

**MINUTES
CAYUGA COUNTY LEGISLATURE
AUGUST 25, 2009, 5:30 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, at 5:32PM.

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

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

PROCLAMATION: Freedom Camp, Thirtieth Birthday Party 8-7-09, read by Mary Jones Clerk of the Legislature.

PRESENTATION: John Shehadi, Fiscal Advisors and Marketing, Inc. re: Dept Statement Summary, General Purpose Projects, handout attached to original minutes.

DEATHS: Professor Joseph Camardo Sr., he had a 50 year career at Cayuga Community College, was a professor of business and accounting, community leader, advocate for education, he was a U.S. Sergeant from 1952 to 1954 in the Korean War and received the Bronze Star for meritorious service, and helped to build the Veterans Memorial Park.

PRESENTATION: United Way (Stephanie Salato and Mr. and Mrs. Gino Alberici) DVD was played; Mr. and Mrs. Alberici ask for everyone's support, every little bit helps, no donation is too big or small, thanks everyone for their support.

EMERGENCY AUTHORIZATION FOR SPENDING:

Reason for spending: Authorizing hiring C&S Companies for architectural services for a structural façade assessment at the Hardenburg Building at 95 Genesee St., Auburn, NY for professional services in an amount not to exceed \$5,500.00. the scope of the project to include one side visit to visually assess the existing conditions, interior visual evaluation of the exterior wall where permissible, visual site assessment, pictures of existing conditions and recommendations. The funds for this project will be from A16224-54012 (Hardenburg Building, Building Maintenance).

Signed by Axton, Schuster, Tortorici, Mitchell and Wayne Allen. Approved.

EMERGENCY AUTHORIZATION FOR AUSTERITY SPENDING:

Reason for Spending: Due to two recent drownings in Owasco and Cayuga Lakes, the Cayuga County Sheriff's Office Navigation Unit had to schedule additional hours to assist in the search for the victims. As such, the money budgeted in the Sheriff's 2009 Law Enforcement Navigation Salaries - Part Time Budget Line (A31111 51002) has been exhausted to the point that there is not enough money available to fund the salaries of Navigation personnel Monday through Friday. The Sheriff's Office needs the qualified law enforcement of the Navigation Unit to patrol the lakes, rivers, and canals of Cayuga County in addition to Saturday and Sunday to maintain peace and safety throughout the week as well. There is sufficient money in the Sheriff's 2009 Custody Construction/Renovation Budget Line (A31504 54178) to compensate the shortage in the Sheriff's 2009 Law Enforcement Navigation Salaries - Part Time Budget Line (A31111 51002).

The County Legislature does hereby authorize the transfer of \$10,000.00 from the Sheriff's 2009 Custody Construction/Renovation Budget Line (A31504 54178) to the Sheriff's 2009 Law Enforcement Navigation Salaries - Part Time Budget Line (A31111 51002). The Cayuga County Treasurer shall make the necessary accounting and journal entries to accomplish the intent of this Resolution.

Signed by Lockwood, Schuster, Tortorici, and Mitchell, approved.

MINUTES: For Approval: 6-16, 6-23, 6-25, and 7-14-09, Motion by Schuster to correct minutes of 6/23/09 Res. #366-09, motion was not made by him. Correction was made, minutes as corrected to be handed out at 9-22-09 meeting. Motion by Palermo, 2nd by Schuster to approve minutes of 6-16, 6-25, and 7-14-09, all in favor.

For Reading: 7-28-09 and 8-20-09

CCC REPORT: Dr. Daniel Larson: Professor Camardo, retired earlier this year after a 50-year career, died last week, he will be remembered and missed. Dr. Nancy Zimpher, our new Chancellor, visited Auburn last Thursday as part of her statewide get-acquainted tour of SUNY campuses. Economic Development Roundtable with Senator Kirsten Gillibrand was held on Friday. Enrollment Update, Fall so far 2,978 students, we are 12.6% above last year. Orientation Days, were held Thursday at the Fulton Campus and Friday at the Auburn Campus. Nursing Program Accreditation has been granted for a full eight year cycle. Summer Courses for Middle and High School Students and Teachers were again held this summer, specialized courses to understand their world better. Second Alumni Emmy was won by Jeff Woodard for his work in television.

COMMITTEE REPORTS & INDIVIDUAL LEGISLATORS' REPORTS:

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.

Legislator Chris Palermo for Lyndell Lawson, re: Veterans Assessment Exceptions, asked the Legislature to consider changing the tax exemption on real property assessment for Veterans, so all Veterans are taxed equally.

CHAIRMAN'S REPORT: Peter Tortorici, I would just like to expand on what Dr. Larson mentioned about Senator Kristen Gillibrand, on behalf of Cayuga County we would like to express our concerns on the collection of sales tax on Nation Land and thank Legislator's Axton and Fearon on the amount of work they have done regarding this.

APPOINTMENTS AND RE-APPOINTMENTS:

College Board of Trustees:

Jeff Edwards, 1986 Rte. 34, Genoa, NY 13071 , Term – 8-25-09 to 6-30-2010 (un-expired term of Gina Speno.

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

COMMUNICATIONS AND ANNOUNCEMENTS:

1. Received a letter from Brian Kolb, re: thanking the County for copies of Res. # 313-09 and 324-09 on collateral source payments.
2. Received a letter from Schoharie County, re: sent a copy of their res. # 77 "Requesting New York State to Take Back Local Share of Medicaid as a Component True Medicaid Reform."
3. Received a list of Certified 2009 State Equalization Rates from the State Board of Real Property Services.
4. Received a letter from the Town of Sennett, re: they will have Public Hearing on review of the 2009 Comprehensive Plan on 8-18-09 and on the SEQRA review at 7:00PM at 6931 Cherry St. RD.
5. Received a letter from Gary Finch Assemblyman, re: acknowledging receipt of Res. No. 324-09 (End double recoveries by public employees injured on the job).
6. Received a letter from Mark Palesh, City Manager, re: the City of Auburn donating road millings to the Cayuga County firing range on Quarry Road.
7. Received a letter of resignation from Gina Speno, resigning as a Trustee on the Cayuga County Community College Board of Trustees, effective August 24, 2009.
8. Received a letter from Michael Nozzolio, Senator, re: requesting Cayuga County to consider donating the usage fee for the use of the Park back to Tomatofest where these funds could assist our families in need.

Motion by Lockwood, to waive reading of communications and announcements, all in favor.

RESOLUTIONS:

RESOLUTION NO. 419-09

AuditAugust2009.doc

AUTHORIZING THE COUNTY TREASURER TO PAY AUGUST 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 \$2,377,147.64, 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. 420-09

08.25.09

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:

July 2009	
Electric	\$ 0
Telephone:	<u>\$ 12,851.19</u>
Total:	\$ 12,851.19

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. 421-09 Date of meeting: August 25, 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 \$174,354.17 for the month of July 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, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 422-09

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 \$13,551.00 covering the period through 7/31/09 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, Chapman, Lockwood, Mahunik, all in favor.

RESOLUTION NO. 423-09

08.25.09

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:

July 2009	
First Niagara	\$ 637.19
AmExpress	\$2,449.72
Sunoco	\$ 170.32
Walmart	\$ 0
Exxon	<u>\$ 0</u>
Total:	\$3,257.23

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

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

RESOLUTION NO. 424-09

08.25.09

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:

July 2009	
Copier Leases and Maintenance:	\$ 8,095.74
<u>Postage Leases:</u>	<u>\$ 276.00</u>
Total:	\$ 8,371.74

RESOLVED, that said payment be part and partial payment of the full audit of this Board.
Signed by Mitchell, Axton, Chapman, Lockwood, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 425-09 (8/25/09)

COA-CAPH8PAY

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. 92028792.....\$ 415.00

2. Project #04-4 (Enhanced Wireless 911 Expedited Deployment Plan):

SIRIUS COMPUTER SOLUTIONS:
 Inv. No. 93013.....\$ 3,104.42

3. Project #06-5 (Modification to the Cayuga County Office Bldg. Heating System):

SIRACUSA MECHANICAL, INC.:
 Application & Certificate for Payment No. 13 HVAC Contract (FINAL PAYMENT).....\$ 45,000.30
 C & S COMPANIES:
 Inv. No. 0115858.....\$ 44,955.00

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

CAMP, DRESSER & McKEA:
 Inv. No.34.....\$ 29,831.54

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

TYLER TECHNOLOGIES, INC.
 Inv. No. 14178.....\$ 688.40
 Inv. No. 14490.....\$ 645.40

INN AT THE FINGERLAKES:
 Inv. No. 4151.....\$. 140.00

6. Project #08-1 (Renovations – Mental Health, North Street and Park Street):

GRAY MANAGEMENT SYSTEMS:
 Inv. No. 1.....\$ 7,835.00
 WAYUGA COMMUNITY NEWSPAPERS, INC.:
 Inv. No. 0227769-IN.....\$ 24.00

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, Murphy, Mahunik, Petrus.

RESOLUTION NO. 426-09 (08/25/09)

RPS-transferfunds

AUTHORIZING TRANSFER OF BUDGETED FUNDS WITHIN ACCOUNTS

BY: Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS, the Cayuga County Office of Real Property Tax Service needs to buy a computer; and

WHEREAS, the computer committee has approved the purchase; and

WHEREAS, the equipment budget line does not have enough funds to cover the cost of purchasing the needed computer; now therefore be it,

RESOLVED, that the Cayuga County Treasurer's Office is hereby authorized to transfer funds in the amount of \$575.00 from Account #A1355-4-54059 (Professional Services) to Account No. A1355-2-52000 (Equipment) in the Real Property Tax Service Department budget, which will cover the purchase of the computer.

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

RESOLUTION NO. 427-09 (8/25/09)

HR-Workshops2009

AUTHORIZING THE CHAIRMAN OF THE COUNTY LEGISLATURE TO SIGN A CONTRACT WITH CAYUGA COMMUNITY HEALTH NETWORK FOR EMPLOYEE TRAINING WORKSHOPS.

