

MINUTES
CAYUGA COUNTY LEGISLATURE
JULY 24, 2007, 6:30 PM
CCOB 6TH FLOOR/CHAMBERS

EXECUTIVE SESSION 5:00PM
REGARDING: PENDING LITIGATION

Called to order by the Hon. George Fearon, all Legislator's present, except excused, Lepak, Netti, Pappert, and Smith.

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

Motion by Legislator Murphy to go into executive session at 5:00PM, re: Pending Litigation, approved by voice vote, all present voting aye.

Motion to come out of executive session by Legislator Murphy 6:15PM, approved by voice vote, all present voting aye.

PUBLIC HEARING: Opened at 6:30PM To Adopt Local Law No. for the Year 2007, amending Local Law No. 3 of 1994 to Increase the Rate of the Hotel/Motel Room Tax to 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.

DEATHS: Carole Pappert Radcliffe, mother of Legislator David A. Pappert and a prominent local dance instructor and supporter of the arts.

MINUTES: For approval 3-26-07, 4-24-07, 5-8-07, and 5-29-07, approved by voice vote, all present voting aye.

CCC REPORT: Dr. Phillip Gover, Interim President, our newest member of the College Board of Trustees, Hon. Linda Murphy, who succeed the Hon. David Pappert. Enrollment update: Summer session 1 up 7.3% over last year, Summer session 2 runs from 7-2-07 to 8-8-07, over 900 students taking courses. The Alumni Association is hosting two motorcoach excursions this summer. This Fall several Colleges offices will offer extended hours to assist students. Michael Szcpaniski of Auburn, who was the Student Trustee for the past two years, has received a \$500 New York State Sheriffs' Association Scholarship. The college's broadcasting dept. held a Youth Media Camp during July. A tale of Two Lakes a video created by 6 Cayuga broadcasting students, and has won three major awards. Dr. Gover included his personal thanks to the Legislature for their support during the eight months that he served as Interm President.

COMMITTEE REPORT: None.

MANAGER'S REPORT: Handed out report on goals and projects, County needs to look at this.

CHAIRMAN'S REPORT: None.

EMERGENCY AUTHORIZATION FOR AUSTERITY SPENDING AND HIRING:

Cayuga County Clerks Office: Authorizing the signing of a contract with Opt Tech for Environmental Cleanup and Services for Cleaning of DMV Offices, Signed by Cuddeback, Sedor, Fearon, Dudley.

APPOINTMENTS AND RE-APPOINTMENTS:

Cayuga County Community Services Board

Jim Stowell, C.C.S.O., 7445 County House Rd., Auburn, NY 13021- term 1-1-07 to 12-31-2010

Cayuga –Cortland Workforce Investment Board.

D. Diane Eldred, 379 State Rte 34, Locke, NY 13092 – term 7-1-07 to 6-30-2010

Motion by Legislator Murphy to approve, approved by voice vote, all present voting aye.

RECESS:

COMMUNICATIONS AND ANNOUNCEMENTS:

1. Department Head Meeting, Wednesday, July 25, 2007 at 11:00AM Legislative Chambers.
2. Received notification of New Address for Center for Dispute Settlement (128-130 Genesee St. Suite 120, Auburn, NY 13021, phone 252-4260.
3. Received a letter from OCM BOCES, re: the County's Decision not to adopt the Resolution for continued participation in the natural gas portion of our Energy Service Program, they will no longer provide natural gas supply as of August 1, 2007.
4. Received a thank you note from Gary Gilchrist, honoring him a District Superintendent of BOCES.
5. Received a letter from Warren H. Albrecht, Director of Operations, Cayuga County Water & Sewer Authority, letting the County know of the wonderful cooperation he has experienced with County Officials.
6. Received a letter of thanks to Gary Duckett, Director of Parks & Trails, for his assistance and his staff assistance for the Prison City Ramblers Car Show held at Emerson Park.
7. Received a letter from Suzanne L. Norton, Chairman Food Providers Network, thanking George Fearon for proclaiming June 5, 2007 as Hunger Awareness Day in Auburn.
8. Received a letter from Paul Spicer, Chief, Seneca-Cayuga Tribe of Oklahoma, re: Proposed Cayuga Nation Agreement.
9. Received a letter from NYSMEC re: the natural gas bid.
10. Received a letter from Gary D. Finch, Member of Assembly, re: thanking the County for forwarding resolution #355-07 in Support of Assembly Bill 2989, Civil Practice Law and Rules.
11. Received an e-mail from Frederick R. Lewis, thanking Glen Seamans, GIS technician for helping with the Final Tax rolls.
12. Received a letter from New York State Insurance Fund , to Terry Glenn, CPA Town of Sennett, re: NYSIF Audit.
13. Received a letter from Auctions International, thanking us for their assistance in the sale of a surplus server.
14. Received a resignation letter from Steven Netti, for C.C.Community Services Board, effective immediately.
15. Received receipt of local law #2 for 2007 filed on July 9, 2007 from NY State Dept. of State.
16. Received a memorandum from State of NY Dept. of Agriculture and Market, re: Agriculture and Markets Law (AML) 303-a to amend the AML in relation to the review.
17. Received a copy of a letter from the State of New York, Office of the State Comptroller, notifying the County that the annual financial report for the fiscal year ending December 31, 2006 is delinquent.
18. Received an e-mail from Rich Tallcot, re: the Rhode Island Trust Case.
19. Received a letter from Brendan McGrath, Auburn, NY, resigning from the Board of Health, effective 8-1-07.

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

AUDIT OF CLAIMS: JULY 24, 2007

ADJOURNMENT: AUGUST 28, 2007 (Cayuga County Office Building, Chambers 6:30PM)

RESOLUTION NO. 438-07

seniornutrition

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

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

Paul Dudley, Chair, Ways & Means Committee

WHEREAS, The Director of the Office for the Aging presented bills for service providers in regard to operation of the Senior Nutrition Program, to the County Treasurer for payment pursuant to Resolution No. 297, duly adopted on June 21, 1994, which claims total \$10,060.26 covering the period through 6/29/07 and have been paid as set forth on the attached lists; now, therefore, be it

RESOLVED, that the aforesaid claims shall become part and parcel of the full legislative audit for the Office for the Aging.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 439-07

7/24/07

thrures

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

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

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

June - 2007 - \$ 263.07

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

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 440-07

7/24/07

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

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

WHEREAS, this Legislature did by Resolution No. 1-99, adopted January 01, 1999, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Credit Card Charges, and,

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

June - 2007 - \$ 2,837.38

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

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

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

RESOLUTION NO. 441-07

7/24/07

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

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

WHEREAS, several county agencies are required by law to advertise legal notices in area media from time to time, and WHEREAS, several of the officially designated newspapers offer a discount for prompt payment of legal Advertising invoices, and

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

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

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

TOTAL - \$2,790.06

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 442-07 (7/24/07) COA-CAPH7PAY
 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 6/5/07.....\$ 3,479.85
 HMI MECHANICAL SYSTEMS, INC.:
 Application & Certificate for Payment dated 6/11/07..... \$ 5,605.00
 SYRACUSE OFFICE ENVIRONMENTS
 Inv. No. 40901.....\$ 2,291.50
 VIKING MECHANICAL SYSTEMS, INC.:
 Inv. No. 55374.....\$ 534.00
 Inv. No. 55375.....\$ 2,624.00
2. Project #03-7 (Phase 4/ Integration of Services (IOS)):
 DLT SOLUTIONS, INC.:
 Inv. No. S1030628.....\$ 8,943.08
 HEWLETT-PACKARD CO.:
 Inv. No. 42452390.....\$ 1,278.00
3. Project #06-5 (Modification to the Cayuga County Office Bldg. Heating System):
 J&E ELECTRIC, INC.:
 Application & Certificate for Payment #2 dated 6/26/07.....\$ 27,360.00
 SIRACUSA MECHANICAL, INC.:
 Application & Certificate for Payment #3 (HVAC) dated 6/26/07.....\$ 124,260.00

And be it further

RESOLVED, that the Treasurer make the journal and accounting entries necessary to accomplish the foregoing.
 Signed by Dudley, Lockwood, Cuddeback, Mitchell, Petrus, Schuster.
 Approved by voice vote, all present voting aye.

