

March 3, 2009

Tompkins County Legislature

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Approved 3/17/09

Call to Order

Mr. Koplinka-Loehr called the meeting to order at 5:30 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. (Legislators McBean-Clairborne arrived at 6:10 p.m).

Presentation of Proclamation

Mr. Koplinka-Loehr proclaimed March 2009 as Women's History Month in Tompkins County. Janice Graham, President of the City Federation of Women's Organization, accepted the award and invited members to their Building to view a timeline with highlights of women's history. She announced a program being held at the Women's Community Building on March 26th that would highlight Saving the Environment, One Woman at a Time.

Privilege of the floor by the Public

John Bentkowski, City of Ithaca resident, spoke of his having to continue working past retirement in an effort to enable paying his property taxes, which continue to rise. As a real estate appraiser he disagrees with reports that the County is not affected by a decrease in real estate market value, stating the market is ten to fifteen percent below standard market prices. He reviewed information relating to tax-exempt properties within the county and noted 64.4 percent is currently exempt, with 31.45 percent being privately owned tax-exempt property. In addition, he said that 45 properties through Industrial Development Agency programs are in a graduated tax scale. He is concerned at these high numbers as it means the burden is placed on the remaining property owners. Mr. Bentkowski also expressed his belief that the number of Legislators should be reduced to between 7 and 9 members during the 2010 census reapportionment.

Distinguished Youth Award

Mr. Dennis, District No. 15 Legislator, presented the March 2009 Distinguished Youth Award to Kelsey Melvin of Trumansburg. Kelsey recently celebrated her 16th birthday and instead of gifts for herself requested her friends bring donations to be given to the local food pantry. As a result of her request 24 boxes of food were donated to the pantry. Carol Mann of the Trumansburg Food Pantry who nominated Ms. Melvin said she is a fine example of a caring young adult to give from the heart to benefit people in need. Ms. Melvin said she had set a goal of 16 bags of food and that her friends generosity amazed her; it is a concrete example that no gift is too small. Ms. Melvin shared a quote from Eleanor Roosevelt, "Since you get joy out of giving to others one should put a good deal of thought into the happiness you are able to give."

Privilege of the floor by Legislators

Ms. Mackesey, District No. 1 Legislator, spoke of her attendance at a meeting in Albany, New York, regarding the proposed regulations limiting garbage transport trucks on municipal roads. At this time the proposal is in the Governor's Office of Regulatory Reform. Upon a review of the proposal the office would determine if they would be legally defensible and a cost-benefit analysis would be

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completed. They have requested any correspondence relating to the regulations be sent to their office by no later than March 5th. If they determine to go forward with the proposed regulations there would be a 45-day period for public comment; if changes are made the regulations would be put in place.

Mr. Proto, District No. 7 Legislator, spoke of a previous comment regarding the Planning Advisory Board (PAB) being only advisory to the Commissioner of Planning. He stated following a review of the bylaws of the PAB it is advisory to both the Legislature and Commissioner of Planning in all aspects except for the departmental work plan, on which they report to only the Commissioner of Planning. Mr. Proto thanked members for their attendance at the Moose Club Pancake Breakfast fundraiser. There would be a rededication ceremony of the war memorial monuments in Dewitt Park this fall and the breakfast raised a considerable amount of funding for this purpose. Mr. Proto spoke of the recent honor bestowed upon Tompkins County employee Kim Moore. Ms. Moore of the Information Technology Services Department was named Officer of the Month by the Kiwinas Club for her efforts relating to setting up a mobile command center for police officers working on the recent homicide in Enfield. He spoke of personally seeing Ms. Moore's work commitment and is pleased to see her recognized.

Ms. Robertson, District No. 13 Legislator, reported there would be a meeting in Varna at the Community Center for the public to discuss concerns with the Tompkins Consolidated Area Transit proposed route changes. She then reported on a recent survey by the Sciencenter of 120 high school seniors from Ithaca and Dryden indicating 91 percent made at least one visit to the Sciencenter before the age of 12 and had a fun time, 65 reported having a more positive attitude toward science as a direct result of their visit, and 52 percent indicated it increased their interest in studying and/or pursuing a career in science. Ms. Robertson said the Sciencenter has a membership access program that would provide membership to families for a one-year period if currently enrolled in the free-/reduced-lunch programs within their school. In a two-month period there have been 120 families who have signed up under the program.

In response to Mr. Bentkowski's comments, Ms. Robertson clarified that if the Industrial Development Agency provided funding for improvements/additions to a building the tax abatement is only on the added value and not the entire property. She then spoke of an error in *The Ithaca Journal* article of February 27th regarding the cost per job under the Industrial Development Agency, noting the correct State average cost is \$4,527, not \$527, with Tompkins County's cost being \$808. With regard to the State report on IDA's, that information was thought to be inconsistent and incomplete by State Comptroller DiNapoli, she noted it is very hard to obtain information from employers as they get further away from the initial abatement period. The report stated the average job cost on a statewide basis is \$4,527, but the median cost is only \$1,288, which signifies that some of the projects are a great deal more expensive, which affects the report. Mr. Proto noted a correction was printed in *The Ithaca Journal*.

Ms. Kiefer, District No. 10 Legislator, announced that Earth Hour would take place on March 28th; and hopes the County would again issue a Proclamation. For individuals interested in supporting action to combat global warming they are asked to turn off their lights from 8:30 p.m. to 9:30 p.m.

Mr. Burbank, District No. 12 Legislator, addressed the recent distribution of Yellow Book telephone books within the County. He said this is the third book received from the various companies and consequently some individuals are not interested in picking them up from the ground. Mr. Burbank believes it to be a form of commercial littering that is not covered in our laws. He contacted the firm and they agreed to ask their distributors to go to their areas and retrieve phone books not accepted by residents. Mr. Burbank said there is a number in the front of the book to call the company and make a similar request. With this in mind, he has asked County Attorney Jonathan Wood to look into the possibility of enacting a littering law that would address the problem, noting someone needs to be held accountable for this type of distribution that results in littering. Ms. Eckstrom, Solid Waste Manager, is

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also assisting in the matter. Although the books are recyclable, the plastic bags they are in make it more time-consuming for individuals to dispose of.

