

**MINUTES  
CAYUGA COUNTY LEGISLATURE  
AUGUST 28, 2007, 6:30 PM  
CCOB 6<sup>TH</sup> FLOOR/CHAMBERS**

Called to order by the Hon. George Fearon, all legislator's present, except Palermo and Netti excused.

**PLEDGE OF ALLEGIANCE:**

**MOMENT OF PRAYER:**

**PUBLIC HEARING: 6:30PM** To Adopt Local Law No. for the Year 2007, A local Law Adopting a Notification Policy Pursuant to Section 208 of the State Technology Law.

**DEATHS:** Bernard C. Smith, Sr., Cayuga County Legislator, District #3 (Montezuma, Mentz and Throop) Deputy Chairperson of the Legislature. Bernie was a retired Correctional Officer, a Union Leader, an antique dealer and civic leader.

**PRIVILEGE OF THE FLOOR:** Legislator Paul Dudley for a representative from Greentree Credit Services, Bob Ronick, stated that he had not received notification of taxes owed on property located at 1472 River Rd, Co. Attorney Fred Westphal stated the UPS said it was delivered and signed for, Greentree Credit has no record of this. They would like to have the opportunity to pay all the taxes on said property. Legislator Dudley recommends that we accept this offer. Legislator Pappert asked if Greentree Credit was formerly apart of Conseco, Bob Ronick, Greentree Credit Services, stated they are no longer a part of that company. Legislator Pappert, you say the County did something wrong, when it was your company that failed to follow procedure. I am not willing to sell to you because your company made a mistake. Bob Ronick, Greentree Credit Services, Conseco is a whole different company, we have paid back taxes in the past, we don't know who signed for the letter, or we would have paid, this is a misunderstanding, and we will pay. Legislator Pappert, I want a resolution, I'm uncomfortable with this. Legislator Dudley, we need to deal with this now, accept or not. Legislator Pappert, resolution is important, requires a 2/3 vote, request ruling from the County Attorney or Chairman. Co. Attorney Fred Westphal, sale of property requires a 2/3 vote. Bernie Corcoran, Supervising Tax Map Tech, property is assessed for \$75,000, would bring at least \$25,000 at auction, Bernie read a statement from Alan Kozlowski, "Director of Real Property: Green Tree Credit will be presenting an effort to ask the legislature to reinstate their mortgage position at the August 28<sup>th</sup> meeting concerning the property formerly owned by Gary Rice, Conquest 69.00-1-51 that is on track to be auctioned in September 12. It is a decent double wide on a lot with some river frontage on River Rd. It should bring \$25,000 + at the auction. The tax balance was \$15,974. Green Tree Credit, formerly HouseHold Finance, was in foreclosure but did not notice Cayuga County nor acknowledge our foreclosure notice and thus lost their mortgage interest. Among other things Mr. Rice has a large IRS lien that is nullified on our parcel at this point. If we press forward we would recoup the taxes and some additional, if we back off Green Tree would pay the taxes outstanding including school taxes due in September and proceed with their foreclosure. Mr. Rice is out either way". Legislator Cuddeback, keep the mortgage holder. Chairman Fearon, this may short change the County. Legislator Mitchell, we don't have the right to give away the tax payers money. Motion by Legislator Pappert to go into executive session to discuss this, approved by voice vote, all present voting aye, 6:50PM, Motion by Legislator Murphy to come back in session 6:55PM, approved by voice vote, all present voting aye.

Fred Westphal, Co. Attorney, just received paper work on 2 more parcels, I have a certified check for correct amount, resolutions as follows: 484-07, 485-07 and 486-07.

**RESOLUTION NO. 484-07 8-28-07 DEFEATED**

WHEREAS, Green Tree (formally Household Finance) is seeking to purchase property and reinstate their mortgage position on Conquest tax map parcel 69.00-1-51, located at 1472 River Rd., and formerly owned by Gary Rice. "Green Tree Credit" is already listed on the Legislative meeting agenda to speak via "Privilege of the Floor" on Tuesday. Back Taxes with penalties = \$15,963.29 + \$400 fee = \$16,363.29 Due  
A1993 Mortgage for \$52,147, was assigned to Green Tree Credit-  
Prior IRS lien for \$26,458.84, was nullified by County Foreclosure  
DEFEATED by 2/3 vote Noes – Murphy(14), Sedor(21), Petrus(15), Lockwood(17), Mitchell(16), Tortorici(14), Pappert(14), Schuster(13), Lepak(14), Fearon(18). Ayes – Dudley(21), Cuddeback(18). Excused – Palermo(16), Netti(14), Vacant(19). 156/39/30/19

**RESOLUTION NO. 485-07      8-28-07      Auction parcel#11,12,13**

By Paul Dudley, Chair Ways & Means

WHEREAS, THREE ADJACENT PROPERTIES IN THE Village of Cato NY were previously owned by Bradley Green. Mr. Green is working with his attorney Raymond Sant to submit a certified check for back taxes and penalties and seek to redeem his property at the August 28<sup>th</sup> legislative meeting. According to Mr. Green, our stub-abstract title search indicated possible recorded liens under the name of prior owners. Mr. Green claims these old liens are no longer valid. He plans to offer full payment of back taxes together with a statement from his attorney, Mr. Sant to define that the liens don't represent a current obligation to his client.

Tax map # Parcel (11) 45.20-1-13

Tax map # Parcel (12) 45.20-1-14

Tax map # Parcel (13) 45.20-1-15.2

Back Taxes with penalties = 12,151.07 = \$00 fee = 12,551.07 Due

(Note that in addition to the county/town tax figure cited above there are also a total of \$476.91 in unpaid Village of Cato Taxes)

There were no open liens or mortgages

Approved by 2/3 vote, all present voting aye, except Palermo(16) and Netti(14) excused and Vacant(19) 195/30/19

**RESOLUTION NO. 486-07      8-28-07      Auction parcel#17**

WHEREAS, IT IS MY UNDERSTANDING THAT LOCAL attorney Joseph Pettigrass has been working with you concerning the redemption process details for property previously owned by Ross Shaffer Jr. in Conquest NY at 10778 Blass Rd. I received a call from HSBC Bank on Monday Aug. 27<sup>th</sup> regarding this property. They will be providing a letter indicating that Mr. Shaffer has been regularly paying his mortgage on this property and they are satisfied he will continue his obligation to pay.

Tax map #49.00.1-45-5

Back taxes with penalties = \$2,436.56 + 400 fee = \$2,836.56 Due

Marine Midland Bank has a 1995 mortgage on the property for \$28,000 and recorded a Lis Pendens on the property under the name HSBC Bank. HSBC has indicated (by phone) the Mr. Shaffer is now making regularly payment on the mortgage. They are planning to submit a statement indicating their satisfaction that Mr. Shaffer will continue his obligation to pay the mortgage.

Approved by 2/3 vote, all present voting aye, except Palermo(16) and Netti(14) Excused and Vacant(19) 195/30/19

**MINUTES:** For Reading 5-22-07,7-9-07, 8-6-07, and 8-9-07

**CCC REPORT: Joe Michaud, CCC Board Trustee, introduced the new CCC President, Dr. Daniel Larson, goals for CCC, get the contract settled, build a solid foundation. Enrollment for the Summer session is up 7%, fall enrollment looks good, courses taken on line are up.**

**Motion by Legislator Dudley to do resolutions 42A and 42B, approved by voice vote, all present votingaye.**

**RESOLUTION NO. 487-07 (8/28/07)      COMcollegemasterplan  
APPROVING CAYUGA COUNTY COMMUNITY COLLEGE'S 2007 MASTER PLAN UPDATE**

BY: Hon. Francis Mitchell, Chairman Government Operations Committee

Hon. Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the Cayuga County Community College Board of Trustees have prepared a five year ( 2008-2012) Capital Program for the Community College's infrastructure in the amount of \$24,869,000.00 and

WHEREAS, in order for the College to proceed, and the College obtain 50% State funding for these projects, the approval of the Cayuga County Legislature, as the Local Sponsor of the College, is required before "the Plan" can be submitted to the New York State University Administration, and

WHEREAS copies of said "Plan" have been provided to all County Legislators and they have had an opportunity to review the same; now, therefore be it

RESOLVED, that the Cayuga County Legislature does hereby approve the Cayuga County Community College 2007 Master Plan Update and directs that said Master Plan be considered with regard to any Capital improvements to be undertaken at the College in the future.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 488-07 (8/28/07) COMcollegunion**  
**APPROVING AN AGREEMENT BETWEEN THE COMMUNITY COLLEGE AND COUNCIL 66, AFSCME, LOCAL 932-C, AFL-CIO**

BY: Hon. Francis Mitchell, Chairman of Government Operations Committee  
Hon. Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the collective bargaining agreement between Cayuga County Community College and Council 66, AFSCME, Local 932-C, AFL-CIO, expired on August 31, 2004; and  
WHEREAS, a successor collective bargaining agreement effective September 1, 2004 through August 31, 2011, has been agreed upon by the bargaining teams for the College and the collective bargaining unit; and  
WHEREAS, the successor collective bargaining agreement has been approved by the Board of Trustees for Cayuga County Community College and ratified by the collective bargaining unit; and, now therefore be it  
RESOLVED that the Legislature for the County of Cayuga hereby approves the successor collective bargaining agreement between Cayuga County Community College and Council 66, AFSCME, Local 932-C, AFL-CIO, and approves the funds necessary to implement said agreement.

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

Approved by voice vote, all present voting aye.

**Motion by Legislator Pappert to do resolution numbers 65 and 66, approved by voice vote, all present voting aye.**

**RESOLUTION NO. 489-07 (8.28.07) COA-AuthCoEmpsLeaveTimeForColCanScrg(Rev4)**  
**PROVIDING LEAVE TIME FOR EMPLOYEES FOR COLORECTAL CANCER SCREENING.**

BY: HON. MICHELE SEDOR, Legislator, District No. 6, and  
MR. DUDLEY, Chairman, Ways & Means Committee.

Mrs. Ann Petrus, Chairman, Health and Human Services Committee

WHEREAS, colorectal cancer is the second leading cause of cancer death in the United States; and  
WHEREAS, colorectal cancer is the third most common cancer in both men and women and the risk for this disease increases with age; and

WHEREAS, screening can result in the detection and removal of polyps before they become cancerous, as well as the detection of cancer that is at an early, more treatable stage; and

WHEREAS, the County supports the screening of its employees for the early detection of colorectal cancer; and

WHEREAS, Cayuga County is desirous to provide four (4) hours of leave time for colorectal cancer screening; and

WHEREAS, the County believes preventive health treatments and annual check-ups enable employees to identify health risks sooner rather than later; and

WHEREAS, the County is aware it is less costly to treat an employee before a serious health condition manifests itself; now, therefore, be it

RESOLVED, that the County of Cayuga hereby authorizes and encourages any employee of the County to absent himself or herself from his or her duties for a sufficient period of time not to exceed four hours, on an annual basis, to undertake a screening for colorectal cancer; and be it further

RESOLVED, that every public officer, appointed officer or non-bargaining employee of this County shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from his or her duties or service as such public officer appointed officer or employee of this County, for a sufficient period of time, not to exceed four hours on an annual basis, to undertake a screening for colorectal cancer; and be it further

RESOLVED, that the entire period of the leave of absence granted pursuant to this section shall be excused leave and shall not be charged against any other leave such public officer or employee of this county is otherwise entitled to; and be it further

RESOLVED, that the Cayuga County Legislature hereby directs the Chairman and the County Manager to develop a Memorandum of Agreement with the various County Union Units to permit County employees to have colorectal cancer screening on County time and be it further

RESOLVED, that County bargaining employees shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from his or her duties or service as such employee of this County, for a sufficient period of time, not to exceed four hours on an annual basis, to undertake a screening for colorectal cancer, after the Union representing the employee(s) negotiates a Memorandum of Agreement with the County; and be it further

RESOLVED, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute MOA with County unions to implement the intent of this resolution.

