

**Tompkins County Legislature**  
**January 19, 2010**

*Approved 2/2/10*

**Public Hearing**

Ms. Robertson called the public hearing to order concerning the 2010 New York State Department of Housing and Community Renewal's Community Development Block Grant Program and asked if anyone was interested in speaking.

Jeanne Leccese, Planning Department, said this is the second public hearing for the Community Development Block Grant application that supports the County's homeownership program. The components of the program will remain essentially the same as previous years with two modifications being proposed. The first is rehabilitation funds will be used for energy-efficient measures with assistance of Tompkins Community Action. The second modification is individuals who make 60-80% of the median income will be offered the opportunity, if interested, to have their home be part of a housing trust model that Ithaca Neighborhood Housing Services is putting together. This would be in the form of a grant rather than a diminishing lien. One benefit is the home would become permanently affordable for future homeowners. Ms. Leccese said she would be bringing forward a resolution to accept the grant application in March for the Legislature to consider.

No one else wished to speak and the public hearing was closed at 5:33 p.m.

**Pledge of Allegiance to the Flag and Roll Call of Members**

Members and guests participated in the Pledge of Allegiance to the Flag.

Present: 15 Legislators:

**Moment of Silence**

Ms. Robertson asked for a moment of silence in memory of Bob Stolp, the County's Supervising Attorney for the Assigned Counsel program for over 30 years, and in memory of the victims of the earthquake in Haiti.

**Presentation of Proclamation**

Ms. Robertson read a proclamation declaring the month of January as Mentoring Month in Tompkins County and presented it to Kathy Schlather, Chair, Tompkins County Youth Services Board, Dale Schumacher, Executive Director The Learning Web, Nancy Zook, Youth Services Department, and Nancy Zahler, Youth Services Director.

**Privilege of the Floor by the Public**

Karl Graham, Director of Community Relations and Development for the Alternatives Federal Credit Union, announced this evening the Credit Union began its eighth season of the volunteer income tax assistance program. Last year over 1,400 families and individuals were helped and almost \$2.8 million was brought in to the County on Federal and State returns. He anticipates more people being helped this year bringing in money due to the economic difficulties. The program will run from January 19<sup>th</sup> through April 10<sup>th</sup> with sites being located in various communities.

**Report from a Municipal Official**

No municipal official was present.

### **Distinguished Youth Award**

Ms. Herrera, District No. 5 Legislator, presented the January 2010 Distinguished Youth Award to John Nord, a student at Ithaca High School. Mr. Nord was nominated by Mary Arlin for his leadership on the Swim Team and the Eagle Scout Project where he designed a trail behind Dewitt Middle School for science class field trips to the woods.

### **Privilege of the Floor by Legislators**

Mr. Proto, District No. 7 Legislator, reminded the Legislature that the new TCAT routes and passes went into effect yesterday. He said this is a work in progress and that anyone with questions or concerns should contact TCAT.

Mr. Lane, District No. 14 Legislator, said he has been asked by several people about what the Legislature is doing. He stated there are many different forms of county government throughout the State. In Tompkins County, the structure is a committee system that works through a County Administrator. He believes this system works well here as it allows flexibility. At the beginning of each year a leadership team is elected and new committee appointments are made providing the opportunity for new ideas.

Mrs. McBean-Clairborne, District No. 2 Legislator, spoke about the continued support by words and deeds to the residents, families, and victims in Haiti suffering from the recent earthquake. She referenced an e-mail she received and reminded everyone that those in Haiti need our continued support. The e-mail, called "six sobering points", highlighted the devastation, the extreme suffering, and need for help.

Ms. Chock, District No. 3 Legislator, provided an update on the next steps concerning the gas drilling issue. There will be a rally and lobbying day in Albany on January 25<sup>th</sup> that is sponsored by several organizations.

### **Report from the Chair**

Ms. Robertson read the following statement:

#### ***Address to the Tompkins County Legislature***

"First, to my fellow legislators, thank you for your confidence and support. I look forward to working with each of you this year and am anxious for us to roll up our sleeves and get to work.

"To Joe and the entire staff, it's a privilege to work with all of you. I have great confidence that our team will tackle the difficult problems ahead with compassion and creativity.

"The start of a new legislative term is a great opportunity, with new members to bring into our group. So, welcome, Brian, Dave, Mike, Pat, and Peter! As we answer your questions and bring you up to speed, we all get to see things with fresh eyes.

"Last week I had the opportunity to meet with Stu Stein, who was chair of this body from 1994 to 1996. We talked about the initiatives he and the board of the '90's worked on. I realized that many things we take for granted today were "problems" that the legislature had tackled back then. For example, how can we stimulate economic development, enhance intermunicipal cooperation, or improve relations with our local colleges? Today, we depend on TCAD's leadership in stimulating business growth and retention. Through the Tompkins County Council of Governments all the county's municipalities are working

together on common goals. And as for higher education, this past year Cornell University, the City of Ithaca, and Tompkins County together established the Housing Fund, our unique partnership working to create more affordable housing.

“My conversation with Stu helped me recognize that, as slowly as government sometimes seems to move, we *can* make things happen when we have a goal and work toward it together. As I thought about the solutions county government had been part of, over the years, I wondered what solutions *we* might create, that future legislators will take for granted.

“Our budget challenge will certainly be the number one issue this year. How we address it could shape county government, and in many ways Tompkins County itself, for years to come. So we must find new ways to think about our programs and organize our work. Joe is developing a roadmap to look ahead three years, longer than we’ve managed to do before, and that’s a good thing.

“But I submit that three years is not long enough. This economy *will* improve. We will see employment rise and sales tax receipts with it. And most importantly, if we make the right investments – even now, when it’s hardest to do – we will position our community to rebound ahead of the curve and be ready for even better things in the future.

