

**MINUTES  
CAYUGA COUNTY LEGISLATURE  
FEBRUARY 23, 2010, 6:30PM**

**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 6:30PM

**ROLL CALL:** Mary Jones, Clerk of the Legislature, all Legislator's present, except excused Fearon and Barski.

**PLEDGE OF ALLEGIANCE:**

**MOMENT OF PRAYER:**

**PROCLAMATION'S:** Cayuga County Salutes David Barnello, Saturday, February 13, 2010, read by Mary Jones, Clerk of the Legislature, Presented by Peter Tortorici, Chairman to David Barnello.

"Be the Match Day" in Cayuga County, read by Mary Jones, Clerk of the Legislature, Presented by Peter Tortorici, Chairman to Jon Borsa and Maureen Burns. Jon and Maureen both spoke regarding the benefit, handouts attached to original minutes

**PRESENTATION:** Kevin Swain, NYS Police, Annual Update, if the Governor's budget passes SRO's will be eliminated. There hasn't been a Police Academy class in a few years, we are at 1994 levels, hope to have one by 2012. Radio project, we are tied into several, we will participate with the County, when you decide, we will go forward. David Gould, I would like to thank Captain Swain for his 32 years of service, he will be retiring in 26 days, job well done.

Timothy Kelly, New Executive Director of United Way, thanked the Legislature for their support, looking forward to moving forward.

Mike Pawlenko Bld. & Grounds Superintendent, and John Thomas Bixby, Gray Management, power-point presentation, attached to original minutes. John Thomas Bixby, we are on schedule, have moved up phase 1, should finish by April 2011.

**PUBLIC BE HEARD:**

If you wish to speak 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. none

**MINUTES:** For Approval: 12-14-09, 12-15-09, 12-17-09, 1-4-10 and 1-11-10, **Motion by Lattimore, 2<sup>nd</sup> by Pinckney, all in favor.**  
For Reading: 1-26-10 and 2-1-10 (Committee Meeting of the Whole)

**CCC REPORT:** Dr. Daniel Larson, Enrollment up-date, record year for the College, full-time enrollment exceeds 3,000, first time in College history. Non-Credit/Credit-Free Courses, for Fall 2009 and Spring 2010 have surpassed 1,200. Community Outreach, February Family Fun Day was held 2-7-10 and was attended by many. Black History Month, the College presented a poetry reading and talk "When Gwendolyn Brooks Came to Auburn" exploring the life and works of the first African-American Pulitzer Prize winner. Facilities Master Plan Update, projects include, Media Communications, Arts Center, wine program, childcare, Nature Center and trails and athletic facilities. The Flip Side of Recruitment, student retention is a matter of importance, we have charged a new Retention Committee with the task of identifying the issues and I will report more on this in the future. Athletic Update, the College will host the NJCAA Region III Division III Women's Basketball Tournament this weekend. Spartan Hall has new light fixtures courtesy of a NYPA Grant.

**MANAGER’S REPORT:** Nick Mazza, welcomed Jen Marshall as our new Human Resources Director. Sales tax, State Budget handouts. Cayuga County fared well as most. Page 4, 2.1% drop, better than most. Page 5, good news, we budgeted well and are in a good position. Housing is picking up. NYSAC conference, no cost shifting to local government. Medicaid reimbursement, negative, please read the handout and keep informed. Update on CHHA, we are working hard on the transition, on track, contract approval 2-4 weeks, purchase agreement was done this week. NYSNA negotiations ratified by union, resolution is here tonight, very happy with results. 17 nurses accepted employment with Lifetime Care, 7 employees, clerical CSEA, goal is to transfer to other departments, 4 have been placed, 3 full time left, expect 6-9 months to accommodate those. We have received \$100,000.00 deposit from Lifetime Care. We have been working with OMIG (Office of Medicaid Inspector General) re: Mental Health, Nursing Home, Early Intervention and Pre School Education, looking for dollars wants our policies in place to see if we’re in good shape. This is a serious matter we are working on, it will go through committee and work to protect our dollars.

**CHAIRMAN’S REPORT:** Peter Tortorici, NYSAC conference, Cayuga County was mentioned many times for meetings we have attended, recognized our CIDA agency, and recognized for our Digester Project.

**COMMITTEE REPORTS & INDIVIDUAL LEGISLATORS’ REPORTS:** Cuddeback, Legislator Aikman and I attended the Millard Fillmore Coin Pour in Moravia, United States Mint representative’s presented the Millard Fillmore \$1.00 coin, it was very well attended.

Lattimore, report on sales tax, 30 million, down to 29 million, can we get a breakdown as to gas, cigarettes, etc. Nick Mazza, Interim County Administrator, there is a report sent to the Treasury, may not be what you want, but I can get you some data. We are at the mercy of the State, if a store sells cigarettes, gas etc., the report does not break it down, they are not required to report it that way.

**Tortorici, if the Governor’s budget passes, that will add another tax on cigarettes and un-taxed cigarettes sales will go up again.**

**Axton, some stores won’t give you that information.**

**David Gould, Sheriff, the State Police are not taxcollectors.**

**APPOINTMENTS AND RE-APPOINTMENTS:**

**Cayuga County EMS Advisory Board**

David M James, 2687 Bell St., Weedsport 13166,	1/1/10 – 12/31/10
Dr. Mary DiRubbo, PO Box 775, Skaneateles 13152,	1/1/10 – 12/31/10
Roman Rotko, 213 Dunning Aveport Rd, Auburn 13021	1/1/10 - 12/31/10
Michael Deyneka, 6468 E. lake Rd. Auburn 13021	1/1/10 – 12/31/10
Deanna Gates, PO Box 100, Meridian 13113	1/1/10 – 12/31/10
Sam Giannettino, 100 Swift St. Auburn 13021	1/1/10 – 12/31/10
Jason Green, 1 Kennedy Lane, Auburn 13021	1/1/10 - 12/31/10
Travis Poole, 33 French Ave., Auburn 13021	1/1/10 – 12/31/10
Kezia Parseghian Sullivan, 294 Lake Rd, King Ferry 13081	1/1/10 – 12/31/10
Denise Stayton, 181 Seymour St. Auburn 13021	1/1/10 – 12/31/10
Lon Fricano, 321 Backus Rd., Cayuga 13034	1/1/10 – 12/31/10
Edward Sherman, 107 Melrose Rd, Auburn 13021	1/1/10 – 12/31/10
Albert Mantey, 3045 White Rd., Moravia 13118	1/1/10 – 12/31/10
Jen Savery, 3169 Swamp Rd., Cato 13033	1/1/10 – 12/31/10

**Motion by Lattimore, 2<sup>nd</sup> by Chapman, all in favor.**

**Board of Health Committee:**

**Variance Committee**

Richard Coalson, 405 Long Point on Owasco, Auburn 13021	1/1/10 - 12/31/13
Board of Health Committee:	
Ann Petrus, 2435 Route 31, Weedsport 13166	1/1/10 – 12/31/10

**Motion by Lattimore, 2<sup>nd</sup> by Sincebaugh, all in favor.**

**Community Services Board:**

Beth Dishaw, 149 Genesee St – Long Term Care, Auburn 13021	1/1/10 – 12/31/13
John Henderson, 7481 Centerport Rd, Auburn 13021	1/1/10 - 12/31/13
Ann Petrus, 2435 Rt. 31, Weedsport 13166	1/1/10 – 12/31/10
Francis Mitchell, 355 State Rte. 34B, King Ferry 13081	1/1/10 – 12/31/10



**RESOLUTION NO. 64-10 February 23, 2010**

**NHAuditFeb**

**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 \$161,293.45 for the month of January 2010, now therefore be it

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

Signed by Petrus, Axton, Mills, Sincebaugh, Barski, Mahunik, Cuddeback, all in favor.

**RESOLUTION NO. 65-10 2-23-10 OFA SENIOR NUTRITION PROGRAM 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. Christopher Palermo, Chair of Ways and Means Committee.

WHEREAS, The Director of the Office for the Aging presented bills for service providers in regard to operation of the Senior Nutrition Program, to the County Treasurer for payment pursuant to Resolution No. 297, duly adopted on June 21, 1994, which claims total \$11,610.94 covering the period through 1/29/10 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, Axton, Barski, Mahunik, Mills, Sincebaugh, Cuddeback, Mahunik, all in favor.

**RESOLUTION NO. 66-10**

**02.23.10**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF CREDIT CARD CHARGES**

BY: Hon. Christopher Palermo, 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:

January 2010	
First Niagara	\$ 0
AmExpress	\$ 879.94
Sunoco	\$ 0
Walmart	\$ 0
<u>Exxon</u>	<u>\$ 55.11</u>
Total:	\$ 935.05

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

Signed by Axton, Cuddeback, Mills, Petrus, all in favor.

**RESOLUTION NO. 67-10**

**02.23.10**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF EQUIPMENT LEASE PAYMENTS.**

BY: Hon. Christopher Palermo, 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:

January 2010	
Copier Leases and Maintenance:	\$ 1,441.41
Postage Leases:	\$ 478.00
Total:	\$ 1,919.41

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

Signed by Axton, Cuddeback, Mills, Petrus, all in favor.

