

MINUTES
CAYUGA COUNTY LEGISLATURE
June 23, 2009, 6:30 PM

WELCOME:

In case of an emergency, please exit to the rear of the chambers. You will have to take the stairs down to the basement, turn right and exit through the rear door. Please note, the elevators will not function. If anyone is unable to use the stairway, I will stay with you in the safe room, located behind the chambers, caucus room #2.

Restrooms are located in the main hallway and handicapped restroom is located behind the chambers.

CALL TO ORDER: Hon. Peter Tortorici, Chairman

ROLL CALL: Mary Jones, Clerk of the Legislature, All Legislators present

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

DEATHS: Orville Mills, beloved father of Roger Mills, former Mayor of the Village of Cayuga, served in the Army Air Corps, was a farmer, truck driver, and heavy equipment operator. He formed Lake view Trucking Company. He also owned and operated Beacon Bay Marina until his retirement. He served as Conservative Party committeeman,

Raymond S. Sant, he served as assistant Cayuga County Attorney from 1964 to 1968, in 1968 he was appointed Cayuga County Attorney, retiring in 1991. He served as an assistant District Attorney for several years, Cato Meridian School Attorney, Town of Cato Attorney and has served as the Cayuga County Industrial Development Attorney since its inception, past president of the Cayuga County Bar Association. In 1991 he was granted the honor of practicing law before the Supreme Court of the United States. He was a lifelong Republican, served as Republican chairman from 1974 to 1976 and was delegate to the 1976 Republican Convention.

Matilda Cirillo Mancini, beloved mother of Michael Mancini, communicant of St. Mary's Church, manager for several years of the thrift shop at Holy Family Church.

PROCLAMATIONS:

Highland Park Golf Club (Reopened 6-13-09)

Veteran's Memorial Park (Dedication Day 6-14-09)

Millard Fillmore Pavilion (Dedication Day, 6-27-09)

Elder Abuse Awareness Day (6-15-09)

Community Health Network: Mind, Body & Spirit Ceremony, 6-14-09

Honoring: Carrie Lazarus, New Channel 9 anchor

Laura Coburn, graphic Designer

Titles read by Mary Jones, Clerk of the Legislature.

Sheriff David Gould received Elder Abuse Proclamation and thanked the community.

PRESENTATION: Music Theater Festival: Ed Sayles, Director, festival will have multiple locations, looking at 125,000 people that will see the festivals. This has been a turning point for the MGR Playhouse this year. Working with Auburn Public Theater. We are applying for grants. Thank you for you support.

PRIVILEGE OF THE FLOOR: If you wish to speak, you must 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. Peter Tortorici for Alice Sears PHN at CHHA, spoke on behalf of employees at CHHA, handout attached to original minutes.

David Axton for Jenn Farrell, spoke on behalf of raising the smoking age from 18 to 19 years of age, hand out attached to original.

MINUTES: For Approval: 4-20-09 and 4-27-09, Motion by Palermo, 2nd by Petrus, all in favor.
For Reading: 5-26-09, 6-2-09 and 6-4-09

Motion by Palermo, 2nd by Sincebaugh to go into executive session at 7:02PM, re: the proposed acquisition, sale or lease of real property, all in favor. Asked to come in, Dr. Daniel Larson, Tom Nagle, Linda Vanbuskirk and Steve -----

Motion by Palermo, 2nd by Lockwood to come out of executive session at 7:43PM, all in favor.

MANAGER'S REPORT: Wayne Allen, meet with C & S Construction Manager, bid specks and blue prints need to be redone, no cost to county, this will push the ground breaking another 4 weeks. There will be a statewide County Manager meeting in Rome, NY this Friday. NYSAC will be there, Steve Acuri will discuss pending pension, taxes, and 2010-2011 State Budget.

COMMITTEE REPORTS & INDIVIDUAL LEGISLATORS' REPORTS: Legislator Fearon, deadline for BIA letters is 7-6-09. Aurelius has received 120 communications on this, very impressive.

CHAIRMAN'S REPORT: Peter Tortorici, attendance was very good at the BIA meeting.

APPOINTMENTS AND RE-APPOINTMENTS:

Cornell Coop. Extension Board of Directors

Linda Murphy, 318 N. Marvine Ave., Auburn, NY 13021, term – 1-1-09 to 12-31-09

Community Service Board (Sub-committee Alcohol and Substance Abuse Committee):

Timothy A. Donovan, 81 Genesee St. Auburn, NY 13021 (un-expired term) 1-1-07 to 12-31-2010

Cayuga County Planning Board:

David Stilwell, Town of Genoa Representative, (**Alternate**) 235 Middlecott Road, King Ferry, New York.

John Berry, Town of Genoa 10298 State Route 90, Genoa, New York.

Cayuga County Planning Board Members serve until the locality they represent submits a new nomination.

Motion by Palermo, 2nd by Lockwood to approve all appointments, all in favor.

COMMUNICATIONS AND ANNOUNCEMENTS:

1. Received a letter from Groffrey Fiutak, Skaneateles, NY, thanking the instructors of the Basic EMT Course #069040, Sam Fiannettino, Teresa Burke, and Matt Pysnack.
2. Received a letter from Linda Alfieri, Director of Nursing Cayuga County Community College, thanking Chairman Peter Tortorici for his speech at the annual Professional advancement and Pinning ceremony.
3. Received a letter from G.M. Crisalli & Associates, Inc., thanking Cayuga County for giving their company the opportunity to make a presentation for the Mental Health Center.
4. Received a letter from Mary Beth Hogan, Coordinator, Cayuga County WIC Program, re: thanking employee Tom Del Favero for his help with a project.
5. Received a letter from Roberta Halden, Seneca Falls, NY, re: Opposing "Land into Trust".
6. Received a letter from NYS Dept. of Health, re: deficiencies, article 28 Diagnostic & Treatment Ctr. Survey, plan of correction attached.
7. Received a letter from NY Municipal Insurance Reciprocal, re: NYS Motor Vehicle Law Enforcement Fee Change.
8. Received a letter from NY Municipal Insurance Reciprocal, re: subscriber accounting statement for fiscal year 2008.

Motion by Lockwood, 2nd by Palermo to waive reading of communications, all in favor.

RESOLUTIONS

RESOLUTION NO. 314-09

AuditJune2009.doc

AUTHORIZING THE COUNTY TREASURER TO PAY JUNE 2009 AUDIT OF CLAIMS

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

WHEREAS, The Legislature did at its regular meeting on April 27, 2009 audit claims against the County of Cayuga in the aggregate sum of \$1,478,092.61, 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 November 25, 2008.

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, Petrus, all in favor.

RESOLUTION NO. 315-09

06.23.09

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:

May 2009

Electric	\$ 0
Telephone:	<u>\$ 19,381.57</u>
Total:	\$ 19,381.57

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

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, Petrus, all in favor.

RESOLUTION NO. 316-09

06.23.09

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:

May 2009
\$ 207.05

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

\Signed by Mitchell, Axton, Mahunik, Petrus, all in favor.

RESOLUTION NO. 317-09 Date of meeting: June 23, 2009

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 \$260,920.38 for the month of May 2009, now therefore be it

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

Signed by Petrus, Aikman, Cuddeback, Mills, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Murphy, Mahunik, all in favor.

RESOLUTION NO. 318-09

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

BY: Ms. Ann Petrus, Chair of Health & Human Services Committee, and

Mr. Francis Mitchell, Chair of Ways and 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 \$10,827.90 covering the period through 6/5/09 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, Aikman, Cuddeback, Mills, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Murphy, Mahunik, all in favor.

RESOLUTION NO. 319-09

06.23.09

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:

May 2009	
First Niagara	\$ 56.15
AmExpress	\$2,749.23
Sunoco	\$ 213.82
Walmart	\$ 300.00
<u>Exxon</u>	<u>\$</u>
Total:	\$3,319.20

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

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, all in favor.

RESOLUTION NO. 320-09

06.23.09

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:

May 2009	
Copier Leases and Maintenance:	\$ 7,444.34
<u>Postage Leases:</u>	<u>\$ 478.00</u>
Total:	\$ 7,922.34

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

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, all in favor.

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 #07-5 (Tyler Software):
 TYLER TECHNOLOGIES, INC.
 Inv. No. 8377..... \$ 6,052.50
 INN AT THE FINGERLAKES:
 Inv. No. 4052.....\$ 210.00
 Inv. No. 4073.....\$ 210.00
- 2. Project #08-1 (Renovations – Mental Health, North Street and Park Street):
 C&S COMPANIES:
 Inv. No. 0892..... \$24,000.00
 KLEINFELDER
 Inv. No. 581973.....\$ 480.00
- 3. Project #08-2 (Emerson Park Pavilion Renovations):
 CRAWFORD & STEARNS:
 Inv. #6358..... \$ 157.18
 Inv. #6366.....\$ 337.50

And be it further

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

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, all in favor.

Authorization to Purchase an Extended Service Contract for the Real Property Web-Server

Whereas, the Cayuga County NY Office of Real Property Services operates an Internet web-server for the purpose of hosting web-based GIS applications and to publish websites on the Internet; and

Whereas, this web-server is now being used on a daily basis and has become an invaluable tool for distributing information for the public and local government officials; and

Whereas, this web-server is currently covered by a service contract that will expire on September 7, 2009; and

Whereas, the Cayuga County GIS Committee has recommended extending the current service contract for a period of two years with funding from the GIS Cap-H 03-07 account; now therefore be it;

Resolved, that the Cayuga County Office of Real Property Services is hereby authorized to purchase an extended service contract (2 HR 7 X 24) for the web-server at a cost of \$1,046.04 to extend service coverage until September 7, 2011.

