

**MINUTES
CAYUGA COUNTY LEGISLATURE
REORGANIZATION MEETING
JANUARY 5, 2009, 6:30 PM**

CALL TO ORDER: Mary Jones, Clerk of the Legislature, at 6:30PM.

ROLL CALL: Kim Taggerty, Deputy Clerk of the Legislature, all Legislators present

EMERGENCY EVACUATION STATEMENT: Kim Taggerty, Deputy Clerk

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

REPORTS OF DEATH: Terri Bridenbecker, Executive Director Cayuga County Chambers, and Civic Leader.

COMMUNICATIONS AND ANNOUNCEMENTS:

1. Received a letter from Roger Mills, Chairman, thanking Congressman Walsh for all the work he has done for the residents of Cayuga County. Read by Kim Taggerty, Deputy Clerk.

PRESENTATION: Legislator Chapman for Patrick McIntosh former Legislator for District 15. Legislator Chapman presented a plaque to Patrick McIntosh for his dedicated service. Patrick McIntosh, thank you all, it was a learning experience, congratulations to Cindy Aikman.

SWEARING IN OF LEGISLATORS: BY HON. MARK H. FANDRICH

Cynthia Aikman, District #15, Cynthia was sworn in with her family by her side.
County Clerk Susan Dwyer Administered the Oath of Office for

NOMINATIONS FOR LEGISLATIVE CHAIRPERSON.

Motion by Palermo, 2nd by Cuddeback for Peter Tortorici, no other nominations, all in favor.

Peter Tortorici was sworn in by the Hon. Mark H. Fandrigh, with his family by his side.

Chairman Tortorici read a statement to the Legislature and all present for outline for the coming year, attached to original minutes.

County Clerk Susan Dwyer Administered the Oath of Office.

NOMINATIONS FOR LEGISLATIVE VICE CHAIRPERSON.

Motion by Lockwood, 2nd by Petrus for George Fearon, no other nominations, all in favor.

George Fearon was sworn in by the Hon. Mark H. Fandrigh.

County Clerk Susan Dwyer Administered the Oath of Office.

DESIGNATION OF MAJORITY AND MINORITY LEADERS FOR 2009.

Motion by Axton, 2nd by Cuddeback for Christopher Palermo for Majority Leader, no other nominations, all in favor.

Motion by Sincebaugh, 2nd by Mahunik for Daniel Schuster for Minority Leader, no other nominations, all in favor.

Legislator Palermo and Schuster were sworn in by the Hon. Mark H. Fandrigh.

County Clerk Susan Dwyer Administered the Oath of Office for Legislator Palermo and Schuster.

RESOLUTION NO. 1-09

1/5/09

COL ClkLeg.Appt09

APPOINTING CLERK OF LEGISLATURE AND SETTING SALARY (Majority Vote)

BY: Francis Mitchell, Ways & Means Committee

WHEREAS, this Committee is pleased to submit the name of Mary Jones for the position of Clerk of the Cayuga County Legislature for 2009; now, therefore be it

RESOLVED, that Mary Jones is hereby appointed Clerk of the Cayuga County Legislature for the year 2009; and be it further

RESOLVED, that her salary for 2009 shall be \$47,500.00; and, be it further

RESOLVED, that this resolution shall take effect immediately.

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

Motion by Lockwood, 2nd by Petrus, all in favor.

Mary Jones was sworn in by the Hon. Mark H. Fandrich, County Clerk Susan Dwyer Administered the Oath of Office.

Motion by Lockwood, 2nd by Chapman to move Committee Assignment, all in favor.

10 MINUTE BREAK TO SIGN RESOLUTIONS & PHOTO OPPORTUNITIES.

MOTIONS/RESOLUTIONS:

**RESOLUTION NO. 2-09 (1/5/09) cOA-SuppNat'IPkServRecForOperatingTubmanHomeREV
SUPPORTING THE NATIONAL PARK SERVICE RECOMMENDATION FOR OPERATING THE
HARRIET TUBMAN HOME**

BY: MR. SCHUSTER, Chairman, Planning & Economic Development Committee.