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

WHEREAS, the County of Cayuga has determined that it would be advantageous to provide training for county employees on various topics throughout the year; an

WHEREAS, Cayuga Community Health Network have been contacted for estimates to provide professional services to accomplish aforesaid training modules; and

WHEREAS, there are sufficient monies in Account # A1430.400.059 for this purpose; now, therefore, be it RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to sign a contract with Cayuga Community Health Network that provide professional training services as stated above at a cost not to exceed the amount budgeted in A1430.400.059; and be it further

RESOLVED, that the cost of the workshops be charged against Account # A1430.400.059 for Professional Services; 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, Petrus, Chapman, Mahunik, Lockwood, Murphy, Axton, all in favor.

RESOLUTION NO. 428-09

08'25;2009

TREunempConst.Agreement

AUTHORIZING THE COUNTY LEGISLATURE TO ENTER INTO AN AGREEMENT WITH AN UNEMPLOYMENT COST CONTROL CONSULTANT TO SEEK REFUNDS DUE THE COUNTY FROM THE NYS UNEMPLOYMENT FUND

By: Mr. Francis Mitchell, Ways and Means Committee

WHEREAS, the County desires to reduce its unemployment costs and seek refunds from the NYS Unemployment Fund; and

WHEREAS, the County desires to enter into an agreement with an Unemployment Cost Control Consultant to assist in achieving unemployment fund savings; and

WHEREAS, the consultant will be paid \$750.00 quarterly (\$3,000.00 annually) for said services; now therefore, be RESOLVED, that the Cayuga County Legislature does hereby authorize the County Treasurer to sign an agreement with PEOPLE SYSTEMS, to assist in the administration of the County's unemployment cost control program.

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

RESOLUTION NO. 429-09 8.25.09 legcarcierifixrev3

RESOLUTION URGING SENATORS SCHUMER AND GILLIBRAND AND CONGRESSMAN ARCURI TO OPPOSE ANY “CARCIERI FIX”

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

WHEREAS, the Supreme Court of the United States ruled in favor of the State of Rhode Island, denying fee to trust land to the Narragansett Indian tribe because it was not a federally recognized tribe under federal jurisdiction in 1934 when the Indian Reorganization Act (IRA) was passed by Congress (*Carcieri vs. Salazar*, 129 S Ct 1058{2009}); and WHEREAS, this decision is consistent with the legislative intent of Congress in passing the IRA, which was designed to restore to Indian tribes land they had lost due to the Dawes Act of 1887 and provided for tribal land to be allotted to individual tribal members, many of whom subsequently lost title to the land due to death, divorce, bankruptcy, or other misfortune; and

WHEREAS, the Cayugas sold the reservation land to the State of New York in 1795 and 1807; and

WHEREAS, no land in the State of New York was lost to any tribe due to allotment; and

WHEREAS, the Cayuga Indian Nation was not a federally recognized tribe under federal jurisdiction in 1934 and therefore is not entitled to land in trust; and

WHEREAS, Secretary of the Interior Kenneth Salazar has directed newly appointed Assistant Secretary for Indian Affairs Larry EchoHawk to quickly resolve the situation created by the Supreme Court’s decision that tribes not federally recognized and under federal jurisdiction in 1934 are not eligible for federal trust land; and

WHEREAS, consideration is being given to having Congress amend the IRA or otherwise changing the law to include lands acquired in trust by the Bureau of Indian Affairs (BIA) since 1934 and defining what is meant by “federal jurisdiction”; and

WHEREAS, any “Carcieri fix” would violate the intent of Congress in enacting the IRA and circumvent the carefully considered ruling of the Supreme Court in *Carcieri vs. Salazar*, 129 S Ct 1058 (2009); and

WHEREAS, Mr. EchoHawk has held consultations with Indian tribes on this issue but not consulted with affected counties and states; and

WHEREAS a “Carcieri fix” would remove a legitimate reason for New York tribes, including the Cayuga Indian Nation, to be denied land in trust; now, therefore be it

RESOLVED, the Cayuga County Legislature urges Senators Schumer and Gillibrand and Congressman Arcuri to vigorously oppose any “Carcieri fix” and to continue its support of Cayuga, Seneca, Madison and Oneida counties in opposition to land being taken into trust; and be it further

RESOLVED, that copies of this resolution be sent by Chairman Tortorici to:

Senator Charles Schumer

Senator Kirsten Gillibrand

Congressman Michael Arcuri

New York State Congressional Delegation

Mayor Bloomberg

New York State Association of Counties

New York State Counties

Assistant Secretary of the Interior Larry EchoHawk

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

RESOLUTION NO. 430-09 (Aug. 2009)

RPS correctionerrors AUG09

Authorizing Correction of Tax Errors in Several Towns:

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

WHEREAS, petitions for corrections have been received by the Director of Real Property Tax, from the Town Assessors to correct clerical errors or an error in essential fact as specified below, as existed on the 2009 Tax Roll, and: WHEREAS, The petitions for correction were received too late to make the necessary adjustments before the extension of taxes, and;

WHEREAS, the Director of Real Property Tax Services has reviewed the petitions and found them to be correct; now therefore be it

RESOLVED, the Director of Real Property Tax Services under Real Property Tax Law 553-554 and 556A be authorized to make the change set forth hereafter; and be it further

RESOLVED, that the County Treasurer is authorized and directed to correct the 2008 County and Town Tax Roll; and be it further

RESOLVED, that a corrected tax statement shall be prepared, or a refund of any overpayment of taxes be made, as is applicable; and be it further

RESOLVED, that the 2008 Tax Roll shall also be corrected as follows:

Town of Throop: TM# 101.00-1-32.784. Assessed to Maria Ferlito. Real Property Error in Essential Fact. This parcel was assessed as having a house on the parcel when, in fact, there were no buildings on the 2008 assessment roll. The 2008 assessment roll should be corrected to include an assessment for land only. The 2009 town/county tax bill and the 2008-2009 Port Byron School Tax bill should be corrected to include the assessment for land only.

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

RESOLUTION NO. 431-09 (8/25/09) COA-Pay50%ofvideotapingBIA PH&AmdRes#329-09

AUTHORIZING THE COUNTY OF CAYUGA TO REIMBURSE SENECA COUNTY 50% OF THE COST OF VIDEOTAPING THE PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT IN THE AMOUNT OF \$850.00, AND AMENDING RESOLUTION NO. 329-09.

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

WHEREAS, Resolution No. 329-09 adopted on June 23, 2009, authorized the County to contribute 50% of the cost of videotaping the Bureau of Indian Affairs public hearing which was held on June 17, 2009 at a sum not to exceed \$600.00; and

WHEREAS, the invoice for the taping of land into trust public hearing totaled \$1,700.00; and

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

RESOLVED, that the County of Cayuga shall 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; at a cost not to exceed \$850.00, to be paid to Seneca County from Account No. A10104 54057; and be it further

RESOLVED, that Resolution No. 329-09 is amended as herein set forth; 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 Mitchell, Petrus, Chapman, Mahunik, Lockwood, Murphy, Axton, all in favor.

RESOLUTION NO. 432-09 08/25/09

RPSrepuchasetaxparcels2009#2

AUTHORIZING THE REPURCHASE 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 an offer to repurchase 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 Treasurer 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
53.04-1-6	11026 Dugar Rd.	John Wyncarczyk

NOW THEREFORE BE IT RESOLVED, that the recommendations of the Ways & Means Committee set forth above are 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 sales.

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

RESOLUTION NO. 433-09 08/25/09

RPSrepuchasetaxparcels2009#2

AUTHORIZING THE REPURCHASE 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 an offer to repurchase 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 Treasurer 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
27.00-1-6	12981 Ira Station Rd.	Duane Cummins

NOW THEREFORE BE IT RESOLVED, that the recommendations of the Ways & Means Committee set forth above are 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 sales.

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

RESOLUTION NO. 434-09 08/25/09 RPSrepuchasetaxparcels2009#2
AUTHORIZING THE REPURCHASE 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 an offer to repurchase 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 Treasurer 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
53.19-1-5.11	117 Firelane 16	Christina Courtwright

NOW THEREFORE BE IT RESOLVED, that the recommendations of the Ways & Means Committee set forth above are 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 sales.

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

(PULLED)

RESOLUTION NO. 435-09 8.25.09 coahrngrstrctn2009rev3

HIRING RESTRICTIONS

By: Francis Mitchell, Chairman, Ways and Means Committee

WHEREAS, the Cayuga County Legislature is of the opinion that restrictions on the hiring of County personnel is in the best interests of the residents of Cayuga County; now, therefore, be it

RESOLVED, that effective August 26, 2009 there shall be a hiring restriction on the creation of new positions of County employment and a restriction on the filling of any new or vacant positions of County employment; and be it further

RESOLVED, that the hiring restriction shall continue until repealed by an act of the Cayuga County Legislature by resolution; and be it further

RESOLVED, that the above restrictions shall not apply to the following:

1. Cayuga County Nursing Home.
2. Positions where the source of funding is 100% reimbursable.
3. Filling of a vacancy in any of the elected or fixed-term personnel.
4. Cayuga County Sheriff's Office
5. Cayuga County E-911 Center

And be it further

RESOLVED, that this Resolution does not repeal any previously adopted resolution of the Cayuga County Legislature which authorized the creation and filling of a position of County employment or that authorized the filling of a vacant position of County employment.

RESOLUTION PULLED BY Mitchell

RESOLUTION NO. 436-09 (8.25.09) COA-HireHarrisBeachToDefDA&ShfReCIArev2
AUTHORIZING THE COUNTY OF CAYUGA TO HIRE HARRIS BEACH TO REPRESENT THE CAYUGA COUNTY DISTRICT ATTORNEY AND THE CAYUGA COUNTY SHERIFF IN THE APPLICATION OF THE CAYUGA INDIAN NATION

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

WHEREAS, the Cayuga Indian Nation caused an Order to Show Cause to be filed in the Matter of the Application of the Search Warrant; and

WHEREAS, it has been determined that Harris Beach should assist the County of Cayuga, District Attorney and the Sheriff in the defense of this matter and other related matters; now, therefore, be it

RESOLVED, that the County of Cayuga is authorized to enter into an agreement with Harris Beach to assist the Cayuga County District Attorney and the Cayuga County Sheriff in opposition to the Order to Show Cause filed by the Cayuga Indian Nation, and such other related matters.