Report from a Municipal Official

Pat Leary, Town of Ithaca Board Member, reported the Town has decided to have two meetings a month in order to complete their work. At their last meeting the majority of members (5/2) declined to pursue any further study of consolidation with the City of Ithaca. Peter Stein was on a joint committee to study the issue along with shared services, but the emphasis in the draft report was on consolidation. Mr. Stein wanted to pursue a \$50,000 State grant to continue exploring consolidation, which would have required a \$2,500 town share, however only one other board member was interested in applying. The Comprehensive Plan Steering Committee held an open house for neighborhood associations, which was well-attended and very positive. The Special Joint Committee of the Ithaca Area Wastewater Treatment facility is considering about accepting the alkaline hydrolysis digested animal waste from the Cornell Veterinary School. A resolution had been prepared to accept it, however, since there were members who had not yet read the environmental impact statements from 2002 through 2004 it was decided to postpone the matter until that is completed. Ms. Leary indicated the Wisconsin study referred to by Ms. Kiefer actually indicates the study speaks of persistence of pathological prion protein and how it is resistant to standard wastewater treatments. Anaerobic sludge digestion, the process used by the plant, does not result in significant prion degradation; the solids although larger than what normally is dealt with at the plant do separate out, however, the prions would need to be destroyed prior to acceptance of the animal waste at the plant. She reported the Town is still working on dock regulations to determine whether it should be 40 or 50 feet and is looking at water depth to determine how to accommodate sailboats as well as motorboats.

Ms. Herrera said she had read that prions are implicated in mad cow disease, this was confirmed by Ms. Leary, who said that the alkaline hydrolysis process for a minimum of six hours is adequate to destroy the prions.

Chair's Report

Mr. Koplinka-Loehr reminded Committee Chairs that if they have items coming forward to the Legislature that the Presentation portion is a useful tool to provide information to all Legislators prior to any actions. He then stated he has asked Committee Chairs to have monthly meetings with himself and the County Administrator as well as requesting quarterly meetings for the Legislators and Department Heads to meet. He indicated the meetings are late afternoon times.

Mrs. McBean-Clairborne arrived at this time.

Report from the County Administrator

Mr. Mareane spoke of the Federal Stimulus Package compiled and sent to Albany decision-makers and indicated it was a very professional, concise reflection of the community's requests relating to the Stimulus Package in a short period. He expressed appreciation to the Legislature for the time spent during the process. A more detailed presentation of the proposed budget was made to the Budget, Capital, and Finance Committee at their last meeting. Copies of that information was also provided a hard copy to members of the Legislature. The report indicates there would be a \$2.7 million impact if the Governor's budget is approved intact. There are some items not included as it is impossible to determine what the funding change will be (block grant versus reimbursable funding). He then reported the Governor suggested that the \$500,000 cut in CHIPS funding be restored as part of work to stimulate the economy. He received information from Public Health Director, Alice Cole, that the Bioterrorism funding grant, which was to be a reduction of \$111,000 effective January 1st, has now been extended through August, the original grant date. Mr. Mareane said the Federal Stimulus Package is attempting to

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assist states by increasing their share of Medicaid costs, which reduced the local cost. It appears the amount for this purpose is between \$3.25 and \$4 million, covering a one-time benefit over the course of two years. He will continue to brief individual committees on details on the Governor's budget as it becomes available.

Mr. Proto spoke of the New York State Association of Counties (NYSAC) report on the impact of the Governor's budget and asked if the figures contained were more current than the one provided to the Committee. Mr. Mareane said the one provided by his office has more detailed information on particular programs that would be affected, however it has not been updated with the changes made since the initial survey when the budget first came out. Mr. Proto noted he has sent the NYSAC information to department heads associated with the Health and Human Services Committee and asked they report on the cuts. Mr. Proto spoke of a newspaper article indicating there has been member item funding that was cut. He said the \$25,000 grant designated for the Town of Danby Aquifer Study is one of those items and asked if the County is setting aside funding to assist the project. Mr. Marx, Commissioner of Planning and Public Works, said they are talking to United States Geological Survey to see if the project could continue under the circumstances. At this time none of the work on the project being completed by the County has stopped.

Mr. Mareane requested an executive session at the end of the meeting to discuss labor negotiations.

Ms. Kiefer asked if the Federal funding for Medicaid is on a fiscal or calendar year cycle. Mr. Mareane stated it is calendar years, with fifty-five percent received this year and the balance next.

Ms. Robertson inquired how much is spent in administrative cost for Department of Social Services programs that would now be funded through block grants. Mr. Mareane believes it is \$800,000, however, it would only fund some programs and not others. As an example, Safety Net receives a fifty percent reimbursement, but under the block grant would not have any as it is Federal funding and reimbursement is not allowed; the other program affected is food stamps.

Report from the County Attorney

Mr. Wood had no report. He noted he had handed out a letter and memorandum on litigation to Legislators; if desired the items could be discussed during executive session.

Report from the Finance Director

Mr. Squires reported that a little-noticed part of the Stimulus Package put in by Congressman Rangel, included language that increased the threshold for small bond issues. Previously the County was limited to \$10 million, without the ability to take advantage of holding tax exemptions. It has now increased to \$30 million. He also reported there is anticipated income as a result of the tobacco settlements. A portion was held in escrow for protested payments from 2003, which had to do with a belief the formula used was incorrectly calculated for the annual payments made by the tobacco companies; some of the funds are being released.

Mr. Proto asked the status of potential foreclosures. He was informed there are 16 properties in foreclosure and the number is anticipated to be 12 at the time of the foreclosure auction. He spoke of having completed an analysis of funds set aside to cover uncollected taxes in comparison to other counties. It was determined we have too much set aside as our write-offs have been very low over the past five years. Tompkins County has ten percent of receivables for property taxes (\$1.3 million) and other counties are as high as fifty to sixty percent as it takes them longer to collect the taxes.

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Addition to and Withdrawal of Resolution(s) from the Agenda

There were no resolutions(s) added to or withdrawn from the agenda.

Approval of Appointment(s) Under the Consent Agenda

It was MOVED Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote, to approve the following appointment(s) under the Consent Agenda:

Soil and Water Conservation District – terms expire December 31, 2011

Greg Stevenson – Legislator

Frank Proto – Legislator

Ernest N. Warren Supreme Court Library Board of Trustees

Dooley Kiefer – Legislator; term expires January, 2012

Agricultural and Farmland Protection Board

Neil Stevenson – Farmer representative; term expires December 31, 2010

Water Resources Council

Gregg W. McConnell – Agriculture representative; term expires December 31, 2011

Resolution(s) Approved Under the Consent Agenda

It was MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote, to approve the following resolution(s) under the Consent Agenda.