“We have solved very difficult problems before. As a result of this county’s consistent innovation and creativity, it is not a stretch to say we are seen as a “leadership county” by others. We initiate programs that other counties often join in or try to emulate. A few examples of this, going back years, are county-wide assessment, the Municipal Electric and Gas Alliance, and organizing other counties to fight unfunded state mandates.

“New York State recognizes this leadership as well. When they wanted to try out a new kind of justice court, the state’s highest judge knew that Tompkins County would be a good testing ground. Our Department of Social Services was asked to be one of the first to pilot online applications for DSS benefits. Our Planning Department, Solid Waste Division, Youth Services Department, and airport have all received national accolades in recent years for their innovative work, to name just a few.

“So how will we invest our precious resources – people, time, political will, and money -- to prepare for a better future? I think these are some of the next challenges that will demand our leadership:

- Gas drilling will, quite possibly, transform our region. Our grassroots community is providing statewide leadership and TCCOG has brought municipalities together to speak with one voice. I’ve asked Carol Chock to be the point person on this issue help the county work with others to protect the land and the way of life we hold dear.
- Global warming is every bit a local problem and our Planning Department is leading the effort on many fronts. For example they’re working to create a “green loan” program, with the potential to insulate and weatherproof thousands of buildings and create hundreds of jobs. As with many of their initiatives, they are seeking outside resources to leverage our own.
- As we meet tonight, between the anniversaries of Martin Luther King’s birthday and the inauguration of President Barack Obama, we recognize the need to improve the diversity of our workforce. *Especially* when hiring is very limited, we must find ways to get better results. Last year Cornell grad students studied our records and identified specific areas we can target, and we need to act on their recommendations.

- Our tourism program – another unique program in the state – would be even stronger with the kind of professional focus that the Convention and Visitors Bureau has long provided to the marketing effort. This is the year we will make that happen.
- Paula Younger, our Deputy County Administrator, will focus her impressive skills on securing outside grants and other resources. Her sights are already set on rural broadband service
- Tompkins County should work to become an even stronger voice in our larger neighborhood, within NYSAC and with state government. At every level we must continue to lobby for issues we care about. The best defense is a good offense, and we will work to make sure our voice is heard.

“Even while the unprecedented budget gap will force us to make hard choices, let us not forget the importance of investing in our future. Every other county faces similar choices. How we respond could have ripple effects if we find creative solutions that others find worth emulating.

“With Joe's and Jim Dennis' leadership on the Budget Committee, we will get through our immediate budget woes. I'm confident that this body will take pains to consider the fairness, the immediate impact, and the future ramifications of each choice we make. It is crucial to be as informed as possible when making these hard choices. That is why I have invited our department heads to take turns making presentations about their programs, at each of our legislature meetings this year. I believe it will be time well-spent.

“To Joe and our staff, to legislators and agencies, to volunteers and the public: we will need the help of each of you in the coming year to navigate these tough times.

“*But we can do this.* The ingenuity, the generosity, the passion for what we do, are not just hallmarks of Tompkins County government. They are essential qualities of Tompkins County's people. These qualities frequently put our community on the “top ten” lists of places to live. These qualities help lure people like Joe Mareane and his family here, from a secure job where his boss asked him to stay. We must nurture these qualities. This economic slump won't last forever. It is our job to steer a course through it, and position our community for even better things in the days and years to come.

“Thank you.”

### **Chair's Appointments**

Ms. Robertson announced the following Committee assignments for 2010:

#### **Standing Committees:**

Budget and Capital - Dennis (Chair), Herrera (Vice Chair), Mackesey, Stein, Robison  
Government Operations - Lane (Chair), Kiefer (Vice Chair), Chock, McKenna, Pryor  
Health and Human Services - Proto (Chair), Burbank (Vice Chair) Shinagawa, Dennis, Herrera  
Planning, Development and Environmental Quality - Mackesey (Chair), Chock (Vice Chair),  
Burbank, Proto, Pryor  
Facilities and Infrastructure - Kiefer (Chair), McBean-Clairborne (Vice Chair), Mackesey,  
Lane, McKenna  
Public Safety - Shinagawa (Chair), McBean-Clairborne (Vice Chair), Dennis, Robison, Stein

#### **Special Committees:**

Capital Plan Review Committee - Robertson (Chair), Kiefer (Vice Chair), Lane, Herrera, Proto  
Census Committee (through June 2010) - Mackesey (Chair), Proto, Chock, Herrera, Lane

In response to Ms. Kiefer, Ms. Robertson said she would develop a charge for the Capital Plan Review Committee.

Ms. Robertson announced the following appointments to various boards:

**Tompkins County Area Development Board of Directors**

Will Burbank

**Chamber of Commerce**

Martha Robertson  
Jim Dennis, Alternate

**Extension Service**

Will Burbank  
Dave McKenna

**Local Advisory Board on Assessment Review (County Charter Article 4, Section 4.01)**

Caroline/Danby - Frank Proto  
Newfield/Enfield – Dave McKenna  
Groton – Brian Robison  
Dryden – Mike Lane/Martha Robertson  
Town of Ithaca – Will Burbank/Dooley Kiefer/Peter Stein  
Lansing – Pat Pryor/Dooley Kiefer  
Ulysses – James Dennis  
City of Ithaca - Carol Chock, Kathy Luz Herrera, Leslyn McBean-Clairborne, Pam Mackesey,  
Nathan Shinagawa

**Workforce Diversity and Inclusion Committee**

Leslyn McBean-Clairborne – Chair

**Ethics Advisory Board**

Dooley Kiefer - Chair

**Cayuga Lake Watershed Intermunicipal Organization**

Peter Stein

**Cornell Vet School Incinerator Project**

Dooley Kiefer, Delegate  
Beverly Livesay, Alternate

**Ithaca Metropolitan Planning Organization (Policy Committee)**

Dooley Kiefer  
Pam Mackesey, Alternate representative

**Workforce Investment Board**

Carol Chock

**Civil War Commemoration Commission**

Kathy Luz Herrera  
Frank Proto

**Report from the County Administrator**

Mr. Mareane requested confirmation on the appointment of Wesley McDermott on an interim basis for up to 120 days as the Supervising Attorney for the Assigned Counsel program. The Advisory Board on Indigent Representation has approved this recommendation as well as the Public Safety Committee.

