

**MINUTES  
CAYUGA COUNTY LEGISLATURE  
APRIL 24th, 2007, 6:30 PM**

**Called to order by the Hon. George Fearon, all Legislator's present, except Palermo and Netti excused.  
PLEDGE OF ALLEGIANCE:**

**MOMENT OF PRAYER:**

**PUBLIC HEARING: 6:30PM** " A local Law Establishing Regulations for the control of Activities and Uses by the Public at All Park, Trails and Recreation Areas Owned and Operated by the County of Cayuga."  
Opened at 6:30PM, closed at 7:53PM.

Speakers on the Public Hearing:

Tom Noga, supports the Local Law, allows County to use and access the space. This will create a level playing field for all.

**DEATHS:**

1. Norman Grant former Town of Sterling Highway Superintendent
2. Catherine Orman, mother of Cayuga County Treasurer, James H. Orman
3. Robert Marshall, retired prominent Auburn clothing retailer and civic leader
4. Gerald VanHorn, Town of Conquest Highway Superintendent.

**PROCLAMATIONS:**

1. Child Care Provider Appreciation Day in Cayuga County, Friday May 11, 2007, read by Clerk of the Legislature, Lee Brew and Presented by George Fearon, Chairman, to Karen Card and Rebecca Hyde
2. National Crime Victims' Rights Week, April 22-28, 2007, read by Clerk of the Legislature, Lee Brew and Presented by George Fearon, Chairman, to Sheriff David Gould.
3. National Nursing Home Week in Cayuga County May 14-19, 2007, read by Clerk of the Legislature, Lee Brew and Presented by George Fearon, Chairman, to Debra English, Nursing Home Administrator.

**MINUTES:** For Reading 2-12-07, 4-4-07, 4-23-07  
For Approval 1-23-07, approved by voice vote, all present voting aye.

**CCC REPORT:** Dr. Phillip Gover, introduced Ms. Gina Speno, Trustee, Cayuga County Community College. The College's new Theater is very nice. The College has a new Web pass so student's can work on line anytime.

**COMMITTEE REPORT:** Legislator Lockwood, Tour of the County Jail, showed all the problems, the tour took about four hours. Thank you to Sheriff Gould.

**MANAGER'S REPORT:** Wayne Allen, additional resolutions: Resolution #30A – employee needs to be paid, labor attorney court cases indicate you will have to pay for vacation time.

Legislator Pappert – I would like to discuss with Health & Human Service Committee.

Chairman Fearon – you can table resolution when it is brought up.

Co. Manager Wayne Allen – Resolution #30B and 30C, State has asked for re-imbusement, confirmation in writing because of overpayment, more research. Resolution # 45A (Abatement) I went over back up information with Legislator's, will do Memorial Day Weekend. Alternate # 2, ceiling tiles, cost to abate, conference room in basement, if tiles fall we will have to evacuate. Deputy Treasurer needs office space. Fourth floor mechanical room and roof area, not high priority. Cheaper to do it now.

Legislator Pappert – expand the scope, increase cost from Kleinfelder.

Co. Manager, Wayne Allen, already part of the cost, may be some additional costs. Alternate #3 is there money in the budget to build an office in the Treasurer's office?

Building and Grounds Supervisor, Mike Pawlinko, yes, abatement is the cost. New office construction would run about 2 to 3 thousand to complete

Legislator Dudley, asbestos cost is growing in leaps and bounds.

Co. Manager, Wayne Allen, asbestos project has been scheduled over several weeks, employees will not have access to certain areas.

**RESOLUTION NO. 234-07 (4/24/07) COMchangeorder.Capital 06-5  
AUTHORIZING A CHANGE ORDER FOR HAZARDOUS MATERIAL ABATEMENT**

BY: Hon. Steve Cuddeback, Chairman Public Works

Hon. Paul Dudley, Chairman Ways and Means

WHEREAS, Cayuga County has adopted Capital "H" Project No. 06-5 (Heating Modification to the Cayuga County Office Building Heating System) on December 19, 2006 to upgrade its present heating and air conditioning system in the County Office Building; and

WHEREAS, C&S Engineers, Inc., the engineer for this project have recommended the issuance of a change order in the amount of \$193,004.00 which will abate the various mechanical rooms in the County Office Building; and

WHEREAS, the County Legislature has authorized Kleinfield East, Inc. to provide design project, Project monitoring and air sampling for this project; now, therefore be it

RESOLVED, that the County Legislature does hereby approve the change order in the amount of \$193,004.00 to undertake to abatement of the mechanical rooms in the County Office Building; and, be it further

RESOLVED, that the funds for this change order will come from the County's Contingent Account (A1990) and be transferred into the Asbestos Account (A1620.410.012 – Building Maintenance).

Signed by Cuddeback, Smith, Lepak, Lockwood, Pappert, Tortorici, Murphy, Petrus, Schuster.

Approved by 2/3 vote, all present voting aye, except Palermo and Netti excused. 214/30

**CHAIRMAN'S REPORT:** George Fearon spoke on Resolution #37, Designating 95 Genesee St. as The "Hardenbergh Building" Mr. Hardenbergh helped make Auburn a nice city.

**EMERGENCY AUTHORIZATION FOR AUSTERITY SPENDING AND HIRING:**

- 1.) Authorizing the Chairman of the Legislature to Enter into a Contract with Kleinfelder East, Inc. to complete Design Specifications to Facilitate Abatement of Hazardous Material in the County Office Building.
- 2.) Request to Fill, Mental Health, Social Work Assistant
- 3.) Request to Fill, Health & Human Services, Human Services Examiner.

4.) Request to Fill, Sheriff's Dept., 2 Deputy Sheriff's, is now resolution #56

**APPOINTMENTS AND RE-APPOINTMENTS: None**

**RECESS:**

**COMMUNICATIONS AND ANNOUNCEMENTS:**

1. Received the New York State Association of Counties report analyzing the 2007-08 enacted State Budget Impact on County Government.
  2. Received a certified copy of resolution # 211-07 Authorization to Request an Amendment to State Law to Mandate the Payment of Claims by Health Insurers for Services Provided under the Early Intervention Program, from Wayne County.
  3. Received a letter from James Vargason, District Attorney, and re: ATI Performance Based Service Plan-2006.
  4. Received a letter from David J. Valesky, State Senator, stating his support for the Farmland Protection Program.
  5. Received a letter from Donald Corey, President, Victory Young At Hearts, asking the exemption for senior citizens be raised from \$20,500.00 to 25,000.00.
  6. A letter from Food Providers Network, In recognition of Hunger Awareness Day, Soup Supper on Monday, June 5, 2007 at First Love Ministries on Wall St., from 5-7PM
  7. Received a letter from NYSAC honoring the victims and families of those in the Virginia Tech community, the President has order US Flags be flown at half-staff until Sunday, April 22<sup>nd</sup>.
  8. Received a letter from Owasco Watershed regarding permission to continue meeting at Emerson Park.
  9. Received a letter from Owasco Watershed regarding permission to continue with there signage in the Park.
  10. Received a letter from the Town of Brutus with their application for permission for the establishment of Water District #4.
  11. Received a resume from Daniel Panek regarding the Cayuga County Watershed Inspector position.
  12. Reminder the Senior Citizen Luncheon, Emerson Park, 5-22-07 1:00, Cost \$8.00, can be paid at the Clerk of the Legislature Office 6<sup>th</sup> Floor CCOB, before May 4, 2007.
  13. Received information from NYSAC on Cornell University Forum on shared Municipal Services
- Motion by Legislator Lockwood to waive reading of communications and announcements, approved by voice vote, all present voting aye.

**AUDIT OF CLAIMS: APRIL 24, 2007**

**ADJOURNMENT: MAY 22, 2007, (1:00PM) - SENIOR CITIZEN DAY, EMERSON PARK, AUBURN, NY**

**RESOLUTIONS**

**RESOLUTION NO. 235-07** **4/24/07** **Audit42407REV**  
**AUTHORIZING THE COUNTY TREASURER TO PAY MARCH 2007 AUDIT OF CLAIMS**

BY: Hon. Paul Dudley, Chairman, Ways and Means Committee  
WHEREAS, The Legislature did at its regular meeting on April 24, 2007 audit claims against the County of Cayuga in the aggregate sum of \$1,538,779.73, therefore be it  
RESOLVED, that the Clerk of this Legislature file a certified list of claims so audited with the County Treasurer, and be it further  
RESOLVED, that the County Treasurer be and he hereby is authorized and directed to pay the several claims so audited and charge the amounts to the several appropriations made therefore in the County Budget finalized on December 13, 2006.  
Signed by Dudley, Cuddeback, Mitchell, Murphy, Petrus, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 236-07** **4/24/07**  
**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF UTILITY BILLS.**

By: Hon. Paul Dudley, Chairman, Ways & Means Committee.  
WHEREAS, this Legislature did by Resolution No. 50, adopted April 11, 1978, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Electric and Gas service, and Water and Sewer service, and  
WHEREAS, this Legislature did by Resolution No. 184, adopted August 14, 1984, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for telephone service, and Landfill Service, and  
WHEREAS, said Committee has audited and authorized payments as follows:

Gas & Electric	:	\$	2,596.83
Water & Sewer		\$	7,959.86
Telephone:		\$	45,574.55
Landfill/Rubbish		\$	00.00

RESOLVED, that said payments be part and partial payment of the full audit of this Board.  
Signed by Dudley, Cuddeback, Mitchell, Murphy, Petrus, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 237-07** **4/24/07** **PURCHSVCSMAR**  
**AUTHORIZING THE CAYUGA COUNTY TREASURER TO CHARGE DEPARTMENTS FOR CENTRAL SERVICES AND PURCHASES FOR THE MONTH OF MARCH 2007**

BY: Hon. Paul Dudley, Chairman, Ways & Means Committee.  
WHEREAS, the Ways & Means Committee approved the payment of all Central Services,  
RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to credit the revenue account and charge the following departments' .40 Accounts (Contractual Expenditures) in accordance with attached schedules:

DEPARTMENT	CREDIT	AMOUNT
Central Purchasing	A1275	\$11,365.48
	TOTAL	\$11,365.48

Signed by Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 238-07 nhclaims**  
**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE ADMINISTRATOR OF THE CAYUGA COUNTY NURSING HOME**

By: Ann Petrus, Chairman, Health & Human Services Committee  
Paul Dudley, 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 \$206,219.98 for the month of March 2007, now therefore be it  
RESOLVED, that said payment be part and partial payment of the full audit of this Board.  
Signed by Petrus, Pappert, Dudley, Sedor, Cuddeback, Tortorici, Murphy, Lockwood, Mitchell, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 239-07**

**seniornutrition**

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

BY: Ann Petrus, Chair, Health & Human Service Committee

Paul Dudley, Chair, Ways & 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 \$34,961.11 covering the period through 3/30/07 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, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 240-07**

**4/24/07**

**thrures**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF THRUWAY TOLLS.**

BY: Hon. Paul Dudley, Chairman, Ways & Means Committee.

WHEREAS, this Legislature did by Resolution No. 24-97, adopted January 21, 1997, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Thruway Tolls, and,

WHEREAS, said Committee has audited and authorized payments as follows:

March- 2007 - \$ 104.65

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

Signed by Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 241-07**

**4/24/07**

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

BY: Hon. Paul Dudley, 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:

March- 2007 - \$ 3,469.14

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

Signed by Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 242-07**

**3/26/07**

**AUTHORIZING PAYMENT OF LEGAL NOTICE FEES PRIOR TO THE LEGISLATIVE AUDIT.**

BY: Hon. Paul Dudley, Chairman, Ways & Means Committee.

WHEREAS, several county agencies are required by law to advertise legal notices in area media from time to time, and

WHEREAS, several of the officially designated newspapers offer a discount for prompt payment of legal Advertising invoices, and

WHEREAS, it would be in the best interest of the County to take advantage of the prompt payment discounts by paying these invoices prior to the legislative audit of claims, therefore be it

RESOLVED, that the Clerk of the Legislature is hereby authorized to process legal Advertising invoices for payment by the Cayuga County Treasurer prior to the monthly legislative audit, and be it further

RESOLVED, that a monthly report of said payments shall be provided to each legislator on a monthly basis.

TOTAL – \$5,210.01

Signed by Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye, except Palermo abstained.