**RESOLUTION NO. 68-10 (2/23/10)**

**COA-CAPH2PAY**

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

BY: MR. PALERMO, 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 #00-1-C ( Implementation of Master Facilities Plan for CCC Auburn Campus):  
DEWALD ROOFING CO., INC.:
  - Inv. No. 0912494.....\$ 10,663.75
  - Inv. No. 0912495.....\$ 5,170.00
- 2. Project #07-5 (Tyler Software):  
INN AT THE FINGERLAKES :
  - Inv. No. 4338.....\$ 140.00
- 3. Project #08-1 (Renovations – Mental Health, North Street and Park Street):  
AAC CONTRACTING, INC.:
  - Payment Application No. 3 (Certified 1/29/10).....\$ 32,440.00
 ATLANTIC TESTING LABORATORIES:
  - Inv. No. 59778.....\$ 2,856.25
 EASTERN SHORE ASSOCIATES:
  - Inv. No. 28722.....\$ 6,752.00
 FAHS CONSTRUCTION GROUP:
  - Payment Application No.2 (Certified 1/28/10).....\$ 90,563.50
 GRAY MANAGEMENT SYSTEMS:
  - Bill No. 6.....\$ 10,976.25

And be it further

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

Signed by Axton, Cuddeback, Mills, Petrus, all in favor.

**RESOLUTION NO. 69-10 (Feb. 2010)**

**RPS correctionerrorsFeb10**

**pg 1of 1**

**Authorizing Correction of Tax Errors in Several Towns:**

BY: Chris Palermo, 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 2009Tax 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 2009 School 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 2009/2010 School Tax Roll shall also be corrected as follows:

Town of Moravia : TM#199.00-1-23.2. Assessed to New Hope Bible Fellowship. The owner,s of this parcel did not



Whereas, the amount of property taxes owed through February 10, 2010 are \$21,769.12 and \$12,885.97 respectively; and  
Whereas, given the present state of the law it is expected that the Northern District Federal Court would prohibit the instant action;  
and

Whereas, the Cayuga Indian Nation of New York is requesting that the parcels be withdrawn **from** the action pursuant to Real Property Tax Law, section 1138 in that it is believed that there may be a legal impediment to enforcement of the tax lien affecting such parcels; and

Whereas, given the present state of the law, it does not make financial sense to continued the proceedings until the Oneida matter is finally determined; now therefore be it

Resolved, that the tax foreclosure proceeding against parcels commonly known as tax map no. 141.17-1-37, located on South Street in the Village of Union Springs and tax map no. 150.00-1-2.1 located on State Route 90 in the Town of Springport is hereby withdrawn and discontinued, without prejudice to either party, and be it further

Resolved, that the Chairman of the Cayuga County Legislature and the Cayuga County Treasurer are hereby authorized and directed to execute any and all documents required to implement the intent of this resolution.

Signed by Palermo, Axton, Cuddeback, Mills, Petrus, Mahunik, all in favor, except Mills voting no.

**RESOLUTION NO. 73-10 (2.23.10) coaNYSNURSESCTAPP10rev  
APPROVING THREE-YEAR AGREEMENT BETWEEN THE COUNTY OF CAYUGA AND THE NEW YORK STATE NURSES ASSOCIATION.**

BY: Hon. Christopher Palermo, Chairman, Ways & Means Committee.

WHEREAS, the County of Cayuga and the New York State Nurses Association reached a tentative three-year agreement, subject to ratification by the Association's membership and to approval by the Cayuga County Legislature, said agreement being summarized on the attachment to this resolution; and

WHEREAS, the Association's membership ratified said three-year agreement, for the years 2009, 2010, and 2011, on February 15, 2010; now, therefore, be it

RESOLVED, that the County of Cayuga hereby approves the said tentative three-year agreement between the County of Cayuga and the New York State Nurses Association and hereby authorizes and directs the Chairman of the County Legislature to sign said agreement on behalf of the County.

Signed by Palermo, Axton, Cuddeback, Mahunik, Mills, Petrus, all in favor.

**RESOLUTION NO. 74-10 2/23/10 TREauditsvcsrev  
AWARD THE PROPOSALS FOR VARIOUS COUNTY AUDITING AND ACCOUNTING SERVICES**

By: Mr. Christopher Palermo, Ways and Means Committee

WHEREAS, Cayuga County is in need of auditing and accounting services, namely, Preparation of Cayuga County's Single Audit Report, and

WHEREAS, Resolution No. 668-09 authorized the Clerk of the Cayuga County Legislature to seek sealed Requests for Proposals for auditing and accounting services; and

WHEREAS, request for proposals were solicited and have been received (bid summary attached); and

WHEREAS, the Auditing Services Selection Committee has reviewed the proposals in order to determine qualified providers of the services at a reasonable cost to the County; and

WHEREAS, the Selection Committee's recommendations are as follows:

The Bonadio Group for year 2009 - \$47,000, for year 2010 - \$48,400  
and for year 2011 - \$49,850

WHEREAS, the Selection Committee believes that this provider will provide the best service to the County, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be authorized to enter into a contract with Bonadio Group at the amounts listed above.

Moved by Palermo, 2<sup>nd</sup> by Cuddeback.

Signed by Palermo, Axton, Cuddeback, Mahunik, Petrus, all in favor.

**RESOLUTION NO. 75-10 (February 23, 2010) HD Advertise for Bids Transport PHC  
Authorizing the Clerk of the Legislature to Advertise for Bids for Providing Transportation for Physically Handicapped Children**

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

Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, it is necessary for the County of Cayuga to advertise for sealed bids for the purpose of providing transportation for physically handicapped children to and from various school sites in the County; NOW,

THEREFORE BE IT

RESOLVED, that the Clerk of the Legislature be authorized and directed to advertise for sealed bids for providing transportation for physically handicapped children to and from various school sites in the County.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 76-10 (February 23, 2010) HD Create & Fill EI Serv Coordinator 2010(Revised)  
Authorization to Create and Fill One Early Intervention Services Coordinator Position and Abolish One RN Position in Public Health**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, the Department has the responsibility to administer the NYS Early Intervention Program serving children birth to three years old who have a documented developmental delay; and

WHEREAS, part of the administrative responsibility is to provide service coordination to children and families referred to this program; and

WHEREAS, in the past the Department has used RN positions to carry out this responsibility and now wants to move to the Early Intervention Services Coordinator title; NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature be authorized to create one (1) Early Intervention Service Coordinator position, added to Part I of the CSEA County Compensation Plan within the Public Health Division at a grade 18 at the following salary range:

Probation	1 <sup>st</sup> Step	2 <sup>nd</sup> Step	3 <sup>rd</sup> Step	4 <sup>th</sup> Step
\$36,083	\$36,433	\$37,889	\$39,342	\$40,799

and be it further

RESOLVED, that the Director of Health & Human Services be authorized and directed to fill provisionally the one newly created Early Intervention Services Coordinator position in a manner consistent with the rules and regulations of the Cayuga County Civil Service Commission and the policies of the County of Cayuga; and be it also

RESOLVED, that upon provisionally filling the Early Intervention Service Coordinator position, one registered nurse position (control #002065) in Public Health will be abolished effective March 8, 2010.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 77-10 (February 23, 2010) HD CHHA LTHHCP 2010 Rates  
Authorizing the Cayuga County Legislature to Establish the 2010 Billing Rates for the County’s Certified Home Health Agency (CHHA) and Long Term Home Health Care Program (LTHHCP)**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, each patient admitted to the agency must be given information on “agency per visit charges,” and WHEREAS based on the agency cost report, our independent accounting firm recommends appropriate rates be established and approved by the County reflective of our costs; and

WHEREAS, these rates have been recommended by the Board of Health to the County Legislature; NOW, THEREFORE, BE IT

RESOLVED, that the following 2010 rates be established:

CHHA/LTHHC:

Skilled Nursing.....	\$155/Visit
Physical Therapy.....	\$120/Visit
Speech Pathology.....	\$120/Visit
Occupational Therapy.....	\$120/Visit
Medical Social Services.....	\$120/Visit
Home Health Aide.....	\$100/Visit; \$50/Hour

and it was further recommended that the rates for Personal Care Aide, Housekeeper, Homemaker, Nutrition, Respiratory Therapy and Audiology for the LTHHCP be adjusted to the Agency Medicaid Rates established for 2010 by the NYS Department of Health.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 78-10 (Feb. 23, 2010) HS Cayuga/Seneca Non-Residential DVS  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew the Contract with Cayuga/Seneca Community Action Agency, Inc. for the Provision of Non-Residential Domestic Violence Services**

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

WHEREAS, the Cayuga County Health & Human Services Department is required to provide non-residential domestic violence services to the people of Cayuga County; and

WHEREAS, Cayuga County Health & Human Services Department has successfully contracted in the past with Cayuga/Seneca Community Action Agency, Inc. for the provision of these services; NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be allowed to renew the contract with Cayuga/Seneca Community Action, Inc. to provide non-residential domestic violence services for the period 1/1/10 through 12/31/10 at a cost of \$81,960; and be it further RESOLVED, that payment for these services be from account #A60704 - 54182 of the 2010 Human Services Budget. Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 79-10 (February 23, 2010) HS Cayuga/Seneca Residential DVS 2010  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew the Contract with Cayuga/Seneca Community Action Agency, Inc. for the Provision of Residential Domestic Violence Services**

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

WHEREAS, the Cayuga County Health & Human Services Department is required to provide residential domestic violence services to the people of Cayuga County; and

WHEREAS, Cayuga County Health & Human Services Department has successfully contracted in the past with Cayuga/Seneca Community Action Agency, Inc. for the provision of these services; and