It was MOVED by Ms. Mackesey, seconded by Ms. Herrera, and unanimously adopted by voice vote, to approve the appointment of Wesley McDermott as recommended above. MOTION CARRIED.

Mr. Mareane said a search committee will be formed very soon and he will keep the Legislature informed as the selection process moves forward.

Mr. Mareane continued his report and updated the Legislature on the Governor's budget released earlier today. The challenge facing the Governor is the State's deficit of \$7.4 billion. To help balance that, the Governor is proposing \$5.6 million in spending cuts and \$1.9 million in new revenue. It is difficult to determine the impact it will have on county budgets. He highlighted some of the positive and negative areas and said he will continue to keep the Legislature informed as new information becomes available.

**Report from the County Attorney**

Mr. Wood referenced the "confidential" memo he prepared for Legislators that provides an update on the various lawsuits and matters the County Attorney's office handles. He asked that if there are any questions, to contact him. He also briefly spoke about Bob Stolp and said he worked with him for many years. Mr. Stolp did a great job and made sure everyone who needed services received them and had excellent legal representation.

**Report from the Finance Director**

Mr. Squires distributed copies of the final report for sales tax for 2009. Sales tax revenues were 5.4% below last year, which represents \$1.6 million less income. He noted that the County made a mid-year adjustment in 2009, reducing the budgeted amount by \$2,000,000. Mr. Squires also distributed an updated foreclosure list. There are approximately 29 properties currently on the list, down from 99. This year will be a very small auction, which is good.

**Withdrawal of Resolution(s) from the Agenda**

Ms. Robertson granted Ms. Mackesey permission to withdraw the following resolution(s) from the agenda:

- Supporting Revised Agreement Between AES Cayuga and the Tompkins County Industrial Development Agency (DOC ID: 1738)
- Approval of Bylaws and Certificate of Incorporation of the Tompkins County Development Corporation (DOC ID: 1724)

Ms. Robertson noted that later in the meeting there would be a presentation concerning the AES Cayuga agreement and that the resolution withdrawn will be brought back for consideration at the next Legislature meeting.

**Resolution(s) Added to the Agenda**

It was MOVED by Ms. Mackesey, seconded by Mr. Proto, and unanimously adopted by voice vote, to add the following resolution to the agenda:

- Authorizing the Execution of an Agreement with the New York State Department of Transportation – Job Access and Reverse Commute and New Freedom Rural Assistance Grant – 2010 to the agenda. (ID 1546)

**Resolutions Approved Under the Consent Agenda**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, to approve the following resolutions under the Consent Agenda:

**Resolution No. 3 - In Support of H.R. 1362 and S. 1273 to Establish Permanent National Surveillance Systems for Multiple Sclerosis, Parkinson’s Disease, and Other Neurological Diseases and Disorders**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, Parkinson’s Disease (PD) and Multiple Sclerosis (MS) are progressively (and permanently) disabling neurological diseases for which there are no lasting therapies or cures, and

WHEREAS, annually in the United States (US) more than 60,000 persons are newly diagnosed with PD and more than 10,000 with MS, and

WHEREAS, although estimates exist there is no accurate count of how many individuals are currently affected by these diseases and consequently no comprehensive databases for researchers to draw on, and

WHEREAS, central nervous system drugs, including therapies for MS, PD, and other neurological diseases, are the slowest in the drug-development pipeline, taking an average of 15 years post-discovery for new therapies to reach the market, and

WHEREAS, the causes of MS and PD are not well understood, and

WHEREAS, studies have found relationships between both MS and PD and environmental and genetic factors, but those relationships are not well understood, and

WHEREAS, although there are several small and uncoordinated MS and PD disease registries, surveillance systems, and databases in the United States and worldwide, there is no separate, coordinated, national surveillance system that can:

- identify the incidence and prevalence of these diseases in the US,
- collect demographic and other data important to the study of MS and PD,
- produce epidemiologically sound data that can be used to compare with cluster information, Veterans Affairs data sets, environmental exposure data, etc., and
- promote better understanding of causes, prevention, and treatment of disease,

and

WHEREAS, proposed legislation known as “the National MS and Parkinson’s Disease Registries Act” has been introduced in the first session of the 111<sup>th</sup> Congress, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Tompkins County Legislature supports enactment of H.R. 1362 and S. 1273, the National MS and Parkinson’s Disease Registries Act, a much-needed addition to our Public Health Service for the citizens of Tompkins County and the nation.