Signed by Petrus, Chapman, Mahunik, Lockwood, Murphy, Axton, all in favor.

RESOLUTION NO. 323-09 (06/23/09) rpsmortgagetaxpymtapr

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 \$454,521.01, the same being the net amount collected from the taxation of mortgages for the period October 1, 2008, to March 31, 2009; and

WHEREAS there is in the County Treasurer's Account No. T-58, the amount of \$454,521.01 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 \$454,521.01 to the City of Auburn and the several Towns and Villages of the County of Cayuga in the following amounts:

City of Auburn	112,557.86	Montezuma	4,686.72
Aurelius	21,930.66	Moravia	11,841.30
Vlg Cayuga	1,756.53	Vlg Moravia	6,169.64
Brutus	12,696.44	Niles	13,732.15
Vlg Weedsport	6,717.63	Owasco	47,087.12
Cato	17,764.35	Scipio	6,135.74
Vlg Cato	732.04	Sempronius	3,895.61
Vlg Meridian	768.57	Sennett	53,720.65
Conquest	5,157.86	Springport	13,185.24
Fleming	16,725.33	Vlg Union Springs	4,791.52
Genoa	11,384.38	Sterling	11,410.11
Ira	6,147.51	Vlg Fair Haven	8,154.28
Vlg Cato	339.52	Summerhill	4,435.41
Ledyard	10,791.63	Throop	9,962.50
Vlg Aurora	2,438.52	Venice	3,934.38
Locke	6,958.73	Victory	9,749.79
Mentz	4,160.74		
Vlg Port Byron	2,600.55		
		Grand Total	454,521.01

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, Petrus, all in favor.

RESOLUTION NO. 324-09 (6/23/09) COA-SuppNYSBillReDblRcvrsForPubEmpsHurtOnJob

IN SUPPORT OF NEW YORK STATE BILL NO. S.4080-A/A.7504-A TO END DOUBLE RECOVERIES BY PUBLIC EMPLOYEES INJURED ON THE JOB.

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

WHEREAS, under current State law, public employees hurt on the job are paid twice, both times out of the taxpayers pocket for the same

WHEREAS, there is a Bill proposed by the NYS Trial Lawyers Association that has now been introduced in the Legislature (S.4080-A by Senator Schbeudernab/A.7504-A by M. of A Weinstein) which, in addition to ending the unfair double recoveries against public employers, it removes an impediment to the settlement of tort actions; and

WHEREAS, the Bill would protect all parties in the lawsuit (including public employer defendants) who settle the case, from then being subjected to a claim by a health benefit provider or other collateral source payer for reimbursement of monies paid to the plaintiff--unless there is a statutory right to such reimbursement, thereby encouraging settlements; now, therefore, be it

RESOLVED, that the Cayuga County Legislature does hereby go on record as supporting this legislation (S.4080-A/A.7504-A) presently in committee and encourages its passage; and be it further

RESOLVED, that the Clerk of the Legislature is directed to send a certified copy of this resolution to Peter J. Kierman, Counsel to the Governor; New York State Senate Majority Leader Malcolm A. Smith; New York State Assembly Speaker Sheldon Silver; Senators Michael Nozzolio and David Velesky and Assemblymen Gary Finch, Brian Kolb and Robert Oaks.

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, Petrus, all in favor.

Motion by Schuster to amend spelling of Barach (Barack)Obama, last Resolved, all in favor.

RESOLUTION NO. 325-09 (623/09)

COA-OppgLandIntoTrstApplOfCayIndNatrev

OPPOSING LAND INTO TRUST APPLICATION OF CAYUGA INDIAN NATION

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

Whereas, the Bureau of Indian Affairs (BIA) has released a Draft Environmental Impact Statement (DEIS) supporting the proposed fee-to-trust conveyance of certain real property owned by the Cayuga Indian Nation (CIN) and located in Cayuga and Seneca Counties in the State of New York; and

Whereas, the DEIS acknowledges that the property in question is on "ancestral land" and therefore not on a current reservation, thus the CIN application is being treated improperly as an "on-reservation" rather than an "off-reservation" application; and

Whereas, the DEIS concludes erroneously that there would be no significant environmental impact if the approximately 125+ subject acres owned by the CIN were taken into federal trust for the use and benefit of the CIN because it fails to address, analyze and consider mitigation of significant negative impacts that will result from such action; and

Whereas, taking the subject land into trust would render it sovereign territory and therefore exempt from local property taxes, special district charges and other fees, thus reducing the revenue of relevant counties, towns, villages, and school, fire, water, and sewer districts; and

Whereas, despite the fact that the stated purpose of the CIN application is to foster activities that will result in economic growth for the Nation, the DEIS nevertheless contends incredulously that the CIN has "no plans for further development on the properties subject to the proposed action;" and

Whereas, the DEIS fails to take into consideration the fact that the CIN already owns some 765 additional acres in the Counties and intends to buy more with the intent of making future trust applications, and allegedly intends to acquire up to 64,015 such acres of ancestral land that the Nation contends would thereby become eligible for trust status; and

Whereas, the DEIS fails to take into consideration the fact that the CIN's LakeSide Trading enterprises have driven other gas stations and convenience stores out of business and severely reduced the profits of others because the CIN has not collected state sales and excise taxes on motor fuel, tobacco, and other products sold, thereby also reducing the sales tax revenue of the Counties; and

Whereas, the DEIS treats gaming as an existing condition and makes no study of its prior impact or future impact on the community, stating only that "the Nation would provide information to its patrons regarding gambling addiction counseling services available in the area;" and

Whereas, the DEIS admits that the sole source of CIN's tribal revenue is its gas station and convenience store businesses and gaming operations but does not acknowledge that the sale of untaxed cigarettes and its gaming operations were both determined to be illegal; and

Whereas, in Table 3.8-27 figures are omitted for the annual amount of purchases of cigarettes and gas outside the Counties, apparently for the purpose of hiding the enormous volume of sales of these untaxed items; and

Whereas, the DEIS states that "No members of the Nation are known to reside in Cayuga County/Seneca County" and that "[t]he proposed action is intended to further the lifestyle, cultural values and objectives of the Nation by advancing the Nation's goals of re-establishing tribal presence in its former homeland," yet on the very same page (4.8-2) the document makes the incongruous statement that "[i]t is not anticipated that members of the Cayuga Nation would relocate to the Project area;" and

Whereas, the DEIS reports the median household income of CIN members to be \$26,722, compared to \$37,487 in Cayuga County and \$37,140 in Seneca County, but it provides no analysis of any potentially adverse impact upon the provision of State, County and local services, including social services, if the application were granted and members of CIN relocated to Cayuga and Seneca Counties; and

Whereas, the DEIS minimizes the costs of road, water, and sewer infrastructure, police and fire protection, and other public services that would be provided to the subject properties without guaranteed reimbursement from the CIN; and

Whereas, land placed in trust is removed from local governmental jurisdiction in terms of air, soil, and water regulations, zoning and land use regulations, building codes, and other community standards, thereby exposing both humans and the environment to unnecessary health, safety and welfare risks; and

Whereas, the DEIS has failed to take into consideration the disruptive practical consequences of checker-boarded sovereign parcels, which practice was squarely rejected by the U. S. Supreme Court ruling in City of Sherrill vs. the Oneida Indian Nation; and

Whereas, the DEIS has failed to recognize the U.S. Supreme Court decision in Carcieri vs. Salazar which prohibited the Secretary of the Interior from taking land into trust for an Indian tribe, such as the CIN, which was not federally recognized and under federal jurisdiction in 1934; now, therefore, be it

RESOLVED, the Cayuga County Legislature rejects the preferred alternative contained in the DEIS and calls upon the BIA to elect the No Action alternative, and be it further

RESOLVED, the Cayuga County Legislature calls upon the BIA to reject all further fee-to-trust applications of the CIN in accordance with the Carcieri vs. Salazar decision referred to above, and any other applicable law, and be it further

RESOLVED, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

RESOLUTION NO. 328-09

(6/23/09)

COMCENTROpay

AUTHORIZING PAYMENT FOR QUARTERLY CENTRO PAYMENT

Hon. Francis Mitchell, Chairman Ways and Means Committee

WHEREAS, the Public Transportation Bureau has submitted its first quarterly SFT 2009-2010 Statewide Mass Transportation Operating Assistance payment to the State Comptroller for processing; and

WHEREAS, Cayuga County is required to quarterly allocate a local match of \$40,598.95 to CENTRO at 5 Frank Smith Street, Auburn, New York 13021; and

WHEREAS, this request was delivered to the County Manager's office on June 17, 2009 and is required to be paid within 15 days; now, therefore be it

RESOLVED, that the Cayuga County Legislature does hereby authorize the payment of funds for the 1st Quarter of SFT 2009-2010 payment to CENTRO in the amount of \$40,598.95 from account A56304-54000 Contractual Expenses CENTRO; 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 same.

Signed by Mitchell, Axton, Chapman, Lockwood, Mahunik, Murphy, Petrus, all voting aye, except Cuddeback voting no and Lockwood abstained.