RESOLUTION NO. 25 - AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., FOR DESIGN AND BIDDING SERVICES OF RUNWAY 32 LOCALIZER ARRAY RELOCATION PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the construction of full 1,000-foot safety areas at both ends of the runway was mandated by the Federal Aviation Administration (FAA) and said construction took place in 2008, and

WHEREAS, the addition of pavement to the departure end of Runway 32 has brought aircraft operations to within 502 feet of the Localizer Array, a necessary component of the airport instrument landing system that provides navigation aid to landing aircraft, and

WHEREAS, the FAA's acceptable minimum separation distance between operating aircraft and the Localizer Array is 600 feet, and

WHEREAS, the airport applied for a waiver to the FAA, which was denied, and

WHEREAS, the FAA now insists that the Localizer Array be relocated so that the separation distance meets the minimum distance standard, and

WHEREAS, the airport's engineering consultant, C&S Engineers, Inc., of Syracuse, New York, has proposed designing the Runway 32 Localizer Array Relocation project for a price not to exceed \$39,887.00, with the funding for said design project being as follows:

Federal Aviation Administration Share	(95.0%)	\$37, 893
New York State Department of Transportation Share	(2.5%)	\$ 997
Local Share	(2.5%)	\$ 997
	Total	\$39, 887

, now therefore be it

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RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the agreement with C&S Engineers for \$39,887 be and hereby is approved, subject to Federal Aviation Administration and New York State Department of Transportation funding being received,

RESOLVED, further, That the local share of \$997 will come from the airport's operational budget,

RESOLVED, further, That the County Administrator is authorized to execute the required documents and the Finance Director is authorized to advance payment for these services until reimbursement is received from the Federal Aviation Administration and New York State Department of Transportation.

SEQR ACTION: TYPE II - 2

RESOLUTION NO. 26 - AWARD OF BID – MISCELLANEOUS IMPROVEMENTS AT THE RECYCLING AND SOLID WASTE CENTER

MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the Tompkins County Finance/Purchasing Department has duly advertised for bids for Miscellaneous Improvements at the Recycling and Solid Waste Center for resurfacing the outbound scale deck, pavement extension, and pavement striping/directional marking, and

WHEREAS, three (3) bids were received and publicly opened and read on December 22, 2008, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Streeter Associates, Inc., of Elmira, New York, as the lowest responsible bidder at \$82,000,

RESOLVED, further, That the County Administrator, or his designee, is hereby authorized to enter into contracts with the successful contractor and to execute change orders of up to ten (10) percent of the contract total,

RESOLVED, further, That the Solid Waste Division be authorized to implement this bid on behalf of the County, funds being available in Capital Account HH8160.4442.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 27 - AUTHORIZATION TO EXECUTE FUNDING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION – BRIDGE PAINTING, VARIOUS LOCATIONS

MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, a Project for Bridge Painting, Various Locations, P.I.N. 3754.20, (the "Project") in Tompkins County, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of eighty percent Federal funds and twenty percent non-Federal funds, and

WHEREAS, in order to expedite advancement of the Project and realize potential total project cost reductions, the Highway Division sought permission from the New York State Department of Transportation to administer the project locally, and

WHEREAS, the New York State Department of Transportation requires for locally administered projects that the County appropriate one hundred percent (100%) of the project costs and then file for reimbursement of eligible costs, and

WHEREAS, the County of Tompkins desires to advance the above project by making a commitment of one hundred percent of the non-Federal share of the costs of Scoping and Design, now therefore be it

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RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby approves the above-subject project,

RESOLVED, further, That the Tompkins County Legislature hereby authorizes the County of Tompkins to pay in the first instance one hundred percent (100%) of the Federal and non-Federal shares of the cost of Scoping and Design work for the subject Project or portions thereof,

RESOLVED, further, That the sum of \$31,000.00 is hereby made available within account D5111.54411, Bridge Contracts, to cover the cost of participation in the above phases of the Project,

RESOLVED, further, That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof,

RESOLVED, further, That the Tompkins County Highway Manager be and is hereby authorized to execute all necessary Agreements, certifications, and reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tompkins with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first-instance funding of Project costs and permanent funding the local share of Federal-aid and State-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible,

RESOLVED, further, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project,

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

SEQR ACTION: TYPE II - 1

RESOLUTION NO. 28 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE TOWN OF DRYDEN TO IMPLEMENT THE AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT AND CO-HOLD A CONSERVATION EASEMENT ON THE JERRY DELL FARM

MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, it is in the interest of Tompkins County and its residents to support farm operations and protect valuable agricultural resources for their contribution to the local economy, as a local source of food and other products, and as an important contributor to the quality of life in rural communities, and

WHEREAS, the Town of Dryden, in partnership with Tompkins County, has been awarded a New York State Agricultural and Farmland Protection Implementation Grant for the purchase of development rights on the approximately 423 acres of Vaughn, Susan, and Trever Sherman's Jerry Dell Farm in the Town of Dryden, New York, and

WHEREAS, the farm is in the heart of an agricultural district and an area designated in the Tompkins County Comprehensive Plan and the Town of Dryden Comprehensive Plan as important to the region's agricultural base, and

WHEREAS, the Tompkins County Agricultural and Farmland Protection Board endorsed the application to the New York State Department of Agriculture and Markets for grant funding for this project, and the New York State Department of Agriculture and Markets selected this farm for protection under the highly competitive Farmland Protection Implementation Grant (FPIG) program, and

WHEREAS, if the project is unsuccessful and an easement is not acquired, New York State is not legally obligated to reimburse local partners for out-of-pocket expenses associated with the project for such items as survey, appraisal, and outside legal fees (though New York State Department of Agriculture and Markets staff has stated that efforts will be made to reimburse the costs), and

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WHEREAS, the Town of Dryden is Lead Agency under State Environmental Quality Review (SEQR) for this project and has conducted a SEQR review and determined that the proposed action will not result in any significant adverse environmental impacts, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County concurs with the Town's negative determination of significance under SEQR for this project,

RESOLVED, further, That the County Administrator be authorized to enter into an agreement with the Town of Dryden to implement that project and to co-hold, maintain, and enforce an agricultural conservation easement on the Jerry Dell Farm in perpetuity,

RESOLVED, further, That the agreement will include provisions for the Town and County to split the costs of any unreimbursed out-of-pocket expenses (not to exceed \$12,500 each) in the event that the New York State Department of Agriculture and Markets does not fully reimburse those costs.

