

MINUTES
CAYUGA COUNTY LEGISLATURE
JUNE 26, 2007, 6:00 PM (EMERSON PARK)

Called to order by the Hon. George Fearon, 6:00PM, all Legislator's present, except Netti excused.

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

PUBLIC HEARINGS: 6:30PM Public Hearings opened at 6:40PM

1. "A Local Law amending Certain Local Laws to Adjust the Income Range for Partial County Real Property Tax Exemptions Under Sections 467 and 459-c of the Real Property Tax Law."

2. "A Local Law Amending Local Law No. 7 for the Year 1995 to Impose a Term Limit Such that No. Person Shall be Elected to More than Three Legislative Terms on the Cayuga County Legislature and an Appointment Together with an Election Constitutes a Full Term."

3. "A Local Law Amending Local Law No. 1 for 1979 Requiring Prior Written Notice of Defects in Connection with Claims for Damages or Injuries Sustained by Reason Thereof."

4. "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and building Code."

Public Hearings closed at 7:47PM, approved by voice vote, all present voting aye.

PROCLAMATION: Charles Kreplin Day in Cayuga County, Monday, July 2, 2007, read by Lee Brew, Clerk of the Legislature and presented by Chairman Fearon. Charles Kreplin, this is a very great honor.

DEATHS: Tommie Walsh, Dancer, Broadway Choreographer, Director, Author, two time Tony Award winner and two time Drama Desk Winner

MINUTES: for Reading – 3-26-07, 4-24-07, 5-8-07 and 5-29-07

CCC REPORT: Dr. Phillip Gover, The Cayuga County College Board of Trustees, has chosen a new president, Dr. Daniel Larson. The 2007-08 College budget will be presented to the County during the month of July. Summer School enrollment at the College is up about 8% compared to the Summer of 2006. Three members of the class of 2007 were among the 283 statewide recipients of the Chancellor's Award for Student Excellence, Kathryn Dineen, Shauna O'Brien and Jeremy Smelski.

PRESENTATION: Tim Jones, Special Projects Administrator, U.S. Dept. of Agriculture, and Syracuse Office, on Rural Development.

I'm a Presidential appointee. I had this job from June 2001 until January 2006, when former Gov. Pataki asked me to become New York State Agricultural Commissioner. I served as agricultural commissioner for a year and was re-appointed as State Director by President Bush in January.

I oversee an agency whose mission is providing economic opportunity and improving the quality of life in rural areas. We're tasked with this because Rural America has 50 million people and well over 90 percent of them have jobs totally unrelated to agriculture. If we are to have a strong rural economy, the non-agricultural sector of that economy must be addressed and assisted.

To accomplish our missions, we provide grants, direct loans and loan guarantees for water and environmental programs, single family and multi-family housing programs, business programs and community facilities programs, where we help villages and towns provide essential public facilities.

In all of our programs, we take the approach that we aren't giving you money. It's not our money to give. It doesn't belong to USDA Rural Development, or the federal government. It belongs to the taxpayer and our job is to return your money to you in a way that improves economic conditions and the quality of life.

PRIVILEGE OF THE FLOOR: Legislator Pappert for Mayor, Timothy Lattimore. Mayor Lattimore would like meeting with Ways & Means Committee, re: tax issues.

COMMITTEE REPORT: None

MANAGER'S REPORT: Mr. Allan Handed out packet from NYSEG. Mr. Allan asked Legislators to please review the report from Brian Geer on electro-magnetic Survey. Mr. Allan reported that he is working with Ways & Means on Sales Tax Intercept, re: Medicaid cap option, should have resolution for July to ratify Medicaid cap

CHAIRMAN'S REPORT: A regional representative from the Governors office will be in the County at 1:00pm, on July 13, 2007, to talk on issues in the Government, Chambers 6th floor, CCOB. There will be a meeting in Albany July 11, 2007, to discuss issues effecting small Counties, Dan Schuster will be attending, please let me know if anyone else would like to attend.

EMERGENCY AUTHORIZATION FOR AUSTERITY SPENDING AND HIRING:

1. Buildings & Grounds, Cleaner Part Time, signed by Cuddeback, Sedor, Fearon, Allen, Dudley.
2. Buildings & Grounds, Building Maintenance Mechanic, signed by Cuddeback, Sedor, Fearon, Allen, Dudley.

APPOINTMENTS AND RE-APPOINTMENTS: Motion by Legislator Schuster to separate number 4, approved by voice vote, all present voting aye. Motion by Legislator Murphy to approve first 3, approved by voice vote, all present voting aye. Motion by Legislator Tortorici to table number 4, (college) defeated by majority vote Noes – Murphy(51), Dudley(81), Smith(68), Petrus(53), Lockwood(63). Cuddeback(64), Lepak(48), Fearon(63) Ayes – Sedor(79), Palermo(58), Mitchell(57), Tortorici(51), Pappert(49), Schuster(47). Excused Netti(50). 491/341/50 Motion to approve College appointment, approved by majority vote Ayes – Murphy(51), Dudley(81, Smith(68), Petrus(53), Lockwood(63), Cuddeback(64), Lepak(48), Fearon(63). Noes Sedor(79), Palermo(58), Mitchell(57), Tortorici(51), Pappert(49), Schuster(47). Excused Netti(50) 491/341/50

Cayuga County Fire Advisory Board:

William DiFabio, 7321 Owasco Rd., Auburn, NY Term 4-30-07 to 4-30-08

Central New York Regional Market Authority:

Randall C. Daratt, 1681 Hall Rd., Cato, NY 13033 – term – serves at the pleasure of the board.

Cayuga County Parks & Trails Commission

Hon. Dan Schuster, 123 East Genesee St. Auburn, NY 13021 term 7-1-07 to 6-30-2010

Cayuga County Community College Board of Trustees

Linda Murphy, 318 N. Marvin Ave., Auburn, NY 13021 – term 7-1-07 to 6-30-2017

RECESS:

COMMUNICATIONS AND ANNOUNCEMENTS:

1. Received a letter from State of New York, Dept. of Agriculture and Markets, Re: Request for Proposals for Farmland Protection Implementation Projects.
2. Received notification from NYSAC, re: 2007 Fall Seminar Registration scheduled for September 19-21, 2007.
3. Received notification the NYS, Dept. of State received Cayuga County Local Law #1.
4. Received a letter from the Assembly State of New York, re: the resolution adopted by Cayuga County relating to equalizing the treatment of collateral sources in tort actions.
5. Received a letter from the Assembly State of New York, acknowledging receipt of a certified copy of resolution supporting a manufacturing facility upgrade project in the Town of Sennett.
6. Received a letter from Thomas Paczkowski to Sheriff David Gould, thanking him and his Dept. on their professionalism, in trying to find his boat and trailer that were stolen from his yard.
7. Received several copies of the 2007 NYSAC County Directory.
8. Received a letter from The Assembly State of New York, acknowledging receipt of a certified copy of a resolution urging the assembly colleagues to sign on as co-sponsors of Assembly Bill #A-2989 of 2007.
9. Received a letter form Joseph Bruno, State of New York Senate, Thanking Mr. Wayne Allen for the correspondence expressing concern over the health care cuts in the 2007-08 Executive Budget.
10. Received copy of "A Partnership for Change", from NYSAC, discussing issues affecting small counties.
11. Received a fax correspondence from Haudenosaunee, Cayuga Nation, Akron, NY re: Cayuga Nation Governmental Matters.
12. Received a letter form Anne Mendenhall, 4865 Springport Cove Re., Union Springport, NY 13160, re: opposing the current Indian Land Claim Proposal.
13. Received a letter from Earle E. Thurston, Attorney at Law, Auburn, NY 13021, on behalf of the Town of Springport, expressing disapproval of the Indian Land Claim Settlement.
14. Received a fax from the Town Board of Aurelius, res.#005-07 requesting that the Cayuga county Legislature oppose the Indian Land Claim.

15. Received a fax from the Village of Union Springs, opposing the Cayuga Nation Trust Application Settlement Proposal.
16. Received a letter and e-mail from Jay O'Hearn, PO Box 87, Aurora, NY 13026, asking the Cayuga County Legislature to oppose the Indian Land Claim Settlement.
17. Received a letter from Rich Tallcot, UCE Cayuga-Seneca Chairman, with the motion filed for reconsideration in one of the lawsuits challenging for the applicability of trust applications in NYS.
18. Received an e-mail from Mr. & Mrs. G. Robert Griffin, 11 Park St., Union Springs, NY 13160, opposing the Indian Land Claim.
19. Received an e-mail from Richard Doan, Science Dept. Chair/Chemistry Teacher, Midlakes High School, 1554 Rte 488, Clifton Springs, NY 14432, opposing the Indian Land Claim, vote no.
20. Received an e-mail from Andrea LeBaron, 4319 State Rte 90, Union Springs, NY 13160 expressing her strong support for the Cayuga/Seneca Land Claim Settlement.
21. Received a petition signed by the residents of Bluefield Road and Experimental Road to put a three way stop sign intersection: adding two stop signs at the intersections of Bluefield and Experimental Road, one in the northern direction of the intersection and the other in the southern direction, the petition was signed by 44 residents.
22. Received a letter from Marilyn Baader, PO Box 303 Cayuga, NY 13034, opposing the Indian Land Claim.
23. Dept. Head Meeting July 2nd, 2007 at 10:00AM in the Ballroom at Emerson Park Pavilion, East Lake Rd., Auburn, NY. (Budget packets will be distributed).
24. Received an e-mail from Drew Stevenson re: his opposition to the current Cayuga Indian Land Claim.
25. Received a CERA Journal from Seneca County Board of Supervisors, for March 2007, re: An Article on the Cayuga Indian Nation's Trust application.
26. Received a letter for the Southern Cayuga Central School board of Education, re: rejecting the proposal made to the Cayuga County Legislature on June 13, 2007, in regard to pending and future trust applications.
27. Received a letter from the Town Board of Ledyard, re: Anaerobic Digester Project.

Motion by Legislator Lockwood to waive reading of the announcements and correspondence, approved by voice vote, all present voting aye.

People who wished to speak on the Public Hearings:

Joe Marshall – Speaking on Public Hearing #2 (2). “A Local Law Amending Local Law No. 7 for the Year 1995 to Impose a Term Limit Such that No. Person Shall be Elected to More than Three Legislative Terms on the Cayuga County Legislature and an Appointment Together with an Election Constitutes a Full Term.”), I am a citizen, taxpayer, was on the Board of Supervisors for the Court House for 4yr., County Legislator for 13yrs., Chairman for 2 yrs., Dept. Head for 19 yrs., now back to tax payer and citizen. I'm objecting to the term limits. I've seen it from all sides of the issue. A 4 year term and running for election was kind of a bargaining chip. I don't think anyone planned to go out beat the system. I think things have change as it goes along. Sometimes the press can add to it and we become the laughing stock of the Community. I've seen the board cut down from 33 to 21 to 15, it seems every time it gets smaller you fight between yourselves, instead of working on the issues. It never works when you cut the board down, have more work and more responsibilities. I've seen these small boards have more problems getting to the issues, and I don't believe in going backwards. Personally I'd like to see the following: Drop the term limits, it's not working, you're putting a band aid on it. Everybody has a different interpretation of what's going on. The Public isn't dumb, if your not doing the job, vote you out, if you are doing the job, keep you in. I can think of a lot of good Legislator's over the years that were doing a good job that had to leave. Go back to the Complete board, run for election in same year. I've heard it and I'm sure everyone of you will admit that you can't pass this. Some say the Public has a short memory, I don't think that they do. Anyone making the laws should be limited to a 2 year term. Pay a decent salary and drop the fringe benefits for new members, start now, then it won't be a problem in the future. Go back to the 2 year term, they have the mentality of carrying on as usual. New people come on, you don't here them say we never did it that way, we tried it and this won't work. It's hard to get it across to the voters, just how much work you guys really do. Sometimes you listen to the press instead of the Public. Thank you for listening.

RESOLUTIONS

**RESOLUTION NO. 357-07 (6/26/07) COMtransf.insurancerev2
TRANSFERRING FUNDS FROM CERTAIN COUNTY DEPARTMENTS TO PAY INSURANCE COSTS**

BY: Hon. Paul Dudley, Chairman of Ways and Means Committee

WHEREAS, each year during the budget process, County Departments are accessed for insurance costs; and

WHEREAS, each year certain County Departments budget for insurance costs; and

WHEREAS, the amounts budgeted in certain County Departments need to be transferred to A1910 (Insurance Unallocable) to pay current insurance invoices; now, therefore be it

RESOLVED, that the County Legislature be authorized to transfer the following amounts from:

DEPARTMENT	ACCOUNT NUMBER	AUTO/BOAT INSURANCE	MALPRACTICE INSURANCE	LIABILITY INSURANCE
DISTRICT ATTORNEY	A1165.400.039	597.00		
COUNTY MANAGER	A1230.400.039	543.00		
BUILDINGS	A1620.400.039	413.00		
SHERIFF	A3110.400.039	25,183.00		
	A3110.400.114			136,181.00
JAIL	A3150.400.039	4,812.00		
	A3150.400.040		18,295.00	
	A3150.400.114			130,065.00
FIRE COORDINATOR	A3410.400.039	429.00		
EMERGENCY MANAGEMENT	A3640.400.039	715.00		
PUBLIC HEALTH	A4010.400.039	5,681.00		
	A4010.400.040		3,652.00	
	A4010.400.114			5,115.00
PUBLIC HEALTH, CHHA	A4012.400.039	12,481.00		
	A4012.400.040		10,271.00	
	A4012.400.114			6,315.00
PUBLIC HEALTH, WIC	A4011.400.040		456.00	
	A4011.400.114			919.00
EMERGENCY MEDICAL SERVICES	A4072.400.039	86.00		
	A4072.400.114			634.00
MENTAL HEALTH, ADMINISTRATION	A4310.400.039	3,817.00		
	A4310.400.040		35,422.00	
	A4310.400.114			5,104.00
MENTAL HEALTH, CSS	A4311.400.039	1,697.00		
	A4311.400.040		6,005.00	
	A4311.400.114			865.00
MENTAL HEALTH, INTENS. CASE	A4313.400.039	2,545.00		
	A4313.400.040		5,061.00	
	A4313.400.114			729.00

DEPARTMENT	ACCOUNT NUMBER	AUTO/BOAT INSURANCE	MALPRACTICE INSURANCE	LIABILITY INSURANCE
MENTAL HEALTH, BHU	A4315.400.040		2,654.00	

	A4315.400.114			383.00
HUMAN SERVICES	A6010.400.039	9,754.00		
	A6010.400.114			5,774.00
VETERANS SERVICES	A6510.400.039	635.00		
COUNTY WEIGHTS & MEASURES	A6610.400.039	551.00		
OFFICE FOR THE AGING	A6772.400.039A	489.00		
EMERSON PARK	A7110.400.039	2,401.00		
	A7110.400.114			20,676.00
STERLING NATURE CENTER	A7113.400.039	377.00		
TOTAL GENERAL FUND		73,206.00	81,816.00	312,760.00

to A1910.000.000 (Insurance Unallocable); and, be it further
 RESOLVED, that the County Treasurer is hereby authorized and directed to make the journal and accounting entries
 necessary to accomplish the same.