**RESOLUTION NO. 243-07 (4/24/07)**

**COA-CAPH4PAY**

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

BY: MR. DUDLEY, 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 Project #00-01-C (Implementation of Master Facilities Plan for CCC Auburn, Campus):**

BILLITIER ELECTRIC, INC.:

Application & Certificate for Payment dated 3/19/07.....\$ 475.00

DELL MARKETING L.P.:

Inv. No. U67384648.....\$ 4,678.75

JOY, McCOOLA AND ZILCH:

Inv. No. 07-0504-2L.....\$ 28,983.70

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

CDW GOVERNMENT, INC.:

Inv. No. DWJ5059.....\$ 3,356.00

Inv. No. DWT1248.....\$ 4,018.00

And be it further

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

Signed by Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 244-07**

**4/24/07**

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

BY: Hon. Paul Dudley, Chairman, 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:

Copier Leases and Maintenance: \$ 9,770.78

Postage Leases: \$ 1,052.00

Misc. Leases: \$ 18,518.05

Total \$ 29,340.83

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

Signed by Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 245-07**

**4/24/07**

**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF PARCEL SERVICE PAYMENTS.**

BY: Hon. Paul Dudley, Chairman, Ways & Means Committee.

WHEREAS, this Legislature did by Resolution No. 03-03, adopted January 3, 2003, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Parcel Service Payments, and

and

WHEREAS, said Committee has audited and authorized payment as follows:

March – 2007 \$ 333.44

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

Signed by Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

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

BY: MR. PAPPERT, 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 2007 Tax Roll, and; WHEREAS, The petitions for correction were received too late to make the necessary adjustments before the extension of taxes, and;

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

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

RESOLVED, that the County Treasurer is authorized and directed to correct the 2007 County and Town Tax Roll; and be it further

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

RESOLVED, that the 2006/2007 School Tax Roll shall also be corrected as follows:

**Town of Montezuma: TM# 92.00-1-15.** Assessed to David & Mary Marcolini. Clerical error. This property was qualified to receive a basic star exemption. However, due to a clerical error, the exemption failed to get extended onto the 2006 Final Assessment Roll. The 2006 Final Assessment Roll should be corrected to include a basic star exemption, code: 41854 in the amount of 31,320. The 2006/2007 Port Byron Central School Tax Roll should be corrected to include a basic star exemption. Since the property owner already paid the 2006/2007 school taxes, a refund is being requested.

**Town of Sterling: TM# 10.00-1-2.** Assessed to Lynn Sutterby. Error in essential fact. The mobile home that was situated on this property was removed 7/25/2005 per notarized statement. The correct assessment for this property is 18,200 land and total assessment. The Assessor failed to remove the value for the mobile home and correct the assessment to 18,200 land and total, on the 2006 Final Assessment Roll. The 2006/2007 Red Creek Central School Roll should be adjusted to reflect the assessment of 18,200 land and total assessment. The 2007 County/Town Tax Roll should be corrected to reflect vacant land at 18,200 land and 18,200 total assessment. A 2007 corrected tax statement should be prepared. Since the unpaid school tax was rolled onto the 2007 County/Town Tax Roll, the amount should be adjusted to reflect the correct assessment. If the 2007 County/Town Taxes have already been paid, then a refund should be issued as is applicable.

**Town of Conquest: TM# 56.00-1-28.** Assessed to Dominick Mossow. Clerical error. The prior assessor mistakenly removed the basic star exemption for the 2005 Final Assessment Roll, when there was a land contract on file. The 2005 Final Assessment Roll should be corrected to include a basic star exemption: Code: 41854 in the amount of 32,480. The 2005/2006 Port Byron Central School Tax Roll should be corrected to include the basic star exemption. The 2005/2006 School tax bill was paid and the property owner is requesting a refund for overpayment of taxes for that year.

**Town of Sterling: TM# 2.00-1-1.16.** Assessed to Green Valley Associates. Clerical error in essential fact. This property was valued as having two primary sites when in fact there was only one. The 2006 Final Assessment roll should be adjusted to reflect the correct assessment of 466,100 land value and 593,700 total value. The 2006-2007 Hannibal School bill should be corrected and necessary refunds issued. The 2007 county/town tax roll should be corrected and a new 2007 tax statement issued. If the 2007 County/Town taxes have already been paid, then a refund should be issued as applicable.

**Town of Summerhill: TM# 234.00-1-46.795.** Assessed to James Toolan. Clerical error. This parcel should applied for and qualified for the Agricultural Exemption on the 2005 and the 2006 Final Assessment roll. The 2006 Final assessment roll should be adjusted to reflect and agricultural exemption in the amount of 19,726. The 2007 County/Town tax roll should be adjusted to reflect this correction, and a new 2007 tax statement should be prepared. If the 2007 County/Town taxes have already been paid, then a refund should be issued as applicable. The 2005 Final assessment roll should be adjusted to reflect the agricultural exemption in the amount of 18,353. The 2006 County/Town tax roll should be adjusted to reflect this correction. The 2006 County /Town tax bill has been paid and a refund should be issued. All school bills were relieved on the county/town tax roll and corrected unpaid school amounts are reflected on the corrected 2006 and 2007 corrected county/ town tax bills.

Signed by Dudley, Murphy, Schuster, Lockwood, Mitchell, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 247-07 (4/24/07) COA-DOGTXAPP07  
DIRECTING THE COUNTY TREASURER TO PAY DOG TAX MONIES AS APPORTIONED.**

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

WHEREAS, in accordance with Section 111 of the Agriculture and Markets Law the County Treasurer herewith presents for filing his annual Dog License Report, together with a Statement of Amounts Remitted and Apportioned; now, therefore, be it

RESOLVED, that the attached Dog License Report be received, approved and printed in the Journal of the County Legislature and that the County Treasurer be authorized and directed pay to the City of Auburn and the several towns the amounts mentioned in the apportionment column of said Statement, totaling \$8,444.24.

Signed by Dudley, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 248-07 4/24/07 COL Payemprelunch  
Authorizing The County Treasurer To Pay Balloons Restaurant And Catering For Employee Recognition Lunch Expense.**

By: Hon. Paul M. Dudley, Chairperson, Ways & Means Committee

WHEREAS, the fifth annual Cayuga County Employee Recognition Luncheon will be held on May 24, 2007 at the Emerson Park Pavilion.

WHEREAS, the event will honor county employees with 10, 15, 20, 25, 30 and 35 years of devoted service to the taxpayers of the county.

WHEREAS, funding for the event is provided by appropriated funds in account A-3620.400.074 (page 88 of 2007 budget) with the CSEA providing funding for postage, invitations, etc..

WHEREAS, the Balloons Restaurant and Catering will cater this luncheon event.

NOW THEREFORE BE IT RESOLVED, that the Cayuga County Treasurer be authorized and directed to issued payment to Balloons Restaurant and Catering upon submission of an itemized bill and certification from the Clerk of the Legislature to the County Manager that the amount is just and accurate and said amount shall be charged to account A-3620.400.074.

BE IT FURTHER RESOLVED, that the Cayuga County Treasurer be authorized and directed to make all necessary journal and accounting entries, as prescribed by the Comptroller of the State of New York, to accomplish same.

Signed Dudley, Lockwood, Mitchell, Murphy, Petrus, Schuster

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 249-07 (April 24, 2007) HD Healthy Lifestyle Program WIC  
Authorizing the Director of Health & Human Services to Accept Additional WIC Funding for the Healthy Lifestyle Program**

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

Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, the NYS WIC Program has made funds available to assist local agencies in promoting a healthier life style through exercise and nutrition to the WIC community through the Healthy Lifestyle Program; and

WHEREAS, the goal of this funding opportunity is to develop strategies to motivate participants and their families to adopt a healthier lifestyle through increased physical activity and improved eating habits; NOW, THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized to accept this additional funding of \$10,000 for the Healthy Lifestyle Program, costs of which are to be obligated prior to September 30, 2007; and be it further RESOLVED, that the County Treasurer amend the 2007 WIC Budget in the following manner:

Increase Account #4011.400.074 (Healthy Lifestyle Program).....\$10,000

Increase Revenue Account #3411 (State Aid WIC).....\$10,000

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 250-07 (April 24, 2007) HS Cemetery Contract Throop  
Rescinding Resolution #125.07 and Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with the Town of Throop Cemetery to Provide for Indigent Burials**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, the County has the obligation to provide burials to indigent persons without available resources; and WHEREAS, Resolution #125-07 states that the Town of Throop Cemetery and St. Joseph's Cemetery were approved to provide plots for indigent burials at a cost of \$700.00 per burial; and

WHEREAS, we have received a letter from St. Joseph's Cemetery stating that they do not choose to provide plots for indigent burials at a cost of \$700 per burial; NOW, THEREFORE BE IT

RESOLVED, that the Legislature rescind Resolution #125-07 and that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a contract with the Town of Throop Cemetery for the purchase of plots as needed at a cost of \$700.00 per plot for indigent burials; and be it further

RESOLVED, that these expenses be paid from account #6140 (Safety Net) of the 2007 Human Services Budget.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye except Schuster voting No.

**RESOLUTION NO. 251-07 (April 24, 2007) HS Catholic Charities SSI Maximization  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Catholic Charities for Case Management/SSI Maximization**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, counties across NYS have been encouraged to develop strategies to assist individuals on Safety Net Assistance (SNA), 50% State and 50% Local, who appear eligible to move to SSI approval; and

WHEREAS, this small contract has been successful in helping a number of individuals move from Public Assistance to SSI, but we are also seeing a significant increase in the number of SNA cases pending SSI; and

WHEREAS, in addition to continuing this contract and providing some one-on-one case management support, we would like to pursue having the RN staff from Catholic Charities also review more comprehensive medical information prior to the SSI path being pursued; 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 Catholic Charities for the provision of Case Management for the period April 1, 2007 through March 31, 2008 at the cost of \$14,000; and be it further

RESOLVED, that these services be paid from account #6010.400, line item # .059 of the Human Services Department's 2007 Budget.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 252-07 (April 24, 2007) HD Riccione Contract  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Service Contract with John Riccione to Provide Occupational Therapy Services**

BY: Ann Petrus, Chairman of the Health & Human Services Committee  
David Pappert, Chairman of the Ways & Means Committee

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

WHEREAS, the Department relies to an extent on obtaining services through certain professional independent contractors; now, therefore, be it

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a 2-year contract with John Riccione to provide the needed services for the period of May 1, 2007 through April 30, 2009 at the following rates:

Occupational Therapy:	<u>5/1/07-4/30/08</u>	<u>5/1/08-4/30/09</u>
Initial Visit.....	\$69.67	\$71.16
Repeat Visit.....	\$63.43	\$64.70
Orient, Training, Inservice.....	\$15.60	\$15.60

And be it further

RESOLVED, that the charges for these services be paid out of account #4012.400, line item # .220 of the 2007 Health Department Budget.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 253-07 (April 24, 2007) HD Optimum Partners CHA  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into a Contract With Optimum Partners to Update the Community Health Assessment**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, resolution #432-06 authorized the Clerk of the Legislature to put out an RFP for the Health Department's mandated 2007 Community Health Assessment work; and

WHEREAS, in the interim of releasing the RFP's, the State has issued a letter to the local health departments changing the time period covered by the Municipal Public Health Services Plan and the Community Health Assessment (CHA) from 2 years to 4 years; and

WHEREAS, in this letter we were informed that the next full CHA will be due in 2008 and will cover four (4) calendar years, 2009-2012; and

WHEREAS, in this interim until the requirements for the 2008 full CHA are known, we are requesting to renew our contract with Optimum Partners for 2007 for the purpose of keeping the assessment they prepared current, so the Department will be in a better position to complete the full 2008 CHA requirements by having up-to-date community data; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services enter into a contract with Optimum Partners for the period of May 1, 2007 to December 31, 2007 to update our current assessment in an amount not to exceed \$6,000; and be it further

RESOLVED, that RFP's for completing the full 2008 CHA will go out once the guidance is received.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 254-07 (April 24, 2007) HD Carey&Daley Contract  
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Contract with Carey & Daley, Physical Therapy, P.C.**

BY: Ann Petrus, Chairman of the Health & Human Services Committee  
Paul Dudley, Chairman of the Ways & Means Committee

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

WHEREAS, the Department relies to an extent on obtaining services through certain professional independent contractor providers; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a contract for the time period 4/25/07-9/30/08 with Carey & Daley, Physical Therapy, P.C. at the following rates:

