

**MINUTES  
CAYUGA COUNTY LEGISLATURE  
JULY 28, 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, except Palermo excused.

**PLEDGE OF ALLEGIANCE:**

**MOMENT OF PRAYER:**

**DEATHS:** Earl Lamphere, Cayuga Legislator 1985 to 2002, served in the U.S. Army during World War II, worked for 33 years with the State Department of Environmental Conservation, he was a Weedsport Village Board Trustee, member of the Cayuga County Republican Committee, member of the Clerk-Heck Post 568 of the American Legion.

Bernard Eugene DeGraw, was the Cayuga County Director of Probation, retiring after 40 years of service and a World War II US Navy Veteran.

**PUBLIC HEARING:** 6:30PM "A Local Law Relating to Prohibiting Text Messaging While Driving Within the County of Cayuga." Opened at 6:32PM.

**RECOGNITION:** Legislator Cynthia Aikman and Sheriff David Gould for William Welch, Legislator Cynthia Aikman read the dedication accompanied by Sheriff David Gould. Mr. Welch is president of REACT, (Radio Emergency Associated Communications Teams) who are volunteers who are organized internationally and use Citizen Band (CB) radios to provide public service.

**PROCLAMATIONS:** Town of Troop, 150<sup>th</sup> Anniversary 1859 – 2009

Owasco Watershed Lake Association 2<sup>nd</sup> Annual Owasco Lake Day 7-1-09

Dana L. West Day in Cayuga County 7-25-09

Georgianna Tracy Day in Cayuga County 7-28-09

**All proclamations attached to original minutes.**

**PRESENTATION:** Dan Fessenden and Tony Franceschelli for the Emerson Foundation, spoke on ways to better use Emerson Park for now and the future. Original handout attached to minutes.

National Weather Storm Ready Certification, Judy Levan, Forecaster Buffalo, NY, presented the County of Cayuga with certification as being a "Storm Ready Community". Handout attached to original minutes.

**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.

**MINUTES:** For Approval: 5-26-09, 6-2-09 and 6-4-09, Motion by Lockwood, 2<sup>nd</sup> by Cuddeback to approve minutes, all in favor.

For Reading: 6-16-09, 6-23-09, 6-25-09 and 7-14-09.

**CCC REPORT:** Dr. Daniel Larson, Enrollment Update 2009-10 looks to be a record breaker. We have a new Vice-President and Treasurer, Diane Hutchinson. Joseph Camardo, Professor of the Business Dept. is retiring this month after 50 years of service. President Obama, in mid-July, announced his proposal for \$12 billion in support of community colleges. This week the college is running television ads to promote a new accelerated pathway for accounting and business degrees. We toured the Fulton Campus to discuss the options available as part of our expansion plans.

**COMMITTEE REPORTS & INDIVIDUAL LEGISLATORS' REPORTS:** Legislator Lockwood, I represented the county at NYSAC seminar held in Nashville. Supervisor's from the County of Madison and I submitted a platform resolution that will go along with Senator Schumer bill for Land into Trust. It was very informative, glad I was able to be there.

**MANAGER'S REPORT:** Wayne Allen, the 2<sup>nd</sup> quarter report for the 2009 county budget is on your desks. On August 5<sup>st</sup>, 2009 all departments are expected to have their 2010 and 2011 county budget requests and their projected year end 2009. Hopefully by the August meeting I will have a report to you which will indicate where we will be at the end of 2009 before we start budget. Budget workshops will begin end of August and we will look at capital projects. We will be putting together a grant application to the State for the Emerson Park Pavilion working in conjunction with the Emerson Foundation, Saratoga Associates. Gary Duckett, Steven Lynch are working on the grant. It's a grant that caps a \$600,000, it requires a local match of \$150,000, we have the money to do the match. The due date is September 14, 2009, so in August we will be coming to you with resolutions, (1) for a Facilities Master Plan, for the Pavilion and (2) Authorization to Apply for the Grant. The County is getting very aggressive with risk management, the Chairman was there, Brian Dahl chairs the committee, we are really gearing up. This committee will look at safety issues, liability issues. I believe in the future we will be able to cut worker comp cases, accidents and more, As we move forward we will have recommendations from the committee.

**CHAIRMAN'S REPORT:** Peter Tortorici, reminder, there will be a meeting tomorrow at BOCES, 6:30PM re: Economic Development, I would like to see all Legislators's attend. Thank you to Patrick Mahunik, Linda Murphy, and Cynthia Aikman for their help with this.

**APPOINTMENTS AND RE-APPOINTMENTS: Motion by Fearon, 2<sup>nd</sup> by Lockwood to appoint Thomas McKellop to the Ethics Board, all in favor.**

#### **COMMUNICATIONS AND ANNOUNCEMENTS:**

1. Received a thank you card from Governor Sarah Palin.
2. Received a thank you card from Arlene M. Murphy, for being honored at Senior Citizens Day.
3. Received a letter from Walter C. Foulke, Treasurer Farley's Point, Inc., re: Indian Land Trust.
4. Received a letter from Gary Giannotta, Chief of Police City of Auburn, and Michael Quill, Mayor City of Auburn, thanking the Cayuga County Sheriff's Dept., State Police and APD for their assistance with Founders Day.
5. Received a letter from Michael Henty, thanking the Sheriff's Dept., Sergeant Butler and the Cayuga County Sheriff's Office Inmate Work Crew with their help with preparing the trails to open at Everest Park.
6. Received a letter from Gary Mulvaney, Mayor Village of Moravia, thanking the Sheriff's Dept., Sgt Doug Butler and the Sheriff's Dept. Office Inmate Work Crew with their help with cleaning up the cemetery adjacent to Fillmore Glen State Park, with spring clean-up, street cleaning, preparing baseball fields, and work done at Fuller Park.
7. Received a letter from Tim Murphy, thanking Officer Lupo and Linnwood for their professionalism in helping his daughter at the time of her car accident.
8. Received a letter from Southern Cayuga High School, thanking Sheriff David Gould, and the 911 Dept. for the tour they extended to the Southern Cayuga Forensic Science Class.
9. Received a letter from the Port Byron Fire Dept., thanking the Sheriff's Dept. Community Service Crew for their help with Spring Housekeeping.
10. Received a letter from Irving Lyons, Executive Director, Cayuga Community Health Network, thanking the County for their support in "making a Healthy Environment for a Healthy Community.
11. Received a letter from Senator Kirsten Gillibrand, thanking Mary Jones for contacting her re: The Draft Environmental Impact Statement.
12. Received a letter from Kimberly Smith, thanking the Sheriff's Dept for their support on behalf of the Special Olympics of New York.
13. Received a letter from Sheriff David Gould, re: congratulate Detective Brian Schenck on being chosen as a recipient of the Law Enforcement Commendation from the Central New York Assoc. of Chiefs of Police.
14. Received a letter from Kevin and Paige Jessie, thanking Deputy Matthew Sloan, re: a property damage accident.

15. Received a letter from Sheriff David Gould thanking Deputy Paul Cowan for his commitment to detail in helping to prevent a burglary and thanking Detective Steven Smith for his actions that may well have saved a young lady's life that was involved in an accident.

**Motion by Lockwood, 2<sup>nd</sup> by Petrus to waive reading of communications, all in favor.**

**RESOLUTIONS:**

**RESOLUTION NO. 372-09**

**AuditJuly2009.doc**

**AUTHORIZING THE COUNTY TREASURER TO PAY JULY 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 \$1,923,002.89, 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. 373-09**

**07.28.09**

**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:

June 2009

Electric	\$169,521.73
<u>Telephone:</u>	<u>\$ 17,746.11</u>
Total:	\$187,267.84

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. 374-09**

**07.28.09**

**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:

June 2009

\$ 295.50

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

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

**RESOLUTION NO. 375-09 Date of meeting: July 28, 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 \$133,117.38 for the month of June 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, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

**RESOLUTION NO. 376-09 7-28-09**  
**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 \$11,311.50 covering the period through 6/29/09 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, Murphy, Schuster, Sincebaugh, Mitchell, Axton, Chapman, Lockwood, Mahunik, all in favor.

