journal and accounting entries necessary to accomplish the forgoing.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 741-08      11/25/08                      PRO-hireSrProb-08**  
**AUTHORIZING PROBATION DIRECTOR II to fill vacant Senior Probation position.**

BY:     Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
         Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, a vacancy will exist in the Probation Department due to the promotion of the current Senior Probation Officer to Probation Supervisor; and

WHEREAS, the new Probation Director II will need to fill the position of Senior Probation Officer for the efficient operation of the Probation Department; now, therefore, be it

RESOLVED, that the vacant position of Senior Probation Officer be hereby filled in accordance with the Civil Service Rules and Regulations and the Policies of Cayuga County; and be it further

RESOLVED, that the appointee be paid in accordance to Cayuga County Compensation Plan, CSEA, Part I; and be it further

RESOLVED, that the County Treasurer make any and all journal and accounting entries necessary to accomplish the forgoing.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 742-08      11/25/08                      PRO-hireProbOff-08**  
**AUTHORIZING PROBATION DIRECTOR II to fill vacant Probation Officer position.**

BY:     Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
         Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, a vacancy will exist in the Probation Department due to the promotion of a current Probation Officer to Senior Probation Officer ; and

WHEREAS, the new Probation Director II will need to fill the position of Probation Officer for the efficient operation of the Probation Department; now, therefore, be it

RESOLVED, that the vacant position of Probation Officer be hereby filled in accordance with the Civil Service Rules and Regulations and the Policies of Cayuga County; and be it further

RESOLVED, that the appointee be paid in accordance to Cayuga County Compensation Plan, CSEA, Part I; and be it further

RESOLVED, that the County Treasurer make any and all journal and accounting entries necessary to accomplish the forgoing.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 743-08 (11/25/08) cemohomelandsecuritygrant  
AUTHORIZING THE CAYUGA COUNTY TREASURER TO ACCEPT FUNDS FROM A NEW YORK  
STATE HOMELAND SECURITY CBRNE/WMD GRANT AND AMEND THE EMERGENCY  
MANAGEMENT 2009 BUDGET (A 3640) BY CREATING A REVENUE AND A CONTRACTUAL LINE IN  
ORDER TO ACCEPT THE GRANT**

BY: MR. LOCKWOOD, Chairman, Judicial & Public Safety Committee, and  
MR. Mitchell, Chairman, Ways & Means Committee.

WHEREAS, the Director of Emergency Services applied for and the County was granted a \$127,000 State Homeland Security Grant to receive training in Chemical, Biological, Radiological, Nuclear Events (CBRNE/WMD), equipment needed for CBRNE / WMD response and enhance capabilities to respond to CBRNE / WMD events; and

WHEREAS, the funds from this Grant will be utilized to provide backfill of first responders while on training activities, provide appropriate equipment to provide enhanced response capability to respond to CBRNE/WMD events; and

WHEREAS, the Cayuga County Legislature Chairman and the Director of Emergency Services are authorized to accept this grant of \$127,500; now therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature and the Director of Emergency Services are hereby authorized to accept the said Grant and to sign any and all documents necessary for acceptance of the Grant; and be it further

RESOLVED, that the Chairman of the Legislature and the Director of Emergency Services are authorized to advertise for bids for equipment not listed on NYS OGS Contract; and be it further

RESOLVED, upon bid completion of any bidding process the Director of Emergency Services be authorized to enter into all contracts necessary for the purchase of Equipment, and be it also

RESOLVED, that the Cayuga County Treasurer's Office is hereby authorized and directed to create and amend the Emergency Management Department's 2009 budget in the following manner:

Create Revenue Account A 36470 44302 HM SEC08 ..... \$127,500.