Legislator Sedor, this is the number 2 cancer killer in the United States, and the most treatable. This is sending a message to employees for the need to screen, thank you for your support.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 490-07 (8.28.07)**

**CHR-RejectCayugaNationProposal**

**RESOLUTION TO PROPOSE A CLASS III CASINO IN THE CATSKILLS IN LIEU OF LAND IN TRUST FOR THE CAYUGA INDIAN NATION OF NEW YORK IN SENECA AND CAYUGA COUNTIES AND TO REJECT THE ORIGINAL SETTLEMENT PROPOSAL (AS AMENDED)**

BY: MR. FEARON, Chairman, Cayuga County Legislature

MR. LOCKWOOD, Chairman, (Temporary) Cayuga County Native American Affairs Committee

WHEREAS, Seneca and Cayuga counties have been presented with a proposal to resolve pending and future federal trust applications in a settlement which would allow the Cayuga Indian Nation of New York to place in restricted fee status up to 10,000 acres in the claim area, thus making it "sovereign" Indian territory ("the original settlement proposal"); and

WHEREAS, the same proposal provides for the counties to be compensated annually for the loss of tax revenue as land is placed in restricted fee status, such compensation coming from the revenue of a Class III casino to be located somewhere in New York State, presumably in Sullivan County, and

WHEREAS, the Cayuga County Legislature is opposed to the establishment of sovereign Indian territory in their county; and

WHEREAS, the net drop of a casino in the Catskills has been estimated to be \$492,000,000 annually; and

WHEREAS, the tribal membership of the Cayuga Indian Nation is reported to be approximately 450; and

WHEREAS, Chapter 25 of the Code of Federal Regulations (CFR 151.10 and .11) requires an Indian tribe to demonstrate need in order for land to be taken into federal trust, and

WHEREAS, evidence has been presented to the Cayuga County Legislature which appears to indicate that the Cayuga Indian Nation currently occupies certain acreage within Western New York; and

WHEREAS, a Class III casino in the Catskills is estimated to provide the Cayuga Indian Nation of New York with a net drop of over \$1,000,000 per tribal member annually; and

WHEREAS, there would therefore be no need for the Cayuga Indian Nation of New York to have any land placed in trust for it in Seneca and Cayuga counties if it operated a Class III casino in Sullivan County; now, therefore, be it

**RESOLVED**, that Cayuga County Legislature proposes that the Cayuga Indian Nation of New York be allowed by the State of New York to operate a Class III casino in New York State (Sullivan County) through a valid State Compact; and be it further

**RESOLVED**, that in return for the right to operate a Class III casino in New York State the Cayuga Indian Nation of New York would forever relinquish its right to apply for land to be placed in trust or restricted fee status or otherwise become sovereign in the counties of Seneca and Cayuga; and be it further

**RESOLVED**, that the Congress of the United States ratify an agreement between the Cayuga Indian Nation of New York, the State of New York, and the counties of Seneca and Cayuga to this effect; and be it further

**RESOLVED**, that the Cayuga County Legislature rejects the original settlement proposal.

Signed by Chairman, George Fearon, and Legislator Raymond Lockwood.

**Legislator Pappert is proud of the way Cayuga County has considered this proposal, believes that we made use of every resource available. This is the correct position to take, this is the only deal, resolution is correct.**

**Chairman, George Fearon, read the following statement: One of the primary reasons I am voting no on this agreemtn is the fact that NYS has not addressed the collection and remitting of sales tax by tribal enterprises.**

**For a decade our state, fearing confrontation has failed to deal with this sales tax issue. If we had not had sales tax from each business that collected in sales tax 2006, property tax for our towns, villages, the city and our county would have been 77% higher. The reality is tribal enterprises are not limited to the sale of gasoline and tobacco. Our grandchildren could be living in a county with unbearable property taxes because of the loss of sales tax revenue from tribal enterprises. With the potential of having tribal mega malls where no sales taxes are collected, Grant Avenue, Finger Lakes Crossing and Finger Lakes Mall could become abandoned economic ghost towns. If the state is not listening now while they desire this agreement, it is likely that the state will never listen to us when they are getting their 120 M per year from this agreement. The majority of my constituents demand that the state act on this issue now.**

Approved by majority vote, all present voting aye, except Lepak(48) voting No. and Palermo(58) and Netti(50)  
Excused. 726/48/108

**CHAIRMAN'S REPORT: We are deep in the budget process, and moving forward.**

**COMMITTEE REPORT: None**

**MANAGER'S REPORT: None**

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

**Health Dept. (CHHA)**

1. Part-time Home Health Aide
2. Full-time Registered Nurse,
3. Part-time Home Health Aide

Signed by Legislator's Petrus, Sedor, Dudley Chairman, Fearon and County Manager Wayne Allen.

**Buildings & Grounds Dept.**

4. Authorizing the Superintendent of Buildings & Grounds to have asbestos abated to investigate a leak at the Cayuga County Courthouse.
5. Authorizing the Chairman of the Cayuga County Legislature to sign a change Order for Abatement of Asbestos on/in Boilers at the Historic Post Office.

Signed by Legislator's Petrus, Sedor, Dudley Chairman, Fearon.

**Parks & Trails**

6. Authorizing the Chairman of the Cayuga County Legislature to sign a contract with Kendrick's Plumbing at the MGR Scene shop for additional work needed to complete project.

**Sheriff's Dept.**

Authorizing the Sheriff's Dept. to contract for pesticide spraying at the Public Safety Building for an amount not to exceed \$550.00

Signed by Legislator's Petrus, Sedor, Dudley Chairman, Fearon and County Manager Wayne Allen.

**APPOINTMENTS AND RE-APPOINTMENTS:**

**Cayuga County Community Service Board (Alcohol & Substance Abuse)**

Gary Gilchrist, PO Box 1224, Auburn, NY 13021- term – 1-1-07 to 12-31-08

**Motion by Legislator Murphy to approve, all present voting aye, except Schuster voting NO.**

**Cayuga County Deputy Chairman**

Christopher Palermo, PO Box 199, Red Creek, NY 13143, term 8-28-07 to 12-31-07

**Motion by Legislator Murphy to approve, all present voting aye.**

**RECESS:**

**COMMUNICATIONS AND ANNOUNCEMENTS:**

1. Received confirmation from the Department of State that they have received County of Cayuga Local Law no.
2. Received an e-mail from Barbara Montgomery, re: the Cayuga & Seneca Native Peoples of New York.
3. Received confirmation from the Assembly State of New York, acknowledging receipt of res.#483-07, Authorizing the re-appropriation of funds High Bridge to Haiti Island Bridge.
4. Received a thank you card from David Pappert.
5. Received a letter from Governor Eliot Spitzer, asking for support of Bill NO. S05851 Hotel/Motel Room Tax.
6. Received an e-mail from Rich Tallcot re: executive sessions.
7. Received an e-mail from Todd Matthews re: asking for support in opening the Cayuga County Trail System to legal ATV use.
8. Received a letter from Richard Lunkenheimer, Sterling NY, asking for support in opening the Cayuga County Trail System to legal ATV use.
9. Received information from Government Webcasting, re: broadcasting public meetings.
10. Received a List of Certified 2007 State Equalization Rates.
11. Received a letter from Governor Eliot Spitzer, re: support for A.248 Grate Lakes – Hazardous Waste Landfills Bill.
12. Received a letter from Mark Palesh, City Manager, re: signed copies of res.#158 and 159 – Sales Tax Sharing Agreement and Competitive Atmosphere for Economic Development.
13. Received a letter from Andrew Fusco, Assistant Corporation Counsel, City of Auburn, re: Gasoline Sales Tax Cap.
14. Received a letter from Doug Ververs. Cornell University, Cooperative Extension, re: Ag Property Assessment Values.
15. Received a letter from the NYS Dept. of Taxation and Finance, re: Fuel purchased with government credit cards on or after September 1, 2007.
16. Received a e-mail from Rich Tallcot, re: Mohawk TAS Application.
17. Received a e-mail from Kristina Martino, Central New York Business Journal, sending her condolences on Former Legislator Bernie Smith's passing.
18. Received a letter from Patrick H. Brennan, State Director, USDA, thanking the Cayuga County Legislature for their indulgence during his presentation at the June 26<sup>th</sup>. 2007Legislature meeting.

19. Received a letter from Karen Coleman, Director NYS Dept. of Labor, Workforce Development and Training Division, re: Energy and Environmental Systems Cluster Development.
20. Received a letter from Ruth Pierpont, Director, Historic Preservation Bureau, NYS Office of Parks, re: the State Review Board recommendations to have the property, Orrin W. Burritt House, 2696 Van Buren St., Weedsport, NY, be listed on the NYS Register of Historic Places.
21. Received a e-mail from Evan Mitchell McDivitt, re: his recent visit to the Sterling Nature, and what a spectacular place it is.

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

**AUDIT OF CLAIMS: AUGUST 28, 2007**  
**ADJOURNMENT: SEPTEMBER 25, 2007**

### RESOLUTIONS

**RESOLUTION NO. 491-07** **8/28/07**      **Audit082807**  
**AUTHORIZING THE COUNTY TREASURER TO PAY JULY 2007 AUDIT OF CLAIMS**

BY: Hon. Paul Dudley, Chairman, and Ways and Means Committee  
 WHEREAS, The Legislature did at its regular meeting on August 28, 2007 audit claims against the County of Cayuga in the aggregate sum \$2,746,209.90, 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.  
 Approved by voice vote, all present voting aye.

**RESOLUTION NO. 492-07** **8/28/07**  
**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE WAYS & MEANS COMMITTEE FOR PAYMENT OF UTILITY BILLS.**

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

Gas & Electric	:	\$	2,037.92
Water & Sewer		\$	6,178.52
Telephone:		\$	17,953.95
Landfill/Rubbish		\$	311.04

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

**RESOLUTION NO. 493-07                      8/28/07                      PURCHSVCSJULY**  
**AUTHORIZING THE CAYUGA COUNTY TREASURER TO CHARGE DEPARTMENTS FOR CENTRAL SERVICES AND PURCHASES FOR THE MONTH OF JULY 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	\$10,181.29
	TOTAL	\$10,181.29

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 494-07                      Date of meeting: August 28, 2007**  
**AUTHORIZING THE PAYMENT OF CLAIMS SUBMITTED BY THE ADMINISTRATOR OF THE CAYUGA COUNTY NURSING HOME**

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

WHEREAS, this legislature did by Resolution Number 70, duly adopted on the 20th day of March 1984, authorize the Nursing Home Committee of the County Legislature to audit all claims against the Cayuga County Nursing Home, and WHEREAS, said Committee has audited and authorized payment in the amount of \$152,557.59 for the month of July 2007, now therefore be it

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 495-07                      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 \$9,477.75 covering the period through 7-27-07 and have been paid as set forth on the attached lists; now, therefore, be it

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 496-07                      8/28/07                      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:

July - 2007 - \$ 167.21

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 497-07**

**8/28/07**

**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 – \$9,534.86

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

Approved by voice vote, all present voting aye.