SEQR ACTION: Unlisted
(SEQR review has been completed by the Town of Dryden)

RESOLUTION NO. 29 - AUTHORIZATION TO ACCEPT AN AWARD OF A GRANT FROM THE COMMUNITY FOUNDATION

MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the County Administrator has been notified of a grant award from the Community Foundation in the amount of \$10,000 to create an Innovation in Management Excellence program, and

WHEREAS, the innovation grant represents a means of creating a system that encourages Tompkins County managers and employees to collaborate on fresh and innovative concepts that lead to streamlined and/or cost-effective processes, and

WHEREAS, the County Administrator shall be responsible for the design and implementation of the innovation program, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the County Administrator or his designee execute all contracts and documents related to this award, and

RESOLVED, further, That the Director of Finance is directed to make the following adjustments:

Revenue:	1239.42705	Gifts and Donations	\$10,000
Expenditures:	1239.54400	Innovation in Management Excellence	\$10,000

SEQR ACTION: TYPE II-20

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

Ms. Mackesey, Chair, reported the Committee met on February 18. The Committee received a report from Julia Mattick on how the Stimulus Plan income would increase youth employment programs. Ms. Mackesey said the majority of the meeting related to the joint County/Cornell University/City of Ithaca housing programs, with the substance of the discussions reflected in the resolutions.

RESOLUTION NO. 30 - SUPPORT FOR THE CONTINUATION OF THE EMPIRE ZONE PROGRAM

MOVED by Ms. Mackesey, seconded by Ms. Kiefer. Mr. Proto stated he removed the resolution from the Consent agenda to highlight the positive things the program has done for the County.

Ms. Robertson noted the program is entirely State funded and provides incentives, not unlike the Industrial Development Agency, but does not give tax abatements. Although the program was originally

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in jeopardy when the Governor's proposed budget was first issued, the Governor has now indicated it may be worthwhile to maintain the program to aid in stimulating the economy by providing jobs.

Mr. Shinagawa said he supports this resolution and spoke of how well the County runs its program. Although there were serious concerns regarding the program elsewhere across the state, particularly a lack of accountability, Tompkins County has not had that experience.

Mr. Sigler said although there were publicized problems regarding the Empire Zone Program, he agrees the County has not seen those problems locally. He would like to have the entire state eligible for the incentives rather than specific locations.

Mr. Proto agreed with Mr. Shinagawa's statements. He said local reports are good and he is pleased the Governor withdrew his proposals regarding the program.

Mr. Hattery said the program has been around for a period long enough to put internal accountability criteria in place. He said at the last Empire Zone Administrative Board meeting many positive things were discussed, including Mr. Sigler's desire to have the entire state eligible.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, fostering the growth of business and employment in a variety of business and industry sectors is essential to building a thriving and sustainable economy that improves the quality of life in Tompkins County, and

WHEREAS, the Empire Zone Program was created to be the primary vehicle to stimulate economic growth and revitalization in struggling local economies throughout New York State, and

WHEREAS, the Empire Zone Program is performance based, rewarding, with state income tax credits, only those businesses that make capital investments and/or create jobs, and

WHEREAS, the Empire Zone Program was modified in 2005 to close costly loopholes that unfairly rewarded non-performing businesses, and

WHEREAS, the Tompkins County Empire Zone was created in July 2006 and though still in its infancy, has already shown great promise to enhance efforts to retain, expand, and attract targeted businesses, and

WHEREAS, in calendar year 2007, Empire Zone incentives leveraged an investment of over \$27.6 million by Tompkins County's 33 certified businesses and those firms employed 2,208 people and created 204 new jobs in 2007, and

WHEREAS, local Zone Administrators have a more comprehensive and detailed understanding of local business and industry needs, and economic and workforce development goals that best position them to administer local Zones in partnership with State government, and

WHEREAS, the Governor's 2009-2010 budget has proposed sweeping changes to the Empire Zone Program that may lead to litigation, company relocation, and a loss of credibility to New York's economic development efforts, and

WHEREAS, increasing New York's already high cost of doing business by significantly cutting the State's business development budget and tarnishing the credibility of our economic development efforts would make New York less competitive, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That in anticipation of growth, success, and the promise of new job creation within the Empire Zones, the Tompkins County Legislature hereby requests the State of New York continue its Empire Zone Program beyond 2011 to June 30, 2017,

RESOLVED, further, That the State of New York maintain the current state and local administrative partnership structure,

RESOLVED, further, That the Tompkins County Legislature hereby requests the support of each and every Zone municipality in the State of New York in an effort to maintain the continued operation and stimulus that the New York State Empire Zone Program offers,

RESOLVED, further, That the Tompkins County Legislature Clerk is authorized to forward this resolution in support of continuing the Empire Zone Program to Governor David A. Paterson, Senate

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Majority Leader Malcolm Smith, Senate Minority Leader Dean Skelos, Senator George Winner, Senator James Seward, Senator Michael Nozzolio, Assembly Speaker Sheldon Silver, Assembly Minority Leader James Tedisco, Assemblywoman Barbara Lifton, Empire Zone Program Director Randal Coburn, and the New York State Association of Counties.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 31 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE CITY OF ITHACA AND CORNELL UNIVERSITY TO DEVELOP AND ADMINISTER THE HOUSING AFFORDABILITY PROGRAM AND THE HOUSING TRUST PROGRAM

MOVED by Ms. Mackesey, seconded by Ms. Robertson. Ms. Mackesey said the resolution is the result of work by many individuals over the course of the past 1.5 to 2 years and she appreciated the efforts it has taken. She noted the agreement reflects compromise and lengthy discussions, with everyone believing it to be a good document and program. She commended all involved and recommends approval.

Ms. Robertson also extended her compliments to the staff and hopes that the City of Ithaca would take action at their next meeting. She extended appreciation to Cornell University for their funding and commitment represented, knowing that times are hard and the full housing program they are planning may take longer than originally planned. She spoke of Mr. Marx indicating developers are prepared to take advantage of the program.

In response to questions from Mr. Proto, Mr. Marx indicated the County is the first to authorize the agreement and that there would be periodic reports to the Legislature. Additionally, each grant award would require approval by the Legislature. Mr. Proto then asked if the program would have any tax abatements as allowed by the Industrial Development Agency and Agricultural Exemption Program. He was informed the Housing Trust Program puts the land in non-profit ownership status, which limits the amount of appreciation taken at the time of sale in order to keep the housing affordable, therefore the benefit is passed to the next homeowner. Mr. Proto asked if a list of local preferred developers is being created, stating he has had individuals express an interest. Mr. Marx said no; it would be a competitive application process; pre-grant announcements/public information sessions would be utilized to inform the public of the programs. Mr. Proto inquired if Ithaca Neighborhood Housing Services (INHS) is responsible for outreach and review of projects and was informed that any not-for-profit agency could recommend applicants for the process and they are not reviewing applications.

Ms. Kiefer made suggested language changes to the resolution, which was accepted as friendly. She then said spoke of the Notice of Funding Ability point awarding system, which added up to 100 points noting that if the total were changed to 120 points, it would be possible to amend the scoring for the smart growth and green building from 10 points to 20. She said that it would be consistent with the County's desire for smart growth and green building. The change was accepted as friendly.