WHEREAS, the Harriet Tubman Home is a national treasure situated in Cayuga County; and

WHEREAS, the United States Park Service has conducted a study and has recommended Alternative C, whereby the Park Service obtains a preservation and visitor use easement of the property currently operated by the AME Zion Church and provides park personnel and oversight for the site on South Street as well as the Thompson Memorial Church and Rectory and Tubman's grave at Fort Hill; now, therefore, be it

RESOLVED, that the Cayuga County Legislature thoroughly supports this recommendation of the United States Park Service.

Signed by Schuster, Axton, Fearon, Murphy, Palermo, Tortorici.

Approved by voice vote, all in favor.

RESOLUTION NO. 3-09

1.5.09

coabia

By: Francis Mitchell, Chairman, Ways and Means Committee

Cayuga County reiterates its request that the BIA, in accordance with applicable law, analyze the potential negative impacts associated with granting the Land Trust Application, including the negative impacts associated with the sales of untaxed cigarettes and gasoline and other goods and services by Nation enterprises in Cayuga County and in particular the negative effects of the potential sales at multiple non-contiguous sites.

WHEREAS, the Cayuga Indian Nation of New York (the "Nation") has applied to the Bureau of Indian Affairs ("BIA") for a fee-to-trust transfer (the "Trust Application") of approximately 129 acres of property (the "Land") located within the Counties of Cayuga and Seneca; and

WHEREAS, pursuant to the Trust Application, the BIA is required by Federal Law, including the National Environmental Policy Act to analyze the potential environmental impacts of taking the Land into trust, including the impact to Cayuga and Seneca Counties and its residents of exempting the Land from all State, County and local regulation and law (including all environmental, health and safety regulations and laws) and exempting the Land from any taxation and fees, including those used to maintain roads, sewers and other infrastructure as well as police, fire and other municipal services that will continue to be utilized by the Lands and their inhabitants even if the Trust Application is granted ; and

WHEREAS, as part of the NEPA process, a comment period was held in order to determine the nature and extent of environmental impacts to be analyzed by BIA in the NEPA Draft Environmental Impact Statement ("DEIS"), and the nature and extent of the environmental impacts for the DEIS is identified in document known as the scoping report which identifies each of the environmental impacts to be reviewed in the DEIS; and

WHEREAS, during comment period for the scope for the DEIS for the Land Into Trust Application by the Nation, the Counties specifically requested that the BIA consider each of the potential impacts associated with the transfer of the Land into trust, including but not limited to among others, requesting that BIA in accordance with applicable law, analyze each of the environmental impacts and other socio-economic impacts from such transfer, including but not limited to the socio-economic impacts of the sale of untaxed cigarettes, gasoline and other goods on the residents of Seneca and Cayuga Counties, and including the loss of tax revenue associated with such sales, the unfair economic advantage that will be enjoyed by Nation enterprises over those enterprises that must pay taxes and fees, including the likelihood of resulting losses of other non-Nation businesses in the Counties that do not have the advantage of being exempt from paying taxes and fees;

WHEREAS, by a scoping report issued in November 2006 by the consultant for BIA, AKRF, the BIA made clear that it had no intention on evaluating the socio-economic impacts of the sales of untaxed cigarettes, gasoline and other goods and services on Seneca or Cayuga County, including those outlined above, should the Trust Application be granted; and

WHEREAS, in light of the recent decision by Judge Fisher dated December 9, 2008 which refused to grant an injunction that would prevent Cayuga and Seneca County from ensuring taxes were collected on untaxed cigarettes, the need to study the impact has been affirmed.

RESOLVED, Cayuga County reiterates its request that the BIA, in accordance with applicable law, analyze the potential negative impacts associated with granting the Land Trust Application, including the negative impacts associated with the sales of untaxed cigarettes and gasoline and other goods and services by Nation enterprises in Cayuga County and in particular the negative effects of the potential sales at multiple non-contiguous sites.

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

Approved by voice vote, all in favor.

