

**MINUTES
CAYUGA COUNTY LEGISLATURE
REORGANIZATION MEETING
JANUARY 4, 2010, 6:30 PM**

WELCOME:

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

CALL TO ORDER: Mary Jones, Clerk of the Legislature

ROLL CALL: Kim Taggerty, Deputy Clerk of the Legislature, all Legislator's present

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

SWEARING IN OF NEWLY ELECTED LEGISLATOR'S: BY HON. MARK H. FANDRICH

Paul Pinckney, District #5, with his family.
Timothy Lattimore, District #1, with his granddaughter and family.
County Clerk Susan Dwyer, Administered the Oath of Office.

SWEARING IN OF NEWLY ELECTED LEGISLATOR: BY HON. THOMAS LEONE

Stephen Barski, District #11, with his family.
County Clerk Susan Dwyer, Administered the Oath of Office.

SWEARING IN OF RE-ELECTED LEGISLATOR'S: BY HON. MARK H. FANDRICH

Cynthia Aikman, District #15, David Axton, District #3, Steven Cuddeback, District #9, George Fearon, District #7, Christopher Palermo, District #1.
County Clerk Susan Dwyer, Administered the Oath of Office.

NOMINATIONS FOR LEGISLATIVE CHAIRPERSON.

Motion by Palermo, 2nd by Cuddeback nominating Peter Tortorici for Chairperson, all in favor, except Aikman Opposed. No other nominations.
Peter Tortorici was sworn in by Hon. Mark H. Fandrich, with his family by his side.
County Clerk Susan Dwyer, Administered the Oath of Office.

NOMINATIONS FOR LEGISLATIVE VICE CHAIRPERSON.

Motion by Pertrus, 2nd by Palermo nominating Paul Pinckney for Vice. Chairperson, all in favor, no other nominations.
Paul Pinckney was sworn in by Hon. Mark H. Fandrich, with his family by his side.
County Clerk Susan Dwyer, Administered the Oath of Office.

DESIGNATION OF MAJORITY AND MINORITY LEADERS FOR 2010.

Motion by Sincebaugh, 2nd by Aikman for Patrick Mahunik for Minority Leader, all in favor.
Motion by Palermo, 2nd by Cuddeback for Tim Lattimore for Majority Leader, all in favor.
County Clerk Susan Dwyer, Administered the Oath of Office.

Motion by Palermo, 2nd by Petrus to nominate Mary Jones for clerk of the Legislature, all in favor, no other nominations.

County Clerk Susan Dwyer, Administered the Oath of Office.

RESOLUTIONS APPOINTING CLERK OF THE LEGISLATURE, SETTING SALARY AND CAYUGA COUNTY ATTORNEY

Motion by Palermo, 2nd by Petrus to nominate Mary Jones for clerk of the Legislature, all in favor, no other nominations.

County Clerk Susan Dwyer, Administered the Oath of Office.

RESOLUTION NO. 1-10 1/4/10 COL ClkLeg.Appt10

APPOINTING CLERK OF LEGISLATURE AND SETTING SALARY (Majority Vote)

BY: Ways & Means Committee

WHEREAS, this Committee is pleased to submit the name of Mary Jones for the position of Clerk of the Cayuga County Legislature for 2010; now, therefore be it

RESOLVED, that Mary Jones is hereby appointed Clerk of the Cayuga County Legislature for the year 2010; and be it further

RESOLVED, that her salary for 2010 shall be \$47,500.00; and, be it further

RESOLVED, that this resolution shall take effect immediately.

Signed by Axton, Cuddeback, Mills, Fearon, Mahunik, all in favor.

Motion by Palermo, 2nd by Axton to nominate Fred Westphal as County Attorney, all in favor, no other nominations.

County Clerk Susan Dwyer, Administered the Oath of Office.

RESOLUTION NO. 2-10 1/4/10 COA-ApptCoAtty

RE-APPOINTING CAYUGA COUNTY ATTORNEY FOR A FOUR YEAR TERM

BY: , Chair, Ways & Means Committee.