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

RESOLUTION NO. 358-07 6/26/07
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	:	\$	1,260.70
Water & Sewer		\$	11,639.23
Telephone:		\$	16,864.28
Landfill/Rubbish		\$	57.60

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. 359-07 6/26/07 PURCHSVCSMAYREV
AUTHORIZING THE CAYUGA COUNTY TREASURER TO CHARGE DEPARTMENTS FOR CENTRAL
SERVICES AND PURCHASES FOR THE MONTH OF MAY 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	\$11,932.34
	TOTAL	\$11,932.34

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

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 – \$10,234.71

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

Approved by voice vote, all present voting aye, Palermo Abstained.

RESOLUTION NO. 365-07 (6/26/07)

COA-CAPH6PAY(Rev)

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 5/4/07.....\$ 14,525.50

CHRISTA CONSTRUCTION, LLC:

Application & Certificate for Payment dated 5/4/07..... \$ 3,462.75

COMMERCIAL DOOR COMPANY:

Inv. No. INV06-06453.....\$ 1,358.50

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

SYRACUSE BLUE PRINT CO., INC.:

Inv. No. 236026.....\$ 14,721.00

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

J&E ELECTRIC, INC.:

Application & Certificate for Payment #1 dated 6/08/07.....\$ 11,400.00

SIRACUSA MECHANICAL, INC.:

Application & Certificate for Payment #2 (HVAC) dated 6/08/07.....\$ 160,740.00

Application & Certificate for Payment #1 (Plumbing) dated 6/08/07.....\$ 2,375.00

And be it further

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

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 366-07

6/26/07

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: \$ 11,147.26

Postage Leases: \$ 661.00

Misc. Leases: \$ 17,255.55

Total \$ 29,063.81

RESOLVED, that said payment 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. 367-07

6/26/07

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

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

May – 2007 \$ 218.68

RESOLVED, that said payment 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. 368-07

6/26/07

Audit62607REV

AUTHORIZING THE COUNTY TREASURER TO PAY MAY 2007 AUDIT OF CLAIMS

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

WHEREAS, The Legislature did at its regular meeting on June 26, 2007 audit claims against the County of Cayuga in the aggregate sum of \$1,611,979.25, 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, Lockwood, Cuddeback, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 369-07

(06/26/07) RPcorrectsterling06roll&lienrev

Correct 2006 Tax Roll and Amend Lien in County Clerk's Office

By: Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, there is a lien in the Cayuga County Clerk's Office against property located in the Town of Sterling, identified as Tax Map # 10.00-1-7.21 and assessed to Randy & Kelli Whiting on the 2006 Tax Roll for said Town; and WHEREAS, the wrong tax map number was put on the corrected split bill for this parcel, be it; and

WHEREAS, consequently the lien was filed with the wrong tax map number on it; and

WHEREAS, the Assessor for the Town of Sterling has reviewed this matter and provided the necessary information to properly identify the parcel; and

WHEREAS, this parcel should be identified as Tax Map number 10.00-1-15.11, assessed to Randy & Kelli Whiting; and, now, therefore, be it

RESOLVED, the lien filed in the Cayuga County Clerk's Office under tax map number 10.00-1-7.21 be amended to reflect the correct tax map number of 10.00-1-15.11; and also, be it

RESOLVED, the 2006 Tax Roll be adjusted to reflect the correct tax map number of 10.00-1-15.11 on the parcel assessed to Randy & Kelli Whiting, and tax map number 10.00-1-7.21 placed on the parcel assessed to Lynn & David Sutterby.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 370-07

(06/26/07) rpstaxauction contract07

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO SIGN AN AGREEMENT WITH SCHERRER AUCTIONS TO AUCTION OFF CAYUGA COUNTY TAX FORECLOSED PROPERTY.

By: Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, pursuant to Resolution 188-02, Auction Policies and Procedures, section 2, the same auctioneer may conduct the auction again upon authorization of the Ways & Means Committee; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to sign an agreement with Auctions International to dispose of certain Cayuga County owned real property.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 371-07 (6/26/07) HR-NobleContract2007-1rev2
AUTHORIZING THE CHAIRMAN OF THE COUNTY LEGISLATURE TO SIGN CONTRACT FOR
TECHNICAL SERVICES FOR EXAMINATIONS.**

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

WHEREAS, the County of Cayuga has determined that a contract negotiated in 2001 to provide technical services for civil service examinations was approved by the County Attorney, Chairman of the Civil Service Commission and Chairman of the Legislature but was not authorized by resolution of the legislature; and

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

WHEREAS, there are sufficient funds in Account # A1430.400.118 to pay the contractual/professional expense for this purpose; now, therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature be hereby authorized and directed to sign a two (2) year contract with Dawn Noble that provides technical examination assistance as stated above at a cost not to exceed the adjusted budgeted amounts; and be it further

RESOLVED, that the County Attorney develop an updated contract for Dawn Noble to provide the necessary services for the Civil Service Commission to administer technical examinations at a rate of \$27.00 per hour for services rendered after 7/1/07 and \$23.00 for services provided prior to 7/1/07 under the old contract; and be it further

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

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

Approved by voice vote, all present voting aye.

Amendment by Legislator Schuster to skip, motion to amend to accept LaBella Associates 2/3 vote, all voting no , except Schuster voting aye, and Netti excused vote 217/13/14

**RESOLUTION NO. 372-07 (6/26/07) COMBldgsNeedsrev
AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO SIGN A CONTRACT FOR THE
COMPLETION OF A BUILDING NEEDS ASSESSMENT FOR COUNTY BUILDINGS AND
TRANSFERRING FUNDS FROM CONTINGENT ACCOUNT. (2/3 vote)**

BY: Hon. Paul Dudley, Chairman of Ways and Means Committee

WHEREAS, the Cayuga County Legislature has entertained Requests for Proposals for the purpose of completing a Building Needs Assessment for its County Buildings; and

WHEREAS, the Building Needs Assessment shall serve as a benchmark for the County's infrastructure and quantifying the condition of these County buildings; and

WHEREAS, the Building Needs Assessment report will serve as a road map for planning opportunities as to where County departments shall be located, useful life of County buildings, and where the most cost effective place to put County capital dollars; and

WHEREAS, four bids were received as follows:

Contractor	Total Buildings	Cost
LaBella Associates	10	\$ 49,400.00
LaBerge	10	\$ 57,728.00
Beardsley Design	3	\$ 86,000.00
C&S Engineering	10	\$113,600.00

;and

WHEREAS the Public Works Committee interviewed the two lowest bidders; now therefore be it

RESOLVED, that the County Legislature hereby selects LaBerge at a cost not to exceed \$57,728.00 to complete a Building Needs Assessment; and be it further

RESOLVED, that \$57,728.00 be transferred from Contingent Account (A1990.000) to Buildings Account Contractual – Professional Services (A1620.400.059); and be it further

RESOLVED, that the Chairman of the Legislature is authorized to sign said contract with LaBerge for said services; 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 Dudley, Lockwood, Cuddeback, Mitchell, Murphy, Petrus, Schuster.

Approved by 2/3 vote, all voting aye, except Palermo voting No. (16), and Netti excused (14) 214/16/14

AUTHORIZING THE COUNTY TREASURER TO HIRE A TEMPORARY DATA ENTRY OPERATOR THROUGH A TEMPORARY EMPLOYMENT AGENCY

By: Mr. Paul Dudley, Chairman, Ways and Means Committee

WHEREAS, a permanent, part-time employee the County Treasurer's Office has been out due to an extended illness; and

WHEREAS, this person is a key component in the preparation of the monthly "Board Audit" payment of county bills, and

WHEREAS, the repositioning of other office personnel for the last two months has resulted in a backlog in other key areas (installment agreement and delinquent taxes), and

WHEREAS, a temporary data entry person needs to be hired in order to alleviate this backlog, and

WHEREAS, funding is available in the Treasurer's Office 2007 budget, therefore be it

RESOLVED, that the County Treasurer is hereby authorized to hire a part-time data entry operator, and be it further

RESOLVED, that the Treasurer's Office be authorized to transfer funds from account number A1325.1 position 06267 to 1325.40077A , for an amount not to exceed \$ 5,000.00.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 374-07 (6/26/07)

VETS-ComptonContract

AUTHORIZE THE CHAIRMAN OF THE LEGISLATURE TO SIGN A CONTRACT FOR TRANSPORTATION SERVICES FOR ELIGIBLE VETERANS.

BY: MR. PAUL DUDLEY, Chairperson, Ways and Means Committee

WHEREAS, the County of Cayuga has determined that a contract negotiated in 1997 to provide transportation services to Cayuga County veterans with medical appointments at the Syracuse Veterans Affairs Medical Center was approved by the County Attorney, the Director of the Veterans Services Agency and the Chairman of the Legislature but was not authorized by resolution of the Legislature; and

WHEREAS, the services provided are vital to the transportation of eligible veterans to their medical appointments; and

WHEREAS, the Federal Minimum Wage has increased from \$6.75 per hour to \$7.15 per hour for calendar year 2007; and

WHEREAS, the necessary funds were budgeted in Account # A6510.400.059 to pay the contractual professional services for this expense; now therefore be it

RESOLVED, that the Chairman of the Cayuga County Legislature be hereby authorized and directed to sign the contract with Roy D. Compton that provides transportation services as stated above at a cost not to exceed the adjusted budgeted amount; and therefore be it further

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

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

Approved by voice vote, all present voting aye.

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

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

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1992, and ending November 30, 2009, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of resolution # 40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of four percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of four percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of four percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

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

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of four percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the

performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of four percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Paragraph (B) of subdivision 1 of section 11 of resolution #40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1992, and ending November 30, 2009, in respect to the use of property used by the purchaser in this County prior to September 1, 1992.

SECTION 5. Subdivision b of section 14 of resolution # 40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

(b) Except as provided by subdivision (c) of this section, net collections distributed to the County by the State Comptroller attributable to the additional one percent rate of sales and compensating use taxes imposed for the period beginning September 1, 1992, and ending November 30, 2009, shall be set aside for County purposes and shall be available for any County purpose.

SECTION 6. This enactment shall take effect on December 1, 2007.
Signed by Dudley, Lockwood, Mitchell, Murphy.
Approved by voice vote, all present voting aye.

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ENTER INTO AN AGREEMENT WITH BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR THE SOLE SUPERVISORY DISTRICT OF CAYUGA-ONONDAGA COUNTIES FOR PROVISION OF EDUCATIONAL AND CLINICAL EXPERIENCES FOR PRACTICAL NURSING STUDENTS AND NURSE AIDES FOR THE 2007-2008 SCHOOL SEMESTER.

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

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

WHEREAS, the Board of Cooperative Educational Services for the Sole Supervisory District of Cayuga-Onondaga Counties desires Cayuga County Nursing Home provide educational and clinical experiences for practical nursing students and nurse aides enrolled be signed for the 2007-2008 school semester; Now therefore be it

RESOLVED that the Chairman of the Legislature and the Administrator of Cayuga County Nursing Home be authorized to sign the agreement with the Board of Cooperative Educational Services for the Sole Supervisory District of Cayuga-Onondaga Counties for the 2007-2008 school semesters.

Signed by Petrus, Sedor, Cuddeback, Pappert, Dudley.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 378-07 **Date of Meeting: 6/26/07 nhtimewarnercablerev**

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ENTER INTO AN AGREEMENT WITH TIME WARNER CABLE.

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

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

WHEREAS, Time Warner Cable furnishes services to Cayuga County Nursing Home and the individual residents, and WHEREAS, Cayuga County Nursing Home has negotiated a renewed agreement with Time Warner Cable Services, therefore be it

RESOLVED that the Chairman of the Legislature and the Administrator of Cayuga County Nursing Home be authorized to sign an agreement with Time Warner Cable in the amount of \$9.14 (Nine dollars and fourteen cents) per unit for a term of 5 (Five) years with a provision for a maximum 3% annual cost increase.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 379-07 (June 26, 2007) HS Solicit Professional Services for Indigent Burials (Revision) Authorizing the Director of Health and Human Services to Solicit Interest and Award Contracts for the Provision of Professional Funeral Home Services for Indigent Burials

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

WHEREAS, the Cayuga County Human Services Department is required by law to provide burials to indigent persons without available resources; and

WHEREAS, the Cayuga County Human Services Department wishes to contract with all interested local funeral directors for the provision of professional funeral home services for indigent burials; and

WHEREAS, the Cayuga County Human Services Department desires to send out letters soliciting interest in providing professional services for indigent burials from local funeral directors at the following rates to comply with this mandate:

Burial Services	2007 Rates (20% Increase)	2008 Rates (10% Increase)	2009 Rates (10% Increase)
Adult Burial/Cremation (over 3 yrs of age)	\$1,680	\$1,848	\$2,033
Direct Burial/Cremation	\$1,200	\$1,320	\$1,452
Infant Burial (newborn up to 3 yrs of age)	\$ 600	\$ 726	\$ 799
Stillborn Burial	\$ 420	\$ 462	\$ 508
Donation of Body to Med. Research All Inclusive	\$1,200	\$1,320	\$1,452
*Casket	\$ 325	See Below	See Below
*Vault	\$ 375	See Below	See Below
*Equipment (up to but not to exceed) with Receipt	\$ 125	\$ 125	\$ 125
*Mileage (one way only, after 1 st 10 miles)	\$ 1.50	\$ 1.50	\$ 1.50

* These items are carved out of the base rate. New Casket and Vault rates will be determined annually based on documentation provided showing the new wholesale rates for the year. No retroactive adjustments will apply; NOW, THEREFORE, BE IT

RESOLVED, that Director of Health and Human Services be authorized to solicit interest from local funeral directors at the above listed rates for the purchase of professional funeral home services in an effort to meet our obligation to provide burials for the indigent of Cayuga County; and be it further

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services be authorized and directed to enter into 3-year contracts with those local funeral home directors who will agree to the above rates.