RESOLUTION NO. 329-09 (6/23/09)

COA-PaySenecaCo50%ofvideotapingBIApubhrgr

AUTHORIZING THE COUNTY OF CAYUGA TO REIMBURSE SENECA COUNTY 50% OF THE COST OF VIDEOTAPING THE PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT.

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

WHEREAS, on June 17, 2009, the Bureau of Indian Affairs held a public hearing on a draft environmental impact statement; and

WHEREAS, Seneca County videotaped the hearing; and

WHEREAS, the County of Cayuga would like to contribute 50% of the videotaping cost: now, therefore, be it

RESOLVED, that the County of Cayuga contribute 50% of the cost of the videotaping of the Bureau of Indian Affairs Public Hearing on the draft Environmental Health Impact Statement which was held on June 17, 2009; and be it further

RESOLVED, that a sum not to exceed \$600.00 be paid to Seneca County from Account No. A10104 54057; and be it further

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

Signed by Axton, Chapman, Lockwood, Murphy, Mahunik, all voting aye, except Mills voting no.

RESOLUTION NO. 330-09 (June 23, 2009)

HD Selman-Holman & Associates, LLC

Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into an Agreement With Selman-Holman & Associates, LLC for Professional Services

BY: Ann Petrus, Chairman of the Health & Human Service Committee

Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, the Health Department's CHHA desires to enter into an agreement with Selman-Holman & Associates, LLC for Home Care Coding for coding of initial patient assessment and recertification assessment including diagnosis codes and suggested sequencing as determined by the documentation provided by the Agency; and

WHEREAS, timely record documentation and enhanced coding practices should enable the CHHA to increase its average Medicare prospective payment; and

WHEREAS, 70% of CHHA's revenue comes from Medicare and this enhanced coding using home care coding specialists will have a positive impact on financial operations allowing us to maximize our reimbursement; and

WHEREAS, in order to accomplish this, we will increase our contractual line by \$35,000 and increase revenue proportionately; and

WHEREAS, this is a new initiative, we will monitor the impact and act accordingly; NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services enter into an agreement with Selman-Holman & Associates, LLC to provide Home Care Coding services as described above at a cost of \$38 per assessment, providing that a minimum retainer of 10 assessments is paid upon execution of the agreement; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the following amendments to the 2009 Health Department budget:

Increase Contractual Account #A40124 54059..... \$35,000

Increase the Revenue Account #A40120 41601.....\$35,000

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 331-09 (June 23, 2009) HS Cornell Coop Ext 2009

Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Cornell Cooperative Extension of Cayuga County for the Provision of “Placement in Another Planned Permanent Living Arrangement” Services (100% Federally Funded)

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

WHEREAS, the Human Services Division of Health & Human Services is required to provide “Placement in Another Planned Permanent Living Arrangement” to children in Foster Care who have a goal of independent living; and WHEREAS, Cornell Cooperative Extension has the expertise to provide these services to children in foster care; and WHEREAS, the Human Services Division has established and maintains a good working relationship with Cornell Cooperative Extension for such services; 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 Cornell Cooperative Extension of Cayuga County for the contract period of 7/1/09 to 12/31/09 in the amount of \$14,000 (100% Federally funded) for “Placement in Another Planned Permanent Living Arrangement” services; and be it further

RESOLVED, that the charges for these services be paid from account #A60104 54059 of the 2009 Human Services Budget.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 332-09 (June 23, 2009) HS Child Welfare Placement Services 2009

Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Contract with Multiple Service Agencies (Listed) for the Provision of Child Welfare Placement Services

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

WHEREAS, the Human Services Division of Health & Human Services is required to provide appropriate “child placement services” for children placed in foster care and at times this includes placement in a residential treatment center (RTC); and

WHEREAS, Human Services has successfully contracted with the listed agencies to provide these services in the past; and

WHEREAS, the RTC per diem rate schedule is established and set by NYS Department of Social Services; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into contracts for the time period of July 1, 2009 – June 30, 2010 with the following agencies:

Anderson School, Inc.	Kids’ Peace
Baker Victory Services	Kinship Family & Youth Services
Berkshire Farm Center & Services	LaSalle School
Cayuga Home for Children	Liberty Resources
Charlton School	Lincoln Hall
Children’s Home of Jefferson County	Northeast Parent and Child Society
Children’s Home of Poughkeepsie	Oswego Opportunities, Inc.
Children’s Home of Wyoming Conference	Parsons Child & Family Center
Crestwood Children’s Center	St. Anne’s Institute
Elmcrest Children’s Center	St. Catherine’s Center for Children
Gateway Logview	St. Coleman’s
George Junior Replublic	St. Joseph’s Villa
Glove House	Toomey Residential & Comm. Serv.
Hillside Children’s Center	Vanderheyden Hall
Hopevale, Inc.	Salvation Army/Friendship House
House of Good Shepard	

and be it further

RESOLVED, that payment for these services at the current state approved rates be charged to account #A61234 54000, account #A61094 54000, and account #A61194 54000 of the 2009 Human Services Budget.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 333-09 (June 23, 2009) HS ICS3 Supplemental Funds

Authorizing the Director of Health & Human Services to Accept Additional Federal Funding for Intensive Case Services and Direct the Cayuga County Treasurer to Amend the 2009 Human Services Budget

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

Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, the Cayuga County Human Services Department has received additional federal funding to provide Intensive Case Services for non-compliant families in receipt of Public Assistance; and

WHEREAS, these funds will be used to assist sanctioned and at-risk families overcome barriers so that they can become engaged in appropriate work activities; and

WHEREAS, the funds being accepted are 100% Federal and are for the period January 1, 2009 – December 31, 2009 with the final claims being submitted by February 15, 2010; NOW, THEREFORE, BE IT

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the following budget adjustments:

<u>Account</u>	<u>Increase</u>
A60604 54000 TANF Services	\$33,929
A60600 44660 Federal Aide TANF	\$33,929

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 same; and be it also

RESOLVED, that the Director of Health & Human Services and the Chairman of the Cayuga County Legislature be authorized to enter into a contract with Catholic Charities to implement this grant.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 334-09 (6/23/09)

MHincGAVRASstateaid6-09

AUTHORIZING THE AMENDMENT OF THE YEAR 2009 CAYUGA COUNTY COMMUNITY MENTAL HEALTH CENTER BUDGET TO REFLECT AN INCREASE IN STATE AID MONIES

By: Hon. Ann Petrus, Chair, Health and Human Services Committee

Hon. Francis Mitchell, Chair, Ways and Means Committee

WHEREAS, the New York State Office of Mental Retardation and Developmental Disabilities has forwarded additional funds to Cayuga County as an adjustment for 2009; and

WHEREAS, said funds will be applied to the E. John Gavras Center budget therefore requiring a budget amendment; and

WHEREAS, the Cayuga County Treasurer's Office will need to amend the year 2009 Gavras Center budget to reflect this increase in funding; now, therefore, be it

RESOLVED, that the Cayuga County Treasurer's Office be authorized to amend the year 2009 Cayuga County Community Mental Health Center budget for the Gavras Center in the following manner:

Increase expenditure account A43524-54341 by \$27,833.

Increase revenue account A43510-43499 by \$27,833; and be it further

RESOLVED, that the Cayuga County Treasurer's Office is authorized and directed to make the necessary journal and accounting entries to accomplish the foregoing.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 335-09 (June 23, 2009) HD Fill PT Soc Work Asst CHHA

Authorize the Director of Health & Human Services to Fill a Social Work Assistant Vacancy at the CHHA Due to a Resignation

BY: Ann Petrus, Chairman of the Health & Human Service Committee

Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, the Cayuga County Certified Home Health Agency (CHHA), a division of the Cayuga County Health Department, has a Part-Time Social Work Assistant vacancy due to a resignation effective June 15, 2009; and

WHEREAS, the position is funded in the Health Department's 2009 Budget and is necessary for the effective and efficient operation of the Department; NOW, THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized and directed to fill this Part-Time Social Work Assistant position in a manner consistent with the rules and regulations of the County of Cayuga and the Cayuga County Civil Service Commission.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 336-09 (June 23, 2009) HD Fill PT HHA CHHA
Authorizing the Director of Health & Human Services to Fill Part-Time Home Health Aide Vacancy at the CHHA Due to Resignation

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

WHEREAS, there is a Part-Time Home Health Aide vacancy at the CHHA due to a resignation effective April 15, 2009; and

WHEREAS, this position is necessary for the effective and efficient operation of the Department; and

WHEREAS, sufficient funding exists in the Health Department's Budget to support this position; NOW,

THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized to fill the Part-Time Home Health Aide vacancy in a manner consistent with the rules and regulations of the County of Cayuga and the Cayuga County Civil Service Commission.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 337-09 (June 23, 2009) HD Amend CHHA Budget 2009
Authorizing the County Treasurer to Amend the 2009 Cayuga County Health Department's CHHA Budget

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

WHEREAS, since the submission of the 2009 Health Department Budget, it has been determined that due to the difficulty of hiring and retaining nursing staff for the CHHA, it has become necessary to temporarily contract for nurses; and

WHEREAS, contracted nursing services will only be used in those circumstances when administration determines that there is insufficient clinical coverage; and