**SEQR ACTION: TYPE II-20**

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**Resolution No. 4 - Authorization to Accept Funds, Execute Contract, and Budget Adjustment –  
Healthy Neighborhoods Program – Health Department**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, the New York State Department of Health (NYSDOH) has awarded one-year grant funding, for a Healthy Neighborhoods Program for the period October 1, 2009, through September 30, 2010, (with the possibility of two 1-year extensions), and

WHEREAS, the purpose of this funding will be to reduce injuries and deaths from residential fires, neighborhood lead poisoning, hospitalizations due to asthma, and exposure to indoor air pollutants, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Health Department is authorized to accept said funds,

RESOLVED, further, That the Department is authorized to execute any and all agreements necessary to complete the requirements of the grant,

RESOLVED, further, That the Finance Director is authorized to make the following budget adjustment on his books for the Healthy Neighborhoods grant:

REVENUE:	4090.43489	Other State Grants	\$168,495
APPROPRIATION:	4090.51000595	Public Health Sanitarian	\$ 50,772
	.51000507	Keyboard Specialist	\$ 3,321
	.52206	Computer Equipment	\$ 1,500
	.52220	Departmental Equipment	\$ 500
	.52303	Office Supplies	\$ 1,683
	.54319	Program Supplies	\$ 66,016
	.54330	Printing	\$ 2,000
	.54412	Travel & Training	\$ 1,725
	.54414	Local Mileage	\$ 12,870
	.54442	Professional Service Fees	\$ 5,000
	.54452	Postage	\$ 200
	.54472	Telephone	\$ 1,000
	.58800	Fringes	\$ 21,908

**SEQR ACTION:** TYPE II-20

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**Resolution No. 5 - Authorization to Accept Funds, Execute Contract, and Budget Adjustment –  
Office of Homeland Security Preparedness Funding – Health Department**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, the New York State Department of Health (NYSDOH) and the New York State Office of Homeland Security (NYSOHS) have provided support for public health emergency preparedness activities for the period August 10, 2009, through August 9, 2010, and

WHEREAS, the purpose of the NYSOHS funding is to support activities that are consistent with the State's Homeland Security Planning & Preparedness Strategy, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Health Department is authorized to accept said funds,

RESOLVED, further, That the Department is authorized to execute any and all agreements necessary to complete the requirements of the grant,

RESOLVED, further, That the Finance Director is authorized to make the following budget adjustment on his books for the Homeland Security funding:

REVENUE:	4010.44959	Federal Aid	\$36,075
APPROPRIATION:	4010.51000507	Keyboard Specialist	\$ 3,553
	.51000780	Bioterrorism Prep Coord	\$ 7,443
	.52220	Departmental Equipment	\$ 4,107
	.54303	Office Supplies	\$ 4,533
	.54330	Printing	\$ 1,000
	.54333	Education & Promotion	\$ 4,000
	.54342	Food	\$ 1,432
	.54354	Medical Supplies	\$ 3,800
	.54412	Travel & Training	\$ 800
	.54414	Local Mileage	\$ 50
	.54425	Service Contracts	\$ 545
	.54442	Professional Service Fees	\$ 359
	.58800	Fringes	\$ 4,453

**SEQR ACTION: TYPE II-20**

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**Resolution No. 6 - To Amend Resolution No. 14 of January 20, 2009 - Determination and Certification of County Clerk's Allowance - Annual Expenses for Administering Mortgage Tax**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, pursuant to Section 262 of the Tax Law, recording officers and treasurers are entitled to receive all their necessary expenses for purposes of administering mortgage taxes in their offices on approval and allowance by the New York State Tax Commission, and

WHEREAS, the State Tax Commission, by resolution duly adopted July 1, 1946, did determine that such mortgage tax expenses be approved at the amount certified to the State Tax Commission by County Board of Representatives [Tompkins County Legislature] provided it is a reasonable and necessary allowance for such expenses, and

WHEREAS, the County Clerk has conducted a cost analysis and has recommended that the allowance for mortgage tax expenses be increased from \$185,616 per annum to \$194,589 per annum, and

WHEREAS, the Finance Director has conducted a cost analysis and has recommended that the allowance for the treasurer's expense for administering the mortgage tax be set at \$15,000 per annum, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the sum of \$194,589 per annum be, and the same hereby is, determined as a reasonable and necessary allowance of the Tompkins County Clerk, the recording officer of the County of Tompkins, for the hire of clerks and assistants and other expenses to assist in the administration of the mortgage recording tax law in her office, and that the sum of \$15,000 per annum be, and the same hereby is, determined as a reasonable and necessary allowance of the Tompkins County Finance Director, to assist in the administration of the mortgage tax funds, and that said sum of \$209,589 is hereby certified to the State Tax Commission as the reasonable and necessary allowance for such expenses,

RESOLVED, further, That the Clerk of the Legislature is hereby directed to send a certified copy of this resolution, with her original signature thereon, to the State Tax Commission,

RESOLVED, further, That this resolution shall take effect immediately.

**SEQR ACTION: TYPE II-20**

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**Appointments Approved Under the Consent Agenda**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, to approve the following appointments under the Consent Agenda:

**Environmental Management Council**

Helen Slottje – At-large representative; term expires December 31, 2010  
Sarah Adams - At-large representative; term expires December 31, 2011  
Anthony Guarneri – At-large representative; term expires December 31, 2010

**Empire Zone Administration Board**

David W. Sprague – Local Business representative; term expires December 31, 2012  
Nels Bohn – Community Development representative; term expires December 31, 2012  
Michelle Benedict-Jones – Financial Institution representative; term expires December 31, 2012

**Office for the Aging Advisory Committee**

Pamela L. Jenkins-Smiley – term expires December 31, 2012

**Advisory Board on Indigent Representation**

Kristine Shaw – term expires December 31, 2012

**Criminal Justice Advisory/Alternatives-to-Incarceration Board**

Richard C. Bennett - Individual Who Provides State-certified Substance Abuse Treatment Programs or Services; term expires December 31, 2012

**Emergency Communications Review and Oversight Committee**

Douglas E. Cotterill – Volunteer Fire and EMS Services representative; term expires December 31, 2010  
Thomas L. Boyce – Village Police Chief – term expires December 31, 2011

**Report from the Workforce Diversity and Inclusion Committee**

Mrs. Mc-Bean-Clairborne, Chair, said the Committee would meet January 27, 2010. Ms. Robertson noted that Ms. Pryor is interested in serving on this Committee and that the appointment will go through the Committee process.