WHEREAS, this Committee is pleased to submit the name of Frederick R. Westphal for the reappointment of Cayuga County Attorney for January 1, 2010-December 31, 2013; now, therefore be it

RESOLVED, that Frederick R. Westphal is hereby re-appointed Cayuga County Attorney for the years January 1, 2010 - December 31, 2013; and be it further

RESOLVED, as per adopted Resolution # 700-09 County Attorney Salary is as follows:

January 1, 2010–December 31, 2010 - \$100,000

January 1, 2011–December 31, 2011 - \$102,500

January 1, 2012–December 31, 2012 - \$105,000

January 1, 2013–December 31, 2013 - \$107,500

RESOLVED, that this resolution shall take effect immediately.

And be it further

RESOLVED, that the Cayuga County Treasurer is hereby directed to make the necessary accounting and journal entries to carry out the same.

Signed by Chapman, Mitchell, Barski, aikman, Axton, Cuddeback, Mills, Fearon, Mahunik, all in favor.

SWEARING IN OF COUNTY TREASURER BY HON. MARK H. FANDRICH

Jim Orman, County Treasurer

County Clerk Susan Dwyer, Administered the Oath of Office.

ADMINISTRATION OF OATHS OF OFFICE:

County Clerk Susan Dwyer for Legislature Clerk, County Attorney, and County Treasurer

10 MINUTE BREAK TO SIGN RESOLUTIONS & PHOTO OPPORTUNITIES.

MOTIONS/RESOLUTIONS:

**RESOLUTION NO. 3-10 1.4.10 Bldgs Awdng lmbngBhvraHelth Prjctrjctprorbd rev5
Awarding the Plumbing Contractor bid for the Behavioral Health Project and rescinding Resolution No. 589-09.**

BY: HON. David Axton, Chairman, Public Works Committee, and
HON. Christopher Palermo, 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, bids have been received for the Plumbing Contractor portion of the building project (see attached); and
WHEREAS, the lowest bidder is Unified Mechanical Construction and Green Plumbing, Inc. is the second lowest bidder; and
WHEREAS, that the City of Auburn asserts that the provisions of Article 4 of the General City Law regulates the trade or business of plumbing in the City of Auburn, New York and that these provisions require that plumbers engaged in the business of plumbing be certified by the City of Auburn's examining board of plumbers; and
WHEREAS, Resolution No. 589-09 awarded the plumbing bid to United Mechanical Construction upon the condition that it take and pass the board of plumbers examining process; and
WHEREAS, United Mechanical Construction by notice dated November 17, 2009 indicates that it is unable to take the plumbing examination due to prior commitments (see attached); and
WHEREAS, Green Plumbing Inc. is a licensed plumber in the City of Auburn and is the second bidder; now therefore let be it
RESOLVED, that Resolution No. 589-09, awarding the plumbing bid to United Mechanical Construction, is hereby rescinded; and be it further
RESOLVED, that he Cayuga County Legislature award the Plumbing Contractor bid to Green Plumbing, Inc. at a cost not to exceed \$277,200.00; and be it further
RESOLVED, that the Chairman of the Cayuga County Legislature sign all contracts, to implement the intent of this resolution, and be it be further
RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make the journal and accounting entries required to implement the intent of this resolution.
Signed by Mitchell, Cuddeback, Lattimore, Barski, Mahunik, Mills, Fearon, all in favor.

**RESOLUTION NO. 4-10 (1/4/2010) P&TSnowmobileGrant 1 10 Rev 1
AUTHORIZING AMENDMENT OF THE 2010 PARKS & TRAILS BUDGET TO INCLUDE
SNOWMOBILE GRANT FUNDS**

By: David Axton, Chairperson, Public Works

Christopher Palermo, Chairperson, Ways & Means Committee

WHEREAS, Cayuga County has applied for and received a Snowmobile Trail and Development Grant of \$91,685.00, including \$88,110 of regular trail funding and a high snow award of \$3,575.00, with notification having been received after the County 2010 Budget was passed; and
WHEREAS, the funds are to be received in two payments the first being \$61,677.00 representing 70% of the regular funding, as per the current voucher, and the second (if there are sufficient snowmobile registration funds available) of \$26,433.00 representing the remaining 30% plus the high snow award of \$3,575.00, as per a second voucher to be received in March of 2010, now, therefore, be it
RESOLVED, that the Cayuga County Treasurer be directed to sign the first State Aid Voucher and make the necessary changes to amend the 2010 budget as follows: increase Revenue Account A71160-43812 and increase Expense Account A71164-54000 by \$61,677.00 now; and be it further
RESOLVED, that the Cayuga County Treasurer be directed to sign the second State Aid Voucher when received and make the necessary changes to amend the 2010 budget accounts listed above by the amount specified in that voucher; and be it further
RESOLVED, that the Parks and Trails Department is authorized to administer and expend such funds in strict accordance with the rules of the grant; and be it further
RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make the journal and accounting entries necessary to implement the intent of this resolution; and be it further
RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to disburse the funds to the clubs upon receipt of the payment from the state.
Signed by Mitchell, Cuddeback, Lattimore, Barski, Axton, Mahunik, Mills Fearon, all in favor.