Mr. Hattery does not support the resolution as he does not believe it is appropriate to have a not-for-profit created to hold in trust value of the parcels some of which could potentially be in communities he represents. He stated he had voted against it when it came before the Budget and Capital Committee. It is unknown at this time who specifically would hold portions of the value of parcels in the community he represents. Not knowing who the make-up of the Board would be holding the land there is no guarantee of their reflecting into perpetuity the interests of the communities in his district. He doesn't believe it would be appropriate to have INHS's Board making decisions on property located in his district.

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Ms. Chock expressed support of the resolution, noting housing needs have been recognized for many years. She spoke of how the land trust would assist in maintaining affordability for low-income individuals and that it would encourage planning of projects, with private contractors getting contracts. She spoke of a desire to have a fund established to continue to offer affordable housing. Ms. Chock noted that she has a family connection with Ithaca Neighborhood Housing and said the County Attorney has indicated that at this point there was no conflict to disallow her vote on this particular resolution.

Ms. Herrera said the resolution is striving for the goal of 4,000 new housing units. She indicated a desire to have specific language in the Notice of Funding Ability (NOFA) regarding membership. It was explained the County representatives would be one member of the Legislature or a Senior Administrator, and the other two could be from a financial institution, real estate representative, Economic Development, etc. Ms. Herrera will support the resolution but would like to further discuss the membership with the entities and come back with a recommendation.

Ms. Robertson said she believed staff would recommend the membership described by Ms. Herrera to the Legislature, that it is inappropriate to tell the City of Ithaca or Cornell University how to determine members. She then stated the homeowners would be paying taxes for the value of the house. She spoke of working with Rolf Pendall, Cornell University City and Regional Planning Professor, who teaches that in Upstate New York, who indicated that at present housing becomes affordable when it deteriorates; this plan would provide affordable housing that is not unsafe or inadequate.

Mr. Stevenson indicated the weighted point system made by Ms. Kiefer is unwise, noting there is four times more weight given for smart growth versus permanent affordability and likelihood of success. He believed the original point system was appropriate and will not support the resolution.

In response to a question by Mr. Proto, Mr. Marx explained the actual housing unit would be fully taxed and the land is negotiable and up to the municipality whether to provide tax exemption. Mr. Proto then inquired about the section that referred to encouraging urban or growth nodes with public transportation at the sites. He expressed concern that it would not allow for projects in areas without infrastructures in place. Mr. Marx said it is not designed to exclude areas not yet developed. The intent is to meet smart growth, yet it would not automatically eliminate a proposed project if infrastructure were not there. It was then explained that there is flexibility to amend portions of the Memorandum of Understanding and NOFA. The NOFA could be changed without coming back to the Legislature, however, amendments to the Memorandum of Understanding would require Legislature approval. Also noted was each party had the right to veto funding for a project if desired.

Mrs. McBean-Clairborne was provided information regarding mixed use, the example being retail space could be present on one floor of a building with housing on others. The grant would only be provided for the housing portion, not the retail area of the building. It was also noted there is no housing trust in place at this time. Ithaca Neighborhood Housing Services has been working on becoming one but the proposals before the Legislature would not exclude others to participate. The existing housing agencies felt it would be better to have one agency responsible for a housing trust rather than multiple agencies undertaking the trust. Mrs. McBean-Clairborne expressed agreement with Mr. Stevenson's comments regarding the point system.

Ms. Chock said Ithaca Neighborhood Housing Services has not committed to undertake the proposed land trust. At this time, they have 2-3 single house trusts, and have received a grant to assist in developing the housing trusts. With regard to the membership, Ms. Chock suggested language that was accepted as friendly regarding recommendation of membership to the program oversight committee.

Ms. Herrera said it wasn't her intention that the membership go through the Committee, rather she would like to see the decision removed from the political sphere and perhaps have the appointment

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made by the Chair of the Legislature. She believes the Legislative body is not in a position to have the appropriate knowledge to make the determination of members.

Ms. Robertson strongly recommended support for the resolution as it would provide a tremendous opportunity for residents to afford to reside in Tompkins County. She said with regard to the trust, the majority of value is in the housing unit that would be owned by families.

Mr. Burbank said Ms. Kiefer's suggestions are only a proposal to the NOFA and not critical to the resolution. He hopes the resolution would be passed as the need for housing assistance is long overdue.

Mr. Koplinka-Loehr said he supports the resolution, which indicates innovative work and addresses a longstanding need in the county.

Ms. Kiefer spoke of Mr. Hattery's concern and said wherever the housing is sited would require conformity with comprehensive plans and local zoning regulations. The location would be fixed and if the land is held it keeps the appreciation down, making it affordable; she doesn't understand his concern.

Mrs. McBean-Clairborne said the questions and suggestions are appropriate actions to take as a Legislature for clarification purposes. She believes people do support affordable housing but need to have questions answered.

Ms. Robertson said she hopes that people would not vote against the resolution for minor items within the resolution.

Ms. Herrera expressed her belief the matter is being politicized by requesting how the members are chosen. She will support the resolution.

A roll call vote on the resolution resulted as follows: Ayes – 13, Noes – 2 (Legislators Hattery and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the County received Small Cities Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) in 1993, 1994, 1996, 1997, 1998, and 1999, and through the State of New York in 2000, 2002, 2005, and 2007 for the purpose of continuing its successful existing home-mortgage program for first-time homeowners, and

WHEREAS, the County used these funds for homeownership assistance loans, repayment of which began in September 1995 and, under the rules of the HUD Small Cities Program, these program income funds must be re-spent for like purposes as the original grants, and

WHEREAS, the Tompkins County Housing Needs Assessment, dated August 1, 2006, emphasizes the need for strategic partnerships, and

WHEREAS, the Tompkins County Housing Strategy, dated June 19, 2007, outlines four strategies that can be utilized in combination to achieve our goal to create approximately 4,000 new housing units within the next ten years including a community housing trust and community housing affordability fund, and

WHEREAS, a proposal has been developed whereby Tompkins County, Cornell University, and the City of Ithaca would jointly fund both a Community Housing Affordability Program and a Community Housing Trust Program, and

WHEREAS, the Community Housing Affordability Program is proposed as a locally funded and administered program that assists with the pre-development costs associated with residential and mixed-use real estate development projects primarily benefiting low- and moderate-income households, and the Community Housing Trust Program is a program designed to ensure that newly constructed or rehabilitated homes that are made available to low- to moderate-income households remain affordable to future generations of buyers, now therefore be it