**Report from the Legislative Rules and Procedures Committee**

Ms. Kiefer, Chair, said the Committee has completed its review of the Rules of the Legislature and copies of the proposed changes to Rules V-XVI have been distributed. The Legislature will consider these amendments at the next Legislature meeting.

**Report from the Health and Human Services Committee**

Mr. Proto, Chair, said the Committee met January 12<sup>th</sup> and most of the Committee's business is reflected on the agenda.

**Report from the Government Performance and Workforce Relations Committee**

Mr. Shinagawa, Chair, said the Committee met briefly prior to the Legislature meeting.

**Report from the Facilities and Infrastructure Committee**

Mrs. Mc-Bean-Clairborne, Chair, said the Committee has not met. Ms. Herrera commented on the recent news release concerning the increased enplanements at the airport and said it is very encouraging.

**Report and Presentation of Resolution(s) from the Planning, Development, and Environmental Quality Committee**

Ms. Mackesey, Chair, said the Committee met last week and the resolutions approved are reflected on the agenda.

**Resolution No. 7 - Approval of Contract for Arts and Culture Development Grants**

MOVED by Ms. Mackesey, seconded by Ms. Chock. Mr. Dennis said he would support the resolution, however, he expressed concern that the State Theatre is ineligible to receive money from Room Tax funds this year. He hopes to pursue this further and follow-up with other funding options that could be available. A voice vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, Community Arts Partnership (CAP) recognizes that the local arts and cultural community is a valuable and unique asset, and that a need exists to harness the power of the arts to develop tourism growth, and if strategically managed, that would stabilize and develop these assets to better serve tourists through well-planned marketing efforts, and

WHEREAS, CAP was appointed to create a comprehensive arts marketing plan and develop and implement a plan for financial and operational development and capacity building of arts and cultural entities, and

WHEREAS, the arts and cultural community could better position itself in the marketplace to attract more visitors to and enhance visitors' stay in Tompkins County, thus generating more dollars into the local economy, and

WHEREAS, funding exists within the Room Occupancy Tax (Tourism Program) budget for the Arts and Cultural Organization Development Program, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, with the advice of the Strategic Tourism Planning Board, That the following Arts and Cultural Organization Stabilization Grants be awarded in 2010:

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Hangar Theatre	30,000	30,000	30,000	32,500	37,500	24,000	<b>22,600</b>
Cayuga Chamber Orchestra	20,000	25,000	20,000	22,000	23,275	18,700	<b>21,373</b>
Kitchen Theatre	25,000	25,000	35,000	39,680	34,000	22,400	<b>21,264</b>
Cayuga Nature Center						28,000	<b>25,000</b>
The History Center	20,000	30,000	23,000	30,000	30,000	23,200	<b>21,458</b>
PRI/Museum of the Earth			20,000	25,000	30,000	18,000	<b>15,000</b>
Sciencenter						10,000	<b>16,000</b>
<b>GRANTS TOTAL</b>	<b>\$125,000</b>	<b>\$140,000</b>	<b>\$158,000</b>	<b>\$179,180</b>	<b>213,775</b>	<b>160,300</b>	<b>\$142,695</b>

RESOLVED, further, That CAP is paid an amount up to \$17,100 (10 percent of program) for administrative evaluation and oversight services,

RESOLVED, further, That the County Administrator or his designee is authorized to sign any agreements with the recipients and CAP pertaining to this program.

**SEQR TYPE:** TYPE II-20

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**Resolution No. 8 - Making a Negative Declaration of Environmental Significance in Relation to Resolution No. 9 of 2010: Authorization to Hold a Conservation Easement on Tax Parcel No. 12.-1-30 Located on Brooktondale Road, Town of Caroline**

MOVED by Ms. Mackesey, seconded by Mr. Proto, and unanimously adopted by voice vote.  
RESOLUTION ADOPTED.

WHEREAS, in Resolution No. 9 of 2010, the Tompkins County Legislature would authorize the County Administrator to execute any documents necessary for the County to hold, maintain, and enforce, in perpetuity, a conservation easement on Tax Parcel No. 12.-1-30 in the Town of Caroline, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution No. 9 of 2010 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 9 of 2010.

**SEQR ACTION:** Unlisted

(Negative Declaration and Short Environmental Assessment form on file with the Clerk of the Legislature)

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**Resolution No. 9 - Authorization to Hold a Conservation Easement on Tax Parcel No. 12.-1-30 Located on Brooktondale Road, Town of Caroline**

MOVED by Ms. Mackesey, seconded by Mr. Proto, and unanimously adopted by voice vote.  
RESOLUTION ADOPTED.