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

RESOLUTION NO. 437-09 (8/25/09)

HR-LawrenceContract2009

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 contractor used for technical examination services is unable to perform services in September for exams to be administered; and

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

WHEREAS, the Civil Service Commission has located another expert that could provide the aforesaid technical services at the same rate approved in July for the previous vendor; 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 Barbara Renee Lawrence 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 a contract for Barbara Renee Lawrence to provide the necessary services for the Civil Service Commission to administer technical examinations at a rate of \$27.00 per hour for services rendered effective 9/1/09 to 8/31/11; 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, Petrus, Chapman, Mahunik, Lockwood, Murphy, Axton, all in favor.

RESOLUTION 438-09 (August 25, 2009) HD HRI Funding Breast Health 2009

Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew Contract with HRI to Continue Breast & Cervical Cancer Early Detection Program.

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

Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, the Health Department's Healthy Women's Partnership (Breast & Cervical Cancer Early Detection Program) is partially funded by federal funding through Health Research, Inc.; and

WHEREAS, we have again been offered federal funding for this program through Health Research, Inc.; 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 Health Research, Inc. to accept federal funding for the Breast & Cervical Cancer Early Detection Program in the amount of \$28,043 for the period of June 30, 2009 through June 29, 2010; and be it further

RESOLVED, that the Director of Health & Human Services be authorized to enter into subcon-contracts with agencies/individuals in order to accomplish the goals of this grant; and be it also

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

Increase Appropriation Account #40234 54000.....	\$28,043
Increase Revenue Account #40230 43423.....	\$28,043

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

**RESOLUTION NO. 439-09 (August 25, 2009) HD Early Intervention Admin Grant 2009-10
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a
Contract with the State to Accept 100% Funded Early Intervention Administration Grant**

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

WHEREAS, the State of New York has made money available to county government for the purpose of meeting their administrative responsibilities in local oversight and implementation of the Early Intervention Program (a state-mandated program) for the period October 1, 2009 through September 30, 2010 in the amount of \$56,587; 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 the State to accept funding to offset our costs for administrative responsibilities in local oversight and implementation of the Early Intervention Program; and be it further

RESOLVED, that the County Treasurer be authorized and directed to make the necessary journal and accounting entries in the 2009 Health Department Budget as follows and to accept any additional COLA funds relative to this program:

Increase Appropriation Account A40264 54000.....\$56,587
Increase Revenue Account A40260 43426.....\$56,587

and be it also

RESOLVED, that the Director of Health & Human Service be authorized to enter into contracts with other agencies/individuals in order to accomplish the goals of this grant without further legislative action.

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

**RESOLUTION NO. 440-09 (August 25, 2009) HD HCCB Initiative
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into a
Contract With NYS Department of Health to Participate in the Healthy Communities Capacity Building
Initiative and Accept \$34,000 (100% State Funding) to Implement the Initiative**

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

WHEREAS, obesity, a major risk factor for many chronic diseases, has reached epidemic proportions in New York State and across the nation; and

WHEREAS, The NYS Department of Health, Bureau of Community Chronic Disease Prevention, works to minimize obesity and related chronic disease in New York State through actions designed to increase physical activity and improve nutrition; and

WHEREAS, each local health department is eligible to receive a non-competitive award of \$34,000 (per county) for the period of August 1, 2009 to March 31, 2010 to develop a local action plan to implement policy and environmental changes to address the physical activity and nutrition objectives in the Department of Health's Prevention Agenda; NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services enter into a contract with NYS Department of Health to participate in the Health Communities Capacity Building Initiative and to accept \$34,000 in funding to implement this initiative for the period August 1, 2009 to March 31, 2010; and be it further RESOLVED, that the Cayuga County Treasurer be authorized and directed to amend the Health Department's 2009 Budget in the following manner:

Increase Appropriation Account #AA40324-54000.....\$34,000
Increase Revenue Account #A40320-43432.....\$34,000

and be it also

RESOLVED, that the 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. 441-09 (August 25, 2009) HS Day Care Centers 2009
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into Contracts for Day Care Services

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 day care services for eligible county residents; and

WHEREAS, these services are reimbursed by the Federal Day Care Block Grant; NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into contracts with the following agencies and other day care agencies as needed:

Neighborhood House of Auburn NY, Inc.	Creative Choices Child Care Center
Early Childhood Center	Stepping Stone Child Care Center
Cayuga Community College Pre-School Child Care	Syracuse Vineyard Child Care Center
YMCA/YWEIU	Little Wonder child Care Center
Cayuga Onondaga BOCES Day Care Center	Learn as You Grow
Erie Canal Kids, Inc.	

To be renewed annually at a rate up to the fair market rate for Cayuga County as determined periodically by the New York State Office of Children and Family Services; and be it further

RESOLVED, that the charges for these services be paid from account #A60554 – 54000 of the 2009 Human Services Budget.

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

RESOLUTION NO. 442-09 (August 25, 2009) HS Clinical Psychologists Contracts
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into Contracts With Various Clinical Psychologists to Conduct Clinical Parental and Child Assessments for Child Welfare Cases

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

WHEREAS, the Human Services Department has need for the services of clinical psychologists to conduct clinical parental and child assessments for determining appropriate permanency and service plans for children and families; and

WHEREAS, these clinical psychologists possess the knowledge and expertise to perform our work; and

WHEREAS, the Department desires to contract with the following Clinical Psychologists at the rates listed:

Dr. Robert Kohlbrenner @ \$125/hr.	Dr. Norman Lesswing @ \$110/hr.
Dr. Brian Thomson @ \$125/hr.	Dr. Richard Hoyt @ \$110/hr.
Dr. Philip Yorke @ \$125/hr.	Dr. Santo Bentivagnia @\$100/hr.

and

WHEREAS; these expenses are budgeted for in the 2009 Human Services budget and are reimbursed by the State at 75%; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services be authorized and directed to enter into contracts with the clinical psychologists listed above for the period

August 1, 2009 through July 31, 2010 at the scheduled rates.

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

RESOLUTION NO. 443-09 DATE: 08/25/09 OFAamendbudgetAug09rev
Amend the Year 2009 Cayuga County Office for the Aging Budget and authorizing the acceptance of grants.

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

WHEREAS, the Office for the Aging has received additional funding from the 2009 American Recovery and Reinvestment Act (ARRA) for the following programs in the amount of:

Title III-C-1 Congregate Meals	\$16,435
Title III-C-2 Home Delivered Meals	8,091; and

WHEREAS, these funds were not available to this Office when the year 2009 budget was prepared and Cayuga County Treasurer's Office will need to amend the year 2009 Office for the Aging budget to reflect the increased funding to be received; now, therefore, be it

RESOLVED, that the Chairman of the Legislature and the Director of the County Office for the Aging are hereby authorized to accept funding in the amount of \$24,526 and to enter into all contracts necessary to execute this grant; and be it further

RESOLVED, that the County Treasurer be and he is authorized and directed to amend the Year 2009 Cayuga County Office for the Aging budget in the following manner:

Increase Revenue	A67730 44089 ARRA	\$24,526	
Increase Equipment	A67722 52000 Steam Table/Dishwasher		2,500
Increase Contractual	A67734 54059 Professional Services		11,000
Increase Contractual	A67734 54061 Advertising		1,000
Increase Contractual	A67734 54083 Travel In County		10,026

And be it further

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

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

RESOLUTION NO. 444-09 Date of Meeting: 8/25/09 nhacceptgrntcmprts
AUTHORIZING CHAIRMAN OF THE LEGISLATURE AND ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ACCEPT GRANT MONEY FOR ADDITIONAL LAPTOP COMPUTERS FOR EDUCATIONAL PURPOSES AT THE CAYUGA COUNTY NURSING HOME.

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

BY: Francis Mitchell, Chairman, Ways and Means Committee

WHEREAS, Excelsior College has developed a community collaborative involving the hospital and long term care facilities in Cayuga county; and

WHEREAS, the College has received funding through the Emerson Foundation to fund the project which includes providing the hardware for each facility to participate in learning projects primarily around the issue of pressure ulcers; and

WHEREAS, the Nursing Home has been designated to receive up to \$7500 for the purchase of the laptop computers; and

WHEREAS, the Information Technology Department has researched the necessary specifications for purchase under New York State pricing ; Now therefore be it:

RESOLVED that the Nursing Home purchase the computer laptops and accessories for a cost not to exceed \$7500. (Seven thousand five hundred dollars).

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

RESOLUTION NO. 445-09 (August 25, 2009) HD Sue Green Contract 2009-2010
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Sue A. Green, RN, Certified Wound, Ostomy and Continence Nurse

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

Francis Mitchell, Chairman of the Ways & Means Committee

WHEREAS, the County's Certified Home Health Agency wishes to enter into a contract with Sue A. Green to serve as a consultant to the home care nurses for a select number of patients identified by the agency; and

WHEREAS, it is our opinion that by utilizing this consultant, we will be able to improve patient outcomes and

maximize Medicare revenue by reducing the overall costs of care per patient; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services enter into a contract with Sue A. Green for the time period September 1, 2009 through August 31, 2010 in the amount of \$39.25 per hour plus mileage at the current Cayuga County approved rate; and be it further

RESOLVED, that these expenses be paid out of account #40124 54128 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. 446-09 (August 25, 2009) HD Paula Ford Contract
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into a Contract With Paula Ford, RHIA, CCS - Medical Records Practitioner

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

WHEREAS, as a result of a survey conducted in accordance with Article 28 of the NYS Public Health Law (The New York Official Compilation of Codes, Rules and Regulations [10NYCRR]), our Diagnostic & Treatment Center was cited for not being in compliance with §751.7 (c) Organization and Administration. Medical Record System: The operator shall: ensure that the medical record supervisor receives consultation from a qualified medical record practitioner when such supervisor is not a qualified medical record practitioner; and

WHEREAS, it has been determined that in order to be in compliance with this regulation, it will be necessary to contract with a qualified medical record practitioner to provide oversight of this process; and

WHEREAS, the State has approved this action in our Plan of Correction; NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services enter into a contract with Paula Ford, RHIA, CCS, for the period August 26, 2009 to August 25, 2011 at an hourly rate of \$50, as a qualified Medical Records Practitioner; and be it further

RESOLVED, that this expense be paid from Account #A40104 54059 of the Health Department Budget.