**RESOLUTION NO. 377-09 07.28.09**  
**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:

June 2009	
First Niagara	\$ 0
AmExpress	\$2330.85
Sunoco	\$ 185.06
Walmart	\$2500.00
<u>Exxon</u>	<u>\$ 75.70</u>
Total:	\$5091.61

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. 378-09 07.28.09**  
**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:

June 2009	
Copier Leases and Maintenance:	\$ 8935.57
<u>Postage Leases:</u>	<u>\$ 478.00</u>
Total:	\$ 9413.57

RESOLVED, that said payment 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. 379-09 (7/28/09)**

**COA-CAPH7PA**

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

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

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

WHEREAS, said claims have been reviewed and approved by the interested oversight committees; now, therefore, be it RESOLVED, that the County Treasurer be and he is hereby authorized and directed to pay the following claims and charge the same to the appropriate Capital "H" Projects:

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

ESRI:

Inv. No. 92024697.....\$10,374.00

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

TYLER TECHNOLOGIES, INC.

Inv. No. 12710..... \$ 3,438.40

Inv. No. 12717.....\$ 6,804.85

INN AT THE FINGERLAKES:

Inv. No. 4116.....\$ 210.00

Inv. No. 4145.....\$ 210.00

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, Petrus, all in favor.

**RESOLUTION NO. 380-09 (7/28/09)**

**HR-NobleContract2009**

**AUTHORIZING THE CHAIRMAN OF THE COUNTY LEGISLATURE TO SIGN CONTRACT FOR TECHNICAL SERVICES FOR EXAMINATIONS.**

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

WHEREAS, the current contract for technical examination services is due to expire in July of 2009; and

WHEREAS, the services provided are vital to the administration of technical examinations; and

WHEREAS, there are sufficient funds in Account # A1430-4-54118 to pay the contractual/professional expense for this purpose; now, therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature be hereby authorized and directed to sign the contract with Dawn Noble that provides technical examination assistance as stated above at a cost not to exceed the adjusted budgeted amounts; and be it further

RESOLVED, that the County Attorney develop an updated contract for Dawn Noble to provide the necessary services for the Civil Service Commission to administer technical examinations at a continued rate of \$27.00 per hour for services rendered effective 8/1/09 to 7/31/11; and be it further

RESOLVED, that the County Treasurer make the journal and accounting entries necessary to carry out the intent of this resolution.

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

**RESOLUTION NO. 381-09****Action: 7/28/09****wmtrsrfunds07-09****Authorizing the transfer of funds within the appropriated civil service budget for the cost of Civil Service Institute Training (3 Sessions) in 2009 for Commissioner.**

BY: Francis Mitchell, Chairman, Ways and Means Committee

WHEREAS, a Civil Service Commissioner would like to attend the New York State Civil Service Institute 2009 Academy in Albany, NY for three weeks of training on a variety of topics of importance to civil service professionals; and,

WHEREAS, the NYS Department of Civil Service is taking applications for the Institute prior to August 7, 2009; and WHEREAS, it has been recommended by the Civil Service Commission that the Commissioner attend the Institute in the fall of 2009; and

WHEREAS, the funds necessary for the cost of the Institute is contained within the Civil Service operating budget for 2009; and

RESOLVED, that the Civil Service Commission is authorized to send one Commissioner to the NYS Civil Service Institute in Albany NY at the cost of \$2,191 ; and be it further

RESOLVED, that the County Treasurer be authorized to make the necessary accounting entries to amend the Civil Service operating budget by transferring funds from A1430.54059 (Professional Services) in the amount of \$1,700 to A1430.54067 (Seminars and Conferences) for a total of \$1,700 to accommodate the anticipated costs of the lodging and meals while at the Institute.

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

**RESOLUTION NO. 382-09 (7/28/09)****COA-RenFLETCHERctrForServsReEduLawrev****TO AUTHORIZE THE CAYUGA COUNTY LEGISLATURE TO CONTRACT WITH ATTORNEY AND COUNSELLOR AT LAW MATTHEW R. FLETCHER RELATED TO THE PROVISION OF ADVICE, CONSULTATION AND REPRESENTATION IN EDUCATION LAW AND RELATED LEGAL MATTERS.**

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

WHEREAS, the County of Cayuga is in need of the services of Matthew R. Fletcher, Attorney at Law, for the purposes of advice, consultation and representation in Education Law and related legal matters; and

WHEREAS, in order to meet the needs of the County, both parties are desirous of entering into a contract wherein Matthew R. Fletcher will provide the above services to the County of Cayuga for the following compensation:

1. Legal services are to be billed at an hourly rate of \$180.00 per hour. Billings are to be submitted on a monthly basis;
2. Paralegal services are to be billed at the rate of \$55.00 per hour; Mileage is to be billed at the rate of \$ .505 per mile;
4. Duplication, printing and copying are to be billed at cost in addition to a ten percent (10%) surcharge;
5. Filing fees, cost of process servers and other disbursements shall be billed at cost; and

WHEREAS, the term of such contract shall be from July 1, 2009 until June 30, 2010; now, therefore, be it

RESOLVED, that the Cayuga County Legislature approve obtaining the services of Matthew R. Fletcher, Attorney and Counsellor at Law, as set forth herein above.

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

**RESOLUTION NO. 383-09 (07/28/09)****rpsfillGIStechnicianev****AUTHORIZING THE CAYUGA COUNTY REAL PROPERTY SERVICES OFFICE TO FILL A VACANCY**

BY: Francis Mitchell, Chairman, Ways &amp; Means Committee

Whereas, the Cayuga County Office of Real Property Services currently has one vacancy in the existing GIS Technician position; and

Whereas, it is necessary to select a candidate from the new civil service eligible list and fill the GIS Technician position to ensure continuity of mandated services that assure Real Property Tax Collection; and

Whereas, money has been budgeted for this position in the 2009 budget; now therefore be it

RESOLVED that the Cayuga County Office of Real Property Services is hereby authorized to fill the position (#4398) immediately in accordance with civil service rules and regulations and the Policies of Cayuga County.

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

**RESOLUTION NO. 384-09      7.28.09      Leave Bank july09**  
**AUTHORIZING THE CREATION OF A TEMPORARY LEAVE BANK FOR A COUNTY EMPLOYEE.**

Mr. Francis Mitchell, Chair, Ways and Means Committee.

WHEREAS, an employee of the Health and Human Services Department is diagnosed with complications; and  
WHEREAS, this employee has worked for the Health and Human Services Department the employee's earned accruals have been utilized to cover the recovery time; and

WHEREAS, discussion has occurred over this issue with representatives of the County and the CSEA and both parties have agreed to allow the creation of a temporary leave bank at the request of fellow employees to address the immediate loss of income for the employee, now; therefore, be it

RESOLVED, that the Cayuga County Legislature hereby approves this temporary leave bank, subject also to approval of CSEA Officials; and, be it, further

RESOLVED, that the Cayuga County Legislature authorizes and directs all those steps that may be required to undertake this temporary leave bank in accordance with the following conditions developed in Resolution #174 adopted on April 16, 1996:

All other leave shall have been exhausted by the employee. All County employees may be permitted to donate personal or vacation leave time in no less than half day increments, at any amount up to a grand total of seventy-five work days, all leave donations shall be in writing on a standardized leave bank form, leave time shall be used by the employee in no less than half day increments, using one full day from each donation before additional days are utilized from donors making multiple day donations; and, be it, further

RESOLVED, that the Cayuga County Legislature wishes the employee a speedy recovery and looks forward to their return to work with the County.