**RESOLUTION NO. 4-09 1/5/09 SHR-Authorizing Chmn to Sign SEACC (Bid Shifts)
AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE CAYUGA COUNTY SHERIFF AND THE
SHERIFF'S EMPLOYEES' ASSOCIATION OF CAYUGA COUNTY, INC. (SEACC) RELATING TO
YEARLY SENIORITY SHIFT BIDS.**

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 Employees' Association of Cayuga County (SEACC) was ratified in August 2008 and approved by the Cayuga County Legislature on August 26, 2008 by Resolution No. 556-08; and

WHEREAS, a Memorandum of Understanding concerning yearly shift bid procedures, agreed to in principal in the contract, has been agreed upon between the Cayuga County Sheriff, the Sheriff's Employees' Association of Cayuga County (SEACC), the SEACC attorney, the Cayuga County Attorney, and the Cayuga County Labor Relations Specialist; and

WHEREAS, to confirm this Memorandum of Understanding, the approval of the Cayuga County Legislature and the signature of the Cayuga County Legislative Chairman is required; now therefore be it

RESOLVED, that the Memorandum of Understanding between the Cayuga County Sheriff and the Sheriff's Employees' Association of Cayuga County, Inc. (SEACC) is approved and the Chairman of the Cayuga County Legislature is hereby authorized and directed to sign said Memorandum of Agreement on behalf of the County of Cayuga.

**RESOLUTION NO. 5-09 1/05/09 TRESWorkersCompConsultant
AUTHORIZING PARTIAL PAYMENT OF CONSULTANT FEE FOR SECURING
CASH REFUND FOR WORKERS' COMPENSATION PREMIUMS**

Mr. Francis Mitchell, Chairman Ways and Means Committee

WHEREAS, the County has entered into an agreement with a Workers' Compensation Claims Consultant to seek any retrospective refunds the County is owed from the State Insurance Fund, and

WHEREAS, New York State has enacted legislation that sets a deadline for retrospective funds, and

WHEREAS, the Consultant will be entitled to receive 30% of any cash refunds the County collects; and

WHEREAS, the Consultant has secured a savings of approximately \$100,000 to be refunded to the County in the form of a cash payment in January; and

HEREAS, per the agreement, the County would owe the Consultant 30% of the refund; however, the Consultant has agreed to reduce his fee to 25% if the County would pay half of his fee immediately and the second half upon receipt of the refund; now therefore be it

RESOLVED, the Cayuga County Legislature does hereby authorize the County Treasurer to pay the Consultant, Mark A. Barbero \$12,500 now and the remaining portion of his fee in accordance with the 25% applied to the actual refund.

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

Approved by voice vote, all in favor.

(TABLED)

Motion by Schuster to add new rules, YYY and XXX, 2nd by Chapman.

Motion by Lockwood to table Motion to add new rules, all in favor.

Motion by Schuster, 2nd by Lockwood to table resolution, all in favor.

**RESOLUTION NO. 6-09 (TABLED) 1-5-09 COLGovOpsAmdRule
AMENDING AND ADOPTING THE RULES OF ORDER OF THE CAYUGA COUNTY
LEGISLATURE**

BY: Michael Chapman, Chairman, Government Operations Committee

WHEREAS, the Government Operations Committee has reviewed the Rules of Order of the Cayuga County Legislature and has made and recommended changes; now, therefore, be it

RESOLVED, that the Cayuga County Legislature Rules of Order is hereby amended and shall hereafter preside as follows:

(TABLED)

RESOLUTION NO. 7-09 (1/5/09)

com.walsh

HONORING RETIRING CONGRESSMAN JAMES T. WALSH

BY: Body of Cayuga County Legislature

WHEREAS, Congressman James T. Walsh has decided to retire from a very long and extremely successful career in the United States House of Representatives; and

WHEREAS, Congressman Walsh was instrumental in securing federal funds for multiple projects within Cayuga County which included and are not limited to the Owasco Sea Wall amply named – the Congressman James T. Walsh Sea Wall, the Cayuga Community College, Cayuga Career Center, the Institute for Application of Geospatial Technology Center, Erie Canal Heritage Park in Port Byron, water conservation, preservation of our precious farmlands and many environmental conservation projects; and

WHEREAS, the Cayuga County legislature wishes to recognize Congressman James T. Walsh for his distinguished and successful political career; and

WHEREAS, the Cayuga County Legislature considers Congressman James T. Walsh a good and true friend of Cayuga County; now, therefore be it

RESOLVED, that the Cayuga County Legislature does hereby wish Congressman James T. Walsh the very best as you pursue other goals and use your limitless talents to help others as you have done throughout your entire career.

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

Approved by voice vote, all in favor.

Motion by Cuddeback to adjourn at 7:25PM, all in favor.

Motion by Cuddeback, 2nd by Lockwood, to approve minutes of 12/16/08 and 1-5-09, all in favor.