<u>Disciplines</u>	<u>Effective</u> 4/25/07-9/30/07	<u>Effective</u> 10/1/07-9/30/08
Initial Visit.....	\$61.20	\$62.42
Revisit.....	\$56.10	\$57.22
Phys. Therapy Assistant.....	\$35.06	\$35.76

and be it further

RESOLVED, that the costs of the above services be paid out of account #4012.400, line item #.127 of the Health Department Budget.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 255-07 (April 24, 2007) HS                   Huntington Contract**  
**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew a Contract with Huntington Family Center, Inc.**

BY:     Ann Petrus, Chairman of the Health & Human Service Committee  
       Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, the Department of Health & Human Services is responsible to appropriately program for children placed in foster care and/or preventive services; and

WHEREAS, Huntington offers a specialized program; and

WHEREAS, the Department of Health & Human Services has successfully contracted with Huntington Family Center, Inc., in the past to provide out patient clinical assessment and services; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be allowed to enter into a contract with Huntington Family Center, Inc. for the period of 1/1/07 to 12/31/07 at the following monthly rates:

Assessment.....	\$800
Individual Group & Family.....	\$625
Individual & Family.....	\$525
Individual & Group.....	\$500
Individual.....	\$400

and be it further

RESOLVED, that the payment of these services be made out of account #6119 of the 2007 Human Services Budget.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 256-07(April 24, 2007)           HD   HMWP 2007-08**  
**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew a Contract with the NYS Department of Health to Participate in the Healthy Men & Women's Partnership, Accept Funding for These Programs and Create/Fill P.T. Health Program Coordinator (100% Funded)**

BY:     Ann Petrus, Chairman of the Health & Human Service Committee  
       Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, the New York State Department of Health has again made funds available to the Health Department to continue its participation in the Healthy Men and Women's Partnership (HMWP); and

WHEREAS, this program provides screening for eligible women for breast and cervical cancer, screening for eligible men and women for colorectal cancer, and education as regards colorectal and prostate cancer to those individuals screened; and

WHEREAS, this year we have been given an increase in grant funding from the State and, therefore, are expected to increase the number of clients served (475 breast and cervical screenings, 300 colorectal screenings); and

WHEREAS, the Department wishes to have, created and filled, an additional Part-Time Health Program Coordinator (100% funded) to assist in managing this program; NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be allowed to renew its contract with the NYS Department of Health to accept 100% grant funding for the HMWP in the amount of \$237,741 for the period April 1, 2007 through March 31, 2008, and that the Health Department be allowed to contract for services necessary to implement this grant without further action from the Legislature; and be it further

RESOLVED, that the Legislature create a Part-Time Health Program Coordinator (100% funded) pursuant to Part II, Non-Bargaining Titles, of the 2007 Cayuga County Compensation Plan at an hourly rate of \$17.07/hr. (probation) and \$17.22/hr. (1<sup>st</sup> step); and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the following adjustments to the Health Department's 2007 Budget in the following manner:

Increase Revenue Account #3414.....	\$237,741
Increase Appropriation Account #4010.412.....	\$237.741

and be it also

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make the necessary journal and accounting entries in the Health Department's 2007 budget to accomplish the same.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Lockwood, Mitchell, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 257-07 (April 24, 2007) HS Create/Fill Sr. Typist SCU**

**Authorizing the County Legislature to Create a Sr. Typist Position in the Support Collection Unit of Human Services; Authorizing the Director of Health & Human Services to Fill the Newly Created Sr. Typist Position and to Leave Vacant a Sr. Stenographer Position in that Unit**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, a Sr. Stenographer position was vacated in the Support Collection Unit of Human Services due to the incumbent being given an unpaid leave of absence effective April 6, 2007; and

WHEREAS, the position of Sr. Stenographer will be encumbered by the employee until the completion of the leave of absence or resignation of the employee; and

WHEREAS, in anticipation of the Sr. Stenographer position being vacated, the Department submitted a duties statement to the Civil Service Commission; and

WHEREAS, the recommended title for the duties anticipated is Sr. Typist; NOW, THEREFORE, BE IT RESOLVED, that the Cayuga County Legislature create one Sr. Typist position, Grade 8, in the Support Collection Unit of Human Services, with the stipulation that the encumbered Sr. Stenographer position, Grade 9, in that unit be left vacant; and be it further

RESOLVED, that the Director of the Health & Human Services be authorized and directed to fill the newly created Sr. Typist position and any fill behind in accordance with Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further

RESOLVED, that either upon the return of the employee to the encumbered Sr. Stenographer position, that the Sr. Typist position be abolished or upon the resignation of the Sr. Stenographer that the position of Sr. Stenographer be abolished.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 258-07 (April 24, 2007) HD Fill PT LPN CHHA**

**Authorizing the Director of Health & Human Services to Fill One Part-Time LPN Vacancy at CHHA**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, there is one Part-Time LPN vacancy as of March 23, 2007 at the Home Care Agency; and

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

WHEREAS, sufficient funding exists in the Health Department's 2007 Budget to support this position; NOW, THEREFORE, BE IT

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

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 259-07 (April 24, 2007) HS Fill Temp Caseworker Child Welfare**

**Authorizing the Director of Health & Human Services to Temporarily Fill a Caseworker Vacancy in Child Welfare Unit**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, a caseworker in the Child Welfare Unit of Human Services has been granted a Leave of Absence effective February 3, 2007; and

WHEREAS, it is anticipated the caseworker will now be out on an unpaid leave for an additional 6-7 months; and

WHEREAS, this work is mandated and reimbursed at 75% state and federal; and

WHEREAS, sufficient funding exists in the Human Services Department's 2007 budget to support this position; NOW, THEREFORE BE IT

RESOLVED, that the Director of Health & Human Services be authorized and directed to temporarily fill the vacated Caseworker position in the Child Welfare Unit, and any fill behind that may occur, in accordance with Civil Services Rules and Regulations and the Policies of the County of Cayuga.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 260-07 (April 24, 2007) HD Fill PT RN at CHHA**  
**Authorizing the Director of Health & Human Services to Fill One Part-Time RN Vacancy at the Home Care Agency**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, there is a Part-Time RN vacancy at the CHHA due to a resignation effective February 28, 2007; and  
WHEREAS, this position is necessary for the effective and efficient operation of the Department; and  
WHEREAS, this position is funded in the Health Department's 2007 Budget; NOW, THEREFORE, BE IT  
RESOLVED, that the Director of Health & Human Services be authorized to fill the Part-Time RN vacancy in a  
manner consistent with the rules and regulations of the County of Cayuga and the Cayuga County Civil Service  
Commission.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 261-07 (April 24, 2007) HD Fill RPN**  
**Authorizing the director of Health and Human Services for fill a RPN position in CHHA**

BY: Ann Petrus, Chairman of the Health and Human Services Committee  
Paul Dudley, Chairman of the Ways and Means committee

WHEREAS, on April 9, 2007 the person slated to fill the Public Health Nurse (PHN) position authorized through  
resolution 194-07 declined the full time job on the morning she was to start work; and  
WHEREAS, now the position is available and we have a qualified Registered Professional Nurse (RPN) currently in a  
part time RPN position interested in taking the full time position; and  
WHEREAS, it is our desire to fill this full time nursing position in order to serve the patients of our Home Care  
Agency;

WHEREAS, there are sufficient funds in the 2007 Health Department budget to cover the filling of the RPN position,  
NOW THEREFORE BE IT

RESOLVED, the resolution 194-07 be rescinded, and be it further

RESOLVED, the Director of Health and Human Services be hereby authorized to fill the vacant RPN position and any  
vacancy created by that fill in a manner consistent with the Cayuga County Civil Service Rules and Regulations and the  
Policies of the County of Cayuga.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.  
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 262-07 (04/24/07) EMS MCI RADIOSrev**  
**Authorizing the purchase of three (3) Highband and three (3) Lowband Mobile Radio units for the Cayuga County Emergency Medical Services' three (3) Mass Casualty Incident (MCI) trailers. (2/3)**

By: Ms. Ann Petrus, Chairperson of Health & Human Services Committee  
Mr. Paul Dudley, Chairperson of Ways & Means Committee

Whereas, the Cayuga County Emergency Medical Services has three Mass Casualty Incident trailers stationed in three  
areas of Cayuga County (Northern, Central and Southern) for use in emergency response and disasters, and,  
Whereas, the current radios in these trailers are out of date and not narrow band capable to the new frequencies; thus in  
need of replacement in order to provide the necessary communication capability required for emergency response, and,  
Whereas, the radios may be purchased from C-Com of CNY, 1741 Clark Street, Auburn, NY below the NYS Contract  
pricing for a total of \$3,270.00, and

Whereas, the Cayuga County Emergency Medical Services Budget (4072.2 equipment) has adequate funds to cover the  
total cost of \$3,270.00 for the radios; Now, therefore, be it

Resolved, that the Cayuga County Emergency Medical Services be authorized to purchase the above referenced radios  
from C-Com of CNY for the total cost of \$3,270.00; 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 Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by 2/3 vote, APPROVED Ayes – Murphy(14), Sedor(21), Dudley(21), Smith(19), Petrus(15)Lockwood(17),  
Mitchell(16),Tortorici(14), Pappert(14), Schuster(13), Fearon(18) Noes – Cuddeback(18), Lepak(14) Excused –  
Palermo(16), Netti(14) 182/32/30

**RESOLUTION NO. 263-07 (April 24, 2007) HS Purchase Blinds**  
**Authorizing the Director of Health & Human Services to Purchase Blinds for Human Services Offices**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, the drapes on the windows in offices of Human Services are 35+ years old and in a state of disrepair; and  
WHEREAS, funds have been budgeted in the 2007 Human Services Budgets to replace a number of these drapes with  
blinds; NOW, THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized to purchase blinds for the 4<sup>th</sup> floor  
(Conference Room, Child Protective Unit, and Foster Care), for the 2<sup>nd</sup> floor Support Collection Unit, and for the Case  
Integrity Unit, to be paid out of account #6010.2 of the 2007 Human Services Budget in the amount of \$3,470.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by 2/3 vote, all voting aye, except Palermo and Netti excused 214/30

**RESOLUTION NO. 264-07 (April 24, 2007) HD Reject RFP for Home Care Agency**  
**Rejecting the Point of Care Software System Bid for the County Health Department's Home Care Agency and**  
**Authorizing the Clerk of the Legislature to Re-Advertise**

BY: Ann Petrus, Chairman of the Health & Human Service Committee  
Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, the Cayuga County Legislature, by resolution No. 131-07, authorized the Clerk of the Legislature to  
advertise and receive bids for a Point of Care Software System for the Health Department's Home Care Agency; and  
WHEREAS, three responses were received from the following companies:

- A. 3M Company of Salt Lake City, Utah
- B. Care Centric of Atlanta, Georgia
- C. Solution Development Firm, LLC of Hallstead, Pennsylvania

and

WHEREAS, the Legislature of Cayuga County recommends that these committees reject all bids received and that the  
Treasurer of the County of Cayuga be directed to return the bid deposits received to the vendors; NOW, THEREFORE  
BE IT

RESOLVED, that the Cayuga County Legislature does hereby reject all bids received for the Point of Care Software  
System for the Health Department's Home Care Agency; and be it further

RESOLVED, that the Cayuga County Legislature allows the Clerk of the Legislature to re-advertise and receive new  
sealed bids for the said Point of Care Software System.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 265-07 (4/24/07) COM.MHrestfundsrev**  
**RESTRICTING FUNDS FOR OVERPAYMENTS OF MENTAL HEALTH PROGRAMS FROM COUNTY'S**  
**FUND BALANCE**

BY: Hon. Ann Petrus, Chairman Health & Human Services Committee  
Hon. Paul Dudley, Chairman Ways and Means Committee

WHEREAS, Cayuga County's Mental Health Department has received in excess of \$1,000,000.00 of overpayments for  
Mental Health Programs over several years; and

WHEREAS, the State of New York continues this practice even today; and

WHEREAS, at some point the State of New York will audit these mandated programs and seek repayment from the  
County; now, therefore be it

RESOLVED, that annually no later than June 1<sup>st</sup> of each year, the Director of Mental Health Services shall provide the  
County Treasurer with an estimate of the State overpayment amount in the COPS and CPS Programs; and be it further

RESOLVED, that the Cayuga County Legislature hereby directs the County Treasurer to set aside these Mental Health  
State Funds in an interest bearing account; and be it

Further

RESOLVED, that the County Treasurer is hereby authorized and directed to set aside \$1,061,270.00 for said  
overpayments in the COPS and CPS programs in a liability account 0632.00 in order to re-pay the overpayment.