WHEREAS, in order to cover the costs of these nursing services contracts, it will be necessary to transfer funds within the Health Department's 2009 CHHA budget; NOW, THEREFORE, BE IT

RESOLVED, that the County Treasurer be authorized and directed to amend the Health Department's 2009 CHHA Budget in the following manner:

<u>Org</u>	<u>Object</u>	<u>Line Item</u>	<u>Decrease</u>	<u>Increase</u>
A40121	51001	Salaries	\$25,000	
A40121	58001	Social Security	\$ 1,912	
A40121	58002	Retirement	\$ 2,000	
A40121	58005	Workmen's Comp.	\$ 773	
A40124	54128	Nurses/Contract		\$29,685

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 same.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

**RESOLUTION NO. 338-09 (June 23, 2009) HD Amend Health Budget 2009 EIRev
 Authorizing the County Treasurer to Amend the 2009 Cayuga County Health Department Budget/Transfer Funds.**

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

WHEREAS, after the submission of the 2009 Health Department Budget, it has been determined that additional funding is needed for unanticipated expenses in Accounts A40454 and A40444 related to providing services to physically handicapped children; and

WHEREAS, funds were budgeted in the 2008 budget to pay an increased tuition rate to the Gavras Center, beginning September 2008; and

WHEREAS, the increased rate was due to the County billing Medicaid for these pre-school services instead of the Gavras Center billing Medicaid; and

WHEREAS, the County was not billed for this rate increase until May of 2009; and

WHEREAS, funds were returned to the general fund at the end of 2008 because the tuition rate increase was budgeted, but the payment was not made; and

WHEREAS, the spending in the Early Intervention Program in 2009 is higher than anticipated due to an increased number of children in the program; and

WHEREAS, there are insufficient funds in the Health Department's 2009 budget to cover the increased costs in the above program areas; NOW, THEREFORE, BE IT

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

<u>Account #'s</u>			<u>Increase Decrease</u>		
A40454	54305	Tuition	\$115,000		
A40454	54306	Transportation	\$ 5,000		
A40454	54307	Related Services		\$25,000	
A40124	54127	Physical therapy		\$ 5,000	
A40444	54307	Related Services	\$ 72,000		
A40124	54008	Motor Pool		\$ 5,000	
A40124	54217	Occupational Therapy		<u>\$ 5,000</u>	<u>Net Change</u>
		Expenses	<u>\$192,000</u>	\$40,000	\$152,000
A40450	43445	State Aid 3-5	\$ 70,000		
A40440	43444	State Aid – EI	\$ 36,000		
A40440	41609	EI 0-2 Fees	<u>\$ 18,000</u>		
		Revenues	\$124,000		\$124,000
A10164	54000	Contingency Fund		\$28,000	\$28,000

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 same.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 339-09 (June 23, 2009) HD McGonagle PT 2009

Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Contract with Linda McGonagle to Provide Physical Therapy Services for CHHA

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

WHEREAS, there exists in the Certified Home Health Agency (CHHA) and LTHHCP a need to provide therapy services; and

WHEREAS, the Department relies to an extent on obtaining services through certain professional independent contractor providers; 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 Linda McGonagle for physical therapy services for the CHHA for the period of June 24, 2009 through June 23, 2010 at the following rates:

<u>Disciplines</u>	<u>Rates</u>
Initial Evaluation.....	\$70/Evaluation
Routine Visit.....	\$65/Visit
Orientation/Inservices.....	\$25/Hour

and be it further

RESOLVED, that the costs of the above services be paid from Account A#40124 54127 of the Health Department Budget.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 340-09 (June 23, 2009) HD Celso Contract OT

Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Krista M. Celso to Provide Occupational Therapy Services

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

WHEREAS, there exists in the Certified Home Health Agency (CHHA) a need to provide occupational therapy services; and

WHEREAS, the Department relies to an extent on obtaining these services through certain professional independent contractors; 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 Krista M. Celso, OTR/L to provide occupational therapy services for the contract period June 24, 2008 through June 30, 2010 at the following rates:

<u>Disciplines:</u>	<u>Rates</u>
Evaluation.....	\$63 Initial Visit
Routine Visit.....	\$53 Re-Visit
Orientation/Inservices.....	\$23/hr.

and be it further

RESOLVED, that the charges for these services be paid Account #A40124 54127 of the Health Department Budget.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 341-09 (June 23, 2009) HD Cayuga Health Assoc CHHA 2009

Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Cayuga Health Association to Provide Aide Services

BY: Ann Petrus, Chairman Health & Human Services Committee

Francis Mitchell, Chairman Ways & Means Committee

WHEREAS, there exists in the Certified Home Health Agency (CHHA) of the County Health Department a need to provide home health aide service, personal care aides and homemaker/housekeeper services; and

WHEREAS, the CHHA does not have sufficient staff to meet the fluctuating needs of the agency and must rely on contracting with licensed home care agencies; 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 effective July 1, 2009 through June 30, 2010 with Cayuga Health Association to provide the following services at the following rates:

Home Health Aides (HHA).....\$17.88/hr.

Personal Care Aides.....\$17.88/hr.

Hard to Serve Rate.....\$19.00/hr.

and be it further

RESOLVED, that these expenses be paid out of account #40124 54219 of the 2009 Health Department Budget.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 342-09

Action 6/23/09 MHContractCCSI6.09

AUTHORIZING THE DIRECTOR OF COMMUNITY MENTAL HEALTH SERVICES AND THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN A CONTRACT WITH COORDINATED CARE SERVICES, INC.

WHEREAS, the New York State Office of Mental Health has identified a need for revisions within the clinical operations of the Clinic Treatment Program operated by the Community Mental Health Center of Cayuga County; and WHEREAS, the New York State Office of the Medicaid Inspector General has audited the past billing practices of the above noted program and has communicated a need for adjustments to the process; and

WHEREAS, the 2009 budget reflects funds in line A43104-54059, professional services, to hire a consultant to specifically address both of these issues; and

WHEREAS, in addition, the NYS Office of Mental Health is re-structuring all outpatient mental health services and reimbursements with the intent of implementing significant changes in 2010; and

WHEREAS, the current billing system utilized by the Community Mental Health Center is based on computer hardware that will be eliminated by the County in 2010, therefore requiring we obtain a new software package; and

WHEREAS, Coordinated Care Services, Inc. (CCSI) has an established relationship with the NYS Office of Mental Health and has been integral to the development of new program and billing standards and has provided consultant services to a number of county based mental health operations. CCSI is unique in that they offer expertise and experience in financial, clinical, operational and technological areas of the behavioral delivery system, thereby providing an integrated service. CCSI also works in partnership with The Bonadio Group, an accounting firm also involved in the NYS Office of Mental Health outpatient services restructuring project and experienced consultants in the area of behavioral health services, including the selection of integrated software packages; and

WHEREAS, CCSI has the expertise to provide Cayuga County with a full complement of technical assistance in all of these areas: current financial practices, programmatic issues, preparation for restructuring of outpatient clinic, continuing day treatment, and case management services. In addition the terms of this agreement, will allow The Bonadio Group to provide technical assistance specific to proposal development and with the selection of integrated billing and electronic case records software as well as with the implementation phase; now, therefore, be it RESOLVED, that the Chairman of the Legislature and the Director of Community Mental Health Services be authorized to enter into an agreement with Coordinated Care Services, Inc. for the provision of technical assistance services in the amount of \$24,500.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 343-09 Action 6/23/09 MHCreatefillDirAdSvcs6.09

AUTHORIZE THE CREATION AND FILLING OF A DIRECTOR OF ADMINISTRATIVE SERVICES AND ABOLISHING TWO POSITIONS AT THE CAYUGA COUNTY COMMUNITY MENTAL HEALTH CENTER

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

WHEREAS, it has become apparent that that critical billing functions, including the maintenance of medical records, require continuous professional oversight to ensure maximization of revenue as well as compliance with State and Federal regulations; and

WHEREAS, there are two vacant accounting positions in the approved 2009 budget as the result of resignations; and WHEREAS; our intent is to abolish those positions and use the budgeted dollars to fund the Director of Administrative Services position; now, therefore, be it

RESOLVED, that the position of Director of Administrative Services be created and placed within Part IV, non-bargaining, of the Cayuga County Compensation Plan under Community Mental Health at an annual rate not to exceed \$60,000; and be it further

RESOLVED, that the Director of Community Mental Health Services be authorized and directed to fill the position of Director of Administrative Services in accordance with the Cayuga County Civil Service Rules and Regulations and the policies of Cayuga County; and be it further

RESOLVED, that the positions of Principal Account Clerk Typist (02101) and Account Clerk Typist (04959) be abolished; and be it further

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

Decrease A43111-51001 by \$29,288

Increase A43101-51001 by \$29,288

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 344-09

Date of Meeting: 6/23/09

NHtransferMS

AUTHORIZING THE TREASURER OF CAYUGA COUNTY TO TRANSFER FUNDS AUTHORIZED IN THE BUDGET TO THE CAYUGA COUNTY NURSING HOME ACCOUNT.

BY: Francis Mitchell, Chairman, Ways and Means Committee

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

WHEREAS, the Cayuga County Nursing Home is in need of reimbursement for expended funds for arbitration; and, WHEREAS the budget of the County of Cayuga contains funds designated for that purpose; and, WHEREAS the Cayuga County Treasurer is authorized to transfer the funds into the appropriate account; Now therefore be it

RESOLVED that the Treasurer of Cayuga County be authorized to transfer funds from Account Number MS 19304-54702 in the amount of \$50,023.72 (Fifty thousand twenty-three dollars and seventy-two cents) to the Cayuga County Nursing Home Account Number 8351.9100.000.