WHEREAS, the NYS Department of Social Services establishes the residential per diem rate; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be allowed to renew the contract with Cayuga/Seneca Community Action Agency, Inc. to provide residential domestic violence services for the period 1/1/10 through 12/31/10 at a per diem rate set by the State; and be it further

RESOLVED, that payment of these services be paid from account #A61094 - 54000 of the 2010 Human Services Budget.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 80-10 (February 23, 2010) HS Unity House Congregate Care  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Unity House for the Provision of Congregate Care**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, the Human Services Division of Health & Human Services has the need to provide supportive housing arrangements for pregnant and post-partum women who are recovering from chemical dependency and are public assistance eligible; and

WHEREAS, Human Services has successfully contracted with Unity House in the past to provide these services;

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a contract with Unity House for the time period of January 1, 2010 through December 31, 2010 at the State set rate; and be it further

RESOLVED, that the charges for these services be paid from account #A61094 - 54000 of the 2010 Human Services Budget.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 81-10 (February 23, 2010) HS Hillside Detention Bed 2010  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Hillside Children's Center to Reserve One Non-Secure Detention Bed for the Period of January 1, 2010 – December 31, 2010**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, the Department of Health & Human Services is required to provide detention services for county residents

remanded by the courts; and

WHEREAS, it is the desire of the Department to enter into a contract with Hillside Children's Center to ensure we have access to a local non-secure detention bed; 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 Hillside Children's Center in the amount of \$102,793 to reserve one non-secure detention bed for the period of January 1, 2010 to December 31, 2010.

RESOLVED, that payment for these services will be from Account #A61234 54000 of the 2010 Human Services Budget.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 82-10 (February 23, 2010) HS Chapel House 2010**

**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew the Contract with Chapel House (Temporary Homeless Shelter)**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, Chapel House opened a facility that offers temporary shelter to those in need; and

WHEREAS, this shelter has provided service to those income eligible individuals in need of shelter; and

WHEREAS, in accordance with Social Services Regulations, local DSS is required to provide temporary shelter for eligible homeless families and individuals who are financially eligible and have no housing resources available to them; and

WHEREAS, the costs incurred by the local district are reimbursed at a minimum of 50% depending on the type of case;

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services enter into a contract with Chapel House for the period January 1, 2010 through December 31, 2010 at a rate of \$25/day, per person, and the family rate is established as \$30 a night for up to 3; \$40 a night for 4 or more per bed night for a temporary stay; after 30 days, the basic shelter allowance will be paid; and be it further

RESOLVED, that these expenditures will be paid out of account #6140 of the Human Services Budget.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 83-10 (February 23, 2010) HS Lab Corp Contract**

**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Laboratory Corporation of America ® Holdings (AKA Lab Corp) for the Provision of Parentage Testing for the Child Support Enforcement Unit of Human Services**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, Lab Corp is engaged in the business of providing parentage testing services. Their services include genetic parentage testing services, specimen collection and consultation; and

WHEREAS, the Child Support Enforcement Unit (CSU) needs the services of a lab so that paternity can be established and a support petition can be prepared; and

WHEREAS, Lab Corp under the terms of a 5-year contract will offer the County an initial rate of \$50 per person for a DNA test battery instead of the \$60 per person cost outside of a contract; and

WHEREAS, these costs are reimbursed at 66% Federal and 17% State with a 17% local share; NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services enter into a contract with Laboratory Corporation of America ® Holdings for the provision of parentage testing for the CSU of Human Services for the period February 1, 2010 to January 31, 2015 at the rate of \$50 per person or \$150 per family; and be it

further

RESOLVED, that expenses for these services be paid from Account #60104 54042 of the Human Services Budget Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 84-10 (February 23, 2010) HS Fill Sr. Computer Specialist To Authorize the Director of Health & Human Services to Provisionally Fill a Sr. Computer Specialist Position In Human Services**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, a Sr. Computer Specialist, Grade 28, in the Human Services Department resigned effective November 2, 2009; and

WHEREAS, the incumbent essentially supervised the IT staff of the Department as well as performed services to support the Human Services network; and

WHEREAS, a Computer Systems Technician (Grade 25) has assumed the Sr. Computer Specialist's responsibilities, and in accordance with the CSEA contract has been compensated for that work; and

WHEREAS, we are now requesting to provisionally appoint this Computer Systems Technician (control #004171) to Sr. Computer Specialist (control #004044) and leave the position vacated unfilled; and

WHEREAS, by not filling the vacated position in Human Services at this time, the computer specialist in Health will be able to be transferred once the CHHA transitions avoiding a lay-off; NOW, THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized and directed to appoint the Computer Systems Technician, provisionally, to Sr. Computer Specialist (Control # 004044), Grade 28, in the Human Services Department in accordance with Civil Services Rules and Regulations and the policies of the County of Cayuga. Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 85-10 (February 23, 2010) HS ICS3 Supplemental Funds 2010 Authorizing the Director of Health & Human Services to Accept Additional Federal Funding and Renew Our Contract with Catholic Charities for Continued Intensive Case Services and Direct the Cayuga County Treasurer to Amend the 2010 Human Services Budget**

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

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

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

WHEREAS, the funds being accepted are 100% Federal and are for the period January 1, 2010 – December 31, 2010 with the final claims being submitted by February 15, 2011; NOW, THEREFORE, BE IT

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the following 2010 budget adjustments:

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

and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the necessary journal and accounting entries to accomplish the same; and be it also

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

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO 86-10 1/26/10 MHBudAdjEquip2.10rev AMENDING THE 2010 MENTAL HEALTH BUDGET FOR UNEXPENDED 2009 FUNDS**

BY: Ms. Ann R. Petrus, Chair, Health and Human Services Committee, and  
Mr. Christopher M. Palermo, Chair, Ways and Means Committee.

WHEREAS, the Mental Health Department billing system operates on the county's AS400 computer; and

WHEREAS, the Mental Health Department has been notified that the county will not be continuing to support the AS400, therefore, a new billing system must be purchased and implemented; and

WHEREAS, funds for this purchase were included in the approved 2009 mental health budget; and

WHEREAS, due to the magnitude and technical nature of this project it was necessary to engage a qualified consultant to evaluate the department's software needs and to prepare the appropriate Request for Proposal; and

WHEREAS, due to the lengthy process involved, the selection was not made within the 2009 budget year; and

WHEREAS, the unspent funds that were budgeted in the 2009 budget will revert to the general fund balance at the end

of 2009; and

WHEREAS, in order to proceed with the purchase of this software in 2010, funds must be allocated to the 2010 County budget; now, therefore, be it

RESOLVED, that the sum of \$130,250.00 be transferred from the general fund balance, Account No. A0019090, into Account No. A43102-52000 in the 2010 budget; and be it further

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

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 87-10                      DATE: 02/23/10                      OFAcontractsFeb10**

**Authorizing the Chairman of the Legislature and the Director of the Office for the Aging to sign a contract with the Transportation Project for Cayuga County, Inc. for Title IIIB transportation services.**

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

Chris Palermo, Chair of the Ways and Means Committee.

WHEREAS, appropriations were approved in the Cayuga County budget for the year 2010 for various subcontractors (Munis A67724 54118) for the Cayuga County Office for the Aging, in return for which these subcontractors agree to perform certain services for the benefit of Senior Citizens of Cayuga County; 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 sign on behalf of the County, a contract for said services with the following subcontractor:

Transportation Project for Cayuga County, Inc. (SCAT Van) for Title IIIB Transportation Services \$8000

And be it further

RESOLVED, that the Office for the Aging is authorized to continue its contract with the above contractor for the period of January 1, 2010 through December 31, 2010.

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 88-10                      Date of Meeting: 2/23/10                      nhacptdrs**

**AUTHORIZING THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ACCEPT A PROPOSAL FOR REPLACEMENT OF EXTERIOR DOORS AT THE NURSING HOME.**

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

BY: Christopher Palermo, Chairman, Ways & Means Committee

WHEREAS, two exterior doors at the Nursing Home need replacement, and

WHEREAS, the Administrator of the Nursing Home sent out proposals to regional firms; and,

WHEREAS, three (3) firms responded with proposals; and,

WHEREAS, the following proposals were received:

CNY Commercial Door Systems for \$3,800;

Mid-State Door for \$ 3,988; and,

Welch Construction for \$ 6,150; and

WHEREAS, a comparison was made of the proposals considering the quality of the products, installation and disposal; and

WHEREAS, the proposal submitted by CNY Commercial Door Systems contains all of the elements anticipated in the specifications; now therefore be it,

RESOLVED, that the proposal be awarded to CNY Commercial Door systems for \$ 3,800 (Three thousand eight hundred dollars).

Signed by Petrus, Axton, Barski, Mahunik, Mills, Palermo, Sincebaugh, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 89-10                      2.23.10                      coamoanysnarev**

**Authorizing the County Manager, the Chairman of the Legislature and the Director of Health & Human Services to Sign a "Memorandum of Agreement" with NYSNA**

BY: Hon. Ann Petrus, Chairperson of the Health & Human Service Committee

Hon. Christopher Palermo, Chairman of the Ways & Means Committee

WHEREAS, a "Memorandum of Agreement" has been drawn up in the matter of the transfer of the Certificate of Need for the Cayuga County Home Health Agency and Long Term Home Care Program which directly impacts upon employment relationship between the County of Cayuga, the Cayuga County Department of Health and Human

Services and the New York State Nurses Association (hereinafter referred to as "NYSNA"); NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Cayuga hereby approves the "Memorandum of Agreement" presented by NYSNA, and authorizes and directs the County Manager, the Chairman of the Legislature and the Director of Health and Human Services to sign the aforementioned "Memorandum of Agreement Retention Incentive Bonus and Severance Package" between Cayuga County NYSNA.