**RESOLUTION NO. 443-07 7/24/07
 AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF EQUIPMENT LEASE PAYMENTS.**

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

WHEREAS, this Legislature did by Resolution No. 76-02, adopted February 26, 2002, authorize the Ways & Means Committee of the County Legislature to audit and pay all claims against Cayuga County for Equipment Leases, and WHEREAS, said Committee has audited and authorized payment as follows:

Copier Leases and Maintenance:	\$ 7,818.69
Postage Leases:	\$ 613.47
Misc. Leases:	<u>\$ 6,278.81</u>
Total	\$13,710.97

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

**RESOLUTION NO. 444-07 7/24/07
 AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF PARCEL SERVICE PAYMENTS.**

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

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

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

June – 2007	\$ 49.06
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RESOLVED, that said payment be part and partial payment of the full audit of this Board.
 Signed by Dudley, Lockwood, Cuddeback, Mitchell, Petrus, Schuster.
 Approved by voice vote, all present voting aye.

RESOLUTION NO. 445-07 (7/24/07) COA-FLETCHER,Matthew,Esq.RenForServsReEduLaw
AUTHORIZING THE CAYUGA COUNTY LEGISLATURE TO CONTRACT WITH ATTORNEY AND
COUNSELLOR AT LAW MATTHEW R. FLETCHER RELATED TO THE PROVISION OF ADVICE,
CONSULTATION AND REPRESENTATION IN EDUCATION LAW AND RELATED LEGAL MATTERS.
BY: MR. DUDLEY, Chairman, Ways & Means Committee.

WHEREAS, the County of Cayuga is in need of the services of Matthew R. Fletcher, Attorney at Law, for the purposes of advice, consultation and representation in Education Law and related legal matters; and
WHEREAS, in order to meet the needs of the County, both parties are desirous of entering into a contract wherein Matthew R. Fletcher will provide the above services to the County of Cayuga for the following compensation:

- (1.) Legal services are to be billed at an hourly rate of \$170.00 per hour. Billings are to be submitted on a monthly basis;
- (2.) Paralegal services are to be billed at the rate of \$45.00 per hour;
- (3.) Mileage is to be billed at the rate of \$.445 per mile;
- (4.) Duplication, printing and copying are to be billed at cost in addition to a ten percent (10%) surcharge;
- (5.) Filing fees, cost of process servers and other disbursements shall be billed at cost; and

WHEREAS, the term of such contract shall be from July 1, 2007 until June 30, 2008; now, therefore, be it
RESOLVED, that the Cayuga County Legislature approve obtaining the services of Matthew R. Fletcher, Attorney and Counsellor at Law, as set forth herein above.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 446-07 (7/24/07) COA-RenLaborRelsCtWithBOCES07-08
AUTHORIZING RENEWAL OF LABOR RELATIONS AGREEMENT WITH CAYUGA-ONONDAGA
BOCES.

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

WHEREAS, the COUNTY OF CAYUGA entered into a contract with CAYUGA-ONONDAGA BOCES to handle all negotiations and labor relations for the County of Cayuga, which contract terminated on June 30, 2006; now, therefore, be it

RESOLVED, as follows:

1. That, the Chairman of the County Legislature be and he is hereby authorized to enter into a renewal contract with CAYUGA-ONONDAGA BOCES to perform labor relations services, including negotiations, for the County of Cayuga for a period of one (1) year (7/1/07 to 6/30/08).
2. That for negotiating agreements listed below, to be administrated by BOCES during the period July 1, 2007 through June 30, 2008, CAYUGA-ONONDAGA BOCES shall receive a total of \$43,000.00, of which \$32,250.00 will be paid by the COUNTY OF CAYUGA and \$10,750.00 will be the responsibility of CAYUGA COUNTY COMMUNITY COLLEGE:
 - a. CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC. (General Agreement)
 - b. DEPUTY SHERIFF'S POLICE ASSOCIATION (Road Patrol)
 - c. CIVIL SERVICE EMPLOYEES' ASSOCIATION (Sheriff's Department)
 - e. CAYUGA COUNTY COMMUNITY COLLEGE FACULTY ASSOCIATION
 - d. CAYUGA COUNTY NURSES' ASSOCIATION
3. That for any and all additional matters that they are engaged for, not covered by the contract, CAYUGA-ONONDAGA BOCES shall be paid a fixed hourly rate of \$105.00 per hour, plus costs and disbursements.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 447-07 (July 24, 2007)

RPS correctionerrorsJULY07

Authorizing Correction of Tax Errors in Several Towns:

BY: Paul Dudley, Chairperson, Ways & Means Committee.

WHEREAS, petitions for corrections have been received by the Director of Real Property Tax, from the Town Assessors to correct clerical errors or an error in essential fact as specified below, as existed on the 2007 Tax Roll, and: WHEREAS, The petitions for correction were received too late to make the necessary adjustments before the extension of taxes, and;

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

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

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

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

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

Town of Conquest : TM# 69.00-1-33.72. Assessed to Cory Reed. Error in essential fact. This parcel applied and qualified for the basic STAR in the amount of 30,860 for the 2006 Final roll. The 2006 Final roll should be corrected to reflect the basic STAR exemption. The 2006/2007 Port Byron Central School District bill should be corrected to reflect these changes. Since the property owner already paid the 2006/2007 school taxes, a refund is being requested. Town of Ira: TM# 46.00-1-11.1. Assessed to Lori J. Perrault. Error in essential fact. This parcel applied and qualified for the basic STAR in the amount of 33,300 for the 2006 Final roll. The 2006 Final roll should be corrected to reflect the basic STAR exemption. The 2006/2007 Cato-Meridian Central School District bill should be corrected to reflect these changes. Since the property owner already paid the 2006/2007 school taxes, a refund is being requested.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 448-07 (7/24/07)

COA-KOZLOWSKIREAPP07

REAPPOINTING ALAN P. KOZLOWSKI TO 6-YEAR TERM AS DIRECTOR OF REAL PROPERTY TAX SERVICES.