Create Contractual Account A 36474 54509 HM SEC08 .....\$127,500.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 744-08 (November 25, 2008) DA.EFPP Grant.09**  
**AUTHORIZING THE CONTINUATION OF THE DISTRICT ATTORNEY’S ENHANCED FELONY PROSECUTION PROJECT AND THE RECEIPT AND DISTRIBUTION OF AID TO PROSECUTION TO FUND SAME**

By: Raymond E. Lockwood, Chairman, Judicial & Public Safety, and  
Francis Mitchell, Chairman, Ways and Means

WHEREAS, Cayuga County has been awarded \$39,503 Aid to Prosecution for the continuation of the District Attorney’s Enhanced Felony Prosecution Project; and

WHEREAS, the grant contract has been fully executed between the NYS Division of Criminal Justice Services and the County of Cayuga; and

WHEREAS, the District Attorney’s Office has a 2009 Budget Revenue Account A11650 43029 State Aid – Aid to Prosecution; and

WHEREAS, the Cayuga County Legislature supports enhanced prosecution initiatives; now therefore, be it RESOLVED, that pursuant to the Award Contract Budget of the District Attorney’s Enhanced Felony Prosecution Project, the following “on-call supplement” will be added to the 2009 base salary of:

A11651 51004 SALARY – ON-CALL (EFPP)

Position #004891-SYS (Chief Assistant District Attorney).....	\$6,592
Position #004896-SYS (Assistant District Attorney).....	\$5,356
Position #004895-SYS (Vacant Assistant District Attorney).....	\$4,944
Position #004892-SYS (STOP DWI Assistant District Attorney).....	\$6,995
Position #004894-SYS (STOP VAW Assistant District Attorney).....	\$4,116
Position #005252-SYS (Assistant District Attorney).....	\$3,873

and it is further

RESOLVED, that the foregoing salary adjustments will be effective on January 1, 2009; and it is further RESOLVED, that the Cayuga County Treasurer be authorized and directed to carry over any unexpended balance for the 2008 fiscal year and amend the 2009 County Budget for the District Attorney in the following manner:

REVENUE ACCOUNT A11650 43029	
Aid to Prosecution – Enhanced Felony Prosecution Project ...	\$39,503.00
SALARIES	
A11651 51004 Salary – On-Call (EFPP).....	\$31,876.00
FRINGE	
A11651 58001 FICA 7.65%.....	\$2,438.51
A11651 58002 Retirement 8.80%.....	\$2,805.09
CONTRACTUAL	
A11654 54174 Department Expense.....	\$2,383.40

RESOLVED, that the District Attorney is hereby authorized to expend all of the monies in Account A11654 54174 (contractual) set forth in the Enhanced Felony Prosecution Project Grant Award, and it is further

RESOLVED, the Cayuga County Treasurer be authorized and directed to make the necessary journal and accounting entries to accomplish the foregoing, and it is further

RESOLVED, that upon discontinuance of the Aid to Prosecution monies set forth in the Grant Award Agreement between the NYS Division of Criminal Justice Services and Cayuga County for the continuation of the District Attorney’s Enhanced Felony Prosecution Project, the foregoing “on-call supplement” added to the base salaries herein, shall be eliminated.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 745-08 Action Date 11/25/2008 cemofilladministrativeofficer**  
**Authorization to fill the position of Administrative Officer.**

BY: Raymond Lockwood, Chairperson, Judicial & Public Safety Committee  
Frances Mitchell, Chairperson, Ways & Means Committee

WHEREAS, the Administrative Officer for Fire Services has submitted a resignation; and

WHEREAS, this position is critical to the operation of the Fire Services Program within the Emergency Management Office; and

WHEREAS, the funding is allocated in the 2008 budget for this position; now, therefore be it

RESOLVED, that the Director of Emergency Services be hereby authorized to fill the position of Administrative Officer, in accordance with the Civil Service Rules and Regulations and the policies of the County of Cayuga.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster.

Approved by voice vote, all in favor.