RESOLVED, that these funds are not to be considered or used as part of the County's unappropriated fund balance and  
can be only used for Mental Health Programs should the need arise.

Signed by Petrus, Cuddeback, Dudley, Pappert, Sedor, Tortorici, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 266-07 (4/24/07)**

**MHrepay**

**REPAYMENT OF MENTAL HEALTH OVERPAYMENTS**

BY: Hon. Ann Petrus, Chairman Health & Human Services Committee  
Hon. Paul Dudley, Chairman Ways and Means Committee

WHEREAS, Cayuga County has received overpayments for New York State Mental Health Programs known as COPS and CPS as a result of a retroactive rate adjustment; and

WHEREAS, these funds were set aside in an Account 0632.00 for the purpose of identifying liabilities resulting from overpayments; and

WHEREAS, these funds have been set aside for this purpose; now, therefore be it

RESOLVED, that the County Legislature does hereby authorize the repayment of the requested State overpayment of \$113,492.16 for COPS and CPS Programs.

Signed by Mitchell, Lepak, Petrus, Schuster, Sedor, Dudley, Mitchell, Lockwood, Murphy.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 267-07 (04-24-2007)**

**CC Computer/ACSrev**

**AUTHORIZING THE COUNTY CLERK TO EXTEND COMPUTER SERVICE CONTRACT BETWEEN ACS AND CAYUGA COUNTY FOR ONE YEAR.**

BY: MR. FRANCIS MITCHELL, Chairman, Government Operations Committee and  
MR. PAUL DUDLEY, Chairman, Ways & Means Committee

WHEREAS, the County Clerk presently has a five year contract with ACS, a computer service company which expires in May 1, 2007; and

WHEREAS, the County Clerk's Recording Office will undergo major changes in the next year in the way documents are recorded, and will therefore undergo some renovations to make the work space more efficient; and

WHEREAS, the County Clerk is working with the Civil Service/Human Resources Office to review staff titles, and until renovations and staff issues are complete, the County Clerk is requesting that the present contract be extended for one year; now, be it

RESOLVED, that the Cayuga County Legislature, approve a one year extension, with no increases to the monthly fee of \$5458.00 (contract to expire May 1, 2007) of the contract between ACS and the Cayuga County Clerk, and authorize the Treasurer to make payment from Account 1410.400.073-A.

Signed by Mitchell, Lepak, Petrus, Schuster, Sedor, Dudley, Mitchell, Lockwood, Murphy.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 268-07(April 24, 2007) Gov't Ops. VETS Purchase of Vehiclerev  
To Authorize the Director of Veterans Service Agency to Purchase a Van for The Transportation Of Veterans To The Syracuse Veterans Administration Medical Center.**

BY: Francis Mitchell, Chairperson, Government Operations Committee  
Paul M. Dudley, Chairperson, Ways and Means Committee

WHEREAS, the purchase of one van for the Veterans Service Agency is necessary to ensure the transportation of eligible Cayuga County veterans to the Syracuse Veterans Administration Medical Center; and

WHEREAS, funding for this purpose has been approved in the 2007 Veterans Service Agency Budget; now therefore be it

RESOLVED, that the Director of the Veterans Service Agency be authorized to purchase, under state contract, the following vehicle to be paid out of the following account; and be it further

RESOLVED, that a like amount of County owned vehicle assigned to the Veterans Office shall be surrendered to the Clerk of the Legislature for the eventual disposal at the annual County Surplus Auction

<u>Account #</u>	<u>Quantity</u>	<u>2007 Van Make &amp; Model</u>	<u>Not to Exceed Purchase Price</u>
6510.2	One (1)	PH5F212 – 114, Adult Passenger Wheelchair Vehicle	\$50,000.00

Signed by Mitchell, Lepak, Petrus, Schuster, Sedor, Dudley, Mitchell, Lockwood, Murphy.

Approved by 2/3 vote, all present voting aye, except Palermo and Netti excused 214/30

**Authorizing the Chairman of the Cayuga County Legislature to consolidate all elevator Assured Maintenance Agreements.**

BY: Hon. Steven E. Cuddeback, Chairman, Public Works Committee  
Hon. David Pappert, Chairman, Ways & Means Committee

WHEREAS, the elevators in Cayuga County are a necessary pieces of equipment, for the public to safely access County buildings; and

WHEREAS, the County can not perform maintenance or inspections on its own elevators; and

WHEREAS, all the elevator maintenance agreements are for different lengths of time, and

WHEREAS, it would be advantages for the County to have all elevator maintenance agreements run at the same time and the total yearly elevator maintenance cost for the 8 county elevators is \$22,368.00

, And

WHEREAS, the County would receive a 3% discount if payment was paid in advance, and

WHEREAS, this would save the County a total of \$671.04,

Building	Cost per month	Cost per Year
Court House	\$144.67	\$1,736.04
95 Genesee st	\$212.00	\$2,544.00
Historic Post Office	\$457.22	\$5,486.64
Records	\$180.00	\$2,160.00
County Office Building	\$870.11	\$10,441.32
	Sub Total	\$22,368.00
	3% discount	- \$671.04
	Total	\$21,696.96

Now therefore be it

RESOLVED, that the Cayuga County Chairman is hereby authorized and directed to enter into a Maintenance Agreement with ThyssenKrupp Elevator to consolidate the 8 elevator contracts in the County and be it further

RESOLVED, that the Buildings and Grounds Department Budget Account No's. 1620-400-026-A,

1621-400-026-A, 1622-400-026-A, and 7530-400-026-A have sufficient funds for these agreement, and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is authorized and directed to enter into contracts with ThyssenKrupp Elevator for this service, and be it further

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

Signed by Cuddeback, Lepak, Lockwood, Palermo, Pappert, Smith, Tortorici, Dudley, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 270-07 April 24, 2007 hwyoncoflasheragreerev1**

**AUTHORIZE CHAIRMAN AND HIGHWAY SUPERINTENDENT TO SIGN AN INTERMUNICIPAL AGREEMENT WITH ONONDAGA COUNTY FOR A TRAFFIC FLASHER**

By: Steven Cuddeback, Chairman Public Works Committee

Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the Cayuga County Highway Department and Onondaga County desire to work together through a Mutual Sharing Plan; and

WHEREAS, this Inter-municipal Agreement would allow Onondaga County Highway Department and the Cayuga County Highway Department to assist each other and jointly install and maintain a traffic flasher at the intersection of Franklin Street Road, County Line Road and Old Seneca Turnpike; and

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

WHEREAS, Onondaga County and Cayuga County will share the associated costs equally; and

WHEREAS, it is estimated that the total cost of the project is estimated at \$35,000.00 and there is not sufficient monies budgeted for this project in Account No. 5110.400.090D; now therefore be it

RESOLVED, that the cost for the installation is estimated at \$17,500.00, for Cayuga County's share and the cost is to come from account 5113.400.099D; and be it further

RESOLVED, that the Treasurer is hereby authorized to transfer \$17,500 from account 5113.400.099D to account 5110.400.090D to cover the expense of said project; be it further

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 Onondaga County.

Signed by Cuddeback, Lepak, Lockwood, Palermo, Pappert, Smith, Tortorici, Dudley, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 271-07      April 24, 2007    hwyAuburnagreerev**  
**AUTHORIZE CHAIRMAN AND HIGHWAY SUPERINTENDENT TO SIGN AN INTERMUNICIPAL AGREEMENT WITH THE CITY OF AUBURN**

By: Steven Cuddeback, Chairman Public Works Committee

Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the Cayuga County Highway Department and the City of Auburn desire to work together through a Mutual Sharing Plan; and

WHEREAS, this Inter-municipal Agreement would allow the City of Auburn Highway Department and the Cayuga County Highway Department to assist each other on projects; 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 the City of Auburn.

Signed by Cuddeback, Lockwood, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Murphy, Mitchell, Schuster, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 272-07    (4/24/07)              cocbldsname95geneserev1**  
**DESIGNATING 95 GENESEE STREET, AUBURN, NEW YORK AS THE "HARDENBERGH BUILDING"**

BY:    Hon. Steven E. Cuddeback, Chairman, Public Works Committee

WHEREAS, the County of Cayuga obtained by purchase on 13 July 2006 the building located at 95 Genesee Street, Auburn, New York; and

WHEREAS, the building is in need of a name; and

WHEREAS, our County Historian recommends naming the building after Colonel John L. Hardenbergh; and

WHEREAS, revolutionary soldier Colonel John L. Hardenbergh is probably the only person to have walked the length and breadth of Cayuga County as he surveyed the Great Lots for the military track; and

WHEREAS, Colonel John L. Hardenbergh saw the great potential of the water power of the Owasco River and purchased great lot 47 and came into the wilderness in 1793 at the age of 47, cleared the land, damned the river, and built a mill; and

WHEREAS, Colonel. John L. Hardenbergh encouraged others to settle in the area which was called Hardenbergh's Corners (later named Auburn) and is therefore considered the founder of the City of Auburn. Now be it

RESOLVED, that the Cayuga County Legislature hereby dedicates 95 Genesee Street as the "Hardenbergh Building" in honor of this early Cayuga County surveyor and founder of the City of Auburn.

Signed by Cuddeback, Lepak, Lockwood, Pappert, Tortorici.

Approved by voice vote, all present voting aye, except Lockwood voting No.

**RESOLUTION NO. 273-07 (4/24/07) p&tAdoptLocalLawParks2007 4 07  
TO ADOPT LOCAL LAW NO. 1 FOR THE YEAR 2007 REPEALING LOCAL LAW # 7 FOR 1988  
(WHICH ESTABLISHED CONTROL OF ACTIVITIES AND USES AT ALL PARK AND RECREATION  
AREAS OPERATED BY THE COUNTY OF CAYUGA) AND REPEALING LOCAL LAW NO. 1 FOR 1996  
(WHICH ESTABLISHED SEPARATE REGULATIONS FOR THE CONTROL OF ACTIVITIES AND USES  
AT THE COUNTY-OWNED STERLING PROJECT AREA). HENCEFORTH THIS NEW LOCAL LAW  
SHALL REGULATE ALL PARK AND RECREATION AREAS.**

BY: MR. CUDDEBACK, Chair, Public Works Committee.

WHEREAS, Local Law No. 1 for the year 2007 was presented to the Cayuga County Legislature on the 27th day of March, 2007; and

WHEREAS, pursuant to law and after proper notice having been given, the County Legislature held a public hearing on said Local Law No. 1 for 2007 on April 24, 2007 at 6:30 P. M.; now, therefore, be it ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. 1 for 2007, entitled:

**A LOCAL LAW ESTABLISHING REGULATIONS FOR THE CONTROL OF  
ACTIVITIES AND USES BY THE PUBLIC AT ALL PARK, TRAILS AND RECREATION AREAS OWNED  
AND OPERATED BY THE COUNTY OF CAYUGA.**

**and be it further**

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

Signed by Cuddeback, Palermo, Lepak, Lockwood, Pappert, Smith, Tortorici.

Approved by voice vote, all present voting aye.

County of Cayuga

Local Law No.1 of the year 2007

A LOCAL LAW ESTABLISHING REGULATIONS FOR THE CONTROL OF  
ACTIVITIES AND USES BY THE PUBLIC AT ALL PARK, TRAILS AND RECREATION AREAS OWNED  
AND OPERATED BY THE COUNTY OF CAYUGA.

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

SECTION 1. REPEAL OF PRIOR LAWS. Local Law No.7 for the year 1988 and Local Law No. 1 for the year 1996 are hereby repealed.

SECTION 2. DEFINITIONS OF TERMS. Whenever used in this Local Law, the following terms shall mean and include the meanings expressly set forth in this section, unless otherwise expressly defined.

(a) "Commission" shall mean the Cayuga County Parks and Trials Commission, including its employees and any individuals or agencies designated by same to act in its behalf.

(b) "Motor vehicle" shall mean any vehicle designed or maintained for use primarily on a highway and powered by any power other than muscular power, other than a snowmobile, all-terrain vehicle or similar wheeled or air-cushioned vehicle.