Signed by Petrus, Aikman, Cuddeback, Mills, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 345-09 June 23, 2009

ITitcisco maintagment0609

AUTHORIZING THE INFORMATION TECHNOLOGY DEPARTMENT TO RENEW CISCO MAINTENANCE AGREEMENTS FOR COUNTY NETWORKS.

By: Michael Chapman, Chairman, Government Operations Committee

Frances Mitchell, Chairman Ways and Means Committee

WHEREAS, the County has a County wide fiber network utilized by various departments and public safety systems which is highly technical, requiring expert monitoring and maintenance; and

WHEREAS, The current maintenance agreements which are due to expire allows for manufacturer's 24/7 technical support and overnight replacement of Cisco Network Equipment required to run the network; and

WHEREAS, the funds for these maintenance agreements are included in the 2009 Information Technology budget, therefore, be it

RESOLVED, that the Information Technology Department and the Chairman of the Cayuga County Legislature are authorized to renew the Cisco Smartnet agreements with Finger Lakes Technologies Group Inc. for 24/7 technical support and next day replacement of critical Cisco network equipment; the total cost for the Cisco maintenance being \$16,991.10 from account A1610 54045; 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 Chapman, Fearon, Mahunik, Palermo, Schuster, Sincebaugh, Mitchell, Axton, Lockwood, Murphy, Petrus, all in favor.

RESOLUTION NO. 346-09 June 23, 2009

ITspamfiltermaint0609

AUTHORIZING THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE A MAINTENANCE AGREEMENT FOR THE COUNTY SPAM FILTER.

By: Michael Chapman, Chairman, Government Operations Committee

Frances Mitchell, Chairman Ways and Means Committee

WHEREAS, the County has a Spam Filter to block incoming spam and email viruses which blocks several million spam and email viruses per year and without it many County email accounts would be rendered unusable; and

WHEREAS, the maintenance agreement allows for overnight replacement of the filter if it should fail; and

WHEREAS, the funds for this maintenance agreement are included in the 2009 Information Technology budget, therefore, be it

RESOLVED, that the Information Technology Department and the Chairman of the Cayuga County Legislature are authorized to purchase the maintenance agreement through Dox Electronics, Inc; the total cost for the maintenance being \$973.20 from account A1610 54045; 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 Chapman, Fearon, Mahunik, Palermo, Schuster, Sincebaugh, Mitchell, Axton, Lockwood, Murphy, Petrus, all in favor.

RESOLUTION NO. 347-09 June 23, 2009

ITatcommaint0609

AUTHORIZING THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE A MAINTENANCE AGREEMENT FOR PHONE ACCOUNTING SOFTWARE.

By: Michael Chapman, Chairman, Government Operations Committee

Frances Mitchell, Chairman Ways and Means Committee

WHEREAS, the County has a software program to facilitate the proper billing of phone charges to Departments; and

WHEREAS, the annual maintenance agreement allows for technical support for reconfiguring the billing parameters for any phone line changes or additions; and

WHEREAS, without this software the labor to accurately assign all monthly charges to each line and department would be extensive, therefore, be it

RESOLVED, that the Information Technology Department is authorized to purchase the maintenance agreement through @comm; the total cost for the maintenance being \$2,673.00 from account A1610 54045; 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 Chapman, Fearon, Mahunik, Palermo, Schuster, Sincebaugh, Mitchell, Axton, Lockwood, Murphy, Petrus, all in favor.

RESOLUTION NO. 348-09

(6/23/09)

COMfillvacvet

AUTHORIZING THE DIRECTOR OF VETERANS SERVICES TO FILL A PT VETERANS DEPUTY DIRECTOR POSITION DUE TO RESIGNATION

BY: Hon. Michael H. Chapman, Chair Government Operations Committee

WHEREAS, there is a part-time Veterans Deputy Director vacancy at the County Veterans Services Office due to the resignation effective 6/19/09; and

WHEREAS, this office is staffed with one full time Director and one part time Deputy Director; and

WHEREAS, this position is necessary for the effective and efficient operation of the Department; and

WHEREAS, sufficient funding exists in the Veterans Services Office's 2009 budget to support this position; now, therefore be it

RESOLVED, that the Director of County Veterans Services Office be authorized to fill the vacancy of Deputy Director at the Veterans Services Office in a manner consistent with the rules and regulations of the County of Cayuga and the Cayuga County Civil Service Commission.

Signed by Chapman, Fearon, Mahunik, Mitchell, Schuster, Sincebaugh.

Discussion: Palermo, salary should be reduced for new P/T position.

Tortorici, lets work on salary adjustment.

Palermo, yes, we can work on salary later.

Tortorici, vote to fill, discuss another resolution for salary.

Palermo, Gov'ops meeting very shortly, doubt we will hire before that.

Fred Westphal, it's in the budget, couldn't go any higher.

Tortorici, amend and give authority to start search.

Axton, how can you search someone?

Motion by Lockwood to table, defeated by majority vote, noes – Schuster, Chapman, Mills, Mitchell, Murphy, Sincebaugh, Tortorici. Ayes – Palermo, Axton, Petrus, Lockwood, Fearon, Cuddeback, Aikman. Vote - 463/419. Mahunik, Salary depending on experience, lets just start the process.

Tortorici, discuss salary at Gov'ops meeting.

All in favor, except Axton voting no.

RESOLUTION NO. 349-09 Date: 6/23/09

hwyfillmechhelperRev

Authorization for the Superintendent of Highways to fill a vacant Automotive Mechanic Helper Position within the Highway Department

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

Hon. Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS, an Automotive Mechanic Helper was promoted from that position on May 7, 2009 to a Automotive Mechanic (Diesel) and the helper position has been vacant since that time; and

WHEREAS, this Automotive Mechanic Helper position is critical to the operation of the highway department; and

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

RESOLVED, to authorize the Highway Superintendent to fill this open position; and be it further

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

Signed by Axton, Cuddeback, Lockwood, Mills, Palermo, Sincebaugh, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 350-09 Date: June 23, 2009 hwyacptbidpurctrk&access
AUTHORIZING ACCEPTANCE OF BID FOR 2 HEAVY DUTY TANDEM AXLE TRUCKS AND 2 TRUCK ACCESSORIES PACKS

By: Dave Axton, Chairman Public Works Committee
Francis Mitchell, Chairman Ways and Means Committee

Whereas, a 1995 Mack dump truck and a 1998 International dump truck and accessories(box, plow & wings) was scheduled on the equipment replacement list to be replaced in 2009; and

Whereas, the current trucks and accessories will be removed from service due to needy extensive repair; and

Whereas, funds were budgeted in account DM51302 52000 to fund these purchases; and

Whereas, 2 bid packets were developed and advertised for a Heavy Duty Tandem Axle truck and Truck Accessories and were opened on June 3, 2009, with the following results:

TANDEM AXLE TRUCK:

<u>Vendor</u>	<u>Brand</u>	<u>Price</u>
Stadium International	Navistar	\$ 101,235.00
Beam Mack	Volvo	\$ 97,301.80
Tracey Road Equipment	Freightliner	\$ 93,253.00
Kenworth of Buffalo	Kenworth	no price sheet

TRUCK ACCESSORIES:

<u>Vendor</u>	<u>Brand</u>	<u>Price</u>
Tenco, USA	Tenco, USA	\$57,552 (steel box, plow& wing)
Henderson Truck Equip	Henderson	\$49,446 (steel box, plow& wing)
		\$51,929 (stainless steel box, plow & wing)
Transportation Repair Svc	Monroe Equipment	\$50,630 (steel box, plow& wing)
		\$53,645 (stainless steel box, plow & wing)
Viking-Cives	Viking-Cives	\$49,511 (steel box, plow& wing)
		\$53,997 (stainless steel box, plow & wing)
Tracey Road Equipment	Everest	\$57,336 (steel box, plow& wing)

; and

Whereas, the bids were reviewed and the machine offered by Stadium International made by Navistar best meets the specifications for tandem axle truck and is the best machine to be supported by in-house personnel; and

Whereas, the bids were reviewed and the truck accessories offered by Henderson Truck Equipment made by Henderson best meets the specifications for the box, plow and wing; now therefore be it

Resolved, the Cayuga County Legislature does hereby accept the bid from Stadium International for \$ 101,235.00 for a tandem axle truck; and be it further

Resolved, the Cayuga County Legislature does hereby accept the bid from Henderson Equipment for \$51,929 for stainless steel truck accessories; and be it further

Resolved, that the Highway Superintendent is authorized to purchase the 2 heavy duty tandem axle truck and 2 truck accessories packs utilizing the funds in account DM 51302 52000.