**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):

ANNESE & ASSOCIATES, INC.:

Inv. No. SI-554552.....\$ 5,178.96

SYRACUSE MECHANICAL, INC.:

Application & Certificate for Payment No. 6 dated 6/27/07 (FINAL)..... \$ 9,612.80

ACOUSTIC MAGIC:

Inv. No. 111682.....\$ 570.00

CDW-G:

Inv. No. FTJ7099. .... \$ 191.57

Inv. No. GCP2206.....\$ 290.99

Inv. No. FZP7583..... \$ 392.86

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

FINGER LAKES TECHNOLOGIES GROUP, INC.:

Inv. No. 2007-916.....\$ 5,760.00

Inv. No. 2007-1060.....\$ 20,336.40

PAR GOVERNMENT SYSTEMS CORP:

Inv. No. 313156.02-02.....\$ 2,500.00

HEWLETT PACKARD COMPANY:

Inv. No.

64293698.....\$ 4,729.86

CHARRETTE:

Inv. No. 2573256-

00.....\$ 214.36

Inv. No. 2573256-

01.....\$ 214.36

Inv. No. 2573256-

02.....\$ 4,913.00

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

PICTOMETRY:

Inv. No.

CayNY051707.....\$ 20,471.00

4. Project #06-1 (County Telephone System):

ICS TELECOM:

Inv. No.

122162.....\$ 4,441.99

5. Project #06-6 (MGR Scene Shop):

FINGERLAKES CONSTRUCTION CO., INC.:

Application & Certificate for Payment No. 3 dated

8/8/07.....\$ 18,594.35

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.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 499-07**

**8/28/07**

**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:	\$ 8,850.15
Postage Leases:	\$ 718.00
Misc. Leases:	<u>\$11,691.15</u>
Total	\$21,259.30

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 500-07**

**8/28/07**

**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:

July – 2007 \$ 216.29

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

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

Approved by voice vote, all present voting aye.

Motion by Legislator Mitchell to amend amount paid by \$22.49, an overpayment, approved by voice vote, all present voting aye.

**RESOLUTION NO. 501-07**

**8/28/07 Creditrev.**

**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:

July - 2007 - \$ 1,798.36

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

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

Approved by voice vote, all present voting aye.

RESOLUTION # 502-07

Increasing the rate of taxes on sales and uses of tangible personal property and of certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

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

SECTION 1. The first sentence of section two of resolution # 40 as enacted in nineteen hundred sixty-eight, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after June 1, 1968, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1992, and ending November 30, 2009, there is 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 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, 2009, the tax shall be at the rate of three 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, 2009, the tax shall be at the rate of three 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, 2009, the tax shall be at the rate of three 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, 2009, the tax shall be at the rate of three 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, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which consti-



**RESOLUTION NO. 504-07 (8/28/07)**

**COA-AppAgrWithScherrerForAuction07**

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

By: MR. 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 Scherrer Auctions to dispose of certain Cayuga County owned real property.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 505-07 (8/28/07)**

**HR-eCaseContract2007**

**AUTHORIZING THE CHAIRMAN OF THE COUNTY LEGISLATURE to sign contract to ALLOW HUMAN RESOURCES AND CIVIL SERVICE OFFICE TO HAVE ACCESS TO WORKERS' COMPENSATION eCASE FILES.**

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

WHEREAS, the NYS WORKERS' COMPENSATION BOARD has sent a contract to allow Cayuga County to have access to eCase, the Board's claims information electronic folder system; and

WHEREAS, the access to such electronic files would help with the administration and tracking of workers compensation claims; and

WHEREAS, there is no charge for this service; now, therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature be hereby authorized and directed to sign the contract with the NYS Workers' Compensation Board that would allow the county to have access to eCase files; and be it further

RESOLVED, that the agreement between Cayuga County and the NYS Workers' Compensation Board be in compliance with Section 110-a of the Workers' Compensation Law, which makes it unlawful for any person who accesses Workers' Compensation Board records or individually identifiable information from Workers' Compensation Board records to disclose such information to any person who is not otherwise lawfully entitled to obtain said records.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 506-07 (8/28/07)**

**COA-NBPRDEDPLN**

**APPROVING PAYROLL DEDUCTION PLAN FOR CERTAIN COUNTY EMPLOYEES TO BE ABLE TO BUY DISABILITY INCOME INSURANCE.**

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

WHEREAS, Resolution No. 552-00 adopted on December 12, 2000 approved a payroll deduction plan for certain County employees to be able to buy disability insurance, cancer expense insurance and life insurance; and

WHEREAS, the present disability plan is short-term; and

WHEREAS, this Committee wishes to make available to non-CSEA members long-term disability insurance; and

WHEREAS, MassMutual Financial Group has made a presentation to the Committee suggesting that the County make available to its employees certain long-term disability insurance; and

WHEREAS, this Committee has gathered information in regard to all of the above-described non-CSEA programs and is of the opinion that this program should be made available for purchase through payroll deduction Cayuga County employees who are not CSEA members; now, therefore, be it

RESOLVED, that the MassMutual Financial Group Long-term Income Disability Program is hereby approved for the County employees who are not CSEA members to be a part of the County's payroll deduction plan and that MassMutual Financial Group hereby approved to be included in the County's Flexible Spending Plan.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 507-07 (August 24, 2007)**

**RPS correctionerrorsAug07**

**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 Niles : TM#165.00-1-38.12.** Assessed to Lawrence Stamatel. Error in essential fact. This parcel applied and qualified for the basic STAR in the amount of \$35,500 for the 2006 Final roll. The 2006 Final roll should be corrected to reflect the basic STAR exemption. The 2006/2007 Moravia 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, Cuddeback, Lockwood, Mitchell, Murphy, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 508-07**

**08/27/07**

**TreaFillcomputertech-rev1**

**AUTHORIZATION TO FILL A COMPUTER SYSTEMS TECHNICIAN POSITION IN THE COUNTY TREASURER'S OFFICE/DATA PROCESSING DIVISION**

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

WHEREAS, due to a promotion, there now is a vacant Computer Systems Technician in the County Treasurer's Office Data Processing Division; and

WHEREAS, this position is crucial for cross-training on the State RPS System, the printing of the County, School and Village tax bills, as well as the IBM AS400, which services Mental Health and the County's internal network; and

WHEREAS, presently, there is only one employee within the entire County that performs these critical functions; and

WHEREAS, funding for this position is available in the Treasurer's 2007 Budget under position control number 01815; now therefore be it

RESOLVED, that the County Treasurer is hereby authorized to fill a full time Computer Systems Technician position, which will be "contingent permanent" until the previous employee reaches permanent status; and be it further

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 509-07**

**08/28/07**

**Treapermsracctclerkpt**

**AUTHORIZING THE COUNTY TREASURER TO FILL A VACANT PART-TIME SR. ACCOUNT CLERK POSITION**

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

WHEREAS, due to the resignation of an employee of the Treasurer's Office, there is a vacant permanent part-time Sr. Account Clerk position; and

WHEREAS, this person is a key component in the tax collection process, and

WHEREAS, an experienced temporary part-time employee will be moved over to this position, and

WHEREAS, funding for this position is available in the Treasurer's Office 2007 budget under position control number 06267; therefore be it

RESOLVED, that the County Treasurer is hereby authorized to fill the part-time Sr. Account Clerk position, and be it further

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

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

Approved by voice vote, all present voting aye.



**RESOLUTION NO. 513-07 08/28/07**

**RPSrepuchasetaxparcels2007**

**AUTHORIZING THE REPURCHASE OF TAX-DELINQUENT PROPERTY OWNED BY CAYUGA COUNTY**

By Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, established policies and procedures have been set in place for the sale, disposition and use of certain real property owned by the County of Cayuga, as approved in Resolution 382-04; and

WHEREAS, the Director of Real Property Services has received repurchase offers to be considered by the Ways and Means Committee for approval by the County Legislature; in accordance with said policies and procedures; and

WHEREAS, all payments required by County rules have been paid and are being held by the Treasurer until approval of the sale by the Legislature; and

WHEREAS, the Director of Real Property Services recommends approval of the following:

<i><b>Tax Map #</b></i>	<b>Location of</b>	<b>Purchase Offer Made By</b>
55.00-1-25.57	Peachblow Rd, Conquest	James & Tracey Fox
123.11-2-24	32 VanDuyne Ave, Owasco	Deborah Murphy
127.00-1-15.11-16	83 Firelane 21, Springport	Mildred Falcone
102.04-1-45.2-11	4 Schell Lane, Sennett	Dawn Perrault

NOW THEREFORE BE IT RESOLVED, that the recommendations of the Ways & Means Committee set forth above are hereby approved and the Real Property Services Director and the Chairman of the County Legislature are instructed to take whatever steps are necessary to complete the sales.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 514-07**

**DATE: 08/09/07**

**OFAMealBidAug07**

**Authorizing the Clerk of the Legislature and the Purchasing Agent to advertise for sealed proposals for preparation of meals for the Office for the Aging Nutrition Program.**

BY: Ms. Ann Petrus, Chair, Health & Human Services Committee, and

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

WHEREAS, the Cayuga County Office for the Aging serves nutritionally balanced meals to eligible Senior Citizens throughout Cayuga County; and

WHEREAS, funds have been received from the New York State Office for the Aging to provide these meals; and

WHEREAS, the Health & Human Services Committee of this Legislature has reviewed and approved the specifications in the attached Request for Proposals; now, therefore, be it

RESOLVED, that the Clerk of the Legislature and Deputy Clerk/Purchasing Agent be authorized and directed to advertise and receive sealed proposals in accordance with General Municipal Law, Section 103, for the preparation of meals for the Office for the Aging Nutrition Program.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 515-07**

**Date of Meeting: 8/28/07 nhnystecgrantrev**

**AUTHORIZING CHAIRMAN OF THE LEGISLATURE AND ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO APPLY FOR A GRANT FROM THE NEW YORK STATE DEPARTMENT OF HEALTH.**

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

BY: Paul Dudley, Chairman, Ways and Means Committee

WHEREAS, the New York State Department of Health has issued a request for proposals for technology grants to improve the delivery of services to nursing home residents; and

WHEREAS, the grants will only be available to facilities that are working to improve quality measures for their residents; and

WHEREAS, there is a documentation module available through our current software provider, PN &P, that provides the qualifying documentation; and

WHEREAS, the grant, if awarded, will cover the entire cost of implementation and first year of user fees; Now therefore be it:

RESOLVED that Chairman of the Legislature and Administrator of Cayuga County Nursing Home be authorized to sign an agreement to apply for the On-Time Quality Improvement for Long Term Care Grant through the New York State Department of Health.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 516-07**

**Date of Meeting: 8/28/07 nhawardfurniturebidrev**

**AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE AND THE ADMINISTRATOR OF CAYUGA COUNTY NURSING HOME TO ACCEPT PROPOSALS FOR FURNITURE AND SOFT GOODS FOR THE NURSING HOME.**