Legislator Pappert, It's a matter of procedure, this is poor procedure. We need to identify what we need and send out proposals and have them send back prices.

Legislator Petrus, We need to say here are the needs, what are the prices.

Legislator Pappert, this may not be a valid contract, we need proposals.

Chairman Fearon, Funeral Homes can reject or put in counter offer.

Legislator Dudley, let the family pick, if we go to bid or pick the lowest, they have no choice.

Legislator Petrus, call the question.

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

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

RESOLUTION NO. 380-07 (06/26/07) MHcontractschair2007rev2
AUTHORIZE THE DIRECTOR OF COMMUNITY SERVICES AND THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN CONTRACTS WITH VARIOUS HUMAN SERVICE AGENCIES FOR SERVICES TO INDIVIDUALS WITH DISABILITIES

BY: Ms. Ann R. Petrus, Chair, Health and Human Services Subcommittee, and

Mr. Paul Dudley, Chair, Ways and Means Subcommittee.

WHEREAS, the Cayuga County Mental Health Center receives 100 percent Federal and State Aid Funding for programs to serve adults, children, and families with disabilities who reside in Cayuga County; and WHEREAS, appropriations were approved in the Cayuga County Mental Health Center Budget for the year 2007 for the various programs; and now, therefore, be it RESOLVED, that the Director of Community Services and the Chairman of the Cayuga County Legislature be and they are hereby authorized to sign on behalf of the Local Governmental Unit, various contracts for services to individuals with disabilities with the following agencies:

AGENCY	DISABILITY	PROGRAM	AMOUNT	LINE ITEM	Funding Source
Seneca Cayuga ARC	MRDD	All Services	\$699,040	4322.420.000-A	State
EJ Gavras Center	MRDD	All Services	\$ 63,736	4322.430.000-A	State
Cayuga Home	MH	School Based	\$113,383	4310.470.000-A	State
Cayuga Counseling	MH	Crisis Coordination Prog	\$ 38,364	4310.430.308-A	State
	MH	Children's Respite	\$ 40,704	4310.430.311-A	State
	MH	Parent Partners	\$ 24,544	4310.430.312-A	State
	MH	CCSI	\$ 34,513	4310.430.316-A	State
	MH	Child & Family Clinic Plus	\$ 106,462	4310.430.401-A	State
CNY Adult Homes	MH	Respite	\$ 23,684	4310.411.000-A	State
Contact	MH	Phone Counseling	\$ 31,114	4310.480.000-A	State
CHAD	OASAS	All Services	\$331,232	4210.400.315-A	State
Unity House	OASAS	Halfway House	\$298,109	4210.400.316-A	Stat
	MH	Psychiatric Rehab	\$ 75,128	4310.460.318-A	State
	MH	Supp Employment	\$ 35,364	4310.460.317-A	State
	MH	CSS	\$ 40,000	4310.460.313-A	State
	MH	Supportive Housing Workforce	\$ 20,704	4310.460.400-A	State
Partnership for Results	Alcohol/MH	Alcohol/Subst Abuse Prevention	\$675,000	4310.410.000-A	Federal

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

Approved by voice vote, all present voting aye, abstained Murphy.

RESOLUTION NO. 381-07 (June 26, 2007) HD Dental Grant 2007-2008
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into an Agreement with the State to Accept the 100% Reimbursable Preventive Dentistry Grant and Any Additional COLA Adjustments Relative to This Grant

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

Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, the Cayuga County Department of Health has been awarded a grant from the NYS Department of Health called the "Preventive Dentistry for High Risk and Underserved Children" in the amount of \$50,000 for the period July 1, 2007 through June 30, 2008 and any additional COLA adjustments relative to this grant; and

WHEREAS, in order to carry out the terms of this grant, the 2007 Health Department Budget must be amended so as to provide the appropriations and revenues necessary to implement the grant; NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into an agreement with the State to accept the 100% reimbursable Preventive Dentistry Grant and any additional COLA adjustments relative to this grant; and be it further

RESOLVED, that the Cayuga County Treasurer be authorized and directed to make all the necessary journal and accounting entries and to amend the Health Department's 2007 budget in the following manner:

Increase Appropriation Account A4010.460.059.....\$50,000

Increase Revenue Account A3406.000.....\$50,000

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 382-07 (June 26, 2007) HD Northbrook Heights CHHA
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Northbrook Heights Home for Adults to Provide Aide Services**

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

WHEREAS, there exists in the Certified Home Health Agency (CHHA) of the County Health Department a need to provide home health aide service, personal care aides and homemaker/housekeeper services; and
WHEREAS, the CHHA does not have sufficient staff to meet the fluctuating needs of the agency and must rely on contracting with licensed home care agencies; now therefore be it

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a contract effective July 1, 2007 through June 30, 2008 with Northbrook Heights Home for Adults to provide the following services at the following rates:

<u>Rates</u>	<u>7/1/07 – 6/30/08</u>
Home Health Aides.....	\$15.75/hr.
Personal Care Aides.....	\$15.75/hr.
Homemaker/Housekeeper.....	\$15.75/hr.

and be it further

RESOLVED, that these expenses be paid out of account #4012, line item # .410 of the 2007 Health Department Budget.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 383-07 (June 26, 2007) HD E. John Gavras Center
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew the Contract with the E. John Gavras Center for the Provision of Therapy Services**

BY: Ann Petrus, Chairman of the Health & Human Service 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 renew the contract with E. John Gavras Center for the period of June 1, 2007 through May 31, 2009 at the following rates:

<u>Disciplines</u>	<u>Current Rates</u>	<u>Rates as of June 1, 2007</u>	<u>Rates as of June 1, 2008</u>
Physical Therapy	\$61.93/Visit	\$63.17/Visit	\$64.43/Visit
Occupational Therapy	\$61.93/Visit	\$63.17/Visit	\$64.43/Visit
Speech Therapy	\$61.93/Visit	\$63.17/Visit	\$64.43/Visit

RESOLVED, that payment for these services will be from account # 4012.400, line item numbers .127 (physical therapy); .220 (occupational therapy); and .221 (speech therapy) of the Health Department Budget.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 384-07 Date of Meeting: 6/26/07 NHAUTHTRANSFERREV
AUTHORIZING THE TREASURER OF CAYUGA COUNTY TO TRANSFER FUNDS AUTHORIZED IN THE BUDGET TO THE CAYUGA COUNTY NURSING HOME ACCOUNT.**

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

WHEREAS, the Cayuga County Nursing Home has the need for funding the operations of the facility; and
WHEREAS the 2007 budget of the County of Cayuga contains a total amount of \$794,000 for the operation of the nursing home; and

WHEREAS the Cayuga County Nursing Home anticipates the present need of \$ 247,000; Now therefore be it
RESOLVED that the Treasurer of Cayuga County be authorized and directed to transfer the amount of \$247,000 from Account Number 9903 in to the Cayuga County Nursing Home Account.

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

Approved by voice vote, all present voting aye.

Amendment by Legislator Schuster to change 1st resolve to read: **Resolved**, that the Clerk of the Cayuga County Legislature and Administrator of the Cayuga County Nursing Home are authorized to advertise and receive sealed bids for **furnishing of resident rooms for the Cayuga County Nursing Home, approved by voice vote**, all present voting aye.

**RESOLUTION NO. 385-07 June 26, 2007 nhauthbidfurniturerev
AUTHORIZING THE CLERK OF THE CAYUGA COUNTY LEGISLATURE AND THE ADMINISTRATOR OF THE NURSING HOME TO ADVERTISE AND RECEIVE SEALED BIDS FOR THE FURNISHING OF RESIDENT ROOMS FOR THE CAYUGA COUNTY NURSING HOME**

BY: ANN PETRUS, CHAIRPERSON, HEALTH & HUMAN SERVICES COMMITTEE

Whereas, the Cayuga County Nursing Home requires upgraded furnishings for resident rooms; and
Whereas, the Health and Human Services Committee of this Legislature has reviewed and approved the bid specifications for the furnishings; now therefore be it

Resolved, that the Clerk of the Cayuga County Legislature and Administrator of the Cayuga County Nursing Home are authorized to advertise and receive sealed bids for furnishing of resident rooms for the Cayuga County Nursing Home signed by Petrus, Sedor, Dudley, Cuddeback, Pappert.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 386-07 (June 26, 2007) HD EI 2006-07 COLA Funds
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Accept Additional Funding (COLA) for the Early Intervention Program and to Amend the 2007 Health Department Budget to Accomplish the Same**

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

WHEREAS, due to recent legislation for the New York State fiscal year 2006-2007, appropriations have been established in the state budget to allow for an annual Cost of Living Adjustment (COLA); and
WHEREAS, we have been notified by the State that the Early Intervention (EI) Program receives a COLA of \$850;
NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to accept the COLA funds for the EI Program in the amount of \$850; and be it further

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

Increase Appropriation Account #4010.480.059.....\$850
Increase Revenue Account #3408.....\$850

and, be it also

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 390-07 (June 26, 2007) HD Fill RN CHHA
Authorizing the Director of Health & Human Services to Fill an RN Position at the CHHA (Certified Home Health Agency) Division of the Health Department Due to Resignation**

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

WHEREAS, there will be an RN vacancy at the County Health Department's CHHA Division due to her resignation effective June 16, 2007 ; 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 RN vacancy at the CHHA and any fill behind that may occur in a manner consistent with the rules and regulations

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 391-07 (June 26, 2007) HS Fill Principal Social Welfare Examiner
Authorizing the Director of Health and Human Services to Fill a Principal Social Welfare Examiner Position in the TANF Unit of Human Services**

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

WHEREAS, there is a vacant Principal Social Welfare Examiner position in the TANF unit of the Human Services Department due to a retirement effective June 30, 2007; and

WHEREAS, this position is critical to the operation of the unit; and

WHEREAS, this position is 100% Federally funded (FFFS – Flexible Fund for Family Services); NOW,

THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized and directed to fill the Principal Social Welfare Examiner position in the TANF unit of Human Services and any fill behinds that may occur in a manner consistent with the rules and regulations of the Cayuga County Civil Service Commission and the policies of the County of Cayuga.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 392-07 (June 26, 2007) HS Fill Head Social Welfare Examiner
Authorizing the Director of Health and Human Services to Fill a Head Social Welfare Examiner Position in the Medicaid Unit of Human Services**

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

WHEREAS, there is a vacant Head Social Welfare Examiner position in the Medicaid Unit of the Human Services Department due to a retirement effective June 30, 2007; and

WHEREAS, this position is critical to the operation of the unit; and

WHEREAS, this position is 100% funded (State and Federal); NOW, THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized and directed to fill the Head Social Welfare Examiner position in the Medicaid Unit of Human Services and any fill behinds that may occur in a manner consistent with the rules and regulations of the Cayuga County Civil Service Commission and the policies of the County of Cayuga.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 393-07 (June 26, 2007) HS Fill Caseworker Adult Protective
Authorizing the Director of Health & Human Services to Fill a Caseworker Vacancy in the Adult Protective
Unit of Human Services**

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

WHEREAS, there is a caseworker vacancy in the Adult Protective Unit of Human Services due to resignation of the incumbent effective June 30, 2007; and

WHEREAS, this work is mandated by the State and reimbursed at 50% Federal and 25% State funding; and

WHEREAS, this position is critical to the operation of the department; 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 fill the vacated Caseworker position in the Adult Protective 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, Lockwood, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 394-07 (June 26, 2007) HS CPS Special Allocation
Authorizing the Director of H&HS to Accept "CPS Special Allocation for Improving Staff Ratios;" Directing
the Cayuga County Treasurer to Amend the 2007 Human Services Budget to Accept this Funding; Authorizing
the Legislature to Create a PT Caseworker Position and Authorizing the Director of H&HS to Fill the Position,
and Paying for Over Time for CPS Caseworkers**

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

WHEREAS, the Cayuga County Human Services Department has been allocated additional State Aid funding (CPS Special Allocation for Improving Staff Ratios) in the amount of \$25,592 for the purpose of improvement of staff-to-client ratios in the local district child protective services workforce; and

WHEREAS, upon accepting this funding it will be necessary for the Cayuga County Treasurer to amend the 2007 Human Services Budget; and

WHEREAS, this funding will be utilized in part to offset overtime payments for child protective workers and to create and fill a part-time caseworker position which will assist the department by having additional staff available to improve staff to client ratios in CPS, and when the funding is exhausted the part-time caseworker position will be abolished;

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Health & Human Services be authorized to accept the 100% funded CPS Special Allocation for Improving Staff Ratios (\$25,592); and be it also

RESOLVED, that the Treasurer be authorized and directed to make the necessary journal and accounting entries to the 2007 Human Services Budget as follows:

Increase Revenue Account # 3610.....\$25,592

Increase Expense Account # 6010.1..... \$25,592

and be it further

RESOLVED, that the Cayuga County Legislature be authorized to create a part-time caseworker position (grade 17), set at an hourly rate of \$18.63 (Probationary), \$18.78 (Step 1), and place in Part II of the Cayuga County Compensation Plan, Non-Bargaining Employees; and be it also

RESOLVED, that the Director of the Health & Human Services be authorized and directed to fill the newly created (100% funded) part-time caseworker position in accordance with Civil Service Rules and Regulations and the policies of the County of Cayuga, and when the funding is exhausted, the position will be abolished.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 395-07 (6/26/07) COA-LLAmdgLLNo.3of2002t0AdjIncRangeADP
TO ADOPT LOCAL LAW NO. 2 FOR THE YEAR 2007, AMENDING
LOCAL LAW NO. 3 FOR THE YEAR 2002 TO ADJUST THE INCOME
RANGE FOR PARTIAL COUNTY REAL PROPERTY TAX EXEMP-
TIONS UNDER SECTIONS 467 AND 459-c OF THE REAL PROPERTY
TAX LAW.**

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

WHEREAS, Local Law No. 2 for the year 2007 was presented to the Cayuga County Legislature on the 22nd day of May, 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. 2 for 2007 on June 26, 2007 at 6:30 P.M.; now, therefore be it

ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. 2 for 2007, amending Local Law No. 3 for 2002 to adjust the income range for partial County Real Property Tax exemptions under Sections 467 and 459-c of the Real Property Tax Law; and be it further

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

COA-LLTAXEXEMPTIONSOVER65-2007Rev2

STATE OF NEW YORK
COUNTY OF CAYUGA

LOCAL LAW NO. 2 FOR THE YEAR 2007

A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR THE
YEAR 2002 TO ADJUST THE INCOME RANGE FOR PARTIAL
COUNTY REAL PROPERTY TAX EXEMPTIONS UNDER SEC-
TIONS 467 AND 459-c OF THE REAL PROPERTY TAX LAW.