Per Fred Westphal 8-3-09 use this resolution.

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

**RESOLUTION NO. 386-09      7.28. 2009      COASLSTXEXTNSN09REV3**

**Increasing the rate of taxes on sales and uses of**

**tangible personal property and of certain**

**services, and on occupancy of hotel rooms and**

**amusement charges, pursuant to Article 29 of the**

**Tax Law of the State of New York.**

BY: Francis Mitchell Chairman, Ways & Means Committee

Be it enacted by the County Legislature of the County of Cayuga, as follows:

SECTION 1. The first sentence of section two of resolution # 40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after June 1, 1968, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1992, and ending November 30, 2011, there is

hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of resolution #40 entitled "Imposition of Sales Tax" as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1992, and ending November 30, 2011, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user

in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2011, the tax shall be at the rate of four percent, and on and after December 1, 2011, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Paragraph (B) of subdivision 1 of section 11 of Resolution No. 40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1992, and ending November 30, 2011, in respect to the use of property used by the purchaser in this County prior to September 1, 1992.

SECTION 5. Subdivision b of section 14 of Resolution No. 40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

(b) Except as provided in subdivision (c) of this section, net collections distributed to the County by the State Comptroller attributable to the additional one percent

rate of sales and compensating use taxes imposed for the period beginning September 1, 1992, and ending November 30, 2011, are set aside for County purposes and shall be available for any County purpose.

SECTION 6. This enactment shall take effect December 1, 2009.

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

**RESOLUTION NO. 386-09 (7/28/09) COA-RenLaborRelsCtWithBOCES09-10Rev  
 AUTHORIZING RENEWAL OF LABOR RELATIONS AGREEMENT WITH CAYUGA-ONONDAGA  
 BOCES.**

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

WHEREAS, the COUNTY OF CAYUGA entered into a contract with CAYUGA-ONONDAGA BOCES to handle all negotiations and labor relations for the County of Cayuga, which contract terminated on June 30, 2009; now, therefore, be it

RESOLVED, as follows:

1. That, the Chairman of the County Legislature be and he is hereby authorized to enter into a renewal contract with CAYUGA-ONONDAGA BOCES to perform labor relations services, including negotiations, for the County of Cayuga for a period of one (1) year (7/1/09 to 6/30/10).

2. That for negotiating agreements listed below, to be administrated by BOCES during the period July 1, 2008 through June 30, 2009, CAYUGA-ONONDAGA BOCES shall receive a total of \$58,250.00, of which \$46,600.00 will be paid by the COUNTY OF CAYUGA and \$11,650.00 will be the responsibility of CAYUGA COMMUNITY COLLEGE:

- a. CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC. (General Agreement)
- b. DEPUTY SHERIFF'S POLICE ASSOCIATION (Road Patrol)
- c. CIVIL SERVICE EMPLOYEES' ASSOCIATION (Sheriff's Department)
- d. CAYUGA COUNTY COMMUNITY COLLEGE FACULTY ASSOCIATION
- e. CAYUGA COUNTY NURSES' ASSOCIATION

3. That for any and all additional matters that they are engaged for, not covered by the contract, CAYUGA-ONONDAGA BOCES shall be paid a fixed hourly rate of \$105.00 per hour, plus costs and disbursements.

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

**RESOLUTION NO. 387-09 07/28/09 RPSrepurchasetaxparcels2009#25  
 AUTHORIZING THE PURCHASE OF TAX-DELINQUENT PROPERTY OWNED BY CAYUGA COUNTY**

By Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS, established policies and procedures have been set in place for the sale, disposition and use of certain real property owned by the County of Cayuga, as approved in Resolution 382-04, and

WHEREAS, the Director of Real Property Services has received purchase offers as listed below to be considered by the Ways and Means Committee for approval by the County Legislature, in accordance with said policies and procedures, and

WHEREAS, all payments required by County rules have been paid and are being held by the Director until approval of the sale by the Legislature, and

WHEREAS, the Director of Real Property Services recommends approval of the following:

Tax Map #	Location of Parcel	Purchase Offer Made By
234.00-1-30	1001 Lake Como Rd.	Laurie A. Feint

NOW THEREFORE BE IT RESOLVED that the recommendation of the Ways & Means Committee set forth above is hereby approved and the Real Property Services Director and the Chairman of the County Legislature are instructed to take whatever steps are necessary to complete the sale.

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

**RESOLUTION NO. 388-09 (July 28, 2009) HD Northbrook Heights CHHA**  
**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew the Contract with Northbrook Heights Home for Adults 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 Northbrook Heights Home for Adults to provide the following services at the following rates:

<u>Rates</u>	<u>7/1/09 – 6/30/10</u>
Home Health Aides.....	\$16.46/hr.
Personal Care Aides.....	\$16.46/hr.
Homemaker/Housekeeper.....	\$16.46/hr.

and be it further

RESOLVED, that these expenses be paid from account #A40124 54219 of the 2009 Health Department Budget.

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

**RESOLUTION NO. 389-09 (July 28, 2009) HD American Lung Assoc**  
**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into a Memorandum of Understanding with the American Lung Association/CNY Asthma Coalition**

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

WHEREAS, the Community Health Services Division of the Health Department has been approached by the American Lung Association/CNY Asthma Coalition to market their “In Home Education and Learning Program” (IHELP); and

WHEREAS, the American Lung Association/CNY Asthma Coalition will reimburse the County Health Department up to \$1000 for the service to be rendered as part of their “A Systems Approach for Reducing the Burden of Asthma” grant; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services enter into a Memorandum of Understanding” with the American Lung Association/CNY Asthma Coalition for the period May 1, 2009 through December 15, 2009 and the Coalition will reimburse the County Health Department for services rendered in an amount not to exceed \$1000.

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

**RESOLUTION 390-09 (July 28, 2009) HS Cayuga Home Preventive Respite  
 Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a  
 Contract with Cayuga Home for Children for the Provision of Preventive Respite and Child Welfare Diagnostic  
 Services**

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

WHEREAS, the Human Services Department has undertaken an initiative to look at ways that we may be able to reduce the number of days children need to be placed in detention; and

WHEREAS, it was agreed that having access to short-term respite services as well as getting access to community based diagnostic services may have a significant impact in reducing our detention days; and

WHEREAS, we have negotiated with Cayuga Home for Children for the provision of these services at the follow costs:

- Preventive Respite..... \$195 per diem
- Diagnostic Services:
  - A Psych-Social Evaluation.....\$150
  - A Home Assessment.....\$150
  - A Psychiatric Assessment.....\$375
  - A Psychological Assessment.....\$600

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be allowed to enter into a contract with Cayuga Home for Children to provide the above services for the contract period of July 1, 2009 through June 30, 2010; and be it further

RESOLVED, that these services be paid from Account #A60704 54184 (Preventive Services) of the Human Services Department's 2009 Budget.