(c) "Parks" shall mean all those areas (*including trails*) that are presently or shall in the future be under the jurisdiction, custody or control of the Commission.

(d) "Personal property" shall mean any property, or interest therein, other than real property.

(e) "Property" shall mean real or personal property.

(f) "Real Property" shall mean lands, improvements and structures thereon, rights, franchises and interests therein, lands under water and riparian rights, and any interests in lands less than full title, including, without limitation, temporary or permanent easements (including scenic or conservation easements), divided or undivided interests, rights of way, uses, leases, licenses, and any other estate, interest or right in lands, legal and equitable.

SECTION 3. CONSTRUCTION OF TERMS. Any term contained in this chapter shall be construed as follows:

(a) Any term in the singular shall include the plural.

(b) Any term in the masculine shall include the feminine and neuter.

(c) The prohibition of any act shall extend and include an attempt to commit such act and the causing and/or the procuring, directly or indirectly, of such act.

(d) No provision contained in this Local Law shall cause to be deemed unlawful any act performed by an officer or employee of the Commission in the line of duty or in the scope of employment, or any act performed by a person, his agent or employees in the performance or execution of the terms of authority granted by or through the Commission or the County.

SECTION 4. TERRITORIAL APPLICATION. The provisions of this Local Law shall be effective within, upon and in the airspace above all property that is presently or shall in the future be under the jurisdiction, custody or control of the Commission, unless otherwise provided.

SECTION 5. VALIDITY. If any section, subdivision, paragraph or provision of this Local Law shall be determined to be invalid, such determination shall apply only to that particular section, subdivision, paragraph or provision, and all other provisions of this Local Law shall remain valid and in effect.

SECTION 6. PERMITS.

(a) A written permit issued by the Commission (or a person duly authorized by the Commission) to do any act shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof.

(b) Any act authorized pursuant to a permit may be performed only by the person or entity or group named therein, and any such authorization may not be assigned or delegated, unless and except as provided in such permit.

(c) Any permit may be revoked at the option of the Commission (or a person duly authorized by the Commission) and such revocation may be

appealed only to the Commission whose judgment shall be final. In case of such revocation (if for cause), all monies paid for or on account thereof, may, at the option of the Commission, be forfeited to and retained by the Commission.

(d) In any case where the holder of a permit or his agent or employee shall have been found to have violated a term or condition thereof, such holder and his agent or employee who has violated such terms and conditions shall be jointly and severally liable to the County of Cayuga for any damages or loss suffered by it in excess of money forfeited and retained by the Commission.

(e) Neither the forfeiture and retention of any such money by the Commission nor the recovery or collection of any damages, or both, shall preclude the prosecution of any person for a violation of a rule or regulation of this Local Law or the violation of any other State or local law, ordinance, rule or regulation.

SECTION 7. CASH DEPOSITS. In any case where the Commission may require a cash-deposit or indemnity bond as security to protect park property against loss or damage, or to limit the extent or duration of the use of such property, or to guarantee compensation to the Commission for property rented or engaged, such cash deposit or indemnity bond shall be forfeited:

(a) In the case of loss of or damage to park property, provided that no such forfeiture shall prevent the Commission from recovering any damages over and above the amount of the deposit or bond resulting from loss or damage of property.

(b) In the case of a violation of any agreement or condition upon which the requirement of a cash deposit or indemnity bond is based.

SECTION 8. REFUND OF FEES. In any case where the Commission has established a fee or charge for the use of a facility under its jurisdiction, custody or control, a refund of such charge or fee may be made under the following circumstances, provided that a service charge to be established by the Commission shall be deducted and withheld from any refund made pursuant to the provisions of subdivision (a) of this section:

(a) Where no financial loss occurs to the County through the cancellation of reservations for the use of space or property.

(b) Where, in the judgment of the Commission, the cancellation is predicated on circumstances beyond the control of the reserving party.

has (c) Where, in the judgment of the Commission, it is clear that there been a misunderstanding on the part of the patron as to space or facilities reserved.

(d) Where an error has been made by the Commission as to the property or space reserved.

SECTION 9. RETURN OF LOST ARTICLES. Any person finding or taking possession of personal property not his own, shall immediately return such property to its lawful owner or custodian. If the lawful owner or custodian cannot be

immediately found or ascertained, the property shall be turned over to the Commission, or to a State or local police agency.

SECTION 10. PROHIBITED ACTIVITIES. Unless permitted in writing by the Commission, the activities and uses enumerated in this section shall be absolutely prohibited on property under the jurisdiction, custody and control of the Commission:

(a) Alms. No person shall solicit alms or contributions without permission of the Commission.

(b) Pollution of Waters. No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters, any sewage, garbage, trash, litter, debris, waste material or any nauseous or offensive matter.

**(c) Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.**

(d) Drains and Sewers. No person shall discharge into any openings or gutter leading into any sewer, receiving basin or drain in or leading into any property, any gas or vapor, or any substance which may form a deposit tending to choke same, or any volatile liquid which may emit an inflammable vapor at a temperature below 160 degrees Fahrenheit, or any steam or water above 100 degrees Fahrenheit.

(e) Injury to Property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree or other plant life.

(f) Disorderly Conduct. No person shall do any of the following:

1. Disobey any lawful order of the Commission or its agents or employees or the directions of any sign erected by or at the direction of the Commission.
2. Use abusive or obscene language or make an obscene gesture.
3. Throw stones or other objects or missiles, which may inflict bodily injury or damage to persons or property or may annoy persons.
4. Obstruct vehicular or pedestrian traffic.
5. Climb upon any wall, fence, bridge railing, structure or monument.
6. Engage in or encourage fighting or violent threatening behavior.
7. Spit upon grounds or other surfaces.
8. Make any unreasonable noise, which tends to annoy others.
9. Throwaway or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose. If a receptacle is not available, the person shall extinguish and carry away said object.
10. No person shall start or maintain a fire except in a fireplace, which may be provided for that purpose or at places especially indicated by the Commission, and all fires shall be continuously under the care of a competent person. This does not exclude the use of privately owned metal grills within designated picnic area, but such privately owned metal grills shall not be used within *fifty* (50) feet from any building or structure.
11. Operate any watercraft, wheeled vehicle, snowmobile, or other equipment in such a manner as to endanger other persons or property or in such a manner so as to create an unreasonable noise or disturbance or annoyance to others.

12. Commit an act, which may result in injury to any person or damage to real or personal property or create a hazardous or offensive condition by any act, which serves no legitimate purpose.

13. Without lawful authority, disturb any lawful assembly or meeting of persons.

14. Congregate with other persons and refuse to comply with a lawful order to disburse.

15. Be intoxicated from drinking an alcoholic beverage or under the influence of illegal drugs.

**(g) Charges. No person shall enter upon or use any facility or property where the use of which a charge or fee is imposed, unless he shall have first paid such charge or fee.**

(h) Property closed to the Public. No person shall enter or remain upon any property or within any structure during such hours, seasons, or other periods that such property or structure has been designated as closed or apparently is closed from its appearance.

(i) Minors. No persons having custody or control of a minor shall permit such minor to do any act in violation of a rule or regulation of the Commission. Minors under ten (10) years of age shall at all times be under the supervision and control of a parent, guardian or responsible custodian. Any violation of this rule by a minor shall be considered a violation by the adult who brought the minor to the area.

(j) Gambling. 1. Gambling, lotteries, games of chance and fortune telling are prohibited. 2. The sale of tickets for the New York State Lottery by concessionaires approved by the Commission shall be permitted and the Commission, at its discretion, may issue a permit to non-profit charitable organizations to conduct games of chance.

(k) No person shall introduce, possess or use any machete or cutting tool other than an axe, hatchet or sheath knife, which may be used for the purpose of preparing wood for a cooking fire. Such wood shall be brought to the park and shall not include any tree or other plant life, which is a part of park property.

(l) Animals. No person shall introduce or possess any animal except as follows, and any animals brought into a park under any other circumstances may be confiscated by the Commission:

1. *Service animals as defined by the federal Americans with Disabilities Act (ADA) and the New York State civil rights laws. (Seeing eye dogs are one example of a service animal.)*
2. Domesticated household pets transported by motor vehicle to a boat launching area provided such pet is transferred immediately to a boat.
3. Horseback riding may be permitted by the Commission at locations specifically designated by the Commission for such activity.
4. *Domesticated household pets under the control of the owner by leash are permitted in areas so designated by the*

*Commission via signage. Domesticated household pets are strictly prohibited in all other areas except as provided in 2, and 3 above. In all areas owners are required to pickup after their pets.*

5. Hunting dogs used exclusively while engaged in legal hunting in an area designated as a hunting area by the Commission.

(m) All-Terrain Vehicles. (ATV) No person shall use or operate an all-terrain vehicle or other similar wheeled or aircushioned vehicle designed or equipped to operate outside of highways. This prohibition shall not be interpreted to include snowmobiles unless equipped with a wheeled conversion to an all-terrain vehicle. *It is understood that all terrain vehicles may be used to facilitate maintenance of park areas and the Commission may in the future designate some areas for licensed recreational ATV use as defined in Section 12 (i).*

(n) Attire. No person shall appear nude in public as defined in the New York State Penal Law or in a state of undress considered lewd under law other than in County rest rooms or changing facilities.

(o) Artificial Swimming Aids. 1. No person shall use tubes, floats, swim fins, aqua-lungs or skin diving equipment of any kind, or any other inflated or buoyant objects or artificial or mechanical aids for swimming or diving. This prohibition shall not apply to Coast Guard rated life jackets. 2. Notwithstanding paragraph (1.) of this subdivision, under special circumstances the use of skin or scuba diving equipment may be authorized in accordance with the terms of a permit issued by the Commission or its agent or employee.

p) Music. 1. No person shall play or permit to be played any radio, stereo, record player, musical instrument or other such device in a loud manner, which, in the sole discretion of the employee or agent of the Commission, is objectionable and annoying to other people. 2. Notwithstanding paragraph (1) above, the Commission may, at its discretion, issue permits allowing for the amplification of music for specific events approved by the Commission.

(q) Hunting and Firearms. No person shall hunt or have in his or her possession any gun, ammunition, explosives (including fireworks), or gas operated, spring operated, or air operated weapon or bow and arrow except where permitted by Commission designation and appropriate signage.

SECTION 11. ACTIVITIES OR USES PROHIBITED EXCEPT WHEN UNDERTAKEN PURSUANT TO A PERMIT No persons shall engage in any of the following activities or uses on park property except pursuant to a permit issued by the Commission and in accordance with the terms thereof and any other conditions contained in this Section:

(a) Meetings, Public Exhibitions, etc. The holding of any meeting, ceremony, religious service, parade, procession, speech, lecture or any form of entertainment, performance, motion picture, contest or other such event, the distribution" or posting of handbills or advertisements in connection therewith, or the erection of any structure, stand or platform in connection therewith.

(b) Fireworks and Explosives. The introduction, possession or use of fireworks, gun powder, powder used in blasting, high explosives, blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder or any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may cause an explosion.

(c) Commercial Activities. The selling or offering for sale, hire or lease any merchandise, service or other thing of value.

(e) Passenger Services. The receiving or discharge of passengers for or upon any wharf, dock or other property under the jurisdiction of the Commission by a vessel or aircraft which carries such passengers for hire other than on an occasional basis.

(f) Aviation. The voluntary landing of any aircraft, balloon or other weight-carrying machine or device designed for flight in or navigation of the air other than in an emergency.

(g) Advertising. The posting or distributing of advertising matter or the oral advertising for sale of any merchandise, article, service or other thing of value.

(h) Promotion Activities. The promotion of any event, belief or philosophy. either by means of the posting or distribution of printed or written matter or orally.

(i) Camping. Camping is prohibited within park property except upon written authorization issued by the duly authorized representative of the Commission in accordance with the following requirements:

1. No laundry shall be hung or spread on trees, shrubs, or lawns.
2. Campsites kept in a clean and sanitary condition.
3. No person shall wash dishes, clothes or his person at a water fountain or other outlet.
4. Trailer campers shall provide suitable receptacles to prevent the discharge of waste from outlets onto real property or a body of water.
5. No person under the age of eighteen (18) will be permitted to camp unless accompanied and supervised by a person eighteen (18) years of age or older who has been issued a permit.
6. No person shall make any structural change or alteration in any campsite.
7. No person shall occupy a site after the time specified in the permit or renewal thereof.
8. No person shall attach a rope, line or other device to a tree, shrub or park structure.
9. Any other rules ordered by the commission and posted in public view or delivered in writing.