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

Section 1. That Section 2 of Local Law No. 3 for the Year 2002 is hereby amended to adjust the maximum annual income range for partial real property tax exemptions for persons of the age of 65 years or over and others eligible pursuant to and in accordance with Section 467 of the Real Property Tax Law and for persons with disabilities and others eligible who have limited incomes pursuant to and in accordance with Section 459-c of said Law, as specified in the following schedule with regard to both of the said exemptions:

<u>INCOME RANGE</u>	<u>EXEMPTION PERCENTAGE</u>
\$19,400 or LESS	50%
MORE than \$19,401 but LESS than \$20,300	45%
\$20,301 or MORE but LESS than \$21,200	40%
\$21,201 or MORE but LESS than \$22,100	35%
\$22,101 or MORE but LESS than \$23,000	30%
\$23,001 or MORE but LESS than \$24,000	25%
\$24,001 or MORE but LESS than \$25,000	20%

Section 3. Except as specifically amended by this local law or any previous local law that is not inconsistent with this local law, the above referred to Local Laws are hereby confirmed and continue in effect.

Section 4. This Local Law shall take effect in accordance with the Municipal Home Rule Law.

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

Approved by voice vote, all present voting aye.

Motion by Legislator Tortorici to table, motion defeated by majority vote, Noes – Murphy(51), Palermo(58), Dudley(81), Smith(68), Petrus(53), Mitchell(57), Cuddeback(64), Schuster(47), Fearon(63). Ayes – Sedor(79), Lockwood(63), Tortorici(51), Pappert(49), Lepak(48), and Netti excused(50) 542/290/50

Motion by Legislator Pappert to amend to read that if you resign you can not be appointed, but may run for election amendment defeated by majority vote – Noes – Murphy(51), Palermo(58), Dudley(81), Petrus(53), Lockwood(63), Mitchell(57), Cuddeback(64), Lepak(48), Fearon(63) Ayes – Sedor(79), Smith(68), Tortorici(51), Pappert(49), Schuster(47). Excused Netti(50) 538/294/50

RESOLUTION NO. 396-07 (6/26/07) COA-LLAmdgLLNo.7of1995t0ChgTrmLmtCoLegsADP

TO ADOPT LOCAL LAW NO. FOR THE YEAR 2007, AMENDING LOCAL LAW NO. 7 FOR THE YEAR 1995 TO IMPOSE A TERM LIMIT SUCH THAT NO PERSON SHALL BE ELECTED TO MORE THAN THREE LEGISLATIVE TERMS ON THE CAYUGA COUNTY LEGISLATURE AND AN APPOINTMENT, TOGETHER WITH AN ELECTION, CONSTITUTES A FULL TERM.

BY: MR. MITCHELL, Chairman, Government Operations Committee.

WHEREAS, Local Law No. for the year 2007 was presented to the Cayuga County Legislature on the 22nd day of May, 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. for 2007 on June 26, 2007 at 6:30 P.M.; now, therefore be it

ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. for 2007, amending Local Law No. 7 for 1995 to impose a term limit such that no person shall be elected to more than three legislative terms on the Cayuga County Legislature and an appointment together with an election, constitutes a full term; and be it further

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

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

Approved by majority vote, Ayes – Murphy(51), Dudley(81), Smith(68), Petrus(53), Lockwood(63), Mitchell(57), Cuddeback(64), Schuster(47), Lepak(48), Fearon(63). Noes – Sedor(79), Palermo(58), Tortorici(51), Pappert(49). Excused - Netti(50). 595/237/50

COA-LLAmdgLLNo.7of1995TrmsCoLegsEST(Rev 4)

STATE OF NEW YORK
COUNTY OF CAYUGA

LOCAL LAW NO. FOR THE YEAR 2007

A LOCAL LAW AMENDING LOCAL LAW NO.7 FOR THE YEAR 1995 TO IMPOSE A TERM LIMIT SUCH THAT NO PERSON SHALL BE ELECTED TO MORE THAN THREE LEGISLATIVE TERMS ON THE CAYUGA COUNTY LEGISLATURE; AND INDICATING THAT A VACANCY OF A CAYUGA COUNTY LEGISLATOR'S SEAT.

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

Section 1. Section 2, (2.2.4), of Local Law No. 7 for the Year 1995 is hereby amended to read as follows:

2.2.4 Term Limit. No person shall serve as Cayuga County Legislator for more than three (3) terms. If a person is elected as a County Legislator to fill out any portion of a balance of the term, then, in that event, service shall constitute a full term for the purpose of this term limit law.

If a person is appointed to a legislative seat and is thereafter elected as a County Legislator to fill out any portion of a balance of the term, then, in that event, service shall constitute a full term for the purpose of this term limit law. If a person elected as a County Legislator resigns from the legislative seat, is thereafter appointed and thereafter elected to the County Legislature to fill out the remaining balance of the previous term, then, in that event, service shall constitute a full term for the purpose of this term limit law.

Service as a County Legislator before January 1, 2008 shall not be considered for purposes of this term limit calculation.

Section 2. This Local Law is subject to a mandatory referendum pursuant to Section 23 of the Municipal Home Rule Law of the State of New York, shall be submitted for approval of the electors of the County of Cayuga and placed on the ballot for the General Election occurring in November of 2007.

Section 3. Local Law No. 4 for the Year 1992 and Local Law No. 7 for the Year 1995 shall remain the same in all other respects except as otherwise specifically provided otherwise herein.

Section 4. If this Local Law is defeated by the negative vote of a majority of the qualified electors of the County of Cayuga at referendum, Local No. 7 for the Year 1995 shall remain in full force and effect as enacted in 1995.

Section 5. This Local Law shall take effect as provided by law in the case of a local law subject to a mandatory referendum.

**RESOLUTION NO. 397-07 (6/26/07) COA-AuthChmAccpSARAGrnt&SignCt-GenCode
AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO ACCEPT A SARA
GRANT AND ENTER INTO A CONTRACT WITH GENERAL CODE, LLC, FOR THE
DIGITALIZATION OF COUNTY PROCEEDINGS, LOCAL LAWS AND POLICIES, AND AMENDING
THE 2007 COUNTY BUDGET TO ACCOMMODATE THE SAME.**

BY: MR. MITCHELL, Chairman, Government Operations Committee, and.

MR. DUDLEY, Chairman, Ways & Means Committee.

WHEREAS, the County applied for a Sara Grant in order to assist in digitalizing the County minutes of proceedings, local laws and policies; and

WHEREAS, the County was awarded a Sara Grant in the amount of \$24,975.00 for the purchase of services; and

WHEREAS, the County Attorney's Office secured three (3) quotes for the digitalization of County records; and

WHEREAS, the following quotes were received:

General Code, LLC, Estimated total price for:

First Year scanning & WebDocs.....\$ 6,872.00

Second Year forward for entire project.....\$ 1,020.00

Image Integrator, Estimated total price for:

Imaging (250,000).....\$10,100.00

Installation & Training.....\$ 2,500.00

Extended price scanning (38,000).....\$ 4,342.36

Extended price microfilming.....\$ 97.87

Biel's, Final Pricing based upon actual image count as follows:

1. Pick up of records.....No Charge

2. One time job set up fee.....\$ 250.00

3. Prep work to include unbinding the books.....\$ 19.95/hr.

4. Scan approximately 67,000 images and

create searchable PDF files.....\$ 0.12/image*

5. CD/DVD creation for image delivery.....\$ 25.00 each

* With no manual cleanup of misinterpreted characters/words/figures

and

WHEREAS, the General Code product appears to best meet the needs of the County; now, therefore, be it RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized to accept the Sara Grant and to sign any documents required; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is further authorized to sign any documents, including a contract with General Code, LLC, to implement this resolution; and be it further

RESOLVED, that in order to account for receipt of the aforesaid funds and make disbursements for the purpose intended, the Cayuga County Treasurer is hereby authorized to amend the 2007 County Budget in the following manner:

Establish Rev. Acct. No. 3004.000.000-A (State Aid Local Records Management) in the amount of \$24,975.00

Increase App. Acct. No. 1420.400.220-A (State Aid Local Records Management) in a like amount.

and be it further

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

Legislator Pappert, will there be a Web site for this.

County Attorney, Fred Westphal, yes

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 398-07 June 26, 2007

PB_WaivePlngBrd_NYStraining

Waiving the Required Training for Cayuga County Planning Board Members and Members of its Subcommittees

BY: Mr. Daniel Schuster, Chair, Planning and Economic Development

WHEREAS, the State of New York has amended General Municipal Law Section 239-c so as to establish specific training requirements for members of County Planning Boards; and

WHEREAS, these amendments provide the County Legislature with the authority and option to waive or modify, by official resolution, the training requirements established by these amendments when said board deem it in the best interest of the jurisdiction to do so; and

WHEREAS, the majority of the members of the County Planning Board are also members of the Planning and/or Zoning Boards in their local communities and are therefore bound to the NYS training requirements associated with the Planning and/or Zoning Board service to their local municipality; and

WHEREAS, the authority of the County Planning Board and its Subcommittees is advisory in nature and therefore does not provide for discretionary authority over the land use decisions made by local Planning and Zoning Boards; and

WHEREAS, it has been determined that basic training programs are available on the internet, and available to members of the County Planning Board, providing ample opportunity for non-mandatory training and information if needed and desired; now, therefore be it

RESOLVED, that the Legislature of Cayuga County hereby waive the training requirements for the County Planning Board members and members of its Sub-Committees, established by the above referenced amendments to the laws of the State of New York.

Legislator Cuddeback, why waive training.

Planning Director, Steve Lynch, they have already had training.

Signed by Schuster, Murphy, Palermo, Smith, Tortorici.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 399-07 June 26, 2007 BlumerFrmPDR_SupprtRES rev1

SUPPORTING THE PREPARATION AND SUBMITTAL OF A NEW YORK STATE FARMLAND PROTECTION IMPLEMENTATION GRANT BY ONONDAGA COUNTY FOR PROTECTION OF THE BLUMER ESTATE, TOWN OF CATO

BY: Mr. Daniel Schuster, Chair, Planning and Economic Development

WHEREAS, the County of Onondaga is eligible to receive grant funds under the New York State Farmland Protection Implementation Grants Program (FPIG) administered by New York State Department of Agriculture and Markets (NYSDAM); and

WHEREAS, this program includes among its objectives the purchase of development rights on viable, productive farmland in New York State; and

WHEREAS, a proposal, which meets these objectives, has been received by the Cayuga County Agriculture and Farmland Protection Board (AFPB) from the Estate of Terrance Blumer to purchase development rights on approximately 260 acres of farmland in the Town of Cato, Cayuga County; and

WHEREAS, this acreage is part of a larger cash crop and dairy operation totaling approximately 1100 acres, the majority of which is located in the Town of Elbridge in Onondaga County; and

WHEREAS, the Onondaga County Agriculture and Farmland Protection Board (AFPB) has selected the Blumer Farm as one of its three (3) farms for submission to NYSDAM in their 2007 FPIG proposal; and

WHEREAS, Onondaga County AFPB has agreed to consider inclusion of the Blumer Farm's Cayuga County acreage in their proposal, subject to approval by the Cayuga County AFPB and the Cayuga County Legislature; and

WHEREAS, the Cayuga County AFPB voted at its May 2, 2007 meeting to unanimously support Onondaga County's FPIG proposal to protect the Blumer Farm in Cayuga and Onondaga Counties; now, therefore, be it

RESOLVED, that the Cayuga County Legislature hereby formally requests, authorizes and supports the Onondaga County AFPB to apply for and accept funds on behalf of the Blumer Farm in Cayuga County; and be it further

RESOLVED, that the Cayuga County Department of Planning and Economic Development is hereby authorized to provide limited in-kind service to assist with implementation of FPIG grant funds if awarded, to include mapping services and review of land planning and other documents as needed.