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

BY: Paul Dudley, Chairman, Ways & Means Committee

WHEREAS, Resolution No. 385-07 authorized the issuance of an RFP to obtain proposals for furniture and soft goods for the Cayuga County Nursing Home; and

WHEREAS, the Clerk of the Legislature sent out specification packages to local, New York State and national based firms; and,

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

WHEREAS, the following proposals were received:

proposals for room furniture include BHA for \$ 61,072; Hurbson for \$ 78,480, \$87520, and \$101,840 ;

proposals for chart racks include BHA for \$ 3795; Hurbson for \$ 1630; and Direct Supply for \$3226;

proposals for lounge furniture consisting of entertainment stands and game tables include Hurbson for \$2136, \$2932, and \$3012.;

proposals for window treatments include Supreme Interiors for \$ 14034; BHA for \$ 14095; Hurbson for \$20600;

proposals for cubicle curtains include Supreme Interiors for \$ 5058; BHA for \$ 5850; and Hurbson for \$4995 and \$5721;

proposals for installation of window treatments include Supreme Interiors for \$ 1600; BHA for \$ 2486; and Hurbson for \$2200;

proposals for dining chairs include BHA for \$10800 and Hurbson for \$12050;

proposal for furniture installation includes only Hurbson at \$6579; and

WHEREAS, files for nurses' stations and game tables will not be purchased at this time; and

WHEREAS, the budget for these items was \$165,269; now therefore be it,

RESOLVED, that the proposals be awarded as follows: room furniture Hurbson at \$101,840; chart racks from Direct Supply at \$ 3,226; lounge furniture from Hurbson at \$ 1,184; window treatments from Supreme Interiors at \$ 14,034; cubicle curtains from Supreme Interiors at \$5,058; installation of window treatments from Supreme Interiors at \$ 1600; dining chairs from Hurbson for \$12,050 and installation of furniture from Hurbson at \$6,579. for a total cost of \$145,571 and be it further

RESOLVED, that the Chairman of the Legislature and the Administrator of Cayuga County Nursing Home be authorized to sign contract with the following vendors: for the purchase room furniture Hurbson at \$101,840; chart racks from Direct Supply at \$3,226; lounge furniture from Hurbson at \$1,184; window treatments from Supreme Interiors at \$ 14,034; cubicle curtains from Supreme Interiors at \$5,058; installation of window treatments from Supreme Interiors at \$1,600; dining chairs from Hurbson for \$12,050 and installation of furniture from Hurbson at \$6,579, for a total cost of \$145,571.

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

Approved by voice vote, all present voting aye.





**RESOLUTION NO. 522-07 (August 28, 2007) HS Day Care**  
**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into Contracts for Day Care 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 day care services for eligible county residents; and

WHEREAS, these services are 100% reimbursed by the Federal Day Care Block Grant; NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services be authorized to enter into contracts with the following agencies:

Cayuga Onondaga BOCES Day Care Center  
Erie Canal Kids, Inc.

To be renewed annually at a rate up to the fair market rate for Cayuga County as determined periodically by the New York State Office of Children and Family Services; and be it further

RESOLVED, that the charges for these services be paid out of account #6055.4 of the 2007 Human Services Budget.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 523-07 (August 28, 2007) HD Sue Green Contract 2007-2008**  
**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter into a Contract with Sue A. Green, RN, Certified Wound, Ostomy and Continence Nurse**

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

WHEREAS, the County's Certified Home Health Agency wishes to enter into a contract with Sue A. Green to serve as a consultant to the home care nurses for a select number of patients identified by the agency; and

WHEREAS, it is our opinion that by utilizing this consultant, we will be able to improve patient outcomes and maximize Medicare revenue by reducing the overall costs of care per patient; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health & Human Services enter into a contract with Sue A. Green for the time period September 1, 2007 through August 31, 2008 in the amount of \$37 per hour plus mileage (same as last year's rate) at the current Cayuga County approved rate; and be it further

RESOLVED, that these expenses be paid out of account #4012.400, line item # .130 of the 2007 Health Department Budget.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 524-07 (August 28, 2007) HD EWPH Grant 2007**  
**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% Funded Eat Well Play Hard Community Projects Grant and Authorizing the Cayuga County Treasurer to Amend the Health Department 2007 Budget**

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 "Eat Well Play Hard Community Projects Grant" which purpose is to provide nutrition, physical activity, education and information specifically geared to pre-school and elementary school children in the amount of \$75,000 for the period October 1, 2007 through September 30, 2008; 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 Eat Well Play Hard 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 #4010.431.000 .....\$75,000  
Increase Revenue Account #3429.000.000.....\$75,000

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 525-07**

**(08/28/07)**

**MHapartmentlease07**

**AUTHORIZE THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE AND THE DIRECTOR OF THE COMMUNITY MENTAL HEALTH CENTER TO ENTER INTO AN AGREEMENT WITH DYNAMAX REALTY, INC. FOR A 6-MONTH RENEWAL LEASE OF AN APARTMENT USED FOR RESPITE SERVICES LOCATED AT 120 OSBORNE STREET, APARTMENT #3, AUBURN, NY 13021.**

BY: Ms. Ann R. Petrus, Chair, Health and Human Services Subcommittee, and  
Mr. Paul Dudley, Chair, Ways and Means Subcommittee.

WHEREAS, the apartment at 120 Osborne Street, Apartment #3, Auburn, New York has been utilized for respite services by the Cayuga County Community Mental Health Center; and

WHEREAS, the lease on the apartment will expire on August 31, 2007; and

WHEREAS, the terms of the lease state that the monthly rent for the apartment shall be \$600, and the lease shall begin on September 1, 2007 and shall expire on February 29, 2008; and

WHEREAS, the monthly rent to be paid to Dynamax Realty, Inc. will be taken out of Contractual Expenses Budget A4310.40, Line Number .069 Emergency Housing; and now, therefore, be it

RESOLVED, that the Chairman of the Cayuga County Legislature and the Director of the Community Mental Health Center enter into an agreement with Dynamax Realty, Inc. to sign the apartment lease for respite services at 120 Osborne Street, Apartment #3, Auburn, New York, for the period of 9/1/07 to 2/29/08.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 526-07 (August 28, 2007)**

**HD Hold Harmless Agreements**

**Authorizing the Chairman of the Legislature and the Director of Health & Human Services to Enter Into Hold Harmless Agreements with Various Agencies**

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

WHEREAS, often times throughout the year, the Health Department participates in community events such as the TomatoFest and the Youth Fair;

WHEREAS, in order to participate in these events, the Health Department as a "Booth Vendor" is asked to sign a Hold Harmless Agreement with the sponsoring agency; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services be authorized to sign Hold Harmless Agreements with the sponsoring agencies when the Department participates in such events as mentioned above.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 527-07 (August 28, 2007)**

**HS**

**FFFS Funding 2007**

**Amending the Human Services 2007 Budget to Accept 100% Federal Funding from the Flexible Fund for Family Services (FFFS)**

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 has received 100% Federal FFFS funding (Flexible Fund for Family Services) and of this fund \$348,000 will be used to support employment related services for TANF eligible applicants and recipients in order to assist them to stay off of public assistance or enable them to reduce the amount of assistance they are receiving; and

WHEREAS, it is necessary to amend the 2007 Human Services Budget in order to accept this funding; NOW, THEREFORE BE IT

RESOLVED, that the Cayuga County Treasurer be authorized and directed to amend the Human Services Department's 2007 Budget in the following manner, and make the necessary journal and accounting entries to accept the new FFFS funds:

Increase Acct. #6060.40.....	\$348,000
Increase Acct. #4615 FFFS.....	\$348,000

and be it further

RESOLVED, that the Chairman of the Legislature and the Director of Health and Human Services be authorized to enter into any subcontracts that are necessary to implement this grant.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 528-07 (August 28, 2007) HS Enhancing CPS Staffing**

**Authorizing the Director of H&HS to Accept “CPS Special Allocation for Enhancing CPS Staffing,” 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**

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 (Special Allocation to Enhance CPS Staffing) in the amount of \$22,250 to support the addition of a part-time caseworker 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 100% funding will be utilized to create and fill a part-time caseworker position which will enable the unit to reduce the supervisor/caseworker ratio in CPS, and when the funding is exhausted, the part-time caseworker position will be abolished or extended through legislative approval; 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 (\$22,250); 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.....\$22,500

Increase Expense Account # 6010.1..... \$22,500

and be it further

RESOLVED, that the Cayuga County Legislature be authorized to create a 100% funded 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 or extended through legislative approval.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 529-07(August 28, 2007) HD Fill Sr Pub Health Educator**

**Authorizing the Director of Health & Human Services to Fill a Sr. Public Health Educator Position**

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

Paul Dudley, Chairman of the Ways & Means Committee

WHEREAS, there will be a Sr. Public Health Educator vacancy in Community Health Services due to a resignation effective August 31, 2007; and

WHEREAS, this position supports critical work in the Department; and

WHEREAS, the Sr. Public Health Educator position is budgeted in the 2007 Health Department budget and the position’s costs are also offset by associated grants with the remainder of costs being eligible for 36% State reimbursement; NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Health & Human Services be authorized and directed to fill the Sr. Public Health Educator position in the Community Health Services Unit of the Health Department and any fill behinds in accordance with Civil Service Rules and Regulations and the policies of the County of Cayuga.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 530-07 (August 28, 2007) HD Fill PT Health Program Coordinator**

**Authorizing the Director of Health & Human Services to Fill a PT Health Program Coordinator Position 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 a Part-Time Health Program Coordinator vacancy in Community Health Services due to a resignation effective August 15, 2007; and

WHEREAS, this position is responsible for enrolling eligible participants in the Healthy Men and Women’s Partnership Program; and

WHEREAS, this part-time Health Program Coordinator position is 100% funded; NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Health & Human Services be authorized and directed to fill the Part-Time Health Program Coordinator position in the Community Health Services Unit of the Health Department in accordance with Civil Service Rules and Regulations and the policies of the County of Cayuga.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 531-07 (August 28, 2007) HD Fill RPN PT (Sub) at CHHA  
Authorizing the Director of Health & Human Services to Fill One RPN PT (Sub) 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 Registered Profession Nurse Part-Time (RPN PT) Sub vacancy at the CHHA due to a resignation effective July 21, 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 RPN PT (Sub) vacancy at the CHHA in a manner consistent with the rules and regulations of the County of Cayuga and the Cayuga County Civil Service Commission.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 532-07 (August 28, 2007) HS HEAP/Catholic Charities  
Authorizing the Chairman of the Legislature and the Director of Health and Human Services to enter into a contract with Catholic Charities of the Fingerlakes, Inc., to perform any outreach activities for this state mandated HEAP program (100% Federally Funded), for the period of September 1, 2007 through April 30, 2008**

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

WHEREAS, the Low Income Home Energy Assistance Act of 1981 (Title XXVI of the Omnibus Budget Reconciliation Act) was signed into law to assist eligible households to meet the costs of home energy, said costs being 100% federally funded; and

WHEREAS, the State of New York will oversee the Low Income Home Energy Assistance Act of 1981 in accordance with the requirements of Section 2605 of said Act; and

WHEREAS, the Governor of the State of New York designated County Social Services Departments to carry out the purpose, functions and administration of the Low Income Energy Assistance Act of 1981 in the State of New York, which includes performing outreach activities; and

WHEREAS, in order to administer this program it is necessary to contract with outside agencies to assume responsibility for outreach activities in connection with HEAP (which includes providing and manning outreach and intake sites for regular and emergency assistance) consistent with the State Plan and regulations; and

WHEREAS, in the past we have successfully contracted with Catholic Charities of the Fingerlakes, Inc., to provide these services; and

WHEREAS, this year there is an early start-up of the program and early administrative funds in the amount of \$29,392 are available to assist counties who open the program early; and

WHEREAS, we will be receiving another administrative allocation to cover the total cost of the contract; 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 (100% federally funded) with Catholic Charities of the Fingerlakes, Inc., in the amount of \$58,000; and be it further

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

Increase Revenue Acct. #4610.....\$29,392

Increase Expenditure Acct. #6010.42.....\$29,392

and make any necessary journal & accounting entries to reflect additional HEAP funding upon receipt of notification and documentation from the County's Human Services Department without further action by the Legislature.