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RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget, Capital, and Finance Committees, That Tompkins County shall provide funding to be loaned and/or granted pursuant to designated funding opportunities through a Notice of Funding Availability for the Community Housing Affordability Program and the Community Housing Trust Program, in a cumulative amount not to exceed six hundred thousand dollars (\$600,000.00) over six years,

RESOLVED, further, That Tompkins County accepts and approves the Memorandum of Understanding among the County of Tompkins, the City of Ithaca, and Cornell University with regard to the Community Housing Affordability Program and the Community Housing Trust Program, provided that during the approval process revisions may be made to the Memorandum of Understanding that do not substantially or materially alter the intent or substance of the Memorandum of Understanding and that are reviewed and approved by the County Attorney and the Commissioner of Planning and Public Works,

RESOLVED, further, That the appropriate committee of the Tompkins County Legislature recommend appointments, subject to the approval of the Tompkins County Legislature, of three representatives to the Program Oversight Committee, which will serve as the oversight and administration entity for the Community Housing Affordability Program and the Community Housing Trust Program,

RESOLVED, further, That the Tompkins County Planning Department will provide administrative support for the Program Oversight Committee for the term covered by the MOU until and unless other arrangements are made by the Program Oversight Committee,

RESOLVED, further, That Tompkins County accepts and approves the Notice of Funding Availability for the Community Housing Affordability Program and the Community Housing Trust Program subject to review and modification by the Program Oversight Committee provided that such revisions do not materially change the intent of the Programs and will be subject to County Attorney and Commissioner of Planning and Public Works review and approval,

RESOLVED, further, That Tompkins County shall initially capitalize the first year of the Community Housing Affordability Program and Community Housing Trust Program with a cash balance of one hundred thousand dollars (\$100,000), such amount to be derived from County's CDBG Homeownership Program Income Funds, and That the Finance Director is authorized and directed to make the following budget adjustment:

Revenue	8695	Appropriated Fund Balance	\$100,000
Appropriation	8695.54400	Program Expense	\$100,000

RESOLVED, further, That the funding will be for a term of one year with an end date of December 31, 2009, or until the completion of two application cycles, whichever is later, and shall automatically be renewed at a rate of \$100,000 per year up to a total of six years, consistent with the terms of the MOU,

RESOLVED, further, That the County Administrator or his designee is authorized to execute agreements in order to effect this grant program consistent with this resolution.

SEQR ACTION: TYPE II - 20

Recess

Mr. Koplinka-Loehr declared a recess at 7:40 p.m. The meeting reconvened at 7:47 p.m.

Report and Presentation of Resolution(s) from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on February 19th, with most of the discussions reflected in resolutions presented. The Committee received the annual report from the Weights and Measures Department and noted the excellent job being done by Director Don Ellis. She noted revenues were less than anticipated due to business cutbacks and closures and it is hoped the trend does not continue. With the anticipated reductions, the 2010 budget would reflect the decreases. The Committee also approved the request to seek bid proposals for biodiesel fuel for the Alternative Fuel Consortium, which includes the County, local colleges, and schools; a resolution for bid approval would come back to the Committee when complete.

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RESOLUTION NO. 32 - AUTHORIZING ACCEPTANCE OF A (PHASE I) FEDERAL AVIATION ADMINISTRATION (FAA) GRANT TO PURCHASE A NEW TWENTY-FOUR FOOT SNOWPLOW WITH UNDERBODY SCRAPER AND SPREADER - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Randall, and unanimously adopted by voice vote. RESOLUTION ADOPTED.

WHEREAS, the County has received a (Phase I) grant offer from the Federal Aviation Authority (FAA) in the amount of \$418,042 to assist with the purchase of a new twenty-four-foot snowplow, and WHEREAS, the budget for purchase of the new snowplow is as follows:

Federal Aviation Administration Share	\$418,042
New York State Department of Transportation Share	\$ 11,212
Local Share	\$ 19,218
Total	\$448,472

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the grant offer from the Federal Aviation Administration of \$418,042 be accepted and the County Administrator be authorized to execute the required documents,

RESOLVED, further, That the local share of \$19,218 has already been factored into the Airport's 2009 operational budget.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 33 - AWARD OF BID – NEW TWENTY-FOUR-FOOT SNOWPLOW WITH UNDERBODY SCRAPER AND SPREADER –ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Randall. A brief discussion followed concerning the dollar amounts noted in the third Whereas. There was agreement to change the amounts to reflect the same numbers in Resolution No. 32 above and to add a Whereas explaining the intended funds to be received by the Federal Aviation Administration.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Finance Department has duly advertised for bids to purchase a high-speed twenty-four-foot snowplow with underbody scraper and spreader for the Ithaca-Tompkins Regional Airport, and

WHEREAS, one (1) responsive bid was duly received as follows:

Tracey Road Equipment, Syracuse, New York	\$448,472
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, and

WHEREAS, the budget for said snowplow is as follows:

Federal Aviation Administration Share	\$418,042
New York State Department of Transportation Share	\$ 11,212
Local Share	\$ 19,218
Total	\$448,472

, and

WHEREAS, a Phase II federal entitlement grant, to include the remaining \$8,006 Federal share, is expected to be received from the FAA within the next few weeks, now therefore be it

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RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That subject to grants being received from the Federal Aviation Administration (FAA) and the New York State Department of Transportation (NYSDOT), the bid be awarded to Tracey Road Equipment with a bid of \$448,472,

RESOLVED, further, That the local share be derived from the airport budget and that the Finance Director be authorized to advance payments for this piece of equipment until reimbursement is received from the Federal Aviation Administration and New York State Department of Transportation.

SEQR ACTION: TYPE II-25

Report and Presentation of Resolution(s) from the Government Operations Committee

Mr. Shinagawa, Chair, said the Committee has not met since the last Legislature meeting. He has been meeting with Personnel and Administration regarding the development of goals and Ms. Kiefer joined him for one meeting. He anticipates two areas of focus, performance management and personnel and employee recognition. In addition, administrative policies will be reviewed, including diversity. He spoke of Mr. Estes, Deputy Personnel Commissioner, and Chair of the Diversity Consortium, having developed a database of twenty diverse candidates and hope to increase the number to one-hundred candidates. It is hoped to have twenty-five percent of County Departments become individual members of the Diversity Consortium. He spoke of a review of Civil Service Law and the feasibility of reform and will be meeting with State representatives. He will provide the goals to members by the next meeting.

Mr. Proto inquired if there are any updates regarding the Board of Elections voting machines and training associated with them. He noted Mr. DeWitt, Election Commissioner, is awaiting funds for this training. Mr. Shinagawa said he would try to place this item on an agenda if time allows, or if not possible, would obtain a written update from Board of Elections and provide a report.