Signed by Schuster, Murphy, Palermo, Smith, Tortorici.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 400-07 June 26, 2007 PB_MinSudivSaleCntyLnd_QuarrySt_Aub_rev1
Authorizing the Minor Subdivision and Sale of a portion of County-owned Real Property located at #2-10
Quarry St. in the City of Auburn to Corrosion Control Inc., to facilitate business operations and expansion at
the Cayuga County Manufacturing Facility

BY: Mr. Daniel Schuster, Chair, Planning and Economic Development
Mr. Paul M. Dudley, Chair, Ways and Means Committee

WHEREAS, Cayuga County is the owner of a parcel of real property located at 14 Quarry Street, Auburn, NY, Tax ID #108.68-1-6.1 (the "Subject Property"), that is situated adjacent to and surrounding a property owned by Corrosion Control, Inc., a Cayuga County manufacturing facility (the "Company"); and

WHEREAS, the Company has contacted the Cayuga County Department of Planning & Economic Development with a proposal to purchase a 1.9 Acre portion of the Subject Property immediately adjacent to the Company (the "Purchase Parcel") in order to facilitate vehicle and truck circulation as well as expansion of the Company's manufacturing facility, such Purchase Parcel being described as Parcel "A" on a survey map, prepared by Watkins Land Surveying PLLC dated July 24, 2006 and Revised February 3 2007 and attached hereto ("Purchase Parcel Survey Map"); and

WHEREAS, the County Director of Real Property Services has provided a written Current Market Valuation of the Purchase Property, attached hereto, determining that the Purchase Property is not an open marketable parcel because of the irregular shape, marginal access and sharp elevation, being only accessible and functional by the front parcel owned by the Company and therefore has a correspondingly modest market value of \$1000.00; and

WHEREAS, the Department of Planning & Economic Development have conferred with the Director of Emergency Services who has confirmed that the sale of the Purchase Parcel to the Company will not in any manner impact or constrain the current or future use of the Subject Property and the Cayuga County Fire Training Center which is situated in a remote corner of the Subject Property separated from the Purchase Parcel by steep grade changes and rock outcroppings; and

WHEREAS, the Cayuga County Legislature wishes to support the retention and expansion of the manufacturing base of the County economy and facilitate the operations and development plans of the Company; now, therefore, be it RESOLVED, that the Cayuga County Legislature hereby declares the Purchase Parcel to be Surplus County Property and authorizes the administrative subdivision of the Purchase Parcel from the Subject Property and the sale of the Purchase Parcel, as described on the Purchase Parcel Survey Map to the Company for the price of \$1000.00 with the contingency that all closing costs and real estate transaction costs related to the sale of the Purchase Property to the Company shall be borne by the Company; and be it further

RESOLVED, that the Chair of the Cayuga County Legislature is hereby authorized to execute any and all documents necessary to complete the administrative subdivision and sale of the Purchase Parcel to the Company.

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

Approved by voice vote, all present voting aye.

FIXING DAY AND NOTICE OF PUBLIC HEARING ON A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 1994 TO INCREASE THE RATE OF THE HOTEL/MOTEL ROOM TAX TO FIVE PERCENT (5%) IN CAYUGA COUNTY, AND ALSO AUTHORIZE CAYUGA COUNTY TO USE ALL OR PART OF THE MONEY IN THE SPECIAL FUND TO PAY A SINGLE NOT-FOR-PROFIT CORPORATION TO PROMOTE TOURISM AND CONVENTION DEVELOPMENT IN THE COUNTY..

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

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on June 26, 2007, a proposed local law entitled:

"A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 1994 TO INCREASE RATE OF THE HOTEL/MOTEL ROOM TAX TO FIVE PERCENT (5%) IN CAYUGA COUNTY, AND ALSO AUTHORIZE CAYUGA COUNTY TO USE ALL OR PART OF THE MONEY IN THE SPECIAL FUND TO PAY A SINGLE NOT-FOR-PROFIT CORPORATION TO PROMOTE TOURISM AND CONVENTION DEVELOPMENT IN THE COUNTY."

Now, therefore, be it

RESOLVED, that a public hearing shall be held concerning the proposed local law before the Cayuga County Legislature on July 24, 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 Dudley, Lockwood, Mitchell, Schuster, Sedor, Smith, Tortorici.

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

**RESOLUTION NO. 402-07 (6/26/07) COA-LLAdm&EnfYSUniformFirePrev&BldgCodeADP
TO ADOPT LOCAL LAW NO. 3 FOR THE YEAR 2007, PROVIDING FOR
THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK
STATE UNIFORM FIRE PREVENTION CODE.**

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

WHEREAS, Local Law No. 3 for the year 2007 was presented to the Cayuga County Legislature on the 22nd day of May, 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. 3 for 2007 on June 26, 2007 at 6:30 P.M.; now, therefore be it

ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. 3 for 2007, providing for the administration and enforcement of the New York State Uniform Fire Prevention Code; and be it further

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

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

Approved by voice vote, all present voting aye.

**STATE OF NEW YORK
COUNTY OF CAYUGA**

LOCAL LAW NO. 3 FOR THE YEAR 2007

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

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

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the County of Cayuga. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

“Building Permit” shall mean a permit issued pursuant to section 4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Certificate of Occupancy” / “Certificate of Compliance” shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

“County” shall mean the County of Cayuga.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by the County Legislature of the County Cayuga;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the County’s attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

-2-

(b) The Code Enforcement Officer shall be appointed by compliance with Civil Service rules and regulations. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by Civil Service rules and regulations to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Code enforcement Officer to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the County Legislature of the County of Cayuga.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) construction or installation of one story detached structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
- (2) installation of swings and other playground equipment associated with a one or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) installation of swimming pools associated with a one or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) construction of temporary motion picture, television and theater stage sets and

scenery;

- (7) installation of window awnings supported by an exterior wall of a one or two-family dwelling or multiple single-family dwellings (townhouses);
 - (8) installation of partitions or movable cases less than 5'-9" in height;
- 3-
- (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
or
 - (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 1 set of construction documents (drawings and/or specifications) which
 - (i) define the scope of the proposed work;
 - (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

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(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;

- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;

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- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor,

construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

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SECTION 7. CERTIFICATES OF OCCUPANCY/CERTIFICATES OF COMPLIANCE.

(a) Certificates of Occupancy/Certificates of Compliance required. A Certificate of Occupancy shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy.

(b) Issuance of Certificates of Occupancy/Certificate of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

(c) Contents of Certificates of Occupancy/Certificate of Compliance. A Certificate of Occupancy/Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy/Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;

- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy/Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from

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the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy/Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy or for a Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within Cayuga County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES.

(a) Unsafe structures and equipment in the County of Cayuga shall be identified and addressed in accordance with the following procedures:

- (1) The Code enforcement Officer and Code Enforcement Personnel shall have the authority to inspect or to seek the permission to inspect from a property owner or the property owner's representative any building, structure or equipment that appears on its face to be kept in an unsafe manner so as to present a hazard to the health, safety and welfare of County residents or be in violation of the Uniform Code or Energy Code.
- (2) Upon finding any unsafe condition, the Code Enforcement Officer shall revoke any

Certificate of Occupancy/Certificate of Compliance or Temporary Certificate. The Code Enforcement Officer shall notify the property owner personally or by registered mail of the unsafe and hazard condition that exists and shall issue a Compliance Order as detailed in Section 15 of this Local Law ordering the property owner to remedy the unsafe or hazardous condition. The Code Enforcement Officer shall have all powers as discussed in Section 15 of this Local Law to remedy and bring into compliance with the Uniform Code or Energy Code the offending unsafe building, structure or equipment.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, is determined by resolution adopted by the County Legislature of the County of Cayuga.

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Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(f) Revocation or Suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
- (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every twelve (12) months.

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(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, resolution or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

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(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and

(9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the County Legislature of the County of Cayuga a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the County of Cayuga, on a form prescribed by the Secretary of State, a report of the activities of the County of Cayuga relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the County of Cayuga is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the County of Cayuga in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail and/or certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally by registered mail and/or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

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(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the County of Cayuga.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the County of Cayuga, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the County of Cayuga, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No

action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the County Legislature of the County of Cayuga.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

SECTION 16. FEES

A fee schedule shall be established by resolution of the County Legislature of the County of Cayuga. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The County Legislature of the County of Cayuga may, by resolution, authorize the Chairman of the County Legislature to enter into an agreement, in the name of the County, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**RESOLUTION NO. 403-07 (6/26/07) COA-LLAmdLLNo.1For1979PriorNotice DefectsADP
TO ADOPT LOCAL LAW NO. 4 FOR THE YEAR 2007, AMENDING
LOCAL LAW NO. 1 FOR 1979 REQUIRING PRIOR WRITTEN NOTICE
OF DEFECTS IN CONNECTION WITH CLAIMS FOR DAMAGES OR
INJURIES SUSTAINED BY REASON THEREOF.**

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

WHEREAS, Local Law No. 4 for the year 2007 was presented to the Cayuga County Legislature on the 22nd day of May, 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. 4 for 2007 on June 26, 2007 at

6:30 P.M.; now, therefore be it

ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. 4 for 2007, amending Local Law No. 1 for 1979 requiring prior written notice of defects in connection with claims for damages or injuries sustained by reason thereof; and be it further

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

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

Approved by voice vote, all present voting aye.

COA-LLAmdLLNo.1For1979PriorNoticeDefectsEST

STATE OF NEW YORK
COUNTY OF CAYUGA

LOCAL LAW NO. 4 FOR THE YEAR 2007

A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 1979
REQUIRING PRIOR WRITTEN NOTICE OF DEFECTS IN CONNECTION
WITH CLAIMS FOR DAMAGES OR INJURIES SUSTAINED BY REASON
THEREOF.

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

Section 1. INTENT. The purpose of this amendment is to expand on Local Law No. 1 for the Year 1979 which requires prior written notice of defects for claims arising from defective conditions of County highways or bridges, to include adequate prior written notice where claims for bodily injury or damage to property are asserted against the County arising out of alleged defective conditions of any property owned or constructed by or in the care, custody or control of the County, in order to allow the County the opportunity to investigate and correct such conditions, if found to exist. Whether the County has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the County. To assure that the County receives actual prior notice of an alleged unsafe or defective condition and is able to respond in a prompt and reasonable manner, such prior notice shall be in writing. It is the purpose of this section to require that notice of unsafe or defective conditions of County property be given to the County by prior written notice actually received by the County.

Section 2. DEFINITIONS. For the purposes of this section, the following words, phrases and terms and their derivations shall have the meanings given herein:

COUNTY HIGHWAY - A highway, street, road, cul-de-sac, drive or other roadway maintained by the County, whether or not such highway has been formally dedicated to the County. This definition shall include bridges, shoulders, curbs, gutters, culverts, signs and other traffic control devices and all other things appurtenant to a highway.

COUNTY PROPERTY - All County highways, streets, bridges, culverts, sidewalks, crosswalks, walkways, trails, paths, parking areas, playgrounds, parks and all other real property owned, leased, used, occupied or maintained by the County or over or through which the County has an easement or right-of-way and all buildings, structures, fixtures, personal property and appurtenances thereto owned, leased, used, occupied or maintained by the County.

UNSAFE CONDITION - Any defective, hazardous, dangerous or obstructed condition, including such conditions as may have been created by an act or omission of any employee or officer of the County, and including such conditions as may result from inadequate or improper design, maintenance or repair or from the existence of snow or ice thereon.

Section 3. Written Notice of Defective Condition Required for Injuries on Highways and County property. No civil action shall be maintained against the County of Cayuga for damages or injuries to person or property sustained by reason of any street, highway, bridge, culvert, sidewalk, crosswalk, walkway, trail, path, parking area, and all other real property owned, leased, used, occupied or maintained by the County or over or through which the County has an easement or right-of-way and all buildings, structures, fixtures, personal property and appurtenances thereto owned, leased, used, occupied or maintained by the County the County of Cayuga being defective, out of repair, unsafe, dangerous or obstructed, or of the existence of snow or ice thereon, unless written notice of such defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk, crosswalk, walkway, trail, path, parking area and all other real property owned, leased, used, occupied or maintained by the County or over or through which the County has an easement or right-of-way and all buildings, structures, fixtures, personal property and appurtenances thereto owned, leased, used, occupied or maintained by the County, or any other property owned by the County of Cayuga, was actually given to the County Manager and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert, sidewalks, walkways, trails, paths, parking areas, playgrounds, parks and all other real property owned, leased, used, occupied or maintained by the County or over or through which the County has an easement or right-of-way and all buildings, structures, fixtures, personal property and appurtenances thereto owned, leased, used, occupied or maintained by the County, or any other property owned by the County of Cayuga, unless written notice thereof, specifying the particular place, was actually given to the County Manager and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 4. Prior written notice required. No civil action shall be maintained against the County or against the County's officers or employees for personal injury, including death or damage to property, related to, caused by, resulting from or arising out of any property owned or constructed by the County, or involving property in the care, custody or control of the County, being defective, out of repair, unsafe, dangerous, obstructed or improperly

maintained unless, prior to the occurrence of the injury or damage, the County shall have been given actual written notice of the alleged condition complained of and shall have failed or neglected within a reasonable time after such written notice to repair or remove the condition.

Section 5. Notice - Contents. The notice required by this section shall contain the following:

1. The full name and address of the claimant.
2. The particular property of the County and its location claimed to be defective, out of repair, unsafe, dangerous or obstructed.
3. The time such condition was first observed or made known to the claimant.
4. A statement of the particulars in which the property is defective, out of repair, unsafe, dangerous or obstructed.

Section 6. Service of Notice. The written notice provided for by this section shall be served by personal service within the County of Cayuga upon the County Manager or his (or her) designated representative.

Section 7. Record of Notice - Presentation to the County Legislature.

1. The County Manager shall keep and maintain a record of all written notices received pursuant to this section, which record shall state the date of the receipt of the notice, the nature and location of the conditions stated to exist and the name and address of the person from whom the notice is received. The record of each notice shall be preserved for a period of at least three years after the date it is received.
2. The County Manager shall cause all written notices received by him (or her) pursuant to this section to be presented to the County Legislature, the County Attorney and the Chairman of the County Legislature within five (5) days of the receipt thereof, or at the next County Legislature meeting, whichever shall be sooner.

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Section 8. Repeal of existing requirements not intended. Nothing contained in this section shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions, but, on the contrary, this section shall be held to be additional requirements to the right to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence or to impose upon the County any greater duty or obligation than otherwise imposed by law.

Section 9. SAVING CLAUSE. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

Section 10. EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing with the Secretary of State.