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

Approved by voice vote, all present voting aye.

**Public Hearing Closed at 7:50PM**

**RESOLUTION NO. 533-07      8-28-07**

**COANYSRETIREMENTRESOREV3**

**REQUESTING THE STATE TO AMEND THE NYS RETIREMENT SYSTEM TO EXEMPT ELECTED PUBLIC OFFICIALS HOLDING OFFICE FROM MAINTAINING A BREAK IN SERVICE OF 24 HOURS FROM THEIR ELECTED POSITION IN ORDER TO QUALIFY FOR RETIREMENT BENEFITS**

BY: Hon. Francis Mitchell, Chairman, Government Operations Committee

MR PAUL DUDLEY Chair, Ways & Means Committee.

WHEREAS, the NYS Retirement System requires that an individual, wishing to collect benefits which they have earned and to which they are entitled, maintain a break in service from all employment positions participating in the NYS Retirement System for at least 24 hours, and

WHEREAS, a significant number of elected officials, whether teachers, firefighters, policemen, or other similar community-oriented professionals, are subjected to this rule by virtue of the fact that they have been elected to governmental positions within their communities and wish to retire from their occupation during a term of office, and WHEREAS, this rule is often circumvented by a resignation, followed by an appointment 24 hours later, which causes unnecessary embarrassment and public mistrust, now, therefore be it

RESOLVED, that the Cayuga County Legislature hereby requests the New York State Legislature to amend the rules for the NYS Retirement System, exempting elected public officials holding office, from maintaining a break in service of 24 hours from their elected position in order to qualify for retirement benefits from a position other than their elected position.

RESOLVED, that this County Legislature hereby requests our State Legislators, Senator Michael Nozzolio, Senator David Valesky, Assemblyman Gary Finch, Assemblyman Robert Oaks and Assemblyman Brian Kolb, to prepare legislation to amend the rules for the NYS Retirement System, exempting elected public officials holding office, from maintaining a break in service of 24 hours from their elected position in order to qualify for retirement benefits from a position other than their elected position.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 534-07**

**(8/28/07)**

**COATTY TEMPCONFSECRETRO**

**AUTHORIZING THE PAYMENT OF RETROACTIVE PAY INCREASE FOR YEARS 2005, AND 2006 FOR TEMPORARY CONFIDENTIAL SECRETARY TO THE CAYUGA COUNTY ATTORNEY.**

BY: Francis Mitchell, Chairman, Government Operations,

Paul Dudley Chairman Ways & Means Department

WHEREAS, the Confidential Secretary to the Cayuga County Attorney was out of work for 49 work days in 2005 (March 14 to May 19, 2005), and 12 work days in 2006 (March 2, to March 19, 2006); and

WHEREAS, the Confidential Secretary position was covered by the County Attorneys Office, Senior Typist; and

WHEREAS, the payment of 2005 hours was at \$16.48 per hour and the payment of 2006 hours was at \$16.48 per hour; and

WHEREAS, After the retroactive pay increase passed the 2005 pay per hour should have been \$17.02 per hour, and the 2006 pay per hour should have been \$17.69 per hour.

WHEREAS, the difference after the retroactive increase was passed, and the additional monies owed to the Temporary Confidential Secretary is as follows:

for 2005 it is \$185.22;

for 2006 it is \$100.80; and

WHEREAS, the funds were encumbered in the 2006 budget for this payment, but have since been transferred to the appropriated fund balance; now therefore be it

RESOLVED that \$286.02 be transferred from appropriated fund balance, fund #0599.000.000 to the salary account #1420.100.000A; and

RESOLVED, that the Senior Typist be paid the sum of \$286.02; and

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 535-07 August 21, 2007**

**PB\_designateCCCVB\_asTPA\_2007\_08**

**DESIGNATE THE CCCVB AS THE CAYUGA COUNTY TOURIST PROMOTION AGENCY (“CCTPA”) FOR THE “I LOVE NY” MATCHING GRANT FUNDING FOR THE 2007-2008 PROGRAM YEAR AND DESIGNATING THE PROGRAM DIRECTOR**

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

WHEREAS, the Cayuga County Convention and Visitors Bureau (“CCCVB”) is the not-for-profit corporation designated by the Cayuga County Legislature to develop and implement a comprehensive tourism promotion and marketing program for the County ;and

WHEREAS, an agency must be designated by resolution of the Cayuga County Legislature as the “Cayuga County Tourism Promotion Agency” or “CCTPA” for the specific purpose of making application to and receiving grants from the New York State Tourism Matching Funds Program, under the annual program which begins October 1st of each calendar year and through which the State appropriates funds for cooperative tourism promotion; and

WHEREAS, Cayuga County receives funds from an occupancy tax which are the source of the local tourism funds required to match the State Tourism Matching Funds; Now, therefore, be it

RESOLVED, by the Cayuga County Legislature, that the Cayuga County Convention and Visitors Bureau is hereby designated as the Cayuga County Tourism Promotion Agency (“CCTPA”) and is authorized to make application for a receive grants on behalf of Cayuga County pursuant to the New York State Tourism Promotion Act; and be it further RESOLVED, the Margaret Vanek, Executive Director of the Cayuga County Convention and Visitors Bureau is hereby designated as the Program Project Director.

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

Approved by voice vote, all present voting aye.

Motion to Amend by Legislator Schuster, add last RESOLVED, that the Clerk of the Legislature is hereby directed to Transmit certified copies of this Legislative Resolution to Governor, Eliot Spitzer, Senator, Michael Nozzolio, Senator, David Valesky, Assemblyman, Gary Finch, Assemblyman, Robert C. Oaks, and Assemblyman Brian M. Kolb, approved by voice vote , all present voting aye.

**RESOLUTION NO. 536-07 August 28, 2007**

**PB\_OpposeDEC\_GrotonPhosphorus\_levels1**

**County Resolution Stating Opposition to New York State Department of Environmental Conservation Proposed Permit Limits for Phosphorus Discharge from the Upgraded Village of Groton, NY Sewage Treatment Plant into the Owasco Lake Inlet and Owasco Lake**

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

WHEREAS, Owasco Lake is a valued resource for the residents of Cayuga County as it serves as a drinking water source for over 44,000 residents and is essential to tourism, recreation, economic development and overall quality of life in Cayuga County; and

WHEREAS, total phosphorus levels in Owasco Lake have increased since 1988; and

WHEREAS, Cayuga County, through its many Agencies, citizen groups and Departments represented on its Cayuga County Water Quality Management Agency (WQMA), has been working to understand and improve the quality of Owasco Lake; and

WHEREAS, the quality of Owasco Lake has deteriorated significantly over the past few years due to phosphorus loading, as evidenced by significant weed and algae growth, which increases levels of organic matter, resulting in taste and odor complaints and, more alarmingly, posing a concern for elevated disinfection byproduct levels in public water systems that use water from the Lake; and

WHEREAS, public water systems in Cayuga County that obtain water from Owasco Lake have exceeded the New York State Sanitary Code Subpart 5-1 Maximum Contaminant Level for disinfection byproducts in 2004 and 2005; and

WHEREAS, the New York State Health Department has stated that that people who drink water containing elevated levels of disinfection byproducts for long periods of time may have an increased risk for certain health effects; and

WHEREAS, Dr. John Halfman with the Finger Lakes Institute, has reported that his research indicates that Owasco Lake has extremely poor water quality when compared to six other Finger Lakes; and

WHEREAS, the Village of Groton Wastewater Treatment Plant (WWTP), which discharges into the Owasco Lake Inlet, will be allowed by New York State Department of Environmental Conservation (NYSDEC) to increase its wastewater discharge into the Owasco Lake Inlet by almost 43%, from 350,000 gallons per day to 500,000 gallons per day; and

WHEREAS, NYSDEC has proposed a new phosphorus mass limit of four (4) pounds per day and a concentration limit of 1.0 mg/l to be added to the new State Pollutant Discharge Elimination System (SPDES) permit for this facility which will allow 1460 pounds of phosphorus to be discharged into the Owasco Lake Inlet each year; and

WHEREAS, NYSDEC’s proposed SPDES permit will govern the design of the enlarged Groton WWTP, potentially setting the allowable phosphorus release for the next 10 to 20 years; and

WHEREAS, during the years 2000 to 2005, NYSDEC allowed the Village of Groton’s WWTP to frequently exceed its permitted discharge quantities and to discharge an excessive amount of phosphorus into the Owasco Lake Inlet while accepting wastewater from a new aquaculture facility; and

WHEREAS, Owasco Lake Inlet testing conducted in 2005 and 2006 by Dr. John Halfman of the Finger Lakes Institute found consistently higher levels of phosphorus downstream of the Groton WWTP than upstream of it; and

WHEREAS, Dr. John Halfman's research shows that this phosphorus load moves down the Owasco Lake Inlet toward Owasco Lake; and

WHEREAS, a 2006 stream survey by Robert Bode of the NYSDEC concluded that a substantial decline in water quality of the Owasco Lake Inlet occurs downstream of the Groton WWTP discharge and that the WWTP discharge is indicated to be the major source of phosphorus in the Owasco Lake Inlet; and

WHEREAS, nearly 55% of the surface water that enters Owasco Lake is from the Owasco Lake Inlet; and

WHEREAS, the Village of Moravia WWTP, which also discharges into the Owasco Lake Inlet, has a phosphorus limit of 0.5 mg/l and has successfully been able to meet this requirement; and

WHEREAS, by lowering the phosphorus limit to 0.5 mg/l, NYSDEC could reduce the allowable phosphorus discharge into the Owasco Lake Watershed from 1460 pounds of phosphorus per year to 730 pounds of phosphorus per year; and

WHEREAS, Cayuga County WQMA has met with the New York State Department Environmental Conservation (NYSDEC) requesting that their proposed total phosphorus limit for the Groton WWTP be lowered to 0.5 mg/l; NOW, THEREFORE, BE IT

RESOLVED, that the Cayuga County Legislature hereby resolves and requests that the NYSDEC incorporate into the draft SPDES permit for the Village of Groton's WWTP a phosphorus mass limit of two (2) pounds per day and a concentration limit of no greater than 0.5 mg/l, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to transmit certified copies of this Legislative Resolution to the attention of Mr. Pete Grannis, Commissioner of the New York State Department of Environmental Conservation, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to Transmit certified copies of this Legislative Resolution to Governor, Eliot Spitzer, Senator, Michael Nozzolio, Senator, David Valesky, Assemblyman, Gary Finch, Assemblyman, Robert C. Oaks, and Assemblyman Brian M. Kolb

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 537-07 (8/28/07)**

**COA-LLAdpgNotPolForCyberSecADP**

**TO ADOPT LOCAL LAW NO. 6 FOR THE YEAR 2007, 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, Local Law No. 6 for the year 2007 was presented to the Cayuga County Legislature on the 24th day of July, 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. 6 for 2007 on August 28, 2007 at

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

ENACTED, that the Cayuga County Legislature does hereby adopt Local Law No. 6 for 2007, adopting a notification policy pursuant to Section 208 of the State Technology 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.