Signed by Axton, Cuddeback, Lockwood, Mills, Mitchell, Palermo, Sincebaugh, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO 351-09 Date: June 23, 2009 HWYPUTRUCKrev1
AUTHORIZING THE COUNTY HIGHWAY SUPERINTENDENT TO PURCHASE A PICK UP TRUCK

By: David Axton, Chairman Public Works Committee
Francis Mitchell, Chairman Ways and Means Committee

Whereas, in the 2009 Highway Department budget, funds were budgeted for equipment at a cost of \$380,500 in account DM51302 52000; and

Whereas, the Cayuga County Legislature wishes to ensure proper maintenance of its highway system; and

Whereas, the Highway Department has a need to replace a pick- up truck; and

Whereas, it was budget for in the 2009 budget; now therefore be it

Resolved, the Cayuga County Legislature hereby authorizes the Highway Department to purchase a pick- up truck from state contract award #20339, item10B with funds from account DM51302 52000; and be it further

Resolved, that the cost of the truck is not to exceed \$20,140.88; and be it further

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

Signed by Axton, Cuddeback, Lockwood, Mills, Mitchell, Palermo, Sincebaugh, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 352-09 June 23, 2009 coamhpkngagmntrev
AUTHORIZING THE CHAIRMAN OF THE CAYUGACOUNTY LEGISLATURE TO EXECUTE TWO
PARKING SPACE USAGE AGREEMENTS WITH AUBURN MEMORIAL HOSPITAL

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, two Parking Space Usage Agreements have been negotiated with Auburn Memorial Hospital (copies attached); now therefore be it
RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute two Parking Space Usage Agreements with Auburn Memorial Hospital.
Signed by Axton, Lockwood, Mills, Mitchell, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 353-09 June 22, 2009 coamh4pkaveagmntrev
AUTHORIZING THE CHAIRMAN OF THE CAYUGACOUNTY LEGISLATURE TO EXECUTE AN
AGREEMENT WITH AUBURN MEMORIAL HOSPITAL CONCERNING THE USE OF 4 PARK AVENUE,
AUBURN, NEW YORK AS A STAGING AREA FOR THE MENTAL HEALTH PROJECT

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, as part of the construction process a staging area will be required for various contractors; and
WHEREAS, an agreement has been negotiate with Auburn Memorial Hospital for the use of 4 park Avenue, Auburn, New York by the county as a staging area for the project vendors (copy attached); now therefore be it
RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute said agreement with Auburn Memorial Hospital.
Signed by Axton, Lockwood, Mills, Mitchell, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 354-09 3.24.09 COA146northstreetadvhavrml
AUTHORIZING THE CLERK OF THE CAYUGA COUNTY LEGISLATURE TO ADVERTISE FOR
SEALED BIDS FOR THE REMOVAL OF HAZARDOUS SUBSTANCES LOCATED WITHIN THE
STRUCTURE AT 146 NORTH STREET, AUBURN, NEW YORK.

BY: MR. AXTON, Chairman, Public Works Committee, and
MR. 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, as part of the over all project, 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, abatement work and air monitoring will be required at the 146 North Street building prior to renovation;
NOW THEREFORE BE IT
RESOLVED, that the Clerk of the Cayuga County Legislature is hereby authorized and directed to advertise for sealed bids for the removal and abatement of hazardous substances located within the structure located at 146 North Street, Auburn, New York.
Signed by Axton, Cuddeback, Lockwood, Mills, Mitchell, Palermo, Sincebaugh, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 355-09 6.23.09 COA146northstreetadvairmonitoringrev
AUTHORIZING THE CLERK OF THE CAYUGA COUNTY LEGISLATURE TO ADVERTISE FOR SEALED BIDS FOR AIR MONITORING DURING THE REMOVAL OF HAZARDOUS SUBSTANCES FROM THE STRUCTURE AT 146 NORTH STREET, AUBURN, NEW YORK.

BY: MR. AXTON, Chairman, Public Works Committee, and
MR. 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, as part of the over all project, 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 abatement work and air monitoring will be required at the 146 North Street building prior to renovation; now therefore be it

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby authorized and directed to advertise for sealed bids for air monitoring services during the removal of hazardous substances located within the structure at 146 North Street, Auburn, New York.

Signed by Axton, Lockwood, Mills, Mitchell, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 356-09 Date: June 23, 2009 hwyacctgrant saltstoragerev2
AUTHORIZATION TO ACCEPT A SHARED MUNICIPAL SERVICES GRANT, TO ACCEPT BID ,TO ENTER AGREEMENT TO CONSTRUCT SALT STORAGE STRUCTURE , AND TO ESTABLISH CAPITAL "H" [PROJECT NO. 09-1 (Salt STORAGE SHED).

By: David Axton, Chairman Public Works Committee
Francis Mitchell, Chairman Ways and Means Committee

WHEREAS, there is a need to provide covered storage for de-icing materials in the southern end of Cayuga County; and

WHEREAS, the county stores material and trucks at the Town of Sempronius highway garage and this structure could be shared by both municipalities; and

WHEREAS, Resolution No. 711-07, adopted on November 7, 2007 authorized the Highway Department to apply for a Shared Municipal Services Grant; and

Whereas the County was awarded the grant in the amount of \$217,512; and

WHEREAS, in kind local match in the amount of \$57,502 is available; and

WHEREAS, Resolution No. 30-09, adopted on January 27, 2009 authorized the advertising for bids for a salt storage structure; and

WHEREAS, bid packets were developed and advertised for the construction of a salt storage structure and opened on June 3, 2009 with the following results:

<u>Bidder</u>	<u>Manufacturer</u>	<u>Price</u>
Secor Building Solutions	Post & Frame Solutions	\$145,970
Park Lane Construction	Advanced Storage Technology	\$228,202
C.W. Fink & Associates	Wick Building Systems	\$376,846
C.W. Fink & Associates	Accu-Steel	\$298,760

; and

WHEREAS, the structure provided by Secor Building Solutions best meets the specifications and is the lowest bidder; now therefore be it

RESOLVED, that the Chairman of the Legislature and the Highway Superintendent are hereby authorized to accept the Shared Municipal Services Grant in the amount of \$217,512; and be it further

RESOLVED, that the Cayuga County Legislature hereby establishes Capital H Account No. 09-1 (salt storage shed) in the amount of \$275,014.00; the source of said funds is the Shared Municipal Services Grant in the amount of \$217,512 and In kind local match in the amount of \$57,502; and be it further

RESOLVED, that the Cayuga County Legislature does hereby accept the bid from Secor Building Solutions for \$145,970 for a salt storage structure; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to enter into and execute any and all contracts necessary to execute this grant and that the Highway Department be authorized to purchase materials necessary to implement this grant; and be it further

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

Signed by Axton, Lockwood, Mills, Mitchell, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 357-09 6/23/09 Blds Compliance Officerrev3
AUTHORIZING THE CHAIRPERSON OF THE CAYUGA COUNTY LEGISLATURE TO ENTER IN TO AN AGREEMENT WITH A COMPLIANCE OFFICER

BY: MR. AXTON, Chairman, Public Works Committee, and
MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, The County has been working correcting the life safety issues in Cayuga County; and
WHEREAS, there is a need for Compliance Officer to keep Cayuga County in Compliance with other government agencies, and

WHEREAS, RFP's were received for this service and are as follows:

	<u>Fee</u>	<u>Soil Gas per tank</u>	<u>Soil Testing per tank</u>	<u>Training</u>	
Kleinfelder	\$159,000.00	\$ 250.00	\$1,800.00	Total (all tanks)	\$16,000.00
O'Brien & Gere	\$ 36,780.00	\$ 150.00	\$1,300.00		\$28,665.00
Colden Corp.	\$119,670.00	\$3,200.00	\$2,600.00		\$ 9,500.00
Atlantic Testing	\$100,000.00	\$1,100.00	\$1,740.00		\$49,000.00
AECC	\$ 41,250.00	\$ 600.00	\$ 650.00		\$10,310.00

And

WHEREAS, the attached spread sheet extends the figures for five (5) tank site projects for comparison purposes; now therefore let it be

RESOLVED, that the Chairperson of the Cayuga County Legislature is hereby authorized and directed to sign a contract with AECC for Compliance Officer to implement the intent of this resolution, and be it further

RESOLVED, that funding for this serviced come from account A16204 54059, 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, Lockwood, Mills, Mitchell, Sincebaugh, Chapman, Murphy, Petrus, all in favor, except Palermo voting no.