Mr. Shinagawa said the Committee meeting on March 13th would include discussions on salaries, caucuses, a position in Administration, and the Employee Free Choice Act.

RESOLUTION NO. 34 - APPROVAL OF 2009 SUCCESSION OF MEMBERS OF THE COUNTY LEGISLATURE TO SERVE IN THE ABSENCE OF THE CHAIR AND VICE CHAIR

MOVED by Mr. Shinagawa, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote. RESOLUTION ADOPTED.

WHEREAS, Section 2.06 of the County Charter, specifies the succession of members of the Legislature be designated annually by resolution to serve in the absence of the Chair and Vice Chair, and

WHEREAS, the Government Performance and Workforce Relations Committee recommends the chairs of standing committees be designated taking into consideration availability and Legislative experience, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the following order of succession of County Legislators for the year 2009 or until successors are appointed be approved to serve in the absence of the Chair and Vice Chair:

Chair, Health and Human Services Committee

Chair, Public Safety Committee

Chair, Budget, Capital and Finance Committee

SEQR ACTION: TYPE II-20

RESOLUTION NO. - ESTABLISHING A PROCESS TO FILL VACANCIES OR CHANGE POSITION CLASSIFICATIONS

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MOVED by Mr. Shinagawa, seconded by Mr. Sigler. Mr. Shinagawa indicated Ms. Kiefer has been working on adjusting the resolution to reflect concerns some Legislators share as well as some union employees about the apparent diminution of the reclassification process. Ms. Kiefer explained her amendments and has met with the County Administrator to review her suggestions. She noted Mr. Mareane is not in agreement with her additional “resolved” paragraphs and therefore would like to move to have the resolution go back to committee. Mr. Shinagawa does not want it to go to Committee and believes it could be handled on the floor.

It was MOVED by Ms. Kiefer, seconded by Ms. Mackesey, to send the resolution to the Government Performance and Workforce Relations Committee. Ms. Mackesey believes the resolution needs to go back to Committee for further discussion.

Ms. Chock asked for more information regarding the resolution and if it has the support of the Commissioner of Personnel.

Ms. Herrera spoke of her support of labor; she feels the resolution is an effort to allow the process to work more smoothly. She said it would eliminate the potential for micromanaging and maintain Legislature oversight. She does not support sending it to Committee.

Ms. Robertson spoke of having been at both Committee meetings and that not all Committee members were present; she supports sending the resolution back to Committee.

Mr. Sigler appreciated what Ms. Robertson said, but believes it has a lot of support within the organization, therefore will support the resolution.

Mr. Hattery, noted the Commissioner of Personnel is supportive of the resolution.

Mr. Shinagawa said Ms. Kiefer had provided him with the suggested amendments and believes they could be explained for a vote to occur.

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Stevenson, to call the question. A voice vote to call the question resulted as follows: Ayes – 13, Noes – 2 (Legislators Chock and Robertson). MOTION TO CALL THE QUESTION APPROVED.

A voice vote on the motion to send the resolution back to the Government Performance and Workforce Relations Committee resulted as follows: Ayes – 7 (Legislators Burbank, Chock, Kiefer, Mackesey, McBean-Clairborne, Proto, and Robertson) ; Noes – 8 (Legislators Dennis, Hattery, Herrera, Koplinka-Loehr, Randall, Shinagawa, Sigler, and Stevenson). MOTION FAILED.

Mr. Shinagawa provided a brief description of the original intent of the resolution and that Ms. Kiefer’s recommended changes suggest reclassifications should be determined by the Commissioner of Personnel, with final filling of vacancies determined by the County Administrator. In addition, Ms. Kiefer’s suggestions speak of an appeal process as well. He believes the resolution would be acceptable with the suggested changes.

Ms. Herrera said that with regard to comments made about temporary members at the Budget, Finance, and Capital Committee, she had arrived at the time set on the agenda, 3:30 p.m., and that others thought the meeting was to begin at 3:00 p.m. Upon arrival the meeting had already started, which she found to be highly irregular. She wanted to be certain the record reflects she was not absent.

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Ms. Kiefer reviewed her recommendations [noted within the resolution], which Mr. Shinagawa considered to be friendly.

Ms. Herrera indicated she would like to make a motion to separate the suggestions.

Mr. Sigler said the resolution was written and had gone through committee; he did not consider all the recommendations friendly.

At this time, Mr. Shinagawa withdrew the resolution to review it at the next Government Performance and Workforce Relations Committee. RESOLUTION WITHDRAWN.

WHEREAS, labor costs represent the largest single expenditure in nearly all governmental budgets, including the budget of Tompkins County, and

WHEREAS, the County's ability to respond to changing economic and budgetary conditions depends in large measure on its ability to control its labor costs, in part through the strategic management of normal workforce attrition, and

WHEREAS, the decision to fill a vacant position currently rests with the affected department head, and

WHEREAS, County department heads have managed this process responsibly, basing the hiring decision on both the need for the position and the resources within the department to support the cost of the position, and

WHEREAS, while the current decision-making process can and does consider the budgetary resources of the department, the process does not allow for consideration of the overall resources and current and future budget conditions of the entire County, and

WHEREAS, a central, fiscally-based review of departmental recommendations to fill vacant and to reclassify existing positions would enhance the County's ability to maintain a balanced budget, and

WHEREAS, the fiscal challenges facing the County are expected to grow as the result of a global economic downturn that has had a particularly severe impact on New York State, resulting in a projected 2009-10 State budget deficit of \$13.7 billion and increasing the need for the County to respond to rapid budget changes, and

WHEREAS, the County Legislature, which is responsible for resource allocation and spending, desires to establish a *revised* process to review the necessity for filling vacant positions ~~or changing position classifications~~ to provide an additional tool to manage the County's finances, and

WHEREAS, this process shall include the review and approval of requests to fill any permanently or temporarily unfilled position, including positions unfilled by virtue of the incumbent's disability, Project Assistant positions, or requests to increase hours of existing employees for the purpose of assuming the caseload or workload of a vacated position for the duration of the vacancy, ~~now therefore be it~~ **and**

WHEREAS, the County recognizes its obligation to address imbalances between the classification of a job title and the responsibility actually assigned to an incumbent in that title by either reclassifying the position or adjusting responsibilities to reflect the existing classification, and

WHEREAS, requests to reclassify an existing position to reflect the actual work responsibilities should continue to be handled by the Personnel Commissioner, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations, and the Budget, Capital, and Finance Committees, That any and all personnel changes, including filling vacant positions and reclassifying existing positions, shall be subject to review by the Commissioner of Personnel and County Administrator, ***with the final authority for reclassification resting with the Personnel Commissioner and final authority for filling vacancies and deciding if the County can afford the reclassification resting with*** ~~and final approval by~~ the County Administrator,

RESOLVED, further, That the County Administrator shall report to the appropriate standing committee responsible for personnel on a monthly basis regarding the status of all vacant positions or reclassifications requested by department heads, and such report shall be distributed to the full Legislature,

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RESOLVED, further, That if the County Administrator decides to hold a position vacant, but after three months the effected Department Head believes that decision is negatively effecting the department's ability to meet its obligations, the Department Head may appeal the holding of the vacancy to the County Administrator and thereafter, if necessary, to the {Legislature/Legislative Committee responsible for personnel},

RESOLVED, further, That relevant committees shall update related County policies and procedures.