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

WHEREAS, by Resolution No. 318 adopted on August 19, 1998, ALAN P. KOZLOWSKI was appointed as Director of Real Property Tax Services to fill the unexpired term of the former Director who had retired; and

WHEREAS, Resolution No. 412-01 reappointed ALAN P. KOZLOWSKI to a six-year term as Director of Real Property Tax Services, which term expires on September 30, 2007; and

WHEREAS, MR. KOZLOWSKI has satisfactorily performed the duties of this position and it is now recommended that he be reappointed as said Director; now, therefore, be it

RESOLVED, that, pursuant to Section 1530, subdivision 1, of the New York State Real Property Tax Law, ALAN P. KOZLOWSKI is hereby reappointed as Director of Real Property Tax Services for a term of 6 years, commencing October 1, 2007, at his current salary of \$54,868.00 for the remainder of the year 2007, and, thereafter, until changed by resolution of this Legislature, in accordance Civil Service Rules & Regulations and the policies of the County; and be it further

RESOLVED, that the salary for the calendar years thereafter shall be as follows:

2008 - \$56,514

2009 - \$58,209

2010 - \$59,956

2011 - \$61,754

2012 - \$63,607

2013 - \$65,515

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 449-07 (7/24/07)

COMtransfundsrev

TRANSFERRING OF FUNDS TO CIVIL SERVICE/HUMAN RESOURCES DEPARTMENT

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

WHEREAS, Personnel from the Civil Service/Human Resources Department have been taking minutes of Legislative Committee Meetings; and

WHEREAS, the overtime line in the Civil Service/Human Resources Department has been exhausted; now, therefore be it

RESOLVED, that \$1,500.00 from A1010.100.000 (Legislative Board, Secretary to Legislative Chair, Salaries) be transferred to A1430.100.000 (Civil Service, Overtime, Salaries) to reimburse Civil Service/Human Service Department for this service; 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 Dudley, Cuddeback, Mitchell, Petrus, Schuster.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 450-07

(7/24/07)

COMamend357-07

AMENDING RESOLUTION NO. 357-07 "TRANSFERRING FUNDS FROM CERTAIN COUNTY DEPARTMENTS TO PAY INSURANCE COSTS"

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

WHEREAS, Resolution No. 357-07 "Transferring funds from certain County Departments to pay insurance costs" was adopted on June 26, 2007; and

WHEREAS, Resolution No. 357-07 included departments that can receive State reimbursement; now, therefore be it

RESOLVED, that the following amounts be transferred back into department's budgets so that maximum reimbursement can be accomplished:

DEPARTMENT	ACCOUNT NUMBER	AUTO/BOAT INSURANCE	MALPRACTICE INSURANCE	LIABILITY INSURANCE
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
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
HUMAN SERVICES	A6010.400.039	9,754.00		
	A6010.400.114			5,774.00
OFFICE FOR THE AGING	A6772.400.039	489.00		
TOTAL GENERAL FUND		36,464.00	60,867.00	24,821.00

and; be it further

RESOLVED, that in Resolution No. 357-07 the figure for Public Health Auto/Boat Insurance (A4010.400.039) was incorrectly stated at \$5,681.00 and should have read \$4,681.00; 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 intend of this resolution.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 451-07 (7/24/07) COMMedicaidpay
ADOPTING THE MEDICAID CAP METHOD OF PAYMENT FOR THE COUNTY'S SHARE OF MEDICAID COSTS

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

WHEREAS, in 2005 New York State Government recognized the Federal and State Medicaid entitlement was forcing county governments to continually raise property taxes year after year; and

WHEREAS, Cayuga County's share of local Medicaid dollars represents 41% of all County tax dollars raised in 2007; and

WHEREAS, several counties have exhausted over 90% of their constitutional taxing limit power; and

WHEREAS, there would have been a fiscal crises that would have resonated throughout county governments and their ability to pay for mandated services; and

WHEREAS, the State of New York has provided two options which permitted counties to pay for their Medicaid costs; and

WHEREAS, these two options are known as "Medicaid Cap" or "Sales Tax Intercept" methods of payment; and

WHEREAS, the County Manager has provided a report which evaluates these options and has recommended the Medicaid Cap method of payment; and

WHEREAS, the Medicaid Cap method will cap all future growth of this mandated program at 3% each year; and

WHEREAS, the sales tax intercept method may have harmed the Towns and Villages in the distribution of sales tax in the future; and

WHEREAS, the choice of the Medicaid Cap method over the Sales Tax Intercept Method is an irrevocable decision; now, therefore be it

RESOLVED, that the Cayuga County Legislature does hereby adopt the State of New York's **Medicaid Cap** method of payment for the County's share of this Federal and State Mandate.

Legislator Dudley, thank you to Co. Manager, Wayne Allen, for his work on this.

Legislator Lockwood, Medicaid drove the budget up when I was Chairman, also thanks Co. Manager Wayne Allen.

Chairman, George Fearon, this is much better, pushes New York State to go further.

Co. Manage, Wayne Allen, Medicaid cost is 40% of County Taxes, puts burden on property tax payers. Now we will know cost year to year.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 452-07 (July 24, 2007) HS Child Welfare Placement Serv
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Contract with
Multiple Service Agencies (Listed) for the Provision of Child Welfare Placement Services**

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

WHEREAS, the Human Services Division of Health & Human Services is required to provide appropriate "child placement services" for children placed in foster care and at times this includes placement in a residential treatment center (RTC); and

WHEREAS, Human Services has successfully contracted with the listed agencies to provide these services in the past; and

WHEREAS, the RTC per diem rate schedule is established and set by NYS Department of Social Services; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into contracts for the time period of July 1, 2007 – June 30, 2008 with the following agencies:

Anderson School, Inc.	Kids' Peace
Baker Victory Services	Kinship Family & Youth Services
Berkshire Farm Center & Services	LaSalle School
Cayuga Home for Children	Liberty Resources
Charlton School	Lincoln Hall
Children's Home of Jefferson County	Northeast Parent and Child Society
Children's Home of Poughkeepsie	Oswego Opportunities, Inc.
Children's Home of Wyoming Conference	Parsons Child & Family Center
Crestwood Children's Center	St. Anne's Institute
Elmcrest Children's Center	St. Catherine's Center for Children
Gateway Logview	St. Coleman's
George Junior Replublic	St. Joseph's Villa
Glove House	Toomey Residential & Comm. Serv.
Hillside Children's Center	Vanderheyden Hall
Hopevale, Inc.	Salvation Army/Friendship House

House of Good Shepard
and be it also

RESOLVED, that payment for these services at the current state approved rates be charged to account #6123 and account #6109 of the 2007 Human Services Budget.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 453-07 (July 24, 2007) HD Radon Grant
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into a
Contract With NYS DOH to Provide Services for the Indoor Radon Program and Accept 100% Funding**

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

WHEREAS, the State has the authority to regulate and provide funding for the establishment and operation of an Indoor Radon Program and desires to contract with skilled parties possessing the necessary resources to provide such services; and

WHEREAS, the Cayuga County Health Department's Environmental Unit is able to provide such program services as needed to implement the Indoor Radon Program; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services be authorized to enter into a contract with the NYS Department of Health for the 100% funded Indoor Radon Program covering the period July 1, 2007 through June 30, 2010, and further authorize them to sign all subcontracts relative to meeting obligations incurred by this grant; and be it also

RESOLVED, that the County Treasurer be authorized and directed to make the necessary journal and accounting entries to the 2007 Health Department Budget in the following manner:

Increase Appropriation Account A4010.427.000.....\$21,300
Increase Revenue Account A3426.000.000.....\$21,300

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 454-07 (July 24, 2007) HD Rabies Program
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into an Agreement with the NYS Department of Health to Allow the Health Department Continued Participation in the Zoonoses (Rabies) Program

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

WHEREAS, the NYS Department of Health administers the mandated Zoonoses (Rabies) Program for the State of New York; and

WHEREAS, funding in the amount of \$27,000 has been made available for the Cayuga County Health Department to continue to participate in this mandated program for the period April 1, 2007 through March 31, 2008; and

WHEREAS, this funding has already been budgeted in the Health Department's 2007 budget in account #3416 (Rabies Reimbursement); 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 NYS Department of Health to participate in the mandated Zoonoses Program.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 455-07 (July 24, 2007) HD Third Party Payors
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into Agreements With Third Party Payors for Provision of Authorized Home Care Services