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

RESOLUTION NO. 447-09 (August 25, 2009) HD Adirondack Therapy Services
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Adirondack Physical & Occupational Therapy, LLC

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 Adirondack Physical & Occupational Therapy, LLC for the period 8/26/09 to 12/31/10 at the following rates:

Physical & Occupational Therapy	
Evaluation.....	\$70/visit
Follow-Up.....	\$60/visit
Therapy Assistant.....	\$55/visit
Inservices.....	\$25/hour

and be it further

RESOLVED, that the costs of the above services be paid from account #A40124 54127 for physical therapy, and #A40124 54217 for occupational therapy,

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

**RESOLUTION NO. 448-09 (August 25, 2009) HS Clerk of Legislature MOU
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into an
MOU with the Clerk of the Legislature to Make Available Its Certified NYS Fire and Building Inspector and
Code Enforcement Officer To Perform Fire Safety Reviews for the Agency**

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

WHEREAS, the Agency desires to have fire safety reviews conducted for applicants for Certified Foster Care Homes and for Re-Certification of Foster Care Homes; and

WHEREAS, the Clerk of the Legislature has hired a part-time employee who is a Certified NYS Fire and Building Inspector and Code Enforcement Officer; and

WHEREAS, the Agency and the Clerk of the Legislature are desirous of entering into a Memorandum of Understanding whereby the Clerk will make available its employee to perform fire safety reviews for the Agency on an as needed basis; 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 Clerk of the Legislature to make available its employee to perform fire safety reviews for the Agency on an as needed basis at a rate of \$53 per inspection for each newly certified Foster Care Home or each re-certified Foster Care Home, and \$25 per each subsequent follow-up inspection of a home for the time period January 1, 2009 through December 31, 2010; and be it further

RESOLVED, that payment for these costs come from Account #A60104-54179 (Inspector Foster Care).

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

RESOLUTION NO. 449-09 Date of Meeting: 8/25/09 nhbrickneragmnth

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ENTER INTO AN AGREEMENT WITH JOAN BRICKNER TO PROVIDE OCCUPATIONAL THERAPY SERVICE TO CAYUGA COUNTY NURSING HOME RESIDENTS.

BY: Francis Mitchell, Chairman, Ways and Means Committee

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

WHEREAS, Joan M. Brickner has the required experience and wishes to provide occupational therapy service to Cayuga County Nursing Home; and

WHEREAS, Cayuga County Nursing Home has been unable to recruit other occupational therapists and is required by New York State Health Department regulation to provide occupational therapy service; and

WHEREAS, Joan Brickner will be paid for her services to Cayuga County Nursing Home residents at a rate of \$ 61.20/hour; now therefore be it

RESOLVED that the Chairman of the Legislature and the Administrator of Cayuga County Nursing Home be authorized to sign an agreement with Joan M. Brickner to provide occupational therapy service at Cayuga County Nursing Home effective September 1, 2009 for one year at a rate of \$ 61.20/hour.

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

RESOLUTION NO. 450-09 Date of Meeting: 8/25/09 nhraymondagmnt

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ENTER INTO AN AGREEMENT WITH MELANIE RAYMOND TO PROVIDE PHYSICAL THERAPY SERVICE TO CAYUGA COUNTY NURSING HOME RESIDENTS.

BY: Francis Mitchell, Chairman, Ways and Means Committee

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

WHEREAS, Melanie J Raymond has the required experience and wishes to provide physical therapy service to Cayuga County Nursing Home; and

WHEREAS, Cayuga County Nursing Home has been unable to recruit other physical therapists and is required by New York State Health Department regulation to provide physical therapy service; and

WHEREAS, Melanie J Raymond will be paid for her services to Cayuga County Nursing Home residents at a rate of \$ 65/hour; now therefore be it

RESOLVED that the Chairman of the Legislature and the Administrator of Cayuga County Nursing Home be authorized to sign an agreement with Melanie J. Raymond to provide physical therapy service at Cayuga County Nursing Home effective September 1, 2009 for one year at a rate of \$ 65/hour.

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

**RESOLUTION NO. 451-09 (August 25, 2009) HD Fill Typist CHS
Authorizing the Director of Health & Human Services to Fill a Typist Vacancy at Community Health Services
Due to Promotion**

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

WHEREAS, there will be a typist vacancy at Community Health Services effective August 17, 2009 due to the promotion of the incumbent to take an account clerk position in the Human Services Department; and
WHEREAS, this position is necessary for the effective and efficient operation of the department; and
WHEREAS, this position is funded in the 2009 Health Department Budget; NOW, THEREFORE, BE IT
RESOLVED, that the Director of Health & Human Services be authorized and directed to fill the typist position contingent-permanent until the incumbent successfully completes her probationary period for the account clerk position in Human Services, and any fill behinds in accordance with Civil Service Rules and Regulations and the policies of the County of Cayuga.

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

**RESOLUTION NO. 452-09 (August 25, 2009) HD Amend HealthBudget 2009 rev
Authorizing the County Treasurer to Amend the 2009 Cayuga County Health Department Budget**

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 to cover costs for temporary office help at CHHA, and to cover costs associated with providing contract home health aides services instead of with staff; and

WHEREAS, as the services are provided, Medicaid is billed and covers the costs of these additional services;

NOW, THEREFORE, BE IT

RESOLVED, that the County Treasurer be authorized to make the following amendments to the Health Department's 2009 Budget:

<u>Appropriation Accounts</u>	<u>Increase</u>	<u>Decrease</u>
A40124 54059 Professional Services	\$10,000	
A40124 54219 Home Health Aides	\$19,685	
A40121 51001 Salaries		\$25,000
A40121 58001 Social Security		\$ 1,912
A40121 58002 Retirement		\$ 2,000
A40121 58005 Workers' Comp.		\$ 773

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. 453-09

Action Date: 8/25/09

CMHTransFunc09rev

Reversal of the transfer of function done by Resolution No. 732-07 of certain fiscal staff from the Social Services Department to the Community Mental Health Department.

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

Chairperson, Francis Mitchell, Ways and Means Committee

WHEREAS, Resolution No. 732-07 transferred the function of two fiscal positions (Junior Accountant and Administrative Assistant) from Community Mental Health Services Department to the Department of Social Services; and

WHEREAS, the financial functions of the Department of Community Mental Health Services have been reviewed by the legislature; and

WHEREAS, it became apparent during the 2009 budget preparation that these fiscal functions need to be placed again under the jurisdiction of the Director of CMH Services in 2009; and

WHEREAS, to achieve the transfer of function from DSS to CMH requires a resolution adopted by this legislature; and

WHEREAS, NYS CS Law, Section 70.2 states "As soon as practicable after the adoption of a law, rule, order or other action direction such a transfer of function, but not less than twenty days prior to the effective date of such transfer, the head of the department or agency from which such function is to be transferred shall certify to the head of the department or agency which such function is to be transferred a list of the names and titles of those employees substantially engaged in the performance of the function to be transferred, and shall cause copies of such certified list to be publicly and conspicuously posted in the offices of the department or agency from which such function is to be transferred, along with copies of this subdivision;" and

WHEREAS, funding for the position of Junior Accountant was allocated within the Department of Community Mental Health Services for the year 2009 to accommodate the anticipated transfer for the employee's payroll and fringe benefits; now, be it therefore

RESOLVED, that the Transfer of Function of certain fiscal staff as listed in the attachment in the Department of Social Services be hereby ordered and initiated with the effective date of transfer to be January 1, 2009 or as soon as practicable as directed by the County Attorney; and be it further

RESOLVED, that the Director of Health & Human Services be hereby directed to post a certified list of employees as attached pursuant NYS CS Law, Section 70.2 "As soon as practicable after the adoption of a law, rule, order or other action direction such a transfer of function, but not less than twenty days prior to the effective date of such transfer, the head of the department or agency from which such function is to be transferred shall certify to the head of the department or agency which such function is to be transferred a list of the names and titles of those employees substantially engaged in the performance of the function to be transferred, and shall cause copies of such certified list to be publicly and conspicuously posted in the offices of the department or agency from which such function is to be transferred, along with copies of this subdivision;"; and be it further

RESOLVED, that the above list be posted the day after the adoption of this resolution; and be it further

RESOLVED, that the Treasurer be hereby authorized to make the appropriate journal entries to carry out the intent of this resolution; and be it further

RESOLVED, that this Transfer of Function be facilitated in accordance to NYS Civil Service Law, Cayuga County Civil Service Rules and Regulations, Bargaining Contracts, and the Policies of the County of Cayuga.

RESOLVED, that Resolution No. 723-07 is superceded as herein before setforth.