RESOLUTION NO. 358-09 (June 23, 2009)

DA.ADASalaryAdjustments.09

REDUCING THE SALARY OF AN EXPERIENCED ASSISTANT DISTRICT ATTORNEY POSITION IN THE DISTRICT ATTORNEY'S OFFICE AND AUTHORIZING A SALARY ADJUSTMENT OF AN ENTRY-LEVEL ASSISTANT DISTRICT ATTORNEY POSITION TO ACHIEVE EQUITABLE SALARIES IN ORDER TO RETAIN EXPERIENCED PEOPLE IN BOTH POSITIONS

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

WHEREAS, by Resolution No. 198-09, District Attorney Jon E. Budelmann received Legislative approval on March 24, 2009 to fill an Assistant District Attorney vacancy in his office; and

WHEREAS, District Attorney Jon E. Budelmann has located and hired an experienced prosecutor to fill said vacancy; and

WHEREAS, on December 22, 2008, District Attorney Jon E. Budelmann hired an experienced prosecutor to fill another vacant Assistant District Attorney position at an entry level salary; and

WHEREAS, in order to fairly and accurately reflect legal/prosecutorial experience, caseload, job responsibilities, oversight and court assignments and retain a valuable employee, the District Attorney has deemed it necessary to reduce the salary of an experienced Assistant District Attorney position and increase the salary of the "entry-level" Assistant District Attorney position to create equitable and sustainable salary levels; and

WHEREAS, the District Attorney proposes the following adjustments in Part IV of the Cayuga County 2009 Compensation Plan:

DISTRICT ATTORNEY:

Position #003095-SYS (Assistant District Attorney) \$66,500 decrease (by \$10,650) to \$55,850

Position #004896-SYS (EFPP) \$5,356 decrease (by \$206) to \$5,150

Position #001795-SYS (Assistant District Attorney) \$45,200 increase (by \$10,650) to \$55,850

Position #004895-SYS (EFPP) \$4,944 increase (by \$206) to \$5,150

WHEREAS, the Legislature is desirous about retaining experienced prosecutors and making certain the salaries within the District Attorney's Office accurately reflect legal/prosecutorial experience, caseload, job responsibilities, oversight and court assignments; and

WHEREAS, the proposed allocations do not raise the District Attorney's 2009 budget or county share therein; now therefore, be it

RESOLVED, that the Assistant District Attorney salary adjustments are hereby amended effective beginning of pay period 6/29/09: DISTRICT ATTORNEY:

Position #003095-SYS (Assistant District Attorney) \$66,500 decrease (by \$10,650) to \$55,850

Position #004896-SYS (EFPP) \$5,356 decrease (by \$206) to \$5,150

Position #001795-SYS (Assistant District Attorney) \$45,200 increase (by \$10,650) to \$55,850

Position #004895-SYS (EFPP) \$4,944 increase (by \$206) to \$5,150

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

RESOLVED, that the foregoing be accomplished in accordance with Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga, and that Part IV of the 2009 Cayuga County Compensation Plan are amended to reflect the adjustments herein.

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Fearon, Palermo, Mitchell, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 359-09 Action Date 6/23/09

PSAPftESDfillrev

AUTHORIZATION TO FILL A VACANT EMERGENCY SERVICES DISPATCHER POSITION

BY: Mr. Raymond Lockwood, Chairperson, Judicial and Public Safety Committee

Mr. Francis Mitchell, Chairperson, Ways & Means Committee

WHEREAS, the Cayuga County 911 Center currently will have a vacant Full-Time Emergency Services Dispatcher positions, effective July 10, 2009 due to a retirement; and

WHEREAS, it is necessary to select candidates and fill the Emergency Services Dispatcher position for continuity of services; now therefore be it

RESOLVED, that the position (#001893) be filled, and that the 911 Administrator be hereby authorized to fill the vacant Emergency Services Dispatcher position from the existing Civil Service list; and be it further

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

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Fearon, Palermo, Mitchell, Murphy, Mahunik, Petrus, all in favor.

**RESOLUTION NO. 360-09 (6/23/09) COA-LLPrhbtgTxtMessngWhileDrvgWithinCo.FIX
FIXING DAY AND NOTICE OF PUBLIC HEARING ON A LOCAL LAW RELATING TO PROHIBITING
TEXT MESSAGING WHILE DRIVING WITHIN THE COUNTY OF CAYUGA.**

BY: MR. LOCKWOOD, Chairman, Judicial & Public Safety Committee.

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on June 23, 2009, a proposed local law entitled:

"A LOCAL LAW RELATING TO PROHIBITING TEXT MESSAGING
WHILE DRIVING WITHIN THE COUNTY OF CAYUGA."

Now, therefore, be it

RESOLVED, that a public hearing shall be held concerning the proposed local law before the Cayuga County Legislature on July 28, 2009 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 Lockwood, Aikman, Chapman, Cuddeback, Cuddeback, Fearon, Palermo, all in favor.

**RESOLUTION NO. 361-09 6.23.09 SHR-Authorizing Chmn to Sign SEACC (prscptns)rev
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
PRESCRIPTIONS.**

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 prescription medications, agreed to in principal in the contract, has been agreed (see attached) 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.

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Fearon, Mitchell, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 362-09

6/23/09

SHR- MOU SEACC/CCDSPA Vacationrev2

AUTHORIZING THE COUNTY OF CAYUGA, THE CAYUGA COUNTY SHERIFF'S OFFICE, THE SHERIFF'S EMPLOYEES ASSOCIATION OF CAYUGA COUNTY (SEACC) AND THE CAYUGA COUNTY DEPUTY SHERIFF'S POLICE ASSOCIATION (CCDSPA) TO ENTER INTO MEMORANDUM OF UNDERSTANDINGS TO MODIFY A PORTION OF THE CURRENT CONTRACTS PERTAINING TO THE USAGE OF VACATION TIME.

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

WHEREAS, the County of Cayuga and the Sheriff's Employees Association of Cayuga County, Inc. (SEACC) entered into a Contract for a term beginning January 1, 2007 and terminating December 31, 2011 to promote harmonious labor relations; and

WHEREAS, the County of Cayuga and the Cayuga County Deputy Sheriff's Police Association (CCDSPA) entered into a Contract for a term beginning January 1, 2007 and terminating December 31, 2011 to promote harmonious labor relations; and

WHEREAS, the County of Cayuga, the Cayuga County Sheriff's Office, the members of the SEACC and CCDSPA have expressed their desire to amend the portion of the each contract to allow vacation time to be taken in hourly increments rather than in daily increments as presently stated in both contracts; and

WHEREAS, the Cayuga County Sheriff, the Cayuga County Attorney, the Cayuga County Manager, the Cayuga County Legislative Chairman and Cayuga-Onondaga BOCES Assistant Superintendent for Personnel Relations have discussed the matter and have no objection to amending said portion of both contracts; and

WHEREAS, said modification shall remain in effect until the later of December 31, 2011 or the signing and ratification of a subsequent contract between the parties.

now therefore be it

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

RESOLVED, said modification shall remain in effect until the later of December 31, 2011 or the signing and ratification of a subsequent contract between the parties; and be it further

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

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Fearon, Mitchell, Murphy, Mahunik, Petrus, all in favor, except Palermo voting no.

RESOLUTION NO. 363-09

6/23/09

SHR - BUNY Grant

AUTHORIZING THE SHERIFF OF CAYUGA COUNTY TO APPLY FOR GRANT MONIES FROM THE "BUCKLE UP NEW YORK (BUNY), CLICK OR TICKET" STATEWIDE ENFORCEMENT CAMPAIGN TO CONDUCT SEAT BELT ENFORCEMENT.

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

WHEREAS, the "Buckle Up New York (BUNY), Click it or Ticket" is a statewide enforcement campaign designed to save lives and reduce the severity of injuries by increasing safety restraint use; and

WHEREAS, the New York State Governor's Traffic Safety Committee offers grant applicants the opportunity to apply for financial support in overtime wages spent on the enforcement of seat belts laws during enforcement mobilization dates (October 1, 2009 through April 1, 2010 and May 24, 2010 through June 6, 2010); and

WHEREAS, the Cayuga County Sheriff's Office has the potential of receiving grant monies to cover the cost of overtime wages accumulated by Sheriff's Deputies for their participation in this campaign, which will also indemnify the County for upholding laws that are currently enforced, and ultimately increase safety restraint usage, knowledge and awareness of the importance of safety restraint use by our citizens; and

WHEREAS, the "Buckle Up New York (BUNY), Click it or Ticket" is a grant reimbursement program with 100% of the funds expended reimbursable by New York State; now therefore be it

RESOLVED, that the Cayuga County Sheriff's Office is hereby permitted to apply for monies available through the New York State Governor's Traffic Safety Committee "Buckle Up New York (BUNY), Click it or Ticket" grant program.

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Palermo, Fearon, Mitchell, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 364-09

6/23/09

SHR-CPS Incentive Grant

AUTHORIZING THE SHERIFF OF CAYUGA COUNTY TO APPLY FOR FUNDING FROM THE NEW YORK STATE CHILD PASSENGER SAFETY (CPS) GRANT PROGRAM IN ITS CONTINUING EFFORT TO PROMOTE CHILD PASSENGER SAFETY AWARENESS AND PROPER USE.

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

WHEREAS, child safety seats reduce the risk of fatal injury by 71% when used correctly, however more than 90% of child safety seats used are being used improperly; and

WHEREAS, the National Highway Traffic Safety Administration with a grant from the New York State Governor's Traffic Safety Committee has monies available for local communities to purchase child safety seats that will assist in conducting programs to promote child passenger safety awareness and proper use; and

WHEREAS, the Cayuga County Sheriff's Office has the potential of receiving \$6,500.00 in grant monies to purchase child safety seats and other related items if applied for in a timely manner to become a recipient of these available funds; and

WHEREAS, the New York State Child Passenger Safety Grant Program is a grant reimbursement program with 100% of the funds expended on allowable equipment reimbursable by New York State; now therefore be it

RESOLVED, that the Cayuga County Sheriff's Office is hereby permitted to apply for monies available through the New York State Child Passenger Safety Grant Program offered through the National Highway Traffic Safety Administration, New York State Governor's Traffic Safety Committee.

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Palermo, Fearon, Mitchell, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 365-09

6/23/09

SHR-Transfer Monies (Bldg. Main.)

AUTHORIZING THE SHERIFF OF CAYUGA COUNTY TO TRANSFER MONIES FROM THE SHERIFF'S 2009 CUSTODY RENOVATION AND CONSTRUCTION BUDGET LINE A31504 54178 TO THE SHERIFF'S 2009 CUSTODY BUILDING MAINTENANCE BUDGET LINE A31504 54012.