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

WHEREAS, the CHHA often times provides Home Care Services to individuals covered by 3rd party insurances; and

WHEREAS, a per visit rate has been negotiated which is acceptable to the agency; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services be authorized to enter into agreements with these third party payors and accept reimbursement as a participating provider.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 456-07 (July 24, 2007) HD Venesky Contract CHHA
Authorize the Chairman of the Legislature and the Director of Health & Human Services to Enter Into a Contract with Jack Venesky for Auditing and Consulting Services for CHHA

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

WHEREAS, the Cayuga County Home Care Agency desires to obtain auditing and consulting services required for both Medicare and Medicaid Programs for both the Certified Home Health Agency (CHHA) and the Long Term Home Health Care Program (LTHHCP); and

WHEREAS, we have successfully utilized the services of Mr. Venesky in the past to compile financial and statistical data required to file the annual Medicare, Medicaid and LTHHCP cost reports; NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a 3-year agreement from August 1, 2007 through July 31, 2010 with Jack Venesky, CPA at an annual cost of \$32,050 to be expended from Account #4012, Line Item # .059 of the Health Department's Budget.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 457-07 (July 24, 2007) HD Venesky Contract D&TC
Authorize the Chairman of the Legislature and the Director of Health & Human Services to Enter Into an Agreement with Jack Venesky, CPA, for Auditing and Consulting Services for the Health Department's Diagnostic and Treatment Center

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

WHEREAS, the Health Department desires to obtain professional accounting and auditing services for its Diagnostic and Treatment Center Program to properly compile the AHCF-1 (D&TC) 2006 Medicaid Cost Report to be filed with the New York State Department of Health (NYSDOH); and

WHEREAS, we have successfully utilized the services of Jack Venesky, CPA, for the CHHA's Medicare and Medicaid reports for the past several years; 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 Jack Venesky, CPA, to compile an accurate and complete 2006 Medicaid Cost Report for the Health Department's Diagnostic and Treatment Center and file it with the NYSDOH at a cost of \$7,500 to be expended from account #4010.400.059 of the 2007 Health Department's Budget.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 458-07 Date of Meeting: 7/24/07 NHMEDWASTEAGMENTREV
AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF CAYUGA
COUNTY NURSING HOME TO SIGN AN AGREEMENT WITH STERICYCLE, INC TO REMOVE REGULATED
MEDICAL WASTE FOR 3 YEARS.**

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 to have medical waste removed by an authorized medical waste company; and,
WHEREAS there are two medical waste companies that service the county of Cayuga; and,
WHEREAS the Administrator has sought proposals from these two vendors: Stericycle, Inc. (annualized rate of \$5762.64) and Healthcare Waste Solutions (annualized rate of \$6060.00); and,
WHEREAS, Stericycle, Inc. has proposed to provide the service at the lowest price; 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 Stericycle, Inc.
Signed by Petrus, Cuddeback, Dudley, Sedor, Tortorici, Lockwood, Mitchell, Schuster.
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 459-07 (July 24, 2007) HD Onondaga County CNYRIIS 2007
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Renew the
Agreement with Onondaga County Health Department to Participate in the CNY Regional Immunization
Information System and to Accept Funding**

BY: Ann Petrus, Chairman of the Health & Human Service Committee
Paul Dudley, Chairman of the Ways & Means Committee
WHEREAS, The Onondaga County Department of Health is desirous of promoting the use of the Central New York Regional Immunization Information System (CNYRIIS) and enroll at least 50% of all Cayuga County infants born during the term of this agreement (April 1, 2007 through March 31, 2008); and
WHEREAS, the Cayuga County Health Department possesses the special skills and training required to perform services in connection therewith and wishes to continue to participate in this program; now, therefore, be it
RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into a contract with the Onondaga County Health Department to participate in the CNYRIIS program for the period April 1, 2007 through March 31, 2008 and accept the funding in the amount of \$12,371; and be it further
RESOLVED, that the Cayuga County treasurer be authorized and directed to make all the necessary journal and accounting entries to amend the Health Department's 2007 budget in the following manner:
Increase Revenue Account #3412..... \$12,371
Increase Appropriation Account #4010.411.059..... \$11,915
Increase Appropriation Account #4010.411.084..... \$ 112
Increase Appropriation Account #4010.411.049..... \$ 344
Signed by Petrus, Cuddeback, Dudley, Sedor, Tortorici, Lockwood, Mitchell, Schuster.
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 460-07 (July 24, 2007) HD COLA Dental 2006-07
Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Accept
Additional Funds (COLA) for the 2006-2007 Dental Grant and to Amend the Health Department's 2007 Budget**

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, the Department has been notified by the NYS Department of Health that we are to receive an additional \$700 cost of living adjustment (COLA) for our 2006-2007 Dental Program Grant to promote the recruitment and retention of staff or to respond to other critical non-personal service costs. These funds are for expenses incurred on or before March 31, 2007, only; 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 Dental Grant, and that the Cayuga County Treasurer be authorized and directed to make the necessary journal and accounting entries to the Health Department's 2007 Budget as follows:
Increase Appropriation Account #4010.460.059.....\$700.00
Increase Revenue Account #3406.....\$700.00
Signed by Petrus, Cuddeback, Dudley, Sedor, Tortorici, Lockwood, Mitchell, Schuster.
Approved by voice vote, all present voting aye.

**RESOLUTION NO. 461-07 (July 24, 2007) HD 2 PT LPN Positions at CHHA
Authorizing the Cayuga County Legislature to Abolish One Unfunded LPN at the CHHA, Create Two Part-Time LPNs and Authorize the Director of Health & Human Services to Fill These 2 Positions**

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

WHEREAS, maintaining nursing staff to meet the needs of the Health Department's Home Care clients is a priority; and

WHEREAS, the agency continues to have difficulty recruiting part-time RNs; and

WHEREAS, Licensed Practical Nurses can provide uncomplicated nursing care under the direct supervision of Registered Nurses for our Home Care Clients; and

WHEREAS, two part-time LPNs would provide us with more flexibility in staffing (i.e., weekend coverage) required to meet the needs of our clients and be more cost effective than using part-time or full-time RNs; NOW, THEREFORE BE IT

RESOLVED, that the Legislature abolish one unfunded LPN position (#6069) at the CHHA and create two Part-Time Licensed Practical Nurse positions; and be it further

RESOLVED, that the positions be paid in accordance to Part II, Non-Bargaining, of the 2007 Cayuga County Compensation Plan; and be it further

RESOLVED, that in order to fund these part-time LPN positions for the remainder of 2007, that \$13,948 be moved from position #5023 (part-time RPN Sub) to the two newly created positions at \$6,974 each for the remainder of 2007; and be it further

RESOLVED, that the Director of Health and Human Services be authorized and directed to fill these positions to meet the needs of its Home Care Agency's clients in accordance with Civil Service Rules and Regulations and the policies of the County of Cayuga.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 462-07 (July 24, 2007) HD Fill PT PHN or PT RN at CHS
Authorizing the Director of Health & Human Services to Fill One Part-Time PHN or Part-Time RN Vacancy at CHS**

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

WHEREAS, there is a Part-Time PHN vacancy at Community Health Services (CHS); and

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

WHEREAS, this position is funded in the Health Department's 2007 Budget; NOW, THEREFORE, BE IT

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

RESOLVED, that if the Department is unable to recruit a candidate for this Part-Time PHN position due to the Bachelor Degree requirement, the Department be able to fill an existing Part-Time RN position in its place.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 463-07 (July 24, 2007) HS Fill Social Services Investigator
Authorize the Director of Health & Human Services to Fill a Social Services Investigator Position in the Case Integrity Unit of Human Services**