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

RESOLUTION NO. 454-09

Action 08/25/09

MHAbolishSWA8.09

ABOLISHING FIVE POSITIONS AT THE CAYUGA COUNTY COMMUNITY MENTAL HEALTH CENTER AND ADJUSTING THE HOURS OF ONE POSITION

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

Hon. Francis Mitchell, Chair, Ways and Means Committee

WHEREAS, in consultation with the New York State Office of Mental Health it has been determined that there is a need to reconfigure and reduce case management services within the Mental Health Department; and

WHEREAS, individuals providing that function are serving in the Civil Service title of Social Work Assistant (MH); and

WHEREAS, the Cayuga County Civil Service Commission has determined the order of lay offs within the department, and

WHEREAS; there is one vacant Social Work Assistant (MH) position that will be abolished as part of the required reduction; and

WHEREAS, it was determined that an additional four positions should be eliminated; and

WHEREAS, there is one Social Work Assistant (MH), position 05165, established with a 40 hour work week whereas all other SWA positions are assigned a 35 hour work week; now, therefore, be it

RESOLVED, that Social Work Assistant (MH) position numbers 02108, 02122, 04179, 05943, and 05944 be abolished effective August 1, 2009; and be it further

RESOLVED, that position number 05165 be assigned to work 35 hours per week effective September 1, 2009 with a salary adjustment to reflect this change; and be it further

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

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

RESOLUTION NO. 455-09 (08/25/09)

EMS/CE FIRE/EMS COORDREV

Authorizing the appointment of the Central East Deputy County Fire/EMS Coordinator.

By: Ann Petrus, Chairperson of the Health and Human Services Committee

Francis Mitchell, Chairperson of Ways & Means Committee

Whereas, the Cayuga County Legislature has previously authorized the position of the Central East Deputy County Fire/EMS Coordinator for the Cayuga County Emergency Services; and

Whereas, this position was and is necessary to provide assistance and be an Emergency Medical Services resource at emergency calls for the Central East District of Cayuga County; and

Whereas, this position was previously held by Mr. Joseph DiFabio, who has resigned due to relocation; Now, therefore, be it

Resolved, that the Cayuga County Deputy Director for Emergency Medical Services, Roman Rotko, and the Director of Emergency Services, Brian Dahl, be allowed to fill this position of Central East Deputy County Fire/EMS Coordinator .

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

RESOLUTION NO. 456-09 August 25,2009 nhkhwpaverev1

AUTHORIZING THE ADMINISTRATOR OF THE NURSING HOME AND THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO ENTER INTO AN AGREEMENT WITH THE CAYUGA COUNTY HIGHWAY DEPARTMENT TO REPAIR AND PAVE THE UPPER PARKING LOT AT THE CAYUGA COUNTY NURSING HOME AT A COST NOT TO EXCEED \$35,000.00

BY: Ann Petrus , Health and Human Service

Francis Mitchell , Ways and Means

Whereas, the Cayuga County Nursing Home requires repair the driveway and upper parking lot at the Nursing Home; and

Whereas, there is adequate funding in the nursing home fund balance for the repair; and

Whereas, the Cayuga County Highway Department has estimated that the repairs can be completed for no more than \$35,000; now therefore be it

Resolved, that the Administrator of the Cayuga County Nursing Home and the Chairman of the Cayuga County Legislature are authorized to enter into an agreement with the Cayuga County Highway Department for the repair of the driveway and upper parking lot at the Nursing Home at a cost not to exceed \$35,000.

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

RESOLUTION NO. 457-09 (8/25/09)

COMtrans.purchase

AUTHORIZING THE TRANSFER OF FUNDS AND THE PURCHASE OF A BINDING MACHINE

BY: Hon. Michael Chapman, Chairman Government Operations Committee

Hon. Francis Mitchell, Chairman Ways and Means Committee

WHEREAS, more than 15 years ago, the Cayuga County Industrial Development Agency purchased a binding machine for their use and for the use of County Departments; and

WHEREAS, this machine has been used over the years by many County Departments to produce professional documents at a reasonable cost; and

WHEREAS, this machine needs to be replaced; now, therefore be it

RESOLVED, that the funding for a new machine will not exceed \$500.00; and, be it further

RESOLVED, that the funding for this machine be paid out of the County Manager's Budget with the following transfer:

Transfer \$500.00 from A12304-54118 (Contractual Agreements)

To A12302-52000 (Equipment); and, be it further

RESOLVED, that the County Manager is authorized to purchase a new binding machine not to exceed \$500.00; and, be it further

RESOLVED, that this machine will be housed in the Treasurer's Office and will be available to all County Department's for their use; and, be it further

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

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

RESOLUTION NO. 458-09 8.25.09 coaRFPHEALTHPLANCONSULTANT09

AUTHORIZING THE CLERK OF THE CAYUGA COUNTY LEGISLATURE TO ADVERTISE AND RECEIVE SEALED RFP TO OBTAIN THE SERVICES OF A HEALTH PLAN CONSULTANT.

BY: Hon. Michael Chapman, Chairman, Government Operations Committee.

Hon. Francis Mitchell, Chairman, Ways & Means Committee

WHEREAS, Health Care costs with regard to health coverage provided to County employees as part of their fringe benefits has increased dramatically; and

WHEREAS, this cost constitutes a financial drain on County resources; now, therefore, be it

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby authorized to advertise a Request for Proposals for a Health Benefit Plan Consultant. The proposed Consultant would be expected to provide the following services:

1. Review and analyze the County's current plan.
2. Design the most appropriate Health Care Plan for the County.
3. Assist the County in the preparation of Request for Proposals to obtain the most cost efficient plan for County Employees.
4. To provide the County with regular financial analysis of its Health Plan including periodic reports.
5. Assist the County in the processing of claims including analyzing claims, reviewing administration policy and procedures, and auditing claims to determine appropriate treatment, efficient case management, proper claim submission and insuring payment accuracy.

And be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized to carry out the intent of this resolution.

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

**RESOLUTION NO. 459-09 (8/25/09) COAcollegebudget09
APPROVING 2009-10 BUDGET FOR CAYUGA COMMUNITY COLLEGE.**

BY: Mr. Michael Chapman, Government Operations Committee, and
Mr. Francis Mitchell, Chair, Ways & Means Committee.

WHEREAS, Cayuga Community College has presented its budget for the 2009-10 academic year to the Ways & Means and Government Operations Committees of the Cayuga County Legislature; and

WHEREAS, said Cayuga Community College budget for 2009-10 academic year totals \$29,276,105.00; and

WHEREAS, the sponsor's share of Cayuga County in said budget is the amount of \$2,758,752.00; and

WHEREAS, the Cayuga Community College requests an additional contribution; and

WHEREAS, the Cayuga County legislature approves an additional contribution of three (3) per centum; now, therefore, be it

RESOLVED, that the said 2009-2010 Budget of Cayuga Community College is hereby approved in accord with a 2009 County contribution of \$2,758,752.00, together with an additional three (3) per centum of \$82,763.00, for a total of \$2,841,515.00.

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

**RESOLUTION NO. 460-09 TO BE ACTED ON August25, 2009
AUTHORIZE AGREEMENT CAYUGA-CORTLAND WORKFORCE INVESTMENT BOARD (WIB) AND
THE CHIEF ELECTED OFFICIALS OF CAYUGA AND CORTLAND COUNTIES**

BY: LINDA MURPHY, Chairperson, Planning & Economic Development Committee

WHEREAS, The Workforce Investment Act, hereinafter referred to as the Act (20 USC 9201 et. seq., Public Law 105-22-, Stat. 936), authorized the expenditure of federal funds to assist local governments in coordinating and

implementing workforce development programs in locally determined Workforce Investment Areas (WIA's); and

WHEREAS, the Counties constitute a jurisdiction eligible for designation as a Workforce Investment Area; and

WHEREAS, the ACT requires the establishment of a Workforce Investment Board to assist in carrying out provisions of the ACT; and

WHEREAS, the ACT requires a partnership between the Workforce Investment Board (WIB) and the Chief Elected Officials of the Counties; and

WHEREAS, the ACT requires the WIB and the Chief Elected Officials of the Counties to define the scope of their partnership by means of an agreement; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Cayuga County Legislature be and is hereby authorized to execute the agreement with the Workforce Investment Board; said agreement shall be in a form approved by the County Attorney; AND BE IT FURTHER

RESOLVED, that the Chairman of the Cayuga County Legislature be and is hereby authorized to execute such agreements with agencies of the State of New York as are necessary to conduct programs authorized under the Workforce Investment Act for the period beginning July 1, 2009 and ending June 30, 2010.

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

RESOLUTION NO. 461-09 August 25, 2009 PB_CayugaBluewayLWRP_Grant01

Resolution Authorizing Submission of a Coordinated Grant Application to the New York State Environmental Protection Fund 2009-2010 Local Waterfront Revitalization Program (LWRP) for a Cayuga Lake Blueway Trail Plan, in partnership and coordination with Tompkins County and Seneca County Planning Departments, and the Commitment of Cayuga County Staff In-Kind Services in the amount of \$20,000 as 50% Cayuga County Matching Funds

BY: Ms. Linda Murphy, Chair, Planning and Economic Development

Mr. Francis Mitchell, Chair, Ways and Means Committee

WHEREAS, Blueways are small boat and paddling routes that combine recreation and environmental awareness and allow users to travel to and between designated stops that link New York's heritage trails and sites, greenways, historic resources, scenic by-ways, and revitalized community centers; and

WHEREAS, One component of regional economic development can be the creation of a Blueway Trail that can be a catalyst for local economic development, and inter-municipal Blueway Corridors can contribute to regional economies; and

WHEREAS, the Cayuga County Planning Department has completed a Blueway Trail along the Seneca River which can link a Cayuga Lake Blueway with the Erie Canal Heritage Corridor and the Cayuga Lake Scenic By-way; and

WHEREAS, the New York State Environmental Protection Fund (EPF) 2009-2010 Local Waterfront Revitalization Program (LWRP) is soliciting grant applications specifically for inter-municipal plans for creation of Blueway Trails which requires a 50% matching contribution by participating localities that may be in the form of in-kind staff services in fulfillment of the activities funded by the proposed grant, with a due date for submission of grant applications of September 14, 2009; and

WHEREAS, the Cayuga County Planning Department has established a partnership with the Tomkins County and Seneca County Planning Departments to coordinate the development and submittal of a joint funding application to the 2009-2010 LWRP Grant Program for creating a Cayuga Lake Blueway Trail Plan, with each locality committing up to \$20,000.00 of in-kind staff services as the required match, and that requires commitment resolutions from each municipality; now,

THEREFORE, BE IT RESOLVED, that the Cayuga County Legislature hereby authorizes the Planning Department to participate in the preparation and submittal of a coordinated Grant Application to the NYS EPF 2009-2010 Local Waterfront Revitalization Program for the Cayuga Lake Blueway Trail, including a commitment of up to \$20,000.00 in staff in-kind services, in partnership with Tompkins and Seneca Counties; and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized and directed to execute any required application materials or documents necessary for the submission of the grant application and/or execution of contracts upon a grant award for the Cayuga Lake Blueway Trail project.