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

**RESOLUTION NO. 391-09 (July 28, 2009) HS Cayuga Counseling Diagnostics  
 Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a  
 Contract with Cayuga Counseling Services, Inc. for the Provision of Community, Detention or Respite Based  
 Mental Health Diagnostic Assessments to Children and To Make Recommendations for Treatment**

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

WHEREAS, the Department believes that having access to community based diagnostics will offer Family Court a less expensive alternative to a 60-day residential diagnostic evaluation; and

WHEREAS, the Human Services Division of Health & Human Services desires to contract with Cayuga Counseling to provide the community based diagnostics and make recommendations for treatment; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be allowed to enter into a contract with Cayuga Counseling Services, Inc. to provide these services for the contract period August 1, 2009 through July 31, 2010 at the following costs:

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

RESOLVED, that these services be paid from Account #A61234 54000 of the 2009 Human Services Department's Budget.

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

**RESOLUTION NO. 392-09                      Date of Meeting: 7/28/09                      nhagmntphrmchsrvrev**  
**AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE, THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME AND THE CAYUGA COUNTY SHERIFF TO ENTER INTO AN AGREEMENT WITH HEALTH DIRECT PHARMACY TO PROVIDE PHARMACY SERVICES AND CONSULTING PHARMACIST SERVICE TO THE NURSING HOME AND THE JAIL.**

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

BY: Raymond Lockwood, Chairman, Judicial and Public Safety

BY: Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS, the Nursing Home and the Jail have had pharmacy service provided by Health Direct Pharmacy for the past 3 years; and,

WHEREAS, those services have been provided in a satisfactory manner; and

WHEREAS, the agreement allows for an extension of 1 year, Now therefore be it

RESOLVED that the Chairman of the Legislature, the Administrator of Cayuga County Nursing Home and the Cayuga County Sheriff be authorized to sign an agreement for an extension of one year with Health Direct Pharmacy.

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

**RESOLUTION NO. 393-09                      7/28/09                      nhagmntbecoopedsvcsrev**  
**AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ENTER INTO AN AGREEMENT WITH BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR PROVISION OF EDUCATIONAL AND CLINICAL EXPERIENCES FOR PRACTICAL NURSING STUDENTS AND NURSE AIDES FOR THE 2009-2010 SCHOOL YEAR.**

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

WHEREAS, the Cayuga County Nursing Home has a long history of providing educational and clinical experiences for practical nursing students and nurse aides enrolled in Board of Cooperative Educational Services for the Sole Supervisory District of Cayuga-Onondaga Counties; and

WHEREAS, the Board of Cooperative Educational Services for the Sole Supervisory District of Cayuga-Onondaga Counties desires Cayuga County Nursing Home provide educational and clinical experiences for practical nursing students and nurse aides enrolled be signed for the 2009-2010 school year; Now therefore be it

RESOLVED that the Chairman of the Legislature and the Administrator of Cayuga County Nursing Home be authorized to sign the agreement with the Board of Cooperative Educational Services for the Sole Supervisory District of Cayuga-Onondaga Counties for the 2009-2010 school year.

Signed by Petrus, Aikman, Mills, Murphy, Schuster, Sincebaugh, all in favor.

**RESOLUTION NO. 394-09                      Action: 7/28/09                      mhPsychiSalAdj7.09rev**  
**AUTHORIZATION TO REVISE THE SALARY FOR A STAFF PSYCHIATRIST IN THE 2009 MENTAL HEALTH DEPARTMENT BUDGET AND THE EXECUTION OF AN AGREEMENT TO IMPLEMENT SAME.**

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

Hon. Francis Mitchell, Chair, Ways and Means Committee

WHEREAS, there is a need for a psychiatrist to be designated as Medical Director within the Community Mental Health Center of Cayuga County; and

WHEREAS, Stanley Poreba, MD, is the only full-time psychiatrist on staff and has served effectively, conscientiously, and demonstrated leadership within the department; and

WHEREAS, Dr. Poreba has agreed to serve as Medical Director; and

WHEREAS, it is necessary and desirable to compensate him for assuming these additional responsibilities and duties with an increase in pay and an increase in vacation time; and

WHEREAS, funds are available for reallocation from position number 06247, formerly held by a psychiatrist who served as medical director, to position number 00011 which is held by Dr. Poreba; now, therefore, be it

RESOLVED, that the annual salary for the Psychiatrist's salary, position number 00011, be set at \$185,000; and be it further

RESOLVED, that the funding to accomplish this, in the amount of \$28,400, be reallocated from position number 06237, Staff Psychiatrist to position number 00011; and be it further

RESOLVED, that Chairman of the Cayuga County Legislature and the Director of Community Mental Health Services be authorized to enter into an agreement for additional fringe benefits as set forth in the attached document; and be it further

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

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





	E	Sharp MZM453U	\$269.86	\$9,714.96	0.0059	\$241.00	\$220.47	\$7.28	\$1
<b>XEROX</b>	A	Xerox W5030PH	\$135.99	\$4,895.64	0.0059	\$105.55	\$89.40	\$16.38	\$
Fairport, NY	B	Xerox W5030PH	\$155.99	\$5,615.64	0.0059	\$125.55	\$109.40	\$16.38	\$
	C	Xerox W5050PH	\$229.67	\$8,268.12	0.0059	\$188.43	\$166.48	\$16.38	\$
	D	Xerox W5645PT	\$259.05	\$9,325.80	0.0059	\$194.36	\$172.48	\$16.79	\$
	E	Xerox W5645PT	\$320.55	\$11,539.80	0.0059	\$279.33	\$257.45	\$16.79	\$

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign various lease agreements with IKON Office Solutions, Incorporated for three years with options to extend for four and five years at a base cost not to exceed the costs above. The lease price shall include complete maintenance service and supplies, excluding paper and staples. The source of funding for said lease agreements shall be the annual budgets of the each Department in need of a new copier.

Signed by Chapman, Fearon, Mitchell, Schuster, Sincebaugh, Axton, Murphy, Petrus, all in favor.

**RESOLUTION NO. 398-09 7/28/09 colvendingcontract**  
**AUTHORIZATION THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO A CONTRACT WITH ACE AUTOMATIC FOR VENDING EQUIPMENT & SERVICES FOR VARIOUS CAYUGA COUNTY DEPARTMENTS.**

BY: Michael Chapman, Chairman of Government Operations Committee

Whereas, the Cayuga County Office Buildings have vending machines located in various places throughout the County for the employees use and enjoyment; and

Whereas, Resolution No. 404-08 authorized the County to enter into an agreement for vending Services with Ace Automatics from Seneca Falls, NY for five years with options to extend for five years, and

Whereas, the commissions for vending service have increased by 53%, and

Now, therefore, it is

Resolved, that the Chairman of the Legislature be authorized and directed to sign the contract with Ace Automatics, Seneca Falls, New York.

Signed by Chapman, Fearon, Mahunik, Mitchell, Palermo, Schuster, Sincebaugh, all in favor.