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

Approved by voice vote, all present, voting aye.

STATE OF NEW YORK  
COUNTY OF CAYUGA

LOCAL LAW NO. 6 FOR THE YEAR 2007

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

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

**Section 1.** Legislative Intent. The intent of this local law is to provide a notification policy pursuant to and consistent with the provisions of Section 208 of the State Technology Law, adopted by Chapter 442 of the Laws of 2005, effective December 7, 2005.

**Section 2.** As used in this local law, the following terms shall have the following meanings:

(a) "Private information" shall mean personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) social security number;
- (2) driver's license number or non-driver identification card number; or
- (3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

(b) "Breach of the security of the system" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality or integrity of personal information maintained by the County. Good faith acquisition of personal information by an employee or agent of the County for the purposes of the County is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the County may consider the following factors, among others:

- (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- (2) indications that the information has been downloaded or copied; or
- (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

(c) "County" or "County entity" shall mean the County of Cayuga, New York, its agencies, boards, bureaus, divisions, committees, commissions, councils, departments, public authorities, public benefit corporations, offices or other governmental entities performing a governmental or proprietary function for the County of Cayuga. It shall not include Cayuga County Community College.

(d) "Consumer reporting agency" shall mean any person or entity which, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

**Section 3.** Any County entity that owns or licenses computerized data that includes private information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the

system to any resident of New York state whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision four of this section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. Such County entity shall consult with the County Information Technology Department for the purpose of determining the scope of the breach and restoration measures.

**Section 4.** Any County entity that maintains computerized data that includes private information which such entity does not own shall notify the owner or licensee of such information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

**Section 5.** The notification required by this local law may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required by this local law shall be made after such law enforcement agency determines that such notification does not compromise such investigation.

**Section 6.** The notice required by this local law shall be directly provided to the affected persons by one of the following methods:

(a) written notice;

(b) electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the County entity which notifies affected persons in such form; provided further, however, that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;

(c) telephone notification, provided that a log of each such notification is kept by the County entity which notifies such affected persons; or

(d) substitute notice, when the reasonable cost of providing notice as above would exceed two thousand five hundred dollars, or that the affected class of subject persons exceeds five hundred, or the County entity does not have sufficient contact information. Substitute notice shall consist of both of the following:

(1) e-mail notice when such County entity has e-mail addresses for the subject persons; and

(2) conspicuous posting of the notice on the County's website page.

**Section 7.** Regardless of the method by which notice is provided, such notice shall include contact information for the County entity making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person or entity without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

**Section 8.** In the event that any New York residents are to be notified, the County shall notify the state attorney general, the state consumer protection board and the state office of cyber security and critical infrastructure coordination as to the timing, content and distribution of the notices and the approximate number of affected persons. Such notice shall be made without delaying notice to such affected New York residents. In the event that more than five hundred New York residents are to be notified at one time, the County shall also notify consumer reporting agencies as to the timing, content and distribution of the notices. The consumer reporting agencies to be so notified shall be those specified on a list compiled and maintained by the state attorney general and made available to the County upon request for same. Such notice shall be made without delaying notice to such affected New York residents.

**Section 9.** Effective date. This local law shall take effect upon filing with the Secretary of State of the State of New York, pursuant to the provisions of the Municipal Home Rule Law.

**RESOLUTION NO. 538-07**

**(8/28/07)**

**P&T AgMuseumHerbGarden 8 07rev**

**Authorizing the Ward W. O'Hara Agricultural Museum do a makeover of the courtyard of the museum including the reconstruction of the Herb Garden and authorizing the Clerk of the Cayuga County Legislature to advertise and receive sealed bids**

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

Whereas, The Ward W. O'Hara Agricultural Museum has a five year plan that was drawn up by the Ward W. O'Hara Agricultural Museum Commission, and

Whereas, the complete makeover of the Courtyard in the museum was included in that plan, and

Whereas, the present Courtyard/Herb Garden is approximately 2,500 square feet in the shape of a large "T" and includes four (4) raised beds of herbs enclosed in wooden boards, and

Whereas, the Ward W. O'Hara Agricultural Museum Commissioners worked with the Morrisville State College Landscape Architectural Department to create a design for the Courtyard at no cost to the county, and

Whereas, purpose of the project is to create a garden exhibit to appeal to family groups, provide "hands on" activities including planting, growing, harvesting and culinary use, provide handicapped accessibility to the Courtyard and to make better use of this space, and

Whereas, the cost of this project will be shared by the County of Cayuga, the Friend's of the Ward W. O'Hara Agricultural Museum and, perhaps, a grant from a local foundation as follows:

Ag Museum Budget Account # 7111.400.012-A \$4,000 (Build Maintenance)

Ag Museum Budget Account # 7111.400.150-A \$3,000 (New Exhibit)

The Friend's \$3,000

Local Foundation \$14,000

For a total of: \$24,000, and,

Whereas, the project will be completed in two stages if the funding does not materialize from the local foundation; and

Whereas, the Ag Museum Director is in the process of getting the three quotations necessary for a project not to exceed \$24,000; now therefore, be it

Resolved, that the Clerk of the Cayuga County Legislature is hereby authorized to advertise and receive sealed bids for the project; and be it further

Resolved, that the Parks Department is hereby authorized and directed to complete this project in the most cost effective manor possible; and be it further

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

Cuddeback, Lepak, Lockwood, Pappert, Tortorici, Dudley, Schuster.

Approved by voice vote, all present , voting aye.

**RESOLUTION NO. 539-07 Date: 8.28.07**

**BLDbidairmonitoringrev**

**AUTHORIZING THE CLERK OF THE CAYUGA COUNTY LEGISLATURE AND THE SUPERINTENDENT OF BUILDINGS AND GROUNDS TO ADVERTISE AND RECEIVE SEALED BIDS FOR PROJECT MONITORING, AIR SAMPLING AND BALK SAMPLING OF SUSPECT MATERIALS FOR ABATEMENT PROJECTS.**

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

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Whereas, The County has been working correcting the life safety issues in Cayuga County; and

Whereas, any abatement project requires monitoring and air sampling by a third party; and

Whereas, the County will need to sample suspect material; and

Whereas, a fee schedule will ask of each bidder to include the following:

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1. Project Monitoring and air sampling daily rate to include all labor, mileage, tolls, per diem expenses, and reporting.
2. Overtime rate for hours in excess of eight hours a day or weekend hours.
3. PCM air sample analysis 24hr turn around,
4. PCM air sample analysis rush turnaround,
5. TEM air sample analysis 24hr turn around,
6. TEM air sample analysis rush turnaround.
7. Balk sampling of suspect materials;

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 and receive sealed bids for project monitoring, air sampling and balk sampling of suspect materials.

Cuddeback, Lepak, Lockwood, Pappert, Tortorici, Dudley, Mitchell, Murphy, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 540-07 (8/28/07) itciscomaintagmentrev1**  
**AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE AND INFORMATION TECHNOLOGY DEPARTMENT TO RENEW CISCO MAINTENANCE AGREEMENTS FOR COUNTY NETWORKS.**

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

WHEREAS, the County has a County wide fiber network utilized by various departments and public safety systems; and

WHEREAS, said network is highly technical, requiring expert monitoring and maintenance; and

WHEREAS, The current maintenance agreement which is due to expire allows for manufacturer's 24/7 technical support and overnight replacement of Cisco Network Equipment required to run the network; and

WHEREAS, the funds for this maintenance agreement are 100% funded and are included in the Integration of Services 2003-6 Capital H project, therefore, be it

RESOLVED, that the Information Technology Department and the Chairman of the Cayuga County Legislature are authorized to renew the Cisco Smartnet agreements with Finger Lakes Technologies Group Inc. including 27/7 technical support and next day replacement of County wide Cisco fiber network equipment; the total cost for the Cisco maintenance and 24/7 support being \$26,096.00; 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, Lepak, Lockwood, Dudley, Murphy, Petrus.

Approved by voice vote, all present voting aye, except Pappert voting NO.

**RESOLUTION NO. 541-07 08/28/07 DP leaseIBMrev**  
**AUTHORIZING THE CHAIRMAN TO RENEW A LEASE AGREEMENT WITH IBM CORP. FOR THE UPGRADE OF THE COUNTY TREASURER'S DATA PROCESSING IBM 270 COMPUTER SYSTEM**

By: Mr. Cuddeback, Chairman of the Public Works Committee  
Mr. Dudley, Chairman of the Ways and Means Committee

WHEREAS, the County Treasurer/Data Processing presently has a lease for the purchase of the existing IBM 270 Computer System, which currently serves Mental Health, the Treasurer's Health Insurance software, and installment payments for delinquent taxes, and

WHEREAS, and we find that we presently have the opportunity to upgrade this system to a model IBM 515, which will meet the demands, placed on the system daily and provide the necessary storage capability at a monthly savings estimated at \$4,470.00 (the lease payments are paid out of the Data Processing Budget) and,

WHEREAS, this proposal has been approved by the County's Information Technology Committee,

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Cayuga County Legislature, the County Manager, and the County Treasurer are hereby authorized to sign the lease extension with the IBM Corporation for the upgrade of the IBM 270 Computer System.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 542-07 (8/28/07) itantivirusrev**  
**AUTHORIZING THE INFORMATION TECHNOLOGY DEPARTMENT TO RENEW ANTI-VIRUS SUBSCRIPTION FOR COUNTY NETWORKS.**

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

WHEREAS, the County utilizes anti-virus software on its workstations and servers to protect County networks and client data from viruses downloaded from the Internet; and

WHEREAS, The current anti-virus subscription is due to expire; and

WHEREAS, the funds for this anti-virus subscription were included in the 2007 County budget; now therefore, be it RESOLVED, that the Information Technology Department is authorized to renew the annual anti-virus subscription; the annual cost on New York State Contract for the 12 month subscription being \$4,161.50; 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, Lockwood, Palermo, Pappert, Lepak, Tortorici, Dudley, Mitchell, Murphy, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 543-07 8/26/07 hwyssremovalagree**  
**AUTHORIZING THE COUNTY CHAIRMAN TO SIGN THE SNOW REMOVAL AGREEMENT WITH THE NYS DOT FOR THE 2008-2009 SEASON**

By: Steven Cuddeback, Chairman Public Works Committee

By: Paul Dudley, Chairman Ways and Means Committee

WHEREAS, the Public Works Committee has recommended that the County Highway Department continue to conduct snow removal operations on the State Highways, and