(j) The use or operation of toy or model rockets or aircraft. Persons using or operating such devices shall be required to produce evidence of insurances against property damage or personal injury according to guidelines set by the Commission.

(k) TRAPPING. No person shall trap or have in his or her possession traps of any nature unless they have a written permit from the Commission. Any trapping conducted under said permit must be per all local, state and federal regulations.

SECTION 12. REGULATED ACTIVITIES The following activities are prohibited on park property, except in areas specifically designated therefore, by the Commission and during such hour or seasonal periods specifically authorized by the Commission and subject to conditions as may be herein:

(a) The throwing, striking, kicking and catching of any ball, horseshoe or other object or the conduct of any game or athletic activity, or the use of any device or equipment used in any such game or athletic activity.

(b) The engaging in toy or model boating or automobiling.

(c) The use of a sled, skates or other equipment or device used for the purpose of moving on snow or ice on runners, wheels or other means.

(d) Roller-skating, *skateboarding*, roller-blading and all other forms of rolling footwear.

(e) Kite flying.

(f) Swimming, diving, bathing or wading.

(g) The use, launching, beaching, docking, mooring, or anchoring of a boat or watercraft used as a means of transportation on water:

1. No boat or watercraft shall be operated within a bathing area.

2. No boat or watercraft shall be operated at a speed greater than five (5) miles per hour in the channel of the Owasco River, the channel connection Little Sodus Bay with Lake Ontario and within 1,000 feet of land.

3. No person shall permit a vessel to be moored in a channel in such a manner that free movements of boats in the channel would be inhibited.

(h) The use or operation of a snowmobile.

1. Snowmobiles may be operated only on a trail designated for snowmobile use by the Commission. They shall be strictly prohibited in all other areas.

2. The operator of any snowmobile shall carry liability insurance in an amount equal to that prescribed by law for such operation on highways and carry evidence of same.

3. No person shall operate a snowmobile in any area where the snow cover is less than three (3) inches or between April 1 and November 15.

4. No person under sixteen (16) years of age shall operate a snowmobile on property under the jurisdiction, custody or control of the Commission unless he has received safety training as prescribed by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation and has received the appropriate snowmobile safety certificate issued by the Commissioner.

5. No person shall operate a snowmobile on lands under the jurisdiction, custody or control of the Commission in violation of the provisions of New York State Law pertaining to the "Operating of snowmobiles on a street or highway while under the influence of alcohol or drugs". All of the provisions of said laws shall apply

to County lands notwithstanding that such lands may not be classified as streets or highways.

(i) *The use or operation of an ATV.*

**1. ATVs may be operated only in areas designated for ATV use by the Commission via signage. They shall be strictly prohibited in all other areas.**

2. *The operator of any ATV shall carry liability insurance in an amount equal to that prescribed by law for such operation on highways and carry evidence of same.*

3. *No person shall operate an ATV in any area where the conditions are such that the ATV is "sinking in" more than ½ inch.*

4. *No person under sixteen (16) years of age shall operate an ATV on property under the jurisdiction, custody or control of the Commission.*

5. *All ATVs have warning labels advising the appropriate age for riding that particular machine. No underage person is to operate any ATV on property under the jurisdiction, custody or control of the Commission.*

6. *No person shall operate an ATV on lands under the jurisdiction, custody or control of the Commission in violation of the provisions of any New York State Law pertaining to the "Operating of an ATV on a street or highway while under the influence of alcohol or drugs". All of the provisions of said laws shall apply to County lands notwithstanding that such lands may not be classified as streets or highways.*

(j) Golf. *Engaging in the game of golf or in practice therefore. It is understood that this provision does not limit the game of disc golf in areas designated for that activity.*

(k) Fishing. *It is understood that fishing is allowed per New York State Regulations in all areas of county parks except designated swimming areas, designated boat slip areas and other areas as may be posted by the Commission as no fishing areas.*

### SECTION 13. TRAFFIC.

(a) No person shall cause or permit a vehicle to be operated on a park road at a speed in excess of the posted speed limit as designated by the Commission.

(b) No person shall cause or permit a vehicle to be towed or pushed by another vehicle, except that a disabled vehicle may be towed to the nearest park exit by a tow truck operated for such purpose. Disabled vehicles shall be moved off the paved portion of a road so as to prevent obstruction of traffic, but a disabled vehicle shall be permitted to remain off the pavement only until temporary repairs are made or until power can be obtained to remove it. If such vehicle is not removed within twenty-four (24) hours, it may be removed by the Commission at the expense of the owner or person in charge thereof. Any vehicle left on the paved portion of a park road or within an area designated by signage as a "Tow-Away Zone" or in an area not designated for parking may be immediately removed by the Commission at the expense of the owner or person in charge thereof.

(c) No person shall operate a motor vehicle unless duly licensed in accordance with the laws of the State of New York, and no person having custody or control of a motor vehicle shall permit the same to be

operated by another person not duly licensed in accordance with the laws of the State of New York.

(d) No person shall cause or permit the interior of a motor vehicle to be closed from view, except those vehicles designed for camping purposes and then only when being used for camping.

(e) No person shall cause or permit a motor vehicle to be driven or otherwise moved off the improved or paved portion of a park road or designated parking area or a designated access road.

(f) No person shall cause or permit a motor vehicle to be parked except in designated areas or as directed by the Commission. Any vehicle parked in an area not designated for parking may be immediately removed by the Commission at the owner's expense.

(g) No persons shall cause or permit a motor vehicle to enter or leave property under the jurisdiction, custody or control of the Commission, except by designated routes.

(h) No person shall cause or permit a motor to unnecessarily stop or obstruct traffic.

(i) No person shall cause or permit a motor vehicle to be stopped on the improved or paved portion of any road for the purpose of removing or replacing a tire or making any repair to a vehicle.

#### SECTION 14. ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES.

(a) The Commission may confiscate any alcoholic beverages found to be in possession of persons under the age of twenty one (21) years, and may, at its discretion, confiscate any other alcoholic beverages possessed or being consumed by a person of any age in violation of this section.

(b) No controlled substances shall be possessed, used or sold on Park premises.

(c) Any person who is either intoxicated or under the influence of illegal drugs may be immediately ejected from "Park" property.

(d) Alcoholic beverages may be brought into and consumed on park property only under the following conditions:

1. Alcoholic beverages shall be permitted in reserve areas where the reserving group has been issued an alcoholic beverage permit.

2. Alcoholic beverage~ may be purchased from a duly authorized concession facility that has been issued a permit for the sale of alcoholic beverages.

3. Alcoholic beverages may be consumed in designated picnic areas. Designation of picnic areas shall be determined solely by the Commission and such designation may be modified or eliminated at any time. It shall be unlawful for any group or individual to bring into or possess excessive quantities of alcoholic beverages in said designated picnic areas. An amount in excess of seventy-two (72) fluid ounces of beer, ale or other malt beverage per person over 21 years of age shall be considered excessive. The equivalent amount of hard liquor or wine shall also be considered excessive. 1.5 ounces of hard liquor or 6 ounces of wine shall be equivalent to 12 ounces of beer (also see paragraph 7 permit requirement).

4. Consumption or possession of alcoholic beverages is absolutely prohibited at the playground areas, children's ride area and in any other areas so designated by the commission. Alcohol is prohibited on the grounds of Emerson Park on July 3<sup>rd</sup> before, during and after the Syracuse Symphony performance and annual Fireworks Display.

5. Possession of open containers of alcoholic beverages in parking areas is not permitted.

6. No person under the age of twenty-one (21) years shall consume alcoholic beverages.

7. Neither beer nor malt beverages in kegs, nor wine or hard liquor in amounts described above as excessive shall be brought into the Park without a permit.

#### SECTION 15. OPENING AND CLOSING HOURS.

- (a) Parks, trails and recreation areas shall be opened and closed at hours as determined by the Commission. *Normal hours for all such properties shall be dawn to dusk.*
- (b) (b) Notwithstanding paragraph (a) above, the Commission may extend hours that the Parks, trails and recreation areas may remain open for scheduled events. Such extended hours shall be determined on a case-by-case basis by the Commission.
- (c) No person or vehicle, without the written permission of the Commission, shall enter or remain in a restricted/controlled area or any part thereof, when it is closed.

SECTION 16. PENALTIES AND VIOLATIONS. Any person who violates any provisions of this Local Law or of any rule or regulation or order adopted pursuant thereto, shall be guilty of a violation as defined in the New York State Penal Law punishable by a fine not exceeding *FIVE HUNDRED DOLLARS (\$500)* or by imprisonment for a period not exceeding fifteen {15} days, or by both such fine and imprisonment. Law enforcement personnel may instead choose to prosecute the person under other provisions of State Law if the activity is also in violation of said law.

SECTION 17. EFFECTIVE DATE. This Local Law shall take effect upon filing with the Secretary of State.

**RESOLUTION NO. 274-07 (5/22/07) COA LLAdm&EnfNYSUnifmFirePrev&BldgCodeFIX  
FIXING DAY AND NOTICE OF PUBLIC HEARING ON A LOCAL LAW  
PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF  
THE NEW YORK STATE UNIFORM FIRE PREVENTION CODE.**

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

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on May 22, 2007, a proposed local law entitled:

**“A LOCAL LAW PROVIDING FOR THE ADMINISTRATION  
AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM  
FIRE PREVENTION AND BUILDING CODE.”**

Now, therefore, be it

RESOLVED, that a public hearing shall be held concerning the proposed local law before the Cayuga County Legislature on June 26, 2007, at 6:30 P.M., at the Chambers of the Cayuga County Legislature, County Office Building, 160 Genesee Street, Auburn, New York, and the Clerk of the Cayuga County Legislature is hereby directed to give due legal notice of said public hearing as provided by statute.

Signed by Cuddeback, Lepak, Lockwood, Palermo, Pappert, Smith, Tortorici.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 275-07                      April 24, 2007                      hwyd&apolicyrev  
AUTHORIZATION TO ADOPT A CAYUGA COUNTY FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION DRUG AND ALCOHOL TESTING POLICY**

By: Steven Cuddeback, Chairman Public Works Committee

Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the current Drug and Alcohol Policy used at the Highway Department used for drivers with commercial drivers licenses was written to comply with the regulations that were set in 1991; and

WHEREAS, the US Department of Transportation and Federal Motor Carrier Safety Administration Regulation 49 CFR Part 40 and 382 have changed since 1991; and

WHEREAS, an updated policy was written, and provided to Attorney Matt Fletcher for review; now therefore be it Resolved, that the Cayuga County Legislature adopt the attached Cayuga County Federal Motor Carrier Safety Administration Drug and Alcohol Testing Policy.

Signed by Cuddeback, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Lockwood, Murphy, Mitchell, Schuster, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 276-07 (4/24/07) P&TAmendSnowmobileGrant 4 07rev**  
**AUTHORIZING AMENDMENT OF RESOLUTION NO. 149-07 DUE TO A CLERICAL ERROR**

By: By: Mr. Steve Cuddeback, Chairman, Public Works  
Mr. Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, the Assistant Park Maintenance Supervisor of Cayuga County Parks and Trails found a clerical error in the paperwork provided by the State for the Snowmobile Trail and Development Grant; and  
WHEREAS, the error would have resulted the local clubs receiving less than they were entitled to from the Snowmobile Trail and Development Grant; and  
WHEREAS, State has agreed to correct the error and provide the correct (increased) amounts to the local clubs, now, therefore, be it

RESOLVED, the dollar amounts of the grant included on resolution #149-07 be changed as follows:

Description	From	Change to
70%	\$39,672.50	\$40,792.50
30%	\$17,002.50	\$17,482.50
High Snow	\$1,800.00	\$1,800.00
Grant Total	\$58,475.00	\$60,075.00
A3812 Balance	\$4,214.00	\$4,214.00
Grant Total	\$62,689.00	\$64,289.00

and be it further

RESOLVED, that the Cayuga County Treasurer be directed to sign the State Aid Vouchers and make the necessary changes to amend the 2007 budget as follows: increase the Expense Account A7112.420.074, (Dept. Expense), and, increase Revenue Account A3812 by \$60,075+\$4,214 for a total of \$64,289.00; 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.