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 2009 Custody Building Maintenance Budget Line A31504 54012 to cover the cost of maintaining the Cayuga County Public Safety Building for the remainder of the year; and

WHEREAS, there is a surplus amount of money in the Sheriff's 2009 Custody Renovation and Construction Budget Line A31504 54178 to compensate the shortage in the Sheriff's 2009 Custody Building Maintenance Budget Line A31504 54012; now therefore be it

RESOLVED, that the Cayuga County Treasurer be authorized to transfer \$30,000.00 from the Sheriff's 2009 Custody Renovation and Construction Budget Line A31504 54178 to the Sheriff's 2009 Custody Building Maintenance Budget Line A31504 54012; 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, Aikman, Axton, Chapman, Cuddeback, Palermo, Fearon, Mitchell, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 366-09 (6/23/09) DA.contractual transfer.09
AUTHORIZING THE DISTRICT ATTORNEY OF CAYUGA COUNTY TO TRANSFER FUNDS WITHIN THE 2009 DISTRICT ATTORNEY A11654 CONTRACTUAL EXPENSE ACCOUNT (FROM A11654 54086 WITNESS & TESTIMONY FEES TO A11654 54059 PROFESSIONAL SERVICES)

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

WHEREAS, professional services were recently required for a Record on Appeal; and
WHEREAS, the District Attorney 2009 Budget has insufficient funds in the 2009 A11654 Contractual Expense Account Budget Line A11654 54059 Professional Services to pay an invoice for Professional Services rendered by Counsel Press, LLC; and
WHEREAS, there are sufficient funds in the 2009 A11654 Contractual Expense Account Budget Line A11654 54086 Witness & Testimony Fees to cover the cost of said invoice; now therefore be it
RESOLVED, that the Cayuga County Treasurer be authorized to transfer \$3,000 from A11654 Contractual Expense Account Budget Line A11654 54086 Witness & Testimony Fees to A11654 Contractual Expense Account Budget Line A11654 54059 Professional Services; and be it further
RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make the necessary journal and accounting entries to accomplish same.

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Palermo, Fearon, Mitchell, Murphy, Mahunik, Petrus, all in favor.

Motion by Axton, 2nd by Lockwood to reconsider vote on PW#1, majority vote, Ayes – Chapman, Axton, Petrus, Lockwood, Fearon, Cuddeback, Murphy, Tortorici (494) Noes – Palermo, Schuster, Mills, Mitchell, Mahunik, Sincebaugh, Aikman (388) Approved.

Motion by Axton to vote on resolution, defeated by majority vote - Majority vote Noes – Palermo, Axton, Petrus, Lockwood, Fearon, Mitchell, Cuddeback, Murphy, Tortorici.(528) Ayes – Schuster, Mills, Mahunik, Sincebaugh, Aikman.(273) Abstained – Chapman. (81) Vote 528/273/81.

Resolution Defeated.

PW#1

RESOLUTION NO. 367-09 6/23/09

Blds-Demo of 2 Park Ave

Authorizing Chairman of the Cayuga County Legislature to enter into contract for demolition of 2 Park Avenue for the Mental Health building Project

BY: MR. AXTON, Chairman, Public Works Committee, and
MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, 4 firms responded on Demolition of 2 Park Avenue, and are as follows:

Paul Vitale	\$19,700.00
Spano	\$18,460.00
Paragon Environmental.	\$17,800.00
Tri-County Excavators	\$17,500.00

And

WHEREAS, The Public Works Committee reviewed the bids, now therefore let it be
RESOLVED, that the Demolition of 2 Park Avenue for the Mental Health Building Project be awarded to Tri-County Excavators 1776 Town Line Road Geneva NY 14456, for \$17,500.00 and let it further be
RESOLVED, that the funding will come out of Capital H # 08-01, and let it further be
RESOLVED, that the Chairman of the Cayuga County Legislature be authorized and directed to sign the necessary documents required to implement the intent of this resolution.
RESOLVED, that the Cayuga County Treasurer be authorized to make the journal entries appropriate and necessary to implement the intent of this resolution.

Discussion: Schuster, support low bidder and not resolution to reject

Wayne Allen, Soil & Water Construction Manager & Architect, re-write bid specs, other things have to be re-written. It will be 4 weeks. C & S does this all on their cost, not ours.

Schuster, we are talking about overall building?

Wayne Allen, no, initially they were going to site work.

Axton, we are going to do this no matter what.

Wayne Allen, Mike Pawlenko is dealing with Klienfelder re: design specs. for abatement.

Axton, RFP, full design of all hazardous abatement.

Wayne Allen, Soil & Water could get a jump on the project.

Axton move the question.

Resolution Defeated.

RESOLUTION NO. 368-09

6.23.09 COAC&SAMNDK

AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO AMEND THE AGREEMENT WITH C&S COMPANIES FOR THE MODIFICATION TO THE CONSTRUCTION DOCUMENTS TO INCORPORATE CAYUGA COUNTY SOIL AND WATER CONSERVATION DISTRICT AND THE CONSTRUCTION MANAGER REQUESTED MODIFICATIONS.

BY: MR. AXTON, Chairman, Public Works Committee, and
MR. 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. 312-09 authorized the hiring of a construction manager for the 146 North Street project and the construction manager has made suggested modification to the construction documents designed by C & S Companies; and

WHEREAS, the Cayuga County Soil and Water Conservation District is able to assist the County with the 146 North Street project with the result that the construction documents designed by C & S Companies require modifications; and
WHEREAS, the C & S Companies submitted an agreement for the additional services for the modification to the construction documents to incorporate Cayuga County Soil and Water Conservation District and construction manager requested modifications (copy attached); now therefore be it

RESOLVED, that the chairman of the Cayuga County Legislature is hereby authorized and directed to execute the attached agreement with C & S Companies.

Signed by Axton, Lockwood, Mills, Mitchell, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 369-09

Blds-Reject Demo bids of 2 Park Ave

Authorizing the rejection of all bids for the demolition of 2 Park Avenue for the Mental Health building Project

BY: MR. AXTON, Chairman, Public Works Committee, and
MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, 4 firms responded on Demolition of 2 Park Avenue, and are as follows:

Paul Vitale	\$19,700.00
Spano	\$18,460.00
Paragon Environmental.	\$17,800.00
Tri-County Excavators	\$17,500.00

And

WHEREAS, The Public Works Committee reviewed the bids and decided to reject all bids, now therefore let it be
RESOLVED, that the Cayuga County Legislature reject all bids for the demolition of 2 Park Avenue Auburn, NY and to implement the intent of this resolution.

Signed by Axton, Lockwood, Mills, Mitchell, Chapman, Murphy, Mahunik, Petrus.

Discussion: Aikman is this legal?

Westphal, absolutely.

Resolution passed by majority vote, Ayes – Axton, Petrus, Lockwood, Fearon, Mitchell, Cuddeback, Murphy, Tortorici. Noes – Palermo, Schuster, Axton, Mills, Mahunik, Sincebaugh, Aikman. Vote – 470/412

Motion by Lockwood, 2nd by Palermo to table, defeated by majority vote. Noes – Schuster, Chapman, Axton, Petrus, Mills, Fearon, Mitchell, Murphy, Mahunik, Sincebaugh, Aikman, Tortorici. Noes – Palermo, Lockwood, Cuddeback. Vote – 697/185

RESOLUTION NO. 370-09 coadvcoauditorrev

AUTHORIZING THE CAYUGA COUNTY DEPARTMENT OF HUMAN RESOURCES AND CIVIL COMMISSION SERVICE TO ADVERTISE FOR A FULL TIME COUNTY AUDITOR AND TO PAY FOR SAID ADVERTISING.

Hon. Francis Mitchell, Chairman of Ways and Means Committee

WHEREAS, Local Law No. 2 of the year 2009 established the Office of County Auditor for the County of Cayuga; and WHEREAS, the County is willing to recruit a County Auditor and therefore is required to advertise for the filling of the position; now therefore be it

RESOLVED, that a sum up to \$1,800.00 remaining from the transfer for the Director of Veterans Service recruitment (Advertising Account) A14304-54061, be hereby utilized for this purpose; and be it further

RESOLVED, that the Cayuga County Department of Human Resources and Civil Service Commission be hereby authorized to advertise for a full-time County Auditor; and be it further

RESOLVED, that the County Treasurer be hereby authorized to make any journal or accounting entries to transfer the funds for the cost of the advertisements pursuant to this resolution.

Signed by Mitchell.

Discussion: Cuddeback, I have questions, not in support.

Lockwood, 4 yr. w/fringe cost, way over 300,000, currently have that position, will not support.

Tortorici, salary \$82,000 to 83,000 per year.

Resolution passed by majority vote, Ayes – Schuster, Chapman, Axton, Petrus, Mills, Fearon, Mitchell, Murphy, Mahunik, Sincebaugh, Aikman, Tortorici. Noes – Palermo, Lockwood, Cuddeback. Vote – 697/185.

Motion by Lockwood, 2nd by Palermo to adjourn at 8:37PM, all in favor.

Motion by Palermo, 2nd by Lockwood to approve minutes of 6-23-09, on 10-27-09, all in favor.