Moved by Petrus, 2<sup>nd</sup> by Cuddeback.

Signed by Petrus, Axton, Mahunik, Mills, Palermo, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 90-10 February 23, 2010 BOEMACHINES –LeverMachines10 rev  
Authorizing the Board of Elections to dispose of surplus lever voting machines.**

BY: Mr. Fearon, Chair, Government Operations Committee, and  
Mr. Palermo, Chair, Ways & Means Committee

WHEREAS, On October 7, 2008, the Cayuga County Government Operations committee passed a motion declaring lever voting machines as surplus pursuant to the procurement and implementation of electronic voting machines in Cayuga County; and,

WHEREAS, the New York State Board of Elections has indicated that counties may discontinue using lever voting machines if they meet the following criteria: 1) sufficient replacement machines are in its possession; 2) the board has the ability to program the new systems through the EMS software; 3) the board has trained its custodians and election inspectors; and 4) the board has a voter education system in place; and,

WHEREAS, the Cayuga County Board of Elections has met these requirements; now therefore, be it

RESOLVED, that the Cayuga County Board of Elections is hereby authorized to dispose of all lever voting machines through a process to be determined by the Election Commissioners; and be it further

RESOLVED, that any monies received as a result of the disposal will be delivered to the Cayuga County treasurer for inclusion in the General Fund..

Signed by Aikman, Barski, Chapman, Palermo, Axton, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 91-10 2/23/10 purawardjournal  
Authorizing the award for the printing of the 2003 Legislative Journal of Proceedings**

By: Hon. George Fearon, Chair, Government Operations  
Hon. Chris Palermo, Chair, Ways and Means

WHEREAS, the Clerk of the Legislature advertised and received sealed bids for the printing of the 2003 Legislative Journal of Proceedings; and

WHEREAS, several bids were sent to various printing firms and only one bid was received; now therefore be it

RESOLVED, that the Cayuga County Legislature award the bid to Two Brothers Printing in Moravia for an amount not to exceed \$3400.00; and be it further

RESOLVED, an amount not to exceed \$3400.00 to Two Brothers Printing be paid through the monthly audit from account A10104 54057 (Printing of Official Documents).

Signed by Aikman, Barski, Chapman, Palermo, Axton, Cuddeback, Petrus, all in favor.

**RESOLUTION NO. 92-10 (2/23/10) COMtransfer  
AUTHORIZING THE TRANSFER OF FUNDS IN THE COUNTY MANAGER'S BUDGET**

BY: Hon. George Fearon, Chairman Government Operations Committee

WHEREAS, on October 13, 2010, the Legislature adopted Resolution No. 535-09 "Authorizing the Hiring of an Acting County Manager, Setting Salary and Providing Funding and Authorizing the Transfer of Monies"; and

WHEREAS, the signed contract with the Acting County Manager indicates that this position receives compensation for travel; and

WHEREAS, there were sufficient funds in the County Manager's 2009 Budget to reimburse compensation for travel; however, no funding was budgeted in the 2010 Budget; now, therefore be it

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

<u>Account #'s</u>	<u>Increase</u>	<u>Decrease</u>
A12301-51001 (Personal Services)		
Position #6293 (County Manager)		\$2,400.00
A12304-54112 (Mileage Reimbursement)	\$2,400.00	

and; be it further

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

Signed by Aikman, Barski, Chapman, Palermo, all in favor.

**RESOLUTION NO. 93-10 2-23-10 COA-falseclaimsand whistlesrev.  
ESTABLISHING POLICY AND PROCEDURES FOR COMPLIANCE WITH 42 USC 139a(a)(68), False Claims and Whistle Blower Protections**

BY: Mr. George Fearon, Government Operations Committee

Mr. Christopher Palermo, Chairperson, Ways & Means Committee  
WHEREAS, § 6032 OF 109 P.L. (42 USCA § 1396a (a) (68) (a) - (c)) (hereafter the "Deficit Reduction Act of 2005" or "DRA") requires compliance with DRA requirements from any private or public entity receiving or making annual payments under the State Medicaid plan of at least \$5,000,000 ("Entity"); and  
WHEREAS, the DRA requires each Entity to establish written policies regarding the false claims laws and whistleblower protections, which policies' shall provide for detecting and preventing fraud, waste and abuse, and which policies must be distributed, included in relevant employee handbooks and/or made available to all employees, contractors and agents; and  
WHEREAS, each Entity in New York must annually certify to the State Office of the Medicaid Inspector General that it is and remains compliant with DRA requirements; and  
WHEREAS, the County of Cayuga (the "County") must comply with DRA requirements as the County through the activities of its various departments receives amounts and makes payments under the State Medicaid plan in excess of \$5,000,000 each year and shall continue to do so into the foreseeable future; now that for be it  
RESOLVED, the attached Policies and Procedures concerning false claims and whistleblower protections, attached here to, be and are adopted and apply to the entire County; and be it further  
RESOLVED, that each head of each County department shall be responsible for educating all employees of his/her respective department, and any contractors, vendors, agents or assigns with access to information concerning County Medicaid transactions, of this Executive Order and the attached Policies and Procedures by directing those individuals to the designated County intranet or internet site, by providing a paper copy of such or by any other manner of professional communication, and a representative of each County department must certify to the County Compliance Officer, described below, that such information has been distributed to all appropriate individuals; and any new employee of the County shall receive the attached Policies and Procedures a paper copy or by being directed to the appropriate internet or intranet site, and that all County employee handbooks shall be updated to include the attached Policies and Procedures.  
Signed by Aikman, Barski, Chapman, Palermo, Axton, Cuddeback, Petrus, all in favor.

**RESOLUTION OF THE CAYUGA COUNTY LEGISLATURE EXPRESSING ITS FERVENT AND STEADFAST OPPOSITION TO HOLDING THE TRIAL OF THE ALLEGED SEPTEMBER 11, 2001 TERRORISTS ANYWHERE WITHIN NEW YORK STATE AND URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES ATTORNEY GENERAL TO DESIGNATE THE PLACE OF TRIAL OUTSIDE THE STATE OF NEW YORK.**

Hon. George Fearon, Chairman, Government Operations

Hon. Christopher Palermo, Chairman, Ways and Means

WHEREAS, The United States Government intends to prosecute the alleged terrorists responsible for the horrific murders of thousands of innocent citizens on September 11, 2001 as civilians in the civil courts of the United States; and

WHEREAS, the City of New York has initially been designated by the United States Attorney General as place of trial for these alleged terrorist at the United States courthouse for the Southern District of New York; and

WHEREAS, the Mayor of the City of New York and others have objected to holding the trial of these alleged terrorist in the City of New York citing, among other concerns, the safety and security of the residents of the City; and

WHEREAS, President Obama has directed the United States Attorney General Eric H. Holder Jr., to consider alternative locations of the trial of these alleged terrorists outside the City of New York; and

WHEREAS, references have been made through various sources to three potential, alternative locations in the County of Orange, including the U.S. Military Academy at West Point, Stewart Air Force Base and the Federal Penitentiary in Otisville New York, as suitable sites for conducting the trial of international terrorist responsible for the worst mass murder in the history of the United States, thereby attracting to the County of Orange not only the attention of the world, but that of international terrorist organizations worldwide whose mission is the destruction of the United States and the cold-blooded murder of its innocent civilians; and

WHEREAS, forty-four innocent citizens of Orange County, New York lost their lives at the hands of these alleged terrorists and murders and hundreds of family members and friends of these lost heroes reside in Orange County; and

WHEREAS, the wounds of 9-11 are still too fresh and too deep and the people of Orange County have already borne the effects of that most horrific day and should not be victimized again; and

WHEREAS, there is no federal courthouse in the County of Orange, and no suitable location for holding this trial at any facility in the County of Orange that does not place at great and unacceptable risk the lives and safety of the citizens of Orange County; WHEREAS, bringing the trial of these alleged terrorists to Orange County threaten the safety and security of Orange County residents and our neighborhoods, and placed them at great peril, and presents an unacceptable, clear and present danger to all of our residents;

NOW, therefore, it is hereby

RESOLVED:

1. That on behalf of the residents of the County of Cayuga, the Cayuga County Legislature fervently express its steadfast and unwavering opposition to holding the trial of the alleged September 11, 2001 terrorists anywhere within the State of New York.
2. That the Cayuga County Legislature urges and calls upon, in the strongest terms possible, the President of the United States and Attorney General Holder to exercise all of their power and authority under the laws of the United States to try these alleged terrorists outside of the State of New York.
3. The Clerk of the Cayuga County Legislature is hereby authorized and directed to send a certified copy of this resolution to President Barack H. Obama, President of the United States, the Hon. Eric H. Holder Jr., Attorney General of the United States, to the Hon. Charles Schumer, U.S. Senator, the Hon. Kirsten E. Gillebrand, U.S. Senator, United States Representatives Dan Maffei and Michael Arcuri, and to each member of State Senate and Assembly whose districts include all or part of Cayuga County so that they may be apprised of the sentiment of the County of Cayuga and this Legislative body and take appropriate action to keep the trial of this matter outside the State of New York.