**RESOLUTION NO. 746-08            11/25/08            SHR-Transfer Monies (Upgrade Laptops/AVL)**  
**AUTHORIZING THE SHERIFF OF CAYUGA COUNTY TO TRANSFER MONIES FROM THE SHERIFF'S**  
**2008 CUSTODY JAIL GAS/HEAT BUDGET LINE A31504 54024 (3150.400.024A) TO THE SHERIFF'S 2008**  
**LAW ENFORCEMENT EQUIPMENT BUDGET LINE A31102.52000 (3110.200.000A).**

BY:     Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
         Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, there is an insufficient amount of money in the Sheriff's 2008 Law Enforcement Equipment Budget Line A31102 52000 (3110.200.000A) to cover the cost of upgrading laptop computers used in the Sheriff's marked vehicles in conjunction with the new AVL (Vehicle Locator Project) system; and

WHEREAS, there is a surplus amount of money in the Sheriff's 2008 Custody Jail Gas/Heat Budget Line A31504 52024 (3150.400.024A) to compensate the shortage in the Sheriff's 2008 Law Enforcement Equipment Budget Line A31102 52000 (3110.200.000A); now therefore be it

RESOLVED, that the Cayuga County Treasurer be authorized to transfer \$20,000.00 from the Sheriff's 2008 Custody Jail Gas/Heat Budget Line A31504 54024 (3150.400.024A) to the Sheriff's 2008 Law Enforcement Equipment Budget Line A31102 52000 (3110.200.000A); and further be it

RESOLVED that the Cayuga County Treasurer make the necessary accounting and journal entries to accomplish the intent of this Resolution.

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.  
Approved by voice vote, all in favor.

**RESOLUTION NO. 747-08 (November 25, 2008) DA.Recruitment/Retention**  
**ACCEPT A NEW YORK STATE LEGISLATIVE GRANT AWARD FOR RECRUITMENT AND**  
**RETENTION OF ASSISTANT DISTRICT ATTORNEYS AND AUTHORIZE THE EXPENDITURE**  
**ACCORDING TO THE DISTRICT ATTORNEY’S PLAN APPROVED BY THE NYS DIVISION OF**  
**CRIMINAL JUSTICE SERVICES**

By: Raymond E. Lockwood, Chairman, Judicial & Public Safety, and  
Francis Mitchell, Chairman, Ways and Means

WHEREAS, the New York State Budget for fiscal year 2007-2008 included an appropriation of funds to support the New York State Legislature’s District Attorney’s Recruitment and Retention Program; and

WHEREAS, the Cayuga County District Attorney’s Office received an award of \$11,167.00 to implement and administer the District Attorney’s Recruitment and Retention Program in Cayuga County; and

WHEREAS, the Cayuga County District Attorney’s Office has a 2008 Budget Revenue Account 3029.000.000 [A11650 43389]-A State Aid – DA Recruitment & Retention; and

WHEREAS, the \$11,167.00 award can only be used towards improving the recruitment and retention of assistant district attorneys, and cannot be used to supplant or offset current county appropriations or expenditures; and

WHEREAS, the District Attorney of Cayuga County proposed a plan to use the appropriation in the form of “Year-End Performance Bonuses” for designated assistant district attorneys and the State of New York Division of Criminal Justice Services approved that plan; now therefore, be it

RESOLVED, that Cayuga County accepts the \$11,167.00 Legislative Grant Award (\$9,330.00 - Salaries A1165.100.000-A [A11651 51001] - DA Recruitment & Retention Program; \$1,837.00 - Fringe A1165.800.000-A [A11651 58001 7.65% Social Security; A11651 58002 8.80% Retirement]) to implement and administer the District Attorney’s Recruitment and Retention Program in Cayuga County according to the plan submitted by the District Attorney and approved by the State of New York Division of Criminal Justices Services; and be it further

RESOLVED, that the Treasurer of Cayuga County be hereby authorized and directed to pay “Year-End Performance Bonuses” pursuant to the Award Contract Personnel Budget Summary to the following Assistant District Attorneys in the final payroll of 2008 :

A.1165.100.000-A [A11651 51001] SALARIES – DA RECRUITMENT & RETENTION PROGRAM

Diane M. Adsit.....	\$1,866.00
Brian N. Bauersfeld.....	\$1,866.00
Heather M. De Stefano.....	\$1,866.00
Charles M. Thomas.....	\$1,866.00
Christopher T. Valdina.....	\$1,866.00

A.1165.800.000-A [A11651 58001 7.65% FICA; A11651 58002 8.80% Retirement]