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

WHEREAS, we have a Social Services Investigator position vacancy in the Case Integrity Unit of Human Services due to a resignation which was effective June 22, 2007; and

WHEREAS, it is the responsibility of the Case Integrity Unit of Human Services to conduct those investigations which are necessary to insure the integrity of our basic assistance programs by Front End Detection (FEDS) which consists of conducting investigations on cases prior to opening in an attempt to uncover discrepancies before any funds are expended, and Fraud Investigations which consists of conducting inquiries after case openings to uncover wrong-doing or mistakes which have led to an over-grant or would lead to an over-grant; and

WHEREAS, this position is funded in the 2007 Human Services Budget; NOW, THEREFORE BE IT

RESOLVED, that in an effort to effectively insure the integrity of these assistance programs, the Director of Health and Human Services be authorized to fill the Human Services Investigator position and any fill behinds 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, Sedor, Tortorici, Lockwood, Mitchell, Schuster.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 464-07 (July 24, 2007) HD Fill PT RN at CHHA
Authorizing the Director of Health & Human Services to Fill One Part-Time RN Vacancy at the Home Care Agency

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

WHEREAS, there is a Part-Time RN vacancy at the CHHA due to a resignation effective June 27, 2007; and
WHEREAS, this position is necessary for the effective and efficient operation of the Department; and
WHEREAS, this position is funded in the Health Department's 2007 Budget; NOW, THEREFORE, BE IT
RESOLVED, that the Director of Health & Human Services be authorized to fill the Part-Time RN vacancy in a
manner consistent with the rules and regulations of the County of Cayuga and the Cayuga County Civil Service
Commission.

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

RESOLUTION NO. 465-07 (July 24, 2007) HS Create & Fill Mobile Work Crew Supervisor
Authorizing the Cayuga County Legislature to Create a Mobile Work Crew Supervisor and Authorize the Director of Health and Human Services to Fill This Position

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

WHEREAS, every local social service district is required to meet a 50% Federal Work Participation Rate for their
public assistance population; and
WHEREAS, we are currently placing work eligible public assistance recipients at various work sites throughout the
County as one way we can engage them in activities that count towards helping us to meet our work participation ratio;
and

WHEREAS, often times the individuals placed are not well monitored and tracked; and

WHEREAS, the establishment of a Mobile Work Crew Supervisor position in the Department will provide for better
management and oversight of those participating in the work program to help get work satisfactorily completed,
assisting in engaging individuals in countable activities, and better prepare those on the crew to be job ready; and

WHEREAS, the Mobile Work Crew Supervisor would typically be responsible for supervising the work of work
program participants in a variety of activities and appropriate projects for various public and not-for-profit agencies;
and

WHEREAS, this position will be 100% funded through Federal FFFS (Flexible Funds for Family Services) funds and
State LAF (Local Administrative Fund) funds; and

WHEREAS, other counties have had successful results by the use of this type of position; NOW, THEREFORE, BE IT
RESOLVED, that the Cayuga County Legislature be authorized to create a Mobile Work Crew Supervisor position in
the Human Services Department, grade 15* (*40 hr. work week), with a salary range of \$34,227 (Probationary),
\$34,577 (1st Step), \$36,044 (2nd Step), \$37,034 (3rd Step) up to \$38,270 (4th Step) pursuant to CSEA Part I of the
County Compensation Plan; and be it further

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

Increase Acct. #6010.1.....	\$34,227
Increase Acct. #6010.800.001 Soc. Sec.....	\$2,620
Increase Acct. #6010.800.002 Retirement.....	\$2,740
Increase Acct. #6010.800.003 Health Ins.....	\$6,500
Increase Acct. #6010.800.004 Dental.....	\$ 340
Increase Acct. #6010.800.005 Worker's Comp	\$ 685
Decrease Acct. #6060.400 FFFS.....	\$47,112

And be it further

RESOLVED, that the Director of the Health & Human Services be authorized and directed to fill the newly created
Mobile Work Crew Supervisor position in a manner consistent with the rules and regulations of the Cayuga County
Civil Service Commission and the policies of the County of Cayuga.

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

RESOLUTION NO. 466-07 (7/24/07)

COA-LLAdpgNotPolForCyberSecFIX

FIXING DAY AND NOTICE OF A PUBLIC HEARING ON A PROPOSED LOCAL LAW ADOPTING A NOTIFICATION POLICY PURSUANT TO SECTION 208 OF THE STATE TECHNOLOGY LAW.

BY: MR. CUDDEBACK, Chairman, Public Works Committee, and
MR. MITCHELL, Chairman Government Operations Committee.

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on July 24, 2007, a proposed Local Law entitled:

"A LOCAL LAW ADOPTING A NOTIFICATION POLICY PURSUANT TO SECTION 208 OF THE STATE TECHNOLOGY LAW. "

Now, therefore, be it

RESOLVED, that a public hearing shall be held concerning said Local Law before the Cayuga County Legislature on August 28, 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 Mitchell, Dudley, Lepak, Petrus, Schuster, Sedor, Cuddeback, Lockwood, Palermo, Pappert, Smith.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 467-07 (07-24-07)

DMV- FT & PT CASHIERREV

AUTHORIZING THE CAYUGA COUNTY CLERK TO FILL VACANT FULL TIME AND PART TIME MOTOR VEHICLE CASHIERS AND TO BACK FILL VACANT POSITIONS.

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

WHEREAS, a Full Time Motor Vehicle Cashier has resigned that creates a vacancy in the Motor Vehicle Bureau effective 7/23/07; and

WHEREAS, a Part Time Cashier is eligible to fill this vacancy but this will result in a Part Time Cashier vacancy and both of these positions are essential to provide services to the taxpayers of Cayuga County; and

WHEREAS, the funding for both positions have been appropriated in the 2007 Motor Vehicle Bureau salary account, position number 1840 in the amount of Full Time \$34,937 and Position number 1835 in the amount of Part Time \$15,719; NOW, be it therefore

RESOLVED, that Cayuga County Clerk Susan Dwyer and Motor Vehicle Supervisor Marlyn Salato be hereby authorized to fill the positions of Full Time Cashier by moving a current part-time Cashier to the vacant full time slot; and be it further

RESOLVED, that the full time position be paid in accordance with the 2007 CSEA Compensation Plan at Step One \$31,438; and be it further

RESOLVED, that the County Clerk and DMV Supervisor be hereby authorized to backfill the Part Time vacancy created by the above appointment with a new employee having no fringe benefits except those that are mandatory by law; and be it further

RESOLVED, that the part-time position be paid in accordance to the Cayuga County Compensation Plan, Part II-Non-Bargaining at the rate set forth of \$17.07 per hour, in the title Motor Vehicle Cashier PT; and be it further

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

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 468-07

JULY 9, 2007

BOESCANNERSRESO

AUTHORIZING THE BOARD OF ELECTIONS TO PURCHASE A FLATBED SCANNER

BY: Mr. Mitchell, Chair, Government Operations Committee, and
Mr. Dudley, Chair, Ways & Means Committee

WHEREAS, the Cayuga County Legislature approved funding in the 2007 Budget to allow the Board of Elections to purchase full-document imaging software; and

WHEREAS, this equipment will allow the board to more rapidly record the registration files of 46,000 active and 6,000 inactive voters in time for the 2008 Presidential Election; and

WHEREAS, funds currently exist in the Board of Elections budget in Account No. 1450.074 (Election Materials); now therefore, be it

RESOLVED, that the Board of Elections is hereby authorized to purchase a flatbed scanner for a total cost of \$1,344.02; and be it further

RESOLVED, that these funds be expended from the Board of Elections Account No. 1450.074; and be it further

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

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

Approved by 2/3 vote, all present voting aye, except Excusd Smith, Pappert, Lepak, Netti. 183/61

RESOLUTION NO. 469-07 (7/24/07)

COA-estcaph-Purch25ProspectStForCCC rev3

APPROVING THE PURCHASE OFFER AND SALE CONTRACT FOR THE PROPERTY LOCATED AT 25 PROSPECT STREET, AUBURN, NEW YORK, AUTHORIZING THE CHAIRMAN OF THE COUNTY LEGISLATURE TO SIGN ALL CLOSING DOCUMENTS ASSOCIATED THEREWITH AND AUTHORIZING THE ESTABLISHMENT OF CAPITAL "H" PROJECT NO. 07-04-C (PURCHASE OF 25 PROSPECT STREET FOR CCC USE).