WHEREAS, the present agreement (Agreement No. D009816) expires on June 30, 2008; now therefore be it RESOLVED, to authorize the Chairman of the Cayuga County Legislature to sign the Agreement to Extend Municipal Snow and Ice Control Agreement with the State of New York for the 2008-2009 season.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 544-07 August 28,2007 Hwbybudamend**

**To Amend the 2007 Cayuga County Highway Budget.**

BY: Steve Cuddeback Chairman, Public Works Committee

David Pappert Chairman, Ways and Means Committee

WHEREAS, after the submission of the 2007 Cayuga County Highway Budget, it appears that the usage of Highway funds has been different than originally predicted; and

WHEREAS, the related expenditures for maintenance of roads and bridges (pipe) and road machinery expenses (hardware and tools) is higher than expected; and

WHEREAS, the funds to pay for these increased expenditures were originally budgeted in several other Highway accounts; now therefore be it

RESOLVED, that the County Treasurer be and is hereby authorized and directed to provide for transfer of funds in the following manner:

<u>Appropriation Accounts</u>	<u>Increase</u>	<u>Decrease</u>
D5110.400.089 Pipe	\$5,000	
D5110.400.094 Crack Filling		\$ 581
D5110.400.088 Stone		\$ 4419
DM5130.400.117 Tools and Hardware	\$6,000	
DM5130.200.000 New Equipment		\$6000

AND BE IT FURTHER

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 545-07 (8/28/07) P&T PT HELP  
HIRING OF PART-TIME AND SEASONAL POSITIONS WITHIN THE PARKS & TRAILS DEPARTMENT**

By: Mr. Steve Cuddeback, Chairman, Public Works

Mr. Paul Dudley, Chairman, Ways & Means Committee

Whereas, Cayuga County Parks & Trails has vacant part-time and seasonal positions that are filled in the fall season to meet the operational and maintenance needs of the department; and

Whereas, the traditional season for The Parks and Trails Department is from Memorial Day to after Tomatofest, and

Whereas, it is anticipated that in order to accomplish this work one (1) part-time Laborer position and up to twelve (12) seasonal positions including two (2) Laborers, one (1) Maintenance Crew Leader, five (5) Park Security Guards, two (2) Building Maintenance Mechanic, one (1) Museum Aid and one (1) Museum Assistant will be needed, and

Whereas, the following positions have been placed in the County of Cayuga Compensation Plan, Part II, under Parks and Trails for the year 2007 and set at the following

rates: Part-time Laborer \$14.33, and

Whereas, twelve (12) seasonal positions will be created and the salaries set as follows:

Laborers \$7.15/hr.

Maintenance Crew Leaders \$8.15/hr.

Park Security Guards \$9.00/hr.

Building Maintenance Mechanic \$9.75/hr.

Museum Aide \$7.25/hr.

Museum Assistant \$8.25/hr., Now, therefore, be it

Resolved, that the Park Maintenance Supervisor with the approval of the Public Works Committee is hereby directed and authorized to hire one (1) part-time position and up to twelve (12) seasonal positions as stated above; and be it further

Resolved and understood that the funding for the above-stated positions shall not cause The Parks and Trails Department Accounts #7110.100.000 (Emerson Park Salaries) and #7111.000.000 (Ag Museum Salaries) to exceed the amounts budgeted for 2007.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 546-07 8/28/07 SHRFOODADrev  
AUTHORIZING THE PURCHASING AGENT TO PREPARE AND SOLICIT REQUEST PROPOSALS FOR THE PROVISION FOOD SERVICES AT THE CAYUGA COUNTY JAIL**

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

WHEREAS, the Cayuga County Jail requires food services for the daily operations of the Cayuga County Jail and the current contract expires, December 2007; and be it

RESOLVED, that the Purchasing Agent is hereby authorized and directed to prepare and solicit Requests for Proposals for the provision of food services to the Cayuga County Jail.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 547-07 8/28/07 AWARDSHERIFFDRYCLEAN  
 AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO SIGN A CONTRACT FOR DRY  
 CLEANING SERVICES AT THE CAYUGA COUNTY SHERIFF'S DEPARTMENT TO BREWSTER  
 CLEANERS OF WEEDSPORT, NEW YORK.**

BY: Hon. Raymond Lockwood, Chairman, Judicial & Public Safety Committee

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

WHEREAS, on August 20, 2007, two bids were received and opened for providing dry cleaning services for the Cayuga County Sheriff's Department for a one year period of time with option to extend each year for three years; and WHEREAS, the two bids that were received were as follows:

Item #	Description	Estimated Monthly Quan.	Brewster's UNIT PRICE	Muldoon's UNIT PRICE
<b>DRY CLEANING</b>				
#1	Uniform Shirt	20	\$1.50	\$2.25
#2	Uniform Pant	60	\$4.50	\$5.50
	<b>TOTAL COST FOR DRY CLEANING</b>		<b>\$6.00</b>	<b>\$7.75</b>
<b>ALTERATIONS</b>				
#1	Trousers-Lenghten	As needed	\$4.00	\$12.00
#2	Trousers - Shorten	As needed	\$4.00	\$12.00
#3	Trousers-take waist in	As needed	\$4.00	\$12.00
#4	Trousers-let waist out	As needed	\$4.00	\$12.00
#5	Zipper replacement	As needed	\$5.00	\$12.00
#6	Long Sleeve Shirt-shorten sleeves	As needed	\$5.00	\$12.00
#7	Short Sleeve Shirt-shorten sleeves	As needed	\$4.00	\$12.00
#8	Shirt-take-in side seams	As needed	\$5.00	\$12.00
#9	Sew-on patches - large	As needed	\$3.00	\$3.00
#10	Sew-on patches - small	As needed	\$3.00	\$2.00
	<b>TOTAL COST FOR ALTERATIONS (PER UNIT PRICES)</b>		<b>\$41.00</b>	<b>\$101.00</b>

RESOLVED, that the bid from Brewster Cleaners of Weedsport, New York to provide dry cleaning services at the prices stated above for Dry Cleaning and Alterations be awarded to Brewster's Cleaners; and be it further RESOLVED, that the Chairman of the County Legislature is hereby authorized and directed to sign a one-year contract for dry cleaning services with said vendor.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 548-07 8/28/07 E911budgettransferREV  
 AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ALLOW THE TRANSFER OF MONIES  
 WITHIN THE E-911 2007 BUDGET.**

BY: Mr. Raymond Lockwood, Chair, Judicial and Public Safety Committee, and

Mr. Paul Dudley, Chair, Ways & Means Committee

WHEREAS, the Cayuga County E-911 Center needs to transfer monies within the 2007 budget to accommodate payments made; and

WHEREAS, account number 3020.400.045, Machinery Maintenance Contracts, was budget to account for Toshiba copier lease payments in the amount of \$153.36 monthly; and

WHEREAS, the payments made to Toshiba for copier lease were paid out of account 3020.400.046, Machine Rental; and

WHEREAS, the account for Machine Rental, 3020.400.046, was not budgeted to account for this cost; now therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to allow for the transfer of monies in the amount of \$2,000.00 from account number 3020.400.045 to account number 3020.400.046; and therefore be it

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, Pappert, Dudley, Cuddeback, Petrus.

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 549-07      8/28/07      E911budgettransfertele**  
**AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ALLOW THE TRANSFER OF MONIES**  
**WITHIN THE E-911 2007 BUDGET.**

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

WHEREAS, the Cayuga County E-911 Center needs to transfer monies within the 2007 budget to accommodate payments made; and

WHEREAS, account number 3020.400.059, Professional Services, was budgeted to pay for E-911 Verizon Database Charges. These charges have been currently paid out of .075, Telephone Line Charges.

WHEREAS, the account for Telephone Line Charges, 3020.400.075, was not budgeted to account for this cost; now therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to allow for the transfer of monies in the amount of \$17,000.00 from account number 3020.400.059 to account number 3020.400.075; and therefore be it

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, Dudley, Cuddeback, Petrus.

Approved by voice vote, all present voting aye.

**Motion by Legislator Schuster to add to the 7<sup>th</sup> Resolved “and the Cayuga County Minority Leader”, approved by voice vote, all present voting aye.**

**RESOLUTION NO. 550-07**

**August 28, 2007**

**DA.daafa**

**ESTABLISH “DA ASSET FORFEITURE ACCOUNT” AND TRANSFER BALANCE OF T-82 TRUST ACCOUNT**

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

WHEREAS, the Cayuga County Legislature supports the District Attorney’s long-standing policy and practice of asset forfeiture to deprive criminals of the profits and proceeds of their illegal activities, and to weaken criminal enterprises by removing the instrumentalities of crime; and

WHEREAS, the District Attorney is the claiming authority for Cayuga County, and normally requests that the U.S. Department of Justice “adopt” Cayuga County seizures due to the lack of local resources to pursue those seizures in state court; and

WHEREAS, in those cases, the federal government charges a 20% “adoption” fee, thereby reducing the county’s sharing amount; and

WHEREAS, recent changes in the guidelines for federally forfeited assets have increased the minimum threshold for qualifying adoptions, thus making it necessary for the District Attorney to look at other ways to pursue forfeitures that do not involve the allocation of precious labor to recoup relatively small amounts of money; and

WHEREAS, the county’s current asset forfeiture account—T-82 Trust Account—created in 1988, contemplates “proceeds of property forfeited to the district attorney’s office” and not cash seizures; and

WHEREAS, due to the T-82 Trust Account’s cumbersome procedure, lack of confidentiality, and inability to receive cash forfeitures, the legislature agrees with the District Attorney that it is necessary to establish an alternative method to handle forfeitures; and

WHEREAS, the legislature deems it necessary to create a self-sustaining account to permit the District Attorney to continue the desirable practice of asset forfeiture to offset the expense to taxpayers for the investigation and prosecution of narcotics trafficking; now, therefore, be it

RESOLVED, that the treasurer of Cayuga County is hereby directed to create a “D.A. Asset Forfeiture Account” with a local banking institution designated by the Treasurer of Cayuga County with the Treasurer and District Attorney as joint account signatories; and be it further

RESOLVED, that the Treasurer and District Attorney shall be required signatories to all drafts issued from the “DA Asset Forfeiture Account” created herein, and be it further

RESOLVED, that the District Attorney is hereby authorized to expend the money in the account for narcotics investigations and prosecutions as set forth in the “permissible uses” section of the U.S. Department of Justice “Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies,” and as otherwise provided under applicable New York State Law; and be it further

RESOLVED, that the District Attorney shall have possession of the account documents and instruments and upon request of the District Attorney, the Treasurer shall sign a draft to the order and in the amount designated by the District Attorney for the “permissible uses” discussed above; and be it further

RESOLVED, that the District Attorney shall account for and maintain a current ledger of all assets forfeited to the “D.A. Asset Forfeiture Account,” and expenditures there from; and be it further

RESOLVED, that said accounting of assets received and funds spent shall include information required to be kept for Federal Annual Certification Reports utilized by the U.S. Department of Justice for Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies; and be it further

RESOLVED, that upon request of the Chairman of the Cayuga County Legislature, the District Attorney shall make the assets received and funds spent available for an in camera examination by the Chairman of the Cayuga County Legislature, Chairman of the Ways and Means Committee, Chairman of the Judicial and Public Safety Committee, County Manager, and the Cayuga County Minority Leader, except that the District Attorney shall not be required to disclose any name or information that would compromise an ongoing criminal investigation, reveal a target or investigation method, or disclose the name(s) of informant(s) or undercover police personnel; and be it further