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

RESOLUTION NO. 462-09 8-25-09 Water Quality Management Agency ByLaws

APPROVAL OF THE BY-LAWS OF THE CAYUGA COUNTY WATER QUALITY MANAGEMENT AGENCY

BY: Linda Murphy, Chair, Planning and Economic Development Committee

Francis Mitchell, Chair Ways & Means Committee

WHEREAS, THE Cayuga County Water Quality Management Agency determined that several areas in their By-Laws needed clarification; and

WHEREAS, in an effort to obtain this clarification, the Cayuga County Water Quality Management Agency formed a committee from its members to review and re-write the by-laws; and

WHEREAS, the Cayuga County Water Quality Management Agency's Committee worked with the Cayuga County Attorney to revise the by-laws in an accurate and legally responsible manner; and

WHEREAS, the Cayuga County Water Quality Management Agency at their July 9, 2009 meeting voted unanimously to accept the newly revised by-laws and seek required Legislative approval; NOW, THEREFORE, BE IT

RESOLVED, that the Cayuga County Legislature approve the revised Cayuga County Water Quality Management Agency By-Laws as approved by the Cayuga County Water Quality Management Agency on July 9, 2009.

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

RESOLUTION NO. 463-09 8-25-09 e&tathrzlcnagmntnysrev2

AUTHORIZING THE DIRECTOR OF THE EMPLOYMENT & TRAINING DEPARTMENT AND THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN LICENSE RENEWAL AGREEMENT FOR SPACE AT 199 FRANKLIN STREET, AUBURN, NEW YORK

By: Linda Murphy, Chair, Planning & Economic Development Committee

Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, Cayuga county Employment & Training Department previously licensed space at 199 Franklin Street, Auburn, New York to the State of New York; and

WHEREAS, the previous license agreement expired on June 30, 2008; and

WHEREAS, the State of New York would like to enter into a new License Agreement for a term of July 1, 2008 to June 30, 2013; now therefore be it

RESOLVE, that the Director of the employment and Training Department and the Chairman of the Cayuga County Legislature are hereby authorized to execute a renewal License Agreement with the State of New York for a term of room July1, 2008 to June 30, 2013 for space located at Suite 204, 199 Franklin Street, Auburn, New York.

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

RESOLUTION NO. 464-09 (8/25/09) P&TWestBarrierBarPavilion 8 09

AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN AN INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF FAIR HAVEN AND THE TOWN OF STERLING TO ALLOW THEM TO CONVERT THE VANDALIZED TOILET FACILITY BUILDING INTO A SMALL PAVILION

By: David R. Axton, Chair, Public Works

Francis Mitchell, Chair, Ways & Means Committee

Whereas, the Cayuga County Legislature did approve the transfer of ownership of West Barrier Bar to the Village of Fair Haven and the Town of Sterling by Intermunicipal agreement authorized by Resolution 405-07, and

Whereas, agreement gives the Village and the Town five years to decide if they want to accept the parcel, and

Whereas, during that time the Cayuga County Parks Budget is to support the project with an amount not to exceed \$4,000/year, and

Whereas, the Village of Fair Haven and The Town of Sterling have already started making improvements to West Barrier Bar in anticipation of accepting ownership, and

Whereas, the Village and Town would like to convert the vandalized toilet facility building into a small pavilion, and

Whereas, the county legislature must approve any changes until the transfer is complete, now, therefore be it

Resolved, that the Chairman of the Legislature is hereby authorized and directed to sign an inter-municipal agreement to be drawn up by the county attorney to allow the town and village to make modifications to the structure.

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

RESOLUTION NO. 465-09 (8/25/09) P&T PT HELP 8 09

HIRING OF PART-TIME AND SEASONAL POSITIONS WITHIN THE PARKS & TRAILS DEPARTMENT

By: Mr. David Axton, Chairman, Public Works

Mr. Francis Mitchell, Chairman, Ways & Means Committee

Whereas, Cayuga County Parks & Trails has vacant part-time and seasonal positions that are filled in the fall season to meet the operational and maintenance needs of the department; and

Whereas, the traditional season for The Parks and Trails Department is from Memorial Day to after Tomatofest; and

Whereas, it is anticipated that in order to accomplish this work one (1) Part Time Park Security Guard and up to eighteen (18) seasonal positions including six (6) Laborers, two (2) Maintenance Crew Leader, five (5) Park Security Guards, two (2) Building Maintenance Mechanics, two (2) Museum Aides and one (1) Museum Assistant will be needed; and

Whereas, the following positions have been placed in the County of Cayuga Compensation Plan, Part II, under Parks and Trails for the year 2009 and set at the following rates: Part-Time Park Security Guard \$16.96, and

Whereas, eighteen (18) seasonal positions will be created and the salaries set as follows:

Laborers	\$7.25/hr. (Federal Min. Wage)
Maintenance Crew Leaders	\$8.75/hr.
Park Security Guards	\$9.75/hr.
Building Maintenance Mechanic	\$11.50/hr.
Museum Aide	\$7.75/hr.
Museum Assistant	\$8.50/hr.; Now, therefore, be it

Resolved, that the Park Maintenance Supervisor with the approval of the Public Works Committee is hereby directed and authorized to hire one (1) part-time position and up to eighteen (18) seasonal positions as stated above; and be it further

Resolved and understood that the funding for the above-stated positions shall not cause The Parks and Trails Department Budget Account #A71101-51002 to exceed the amount budgeted for 2009 of \$105,130 plus the \$12,000 transferred into that account per Resolution 123-09.

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

RESOLUTION NO. 466-09 (8/25/09) P&TDOTLandAcquisitionRes312-05 8 09

AMENDING RESOLUTION #312-05 WHICH WAS TO ACQUIRE THREE PARCELS OF LAND FOR RECREATIONAL USE.

By: David R. Axton, Chair, Public Works

Francis Mitchell, Chair, Ways & Means Committee

Whereas, New York State acquired some parkland from Cayuga County per resolution 443-03 for the construction of the new bridge on Whitebridge Road, and

Whereas, this acquisition of parkland triggered alienation and as a result the state was required to acquire replacement parkland for Cayuga County; and

Whereas, the state has acquired three parcels including; 23.6789 acres located at 8518 High Street, Montezuma, 0.0813 acres on Route 34, Cato and 0.6369 acres on Route 34, Cato and has compensated respective property owners at the fair market values for their land to satisfy that requirement; and

Whereas, the parcel in Montezuma is required to complete a planned park in Montezuma and the two parcels in Cato are required to provide access to both sides of Route 34 for the Cato-Brutus Trail; and

Whereas, Resolution 312-05 was passed to accept these parcels; and

Whereas, NYS DOT has requested different wording in our resolution before they are willing to convey the parcels, now, therefore, be it

Resolved, that the County of Cayuga agrees to accept full responsibility and ownership of the three parcels acquired by the State of New York for the County of Cayuga in connection with the 3022.32, Rte. 437 bridge project and agrees that it will satisfy the 6(f) mitigation, and be it further

Resolved, that, upon the approval of the county attorney, the Chairman of the Cayuga County Legislature is hereby authorized and directed to sign the necessary paperwork to carry out the intent of this resolution.

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

RESOLUTION SUPPORTING AND ADOPTING A FACILITY MASTER PLAN FOR THE EMERSON PARK PAVILION STRUCTURE AND SURROUNDING GROUNDS

By: David R. Axton, Chairperson, Public Works

Francis Mitchell, Chairperson, Ways & Means Committee

WHEREAS, the Colonial Revival style Emerson Park Pavilion, constructed in 1912 as the centerpiece of the 40-Acre Lakeside Park, which is listed on the National Park Service National Register of Historic Places and is the cornerstone structure of the 135-Acre Cayuga County Emerson Park, providing the public with lakeshore access to recreation and community facilities on Owasco Lake; and

WHEREAS, the Emerson Park Pavilion, Lakeside Park and Emerson Park were the focus of an extensive community planning and public participation effort in 2001 with the completion of the Emerson Park Master Plan, which called for preservation, upkeep and capital upgrades to the Emerson Park Pavilion to secure the future of the facility and transition the structure from seasonal to year-round public use; and

WHEREAS, in support of the public input and call for facility preservation, upgrades and improvements, there has been an ongoing effort to document, preserve and improve this historic structure; and

WHEREAS, in 2007 Cayuga County secured funding from the New York State Council of the Arts to prepare a comprehensive general conditions report, which was completed in May of 2007 by Crawford and Stearns Architects and Preservation Planners, and detailed recommendations for treatment and appropriate alterations to the Emerson Park Pavilion, including but not limited to approximately \$495,000.00 in repairs, upgrades and modifications to the facility; and

WHEREAS, the Cayuga County Parks and Trails Department developed a Five Year Capital Plan in 2008 that called for an annual allocation of \$67,000 for each of the next five (5) years to begin the required facility work; and

WHEREAS, in April of 2008, the Cayuga County Legislature, in response to the Conditions Report and the Parks Department Capital Plan, adopted Resolution #289-08 which authorized the first \$67,000 to be set aside for the facility and subsequently adopted Resolution # 661-08 authorizing the establishment of Capital H 08-2 Account for the project; and

WHEREAS, in April of 2009 the Cayuga County Legislature adopted Resolution #122-09 that authorized an additional \$67,000 to be placed in Capital H 08-2 in further support of facility maintenance, preservation and upgrades; and

WHEREAS, in December of 2008 the Fred L Emerson Foundation, privately funded, and provided the county with follow up report entitled "Emerson Park Pavilion, Preliminary Design for Expanded Program Including the Surrounding Site", prepared by the architectural firms Crawford & Stearns and Holmes, King, Kallquist & Associates which builds on the history, culture and previously completed community plans and presents a comprehensive program of improvements and upgrades hereafter referred to as the Emerson Park Pavilion Facility Master Plan; and

WHEREAS, the Cayuga County Parks and Trails Commission has reviewed the Emerson Park Pavilion Facility Master Plan and supports the adoption of the Plan by the Cayuga County Legislature; and

WHEREAS, Cayuga County Legislature wishes to build upon the foundation of public participation, support and commitment to the preservation, upkeep and improvement of the Emerson Park Pavilion by officially adopting the Emerson Park Pavilion Facility Master Plan; NOW THEREFORE, BE

RESOLVED, that the County of Cayuga hereby affirms, supports and adopts the Emerson Park Pavilion Facility Master Plan.