RESOLUTION NO. 404-07 June 26, 2007 PB_UST_Removal Phase1_Auth
Authorizing the Chairman of the Cayuga County Legislature to enter into contracts and expend the required funds necessary for the removal of certain Underground Storage Tanks (UST) located on County property under Phase I of the UST Removal Plan, and authorizing the circulation of a Request for Qualifications for Professional Engineering Services related to establishing professional services costs for removal of USTs under Phase II of the UST Removal Plan. (2/3vote)

BY: Mr. Stephen E. Cuddeback, Chair, Public Works Committee
 Mr. Paul M. Dudley, Chair, Ways and Means Committee

WHEREAS, the Department of Planning & Economic Development has prepared a Draft Underground Petroleum Tank Remediation Plan (The Plan), whose goal is to outline an appropriate procedure to investigate and remediate all Underground Petroleum Storage Tanks (USTs) that have been brought to the attention of, and are currently known to the Planning Department staff; and

WHEREAS, the Plan includes (1) a UST Inventory; (2) a Proposed Schedule; and;(3) an Estimated Budget; and

WHEREAS, the Proposed Schedule breaks out the remediation process into four (4) Phases, including:

- Phase 1 represents are the tank pulls anticipated to be fairly straightforward, with little if any contaminated soils;
- Phase 2 represents the tank pulls that are complex and therefore require the planning and technical oversight of a professional engineering consultant;
- Phase 3 represents the tank pulls that are located within Cayuga County parklands and therefore are tank pulls recommended for removal in the Fall, after the summer Park season; and
- Phase 4 are tank pulls associated with the County brownfield parcel and project in the Village of Meridian; and

WHEREAS, the County wishes to support the remediation of Phase 1 immediately and identify a qualified engineering consultant and anticipated professional services fees for implementation of Phase 2; now, therefore, be it

RESOLVED, that the Cayuga County Legislature approves or and authorizes the following:

- Authorizes the expenditure of up to \$6,600 from Account #A1990.000.000 for the costs associated with the removal of USTs defined in Phase 1 of the Plan;
- Authorizing the Chairman of the Legislature to execute any contracts required for removal of the USTs defined in Phase 1 of the Plan; and
 Authorizing the preparation and circulation of a Request for Proposals (RFP) for professional services to define the project requirements and costs associated with implementation of Phase 2 of the Plan.

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

Approved by 2/3 vote, all present voting aye, except Netti Excused 230/14

**RESOLUTION NO. 405-07 (6/26/07) P&T WestBarrierBarProposal 6 07
AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE TO SIGN AN INTER-
MUNICIPAL AGREEMENT WITH THE VILLAGE OF FAIR HAVEN AND THE TOWN OF STERLING
FOR THE OVERSIGHT AND OWNERSHIP OF WEST BARRIER BAR**

By: Mr. Steve Cuddeback, Chairman, Public Works

Mr. Paul Dudley, Chairman, Ways & Means Committee

Whereas, the Cayuga County Parks and Trails Department currently oversees two parks in the Town of Sterling, West Barrier Bar and The Sterling nature Center, and

Whereas, the parks department has focused it's limited resources on The Sterling Nature Center, and

Whereas, West Barrier Bar is therefore not reaching it's potential as a beautiful and safe park, and

Whereas, the Village of Fair Haven and The Town of Sterling have analyzed the situation at West Barrier Bar and have developed a proposal to assist in the oversight of the bar and indeed, if all goes as planned to eventually take over ownership of West Barrier Bar, and

Whereas, the Parks Commission supports the proposal with the exception of the \$5.00 charge to county residents as long as the county retains ownership, now, therefore, be it

Resolved, that the Chairman of the Legislature is hereby authorized and directed to sign an inter-municipal agreement to be drawn up by the county attorney based upon the proposal as modified and agreed to by the Cayuga County Legislature.

Legislator Cuddeback, I do not support this resolution, it should be turned over to Sterling.

Legislator Palermo, there is no disadvantage to County, big step for the Town and Village.

Legislator Petrus, would we still be responsible, liability.

County Attorney, Fred Westphal, yes.

Legislator Palermo, Town and Village will patrol area, it is not patrolled now.

Legislator Schuster, some improvement will be made in three years.

Legislator Pappert, this will be better, with the Town and Village patrolling.

Legislator Cuddeback, I think the risk will increase, puts people in harms way.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 406-07 (6/26/07) COMCompliOfficerREV1
AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO SIGN A CONTRACT FOR
COMPLIANCE OFFICER SERVICES**

BY: Hon. Steve Cuddeback, Chairman of Public Works Committee

BY: Hon. Paul Dudley, Chairman of Ways and Means Committee

WHEREAS, Cayuga County has solicited Requests for Proposals for Compliance Officer services; and
WHEREAS, the Public Works Committee entertained presentations from two qualified companies; and
WHEREAS, the County is in need of these services as it undertakes such Capital Projects of new construction and renovation in the near future; and

WHEREAS, the Compliance Officer will assist in the training of certain county employees who require additional training prior to any construction work on County Buildings and Grounds; now, therefore be it

RESOLVED, that the Cayuga County Legislature does hereby select Kleinfelder as its Compliance Officer for services at a cost not to exceed \$75,000, for the first year; and be it further

RESOLVED, that the cost of the services for the Compliance Officer will be charged to Buildings Account 1620.410.012A (Buildings, Maintenance)

RESOLVED, that this agreement shall be annually reviewed and renegotiated; and be it further

RESOLVED, that the Chairman of the Legislature is authorized to sign said contract with Kleinfelder.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 407-07 Date: June 26,2007 Hwysremvlamdrev
AUTHORIZING THE COUNTY CHAIRMAN TO SIGN A CONTRACT AMENDMENT FOR WINTER
SEVERITY INDEX FOR THE 2006/2007 NYS DOT SNOW AND ICE REMOVAL CONTRACT.**

By: Steven Cuddeback, Chairman Public Works Committee

Paul Dudley, Chairman Ways and Means Committee

Whereas, the County of Cayuga was under contract with the NYS DOT for Snow and Ice removal under Contract Agreement D009816 for the 2006/2007 Season; and

Whereas, the NYS DOT is allowing a Winter Severity Index via Amendment B to Contract Agreement D009816 for the 2006/2007 season; now therefore be it

Resolved, that Chairman of the Cayuga County Legislature is hereby authorized and directed to sign the Amendment B to Contract D009816 for the 2006/2007 season; and be it further

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 408-07 (June 26, 2007) IT Finger Lakes Technologies Group Contract
Authorizing the Chairman of the Legislature and the Director of Information Technology to Enter Into an
Agreement With Finger Lakes Technologies Group, Inc. for Installation of Cabling on the 2nd Floor of the
Hardenburg Building and authorizing transfer of funds**

BY: Steven Cuddeback, Chairman of the Public Works Committee

Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, Resolution #337-07 authorized the Health Department to relocate staff from Community Health Services' Communicable Disease Program and also from its Maternal/Child Health Program from the basement of the Hardenburg Building to the 2nd floor of the Hardenburg Building; and

WHEREAS, cable installation of 10 single data locations on this 2nd floor office space is necessary to make this work space operational; and

WHEREAS, it is the desire of the Director of Information Technology to contract with Finger Lakes Technologies Group, Inc. to install the cabling at a cost of \$2,465; and

WHEREAS, the Information Technology Department does not have funding in its 2007 Budget for this expense; and

WHEREAS, there is an excess of funds in the Veteran's 2007 Equipment Line; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services enter into an agreement with Finger Lakes Technologies Group, Inc. to install cabling in the 2nd floor office space to be occupied by Health Department personnel in the amount of \$2,465; and be it further

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

Decrease Equip. Acct. #6510.200 (Veteran's 2007 Budget).....\$2,465

Increase Prof. Serv. Acct. #1020.400.059 (Info. Tech.'s 2007 Budget).....\$2,465

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 409-07 June 26, 2007 (P&T) MGR Scenechangeorder
AUTHORIZING A CHANGE ORDER TO DECREASE THE AMOUNT 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 #280-07, authorized the establishment of Capital "H" Project No. 06-6 (MGR Scene Shop); and Whereas, a recommendation has been made by the Public Works Committee and the Parks and Trails Department to decrease the cost of the construction, and

Whereas, the contractor, Finger Lakes Construction has agreed to remove the covered entrance off of the door on the North wall (saving \$1,200) and change the 6'x9' custom built door to a 6'x7' pre-manufactured door (saving \$200), and be it

Resolved, the County Legislature does hereby approve the change order to decrease the amount of \$1,400, 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, Lockwood, Palermo, Pappert, Tortorici, Lepak, Smith, Dudley, Murphy, Mitchell, Schuster, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 410-07 (6/26/07) P&T AsbestosEmersonPark 6 07REV
AUTHORIZING THE COUNTY LEGISLATURE TO REIMBURSING THE PARKS BUDGET FOR
ASBESTOS WORK COMPLETED ON VARIOUS PARK PROJECTS(2/3)**

By: Mr. Steve Cuddeback, Chairman, Public Works

Mr. Paul Dudley, Chairman, Ways & Means Committee

Whereas, the Cayuga County Legislature has taken an aggressive stance to clean up asbestos in the various county buildings; and

Whereas, funding for this cleanup has been provided by the Legislature from the contingency fund Account #1990.000.000-A; and

Whereas, the park has funded asbestos removal projects from the park operating budget accounts as follows:

Account 7110.400.147	Park Improvements	\$500.00
Account 7111.400.148	Demonstrations	\$141.50
Account 7111.400.012	Building Maintenance	\$3,908.54
Total		\$4,550.04; and

Whereas, this has expense will make it extremely difficult for the park to complete various projects; and

Whereas, the Parks Commission unanimously agreed that the park director should ask the legislature to consider reimbursing these accounts from the contingency fund Account #1990.000.000-A; now, therefore, be it

Resolved that the sum of \$4,550.04be transferred from the contingency fund Account #1990.000.000-A and be distributed to the following accounts as set forth below:

Account 7110.400.147	Park Improvements	\$500.00
Account 7111.400.148	Demonstrations	\$141.50
Account 7111.400.012	Building Maintenance	\$3,908.54
Total		\$4,550.04; and be it further

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

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

Approved by 2/3 vote, all present voting aye, except Netti Excused 230/14

Amendment by Legislator Pappert to change 6th Whereas to read: WHEREAS, three contractors were contacted for quotes for construction management and two responses were received; they are as follows:

Gray Management Systems, Phoenix NY \$7,296.00

C&S Companies, Syracuse NY \$8,800.00

; and approved by voice vote, all present voting aye

RESOLUTION NO. 411-07 Action: 6/26/07

Blds-HPO Boiler replacementrev5

Authorizing Chairman of the Cayuga County Legislature to enter into contracts for the replacement of boiler at the Old Historic Post Office and authorizing the transfer of funds.

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

Hon. Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, the Cayuga County Buildings and Grounds Department has received a grant from NYSERDA for an energy audit; and

WHEREAS, an audit has been completed with Beardsley Design for modification of the heating system at the Historic Post Office; and

WHEREAS, Resolution No. 201-07 authorized the Building Superintendent and the Clerk of the County Legislature to advertise and received sealed bids for energy improvements to the Historic Post Office; and

WHEREAS, the following responses were received for the renovation and modification of the Historic Post Office heating system and are tabulated as follows:

Mechanical Bid

<u>Contractor</u>	<u>Bid Amount</u>
J&A Mechanical, Inc	\$277,500.00
HMI Mechanical Systems, Inc	\$155,800.00
Siracusa Mechanical, Inc.	\$178,650.00
B&B Mechanical	\$152,440.00
Navalis	\$197,400.00
C&S Tech	\$183,457.00
Air Tech	\$151,080.00
Edward F. Galvin	\$139,749.00

Electrical Bid

<u>Contractor</u>	<u>Bid Amount</u>
J&E Electric, Inc.	\$15,500.00

And,

WHEREAS, The low bids are as follows

Mechanical Bid	Edward F. Galvin	\$139,749.00
Electrical Bid	J&E Electric, Inc	<u>\$ 15,500.00</u>
Total of the low bids		\$155,249.00

And;

WHEREAS, three contractors were contacted for quotes for construction management and two responses were received; they are as follows:

Gray Management Systems, Phoenix NY \$7,296.00

C&S Companies, Syracuse NY \$8,800.00

; and

WHEREAS, there is a need for construction management services, air monitoring for the asbestoses abatement portion of the project and a contingency fund for change orders during construction, this fund not to exceed the sum of \$25,500.00; and

WHEREAS, the sum of \$180,749.00 be appropriated from the unappropriated fund balance to pay for the project; now therefore let it be,

RESOLVED, that the Mechanical bid be awarded to Edward F. Galvin for \$139,743.00, and let it be further be

RESOLVED, that the Electrical bid be awarded to J&E Electrical Inc. for \$15,500.00, and let it be further be

RESOLVED, that the contract for construction management services portion of the project be awarded to: C&S

Companies Syracuse NY, at a cost not to exceed \$ \$8,800.0 0; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute any and all document required to accept the bids and award the contracts as indicated herein; and be it further

RESOLVED, that the sum of \$180,749 be appropriated from Account No. 0599.000.000 A the fund balance, and transferred into Account No. 9900.000.000 A; and be it further

RESOLVED, that the Old Historic Post Office budget be amended as follows:

Account No. 7530.400.012, Building Maintenance, be increased by \$155, 249.00

Account No. 7530.400.057, Professional Services, be increased by \$ 25,500.00

Account No. 5031.000.000 EM be increased by \$180, 749.000; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature be authorized and directed to sign the necessary documents and required to accomplish this project; 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, Lepak, Lockwood, Palermo, Pappert, Smith, Tortorici, Mitchell, Murphy, Schuster.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 412-07

6/26/07

hwyeastroad

Accepting East Road in the Town of Ira to the County Highway System

BY: Hon. Steve Cuddeback, Public Works Committee

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

WHEREAS, East Road in the Town of Ira has been maintained by the Cayuga County Highway Department for the last 17 years, and

WHEREAS, the NYSDOT has rebuilt the intersection of Brandt Road and Route 370; and

WHEREAS, this section of East Road upon being rebuilt by NYSDOT before acceptance by the County of Cayuga, and

WHEREAS, East Road is to be rebuilt to the same specifications as Montross Lane and Nesbit Lane in the Town of Sennett with larger turn around minimum of 60' x 60', and be it

RESOLVED, this section of East Road upon being rebuilt by NYSDOT will be placed on the Cayuga County Highway System, therefore be it

RESOLVED, that the Cayuga County Legislature accept East Road, located in the Town of Ira from the NYSDOT

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 413-07 (6/26/07) P&T rev.156-07 SeasonalHelp 6 07rev

MODIFYING RESOLUTION 156-07 AUTHORIZING THE HIRING OF SEASONAL STAFF FOR THE PARKS & TRAILS DEPARTMENT FOR THE 2007 SEASON

By: Mr. Steve Cuddeback, Chairman, Public Works

Mr. Paul Dudley, Chairman, Ways & Means Committee

Whereas, Resolution No. 156-07, entitled Authorizing the hiring of seasonal staff for the Parks & Trails Department for the 2007 season, provided, in part, for the hiring of one Museum Assistant; and