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

WHEREAS, there is real property for sale adjacent to Cayuga Community College which is within the vicinity of an area that is a long-term acquisition goal of the College and it may be a very long time before this property is available again; and

WHEREAS, because of the location of this property, these Committees are of the opinion that the property should be purchased; and

WHEREAS, a purchase offer has been submitted and accepted to purchase the property commonly known as 25 Prospect Street for the purchase price of \$230,000.00; and

WHEREAS, the County's share, subject to state reimbursement, for the purchase of the aforesaid property is approximately \$235,000.00; and

WHEREAS, it is anticipated that tax adjustments and other closing expenses will not exceed \$5,000.00; and

WHEREAS, the funds available to the County through the Cayuga Community College capital chargebacks are sufficient to pay the County's share of the project; and

WHEREAS, if the purchase takes place, the college will apply for 50% state reimbursement which will be discretionary with the state; and

WHEREAS, the procedure to attempt to obtain state reimbursement requires that an appraisal to be submitted; and

WHEREAS, the College has agreed to pay for that appraisal and to submit the documents required to obtain the discretionary state reimbursement; now, therefore, be it

RESOLVED, that the County of Cayuga hereby approves the purchase of 25 Prospect Street in the City of Auburn for the sum of \$230,000.00; and be it further

RESOLVED, that, in order to acquire the said property, the County Treasurer be and he is hereby authorized and directed to establish Capital "H" Project No. 07-04-C (Purchase of 25 Prospect Street for CCC Use) in an amount not to exceed \$235,000.00, source of funding for said Project to be by the issuance of a statutory installment bond, or serial bonds, and/or in-house borrowings, which shall be amortized by capital chargeback funds, or, if chargebacks are insufficient, future county budgets. The exact choice of terms and authority to issue and renew the obligations being hereby delegated to the County Treasurer subject to the provisions of Section 30 (b) of the Local Finance Law requiring the Treasurer to file a certificate with the Legislature Clerk relating to said issuance or renewal. The certificate of the County Treasurer authorizing the issuance of the obligation pursuant to this resolution shall have an estoppel clause as provided for in Title 6 of the Local Finance Law.

It is hereby deemed and designated that the period of probable usefulness of the original object or purpose for which the bonds herein authorized are to be issued is thirty (30) years and that subdivision (21) of Section 11.00 of the Local Finance Law applies thereto; and be it further

RESOLVED, that the County's share of the project will be transferred from the capital chargebacks into Capital "H" Account No. 07-04 -C; and be it further

RESOLVED, that, at the discretion of the County Treasurer, this resolution shall be published by the Clerk of the Legislature and thereafter the validity of the obligations authorized by this resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Cayuga is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution; and be it further

RESOLVED, that the Chairman of the County Legislature be and he is hereby authorized and directed to sign any documents necessary to accomplish the foregoing and that the County Treasurer be and he is hereby authorized to sign any financial documents necessary to carry out the same; and be it further

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

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

Approved by 2/3 vote, all present voting aye, except Excusd Smith, Pappert, Lepak, Netti. 183/61

RESOLUTION NO. 470-07

(7/24/07)

COMcollegebudget

APPROVING 2007-08 BUDGET FOR CAYUGA COMMUNITY COLLEGE.

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

WHEREAS, Cayuga Community College has presented its budget for 2007-08 academic year to the Ways & Means and Government Operations Committees of this Cayuga County Legislature; and

WHEREAS, said budget totals \$25,486,035; and

WHEREAS, the sponsor's share of Cayuga County in said budget will remain at the 2006-07 amount of \$2,678,400; now, therefore, be it

RESOLVED, that the said 2007-2008 Budget of Cayuga Community College is hereby approved in accord with a 2008 County contribution of \$2,678,400.

Legislator Schuster, bad policy to support budget, students pay brunt of increase, I do not support.

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

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

RESOLUTION NO. 471-07 7.24.07

PB_coacrebauthorizationrev

Authorizing the Cayuga County Treasurer to execute any and all documents required to submit an application to the IRS, on behalf of the Cayuga County Public Utility Services Agency (“CCPUSA”), for allocation of Clean Renewable Energy Bond (“CREB”) volume cap under Section 54(f) of the Internal Revenue Code thereby reserving the opportunity and option to finance a future Cayuga County energy project at 0% interest at the County Legislature’s discretion.

By: Mr. Daniel Schuster, Chairperson, Planning and Economic Development Committee

Mr. Paul M. Dudley, Chairperson, Ways and Means Committee

WHEREAS, a proposed renewable energy project within Cayuga County, centered on the capture and distribution of methane gas (the “Project”) is being proposed by Agricultural Waste Solutions, LLC (the “Company”), a venture organized by the dairy producers in Cayuga County; and

WHEREAS, the Company is working on several manure management projects that would serve to benefit dairy farms throughout the County while improving County water quality resources; and

WHEREAS, the Company, with its developer, Global Common (“Global”) and two (2) area dairies (Oakwood Dairy and Spruce Haven Farms) have been pursuing the development of on-farm biogas facilities (the “Digester’s”) to address County-wide manure management issues while producing a clean, renewable energy resource within the County; and

WHEREAS, the Company recently selected Bigadan A/S of Denmark (“Bigadan”) and Integrity Ag Systems (“Integrity”) to design, build and operate the on-farm biogas facilities, which will be comprised of anaerobic biodigesters and related equipment; and

WHEREAS, one of the initial steps in formulating the Project is to apply for and receive the authority to issue zero percent (0%) interest bonds available through a competitive application to the IRS under the Clean Renewable Energy Bonds Volume Cap program; and

WHEREAS, such authorization and designation of CREB volume cap on behalf of the Project by the IRS would reserve the County’s option in the future to finance a portion of the Project at 0% interest at the County Legislature’s sole discretion while not obligating the County in any way to approve or assist the Project or to secure any future bonding under the volume cap authority; and

WHEREAS, the CCPUSA was established by the County as a public utility service agency pursuant to Article 14-A of the General Municipal Law (“GML”), with the public mandate to identify and implement strategies and projects resulting in the generation and distribution of low-cost energy to the residents and businesses of Cayuga County; and

WHEREAS, the CCIDA, a public benefit corporation whose membership is appointed by the County, is empowered to undertake certain qualifying projects pursuant to and in accordance with GML Article 18; and

WHEREAS, the CCPUSA and the CCIDA have been working with the Company on structuring the Project and have determined to request the assistance of the CCPUSA in reserving an allocation of 0% CREB volume cap through the IRS competitive application program; and