WHEREAS, in 2007, the Tompkins County Planning Department was awarded grant funds through the New York State Department of Environmental Conservation's Water Quality Improvement Program (WQIP) to develop stream buffer protection measures, and

WHEREAS, in early 2009 the owners of a streamside property in the Town of Caroline, Tax Parcel No. 12.1-30, contacted the Tompkins County Planning Department about their interest in protecting their 3.8 acre woodland that buffers Six Mile Creek, and

WHEREAS, the County Planning Department, after thorough consideration of the various aspects of the property, consultation with the Town of Caroline Planning Board, and analysis of available data, has determined that protection of a 3.83 acre (1.55 hectares) portion of this parcel that buffers Six Mile Creek will enhance water quality and wildlife habitat and will conserve important riparian functions that are in the best interest of the public, and

WHEREAS, a conservation area has been surveyed on the parcel and a conservation easement has been developed, and

WHEREAS, the property owner has received no compensation for this easement, the cost of developing this easement including survey, legal research, and baseline documentation have been covered by the WQIP grant, and the annual cost for County Planning Department monitoring visits is estimated at less than \$150, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality

Committee, That the County Administrator or his designee is authorized to execute any necessary documents for the County to hold, monitor, and enforce, in perpetuity, a conservation easement on “the Thomas parcel”, Town of Caroline Tax Parcel No. 12.-1-30.

**SEQR ACTION:** Unlisted

(Short Environmental Assessment Form on file in the office of the Clerk of the Legislature)

\* \* \* \* \*

**Resolution No. 10 - Authorizing the Execution of an Agreement with New York State Department of Transportation - Job Access and Reverse Commute and New Freedom Rural Assistance Grant - 2010**

MOVED by Ms. Mackesey, seconded by Mr. Proto, and unanimously adopted by voice vote.  
RESOLUTION ADOPTED.

WHEREAS, the United States Department of Transportation (NYSDOT) is authorized to make grants to states through the Federal Transit Administration (FTA) to support eligible projects under Sections 5316 JARC (FTA C 9050.1), and

WHEREAS, NYSDOT was designed by the Governor of the State of New York to administer Section 5316 Federal formula reimbursement funds for projects designed to increase access for welfare recipients and low income persons to employment, as identified through a coordinated planning process, and consistent with eligible activities described in FTA Circular 9050.1, and

WHEREAS, Tompkins County will enter into contract with NYSDOT for the Tompkins County 2010 Rural Job Access and Reverse Commute (JARC) for FTA Section 5316 Federal funds to implement eligible JARC services in Tompkins County for an awarded Federal Share amount of \$206,159 and including provision by it of the FTA required local share of \$178,051, for the following projects:

<u>Projects</u>	<u>Federal Funds</u>
Operating Assistance - Rural Subscription Van Program	\$ 162,159
Mobility Management - Way2Go Program	\$ 44,000
Total JARC Funds	\$ 206,159

WHEREAS, Tompkins County has fulfilled the FTA coordinated plan requirements that the project “must be derived from the project area Coordinated Plan”, by action of the Ithaca-Tompkins County Transportation Council, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes the County Risk Manager to execute and file a Job Access and Reverse Commute grant agreement with NYSDOT to aid in the financing of operating assistance and mobility management projects, for a total of \$206,159, pursuant to FTA Section 5316 JARC (FTA C9050.1), as amended,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign any and all agreements between Tompkins County and the State of New York for the Project and FTA annual certifications and assurances or other documents required by NYSDOT,

RESOLVED, further, That the County Finance Director is authorized to submit and approve payment requests for reimbursement for Section 5316 funds from NYSDOT for eligible activities pursuant to FTA Section 5316 JARC (FTA C9050.1), as amended.

**SEQR ACTION:** TYPE II-20

\* \* \* \* \*

**Report from the 2010 Census Committee**

Ms. Mackesey, Chair, said the Committee met January 15<sup>th</sup>. Janice Young, representative from the Census Bureau attended and discussed the upcoming census. Staff from Information Technology Services also attended and provided a map of the results from the 2000 census that she displayed on the

bulletin board in Legislative Chambers. Discussion followed concerning outreach efforts and the importance of having the census forms completed and returned.

**Report from the Budget, Capital and Finance Committee**

Mr. Dennis, Chair, said most of the Committee's business is reflected on the agenda.

**Report and Presentation of Resolution(s) from the Public Safety Committee**

Mr. Dennis, member, said the Committee met January 14<sup>th</sup> and had updates on jail boardouts and the Automatic External Defibrillator (AED) program. In addition, the Committee discussed its goals.

**Resolution No. 11 - Appropriation from Contingent Fund - Replacement Pay - Sheriff's Office – Road Patrol**

MOVED by Mr. Dennis, seconded by Ms. Chock. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Sheriff's Office had one (1) employee out on medical leave for more than two months, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay from the Contingent Fund for those days exceeding the two months, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2009:

FROM: A1990.54440	Contingent Fund	\$14,382
TO: A3110.51000425	Secretary	\$14,382

**SEQR ACTION: TYPE II-20**

\* \* \* \* \*

It was noted that there will be efforts made to reduce the copying of revised resolutions and that Committee chairs will make announcements of the changes, when appropriate, to resolutions. Ms. Herrera questioned that said process and said it is helpful and clearer to have the information provided in writing. Ms. Robertson referred this item to the Government Operations Committee.

**Resolution No. 12 - Appropriation from Contingent Fund - Terminal-Pay Reimbursement – Sheriff's Office – Jail**

MOVED by Mr. Dennis, seconded by Ms. Pryor. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Sheriff's Office had one (1) Head Cook, Jail, retire effective December 30, 2009, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the Department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2009:

FROM: A1990.54440	Contingent Fund	\$189
TO: A3150.51000421	Head Cook	\$189

**SEQR ACTION: TYPE II-20**

\* \* \* \* \*

**Resolution No. 13 - Appropriation from Contingent Fund - Replacement Pay - Sheriff's Office - Jail**

MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Sheriff's Office had two (2) employees out on medical leave and one (1) employee out on Military Leave for more than two months in the Jail, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay from the Contingent Fund for those days exceeding the two months, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2009:

FROM: A1990.54440	Contingent Fund	\$64,723
TO: A3150.51000406	Corrections Officer	\$27,961
A3150.51000411	Corrections Sergeant	\$36,762

**SEQR ACTION:** TYPE II-20

\* \* \* \* \*

**Resolution No. 14 - Approval of Amended Bylaws - Emergency Communications Review and Oversight Committee**

MOVED by Mr. Dennis, seconded by Ms. Chock, and unanimously adopted by voice vote. RESOLUTION ADOPTED.