Signed by Chapman, Lattimore, Palermo, Cuddeback, Mahunik, Petrus, all in favor.

**RESOLUTION NO. 95-10 (02/23/10) etkkatting  
AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN AN AGREEMENT WITH CARL LATTING TO SPEAK AT CAYUGA WORKS CAREER CENTER'S YOUTH LEADERSHIP FORUM**

By: Roger Mills, Chairperson, Planning & Economic Development Committee  
Christopher Palermo, Chairman Ways and Means Committee

WHEREAS, Cayuga County Employment & Training Department is sponsoring a Youth Leadership Forum on April 8, 2010; and

WHEREAS, Cayuga County Employment & Training Department wants to contract with Carl Latting to be the Plenary Speaker for this Youth Leadership Forum; and

WHEREAS, The Cayuga County Employment & Training Department has funds from various foundations available in the amount of \$2,900.00, Acct # CD63704 54118, to pay for the Plenary Speaker, therefore, be it

RESOLVED, that the Chairman of the County Legislature is authorized to sign an agreement with Carl Latting to be the Plenary Speaker at Cayuga Works Career Center's Youth Leadership Forum on April 8, 2010; and be it further

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

Signed by Mills, Aikman, Mahunik, Lattimore, Pinckney, Sincebaugh, Palermo, Axton, Cuddeback, Mills, Petrus, all in favor.

**RESOLUTION NO. 96-10 February 23, 2010** **planHHWGRANT10**  
**AUTHORIZING THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE**  
**HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE**  
**ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.**

By: Roger A. Mills, Chair, Planning & Economic Development Committee  
Christopher Palermo, Chair, Ways & Means Committee

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and  
WHEREAS, the County of Cayuga, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the County of Cayuga

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. That the Chairman of the Legislature or his designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the STATE for the STATE share of such costs and \$48,000 has been properly budgeted for by the Cayuga County Planning and Economic Development Department (FY 2010 Special Programs Account 80204-54164) to be utilized for this purpose;
4. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application;
5. That this resolution shall take effect immediately;
6. That the Chairman of the Legislature is hereby authorized and directed to sign such documents as may be necessary to implement this project so long as costs do not exceed the available budget;
7. That the County Treasurer is hereby authorized to make the journal and accounting entries necessary to accomplish the same.

Signed by Mills, Aikman, Mahunik, Pinckney, Sincebaugh, Palermo, Axton, Cuddeback, Mills, Petrus, all in favor.

**RESOLUTION NO. 97-10 February 23, 2010 MERBFCAPHrev5  
AUTHORIZATION TO ESTABLISH CAPITAL "H" PROJECT No. 10-01 (MERIDIAN ENVIRONMENTAL RESTORATION PROJECT) FOR THE MERIDIAN ENVIRONMENTAL RESTORATION PROJECT AND AUTHORIZING THE TRANSFER OF FUNDS.**

WHEREAS, Cayuga County foreclosed on the site of a former gasoline service station in the Village of Meridian via a Treasurer's Tax Deed dated April 14, 2000; and

WHEREAS, in August of 2000, Cayuga County Planning Department personnel were asked to confirm if the Village's 1999 clean-up after a gas station fire had addressed all of the possible environmental issues at the site; and

WHEREAS, Cayuga County Planning Department personnel performed and coordinated a two phase Environmental Site Assessment process concluded in April 2001, which uncovered one unclosed underground tank as well as potential petroleum and lead contamination; and

WHEREAS, Cayuga County pursued various grant opportunities resulting in funding through the Clean Water/Clean Air Bond Act on June 3, 2003; and

WHEREAS, Cayuga County completed a procurement process for environmental engineering services, concluding with the hiring of C&S Engineers by Resolution 253-04, adopted May 25, 2004; and

WHEREAS, Cayuga County Planning coordinated with New York State Department of Transportation (NYSDOT) during NYSDOT's Route 370 improvements, which included the negotiation of drainage easements through the site, and the NYSDOT project encountered no major contamination along the north and west property lines, but discovered a second unclosed underground tank; and

WHEREAS, Cayuga County's fully executed State Aid Contract was received from New York State for Clean Water/Clean Air Bond Act funding via an Environmental Restoration Program Grant on March 26, 2009; and

WHEREAS, the project cost is currently estimated at \$135,000 and the State Aid Contract reimbursement rate has been set at 90%; and the remaining 10% will be in-kind personnel and trucking services, all with a start date of June 1, 2008; and

WHEREAS, New York State Department of Environmental Conservation approved Cayuga County's Remedial Investigation/Alternatives Analysis Work Plan (RI/AAWP) and New York State Department of Health approved the same work plan on December 16, 2009; and

WHEREAS, this site investigation is anticipated to include interim remedial activities which should remove all known contamination; and

WHEREAS, the site investigation and interim remedial activities are finally poised to begin and a mechanism needs to be created to pay for these activities and accept reimbursements; now, therefore be it

RESOLVED, that in order to carry out the Project, the County Treasurer be and he is hereby authorized and directed to create Capital

"H" Project No. 10-01 (Meridian environmental restoration Project) in an amount not to exceed \$135,000.00 source of funding to be

by a transfer from the General Fund in the amount of \$121,500.00, and \$13,500.00 from County personnel and equipment in-kind

services; and be it further

RESOLVED, that Account No. A99005-54606, Transfer to Capital Fund, be increased by the sum of \$121,500, and Contingency

Account, Account No. A10164-54000 be decreased by the sum of \$121,500.00; and be it further

RESOLVED, the Chairman is authorized and directed to execute agreements needed to implement this project, subject to the review and approval of the County Attorney; and

RESOLVED, that the County Environmental Engineer is designated the County's project manager for technical details and administration so long as the project stays within the project budget; and

RESOLVED, that upon receipt of project reimbursement funds from the State Aid Contract, these funds will be transferred back to the General Fund; and

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

Signed by Mills, Lattimore, Mahunik, Pinckney, Axton, Cuddeback, Petrus, all in favor.

**RESOLUTION NO 98-10 February 23, 2010 PB\_FL\_A\_Cntrct\_2009\_FFLOWPA Funds**

**AUTHORIZING THE SIGNING OF A CONTRACT WITH THE FINGER LAKES ASSOCIATION FOR THE TRANSFER OF NYSDEC FUNDING FOR THE FINGER LAKES-LAKE ONTARIO WATERSHED PROTECTION ALLIANCE, FISCAL YEAR 2008 - 2009**

BY: Chair, Planning and Economic Development Committee  
Chair, Ways and Means Committee

WHEREAS, Cayuga County is one of the twenty-five (25) entities currently contracting with NYS Department of Environmental Conservation (NYSDEC) for funding from the "Aid to Localities-Finger Lakes-Lake Ontario Watershed Protection Alliance" (FOLLOWPA) portion of the New York State Budget; and

WHEREAS, NYSDEC has agreed to transfer funding for the twenty-five (25) entities to the Finger Lakes Association (FLA) via a single contract between NYSDEC and FLA; and

WHEREAS, the County of Cayuga is eligible to receive up to \$85,000.00 in FOLLOWPA funding through the FLA which will be used to enhance, protect and preserve Cayuga County's water resources; now, therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute the required contract between Cayuga County and the FLA to allow transfer of funding to Cayuga County from the FLA as specified in said contract; and to act as the official representative of Cayuga County in connection with any and all contracts between Cayuga County and the FLA for such funds; and be it further

RESOLVED, that a signed, certified copy of this resolution be submitted to the Finger Lakes Association along with said contract.

Signed by Mills, Aikman, Mahunik, Lattimore, Pinckney, Sincebaugh, Palermo, Axton, Cuddeback, Mills, Petrus, all in favor.

**RESOLUTION NO. 99-10 February 23, 2010 PB FLOWPAGSFUND\_rev2**

**AUTHORIZING THE EXECUTION OF A ONE YEAR OPERATIONS CONTRACT WITH THE UNITED STATES GEOLOGIC SURVEY FOR OPERATION AND MAINTENANCE OF A SATELLITE LINKED FLOW GAGING STATION ON THE OWASCO INLET TO MONITOR WATER QUALITY IN OWASCO LAKE.**

WHEREAS, the water quality of Owasco Lake is important to Cayuga County and its residents; and

WHEREAS, the Owasco Lake Watershed Management Plan recommended that the water quality of Owasco Lake and its tributaries be monitored; and

WHEREAS, the Cayuga County Water Quality Management Agency (WQMA) unanimously approved a WQMA resolution on February 4, 2010 supporting the continued funding and operations of the gage station; and

WHEREAS, Cayuga County Planning Department has monitored the Owasco Inlet since the late 1980's through a flow gage station and sampling program; and

WHEREAS, Cayuga County Planning Department had the opportunity to have the United States Geologic Survey (USGS) upgrade the flow gage station on the Owasco Inlet, which was reaching the end of its useful life, to a satellite linked continuous discharge gaging station utilizing Finger Lakes-Lake Ontario Watershed Protection Alliance (FOLLOWPA) grant funds; and

WHEREAS, the funds to operate and maintain the upgraded gaging station is to be taken yearly from the County's annual FOLLOWPA grant funds; and

WHEREAS, Cayuga County Planning and the County Chairman signed a Joint Funding Agreement with the USGS to construct and operate and maintain a continuous gage station on the Owasco Inlet until September 30, 2009; and