WHEREAS, until Thursday, July 12, 2007, the County Public Utility Services Agency and the CCIDA believed that CCPUSA was the appropriate applicant to the IRS CREB Volume Cap program and on July 12, 2007 the agencies learned that the County Treasurer was the individual required to sign the CREBS Volume Cap program application and were faced with an application deadline of July 13, 2007; and

WHEREAS, in order to meet the Friday, July 13, 2007 deadline and thereby retain the opportunity to secure County / CCPUSA access to 0% interest CREB bonds in the future, a determination was made to seek authorization for the County Treasurer to sign the application through an Emergency Authorization Resolution and therefore permission was sought and obtained from the Chairpersons of Ways and Means and Planning, the Chairman of the Legislature and the Minority Leader on July 13, 2007; and

WHEREAS, legislative review of the project and financing will be required prior to proceeding further, thereby reserving the authority of the County Legislature to accept or reject the future Project without any commitment or obligation on behalf of the County, now or in the future, to exercise an authorization to access CREB 0% bonding for the Project; NOW THEREFORE BE IT

RESOLVED, by the Cayuga County Legislature, that the Cayuga County Treasurer is hereby authorized to execute any and all documents required to submit an application to the IRS on behalf of the Cayuga County Public Utility Services Agency (the “Applicant”) for allocation of Clean Renewable Energy Bond (“CREB”) volume cap under Section 54(f) of the Internal Revenue Code (the “Code).

Legislator Cuddeback, did this go to committee.

Legislator Schuster, no it ways signed at Ways & Means.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 472-07 (7/24/07) e&twia
AUTHORIZING THE EMPLOYMENT AND TRAINING DEPARTMENT TO ACCEPT FUNDS FROM THE CAYUGA-CORTLAND WORKFORCE INVESTMENT BOARD FOR OVER-CONTRIBUTION TO THE YEAR 4 COST ALLOCATION PLAN AND TO DEPOSIT THESE FUNDS INTO ACCOUNT NO. A6370.200.000.

BY: Hon. Daniel Schuster, Chairman, Planning & Economic Development Committee
Hon. Paul Dudley, Chairman, Ways and Means Committee

WHEREAS, the Cayuga County Employment and Training Department (E & T) over-contributed to the year 4 (7/1/03-6/30/04) Cost Allocation Plan by \$6,740.92; and

WHEREAS, the Cayuga County Treasurer's Office received a check dated May 22, 2007, from the Cayuga-Cortland Grant Administration Office in the amount of \$6,740.92 for the over-contribution; and

WHEREAS, these funds are derived from the Workforce Investment Act of 1998 which are 100% Federal funds, and these funds may be used for any purpose under the Act; and

WHEREAS, the E & T needs to purchase laptop computers for classroom training and educational purposes at the Cayuga Works Career Center; now, therefore be it

RESOLVED, that the E & T accept the \$6,740.92 from the Grant Administration Office and deposit the funds into Account No. A6370.200.000 (Equipment) for the purpose of purchasing 8 laptop computers to increase educational and training services to customers at the Cayuga Works Career Center; 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 Dudley, Lockwood, Cuddeback, Mitchell, Murphy, Petrus, Schuster, Palermo, Lockwood, Sedor, Tortorici.
Approved by voice vote, all present voting aye.

RESOLUTION NO. 473-07 (7/24/07) COMBikeRace
SUPPORTING OSWEGO YMCA'S SPONSORSHIP OF ITS "TOUR DE LOOP 30/50 MILE BICYCLE RACE"

BY: Hon. Steve Cuddeback, Chairman Public Works Committee

WHEREAS, the Oswego YMCA annually sponsors a bicycle race known as the "Tour de Loop 30/50 Mile Bicycle Race; and

WHEREAS, this bicycle race will travel through both Cayuga and Oswego Counties; and

WHEREAS, the New York State Department of Transportation has authorized the Oswego YMCA to conduct the "race" on public highways on August 25, 2007 consistent with State and local laws; and

WHEREAS, the Cayuga County Highway Superintendent does not object to the use of public roads in the Town of Sterling; and

WHEREAS, the Oswego YMCA seeks the support and acknowledgement from the Cayuga County Legislature; now, therefore be it

RESOLVED, that the Cayuga County Legislature does hereby support Oswego YMCA's sponsorship of its "Tour de Loop 30/50 Mile Bicycle Race to be held on Saturday, August 25, 2007.

Signed by Cuddeback, Lockwood, Palermo, Tortorici.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 474-07 Action: 7.24.07 coatransfervehiclerev
Authorizing Chairman of the Cayuga County Legislature to transfer a 1996 Dodge pick up truck to the Cayuga county Water and Sewer Authority.

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

Hon. Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, the County of Cayuga owns a 1996 Dodge pick up truck, VIN 6KC26ZXT176171, with approximately 120,000.00 miles on the odometer; and

WHEREAS, the vehicle is surplus property and no longer required for the County fleet; and

WHEREAS, the Cayuga County Water and Sewer Authority has expressed an interest in acquiring the vehicle; and

WHEREAS, the Water and Sewer Authority understand and agree that the vehicle will be conveyed and transferred where is and where as, without any representation or warranty; now therefore be it

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized to transfer a 1996 Dodge pick up truck, VIN 6KC26ZXT176171, with approximately 120,000.00 miles on the odometer, to the Cayuga County Water and Sewer Authority for five (\$500) hundred dollars; and be it further

RESOLVED, that said vehicle is transferred where is and where as, without any representation or warranty.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 475-07 7/24/07 BLD Courts replacementrev

Authorization the replacement of lost office supplies at Court House

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

WHEREAS, the abatement of asbestos in the Court House basement has resulted in the loss of office supplies to the Court System, and

WHEREAS, the items and cost are as follows,

Item	Description	Quantity	Price
1	# 10 envelopes	16 cases	\$147.20
2	Manilla envelopes	17 cases	\$504.22
3	8 ½ x 14 Paper	2 cases	\$64.38
4	8 ½ x 14 Paper color	1 case	43.30
5	Plastic cups	1 case	38.60
		Total	797.70

Now therefore, let it be

RESOLVED, that the Cayuga County Legislature approve the replacement payment for above office supplies from the Account 1620.400.176-A to the Court System; and be it further

RESOLVED, that the Cayuga County Treasurer make the check payable to: NY State Department of Taxation and Finance; and be it further

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 476-07 Date: July 24, 2007 BLD COB FIREPROOFINGREV
AUTHORIZING THE CLERK OF THE CAYUGA COUNTY LEGISLATURE AND THE
SUPERINTENDENT OF BUILDINGS AND GROUNDS TO ADVERTISE AND RECEIVE SEALED BIDS
FOR REPLACEMENT FIREPROOFING AND THE CEILING CAYUGA COUNTY BASEMENT
CONFERENCE ROOM**

By: Hon. Steve Cuddeback, Chairman Public Works Committee

Hon. Paul Dudley, Chairman Ways and Means Committee

Whereas, The County has been working correcting the life safety issues in the Cayuga County Office Building; and
Whereas, Resolution 234-07 authorized the removal of asbestos containing fireproofing in various rooms in the Cayuga County Office Building; and

Whereas, during the removal of the fireproofing the ceiling, lighting and ventilation duct work in the basement conference room had to be removed; and

Whereas, the replacement of the fireproofing and ceiling will be over the threshold cost for the bidding requirements of the state and county purchase guidelines; now therefore be it

Resolved, that the Clerk of the Cayuga County Legislature and the Superintendent of Buildings and Grounds are hereby authorized and directed to advertise for sealed bids for the replacement of fireproofing in the rooms that were abated and for the replacement of the ceiling, lighting and ventilation in the basement conference room.