Whereas, the seasonal person who has filled the position of Museum Assistant has a scheduling conflict which will make it impossible to work the hours originally scheduled; and

Whereas, it is anticipated, that in order to accomplish the work required in the Ag Museum an increase the number of seasonal employees in the Museum Aide classification from one (1) to two (2) is required; and

Whereas, the addition of a second Museum Assistant will not require additional funding; now, therefore, be it

Resolved, that the Park Maintenance Supervisor is hereby authorized to hire an additional Museum Aide, and be it further

Resolved, that the funding for the above-stated position shall be paid from appropriated funds in the 2007 Parks & Trails Department Budget Accounts for Ag Museum Salaries No. 7111.100.000-A - \$5,020.00; 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 Cuddeback, Smith, Lockwood, Palermo, Pappert, Lepak, Tortorici, Dudley, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 414-07 6/26/07 Hwycree&fillautomechrev4
AUTHORIZING THE CREATION AND FILLING OF AN AUTOMOTIVE MECHANIC AND
ABOLISHMENT OF ONE AUTOMOTIVE MECHANIC HELPER POSITION AT THE HIGHWAY
DEPARTMENT (MOTORPOOL) AND AUTHORIZING TRANSFER OF MONIES

WHEREAS, there is currently an Automotive Mechanic Foreperson and a Automotive Mechanic's Helper at the Motor Pool and,

WHEREAS, These 2 employees service over 400 vehicles, and a typical month has around 85 work orders done to vehicles and,

WHEREAS, the position of Automotive Mechanic Helper (Grade 10) is in need of being upgraded to an Automotive Mechanic (grade 14) at the Motor Pool; and

WHEREAS, the difference in pay is approximately \$0.78 per hour; and

WHEREAS, the above increase in pay for the new Automotive Mechanic position is to be transferred to Account 5131.000 from Account 5010.100 rates from the Part-time Audit Clerk position that has not been filled for the first five months of 2007; NOW, BE IT THEREFORE

RESOLVED, that one position of Automotive Mechanic be hereby created (grade 14) and be it further

RESOLVED, that the County Highway Superintendent be hereby authorized to fill the Automotive Mechanic in a manner consistent with the Cayuga County Civil Service Rules and Regulations and the policies of the County of Cayuga; and be it further

RESOLVED, that the above increase in pay for the new Automotive Mechanic position is to be transferred to Account 5131.000 from Account 5010.100 rates from the Part-time Data Entry Machine Operator position that has not been filled for the first five months of 2007; and be it further

RESOLVED, that one Automotive Mechanic Helper be hereby abolished upon the filling of the newly authorized Automotive Mechanic position; 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, Smith, Lockwood, Palermo, Pappert, Lepak, Tortorici, Dudley, Mitchell, Murphy, Petrus, Schuster.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 415-07 (6/26/07) PWwireless.connrev
AUTHORIZING A FEASIBILITY SURVEY FOR WIRELESS COMMUNICATION FOR EMERSON PARK
(FROM CONTINGENT FUND) (2/3 VOTE)

BY: Hon. Steve Cuddeback, Chairman of Public Works Committee

Hon. Paul Dudley, Chairman of Ways and Means Committee

WHEREAS, the County's Emerson Park Office does not have a network connection with the County Office Building; and

WHEREAS, the County has a desire to determine if a wireless connection can be made from the Emerson Park Office to the County Office Building; now, therefore be it

RESOLVED, that the County authorizes a wireless survey to be conducted to determine the feasibility of such a network connection and the cost of this study shall not exceed \$2,125.00; and be it further

RESOLVED, that monies from the Contingent Account A-1990 be transferred to A1020.400.059 (Information Technology, Contractual – Professional Services) to cover the cost of these services; and be it further

RESOLVED, the Public Works Committee will review the results of the survey to determine if a wireless connection is feasible, and be it further

RESOLVED, that the County Treasurer make the necessary journal entries to accomplish the same.

Legislator Palermo, is this intended to cover the Park.

IT Director, Steve Johnson, this is for county Dept's., not for the Public, County Parks Offices.

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

Approved by 2/3 vote, all present voting aye, except Netti Excused 230/14

RESOLUTION NO. 416-07 June 26, 2007 itpurchidprinterrev
AUTHORIZING THE PURCHASE OF A ID PRINTER FOR THE COUNTY ID/SECURITY SYSTEM (2/3)

By: Mr. Steven Cuddeback, Chairman, Public Works
 Mr. Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the Photo ID Printer used for printing ID and Building Access Cards is obsolete and not cost effective to repair; and

WHEREAS, the budgets of the Departments to be charged with the cost of the replacement contain sufficient monies to pay for the acquisition; now therefore, be it

RESOLVED, that the Information Technology Department be authorized to purchase a Photo ID Printer for the County photo ID/Security system in the amount of \$2,295.00; and be it further

RESOLVED, that the County Treasurer is hereby and directed to make the following transfers:

\$573.75 from Account No. A1020.400.045 (IT) to Account No. A1020.200.000

\$573.75 from Account No. A3110.200.000 (Sheriff) to Account No. A1020.200.000

\$573.75 from Account No. A3410.200.000 (FIRE SERVICES) to Account No. A1020.200.000

\$573.75 from Account No. A4010.470.000 (Health Dept.) to Account No. A1020.200.000

For the purchase of a Photo ID Printer and make the journal and accounting entries necessary to accomplish the foregoing; 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 the resolution.

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

Approved by 2/3 vote, all present voting aye, except Netti Excused 230/14

RESOLUTION NO. 417-07 06/26/07 Treasurerbuildwallsrev2
Authorization to build walls in Treasurers area (2/3)

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

WHEREAS, Treasurers area is in need of private office space to conduct business; and

WHEREAS, due to the asbestos in the floor tile and in the fire proofing in the ceiling, the metal wall partitions can not be used and a stand alone system will have to be fabricated; and

WHEREAS, this stand alone system will not disturb the ceiling tile or floor tile, and

WHEREAS, Treasury Budget Account No. 1325-200-000 has sufficient funds for this stand alone system; Now therefore be it

RESOLVED, that the walls be built at a cost not to exceed \$1,500.00; and be it further

RESOLVED, that the Superintendent of Buildings and Grounds is authorized and directed to build the walls needed, 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, Smith, Lockwood, Palermo, Pappert, Lepak, Tortorici, Dudley, Mitchell, Murphy, Petrus, Schuster.

Approved by 2/3 vote, all present voting aye, except Netti Excused 230/14

RESOLUTION NO. 418-07 Date: June 26, 2007 hwypurlawnmowerrev
AUTHORIZING THE PURCHASE OF A RIDING LAWNMOWER FOR THE HIGHWAY DEPARTMENT

By: Steve Cuddeback, Chairman, Public Works Committee
 Paul Dudley, Chairman, Ways and Means Committee

WHEREAS, the Cayuga County Highway Department has a riding lawnmower that is approximately 29 years old and is in need of extensive repair; and

WHEREAS, it is more cost effective to replace this mower than to continue repairing it, and the Highway Department is currently borrowing a mower from Emerson Park, and a new mower can be purchased for \$2,000; and

WHEREAS, Account No. DM 5130.200 contains sufficient monies to pay for the purchase; now therefore be it RESOLVED, that the Highway Superintendent is hereby authorized and directed to purchase a lawn mower not to exceed \$2,000; and be it further

RESOLVED, the cost of the lawn mower is to come from Account No. DM 5130.200; and be it further resolved

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 419-07 (6/26/07)

COA (Ren&ExpMHfac@157Gen.St.seqrrev2

AUTHORIZING THE CHAIRMAN OF THE COUNTY LEGISLATURE TO ENTER INTO AN AGREEMENT WITH BEARDSLEY DESIGN ASSOCIATES FOR SEQR AND SOIL BORINGS AND GEOTECHNICAL REPORT IN ANTICIPATING OF BONDING FOR THE DESIGN AND CONSTRUCTION SERVICES FOR THE RENOVATION AND EXPANSION TO THE CAYUGA COUNTY MENTAL HEALTH CLINIC IN THE BASEMENT OF THE OLD HISTORIC POST OFFICE AT 157 GENESEE STREET, AUBURN, NEW YORK AND AUTHORIZING TRANSFER OF MONIES (2/3).

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

MR. PAPPERT, Chair, Ways & Means Committee.

WHEREAS, Resolution No. 59-06 authorized the Director of the Community Mental Health Services Center to enter into an agreement with Beardsley Design Associates to review the Historic Post Office Basement and the utilization of space by the Cayuga County Community Mental Health Center to accommodate the increased needs of the outpatient program/clinic treatment program; and

WHEREAS, Resolution No. 185-06 authorized Cayuga County to cooperate with the New York Department of Mental Health on resolving certification issues; and

WHEREAS, Resolution No. 242-06 authorized the Chairman of the Cayuga County Legislature to enter into an agreement with Beardsley Design Associates for Schematic Design Services, which are, in fact, completed; and

WHEREAS, Resolution No. 336-06 authorized the Chairman of the Cayuga County Legislature to enter into an agreement with Gay & Barcomb, Licensed Land Surveyors, to complete a topographical survey of the Historic Post Office located at 157 Genesee Street, Auburn, New York; and

WHEREAS, Beardsley Design Associates has submitted a quote for continuation of design and construction services for the renovations and expansion to the Historic Post Office Basement to accommodate the increased needs of the outpatient program/clinic treatment program of the Cayuga County Mental Health Center at 157 Genesee Street, Auburn, New York; and

WHEREAS, Cayuga County is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), and

WHEREAS, prior to undertaking the renovation and expansion of the facility located at 157 Genesee Street, SEQRA and the Regulations must be complied with; and

WHEREAS, Beardsley Design Associates has submitted a quote to assist the County with SEQRA compliance, including but not limited to the preparation of a long environmental assessment form for the project in the amount of (\$1,450.00) and soil borings and geotechnical report (\$475.00), for a total of \$1,925.00; and

WHEREAS, there are sufficient monies in contingency Account No. A 1990 to cover the cost; now, therefore, be it

RESOLVED, the Chairman of the Cayuga County Legislature is hereby authorized to enter into an agreement with Beardsley Design Associates for services relating to SEQRA compliance for the Old Historic Post office project (\$1,450.00) and soil borings and geotechnical report (\$475.00); and be it further

RESOLVED, that the sum of \$1,925.00 be transferred from Account No. A-1990 to Account No. EM 909, Historic Post Office Fund Balance; and be it further

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

Legislator Pappert, does not support.

Legislator Tortorici, does not support, look at other options.

Chairman Fearon, Environmental issues need to be dealt with.

Legislator Tortorici, samples need to be taken, is bonding needed.

County Attorney, Fred Westphal, yes, cost about \$2,000.

Legislator Pappert, building has parking problems, needs to be investigated, maybe less expensive options.

Legislator Schuster, we need to fix building or we could loose funding, we need to act now or State will.

Legislator Petrus, call the question.

Signed by Cuddeback, Lockwood, Mitchell, Murphy, Schuster, Lepak, Smith.

Approved by 2/3 vote. Ayes – Murphy(14), Palermo(16), Dudley(21), Smith(19), Petrus(15), Lockwood(17), Mitcehl(16), Cuddeback(18) Schuster(13), Lepak(14), Fearon(18). Noes – Sedor(21), Tortorici(14), Lepak(14).

Excused Netti(14). 181/49/14

RESOLUTION NO. 420-07 6/26/07 psaplairdnetrev2

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO A CONTRACT WITH LAIRDNET TECHNOLOGIES AND SIGN THE CONTRACT FOR THE SAME.

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

WHEREAS, the Cayuga County E-911 Administrator has determined that it would be advantageous to contract with Travis Laird, Lairdnet Technologies, for consulting and software integration projects; and

WHEREAS, Lairdnet Technologies is able and willing to provide consulting and software services at \$100 per hour; and

WHEREAS, there are two projects currently necessary for this support; one project is restoring production database to update address changes; and, another project is developing an interface from County Fire Departments to our RMS Database which will allow our surrounding departments to access their reports from 911; and

WHEREAS, there is money in the E 911 Communications System Budget Account number 3020.400.059-A, specifically for this purpose; now, therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized and directed to sign an agreement with Lairdnet Technologies to allow for consulting and software projects at a cost not to exceed \$1,000.00; and be it further

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

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 421-07 DATE: 06/26/07 shrgovtpmentserv607rev

Authorizing the Chairman of the Cayuga County Legislature and the Sheriff of Cayuga County to enter into an agreement with Government Payment Services Inc. to permit the posting of bail by credit card.

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

WHEREAS, in the situation where an individual is arrested and charged with a crime, the arrainging court may set bail; and

WHEREAS, while the individual awaits the posting of bail, he or she is housed at the Cayuga County Jail; and

WHEREAS, the cost to County of Cayuga to house an individual at the County Jail is approximately \$75.00 a day; and

WHEREAS, a number of Inmates could be bailed out if permitted to allowed to post the necessary bail through the use a credit card; and

WHEREAS, Government Payment Services Inc. can provide the mechanism to enable the posting of bail through the use of a credit card and

WHEREAS, this service will be provided to Cayuga County by Government Payment Services Inc. at no cost to Cayuga County; and

WHEREAS, Government Payment Services Inc. will provided and maintain the necessary equipment at no cost to the County of Cayuga; now therefore be it

RESOLVED, that the Chairman of the Legislature, and the Sheriff of Cayuga County are hereby authorized and directed to enter into an agreement with Government Payment Services Inc. to provide for the posting of bail through the use of a credit card.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 422-07 Action Date 06/26/07 911INCmaintenanceagreementrev
AUTHORIZING THE CHAIRPERSON OF THE LEGISLATURE TO SIGN ANNUAL MAINTENANCE
AGREEMENT WITH 9-1-1 INC.**

BY: Raymond Lockwood, Chairperson, Judicial & Public Safety Committee
Paul Dudley, Chairperson, Ways & Means Committee

WHEREAS, the Cayuga County 9-1-1 Communications center utilizes hardware and software from Nine One One Inc. to receive emergency telephone calls for assistance, and display the caller's telephone number and location information; and,

WHEREAS, it is critical that this hardware and software functions twenty-four hours per day, seven days per week without interruption or "down time"; and,

WHEREAS, Nine One One Inc. has submitted an agreement renewal for service and maintenance of their hardware and software, for a three year period, paid annually; and,

WHEREAS, there is money in the 9-1-1 Communications System Budget Account Number 3020.4.0019 specifically for this purpose; and,

WHEREAS, the software is proprietary and must therefore be maintained by the vendor Nine One One Inc.; now therefore be it,

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized to sign the annual service and maintenance agreement with Nine One One Inc. for the amount of \$19397.00, paid annually, for the period of August 1, 2007 through July 31, 2010; and be it further

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

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Smith, Dudley, Cuddeback, Petrus, Schuster.
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 423-07 6/26/07 psapGenMaintAgrFLComm07rev
AUTHORIZING THE CHAIRPERSON OF THE LEGISLATURE TO SIGN A CONTRACT RENEWAL
WITH FINGER LAKES COMMUNICATIONS**

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

WHEREAS, the Cayuga County 911 Center utilizes Finger Lakes Communications to maintain all County owned radio infrastructure within the E-911 Center, Sheriff's Department, and all Fire and EMS radios; and

WHEREAS, it is critical that all of these components function properly twenty-four hours per day, seven days per week without interruption; and

WHEREAS, Cayuga County received sealed bids from Finger Lakes Communications and United Radio Inc. as follows:

Finger Lakes Communications:

Total Annual Maintenance: \$90,000 annually (\$7500.00 mthly)

United Radio Inc.