WHEREAS, the County Legislature reorganized the 911 Advisory Board and established the Emergency Communications Review and Oversight Committee by Resolution No. 318 of 2002, and then approved the Committee's Bylaws, and

WHEREAS, the Emergency Communications Review and Oversight Committee at its regular meeting on December 16, 2009, unanimously approved amending those bylaws to revise Article III Membership, Item 2 to read: "one volunteer countywide fire and EMS representative, recommended by the Fire, Disaster, and EMS Advisory Board," and Item 3 to read: "one volunteer countywide fire and EMS representative recommended by the Fire, Disaster, and EMS Advisory Board," Item 13 to read: "one countywide fire and EMS representative recommended by the Tompkins County Fire/EMS Chiefs Association," and Item 14 to read: "one citizen position"; Article V Standing Committees is amended under Police to further include "TC3 operations," and also under Fire/EMS to read: "three countywide fire and EMS representatives." Article VII Meetings to read: "the committee shall meet a minimum of six times per year and determine the schedule of its meetings.", now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature approves the said amendments to the Emergency Communications Review and Oversight Committee.

**SEQR ACTION:** TYPE II-20

\* \* \* \* \*

Mr. Proto announced that the Health Department H1N1 clinics will be held as an abundance of vaccine Has been received. Over 6,000 inoculations have been given and all school districts have been completed. He also announced that on March 6<sup>th</sup> there will be a pharmaceutical day at TCAT for the public to dispose of old medications, needles, etc.

**Approval of Minutes**

It was MOVED by Mr. Dennis, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the minutes of January 5<sup>th</sup> as submitted. MINUTES APPROVED.

## **Recess**

Ms. Robertson declared recess at 7:36 p.m. The meeting reconvened at 7:42 p.m.

## **Presentation – AES Cayuga Agreement**

Ms. Robertson introduced Mr. Goodenough, AES Cayuga Plant Manager, who began the presentation with a summary of his background and a detailed explanation of the Plant's operations and the situation from the economic conditions that have occurred since the original PILOT (Payment in Lieu of Taxes) agreement was established. The plant was constructed in the 1950s as NYSEG's Milliken Station, and was purchased in 1999 by AES Cayuga. AES Cayuga is not a utility, it is a "merchant power plant". Historically it has operated at an 80% capacity factor (electricity sold cf. electricity that could be produced); due to the serious national economic downturn, last year for the first time ever the plant's capacity was down to 61%. Mr. Mareane, County Administrator, and Mr. Whicher, former County Administrator, former Assessment Director, and volunteer on the IDA's negotiating team, explained the process and negotiations that have taken place that led to the previous agreement and the revised agreement that is described below in the outline.

## **Background and Impetus for the PILOT approved in 2009**

Historically, the process of establishing a value was difficult and contentious; often leading to costly litigation--a situation common to all power generating facilities in the US, not just Tompkins County. The unpredictable fluctuating valuations made it difficult for AES as well as Lansing Central School District, Town of Lansing and the County to budget.

The goal of all parties was to break that expensive and time consuming litigious cycle through a PILOT that recognized the value of the Plant would change over time as conditions changed, but allowed the impact of those changes to be phased-in over a reasonable period of years (up to five years). This allows AES and local taxing authorities to plan. The value of the Plant is tied directly to its ability to generate net income.

Something to keep in mind throughout discussion: market value is what someone would pay for a property. In the case of an electric generation plant (or, for that matter, an office building), that is based on how much net income the property can produce for its owners. When Mr. Mareane referred to a year that an assessment is put in place--the assessment affects the school taxes the year it's put in place, and County and town taxes the next. When talking about changing the 2010 value in the PILOT, that change will affect school taxes this fall and County and town taxes in January 2011.

## **The Original 2009 PILOT**

This was negotiated over a two-year period.

Both parties agreed to use a model, developed by Steve Whicher, to help establish the Plant's value.

- Prior to becoming County Administrator, Steve was the County Assessor and, before that, had done this kind of complex appraisal work for the State Office of Real Property Tax Services (ORPS)

The valuation model looked at the most significant factors that affect the Plant's net income and, therefore, its market value. The major factors included estimates of:

Fuel (coal) and transportation costs, which are the Plant's major expenses

How much energy is expected to be sold (plant capacity factor)

The price offered by the New York Independent System Operator (NYISO) for energy (\$/mwhr sold). The facility is a merchant wholesale generator in the NYISO.

Based on the conditions in 2007/2008, the valuation model indicated the plant had a value of about \$255 million. Its prior value was \$140 million.

As stated earlier, the agreement called for the increase in assessment to transition to the new value in steps, over a five-year period. We believed this type of phase in is in the best interest of all stakeholders.

- 2008 (prior to PILOT) \$140 million
- 2009 \$160 million
- 2010 \$180 million
- 2011 \$205 million
- 2012 \$230 million
- 2013 \$255 million

The 20-year agreement is structured as a series of five-year blocks of time.

- In each of those five-year periods, an underlying value is determined. In this case, that underlying value was \$255 million. If it is different than the prior value, a schedule is put in place that phases in the change over five years.
- This mechanism was created to provide a gradual transition for either party.

However, it was fully understood by all parties that much short-term legislative, regulatory and economic uncertainty existed for the facility. In light of that, the agreement includes an on-going process intended to familiarize both parties with factors that may affect the Plant's value and builds in a two-year re-opener and other opportunities to make changes to reflect changing conditions.