Signed by Cuddeback, Lockwood, Palermo, Tortorici, Mitchell, Murphy.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 477-07 7/24/07 SHRDYCLEANAD
AUTHORIZING THE PURCHASING AGENT TO ADVERTISE AND RECEIVE SEALED BIDS FOR DRY
CLEANING SERVICES AT THE CAYUGA COUNTY SHERIFF'S DEPARTMENT.**

BY: Hon. Ray Lockwood, Chairman, Judiciary & Public Safety Committee.

WHEREAS, this committee believes that it would be in the best interest of the taxpayers to authorize the Purchasing Agent to advertise and receive sealed bids for providing uniform dry cleaning services to the Cayuga County Sheriff's Department, now, therefore, be it

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to advertise and receive sealed bids for providing dry cleaning services to the Cayuga County Sheriff's Department.

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 478-07 7/24/07

cemofireinvestigationrev

Authorizing the Director of Emergency Management to appoint the Fire Investigation Team Members

BY: Hon. Ray Lockwood, Chairman, Judiciary & Public Safety Committee.

Whereas, Resolution No. 255-95 established the number of Cayuga County Fire Investigator team members at 25; and

Whereas, Resolution No. 201-98 created a Public Safety Department and appointed the Cayuga County Sheriff as the Department head; and

Whereas, the Public Safety Department included the Sheriff's Office, E-911 Department and Emergency Management Office, all under the supervision of the Cayuga County Sheriff; and

Whereas, the Cayuga County Sheriff, as head of the Emergency Management Office, appointed members of the fire investigation team; and

Whereas, Resolution No.408-04 abolished the Public Safety Department and re-established separate departments; and

Whereas, the Sheriff, while the Office retained the ability to appoint said members, believes it is more efficient if the responsibility to appoint the fire team is made by the director of CEMO; and

Whereas, the Director of CEMO is willing to undertake the duties; now therefore be it

Resolved, that the Director of CEMO shall, effective immediately, be responsible for appointing the members of the fire investigation team;

Signed by Lockwood, Mitchell, Murphy, Pappert.

Approved by voice vote, all present voting aye.

RESOLUTION NO. 479-07 (07/24/07)

PROFillTypist

AUTHORIZING THE FILLING OF A VACANT TYPIST POSITION.

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

BY: Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, a sudden resignation has left a Typist position vacant effective 7/12/07; and

WHEREAS, the funding is allocated in the Probation Department's 2007 budget under Position Control Number 1939; and

WHEREAS, the position is critical to the operation of the office for clerical support to the professional staff; now, be it therefore

RESOLVED that the Probation Director be hereby authorized to fill the position of Typist; and be it further

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

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

Approved by voice vote, all present voting aye.

RESOLUTION NO. 480-07 (7/24/07)

Lockwooddishwasher

AUTHORIZING THE PURCHASE AND INSTALLATION OF A DISHWASHER FOR THE JAIL FACILITY

BY: Legislator Raymond Lockwood, District #5

WHEREAS, the dishwasher at the Cayuga County Jail has ceased to operate; and

WHEREAS, the Sheriff and Jail Administrator had previously spend \$3,000.00 to repair the dishwasher; and

WHEREAS, the dishwasher is beyond any further repairs; and

WHEREAS, there are moneys in the T-77 (Inmate Phone Account) that can be used to purchase a new dishwasher at no cost to the County taxpayer; and

WHEREAS, the Jail Administrator has obtained three quotes for the purchase of said dishwasher which do not include installation costs; now, therefore be it

RESOLVED, that the Cayuga County Legislature does hereby authorize the purchase and installation of a commercial grade dishwasher and its installation not to exceed \$20,000.00 to be purchased from the Inmate Phone Account (T-77).

Signed by Lockwood, Palermo, Mitchell, Murphy.

Approved by voice vote, all present voting aye.

Legislator Petrus, State Dept. Meeting, Superintendent of Highways, George Wethey's name was mentioned, road work well done.

Legislator Murphy, motion to close Public Hearing 7:20PM, approved by voice vote, all present voting aye.

RESOLUTION NO. 481-07 (7/24/07)

LL#3-94AMD-INC.RMTXto5%ADP

TO ADOPT LOCAL LAW NO. 5 FOR THE YEAR 2007, AMENDING LOCAL LAW NO. 3 OF 1994 TO INCREASE THE RATE OF THE HOTEL/MOTEL ROOM TAX TO 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, Local Law No. 5 for the year 2007 was presented to the Cayuga County Legislature on the 26th day of June, 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. 5 for 2007 on July 24, 2007 at

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

ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. 5 for 2007, amending Local Law No. 3 of 1994 to increase the rate of the Hotel/Motel Room Tax to 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; 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 Dudley, Lockwood, Murphy, Petrus, Schuster, Sedor, Tortorici.

Approved by majority vote, Ayes – Murphy(51), Sedor(79), Dudley(81), Petrus(53), Lockwood(63), Mitchell(57), Tortorici(51), Schuster(47), Fearon(63). Noes- Palermo(58), Cuddeback(64). Excused – Smith(68), Pappert(49), Lepak(48), Netti(50). 545/122/215

**STATE OF NEW YORK
COUNTY OF CAYUGA**

LOCAL LAW NO. 5 OF 2007

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.

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

Section 1. Local Law No. 3 of the year 1994 entitled " A Local Law Imposing A Tax On The Occupancy Of Hotel Rooms Pursuant To Chapter 533 Of The Laws Of 1994 Of The State Of New York" is hereby amended as follows:

Section 1. Subdivision 2 of Local Law No. 3 of the year 1994 is amended to read as follows:

2. **Imposition of Tax.** On and after the first day of January, nineteen hundred ninety-five, there is hereby imposed and there shall be paid a tax of three percent upon the rent for every occupancy of a room or rooms in a hotel in this county except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than four dollars per day. Notwithstanding any other provisions of law to the contrary, the rates of such tax shall be FIVE percent of the per diem rental rate for each room provided, however, such tax shall not be applicable to a permanent resident of a hotel or motel. For the purposes of this section the term "permanent resident" shall mean a person occupying any room or rooms in a hotel or motel for at least thirty consecutive days.

Section 2. Subdivision 12 of Local Law No. 3 of the year 1994, is amended to read as follows:

12. Disposition of Revenues. All revenues resulting from the imposition of the tax authorized by this section shall be paid to the treasurer of the county and shall be credited to and deposited into a special fund of the county dedicated to tourism development and promotion, thereafter to be used only for tourism promotion and convention development; provided, however, that the county shall be authorized to retain five percent revenue from such tax to defer the necessary expenses incurred by the county in administering such tax; provided further the county is authorized to use all or part of the money in the special fund to pay a single not-for-profit corporation, pursuant to a contract with the county, to do tourism promotion and convention development in the county. "Tourist promotion and convention development" is defined as costs related to advertising the county, retaining of staff to promote tourism and other tourism or convention costs recommended by said staff.

Section 2. Said Local Law No. 3 of the year 1994 shall remain unchanged in all other respects and is hereby so ratified.

Section 3. This Local Law shall take effect immediately upon its filing with the Secretary of State.

Motion by Legislator Murphy to adjourn 7:25PM, approved by voice vote, all present voting aye.

Motion by Murphy 10-23-07, to approve minutes of 7-24-07, approved by voice vote, all present voting aye.