**RESOLUTION NO. 399-09 July 28, 2009 ( P&T) MusicTheatreSceneShops 7 09rev3**  
**AUTHORIZING THE MUSIC THEATRE FESTIVAL AND MERRY-GO-ROUND PLAYHOUSE TO CONSTRUCT TWO NEW SCENE SHOPS TO BE LOCATED SOUTH OF THE CURRENT SCENE SHOPS AT EMERSON PARK CONTINGENT ON THEIR ABILITY TO PAY ALL THE COSTS ASSOCIATED WITH THE PROJECT AND APPROPRIATE APPROVALS FROM THE STATE, LOCAL AND FEDERAL AUTHORITIES.**

By: Mr. David Axton, Chairman, Public Works

Mr. Francis Mitchell, Chairman, Ways & Means Committee

Whereas, the Music Theatre Festival has joined with the Merry-Go-Round Playhouse and together they plan to make Auburn and Cayuga County a destination location for people to enjoy the theater; and

Whereas, it is widely believed that the Music Theatre Festival could generate a tourism boom and many jobs for the local community; and

Whereas, the Music Theatre Festival is currently receiving financial support from Cayuga County and the City of Auburn; and

Whereas, the Music Theatre Festival and the Merry-Go-Round Playhouse would like to construct two additional scene shops at Emerson Park; and

Whereas, the new scene shops would be used by the Music Theatre Festival and the Merry-Go-Round Playhouse to construct and hold scenes for the various performances; and

Whereas, the new scene shops would be covered under the Merry-Go-Round Playhouse's current lease agreement which would continue to allow parts of the buildings to be used by the parks department for storage of equipment during the winter months; and

Whereas, the Parks Commission is in support of this project, and

Whereas, the Music Theatre Festival has agreed to assume all costs and expenses associated with the design, planning, bidding and construction of the new scene shop building and compliance with all requirements of the NYS General Municipal Law and the NYS Labor Law; now, therefore, be it

Resolved, that the Cayuga County Legislature does hereby approve the Music Theatre Festival and the Merry-Go-Round Playhouse to construct two additional scene shops at Emerson Park contingent upon the state approval of the project, and be it further

Resolved, that the Music Theatre Festival shall be responsible for and shall assume all costs and expenses for the design, planning, construction, and bidding of the project; and be it further

Resolved, the project is subject to the compliance with all local, state and federal requirements, including but not limited to NYS General Municipal Law, NYS Labor Law and the parties entering into an agreement concerning compliance with environmental rules and regulations; and be it further

Resolved, that the Chairman of the Cayuga County Legislature, is hereby authorized and directed to execute any agreements that may be deemed necessary by the county attorney to carry out the intent of this resolution.

Signed by Axton, Sincebaugh, Mitchell, Petrus, all in favor.

**RESOLUTION NO. 400-09 July 28, 2009 P&TAgMuseumInternet 7 09**  
**AUTHORIZING THE PARKS AND TRAILS DEPARTMENT TO PURCHASE UNLIMITED WIRELESS INTERNET SERVICE FOR THE WARD W. O'HARA AGRICULTURAL MUSEUM FROM VERIZON**

BY: Mr. David Axton, Chairman, Public Works

Mr. Francis Mitchell, Chairman, Ways & Means Committee

Whereas, The Ward W. O'Hara Agricultural Museum has never had Internet service, and

Whereas, Verizon is offering unlimited wireless Internet service on state bid for \$39.99/month, and

Whereas, having the Internet available in the museum will make the Museum Director PT more efficient because he will not need to stop into the park office to check email and access the internet, and

Whereas, the Museum Director PT will use money from other contractual budget lines to cover the cost; now, therefore, be it

Resolved, that the Cayuga County Treasurer is hereby authorized to set up a Munis Account Number for internet for the Ag Museum, and be it further

Resolved, that the Parks Maintenance Supervisor is hereby authorized to transfer funds from other contractual lines into that account, and be it further

Resolved, the Chairman of the Cayuga County Legislature is hereby authorized and directed to sign any agreements that may be necessary following approval from the county attorney.

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

**RESOLUTION NO. 401-09 July 28, 2009 P&T Sterling Phone Internet 7 09**  
**AUTHORIZING THE CHAIRPERSON OF THE LEGISLATURE TO SIGN A TWO YEAR AGREEMENT WITH CITIZENS COMMUNICATIONS OF NEW YORK, INC. (FRONTIER) FOR PHONE AND INTERNET SERVICES AT STERLING NATURE CENTER**

BY: Mr. David Axton, Chairman, Public Works

Mr. Francis Mitchell, Chairman, Ways & Means Committee

Whereas, The Sterling Nature Center currently has phone and Internet service from two different companies; and  
Whereas, the Parks and Trails Department has determined that we could save money and have better service by consolidating service with one company, Citizens Communications of New York, Inc. (Frontier); and  
Whereas, this change would result in a savings of approximately \$36/ month reducing our annual cost by \$432, and  
Whereas, it is necessary to sign a two-year agreement with Frontier to receive the reduced rate; now, therefore, be it Resolved, that the Cayuga County Chairperson is hereby authorized and directed to sign the agreement with Citizens Communications of New York, Inc. (Frontier) following approval from the county attorney.  
Signed by Axton, Cuddeback, Mills, Mitchell, Lockwood, Sincebaugh, Chapman, Petrus, Murphy, Mahunik, all in favor.

**RESOLUTION NO. 402-09 7/28/09 Blds acptquoteabatementdsgnwtrmtermcobrev**  
**AUTHORIZING TO ACCEPT A QUOTE, AUTHORIZE THE SUPERINTENDENT OF BUILDING AND GROUNDS AND THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO ENTER INTO AN AGREEMENT WITH AECC TO DEVELOP ABATEMENT DESIGN SPECIFICATIONS FOR THE WATER METER ROOM AT THE CAYUGA COUNTY OFFICE BUILDING.**

BY: MR. AXTON, Chairman, Public Works Committee, and

MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, the valves and water meter need to be replaced in the County Office Building; and  
WHEREAS, the valves and water meter are insulated with asbestos containing materials, and  
WHEREAS, the County does not have qualified personal to design the removal of asbestos substances, and  
WHEREAS, three firms were contacted to give a quote for the design for the removal of asbestos in the County Office Building water meter room, Kleinfelder, Certified Environmental and AECC, and  
WHEREAS, Kleinfelder and AECC look at the job, only one firm AECC responded to the request for quote with a quote of \$975.00; now therefore be it  
RESOLVED, that the Cayuga County Legislature hereby authorizes the Superintendent of Buildings and Grounds to except the quote from AECC for abatement design specification for the water meter room at the Cayuga County Office Building, let it be further be  
RESOLVED, that the funds for the design come out of account number A16204 54012 building maintenance, let it be further be  
RESOLVED, that the Cayuga County Treasurer be authorized to make the journal entries appropriate and necessary to implement the intent of this resolution.  
Signed by Axton, Cuddeback, Mills, Mitchell, Lockwood, Sincebaugh, Petrus, Chapman, Murphy, Mahunik, all in favor.

**RESOLUTION NO. 403-09 7/28/09 Blds Sole source Proprietary listing Mental Health project**  
**Adopting equipment by specified manufacturer for the Cayuga County Center for Behavioral Health Services project. to standardize equipment in Cayuga County**

BY: MR. AXTON, Chairman, Public Works Committee, and

MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, it would be advantages for Cayuga County to incorporated like equipment in it's buildings and make equipment standard for all County Buildings; and  
WHEREAS, with the new building for Cayuga County Center for Behavioral Health Services the County can adopt a resolution to specify equipment by manufacturer, with no equivalent, for this project, now therefore let it be  
RESOLVED, that the Cayuga County Legislature hereby adopt the following equipment by specified manufacturer to standardize the Cayuga County Center for Behavioral Health Services with other buildings with in Cayuga County,  
Door Hardware: Keying to match existing Sargent master key system  
HVAC temperature control system: Alerton Envison for BACTalk for windows 2000/XP  
County Telephone System: ICS Telcom - Mitel Phone Equipment (Existing Maint. Contract)  
County Fiber Network: Finger Lakes Technology - Cisco Network Equipment (Existing Maint. Contract)  
Signed by Axton, Cuddeback, Mills, Mitchell, Lockwood, Sincebaugh, Chapman, Petrus, Murphy, Mahunik, all in favor.