RESOLVED, that the Treasurer of Cayuga County is hereby directed to transfer the balance of T-82 Trust Account into the new “D.A. Asset Forfeiture Account;” and be it further

RESOLVED, that the Treasurer shall make such journal entries in the books of Cayuga County as are necessary and appropriate to record the foregoing.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 551-07    Action Date 8/28/07                    PSAPptESDfillrev**  
**AUTHORIZATION TO FILL A VACANT PART – TIME EMERGENCY SERVICES DISPATCHER**  
**POSITION**

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

WHEREAS, the Cayuga County 911 Center currently has one vacant Emergency Services Dispatcher; Part Time; and  
WHEREAS, it is necessary to select a candidate and fill the Part-Time Emergency Services Dispatcher position for  
continuity of services; now therefore be it

RESOLVED, that the 911 Administrator be hereby authorized to fill the vacant Emergency Services Dispatcher PT  
position from the existing Civil Service list; and be  
it further

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

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 552-07     Date: 08-28-07                    SHR-srocato- meridian**  
**AUTHORIZING THE CAYUGA COUNTY LEGISLATURE CHAIRMAN AND COUNTY SHERIFF TO**  
**SIGN AN AGREEMENT WITH THE CATO-MERIDIAN SCHOOL DISTRICT PROVIDING PARTIAL**  
**FUNDING OF THE DEPUTY SHERIFF’S POSITION ASSIGNED AS THE SCHOOL RESOURCE OFFICER**  
**FOR THE CATO-MERIDIAN SCHOOL DISTRICT.**

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

WHEREAS, Cato-Meridian School District has had a Cayuga County Deputy assigned as a School Resource  
Officer(SRO) to their School District from September , 2003 through June, 2007 ; and

WHEREAS, funding for this position was through the United State Department of Justice COPS in Schools(CIS 2001)  
grant; and

WHEREAS, this grant has come to a conclusion, however the Cato- Meridian School District would like to continue to  
maintain the SRO Position in their school; and

WHEREAS, it would be to the mutual advantage of the County of Cayuga and the Cato School District to enter into an  
agreement to continue the SRO position; and it is

WHEREAS, the SRO will work in the school from September 1, 2007 through June 30, 2008 and the School District  
will pay that percentage of the \$54,338 salary including fringe benefits, which would equate to \$39,667 and Cayuga  
County would pay for the months of July 2008 and August 2008 which would equate to \$14,671;and now therefore be  
it

RESOLVED, the \$14,671 salary (which includes fringe benefits) would become a line item in the 2008 Sheriff’s  
Budget(COPS in School 3117.100.000 and 3117.800.000);and be it further

RESOLVED, that in order to accomplish the foregoing, the Chairman of the County Legislature and County Sheriff are  
hereby authorized and directed to enter into a contract with the Cato-Meridian School District, to share the services of a  
Deputy/School Resource Officer.

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

Approved by voice vote, all present voting aye.

**RESOLUTION NO. 553-07 Date: 08-28-07 SHR PURCHASE EVIDENCE/PROPERTYTRACKING/BAR CODE SYSTEM<sup>rev</sup>**

**AUTHORIZE THE CAYUGA COUNTY SHERIFF TO PURCHASE A SECURE EVIDENCE AND PROPERTY TRACKING, BARCODE, AND CHAIN OF CUSTODY SYSTEM**

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

WHEREAS, the Sheriff is in need of a secure, management and storage system that allows for a tamper-proof and comprehensive database for its vast amount of evidence and property collected and seized during criminal and civil case investigations and which are stored at various locations at the Sheriff's Office complex; and  
WHEREAS, this system will also create a comprehensive audit trail log of each piece of evidence and property from submission to disposal, date and time stamping and allowing notification of aging inventory as well as location and out to lab analysis reporting, and most importantly create a chain of custody report for trial prosecution purposes; and  
WHEREAS, this system would be complete with barcode scanner and printer allowing for easy scans to records, generating barcode labels for each property and, simplified data entry and property retrieval; and  
WHEREAS, it is now necessary to purchase a system that meets the Sheriff's Office requirements and that system being Digitalcop- Property Tracking Pro; and  
WHEREAS, the Cayuga County Legislature, following the recommendation of the Judicial and Public Safety Committee, did budget for the purchase of equipment; and  
WHEREAS, this purchase is funded in the 2007 Sheriff's Equipment Budget Line operating Budget 3110.200; and  
WHEREAS, the cost of the project is \$2,495.00 for the complete system, plus \$250.00 yearly maintenance and updating fee; now therefore be it

RESOLVED, that the Sheriff is authorized to purchase the specified needed Property and Evidence Tracking software database system as stated above pursuant to the policies and procedures of Cayuga County; and be it further  
RESOLVED, that the Treasurer is authorized and directed to make any and all journal and accounting entries to effect payment for the aforesaid equipment/software to Digitalcop in the amount of \$2,495.00 complete system, plus a \$250.00 yearly maintenance and updating fee.

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Dudley, Cuddeback, Petrus.  
Approved by 2/3 vote, all present voting aye, except Palermo and Netti excused 214/30

**RESOLUTION NO. 554-07 Date: 08-28-07 SHR PURCHASE DIGITAL PHOTO EVIDENCE DATABASE<sup>rev</sup>**

**AUTHORIZE THE CAYUGA COUNTY SHERIFF TO PURCHASE A SECURE DIGITAL PHOTO EVIDENCE DATABASE DESIGNED FOR DIGITAL IMAGE MANAGEMENT IN LAW ENFORCEMENT AND FORENSIC EVIDENCE PHOTOGRAPHY.**

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

WHEREAS, the Sheriff is in need of a secure collection, management and storage system that allows for a tamper-proof database for its collection of digital photographs taken during criminal and civil case investigations and which are used and collected on a daily basis and stored at the Sheriff's Office.; and  
WHEREAS, this system will also create a comprehensive audit trail log eliminating the question of photo tampering; and  
WHEREAS, it is now necessary to purchase a system that meets the Sheriff's Office requirements and that system being Digitalcop- Photo Evidence Pro; and  
WHEREAS, the Cayuga County Legislature following the recommendation of the Judicial and Public Safety Committee did budget for the purchase of equipment; and  
WHEREAS, these purchases are funded in the 2007 Sheriff's Photography budget line operating Budget A-3110.400.153; and  
WHEREAS, the cost of the project is \$1,495.00 for the complete system, plus a \$250.00 yearly maintenance and updating fee; Now Therefore Be It

RESOLVED, that the Sheriff is authorized to purchase the specified needed digital photo software database system as stated above pursuant to the policies and procedures of Cayuga County; and be it further

RESOLVED, that the Treasurer is authorized and directed to make any and all journal and accounting entries to effect payment for the aforesaid equipment/software to Digitalcop in the amount of \$1,495.00 for the complete system, plus a \$250.00 yearly maintenance and updating fee.

Signed by Lockwood, Lepak, Mitchell, Murphy, Palermo, Pappert, Dudley, Cuddeback, Petrus.  
Approved by 2/3 vote, all present voting aye, except Palermo and Netti excused 214/30

**RESOLUTION NO. 555-07      Date: 08-28-07      SHR PURCHASE RADAR UNITS FOR MARINE UNIT<sup>rev</sup>  
AUTHORIZE THE CAYUGA COUNTY SHERIFF TO PURCHASE SPEED RADAR DEVICES FOR USE  
ON THE CAYUGA COUNTY SHERIFF MARINE UNIT BOAT PATROLS.**

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

WHEREAS, the Sheriff is in need of speed radar devices to use on the Marine Unit Boat Patrol in order to enforce the Navigation Laws of the State of New York; and

WHEREAS, it is now necessary to outfit the four (4) Sheriff's Marine boats with adequate speed radar units, specifically the Stalker II Moving model (Stalker IIMRB) ; and

WHEREAS, the Cayuga County Legislature following the recommendation of the Judicial and Public Safety Committee did budget for the purchase of equipment for the Marine Unit; and

WHEREAS, the requested model radar is on New York State Bid Contract No. PC57219; and

WHEREAS, the State of New York through Parks and Recreation reimburses the County of Cayuga upon application and certification of the Sheriff at the current rate of approximately seventy-five percent; and

WHEREAS, these purchases are funded in the 2007 Sheriff's Marine Unit operating Budget A-3111.200.000; Now Therefore Be It

RESOLVED, that the Sheriff is authorized to purchase the specified needed additional equipment as stated above and presented in the attachment pursuant to the policies and procedures of Cayuga County; and be it further

RESOLVED, that the Treasurer is authorized and directed to make any and all journal and accounting entries to effect payment for the aforesaid equipment to Applied Concepts., Inc., in the amount of \$8,622.00.

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

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

**RESOLUTION NO. 556-07      8/28/07 SHR-Purchase Pistols<sup>rev</sup>  
AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO PURCHASE PISTOLS, HOLSTERS,  
MAGAZINE HOLDERS AND AMMUNITION FROM GLOCK INCORPORATED AND AMEND BUDGET  
(2/3)**

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

WHEREAS, it is necessary that our law enforcement officers are equipped with continually and properly functioning pistols; and

WHEREAS, the Sheriff's Department deputies have experienced numerous problems with their current pistols; most of which are eleven years old; and

WHEREAS, Glock Inc. designs pistols for military and law enforcement use with many local, state, federal and international law enforcement agencies testing their reliability, dependability and simplicity in their designs and operations; and

WHEREAS, the purchasing price of (58) Glock pistols is \$25,590.00; (58) duty holsters are \$7,064.00;(58) magazine holders are \$1,267.00; 60,000 practice rounds of ammunition at \$11,640.00; 10,000 duty rounds of ammunition at \$3,312.00; with spare parts/accessories for new pistols is or about \$600.00; and

WHEREAS, the total cost to Cayuga County, including the trade in value of \$7,695.00 for the current duty pistols, is \$41,778.00.00; and

WHEREAS, the source of funding is the transfer from the Cayuga County Contingency Fund, Account No. A-1990; now therefore be it

RESOLVED, that the Sheriff of Cayuga County and the Chairman of the Cayuga County Legislature are hereby authorized and directed to purchase said pistols and equipment through Glock Inc.; and be it further

RESOLVED, that the sum of \$41,778.00.00 be transferred from the transfer of funds from the Cayuga County Contingency Fund, Account No. A-1990 and disbursed as follows:

\$18,495.00, to Equipment line, Account No. 3110.200.000 for Pistols & Parts

\$8,331.00, to Clothing & Uniform line, Account No. 3110.400.062 for Holsters & Magazines

\$14,952.00, to the Ammunition & Flares line, Account No. 3110.400.214; and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to allow for the purchase of Glock pistols; 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, Dudley, Cuddeback, Petrus.

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

Motion by Legislator Murphy to go into executive session, 8:17PM Re: Financial History of a Corporation and Pending Litigation, approved by voice vote, all present voting.

Motion by Legislator Murphy to come out of executive session 9:21PM, approved by voice vote, all present voting.

Motion by Legislator Murphy to adjourn, 9:22PM, approved by voice vote, all present voting aye.

Motion by Murphy 10-23-07 to approve minutes of 8-28-07, approved by voice vote, all present voting aye.