Total Annual Maintenance: \$109,230.00 annually (9102.50 mthly)

;and

WHEREAS, Finger Lakes Communications provided the most favorable five-year plan discount; and,

WHEREAS, there is money in the 911 Communication System Budget Account Number 3020.4.0019 specifically for this purpose; and

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the annual contract renewal for a five (5) year period with Finger Lakes Communications for the amount of \$7500.00 monthly for the period of July 1, 2007 through June 31, 2012; and be it further

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

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

RESOLUTION NO. 424-07 Date: 06-26-07 SHR CONTRACT POLICING RATE
AUTHORIZE THE CAYUGA COUNTY SHERIFF TO SET THE RATE FOR CONTRACT POLICING
WITH OTHER GOVERNMENTS AND ALL OTHER ENTITIES FOR POLICE SERVICES AND TO PAY
SALARIES AT THE RATE OF TIME AND ONE-HALF FOR ASSIGNED SPECIAL DETAIL WORK

By: MR. RAYMOND LOCKWOOD, Chairman, Judicial & Public Safety Committee
 MR. DAVID PAPPERT, Chairman, Ways & Means Committee

WHEREAS, the Sheriff has been authorized by the Cayuga County Legislature to contract with other Governments and other entities for police services via Resolution 237-04; and

WHEREAS, The Sheriff and the Cayuga County Deputy Sheriff's Police Association have reached an agreement to compensate the Deputy Sheriffs who have been assigned to the special details at their time and one half rate for special detail police services provided to other governments and other entities; and

WHEREAS, the cost of the salary and fringe benefits has increased thus necessitating an adjustment in the fee for these contractual services with other governments and other entities; and

WHEREAS, the Sheriff will contract for the services provided to other governments and other entities at the current rate of time and one half plus vehicle expense with the current rate to be established at \$52.00 per hour; NOW THEREFORE BE IT

RESOLVED, the Cayuga County Legislature hereby implements the agreement entered into between the Sheriff of Cayuga County and the Chairman of the Cayuga County Legislature relating to the Contract Policing Rate dated 06-06-07 by providing the necessary funds therefore; and be it further

RESOLVED, the Cayuga County Legislature hereby implements the agreement entered into between the Sheriff of Cayuga County and the Chairman of the Cayuga County Legislature and the Cayuga County Deputy Sheriff's Police Association concerning payments for special detail police service assignments; and be it further

RESOLVED, that this resolution shall take effect on 6-26-07.

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

Approved by voice vote, all present voting aye, except Palermo voting no.

RESOLUTION NO. 425-07 Date: 06-26-07 SHReestablish-substationsMor
AUTHORIZING THE CAYUGA COUNTY SHERIFF TO ESTABLISH A SUBSTATION AT THE JUSTICE
CENTER, 48 WEST CAYUGA STREET, VILLAGE OF MORAVIA, NEW YORK 13118.

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

WHEREAS, the Sheriff identifies a need to establish a substation at the Justice Center in the Village of Moravia, New York; and

WHEREAS, the deputies would report directly to the substation at the beginning and end of their shifts; and

WHEREAS, this would create a more efficient means of operation and provide the community with greater police coverage; and

WHEREAS, pending passage of this resolution by the Cayuga County Legislature a written agreement will be confirm by both the Village of Moravia and County of Cayuga entering into the usage of this substation; now, therefore be it

RESOLVED, that the Sheriff be hereby authorized to establish the Moravia Substation at the Justice Center in the Village of Moravia, New York; and be it further

RESOLVED, that there will be no monies expended by the County of Cayuga for the establishment of this substation.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 426-07 Date: 06-26-07 SHRestablish-substationsCato
AUTHORIZING THE CAYUGA COUNTY SHERIFF TO ESTABLISH A SUBSTATION AT THE VILLAGE MUNICIPAL BUILDING, 2564 MILLARD AVENUE, VILLAGE OF CATO, NEW YORK 13033.

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

WHEREAS, the Sheriff identifies a need to establish a substation at the Municipal Building in the Village of Cato, New York, New York; and

WHEREAS, the deputies would report directly to the substation at the beginning and end of their shifts; and

WHEREAS, this would create a more efficient means of operation and provide the community with greater police coverage; and

WHEREAS, pending passage of this resolution by the Cayuga County Legislature a written agreement will be confirmed by both the Village of Cato and County of Cayuga entering into the usage of this substation, which has never been done in the past; now, therefore be it

RESOLVED, that the Sheriff be hereby authorized to establish the Cato Substation at the Municipal Building in the Village of Cato, New York; and be it further

RESOLVED, that there will be no additional monies expended by the County of Cayuga for the establishment of this substation.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 427-07 Date: 06-26-07 SHR CREATE(4) AND FILL CO POSITIONS (6)rev
AUTHORIZE THE SHERIFF TO CREATE FOUR AND FILL ALL OPEN CORRECTIONS OFFICER POSITIONS IN THE CUSTODY DIVISION OF THE CAYUGA COUNTY SHERIFF'S OFFICE

By: MR. RAYMOND LOCKWOOD, Chairman, Judicial & Public Safety Committee
MR. DAVID PAPPERT, Chairman, Ways & Means Committee

WHEREAS, there are five new Corrections Officer positions listed in the 2007 Custody Division Budget effective July first and only 4 need to be created due to the state accepting a reorganization plan for the custody division; and

WHEREAS, there is currently six additional vacancies in the Custody Division of the Cayuga County Sheriff's Office due to resignations at the Cayuga County Jail over the last few months; and

WHEREAS, it is now necessary to select and fill both the new and vacant Corrections Officer positions (totaling 10) with candidates from the Civil Service list for Corrections Officer in preparation for the fall Academy; and

WHEREAS, the services provided by these ten positions are critical for maintaining staffing levels for the smooth and efficient operations of the Sheriff's Office Custody Division at the Cayuga County Jail; and

WHEREAS, these positions are clearly designated and approved in the 2007 Cayuga County Sheriff's Custody Division Salaries Operating Budget 3150.1 (positions 1967, 3156, 3887, 4708, 3209, 4723) and 5 new positions (budgeted at \$16,600 each); NOW THEREFORE BE IT

RESOLVED, that four positions of Corrections Officer be hereby created, and the fifth new position budgeted in the 2007 budget will not be created and will be eliminated in the 2008 budget process; and be it further

RESOLVED, that the Sheriff be hereby authorized and directed to fill the aforesaid newly created positions and the six vacant positions (total 10) at the entry level salary for Corrections Officer at the appropriate step within the SEACC compensation plan; and be it further

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 428-07 Date: 06-26-07 SHR Hire Court Staff
AUTHORIZE 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 5/21/07 there are two funded Court Attendant (Part-Time) positions 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 two buildings thus placing a burden on manpower; and

WHEREAS, the Sheriff, who coordinates the detail, has received resignations from position #006076 and from position #003203 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 part time 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. 429-07 Date: 6/26/07 SHR Fill Civil-Enforcement 6-07REV
AUTHORIZING THE SHERIFF TO FILL ONE VACANT CIVIL ENFORCEMENT OFFICER AND
PROVIDE A CROSS-TRAINING PERIOD IN THE CIVIL 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, a long-term employee has notified the Sheriff of her pending retirement on August 31, 2007 which will vacate a Civil Enforcement Officer slot in the Cayuga County Sheriff's Office Civil Enforcement Division; and WHEREAS, it is necessary to fill the vacant Civil Enforcement Officer position and also to provide two-week cross training period for the new appointee prior to the current employee retiring; and

WHEREAS, the services provided by this position are critical for maintaining the smooth and efficient operations of the Sheriff's Office Civil Enforcement Division; and

WHEREAS, this position is clearly designated and accepted in the 2007 Cayuga County Sheriff's Salaries Operating Budget 3110.1(#1898); NOW THEREFORE BE IT

RESOLVED, that the Sheriff be hereby authorized and directed to fill the position of Civil Enforcement Officer with a new appointee effective August 16, 2007 with a two-week period of cross-training; and be it further

RESOLVED, the employee hired be placed at the appropriate step within the SEACC Compensation Plan; and be it further

RESOLVED, that the position be in the manner consistent with the Civil Service Rules and Regulations and the Policies of the County of Cayuga.

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

Approved by voice vote, all present voting aye.

Pulled by Legislator Lockwood,

Legislator Lockwood brought resolution back to the board for a vote, approved by voice vote, all present voting aye, except Cuddeback voting no and Netti excused.

**RESOLUTION NO. 430-07 Date: 06-26-07 SHRIntruMunAgr-Aubrev1
AUTHORIZING THE CAYUGA COUNTY LEGISLATURE CHAIRMAN AND COUNTY SHERIFF TO
SIGN INTERMUNICIPAL AGREEMENT WITH THE CITY OF AUBURN PROVIDING FOR INTER-
AGENCY LAW ENFORCEMENT SERVICES.**

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

WHEREAS, pursuant to Section 209-m of the General Municipal Law of the State of New York, local governments are authorized to request and provide police assistance to each other and temporarily exchange Law Enforcement Officers and equipment for the purpose of mutual assistance; and

WHEREAS, the aforesaid Section 209-m, Sections 140.10-1 & 3, 120.60 et. seq. and other applicable sections of the New York Criminal Procedure Law also authorize Law enforcement Officers to exercise certain police powers and authorities outside their geographic area of employment when a request for assistance is forthcoming from another law enforcement agency; and

WHEREAS, this Committee feels that it is in the best interests and to the mutual advantage of the County of Cayuga and the City of Auburn to enter into an agreement providing for such mutual assistance; now, therefore be it RESOLVED, that in order to accomplish the foregoing, the Chairman of the County Legislature and County Sheriff are hereby authorized and directed to execute an Intermunicipal Mutual Aid Assistance Agreement with the City of Auburn, New York, to provide for outside service by local law enforcement.

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

Approved by voice vote, all present voting aye, EXCEPT Cuddeback voting No.

**RESOLUTION NO. 431-07 6/26/07 PSAPcomparator rev
AUTHORIZING THE CHAIRPERSON OF THE LEGISLATURE TO AUTHORIZE THE PURCHASE AND
INSTALLATION OF A COMPARATOR AT THE PRIMARY E-911 CENTER. (2/3)**

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

WHEREAS, the radio consoles at the E-911 Center are experiencing problems with 'echoing' on Fire Channel 46.48; and

WHEREAS, a voter chassis needs to be installed to ensure that all transmissions are sent and received clearly; and
WHEREAS, this equipment is purchased and installed from Finger Lakes Communications at a cost of \$7,880.00, and then placed on Cayuga County's monthly support and maintenance agreement that includes all other radio equipment, at no additional cost at this time; and

WHEREAS, there is money in the 9-1-1 Communications System Budget Account Number 3020.400.063-A, for radio maintenance; now therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to allow for the purchase of the comparator equipment; and be it further

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 432-07 (6/26/07) COA-Auth&AppMembershipInRetPlnForFourDepShf
AUTHORIZING AND APPROVING THE GRANTING OF MEMBERSHIP TO FOUR CAYUGA COUNTY
DEPUTY SHERIFFS IN THE SPECIAL RETIREMENT PLAN FOR SHERIFFS, UNDERSHERIFFS AND
DEPUTY SHERIFFS ESTABLISHED PURSUANT TO ARTICLE 14-B OF THE RETIREMENT AND
SOCIAL SECURITY LAW.**

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

WHEREAS, Resolution No. 229-07 adopted on March 27, 2007 requested State Home Rule Legislation in relation to granting membership to four Cayuga County Deputy Sheriffs in the special retirement plan for Sheriffs, Undersheriffs and Deputy Sheriffs established pursuant to Article 14-B of the Retirement and Social Security Law; and

WHEREAS, the State Legislators did introduce Senate Bill S-5748 and Assembly Bill A-08073 which provided that Deputy Sheriffs Brian T. Bowers, Glen E. Dudley, David H. Harkness and Nicole M. Stewart may enter the 20-year retirement plan in Cayuga County; and

WHEREAS, the Governor has signed said Bills; now, therefore, be it

Cayuga County Legislature_ 6.26.07

RESOLVED, that the Cayuga County Legislature does hereby approve the adoption and passage of said Senate Bill S-5748 and Assembly Bill A-08073 entitled "An act to authorize the county of Cayuga to offer an optional twenty year retirement plan to deputy sheriffs Brian T. Bowers, Glen E. Dudley, David H. Harkness and Nicole M. Stewart. Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Smith, Petrus, Schuster. Approved by voice vote, all present voting aye, Except Dudley Abstained.

Motion by Legislator Murphy to go into executive session, re: Potential Litigation and Personnel Matter, 9:06PM, approved by voice vote, all present voting aye.

Motion by Legislator Cuddeback to come out of executive session at 9:40PM.

Motion to adjourn by Legislator Murphy, 9:42PM, approved by voice vote, all present voting aye.

Motion by Murphy 10-23-07 to approve minutes of 6-26-07, approved by voice vote, all present voting aye.