**RESOLUTION NO. 404-09 7/28/09 Blgs COB Heating Project contract change  
AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN A  
SUPPLEMENTAL SERVICES AGREEMENT WITH C&S COMPANIES FOR THE CAYUGA COUNTY  
OFFICE BUILDING HEATING PROJECT**

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

WHEREAS, Resolution No. 695-06 established the modification to the County Office Building heating system and established C&S Companies to provide construction management services; and

WHEREAS, Resolution No.234-07 authorized a change order to abate the mechanical spaces and other rooms in the County Office Building; and

WHEREAS, A formal contract was not signed for the change of terms and conditions with C&S Companies for the change order to provide supplemental services; now therefore be it

RESOLVED, that the Cayuga County Legislature hereby authorizes the Chairman of the Cayuga County Legislature to sign the supplemental services agreement with C&S Companies and to implement the intent of this resolution.

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

**RESOLUTION NO. 405-09 7/28/09 Blgs COB Heating Project Supplemental servicesREV  
AUTHORIZING THE PAYMENT OF SUPPLEMENTAL SERVICES TO C&S COMPANIES FOR THE  
CAYUGA COUNTY OFFICE BUILDING HEATING PROJECT AND AMENDING CAPITAL "H"  
ACCOUNT NO. 06-5**

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

WHEREAS, Resolution No. 695-06 established Capital H project No. 06-5, the modification to the County Office Building heating system and established C&S Companies to provide construction management services; and  
WHEREAS, Resolution No.234-07 authorized a change order to abate the mechanical spaces and other rooms in the County Office Building; and

WHEREAS, Resolution No.234-07 added \$193,004.00 to Capital H project No. 06-5 for the removal of asbestos materials; and

WHEREAS, Resolutions No.234-07 addressed Project Design, project monitoring and air sampling but did not address the cost involved for this service; and

WHEREAS, C&S Companies has now invoiced Cayuga County for supplemental services for the County Office Building Heating Project in the amount of \$44,955.00 for project monitoring and fire proofing testing; and

WHEREAS, after final payment to Siracusa Mechanical of \$45,000.30 there will be \$37,100.48 left in Capital H project No. 06-5 leaving the fund \$ 7,854.52 short; and

WHEREAS, the funds for the supplemental services short fall of \$7,854.52 will come from the County's contingent account number A-1016; now therefore let be it

RESOLVED, that the sum of \$7,854.52 be transferred from A-1016, Contingency Account and be

transferred to Capital H Account No. 06-5, and that the Capital "H" Account No. 06-5 be so amended; and be it further

RESOLVED, that the Superintendent of Buildings and Grounds be authorized to submit the proper forms for payment to C&S Companies to implement the intent of this resolution; let it be further

RESOLVED, that the County Treasurer make journal and accounting entries necessary to implement the intent of this resolution

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

**RESOLUTION NO. 406-09 7/28/09 BLDS COB HVAC Mechanical final payment  
Authorizing the Superintendent of Buildings and Grounds to authorize final payment for the Mechanical  
contractor for Cayuga County Office Building Heating Project**

BY: Hon. David R. Axton, Chairman, Public Works Committee  
Hon. Francis C. Mitchell, Chairman, Ways & Means Committee

WHEREAS, Cayuga County has adopted Resolution Number 695-06 that set up Capital H project #06-5 for the Heating modification to the Cayuga County Office building heating system; and

WHEREAS, The Mechanical Contractor has completed all obligation under their contract and are requesting final payment; now there for let it be

RESOLVED, that the Superintendent of Buildings and Grounds of Cayuga County is hereby authorized to submit the final application for the Mechanical work for Capital H project #06-5 in the amount of \$45,000.30, 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, Mills, Mitchell, Lockwood, Sincebaugh, Petrus, Chapman, Murphy, Mahunik, all in favor.

**RESOLUTION NO. 407-09 (7/28/09) COA-AuthChmToSgnEsmtAgrWithTimewWrnerCable  
AUTHORIZING THE CHAIRMAN OF THE COUNTY LEGISLATURE TO ENTER INTO AN  
EASEMENT AGREEMENT WITH TIME WARNER CABLE TO CONSTRUCT AND INSTALL CABLE  
SERVICES TO THE  
COURTHOUSE LOCATED AT 150-154 GENESEE STREET IN THE CITY OF AUBURN, STATE OF NEW  
YORK.**

BY: MR. AXTON, Chairman, Public Works Committee.

WHEREAS, the New York State Court System has initiative to permit cable service to be run to courthouses in the State of New York; and

WHEREAS, in order to facilitate this certain easement documents are required to be prepared and signed prior to the commencement of the work; now, therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized to sign any and all documents related to an easement to permit Time Warner Cable to enter upon the property located at 150-154 Genesee Street for the purpose of installing cable equipment to the Courthouse..

Signed by Axton, Cuddeback, Lockwood, Mills, Mitchell, Sincebaugh, all in favor.

**RESOLUTION NO. 408-09 7/28/09 COA 146 northstreetasvhavrmv5  
Authorizing the Clerk of the Cayuga County Legislature to Advertise for sealed bids for the abatement of  
hazardous substances located within the structure at 146 North St., Auburn, New York; authorizing the  
Chairman of the Cayuga County Legislature to award the bids for abatement of hazardous substances located  
within the structures located at 146 North Street, Auburn, New York and 2 Park Avenue, Auburn, New York;  
and, to execute documents to implement the agreements.**

BY: HON. MR. AXTON, Chairman, Public Works Committee, and

HON. 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, both structures contains hazardous substances, which must be abated prior to renovation of the structure; and

WHEREAS, Resolution No. 186-09 authorized to go out for bids for the removal of hazardous substances at 2 Park Avenue, Auburn, New York; now therefore let be it

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby authorized and directed to solicit for bids for the abatement for 146 North St., Auburn New York; and be it

RESOLVED, that the Chairman of the Cayuga County Legislature award the bid to the most responsible bidder for the abatement of 146 North St., Auburn, New York and to execute appropriate documents to implement the intent of this resolution; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature also award the bid to the most responsible bidder for the abatement of 2 Park Avenue, Auburn New York, and to execute appropriate documents to implement the intent of this resolution.

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

**RESOLUTION NO. 409-09 7/28/09**

**Blds COB AC unit server room**

**Authorizing the Superintendent of Buildings and Grounds to replace the AC unit in the Cayuga County Office Building Server room**

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

WHEREAS, Building Maintenance Supervisor Ed Eberhardt investigated the AC unit in the server room in the County Office Building; and

WHEREAS, the unit was found to be over 20 years old and uses water for cooling in the amount of 2,800 gallons a day at a cost estimate of \$12.00 per day or \$4380.00 per year; and

WHEREAS, if this unit is replaced with a unit that is more efficient and does not use water the non use of water alone will pay for the unit in 6 months; now therefore let be it

RESOLVED, that the money from the savings in fund A16204 54068 (Water) in the amount of \$2,000.00 be transferred to account A16204 54001 (HVAC); let it be further

RESOLVED, that the Superintendent of Buildings and Grounds be authorized to purchase a AC unit with in purchasing procedures of Cayuga County for the server room, to implement the intent of this resolution; let it be further

RESOLVED, that the County Treasurer make journal and accounting entries necessary to implement the intent of this resolution.

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

**RESOLUTION NO. 410-09 (7/28/09)**

**COA-ConveySurpPropToCity(Vets'Mem)Rev2.**

**DECLARING A PARCEL OF COUNTY-OWNED PROPERTY SURPLUS AND AUTHORIZING THE LEGISLATURE CHAIRMAN TO SIGN ANY AND ALL DOCUMENTS REQUIRED TO TRANSFER THE PARCEL TO CITY OF AUBURN.**

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

WHEREAS, the County owns a piece of property in the City of Auburn, County of Cayuga, known as Tax Map No 115.60-1-38, located at 168Genesee Street; and

WHEREAS, presently the parcel consists of a driveway parking area for the County of Cayuga and an approximately 66 foot by 27 foot section which is utilized by the City of Auburn for part of its Veterans' Memorial; and

WHEREAS, the City of Auburn has requested that the approximately 68 foot by 27 foot portion be conveyed to them (see attached map); and

WHEREAS, the County declares such parcel to be surplus property; now, therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized to sign any and all documents required to convey the approximately 68 foot by 27 foot parcel of property to the City of Auburn.