Signed by Cuddeback, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Lockwood, Murphy, Mitchell, Schuster, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 277-07 Action: 4/24/07 hwyfillhmeopositionrev**  
**Authorization to fill a Heavy M.E.O. Position within the Highway Department and back fill behind the promotion.**

BY: Hon. Steven Cuddeback, Chairman, Public Works Committee  
Hon. Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, a current Heavy Motor Equipment Operator is retiring from that position on April 28, 2007 and the position will be vacant at that time; and

WHEREAS, this Heavy M.E.O. position is critical to operation of the highway department; and

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

RESOLVED, that the Highway Superintendent is hereby authorized and directed to fill this open Heavy M.E.O. position by promotion from within the department and also backfill any positions created by upward promotion from within the department; and be it further

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

Signed by Cuddeback, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Lockwood, Murphy, Mitchell, Schuster, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 278-07 (4/24/07)**

**P&T Antique light poles 4 07 rev**

**Authorizing the Parks and Trails Department to purchase pipe to repair the antique light poles along the main sidewalk at Emerson Park**

By: By: Mr. Steve Cuddeback, Chairman, Public Works  
Mr. Paul Dudley, Chairman, Ways & Means Committee

Whereas, there are nine antique light poles along the main sidewalk at Emerson park, and  
Whereas, these lights were installed over sixty years ago and the bases have deteriorated, and  
Whereas, the Parks Department needs to repair or replace the bases to insure the safety of park patrons, and  
Whereas, the Parks Department can purchase the materials to repair the light poles for a price not to exceed \$3,000, and  
Whereas, this money can be expended from the Emerson Park Budget Account No. 7110.400.147-A (Park Improvements); now therefore, be it

Resolved, that the Parks Department is hereby authorized and directed to purchase the materials and repair the light poles; 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.

Signed by Cuddeback, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Lockwood, Murphy, Mitchell, Schuster, Petrus.

Approved by 2/3 vote, all present voting aye, except Excused Palermo and Netti 214/30

**RESOLUTION NO. 279-07 (4/24/07) P&T Sterling nature center well rev**

**Authorizing the Parks and Trails Department to hire a well drilling company to drill a well and hook up a new water system for The Sterling Nature Center**

By: By: Mr. Steve Cuddeback, Chairman, Public Works  
Mr. Paul Dudley, Chairman, Ways & Means Committee

Whereas, The Sterling Nature Center is currently using an old dug well as a source of water, and  
Whereas, the well is not adequate to meet the current and future needs of the nature center, and  
Whereas, the Parks Department, Parks Commission and the Public Works Committee did plan for and include money in The Sterling Nature Center Budget Account 7113.200.000-A for a new drilled well for the nature center, and  
Whereas, the Parks Department is in the process of getting the three quotations necessary for a project not to exceed \$9,500; now therefore, be it

Resolved, that the Parks Department is hereby authorized and directed to complete this project in the most cost effective manor possible; 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 Cuddeback, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Lockwood, Murphy, Mitchell, Schuster, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 280-07 April 24, 2007 (P&T) MGR Scene Shoprev  
AMENDING RESOLUTION NO. 701-06 (THE ESTABLISHMENT OF CAPITAL "H" PROJECT NO. 06-6  
FOR THE MGR-SCENE SHOP), AND AWARDING THE BID FOR THE CONSTRUCTION FOR THE  
MERRY-GO-ROUND PLAYHOUSE NEW SCENE SHOP**

By: Mr. Steve Cuddeback, Chairman, Public Works

Mr. Paul Dudley, Chairman, Ways & Means Committee

Whereas, resolution #701-06, authorized the establishment of Capital "H" Project No. 06-6 (MGR Scene Shop); and  
Whereas, this resolution also authorized the Clerk of the Legislature to advertise and receive bids for the construction  
of the Scene Shop; and

Whereas, three bids were received for the general construction, Electrical, and Plumbing as follows:

Contractor	Type of Construction	Cost
Finger Lakes Construction	General Construction	\$126,274.96 - 2%/14 days
Siracusa Mechanical	Plumbing	\$ 13,720.00 – 2%/14 days
Knapp Electrical	Electrical	\$ 18,370.10 – 2%/14 days

Whereas, the Merry-Go-Round Playhouse has agreed to assume all costs and expenses associated with the design,  
planning, bidding and construction of the new scene shop building; and

Whereas, Capital "H" Project No. 06-6 was established in the amount of \$135,000; and

Whereas, the lowest bids came in at \$158,365.06, an amount that exceeded the amount set-forth in Resolution No. 701-  
06; and

Whereas, that in order to carry out this project, the Merry-Go-Round Playhouse Board has agreed to increase the  
Capital "H" Project No. 06-6 to cover the increase; now therefore be it

Resolved, the Cayuga County Treasurer is hereby authorized and directed to amend Capital "H" Project 06-6,  
\$158,365.06, upon sufficient cash on hand; and be it further

Resolved, that the Chairman of the Legislature is hereby authorized to sign contracts for the construction of the MGR  
Scene Shop with the (3) lowest bidders as stated in this resolution; and be it further

Resolved, that the Chairman of the Cayuga County Legislature and the Cayuga County Treasurer are hereby authorized  
and directed execute any agreements and manage any accounts that may be deemed necessary by the county attorney to  
carry out the intent of this resolution; and be it further

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

Signed by Cuddeback, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Lockwood, Murphy, Mitchell, Schuster,  
Petrus.

Approved by 2/3 vote, all present voting aye, except Excused Palermo and Netti 214/30

**(DEFEATED) RESOLUTION NO. 281-07 5/8/07 Planning-HOMERULE-IncRoomTax(Rev2)  
REQUESTING STATE HOME RULE LEGISLATION TO INCREASE  
THE HOTEL AND MOTEL ROOM TAX FROM 3% TO 5%**

BY: MR. SCHUSTER, Chairman, Planning & Economic Development Committee, and  
MR. DUDLEY, Chairman, Ways & Means Committee.

WHEREAS, the Tourism Industry is recognized as a key economic sector in Cayuga County, resulting in over \$64  
million dollars in annual visitor spending, generating over \$1.5 million dollars in County taxes by visitors and  
accounting for over 960 jobs in Cayuga County; and

WHEREAS, the recent Randall Travel Marketing Study of Cayuga County Tourism, funded in part by Cayuga County,  
identified strategic investment areas for expanded marketing and promotion of County tourism that will increase the  
number of visitors and generate new tourism revenues and jobs; and

WHEREAS, the Hotel and Motel Room Tax paid by visiting tourists is the primary revenue source dedicated to  
Cayuga County tourism marketing and promotion efforts; and

WHEREAS, the County of Cayuga presently has authority to collect a Hotel and Motel Room Tax in the amount of  
3%; and

WHEREAS, in a survey of all Cayuga County rooms, over 81% of the hotels, motels and inns responding to the survey,  
including all of the largest facilities in the County, supported an increase in the Hotel and Motel Room Tax from 3% to  
5%, in order to generate additional revenues dedicated to tourism marketing and promotion in Cayuga County; and

WHEREAS, the County Legislature wishes to increase the Hotel and Motel Room Tax from 3% to 5%; now, therefore,  
be it

RESOLVED, that this County Legislature hereby requests our State Legislators, Senator Michael Nozzolio, Senator  
David Valesky, Assemblyman Gary Finch, Assemblyman Robert Oaks and Assemblyman Brian Kolb, to prepare a  
Home Rule Statute giving the County of Cayuga authority to increase the Hotel and Motel Room Tax from 3% to 5%.

Signed by Dudley, Lockwood, Murphy, Petrus, Schuster, Sedor, Tortorici.

**Defeated by Majority vote** – Ayes – Murphy(51), Sedor(79), Dudley(81), Petrus(53), Lockwood(63), Schuster(47),  
Fearon(63) Noes – Smith(68), Mitchell(57), Cuddeback(64), Tortorici(51), Pappert(49), Lepak(48) Excused  
Palermo(58), Netti(50) 437/337/108

**RESOLUTION NO. 282-07 (4/24/07) CoMAmendBudgetrev2**  
**AMENDING THE 2007 COUNTY BUDGET TO ACCOUNT FOR PRE-TRIAL DIVERSION, PRE-TRIAL RELEASE AND ALTERNATIVE SENTENCING PROGRAMS**

BY: Hon. Raymond E. Lockwood, Chairman Judicial & Public Safety Committee  
Hon. Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the annual Alternatives to Incarceration Plan has been adopted by the Cayuga County Legislature; and  
WHEREAS, Cayuga County Counseling Services administers the County's Pre-Trial Diversion and Alternative Sentencing Programs; and

WHEREAS, after reviewing the plan and the program budget as presented for 2007 it is determined that the 2007 budget must be amended; now, therefore be it

RESOLVED, that the 2007 County Budget be amended by the following:

Decreasing A7310.400.304 (Cayuga Counseling, Alternative Sentencing) by \$5,860.00

Increasing A3150.400.118 (Jail – Contracts) by \$960.00

Increasing A3038 (State Aid – Pre-Trial Release) and increasing by \$1,100.00

Establishing Revenue Account

A3836 (State Aid – DFY)

A3838 (State Aid – Alternative Sentencing) and increasing by \$10,000.00

Eliminating current budget amount of \$11,966.00 in Revenue Account A3821 (State Aid – Cayuga Counseling)

; and be it further

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

Signed by Dudley, Lockwood, Mitchell, Petrus, Schuster, Lepak, Palermo, Pappert, Smith.

Approved by voice vote, all present voting aye, except Murphy Abstained

**RESOLUTION NO. 283-07 (4/24/07) CoMAltInc&Pre-Trial**  
**TO APPROVE THE 2007 CAYUGA COUNTY ALTERNATIVES TO INCARCERATION AND PRE-TRIAL RELEASE UPDATE PLAN**

BY: Raymond E. Lockwood, Chairman Judicial and Public Safety Committee

WHEREAS, the County's Alternatives to Incarceration Advisory Board has approved the 2007 Alternatives of Incarceration Consolidated Service Plan; and

WHEREAS, the County Legislature must approve the plan upon submission to the New York State Department of Probation and Correctional Alternatives, and

WHEREAS, the County has previously contracted with Cayuga Counseling Services, Inc. to operate its Community Service Sentencing and Pre-Trial Release Programs; now, therefore be it

RESOLVED, that the Legislature of Cayuga County approves the 2007 Alternative to Incarceration Plan update; and be it further

RESOLVED, that the Chairman of the County Legislature be authorized to execute any and all necessary documents and contracts.

Signed by Lockwood, Lepak, Mitchell, Palermo, Pappert, Smith.

Approved by voice vote, all present voting aye, except Murphy Abstained

**RESOLUTION NO. 284-07      Date: 04-24-07   SHRtransfer 3119REV**  
**AUTHORIZING THE CAYUGA COUNTY SHERIFF TO TRANSFER FUNDS IN THE AMOUNT OF \$4000.00 WITHIN THE COUNTY OFFICE BUILDING SECURITY DETAIL BUDGET FROM 3119.100.00-A(SALARY) TO THE 3119.400.062-A(UNIFORMS) BUDGET LINE.**

By:      MR. RAY LOCKWOOD, Chairman, Judicial & Public Safety Committee  
            MR. PAUL DUDLEY, Chairman, Ways & Means Committee

WHEREAS, when the initial budget for the County Office Building detail was established \$82,000.00(eighty two thousand dollars) for the 2007 budget year for salaries (3119.100.00-A) and \$2500.00(twenty five hundred dollars) was budgeted for the 2007 budget year for uniforms (3119.400.062-A); and

WHEREAS, the budgeted salaries for 2007 will not amount to \$82,000.00(Eighty two thousand dollars) because the detail was not deployed for the entire 2007 budget year; and

WHEREAS, the estimated salary amount for the 2007 budget year will be estimated at \$62,000.00(Sixty two thousand dollars); and

WHEREAS, the cost of uniforms including leather equipment and badges was under estimated at \$2500.00(Twenty five hundred dollars) and the approximate cost will be \$6500.00(sixty five hundred dollars). NOW THEREFORE BE IT

RESOLVED, that the treasurer is authorized to transfer \$4,000.00 (four thousand dollars) from salaries (3119.100.00-A) to the uniform line (3119.400.062-A) and be it further

RESOLVED, that the Treasurer make any and all journal and accounting entries necessary to accomplish the above resolution.