#### **PILOT Review and Opportunities to Adapt to Change**

The agreement recognized that conditions could change, or that estimates may not be borne out by reality. To stay abreast of changes and actual performance, the agreement requires the parties to meet every June to discuss those conditions and review actual, rather than projected, performance data. The goal of this Annual Status Review is to avoid surprises and allow all parties to plan for potential future increases or decreases in the PILOT schedule.

Should conditions warrant, the Agreement provides the following ways to modify the PILOT:

1. Through a single, set Adjustment Period (in which case, the Annual Adjustment Review will not occur). With notice early in each five-year block, either party can ask to revisit the baseline value. If a change is agreed to, it would be phased in over the final three years of that five-year block.
2. Through an ability of either party to declare an "extraordinary circumstance" at any time. In that case, the value would be reviewed and, if changed, a new phase-in schedule would be put in place over the remaining years of that five-year block.
3. If negotiations fail, the parties must seek third-party mediation and, as a last resort, go to court for a judicial determination.

#### **The Revised PILOT:**

In the spring of 2009, AES Cayuga informally advised the County and the IDA of a rapid decline of its financial condition caused by the economic meltdown, falling energy demand, and low natural gas pricing that sets market clearing prices in the NYISO

By summer, the company had formally invoked the "extraordinary circumstances" section of the PILOT and requested a review of the valuations in the PILOT in light of the uncontrollable decline in its finances and, therefore, the declining valuation of the property.

The County and IDA negotiating team reassembled, including Steve Whicher.

Representatives of the Town of Lansing and Lansing School District were invited to participate in all discussions and attended some but not all of them.

Negotiating team: Martha Robertson, Dooley Kiefer, Michael Koplinka-Loehr, Michael Stamm, Joe Mareane, Steve Whicher. The negotiating team met with AES initially to understand the financial conditions at the plant.

Recall, the key factors in the financial condition of the plant and the variables in the valuation model we used were: fuel costs, transportation cost, energy production (plant capacity factor), and the price paid for energy for each megawatt produced by the plant.

Review found:

No evidence that bad management or corporate failings had contributed to the current set of circumstances.

- Financial stresses at the Plant tied solely to the recession, low energy prices, low natural gas pricing, new environmental taxes and fees and resulting drop in demand (capacity factor) for energy.

A major change in the financial condition of the plant compared to those that formed the basis of the valuation in the original PILOT:

- On the income side, both the capacity factor and sale price of energy were far below estimates used to set the original PILOT
- On the expense side, a new environmental tax (RGGI) was enacted by New York State, increased air permit fee/ton were legislatively added, plus coal prices were remarkably steady even though total energy demand was down, reflecting a global demand for coal.
- Therefore, with revenues falling and expenses rising, the Plant's net income was substantially below the original estimates used to compute the Plant's value.

Four meetings with AES between July and November to settle on a final value and phasing plan that took into account both the general principle of a phased approach and the extraordinary immediate circumstances facing the Plant.

- The negotiating teams agreed to a value of \$100 million, and to a somewhat front-loaded phasing plan that reduced the assessed value from \$160 million in 2009 to:
  - \$130 million in 2010
  - \$120 million in 2011
  - \$110 million in 2012
  - \$100 million in 2013
- Also agreed to come back later this year to review the \$100 million in light of updated information on the economy and the Plant's finances.

**Impact of Revision (based on current tax rates):**

2009-10 vs. 2010-11 Assessment

	<u>\$160 Mil</u>	<u>\$130 Mil</u>	<u>Change</u>
School	2,835,200	2,303,600	(531,600)
County	960,000	780,000	(180,000)
Town	275,200	223,600	(51,600)
Fire	<u>157,120</u>	<u>127,660</u>	<u>(29,460)</u>
Total	4,227,520	3,434,860	(792,660)

**Miscellaneous**

- AES Cayuga is a high quality local employer offering well above average wages and benefits to employees. They also support local not-for-profits and community-based activities.
- AES Cayuga's facilities include underutilized land and infrastructure that may attract other job-creating economic development activity.
- AES Cayuga is the largest single private taxpayer in the County.

Following lengthy questions and answers, Mr. Squires reminded the Legislature that the County guarantees taxes to municipalities and if a large taxpayer like this were to default, the County would have to pay the school district and the municipality. Ms. Chock said she would like to have an annual report to Legislature from the negotiating committee. Mr. Burbank spoke highly of the facility and urged Legislators, and Mr. Goodenough agreed, to take the opportunity and tour the facility.

Ms. Robertson clarified that the decision makers for this proposed modified agreement are AES Cayuga and the Industrial Development Agency. The resolution by the County would be to support the revised PILOT.

It was MOVED by Mr. Proto, seconded by Ms. Pryor, to add to the agenda the resolution entitled Supporting Revised Agreement Between AES Cayuga and the Tompkins County Industrial Development Agency (DOC ID: 1738).

Discussion followed and some Legislators expressed interest in postponing action to allow additional time to discuss and gather information. A voice vote on adding the resolution to the agenda resulted as follows: Ayes – 5 (Legislators Dennis, Lane, Proto, Pryor, and Robertson); Noes – 10 (Legislators Burbank, Chock, Herrera, Kiefer, Mackesey, McBean-Clairborne, McKenna, Robison, Shinagawa, and Stein). MOTION TO ADD FAILED.

Ms. Robertson thanked Mr. Goodenough and Mr. Whicher for their time and said the motion would be on the February 2 Legislature agenda.

**Adjournment**

The meeting adjourned at 9:09 p.m.