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

**RESOLUTION NO. 411-09 07/28/09 Blds HPO Projectsrev2**

**Authorizing the awarding of projects for design, for the Cayuga County Historic Post Office and establishing a Capital "H" Project No. 09-1 (Old Historic Post Office windows, roof and wall).**

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

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

WHEREAS, Resolution number 249-09 authorized going out for RFP's for Projects for the County Office Building, Historic Post Office and Courthouse; and

WHEREAS, 11 firms responded to the RFP's and are named as follows,

WJE Engineers/Architects, Saratoga Associates, Klepper, Hahn & Hyatt, William Taylor Associates, Larson Design Group, Laberge Group, Beardsley Design Associates, GYMO, Delta, Bell and Spina and C&S Companies; and

WHEREAS, it would be a advantages to have construction document ready to proceed with a project in case of any grants or stimulus moneys, and

WHEREAS, the three lowest proposals for each project are as follows:

County Office Building Windows;

Firm name	Schematic design	Construction documents	Total
GYMO	\$10,000	\$8,000	\$18,000
Laberge	\$8,500	\$9,100	\$17,600
Larson	\$8,200	\$7,800	\$16,000

Historic Post Office Windows, Roof and Wall all three projects will be awarded together as per resolution 249-09,

Firm name	Schematic design	Construction documents	Total
Laberge	\$37,754	\$30,530	\$68,284
Beardsley	\$17,500	\$35,500	\$53,000
Larson	\$15,500	\$17,800	\$33,300

Courthouse Windows and Roof both projects will be awarded together as per resolution 249-09,

Firm name	Schematic design	Construction documents	Total
Beardsley	\$7,000	\$14,000	\$21,000
Larson	\$9,200	\$10,400	\$19,600
GYMO	\$11,500	\$ 7,500	\$19,000

WHEREAS, at the Public Works meeting on July 14, 2009 it was decided to move forward with the Historic Post Office RFP's; now therefore be it

RESOLVED, that the Cayuga County Treasurer be and is hereby authorized and directed to create a Capital "H" Project Number 09-1 (Old Historic Post Office windows, roof and wall), and that funds be transferred from the Contingent Account Number A1016 not to exceed \$33,300.00 to the Capital "H" Account Number 09-1 for the Schematic design and Construction documents for the Historic Post Office; and be it further

RESOLVED, that the RFP be accepted from Larson Design Group of Corning, New York For the Historic Post Office windows, Roof and Wall projects for \$33,300.00; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature be authorized and directed to sign the necessary documents required to accomplish this project to implement the intent of this resolution; and be it further

RESOLVED, that the Treasurer is authorized to sign the financial documents necessary to carry out the project and to make journal and accounting entries necessary implement the intent of this resolution.

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

**(PULLED)** RESOLUTION NO. 412-09 **(PULLED)** COA-AuthChmSignMOA-wCSEA-ReHwyEmps09  
AUTHORIZING THE CHAIRMAN OF COUNTY LEGISLATURE TO SIGN  
MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF CAYUGA  
AND CAYUGA COUNTY UNIT OF CAYUGA LOCAL #806, CIVIL SERVICE  
EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-CIO.

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

WHEREAS, the Employer and the Association are parties to a negotiated agreement setting forth terms and conditions of employment for employees represented by the Association and the Highway Department, including those employees working at the York Street, Ira and Venice Facilities; and

WHEREAS, the Employer and the Association have met, negotiated and reached agreement concerning the establishment of a ten (10) hour work shift, four (4) day work week schedule for the summer season and are now prepared to proceed with its implementation; and

WHEREAS, the provisions of the current negotiated agreement covering the following terms and conditions of employment shall be considered modified in application to specified employees of the Highway Department and to conform with a ten (10) hour work shift, four (4) day work week concept; now, therefore, by it

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized to sign a Memorandum of Agreement with regard to the current negotiated agreement which shall be considered modified.

**RESOLUTION PULLED NOT CERTIFIED**

**(PULLED)** RESOLUTION NO. 413-09 Action Date 7/28/09 911Statecont Motorola  
AUTHORIZATION TO NEGOTIATE WITH MOTOROLA, OFF STATE CONTRACT, TO DEVELOP A NEW  
RADIO COMMUNICATIONS SYSTEM FOR THE COUNTY OF CAYUGA.

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

WHEREAS, it has been discussed over the past year and a half that the current radio infrastructure in Cayuga County is antiquated; and

WHEREAS, Cayuga County has been diligently working with surrounding counties and has worked to help establish the Central New York Interoperable Communications Consortium (CNYICC); and

WHEREAS, other Consortium members have executed or are in the process of executing contracts with Motorola for their communications system through a competitive or negotiated procurement authorized by the State of New York Office of General Services Contract Number 19521;

WHEREAS, such negotiated procurement provides the County the following benefits:

1. The ability to provide an independent County system as well as being interconnected to other Consortium members
2. The ability to participate in large volume purchases with Consortium members
3. The ability to share the Consortium master site equipment
4. The ability to share radio system technical knowledge with other Consortium members
5. The ability to participate in a Consortium master service contract
6. The ability to participate in a Consortium software upgrade contract
7. The County desires to implement a DHS recommended radio communications system using P25 digital audio; and be it further

RESOLVED, that the County is hereby authorized to negotiate with Motorola to develop a final design and prepare a detailed cost for the new Emergency Radio Communications System.

**RESOLUTION PULLED NOT CERTIFIED**

**RESOLUTION NO. 414-09 (7/28/09) COA-LLPrhbtgTxtMessngWhileDrvngWithinCo.ADP  
TO ADOPT LOCAL LAW NO. 3 FOR THE YEAR 2009 RELATING TO PROHIBITING TEXT  
MESSAGING WHILE DRIVING WITHIN THE COUNTY OF CAYUGA.**

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

WHEREAS, Local Law No. 3 for the year 2009 was presented to the Cayuga County Legislature on June 23, 2009; and

WHEREAS, pursuant to law and after proper notice having been given, the County Legislature held a public hearing on said Local Law No. 3 for 2009 on July 28, 2009 at 6:30 P.M.; now, therefore be it

ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. 3 for 2009 relating to prohibiting text messaging while driving within the County of Cayuga; and be it further

RESOLVED, that the Clerk of the County Legislature publish notice of the adoption of the said Local Law in the official newspapers of Cayuga County, one time per week for each of two weeks, the first publication to be within ten (10) days of its effective date.

Signed by Lockwood, Aikman, Axton, Chapman, Cuddeback, Fearon, all in favor.

**Public Hearing Closed at 7:33PM, all in favor.**

**STATE OF NEW YORK  
COUNTY OF CAYUGA  
LOCAL LAW NO. 3 FOR THE YEAR 2009  
A LOCAL LAW RELATING TO PROHIBITING TEXT MESSAGING  
WHILE DRIVING WITHIN THE COUNTY OF CAYUGA.**

**BE IT ENACTED** by the County Legislature of the County of Cayuga, as follows:

**Section 1.** The legislature finds that the popularity of text messaging has created a new distraction for drivers, especially young drivers, and has led to numerous accidents, many of them fatal, nationwide. Text messaging while driving inevitably decreases driver awareness and safety on the roads, affecting reaction time and attention to the surrounding environment and roadways. In order to protect the health, safety, and well being of persons within the County of Cayuga and to insure that individuals are not distracted while driving, this local law seeks to prohibit text messaging while driving.