WHEREAS, Cayuga County Planning utilized SFY07-08 FOLLOWPA grant funds to have the United States Geologic Survey (USGS) construct the gaging station on the Owasco Inlet; and

WHEREAS, the County of Cayuga is eligible to receive up to \$85,000.00 in FOLLOWPA funding for SFY08-09; and

WHEREAS, Cayuga County Planning planned to utilize a portion of the FOLLOWPA SFY08-09 funds to pay for the operations and maintenance of the gaging station to September 30, 2009; and

WHEREAS, only 22% of the promised FOLLOWPA SFY08-09 funding had been released as of December 21, 2009; and

WHEREAS, Cayuga County Planning Department had to utilize their own budget funds to pay for the operations and maintenance of the gaging station to September 30, 2009; and

WHEREAS, the USGS wants the Planning Department to sign a new Joint Funding Agreement for the operations and maintenance of the gage station from October 1, 2009 to September 30, 2010 at a total of \$14,350; and

WHEREAS, Cayuga County Planning Department planned on utilizing SFY09-10 FOLLOWPA funds to pay for the operations and maintenance of the gaging station from October 1, 2009 until September 30, 2010; and

WHEREAS, it is not known at this point when further FOLLOWPA grant funds will be available to the County; and

WHEREAS, Cayuga County wishes to implement the operations of the gaging station under the one-year contract with USGS; now therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized and directed to execute any and all contract documents needed to complete the operations contract for the USGS gaging station; and be it further

RESOLVED, that the Cayuga County Treasurer to authorized to make the journal entries appropriate and necessary to implement this resolution.

Signed by Mills, Lattimore, Mahunik, Pinckney, Axton, Cuddeback, all in favor.

**RESOLUTION NO. 100-10 (2/23/10) P&Tticketboothroof 2 10**  
**AUTHORIZING THE CAYUGA COUNTY PARKS AND TRAILS DEPARTMENT TO REPLACE THE**

**TICKET BOOTH ROOF**

By: David R. Axton, Chairperson, Public Works  
Christopher Palermo, Chairperson, Ways & Means Committee

Whereas, The Emerson Park ticket booth roof is approximately 28 years old and is likely the original roof; and  
Whereas, the roof is showing signs of deterioration and needs to be replaced; and  
Whereas, the Cayuga County Legislature recognized the need for replacement of the roof and in doing so included funding in the 2010 Parks and Trails budget for said purpose; now therefore be it  
Resolved, that the Cayuga County Parks and Trails Department is authorized to replace the ticket booth roof for a cost not to exceed \$3,581.00 as budgeted in the 2010 Parks and Trails budget account # A71102-5200; and be it further  
Resolved, that the Cayuga County Treasurer is hereby authorized and directed to make the journal and accounting entries required to implement the intent of this resolution.  
Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 101-10 (2/23/10) P&Tbathhouse roof 2 10  
AUTHORIZING THE CAYUGA COUNTY PARKS AND TRAILS DEPARTMENT TO REPLACE THE ISLAND BATHHOUSE ROOF**

By: David R. Axton, Chairperson, Public Works  
Christopher Palermo, Chairperson, Ways & Means Committee

Whereas, The Emerson Park island bathhouse was built in 1984 and the existing roof is the original; and  
Whereas, the roof is showing signs of deterioration by leaking and missing tabs and is in need of replacement; and  
Whereas, the Cayuga County Legislature recognized the need for replacement of the roof and in doing so included funding in the 2010 Parks and Trails budget for said purpose; now therefore be it  
Resolved, that the Cayuga County Parks and Trails Department is authorized to replace the island bathhouse for a cost not to exceed \$13,012 as budgeted in the 2010 Parks and Trails budget account # A71102-5200; and be it further  
Resolved, that the Cayuga County Treasurer is hereby authorized and directed to make the journal and accounting entries required to implement the intent of this resolution.  
Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 102-10 Date: 2/23/10 P&Tflowers 2 10  
AUTHORIZING THE PURCHASE OF FLOWERS FOR THE VARIOUS FLOWERBEDS AT EMERSON PARK**

By: David R. Axton, Chairperson, Public Works  
Christopher Palermo, Chairperson, Ways & Means Committee

Whereas, Each year the park purchases flowers for the 16 flowerbeds at Emerson Park. and replaces other landscaping as needed; and  
Whereas, Part of operating a park is to make it attractive so that people want to visit it; and  
Whereas, Dickman Farms LLC has proven to be a good vendor over the years providing delivery, use of rolling carts and technical support at no charge to the park; and  
Whereas, Emerson Park has \$3,075 in budget account A71104.54109 for General Landscaping to purchase flowers and other landscaping items; now therefore be it  
Resolved, that the County Legislature hereby authorizes the Parks and Trails Department to purchase the flowers and related items for Emerson Park at a price not to exceed \$3,075; and be it further  
Resolved, that the Cayuga County Treasurer is hereby authorized and directed to make the journal and accounting entries required to implement the intent of this resolution.  
Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 103-10 (2/23/10) P&TSeasonalHelp 2 10 Rev 1  
AUTHORIZING THE HIRING OF SEASONAL STAFF FOR THE PARKS & TRAILS DEPARTMENT FOR THE 2010 SEASON**

By: David R. Axton, Chairperson, Public Works  
Christopher Palermo, Chairperson, Ways & Means Committee

Whereas, it is necessary to hire additional seasonal staff at Emerson Park, West Barrier Bar, Sterling Nature Center, Owasco Flats, Ward O'Hara Agricultural Museum and the County Trails to accomplish the increased workload

preparing for and during the summer season; and

Whereas, it is anticipated that in order to accomplish this extra work up to forty-two (42) full-time equivalent seasonal positions will be needed, which will include:

Twelve (12) Laborers, five (5) Lifeguards, two (2) Head Lifeguards, four (4) Maintenance Crew Leaders, seven (7) Park Security Guards, one (1) Supervising Park Security Guard, three (3) Building Maintenance Mechanics, two (2) Cleaners, five (5) Museum Aides and one (1) Museum Assistant as recommended by the Committee or as otherwise provided by law; now, therefore, be it

Resolved, that the Park Maintenance Supervisor is hereby authorized to hire up to forty-two (42) full time equivalent seasonal positions as stated above, to be paid as follows:

Laborers	\$7.25/hr.
Lifeguards	\$8.50/hr.
Head Lifeguards	\$9.25/hr.
Maintenance Crew Leaders	\$8.75/hr.
Park Security Guards	\$9.75/hr.
Supervising Park Security Guard	\$13.25/hr.
Building Maintenance Mechanics	\$11.50/hr.
Cleaners	\$8.75/hr.
Museum Aides	\$7.75/hr.
Museum Assistant	\$8.50/hr.

and be it further

Resolved, that the funding for the above-stated positions shall be paid from appropriated funds in the 2010 Parks & Trails Department Budget Account # A71101-51002, total not to exceed the budgeted amount of \$174,856.00.

Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 104-10 Date: 2/23/10 P&TSterlingNatureCentCapReserve 2 10  
AUTHORIZING TRANSFER OF \$10,000 TO THE CAPITAL RESERVE FUND ESTABLISHED FOR THE  
PARKS DEPARTMENT BUILDING IMPROVEMENTS AT THE STERLING NATURE CENTER**

By: David R. Axton, Chairperson, Public Works  
Christopher Palermo, Ways and Means

Whereas, by Resolution 706-09 of the Cayuga County Legislature the County Treasurer was authorized to establish a Capital Reserve Account for building improvements at the Sterling Nature Center; and

Whereas, the Treasurer was further authorized by said resolution to transfer \$48,160.00 from the 2009 Sterling Nature Center budget into the established Capital Reserve Account; and

Whereas, the Public Works Committee advised the Parks Department that due to the extreme cost to make the current building exterior maintenance free, it may be better to construct a new building; and

Whereas, the legislature recognizes the need to make major improvements to the existing building or construct new; now therefore be it

Resolved, that the Cayuga County Treasurer is hereby directed to transfer to the Capital Reserve Account for building improvements at the Sterling Nature Center, \$10,000 from the 2010 Sterling Nature Center Budget Account A71132-52000; and be it further

Resolved, that the Cayuga county Treasurer is hereby authorized to make the journal and accounting entries required to implement the intent of this resolution.

Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 105-10 February 23, 2010 PT Pavilion\_SEQR 2 10rev  
DETERMINING LEAD AGENCY STATUS UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW  
ACT (SEQR) FOR THE EMERSON PARK PAVILION PRESERVATION PROJECT**

BY: Mr. David Axton, Chair, Public Works Committee  
Mr. Christopher M. Palermo, Chair, Ways and Means Committee

WHEREAS, the Colonial Revival style Emerson Park Pavilion, constructed in 1912 as the center piece of the 40-Acre Lakeside Park, which is listed on the National Park Service National Register of Historic Places, 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, resulting in the completion of the Emerson Park Master Plan, which called for capital upgrades to make 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 filed an application for funding 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, for

work specified in the Plan that addresses the most immediate needs to prevent further deterioration as well as fix safety issues that have arisen due to deterioration of the Emerson Park Pavilion; and  
WHEREAS, this project is a Type I Action under SEQR due to its potential impact on historic resources; and  
WHEREAS, the SEQRA process requires comment by all involved agencies; and  
WHEREAS, Cayuga County is the owner of the site and the planned work will not require any permits from any outside agencies; and  
WHEREAS, the Cayuga County Legislature has reviewed the proposed work plans and the project information included in the full Environmental Assessment form and has made a reasoned determination that the proposed preservation and rehabilitation project will not result in any negative environmental impacts to the structure or the surrounding site; now, therefore, be it  
RESOLVED, that the Cayuga County Legislature hereby declares itself to be lead agency for the SEQRA review of this action; and  
RESOLVED, the Cayuga County Legislature directs the Parks Department to file and/or publish the necessary notices to satisfy the SEQR process requirements.  
Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 106-10 (2-24-09) P&T pavilion r&m 2-10**  
**AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2010 EMERSON PARK EQUIPMENT BUDGET ACCOUNT TO CAPITAL H 08-2 FOR EMERSON PARK PAVILION RENOVATIONS AND AMENDING CAPITAL "H" PROJECT NO. 08-2.**

By: David R. Axton, Chairperson, Public Works

Christopher Palermo, Chairperson, Ways & Means Committee

Whereas, the Emerson Park pavilion is not only a local landmark but is also listed on the National Registry of Historic landscapes; and

Whereas, Crawford and Stearns Architects and Preservation Planners prepared a Condition Study and Recommendations Report for the Pavilion in May of 2007; and

Whereas, the park maintenance supervisor has created a prioritized list of items from that report that need attention; and  
Whereas, in 2008 the Parks Commission, the Public Works Committee and the Cayuga County Legislature did plan for this work to be completed when they passed Resolutions 289-08 and 661-08 creating Capital H # 08-2 in the amount of \$67,000.00; and

Whereas, the Cayuga County included \$67,000.00 in the 2010 Emerson Park Budget Account A71102-5200 for that purpose; and

Whereas, the Parks Department would like to transfer that money into the capital H 08-2 for the building; now therefore, be it

Resolved, that the Cayuga County Treasurer is hereby authorized and directed to transfer the \$67,000.00 from the 2010 Emerson Park Equipment Account #A71102-5200 into Capital H 08-2, therefore increasing the fund from \$73,169.48 to \$140,169.48; and be it further

Resolved, that the Parks Department is hereby authorized and directed to use these funds to renovate the Emerson Park Pavilion as recommended in the Crawford and Stearns Report.

Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 107-10 February 23, 2010 (P&T) YMCA Little League-Tball 2-10**  
**AUTHORIZING AN AGREEMENT WITH AUBURN YMCA-WEIU ALLOWING FOR THE OPERATION OF AUBURN LITTLE LEAGUE AT EMERSON PARK**

BY: Mr. David Axton, Chairman, Public Works

Mr. Chris Palermo, Chairman, Ways & Means Committee

WHEREAS, Auburn Little League has had an agreement with Cayuga County for many years to utilize playing fields at Emerson Park; and

WHEREAS, The Auburn YMCA-WEIU and Auburn Little League have agreed to merge, and with this merger the YMCA will assume management responsibilities of the Auburn Little League Baseball now therefore, be it RESOLVED, That the county attorney is authorized to draft an agreement with the Auburn YMCA-WEIU for the operation of Auburn Little League at Emerson Park, and be it further RESOLVED, that said agreement shall be for the period of March 1, 2010 thru September 1, 2013, in exchange for one dollar (\$1) for each year, and be it further RESOLVED, that the Chairman of the Cayuga County Legislature be authorized to sign said agreement. Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor, except Aikman abstained.

**RESOLUTION NO. 108-10 February 23, 2010 HWYPARTSCLEANERrev  
AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT FOR A PARTS WASHER**

By: Dave Axton, Chairman Public Works Committee  
Christopher Palermo, Chairman Ways and Means Committee

Whereas, the Highway Department is in need of a parts washer; and  
Whereas, Heritage Crystal Clean is a company that performs these services; and  
Whereas, Heritage Crystal Clean can provide these services at a rate of \$26.00 per week and the Highway Department pays the current vendor \$31.50 per week for a savings of \$22 per month; now therefore be it Resolved, to authorize the Highway Superintendent and the Chairman to enter into a contract with Heritage Crystal Clean to provide an aqueous parts cleaner for the Highway maintenance shop.  
Signed by Axton, Chapman, Cuddeback, Lattimore, Pinckney, Mahunik, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 109-10 February 23, 2010 HWYMPRATEREV1  
AUTHORIZATION TO RAISE LABOR/OIL CHANGE SERVICE RATES AT THE MOTOR POOL TO  
TAKE EFFECT APRIL 1, 2010.**

By: David Axton, Chairman Public Works Committee  
Christopher Palermo, Chairman Way and Means Committee

Whereas, the Cayuga County Highway Department is in charge of the Motor Pool that maintains the fleet of vehicles that are operated by the county; and  
Whereas, the current labor rates are set at \$48.00 for vehicles up to 1-ton and \$53.00 for vehicles over 1-ton; and  
Whereas, the current oil change rates range from \$25.01 - \$40.02 do not accurately reflect the cost of service provided; and  
Whereas, the cost to provide these services has increased and the rates have not increased in the last two years; and  
Whereas, outside shops that provide these services charge between \$30- \$60 for oil changes and \$65 - \$90 per hour for labor; now, therefore be it Resolved, to approve raising the Labor Rates to \$50.00 for vehicles up to 1-ton and \$55.00 for vehicles 1-ton and over; and be it further

Resolved, to set the fee for a lube, oil change & filter as follows:

LIGHT DUTY VEHICLES (UNDER 1 TON):

5 Quart Service: \$28.75  
6 Quart Service: \$30.50  
7 Quart Service: \$32.25

HEAVY DUTY VEHICLES (1 TON AND OVER):

5 Quart Service: \$41.25  
6 Quart Service: \$43.00  
7 Quart Service: \$44.75  
8 Quart Service: \$46.50

;and, be it further

Resolved, that these rate increases are to take effect **April 1 2010**.  
Signed by Axton, Chapman, Cuddeback, Lattimore, Pinckney, Mahunik, all in favor.

**RESOLUTION NO. 110-10 February 23, 2010 hwysignagreempserv**

**AUTHORIZE CHAIRMAN AND HIGHWAY SUPERINTENDENT TO SIGN FUEL PURCHASE/VECHILE REPAIR AGREEMENT WITH VARIOUS AGENCIES FOR MOTOR POOL REPAIRS, GASOLINE AND DIESEL FUELS**

By: Dave Axton, Chairman Public Works Committee  
Christopher Palermo, Chairman Ways and Means Committee

WHEREAS, the Cayuga County Highway Department oversees the Cayuga County Motor Pool, which services vehicles and dispenses fuel for other agencies within Cayuga County; and

WHEREAS, various Cayuga County departments, municipalities and not-for-profit agencies have contacted Cayuga County to perform preventive maintenance and vehicle repairs for its fleet of administrative and maintenance vehicles and provide gasoline and diesel fuel; and

WHEREAS, an Agreement will be reviewed by the County Attorney before the Chairman of the Legislature and/or the Highway Superintendent signs; now therefore be it

RESOLVED, that the Chairman of the Cayuga County Legislature and the Cayuga County Highway Superintendent are hereby authorized to sign an Inter-municipal Agreement with various agencies to purchase gasoline, diesel fuel, and/or have their vehicles repaired by the Cayuga County Motor Pool.

Signed by Axton, Barski, Chapman, Cuddeback, Lattimore, Pinckney, Palermo, Mills, Petrus, all in favor.

**RESOLUTION NO. 111-10 February 23, 2010 PW\_UST\_Additional\_Work  
AUTHORIZING A CHANGE ORDER AND CHANGE IN SCOPE WITH OP-TECH ENVIRONMENTAL SERVICES, INC. FOR FUEL STORAGE TANK REMOVALS AND SPILL CLEAN-UPS.**

BY: Mr. David Axton, Chair, Public Works Committee  
Mr. Christopher Palermo, Chair, Ways and Means Committee

WHEREAS, the Legislature, at its September 22, 2009 meeting, approved Resolution No. 526-09 authorizing the Chairman of the County Legislature to enter into an agreement with OP-Tech Environmental Services, Inc. to remove underground storage tanks at the County Office Building, Highway Administration Building and County Nursing Home as well as diesel piping at the North Highway Barn; and

WHEREAS, fuel leakage was discovered at three locations that necessitated immediate clean-up as "spills" per New York State Department of Environmental Conservation regulations; and

WHEREAS, our bid documents and agreement for said work anticipated extra work might be needed to cleanup possible leakage from these older tanks, by including line items for "extra excavation" and "extra hauling"; and

WHEREAS, OP-Tech's requested reimbursement has been negotiated down to \$8,179.09 for the extra work using the approved unit prices in the agreement authorized in Resolution No. 526-09 by the County's Environmental Engineer; and

WHEREAS, the County has two remaining out-of-service underground fuel storage tanks (UST) for decommissioning at its downtown complex; and

WHEREAS, based on their satisfactory work to date, OP-Tech was requested to supply a quote to add these two storage tanks to their original scope, and their figure totals less than \$9,900.00; and

WHEREAS, there are sufficient funds in Account No. A16204 54251 (Removal of Under Ground Tanks) to cover the expenses; now, therefore, be it

RESOLVED, that the Chairman of the County Legislature is hereby authorized to sign a change order with OP-Tech for three fall 2009 spill clean-ups for \$8,179.09; and, be it further