FRINGE.....\$1,837.00

and be it further

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

Signed by Lockwood, Chapman, Cuddeback, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 748-08                      11.26.08                      911purchasecanopylinkrev**  
**AUTHORIZING THE CHAIRPERSON OF THE LEGISLATURE TO PURCHASE A MOTOROLA CANOPY LINK TO SECURE FUNCTIONALITY OF THE E911 BACKUP CENTER.**

BY:     Mr. Raymond Lockwood, Chairperson, Judicial and Public Safety Committee  
         Mr. Francis Mitchell, Chairperson, Ways & Means Committee

WHEREAS, the Cayuga County 911 Center utilizes tower sites to provide radio transmissions for all emergency responders in Cayuga County; and

WHEREAS, it is critical to install the Canopy Link from the County Office Building to the Public Safety tower site to secure 24/7 operation, and functionality, of the E911 Back up Center; and

WHEREAS, the equipment will then be placed on Cayuga County's monthly support and maintenance agreement that includes all radio equipment, at no additional cost at this time; and

WHEREAS, there is money in the 911 Communication System Budget Account Number 3020.200.000, Munis account number A30202 52000, Equipment, to cover the cost and installation of this; now therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to allow for the purchase of the Motorola Canopy Link not to exceed 30,000.00; and be it further

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

Signed by Lockwood, Chapman, Cuddeback, Murphy, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**RESOLUTION NO. 749-08                      11/25/08                      SHR-Transfer Monies (SEACC)**  
**AUTHORIZING THE TREASURER'S DEPARTMENT TO TRANSFER MONIES FROM THE PROVISION FOR SALARY ADJUSTMENT ACCOUNT TO THE 2008 SHERIFF'S CUSTODY BUDGET DUE TO THE RATIFICATION OF THE SHERIFF'S EMPLOYEE ASSOCIATION OF CAYUGA COUNTY(SEACC) CONTRACT.**

BY:     Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
         Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, the Contract between Cayuga County and the Sheriff's Employee Association of Cayuga County was ratified in August 2008 and retroactive payments were made to the Union Employees in September 2008; and

WHEREAS, this Agreement resulted in the payment of back base wages of \$273,440 and overtime of \$50,036 for 2007, as well as back base wages of \$309,381 and overtime of \$52,385 for 2008 to the date of payment of retroactive; now therefore, be it

RESOLVED, that Cayuga County transfer the available balance of \$285,367 in the Provision for Salary Adjustment Account #1991.000.000-A to the 2008 Sheriff's Custody Operating Budget Line A31501 51001 (3150.100.000A) to defray these salary adjustments; and further be it

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

Signed by Lockwood, Chapman, Cuddeback, Murphy, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**AUTHORIZING THE SHERIFF OF CAYUGA COUNTY TO TRANSFER MONIES FROM THE SHERIFF’S 2008 CUSTODY JAIL GAS/HEAT BUDGET LINE A31504 54024 (3150.400.024A) TO THE SHERIFF’S 2008 CUSTODY CLOTHING ALLOWANCE BUDGET LINE A31504.54016 (3150.400.016A).**

BY: Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and  
Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, there is an insufficient amount of money in the Sheriff’s 2008 Custody Budget Line A31504.54016 (3150.400.016A) to cover the \$200.00 clothing allowance allotted to each Corrections Officer employed by the Cayuga County Sheriff’s Office for the years of 2007 and 2008 as set forth in Article 18, Section 2, of the Sheriff Employee Association of Cayuga County (SEACC) contract; and

WHEREAS, there is a surplus amount of money in the Sheriff’s 2008 Custody Jail Gas/Heat Budget Line A31504 52024 (3150.400.024A) to compensate the shortage in the Sheriff’s 2008 Custody Clothing Allowance Budget Line A31504.54016 (3150.400.016A); now therefore be it

RESOLVED, that the Cayuga County Treasurer be authorized to transfer \$9,000.00 from the Sheriff’s 2008 Custody Jail Gas/Heat Budget Line A31504 54024 (3150.400.024A) to the Sheriff’s 2008 Custody Clothing Allowance Budget Line A31504.54016 (3150.400.016A); and further be it

RESOLVED that the Cayuga County Treasurer make the necessary accounting and journal entries to accomplish the intent of this Resolution.