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Smith, Dudley, Cuddeback, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 285-07      Date: 04-24-07   SHR PerDiem rev**  
**AUTHORIZING THE CAYUGA COUNTY SHERIFF TO CHANGE THE COURT ATTENDANT'S PER DIEM PAY STRUCTURE EFFECTIVE MAY 1, 2007.**

By:      MR. RAY LOCKWOOD, Chairman, Judicial & Public Safety Committee  
            MR. PAUL DUDLEY, Chairman, Ways & Means Committee

WHEREAS, the Court Attendants employed by the Sheriff are utilized in the Unified Court System in Cayuga County and their salaries are one hundred percent reimbursed by New York State; and

WHEREAS, the proposed pay structure will enhance and facilitate the daily operations of the Court System by enabling more efficient scheduling of personnel; NOW therefore be it

RESOLVED, that the aforementioned position be set at the following rates of pay effective May 1, 2007:

Court Attendants within the NYS unified Court System:

\$100 for a full day 8 or more hours

\$ 75 for a partial day 6 hours or more but not exceeding 8 Hours

\$ 50 for a partial day 4 hours or more but not exceeding 6 Hours

RESOLVED, that the Treasurer make any and all journal and accounting entries necessary to accomplish the forgoing and that the Cayuga County Civil Service Commission file the appropriate documentation for the revisions of these pay changes .

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Smith, Dudley, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 286-07      Date: 04-24-07 SHR Hire Three Court Attendants**

**AUTHORIZE TO FUND AND TO FILL THREE (3) ADDITIONAL COURT ATTENDANTS UTILIZED IN THE NEW YORK STATE UNIFIED COURT SYSTEM IN CAYUGA COUNTY, 100% REIMBURSED BY THE NYS UNIFIED COURT SYSTEM.**

By:      MR. RAYMOND LOCKWOOD, Chairman, Judicial & Public Safety Committee  
         MR. PAUL DUDLEY, Chairman, Ways & Means Committee

WHEREAS, the Court Attendants employed by the Sheriff are utilized in the Unified Court System in Cayuga County and their salaries are one hundred percent reimbursed by New York State; and

WHEREAS, the 2007 budget had three (3) Court Attendant positions unfunded, but Resolution #426-05 passed through legislation on 8/23/05 allowing additional personnel to be hired since they have increased responsibilities with the expansion of the Courts necessitating enhanced coverage in the three buildings thus placing a burden on manpower; and

WHEREAS, the former Sheriff and the Superior Court Judge, who coordinates the detail, had previously met and forecasted this increase in personnel; and

WHEREAS, the former Sheriff when budgeting for 2007, zeroed out three (3) Court Attendant positions, that were previously classified, created and funded; and

WHEREAS, the addition of three (3) Court Attendants is critical for maintaining staffing levels and flexibility for these part time positions for the smooth and efficient functioning of the security and services provided to the Courts. NOW THEREFORE BE IT

RESOLVED, that three (3) Court Attendant positions be hereby funded at the aforesaid rates effective immediately; and be it further

RESOLVED, that the Sheriff is hereby authorized to fill the three positions effective the date of this Resolution in accordance with the Civil Service Rules and Regulations and the Policies of the County of Cayuga; and be it further

RESOLVED, that the Treasurer make any and all journal and accounting entries necessary to accomplish the forgoing by increasing the Salary Expense Account by 1162.100 by \$21,042.00 and Salary Fringe Benefit Account 1162.800.001 by \$1,610.00; and be it further

RESOLVED, that Revenue Account A3330 be increased by \$22,652.00 to offset the increases to the salary and fringe expense accounts.

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Smith, Dudley, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 287-07      Date: 04-24-07 SHR Hire Two Court Attendants**

**AUTHORIZATION TO FILL TWO VACANT COURT ATTENDANT (PART-TIME) POSITIONS IN THE NEW YORK STATE UNIFIED COURT SYSTEM IN CAYUGA COUNTY.**

By:      MR. RAY LOCKWOOD, Chairman, Judicial & Public Safety Committee  
         MR. PAUL DUDLEY, Chairman, Ways & Means Committee

WHEREAS, on 3/5/07 there is two Court Attendant (Part-Time) openings in the Unified Court System in Cayuga County and employed by the Sheriff and the salary is one hundred percent reimbursed by New York State; and

WHEREAS, the personnel on this detail have increased responsibilities with the expansion of the Courts necessitating enhanced coverage in the three buildings thus placing a burden on manpower; and

WHEREAS, the Sheriff, who coordinates the detail, has appointed a former Court Attendant to the position of Special Patrol Officer and received a resignation from the other thereby creating two vacancies in personnel accordingly and the positions are budgeted in the 2007 Unified Courts budget; and

WHEREAS, the replacement of the 100% funded Court Attendants is critical for maintaining staffing levels and flexibility for these part-time positions for the smooth and efficient functioning of the security and services provided to the Courts. NOW THEREFORE BE IT

RESOLVED, that the Sheriff be hereby authorized to fill the two vacant Court Attendant PT positions effective the date of this Resolution in accordance with the Civil Service Rules and Regulations and the Policies of the County of Cayuga; and be it further

RESOLVED, that the Treasurer make any and all journal and accounting entries necessary to accomplish the forgoing and that the Cayuga County Civil Service Commission file the appropriate documentation for the addition of these positions.

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Smith, Dudley, Petrus, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 288-07 (04/24/07) PROCreateACTbackfillTypistPT  
AUTHORIZING THE CREATION OF AN ACCOUNT CLERK TYPIST POSITION AND AUTHORIZING  
THE CAYUGA COUNTY PROBATION DIRECTOR TO FILL THE POSITION BY PROMOTION AND  
BACKFILL A POSITION ON A PART-TIME BASIS.**

BY: Raymond Lockwood, Chairman, Judicial and Public Safety Committee

BY: Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, the Cayuga County Probation Director and Civil Service Commission have determined the duties being performed by a current staff member of the department is within the classification of Account Clerk Typist; and

WHEREAS, the funding is allocated in the Probation Department's 2007 budget to enable the promotion of a current employee and to hire a part-time employee in the former employee's full time slot; and

WHEREAS, the positions are critical to the operation of the office for clerical support to the professional staff and to complete financial reports required; now, be it therefore

RESOLVED, that one Account Clerk Typist position be hereby created at the rate set forth in the Cayuga County Compensation Plan, Part I for CSEA employees; and be it further

RESOLVED that the Probation Director be hereby authorized to fill the position by promotion from within the department after the results of the promotional examination are received; and be it further

RESOLVED, that the Probation Director upon promoting an employee to Account Clerk Typist be hereby authorized to backfill the full-time Typist on a part-time basis with no fringe benefits unless statutorily required; and be it further

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

Signed by Lockwood, Lepak, Mitchell, Murphy, Dudley, Schuster, Cuddeback, Petrus.

Approved by Majority vote – Ayes Murphy(51), Dudley(81), Smith(68), Petrus(53), Lockwood(63), Mitchell(57), Cuddeback(64), Schuster(47), Fearon(63). Noes – Sedor(79), Tortorici(51), Pappert(49), Lepak(48). Excused Palermo(58), Netti(50). 547/227/108

**RESOLUTION NO. 289-07Date: 04-24-07 SHERIFF PURCHASE TRANSPORT VEHICLE  
AUTHORIZE THE SHERIFF TO PURCHASE ONE (1) TRANSPORT VEHICLE FOR THE TRANSPORT  
OF INMATES FROM COUNTY JAIL FROM THE NEW YORK STATE CONTRACT VENDOR**

By: MR. RAYMOND LOCKWOOD, Chairman, Judicial & Public Safety Committee

MR. PAUL DUDLEY, Chairman, Ways & Means Committee

WHEREAS, the Sheriff needs to replace one transport vehicle for the purpose of transporting inmates from the County Jail to various courts in the county; and

WHEREAS, The transport are done in all types of weather a four wheel vehicle is required for the safety of the officers and inmates; and

WHEREAS, the Cayuga County Legislature following the recommendation of the Judicial & Public Safety Committee did budget for the purchase of the a vehicle and related equipment in the 2007 Cayuga County Sheriff's Jail Budget; and

WHEREAS, these purchases are clearly defined in the 2007 Cayuga County Sheriff's Jail equipment Operating Budget 3150.2 in the amount not to exceed \$27,000; and

WHEREAS, this vehicle will replace a 1999 Ford Serial 2FAPF71W1XX171133 which has over 110,000 miles on this vehicle; and

WHEREAS, these items will be purchased via an order on New York State Contract Pricing as per policy and procedure of the County of Cayuga; Now Therefore Be It

RESOLVED, that the Cayuga County Sheriff is authorized to purchase from Warnock Fleet and leasing, one (1) 2007 Dodge Durango 4x4 motor vehicle along with the related equipment at a cost not to exceed \$27,000; and be it further

RESOLVED, that the Cayuga County Treasurer is authorized to pay for said vehicles and related equipment upon the delivery, acceptance and certification by the Head Mechanic at the Motor Pool an amount not to exceed \$27,000 from Account No. A3150.200.000 for one (1) vehicle; and be it further

RESOLVED, that a like amount of County owned vehicles assigned to the sheriff's Office shall be surrendered to the Clerk of the Legislature for the eventual disposal at the annual County Surplus Auction

Signed by Lockwood, Lepak, Mitchell, Murphy, Dudley, Schuster, Cuddeback, Petrus.

Approved by 2/3 vote, all present voting aye, except Excused Palermo and Netti 214/30

**RESOLUTION NO. 290-07 4-24-07 SHERIFF COMPUTERS**

**Authorizing the Sheriff of Cayuga County to Purchase 8 computer and 6 Computer Monitors**

By: Mr. Raymond Lockwood, Chairman, Judicial & Public Safety Committee  
Mr. Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, the Sheriff's Custody Division is in need 8 computers and 6 monitors to replace existing older computers and monitors and

WHEREAS, monies for these computers and monitors were budgeted in the Sheriffs Custody Budget for 2007 in the amount of \$4000.00 (Four Thousand Dollars) in account number (3150.200.000) therefore be it

RESOLVED, that the Sheriff is authorized to purchase the 8 computers and 6 monitors and the cost will not exceed the \$4000.00 (Four Thousand Collars) budgeted the in the Sheriff's 2007 Budget and further be it

RESOLVED that the purchase will be in accordance with policies established by the Information and Technologies Department of Cayuga County.

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Smith, Dudley, Petrus, Schuster.

Approved by 2/3 vote, all present voting aye, except Palermo and Netti excused 214/30

**RESOLUTION NO. 291-07 4-24-07 SHR Fill DepShrvacancies**

**AUTHORIZE THE SHERIFF TO FILL TWO VACANT DEPUTY SHERIFF IN THE LAW ENFORCEMENT DIVISION OF THE CAYUGA COUNTY SHERIFF'S OFFICE**

By: MR. RAYMOND LOCKWOOD, Chairman, Judicial & Public Safety Committee  
MR. PAUL DUDLEY, Chairman, Ways & Means Committee

WHEREAS, one Deputy Sheriff has been promoted to Deputy Sheriff Sergeant and another Deputy Sheriff resigned effective 4/18/07 leaving another two vacancies in the Cayuga County Sheriff's Office Law Enforcement Division; and WHEREAS, the services provide by these positions is critical for maintaining the smooth and efficient operations of the Sheriff's Office Law Enforcement Division; and

WHEREAS, it is now necessary to fill the two new vacant Deputy Sheriff positions as well as the two previously approved by this legislature from the new civil service eligible list so that the recruits can attend the next academy that starts May 29<sup>th</sup>; and

WHEREAS, these positions are clearly designated and accepted in the 2007 Cayuga County Sheriff's Law Enforcement Salaries Operating Budget 3110.1; NOW THEREFORE BE IT

RESOLVED, that the Sheriff be hereby authorized and directed to full the Deputy Sheriff positions; and be it further

RESOLVED, the employees hired be placed at the appropriate step within the Deputy Sheriff's Police Association Compensation Plan for 2006; and be it further

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

Signed by Lockwood, Mitchell, Pappert, Smith, Dudley, Cuddeback, Schuster.

Approved by voice vote, all present voting aye.

Motion by Legislator Murphy to adjourn 8:25PM, approved by voice vote, all present voting aye.

Minutes approved 7-24-07