**COUNTY SHERIFF'S OFFICE and ABOLISH TWO POSITIONS WITHIN THE COMMUNITY MENTAL HEALTH SERVICES DEPARTMENT.**

By: MR. STEVEN CUDDEBACK, Chairman, Judicial & Public Safety Committee  
 MS. ANN PETRUS, Chairperson, HHS Committee  
 MR. CHRISTOPHER PALERMO, Chairman, Ways & Means Committee

WHEREAS, two positions of Behavioral Health Care Nurse are utilized at the Cayuga County Public Safety Building and are currently employed by the Community Mental Health Services Department; and

WHEREAS, there is no reimbursement to the Community Mental Health Services for the services of the two nurses assigned to work full time at the PSB; and

WHEREAS, the day-to-day supervision of the nurses should be done by supervisors from the facility with occasional consultation by the Community Mental Health Nurse Supervisor; and

WHEREAS, the Sheriff has submitted duties statements for two new positions to the Cayuga County Civil Service Commission and the Commission classified the positions as appropriate for the duties proposed; and

WHEREAS, the new organizational plan must be adopted by the legislature prior to enactment; now therefore be it RESOLVED, two positions of Behavioral Health Care Nurse be hereby created under the Sheriff's Custody Division; and be it further

RESOLVED, that the Sheriff be hereby authorized and directed to fill the two new positions by transfer of two existing nurses from CMH, effective 3/7/10; and be it further

RESOLVED, that the new positions be filled in accordance with the Cayuga County Civil Service Rules and Regulations and the Policies of the County of Cayuga; and be it further

RESOLVED, that upon the transfer of the two CMH Behavioral Health Care Nurses to the new positions within the Sheriff's Custody Division that Community Mental Health Services Position Control Numbers 004974 and 004970 be hereby abolished the next business day after the transfer; and be it further

RESOLVED, that the Sheriff be hereby authorized to contract with CMH to reimburse the department up to a maximum of 10% of the Community Mental Health Nurse Supervisor's time and Staff Psychiatrist PT for consultation services; and be it further

RESOLVED, that the County Treasurer be hereby authorized and directed to make the following accounting and journal entries to accomplish the intent of this resolution:

From A43101-51001 MH Sal FT to A31501-51001 Sheriff Sal FT	\$82,688.51
From A43101-58001 MH FICA to A31501-58001 Sheriff FICA	6,325.67
From A43101-58002 MH Retire to A31501-58002 Sheriff Retire	8,434.23
From A43101-58003 MH Health to A31501-58003 Sheriff Health	9,715.40
From A43101-58004 MH Dental to A31501-58004 Sheriff Dental	658.20
From A43101-58005 MH Comp to A31501-58005 Sheriff Comp	2,517.53
From A43101-51004 MH On-Call to A31501-51004 Sheriff On-Call	<u>10,006.97</u>
Total	\$120,346.51
From A31504-54059 Sheriff Prof Service	\$120,346.51
From A43100-41680 MH Jail Fees	\$120,346.51

Signed by Cuddeback, Aikman, Chapman, Petrus, Pinckney, Sincebaugh, Mills, Palermo, all in favor.

**RESOLUTION NO. 115-10                      2/23/10                      SHR-Prchs4MrkdPtrlCrS -1 unmrkPtrlcar rev1  
 AUTHORIZING THE SHERIFF OF CAYUGA COUNTY TO PURCHASE FOUR (4) NEW MARKED PATROL CARS AND ONE (1) UNMARKED PATROL CAR TO REPLACE EXISTING PATROL CARS THAT HAVE EXCEEDED THEIR USEFUL LIFE SPAN AND HAVE ACCUMULATED HIGH MILEAGE.**

BY: Mr. Steven E. Cuddeback, Chair, Judicial and Public Safety Committee, and  
 Mr. Christopher M. Palermo, Chair, Ways & Means Committee

WHEREAS, the Cayuga County Sheriff's Office, Law Enforcement Division, presently has four (4) marked patrol cars and one (1) unmarked patrol car that have exceeded their useful life span and have accumulated high mileage; and  
 WHEREAS, Warnock Automotive, Inc., dba Warnock Fleet, East Hanover, New Jersey, pursuant to NYS Contract No. PC63556, can provide four marked vehicles for a cost not to exceed \$108,000 and one unmarked patrol vehicle for a cost not to exceed \$26,000; and

WHEREAS, there are sufficient funds in the Sheriff's 2010 Law Enforcement Marked Patrol Cars Budget Line A31102 52005 to purchase four (4) new marked vehicles and there are sufficient funds in the Sheriff's 2010 Law Enforcement Unmarked Vehicles Budget Line A31102 52006 to purchase one (1) new unmarked vehicle; and

WHEREAS, the following five (5) existing patrol vehicles will be turned in to the Cayuga County Clerk of the Legislature Office and then to the Cayuga County Motor Pool upon the delivery of the five (5) new patrol vehicles to the Cayuga County Sheriff's Office: (1) Marked 2004 Ford Crown Victoria, VIN 2FAHP71W04X138869, (2) Marked 2004 Ford Crown Victoria, VIN 2FAHP71W44X138874; (3) Marked 2004 Marked Ford Crown Victoria, VIN



purpose; now therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the contract renewal, with Sunbelt Software for the amount of \$988.50 for the period of April 1, 2010 through March 31, 2011; and be it further RESOLVED, that the Cayuga County Treasurer make all the necessary journal and accounting entries to accomplish the foregoing.

Signed by Cuddeback, Aikman, Chapman, Petrus, Pinckney, Sincebaugh, Palermo, Mills, Axton, all in favor.

**RESOLUTION NO. 118-10**

**2.23.10**

**coasection10rev5**

**Authorizing a request for assistance from State elected officials**

Whereas, the Cayuga Indian Nation of New York has applied to the Bureau of Indian Affairs to take property in Cayuga and Seneca Counties into trust pursuant to the 1934 Indian Reorganization Act; and

Whereas, the State of New York, in fulfilling its obligation under Section 10 of the State Law , provides both counties with representation in defense of this action on the grounds that the action is inconsistent with the sovereignty of the State; and

WHEREAS, in November 2009, law enforcement officials in both Seneca and Cayuga Counties determined that the Cayuga Indian Nation of New York may be in possession and offering for sale cigarettes that lacked the necessary stamp indicating payment of tax imposed under Article 20 of the New York State Tax Law; and

WHEREAS, the investigation following the execution of a search warrant revealed a large quantity of allegedly untaxed cigarettes; and

WHEREAS, in response to the execution of a search warrant, the Cayuga Indian Nation of New York instituted a civil action against Seneca and Cayuga County Officials, challenging the authority of County Officials to enforce the provisions of New York State Tax Law on real property owned by the Cayuga Indian Nation of New York on the grounds that the Nation maintained a "qualified reservation" on these parcels of land and the Nation is immune from enforcement of various provisions of New York State Tax Law by the Counties; and

WHEREAS, Cayuga County was thereby obligated and compelled to retain legal counsel to defend this action and the right of duly elected Law enforcement officials to enforce New York State Law on these parcels of land suite in the County of Cayuga; and

WHEREAS, the civil action is presently under appeal at the New York State Court of Appeals; and

WHEREAS, the County on two occasions requested, pursuant to State Law, Section 10, that the County of Cayuga be provided with representation in defense of these actions inasmuch as these actions by the Cayuga Indian Nation of New York constitute a claim inconsistent with the State of New York's sovereignty and jurisdiction; and

WHEREAS, the Governor's Office declined the request of Cayuga County to provide it with representation in the defense of the civil action instituted by the Cayuga Indian Nation of New York; and

WHEREAS, in response to the appeal by the both Cayuga and Seneca Counties of the civil claim the Attorney General submitted a amicus curia brief in support of the claim of both counties and the brief assert that the refusal of the Cayuga Indian Nation of New York's to pay real property taxes pursuant to Article 20 of the New York State Tax Law is based on its claim of special legal status flowing from its claim that the relevant lands are a "qualified reservation"; and, that indeed one distinguishing characteristic of an Indian reservation is the right of the tribe to exercise sovereignty over the land; and

WHEREAS, it is the position of the Cayuga County Legislature that the action instituted by the Cayuga Indian Nation of New York is inconsistent with the sovereignty and jurisdiction of New York State over the subject parcels and that therefore the State should fulfill its obligations under section 10 of the State Law; now therefore be it

RESOLVED, that the County of Cayuga wishes to request the assistance of its duly elected legislative leaders in speaking with the Governor to fulfill his obligation under Section 10 of the State Law; and be it further

**RESOLVED**, a copy of this resolution shall be sent to the following public officials: David Paterson, Governor of the State of New York; Michael Nozzolio and David Valesky , New York State Senators; and Brian Kolb, Gary Finch and Robert Oaks, New York State Assemblyman.

Signed by Tortorici, Palermo, Chapman, Axton, Petrus, Pinckney, Mills, Mitchell, Cuddeback, Mahunik, Lattimore, Sincebaugh, Aikman, all in favor.

Motion by Axton, 2<sup>nd</sup> by Petrus to go into Executive Session at 7:47PM re: Personnel Issue and Acquisition of Real Property. Daniel Larson and John Camardo, asked to come in, all in favor.

Motion by Sincebaugh, 2<sup>nd</sup> by Mitchell to come back in at 8:41PM, all in favor, no action taken.

Motion by Pinckney, 2<sup>nd</sup> by Lattimore to adjourn at 8:42PM, all in favor.

Motion by Lattimore to approve minutes of 2-23-10 on 4-27-10, 2<sup>nd</sup> by Pinckney, all in favor.