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

RESOLUTION NO. 468-09 (8-25-09)

P&T Pavilion Grant 8 09 Rev 3

AUTHORIZING CAYUGA COUNTY TO FILE AN APPLICATION FOR GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 9 OF THE ENVIRONMENTAL PROTECTION ACT OF 1993, IN AN AMOUNT NOT TO EXCEED \$600,000.00, TO ASSIST WITH NEEDED AND PLANNED IMPROVEMENTS TO THE EMERSON PARK PAVILION AS OUTLINED IN THE ADOPTED EMERSON PARK PAVILION FACILITY MASTER PLAN

By: David R. Axton, Chairperson, Public Works

Francis Mitchell, Chairperson, Ways & Means Committee

WHEREAS, the Colonial Revival style Emerson Park Pavilion, constructed in 1912 as the centerpiece of 40-Acre National Park Service National Register of Historic Places Lakeside Park, is the cornerstone structure of the 135-Acre Cayuga County Emerson Park, providing the public with lakeshore access to recreation and community facilities on Owasco Lake; and

WHEREAS, the Emerson Park Pavilion, Lakeside Park and Emerson Park were the focus of an extensive community planning and public participation effort in 2001, with the completion of the Emerson Park Master Plan, which called for capital upgrades making the Emerson Park Pavilion a year-round facility; and

WHEREAS, there has been an ongoing effort to document, preserve and improve this historic structure, including the preparation of the Emerson Park Pavilion Facility Master Plan (the "Plan") and the subsequent adoption of the Plan by the Cayuga County Legislature through Resolution #467-09; and

WHEREAS, Cayuga County has adopted Resolution # 661-08 authorizing the establishment of Capital H 08-2 Account for the Emerson Park Pavilion project and has adopted Resolution #289-08 which authorized the first \$67,000 to be set aside for the facility and subsequently adopted Resolution #122-09 that authorized an additional \$67,000 to be placed in Capital H 08-2 in further support of facility maintenance, preservation and upgrades; and;

WHEREAS, a number of community organizations and partners, including the Fred L Emerson Foundation, have indicated a willingness to partner with Cayuga County in its efforts to protect, preserve and improve the Emerson Park Pavilion through the phased implementation of the officially adopted Emerson Park Pavilion Facility Master Plan; and WHEREAS, the New York States Office of Parks, Recreation and Historic Preservation is currently accepting Grant Applications under the provisions of Title 9 of the Environmental Protection Act of 1993 for Park Development and Program Grants that require the applicant to provide matching grant funds; and

WHEREAS, Phase I of the Emerson Park Pavilion Facility Master Plan is ideally suited for the State grant program allowing local and private monies and in-kind services to be leveraged with State Grant Funds; now therefore, be it **RESOLVED**, that the Cayuga County Legislature hereby authorizes and directs the Cayuga County Department of Planning and Economic Development and the Cayuga County Parks and Trails Department to file an application, on behalf of Cayuga County, for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$600,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to Cayuga County for the Emerson Park Pavilion Master Facility Project, Phase I and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and; be it further **RESOLVED**, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to sign any documents 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. 469-09

08/25/09 Blds HPO amnd411-09rev

AMENDING RESOLUTION NO. 411-09 TO CHANGE THE CAPITAL "H" PROJECT NO. TO "CAPITAL "H" PROJECT NO. 09-2".

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

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

WHEREAS, Resolution No. 411-09, in part, authorized and directed the creation of a Capital "H" Project Number 09-1 (Old Historic Post Office windows, roof and wall), and awarded project design for the Cayuga County Historic Post Office; and

WHEREAS, there presently exists Capital "H" Project No. 09-1; and

WHEREAS, Resolution No. 411-09's reference to the Capital "H" Project Number needs to be changed from "Capital "H": Project No. 09-1 to "Capital "H" Project No. 09-2"; now there fore be it

RESOLVED, that Resolution No. 411-09 be amended by changing the Capital "H" Project No.09-1` to "Capital "H" Project No. 09-2"; and be it further

RESOLVED, that Resolution No. 411-09 shall remain if full force and effect, as amended by this resolution.

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

RESOLUTION NO. 470-09 08/25/09 Blds HPO amnd411-09rev
AMENDING RESOLUTION NO. 411-09 TO CHANGE THE CAPITAL "H" PROJECT NO. TO "CAPITAL "H" PROJECT NO. 09-2".

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

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

WHEREAS, Resolution No. 411-09, in part, authorized and directed the creation of a Capital "H" Project Number 09-1 (Old Historic Post Office windows, roof and wall), and awarded project design for the Cayuga County Historic Post Office; and

WHEREAS, there presently exists Capital "H" Project No. 09-1; and

WHEREAS, Resolution No. 411-09's reference to the Capital "H" Project Number needs to be changed from "Capital "H": Project No. 09-1 to "Capital "H" Project No. 09-2"; now there fore be it

RESOLVED, that Resolution No. 411-09 be amended by changing the Capital "H" Project No.09-1' to "Capital "H" Project No. 09-2"; and be it further

RESOLVED, that Resolution No. 411-09 shall remain if full force and effect, as amended by this resolution.

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

RESOLUTION NO. 471-09 Action Date: 8/25/09 Blds Create Janitor rev1
Authorization to abolish a full time Cleaner position and to create a full time Janitor position in the Buildings and Grounds Department at the County House Road Complex

By: David Axton, Chairman Public Works Committee

Francis Mitchell, Chairman Ways and Means Committee

WHEREAS, there was a retirement of a Cleaner at the County House Road Complex, and

WHEREAS, it would be advantageous to have this position changed to a Janitor to clean and to be able to assist with the minor maintenance at the County House Road Complex, and

WHEREAS, a Cleaners first step salary is \$27,972.00 (\$13.40 per hour) and the proposed Janitor first step salary is \$28,979.00 (\$13.87 per hour) a difference of \$1007.00 per year or \$0.47 per hour and,

WHEREAS, there are sufficient funds in the A16201 51001 to make this change, now therefore let it be

RESOLVED, that one position of Cleaner be abolished within the Buildings and Grounds Department; and be it further

RESOLVED, that one Janitor position be created within the Buildings and Grounds Department; and be it further

RESOLVED, that the Superintendent of Buildings and Grounds be hereby authorized to fill the position of Janitor and to back fill any position open by promotion; and be it further

RESOLVED, that the positions be filled in accordance with civil service rules and regulations and the policies of County of Cayuga.

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

RESOLUTION NO. 472-09 Date: August 25, 2009 Hwysremvlamd09-10Rev
AUTHORIZING THE COUNTY CHAIRMAN TO SIGN A CONTRACT AMENDMENT FOR WINTER SEVERITY INDEX FOR THE 2009/2010 NYS DOT SNOW AND ICE REMOVAL CONTRACT.

By: David Axton, Chairman Public Works Committee

Francis Mitchell, Chairman Ways and Means Committee

Whereas, the County of Cayuga was under contract with the NYS DOT for Snow and Ice removal under Contract Agreement D009816 for the 2009/2010 Season; and

Whereas, the NYS DOT is allowing a Winter Severity Index via Amendment B to Contract Agreement D009816 for the 2009/2010 season; now therefore be it

Resolved, that Chairman of the Cayuga County Legislature is hereby authorized and directed to sign the Amendment B to Contract D009816 for the 2009/2010 season; and be it further

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

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

RESOLUTION NO. 472A-09 Date: August 25, 2009 hwyacceptsnow&iceamend
AUTHORIZATION TO ACCEPT 08/09 NYS SNOW AND ICE REMOVAL WINTER SEVERITY INDEX
AMENDED PAYMENT AND INCREASE PAVING AND SALT ACCOUNTS

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

WHEREAS, the County of Cayuga was under contract with the NYS DOT for Snow and Ice removal under Contract Agreement D009816 for the 2008/2009 Season; and
WHEREAS, the NYS DOT is allowing an increase in Winter Severity Index via Amendment B to Contract Agreement D009816 for the 2008/2009 Season; and
WHEREAS, it was necessary to amend the 2009 Highway Budget to reflect the increased usage of salt by transferring funds from paving account D51134 54099 to salt accounts D51424 54103 and D51444 54103; and
WHEREAS, the County has continued need for paving of Highways in the year 2009; now, therefore, be it
RESOLVED, that the Chairman of the Legislature and the Highway Superintendent are hereby authorized to accept funding and that Revenue Account D50100 43302 be increased in the amount of \$134,003.58 to reflect the amount of additional Snow and Ice funds; and be it further
RESOLVED, that Paving Account D51134 54099 be increased in the amount of \$80,000 and County Salt Account D51424 54103 be increased in the amount of \$54,003.58; 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, Cuddeback, Lockwood, Mills, Mitchell, Palermo, Sincebaugh, Chapman, Murphy, Mahunik, all in favor.