RESOLUTION NO. 5-10 1.4.10 s&wdntelnd
AUTHORIZING THE DONATION OF SEVEN (7) ACRES OF LAND LOCATED BEHIND THE NATURAL RESOURCE CENTER AT 7413 COUNTY HOUSE ROAD IN THE TOWN OF SENNETT AND AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO EXECUTE DOCUMENTS.

BY: Hon. Roger Mills, Chair, Planning and Economic Development
 Hon. Christopher Palermo, Chair, Ways and Means Committee

WHEREAS, Resolution No. 513-05 authorized the County Legislature to grant permission to the Cayuga County Soil and Water Conservation District ("District") and the Cayuga County Public Utility Service Agency to conduct planning and studies to build a community methane digester on County owned property; and

WHEREAS,, Resolution No. 512-06 donated seven (7) acres of County owned land in the Town of Sennett to the Cayuga County Soil and Water Conservation District so that the District could construct a community methane digester; and

WHEREAS, Resolution No 704-09 established Capital "H" Project No. 09-3 to assist in the financing and acceptance of Stimulus Grant funding from the New York State Environmental Facilities Corporation (NYSEFC) ; and

WHEREAS, the Environmental Facilities Corporation, lead agency for distribution of the Federal Stimulus Funding, insists that the project be implemented on Cayuga County Soil and Water Conservation District property; and

WHEREAS, a recent survey completed by Bruce Tuttle, licensed surveyor has identified the actual acreage needed to encompass and complete the project site to be 14 acres, see attached; and

WHEREAS, the committees believe that the donation of the additional seven (7) acres of County owned land behind the Natural Resources Center for this Project is an appropriate means of supporting the District's conservation efforts which will directly and indirectly benefit the citizens of Cayuga County; and

WHEREAS, the seven (7) acres of land is hereby declared to be surplus land; not therefore be it

RESOLVED, that seven (7) acres of County-owned property located behind the Natural Resource Center at 7413 County House Road in the Town of Sennett be donated to the District for the purpose to construct, monitor and maintain the Project, which will include several process tanks, an operational control building and a two-acre composting facility; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized and directed to sign any and all documents required to implement the above.

Signed by Mills, Mahunik, Sincebaugh, Aikman, Fearon, Lattimore, Cuddeback, Axton, Mills, all in favor.

CHAIRMAN'S REPORT:

Chairman Tortorici thanked the Legislature for their support as chair. 2010 will be a challenging year, we need to slow down, step back and change the way we do government.

MANAGER'S REPORT:

Nick Mazza, working on draft of Local Law for position of County Manager. I met with four focus groups in December, good discussion. Local Law needed some work and clarification, I have put a draft of the changes to the Local Law on your desk. Please read, if you agree, I can begin process to hire. We have some strong candidates, I would like to move quickly with this process and make a decision. I designed the Local Law with what NYSAC uses, we modified areas of qualifications. All changes are either Italicized or in a different font. Please read and ask questions.

Petrus, thanked Mr. Mazza, it makes the process easier.

Chairman Tortorici, I'm scheduling a meeting for January 11, 2010, at 6:30PM, re: Local Law relating to the County Manager Position, setting the date for the Public Hearing on January 26, 2010 at 6:00PM, so we can advertise.

Mahunik, section 5, I would like to add Minority Leader to the list.

Nick Mazza, not a problem.

Motion by Lattimore, 2nd by Pinckney to adjourn at 7:27PM, all in favor.

1-4-10 Minutes approved on 2-23-10 Motion by Lattimore, 2nd by Pinckney, all in favor.