Signed by Lockwood, Chapman, Cuddeback, Murphy, Fearon, Mahunik, McInotsh, Mitchell, Axton, Palermo, Petrus, Schuster, Tortorici.

Approved by voice vote, all in favor.

**MOTION NO. 751-08**

Motion by Lockwood, 2<sup>nd</sup> by Axton to increase Clerk of the Legislature Salary to \$47,500.00. Line 10401-51001 and to include all associated benefits, all in favor.

**MOTION NO. 752-08**

2009 PRELIMINARY BUDGET AMENDMENTS Attached to WM#1 Adopt Budget

- 1. A3110 Sheriff page 44 (White), Page 46 (Gold)
  - Increase A3110-51001 Sal, FT
    - From \$2,209,999.00 to \$2,021,797.00 Increase of \$798.00
  - Increase A31101-58001 (Soc Sec)
    - From \$167,764.00 to \$167,825.00 Increase of \$ 61.00
  - Increase A31101-58002 (Retirement)
    - From \$228,123.00 to \$228,273.00 Increase of \$ 64.00
- 2. A1610 Information Technology page 32 (White), Page 33 (Gold)
  - Decrease A16101-51003 (Sal OT)
    - From \$6,800.00 to \$3,500.00 Decrease of \$3,300.00
- 3. A711 Agricultural Museum Page 116 (White), Page 123 (Gold)
  - Increase A71112-52000 Equipment
    - From \$0 to \$15,000.00 Increase of \$15,000.00

**(it shall transfer to Capital Reserve)**

Motion by Fearon to amend wording from(in contemplation of transfer to Capital Reserve) to **(it shall transfer to Capital Reserve)**, all in favor.

Motion as amended, all in favor.

- 4. Use of Fund Balance
  - Increase use of Fund Balance in General Fund
    - From \$2,200,000.00 to \$2,7000,000.00
  - Decrease use of Fund Balance in Highway Fund (D)
    - From \$500,000.00 to \$0 No Change
- 5. Work Hours
  - For Deputy Director of Community Mental Health (A4310)
    - Decreasing proposed hours of work from 37.5 to 35 No Change

Motion by Mitchell, 2<sup>nd</sup> by Cuddeback to move 2009 Budget Amendments #'s 1 through 5, all in favor.

**MOTION 753-08**

Motion by Tortorici, 2<sup>nd</sup> by Sincebaugh to take \$200,000.00 from un-appropriated fund balance and apply it to the Levy, all in favor.

**Motion by Lockwood, 2<sup>nd</sup> by Cuddeback to Adopt the County Budget for 2009.**

**RESOLUTION NO. 754-08            11/25/08            COL ADOPTBUDGET2009  
TO ADOPT THE COUNTY BUDGET FOR 2009**

BY: Hon. Francis Mitchell, Chairman, Ways & Means Committee.

WHEREAS, the Budget officer of the County of Cayuga in compliance with County Law, Section 354, has prepared and filed with the Clerk of the Cayuga County Legislature a tentative budget; and

WHEREAS, pursuant to County Law, Section 357, the Ways & Means Committee of this County Legislature, being the committee designated to review the tentative budget, has examined the budget and recommended changes; and

WHEREAS, the provisions of County Law, Section 358, have been complied with by the Cayuga County Legislature and pursuant to County Law, Section 359, a public hearing was held on November 25, 2008 after advertisement as required by law; now, therefore, be it

RESOLVED, that the tentative budget as heretofore amended be and hereby is adopted by this Legislature as the budget for the year 2009.

Signed by Mitchell, Axton, Lockwood, Palermo, Petrus, Schuster, Tortorici.

Approved by majority vote, all in favor, except Fearon voting no. 819/63

**Motion by Chapman to Adjourn at 9:03PM, all in favor.**

Minutes For Approval: 11-18-08 and 11-25-08, **motion by Palermo, all in favor.**