**Section 2.** As used in this title, the following terms shall have the meanings indicated:

**Definitions.** "Authorized emergency vehicle" shall mean every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle and environmental emergency response vehicle.

"Text Message" also referred to as Short Messaging Service (SMS), shall mean the process by which users send or receive messages on wireless handsets. For the purposes of this local law, an e-mail shall also be considered a "text message."

"Use" or "using" means holding a wireless handset while operating a motor vehicle on any public street or public highway within this county and activating, deactivating or initiating functions or keys on a wireless handset in order to send or receive text messages on a wireless handset.

"Voice recognition" shall mean the capability by which wireless handsets can be activated and controlled by voice commands.

"Wireless handset" shall mean a portable computing device, including cellular telephones, hand-held mobile telephones and personal digital assistants capable of transmitting data in the form of an e-mail or text message.

**Section 3.** No person shall use a wireless handset to compose or send a text message while operating a motor vehicle

**Prohibition.** on any public street or public highway within the County of Cayuga; provided, however, that the operator of an authorized emergency vehicle, when using such wireless handset in furtherance of their sworn duties, shall be exempt from the provisions of this title. This prohibition shall not apply to text messages composed via any voice recognition technology.

**Section 4.** This law shall be enforced by the Cayuga County Sheriff's Office, New York State Police Officers and sworn officers, as defined in Section 1.20 (34) of the New York State Criminal Procedure Law, of an authorized Police Department or force of a town or of a village within the geographic boundaries of Cayuga County. This law may be enforced anywhere within the geographic boundaries of Cayuga County.

**Section 5. Penalties.** Any violation of section four of this local law shall constitute an offense and be punishable by a fine not to exceed one hundred and fifty dollars for each violation. Each such violation shall constitute a separate and distinct offense.

**Section 6. Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 7. Effective Date.** This local law shall become effective sixty days after it shall have become a law.

**RESOLUTION NO. 415-09      7/28/09      SHR - Agmnt. Dept. Vet. Affairs**  
**AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE AND THE SHERIFF OF CAYUGA COUNTY TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS PERMITTING THE SHERIFF'S OFFICE TO PROVIDE ASSISTANCE TO VA POLICE ON VA PROPERTY IF NECESSARY.**

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

WHEREAS, property maintained by the United States Department of Veterans Affairs is under the exclusive jurisdiction of the United States Government and as such, law enforcement services are provided by the VA Police; and  
WHEREAS, the possibility exists where law enforcement assistance from outside agencies may be required to help deal with various situations that may arise on said property; and

WHEREAS, the United States Department of Veterans Affairs has requested the Cayuga County Sheriff's Office to provide law enforcement assistance to VA Police should an incident occur necessitating support; and

WHEREAS, the Cayuga County Sheriff's Office is willing and able to provide law enforcement assistance if and when needed; now therefore be it

RESOLVED, that the Agreement between the Cayuga County Sheriff's Office and the United States Department of Veterans Affairs permitting the Sheriff's Office to provide law enforcement assistance to VA Police on VA property if necessary is approved and the Chairman of the Cayuga County Legislature and the Sheriff of Cayuga County are hereby authorized and directed to sign said 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. 416-09            7/28/09            SHR – Mutual Aid Agmnt – Schuyler Cty**  
**AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE AND THE SHERIFF OF CAYUGA COUNTY TO ENTER INTO AN AGREEMENT WITH SCHUYLER COUNTY AND THE SCHUYLER COUNTY SHERIFF'S OFFICE PERMITTING THE CAYUGA COUNTY SHERIFF'S OFFICE TO RESPOND TO MUTUAL AID REQUESTS MADE BY SCHUYLER COUNTY.**

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

WHEREAS, the County of Schuyler anticipates regularly recurring emergency situations throughout the auto racing season due to the crowds, traffic volume and related consequences attributable to the large crowds attracted to race events at Watkins Glen, International in the Town of Dix, Schuyler County, New York; and

WHEREAS, the resources of the Schuyler County Sheriff's Office are inadequate to address the situations of this magnitude; and

WHEREAS, NYS Attorney General's Opinion (Informal) #98-53 approves the use of intermunicipal agreements under the circumstances contemplated above; and

WHEREAS, the Cayuga County Sheriff's Office is willing and able to respond to the requests for mutual aid made by Schuyler County under the circumstances described above or other circumstances as authorized by law; now therefore be it

RESOLVED, that the Agreement between the Cayuga County Sheriff's Office and the Schuyler County Sheriff's Office permitting the Cayuga County Sheriff's Office to respond to mutual aid requests made by Schuyler County under the circumstances described above or other circumstances as authorized by law is approved and the Chairman of the Cayuga County Legislature and the Sheriff of Cayuga County are hereby authorized and directed to sign said 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. 417-09            Date: 7/28/09            SHR – Fill 1 CO Vacancy**  
**AUTHORIZE THE SHERIFF TO FILL ONE VACANT CORRECTIONS OFFICER POSITION IN THE CUSTODY DIVISION OF THE CAYUGA COUNTY SHERIFF'S OFFICE.**

By:     MR. RAYMOND LOCKWOOD, Chairman, Judicial & Public Safety Committee  
         MR. FRANCIS MITCHELL, Chairman, Ways & Means Committee

WHEREAS, a Corrections Officer (position control number 4712) resigned effective June 17, 2009 leaving a vacancy in the Cayuga County Sheriff's Department Custody Division; and

WHEREAS, it is mandated by the New York State Commission of Correction that the Cayuga County Sheriff's Department Custody Division maintain 95 full time Correctional Officer positions to comply with the minimum staffing complement as the services provided by these positions are critical for maintaining the safe, smooth and efficient operation of the Sheriff's Office Custody Division; and

WHEREAS, it is now necessary to fill this vacant position from the civil service eligibility list so that the recruit may attend the upcoming academy; and

WHEREAS, this position is clearly designated and accepted in the 2009 Cayuga County Sheriff's Law Custody Salaries Operating Budget A31501 51001; now therefore be it

RESOLVED, that the Sheriff be hereby authorized and directed to fill one Corrections Officer position; and be it further

RESOLVED, this employee hired will be placed at the appropriate step within the Sheriff's Employee Association of Cayuga County (SECC) Compensation Plan for 2007-2011; and be it further

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

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

**RESOLUTION NO. 418-09 July 14, 2009    JP Broadband**  
**IN SUPPORT OF APPLICATION FOR STIMULUS MONEY TO OBTAIN BROAD BAND ACCESS FOR SOUTHERN CAYUGA COUNTY**

BY:     Raymond Lockwood, Chairman, Judicial & Public Safety

WHEREAS, The Federal AARA Stimulus bill is offering broadband development grants to public-private partnerships; and

WHEREAS, The towns of Genoa, Niles and Scipio wish to partner with Clarity Connect Inc. to apply for stimulus money to help obtain broadband access in the area; now therefore be it

RESOLVED, The county of Cayuga fully supports their application.

Signed by Lockwood, Aikman, Axton, Chapman, Fearon, all in favor.

**Motion by Lockwood to into Executive Session re: Pending Litigation at 7:40PM, all in favor.**

**Motion by Cuddeback, 2<sup>nd</sup> by Murphy to come out of Executive Session at 8:14PM, all in favor.**

**Motion by Cuddeback, 2<sup>nd</sup> by Mills to adjourn at 8:15PM, all in favor.**

**Motion by Palermo, 2<sup>nd</sup> Lockwood to approve minutes of 7-28-09 on 9-22-09, all in favor.**