RESOLUTION NO. 473-09 Date: August 25, 2009 HWYsnowagree2010-11Rev
AUTHORIZING THE COUNTY CHAIRMAN TO SIGN THE SNOW REMOVAL AGREEMENT WITH
THE NYS DOT FOR THE 2010-2011 SEASON

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

WHEREAS, The Public Works Committee has recommended that the County Highway Department continue to conduct snow removal operations on the State Highways; and
WHEREAS, the present agreement (agreement No. D009816) expires on June 30, 2010; now therefore be it
RESOLVED, to authorize the Chairman of the Cayuga County Legislature to sign the Agreement to Extend Municipal Snow and Ice Control Agreement with the State of New York for the 2010-2011 season
Signed by Axton, Cuddeback, Lockwood, Mills, Mitchell, Palermo, Sincebaugh, Chapman, Murphy, Mahunik, Petrus, all in favor.

RESOLUTION NO. 474-09 Date: August 25, 2009 HWYPLANERPUR
AUTHORIZATION TO PURCHASE A SKID STEER PLANER

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

Whereas, in the 2009 Highway Department budget, funds were budgeted for the purchase of a skid steer planer from account DM51302 52000; and
Whereas, it is more cost effective and efficient to buy a planer to be available whenever needed than to rent one for \$1500.00 per month; and
Whereas, the County can purchase the skid steer planer from State bid PC62995 thereby eliminating the need and cost of bidding; and
Whereas, this attachment is a critical component of the Highway Department for milling asphalt for road maintenance and paving; now therefore be it
Resolved, the Highway Superintendent is authorized to purchase a skid steer planer off of the State bid utilizing the appropriated and budgeted funds in account DM51302 52000; and be it further
Resolved, that the cost of the skid steer planer not exceed \$9307.00; 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. 475-09 8/25/09 Bids COA Advertise Behavioral Health project
Authorizing the Clerk of the Cayuga County Legislature to advertise for sealed bids for the Cayuga County
Center for Behavioral Health Project at 146 North St., Auburn, New York;**

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, all drawings are ready to go out for bid; 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 Four prime contractors. General Contractor, Electrical, Plumbing, and HVAC for the Cayuga County Center for Behavioral Health Project at 146 North St., Auburn, New York and to implement the intent of this resolution

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

RESOLUTION NO. 476-09 August 25, 2009 DA.VictimWitness.09rev

Authorizing the District Attorney to accept a Grant from the New York State Crime Victims Board; continuing the full-time position of "Victim/Witness Coordinator" in the District Attorney's Office; and, amending the District Attorney's 2009 Budget.

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

WHEREAS, the Cayuga County District Attorney's Office has been awarded a "multi- year" Grant with annual award amounts of \$34,987 from the New York State Crime Victims Board for October 1, 2009 through September 30, 2012 to continue operation of a Victim/Witness Services Program out of the District Attorney's Office, and

WHEREAS, the grant program requires the District Attorney to continue in his office the position of "Victim/Witness Coordinator," and

WHEREAS, in order to carry out the terms of the program, the District Attorney's 2009 Budget must be amended so as to provide the appropriations and revenues necessary to support the services associated with the grant; now therefore be it

RESOLVED, that the District Attorney is authorized to accept the said Grant from the New York State Crime Victims Board; and it is further

RESOLVED, that a full-time position of "Victim/Witness Coordinator" is continued in the District Attorney's Office with an annual salary as set forth in the Cayuga County Compensation Plan for Non-Bargaining Employees, Part II, for the appropriated year.

RESOLVED, that the Cayuga County Treasurer be authorized and directed to amend the 2009 County Budget for the District Attorney in the following manner:

INCREASE:

REVENUE ACCOUNT

A11670 43033 STATE AID - DA VICTIM/WITNESS...\$34,987

(\$8,746.75 to be appropriated in the 2009 County Budget and the balance of

\$26,240.25 to be appropriated in the 2010 Budget, together with any unexpended balance for the 2009 Fiscal Year).

and it is further

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

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

RESOLUTION NO. 477-09

8/25/09

SHR-SafeSchoolsGrant

AUTHORIZING THE COUNTY OF CAYUGA AND THE CAYUGA COUNTY SHERIFF'S OFFICE TO ACCEPT THE GRANT MONIES AWARDED FROM THE CENTRAL NEW YORK RURAL SAFE SCHOOLS/HEALTHY STUDENTS INITIATIVE

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

WHEREAS, the Cayuga County Sheriff's Office was authorized by Resolution No. 85-09 to execute the Central New York Rural Safe Schools/Healthy Students Initiative, Preliminary Memorandum of Agreement, as part of the grant application process to apply for monies offered through the U.S. Department of Education, U.S. Department of Health and Human Services and the U.S. Department of Justice; and

WHEREAS, the above Preliminary Memorandum of Agreement was made by and between (1) a Consortium of five Local Education Agencies (LEAs), including Union Springs Central School District (the applicant LEA), Cato-Meridian Central School District, Jordan-Elbridge Central School District, Moravia Central School District and Southern Cayuga Central School District, (2) Cayuga County Community Mental Health Center, (3) Cayuga County Family Court, (4) Cayuga County Sheriff's Office, (5) Cayuga County Department of Health and Human Services, and (6) Partnership for Results; and

WHEREAS, the grant has been approved and a portion of the monies awarded will be administered to the Cayuga County Sheriff's Office to fund the salary and fringe benefits of one School Resource Officer assigned to the Cato-Meridian Central School District and ½ the salary and fringe benefits of one School Resource Officer assigned to the Southern Cayuga Central School District for the 2009/2010, 2010/2011, 2011/2012 and 2012/2013 academic school years; now therefore be it

RESOLVED, that the Chairman of the Legislature be authorized to sign the necessary documentation to accept the grant monies awarded to the Cayuga County Sheriff's Office by the Central New York Rural Safe Schools/Healthy Students Initiative; and further be it

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

RESOLUTION NO. 478-09

8/25/09

E911budgettransferequipre

AUTHORIZING THE TRANSFER OF MONIES WITHIN THE E-911 2009 BUDGET.

Mr. Francis Mitchell, Chair, Ways & Means Committee

WHEREAS, the Cayuga County E-911 Center needs to transfer monies within the 2009 budget to accommodate necessary purchases; and

WHEREAS, the transfer will be from Munis Account number 30204 54045 Machine Maintenance, to Account Number 30202 52000, Equipment.

WHEREAS, the transfer will accommodate the purchase of a new desk for the Cayuga County E-911 Administrator;

RESOLVED, that the sum of \$1150.00 be transferred from account number 30204 54045 to account number 30202 52000; and be it

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

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

THE CAYUGA COUNTY LEGISLATURE SUPPORTS STATE SENATE INVESTIGATION OF NEW YORK'S FAILURE TO COLLECT TAXES ON CIGARETTES SOLD TO NON-INDIANS ON INDIAN RESERVATIONS

Whereas, New York State tax law Section 471-e became effective March 1, 2006, providing for tax exemption coupons to be printed and issued to Indian nations or tribes so that members might purchase cigarettes tax-free on qualified reservations, and

Whereas, the failure of three governors since to order the printing and issuing of these coupons has deprived the State of billions of dollars of revenue from the collection of sales and excise taxes on cigarettes sold to non-Indians on Indian reservations and deprived counties of millions of dollars in sales tax revenue from the same source, and

Whereas, on December 15, 2008, Governor David Paterson signed into law S-8146, which prohibits cigarette manufacturers from selling tobacco products without an excise stamp to wholesalers who have not certified that they would not sell them to retailers untaxed, and

Whereas, State Supreme Court Justice Rose Sconiers has barred state officials from enforcing either of the above laws until tax exemption coupons for tribal members have been printed and issued, and

Whereas, instead of ordering the printing of these coupons, Governor Paterson has removed from 2009-2010 state budget projections \$65 million in revenue from the collection of taxes on cigarettes sold to non-Indians on Indian reservations, and

Whereas, the Governor's Office at the same time projects a \$2.1 billion deficit for the current budget year and many times this figure for the next budget year, while estimates of the annual revenue available from the collection of taxes on cigarettes sold to non-Indians by tribal enterprises exceed \$1 billion, and

Whereas, failure of the Governor to see that these taxes are collected thwarts the will of the Legislature, constitutes a violation of his oath of office to enforce the laws of the State, and negatively affects every taxpayer in the State, and

Whereas, the chairman of the Senate Standing Committee on Investigations and Government Operations, Craig M. Johnson, has announced plans to hold a hearing on the State's failure to collect these taxes, now be it therefore

RESOLVED, the Cayuga County Legislature strongly supports a State Senate investigation of the failure of the State of New York to collect taxes on the sale of cigarettes to non-Indians on Indian reservations, and be it

FURTHER RESOLVED, that a copy of this resolution be sent to: Governor David A. Patterson, Senator Michael F. Nozzolio, Senator David J. Valesky

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

Chairman Tortorici, in September we will be going to the NYSAC conference, and we would like to set up a round table discussion and hope to have the Department of Taxation and the Attorney General on board for this meeting.

Motion # 480-09

Motion by Palermo, 2nd by Lockwood, to remove property stated below from the Cayuga County Tax Auction, approved by roll call vote. Ayes – Palermo, Schuster, Axton, Petrus, Lockwood, Cuddeback, Murphy, Sincebaugh. Noes – Chapman, Mills, Fearon, Mitchell, Mahunik, Aikman, Tortorici.

Vote – 452/430

Tax Map #	Location of Parcel	Owned by
165.00-1-45.22-1	387 Firelane 25	Robert Balk

Motion by Palermo, 2nd by Cuddeback to go into Executive Session at 7:23PM, re: Personnel Issue, all in favor.

Motion by Cuddeback, 2nd by Sincebaugh to come out of Executive Session at 8:34PM, all in favor.

Motion #481-09

Motion by Lockwood, 2nd by Palermo to create and fill a part-time position in the County Attorney's Office, not to exceed \$75.00 an hour. All in favor

Motion by Palermo, 2nd by Cuddeback to Adjourn at 8:35PM, all in favor.

Motion by Palermo, 2nd by Lockwood to approve minutes of 8-25-09, on 10-27-09, all in favor.