SEQR ACTION: TYPE II-20

Report and Presentation of Resolution(s) from the Budget and Capital Committee

Mr. Dennis, Chair, stated an error had been made regarding the meeting time listed on the agenda, that in fact the meeting was originally designated to start at 3:00 p.m. Upon recognition of the error, Mr. Dennis called to notify Ms. Herrera, and Mr. Koplinka-Loehr had designated himself and Ms. Robertson as temporary members to make quorum. Mr. Dennis takes exception to the comments made as a result of a clerical error. Mr. Dennis reported the Health Consortium Consultant, Mr. Locey, explained the work being done to consolidate health insurance and the savings it would provide. As a result of the confusion regarding the meeting time, the Committee agreed to amend the time for meetings to 3:30 p.m.

RESOLUTION NO. - SUPPORTING THE "FAIR SHARE TAX REFORM ACT OF 2009" IN THE NEW YORK STATE LEGISLATURE, TO IMPROVE EQUITY IN TAXATION FOR NEW YORKERS AND HELP CLOSE THE STATE'S PROJECTED BUDGET GAP

It was MOVED by Mr. Dennis, seconded by Ms. Robertson. Ms. Herrera spoke in support of the resolution but believed it would be too long.

Mr. Proto challenged the resolution and procedure, noting if it passed he would bring forward an Article 78. He explained his belief that the Rules of the Legislature state the Chair may make temporary appointments to fill vacancies in a Committee caused by absence when necessity exists, which he stated should be an exception rather than a rule. He spoke of temporary members being present and does not believe it is appropriate to move forward.

It was MOVED by Mr. Proto, seconded by Mr. Hattery to table the resolution indefinitely. A voice vote on the motion resulted as follows: Ayes – 4 (Legislators Hattery, Proto, Randall, and Sigler); Noes – 11. MOTION TO TABLE FAILED.

Mr. Proto suggested the procedure was in violation of Rule 13 and asked that any action be deferred until the Legislature Rules and Procedure Committee has reviewed the matter. He strongly objects to having temporary members assigned to Committees when an emergency situation does not exist. Mr. Koplinka-Loehr took the suggestion under advisement but declined to refer the resolution to Committee.

Ms. Robertson clarified she was present at the Committee meeting as a result of the resolution she was submitting to the Committee, therefore it was due to the lack of quorum she was appointed a temporary member. She indicated her belief the matter is time-sensitive and should be brought forward now while the State is voting on the issues involved. She believes the information and proposal within the resolution would affect the budget and individual citizens, as it would reduce the strain on the low-/and middle-class workers, and that individuals earning \$250,000 and above should pay their share to help resolve the budget gap.

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Mr. Shinagawa stated he had informed the Legislature he would not be in attendance at the next meeting. He notified Mr. Dennis and left it to his discretion to notify the Chair if he felt temporary appointment of a member was necessary. He acknowledged his support of the resolution.

Mr. Sigler stated he believes this to be a poor public policy and that it implies a particular group is not paying their fair share of taxes. He would rather see a more progressive tax. In addition, he feels he is responsible to represent not only the 9,000 constituents in his district, but the total County as well and does not feel it is correct to weigh in on a State issue. He believes that it would not raise the money required to offset the deficit, rather, people would be spending less, therefore there would be less revenue from sales tax.

Mr. Stevenson said the debate is separate from the issue brought up by Mr. Proto. He would support it if it comes to a vote but asked if it could be sent back to Committee. Mr. Koplinka-Loehr said it could go back but it is the desire of the individual presenting the resolution to go forward at this time.

Mr. Proto indicated he is attacking the process, not individuals. He believes in order to raise money, the State should be encouraged to seek internet sales tax as well as individuals who earn cash and do not pay taxes.

At this time Mr. Koplinka-Loehr granted Mr. Dennis permission to withdraw the resolution. Mr. Dennis said he will take it back to Committee for further discussion. RESOLUTION WITHDRAWN

WHEREAS, New York State faces a budget gap of at least \$13 billion in the 2009-2010 fiscal year, and

WHEREAS, the Executive Budget proposes billions of dollars in cuts to schools, healthcare providers, and other essential community services, which will lead to increases in class sizes, teacher layoffs, hospital and nursing home closings, longer wait times in emergency rooms, and deep cuts to hundreds of important programs such as housing assistance and homeless shelters, and

WHEREAS, the Governor has also proposed some 137 new taxes and fees, such as reinstating the state sales tax on clothing under \$110 and increasing fees for license plates, which fall disproportionately on middle- and low-income New Yorkers, and

WHEREAS, Governor Paterson has described his budget proposals as necessary to “share the pain” across the citizens of the state, and

WHEREAS, during the last 30 years, New York has reduced income tax rates on the wealthiest New Yorkers by more than 50% (from 15.375 percent to 6.85 percent) and eliminated high income tax brackets, so that working class families and the very rich pay the same tax rate. Today, New Yorkers who make more than \$40,000 a year are subject to the same marginal tax rate as those who make \$400,000 or \$40 million, and

WHEREAS, New York has replaced this lost revenue over the years by implementing more regressive taxes and fees that disproportionately impact low- and moderate-income New Yorkers, including cost shifts to local governments that force increases in property taxes, as localities struggle to cover costs of essential and mandated services, and

WHEREAS, as a result, currently the richest 1% of New Yorkers pay 6.5% of their total income in state and local taxes, while the poorest 20% of New Yorkers pay 12.6% of their income in taxes, and

WHEREAS, the Fair Share Tax Reform Act of 2009 (S.2021; A5912) would raise more than \$6 billion in revenue to nearly halve the projected budget shortfall, while reforming New York's tax code to make it fairer, more progressive and in line with neighboring states, and

WHEREAS, the Fair Share Tax Reform Act of 2009 would slightly increase tax rates for the top 3.5 percent of New Yorkers, as follows:

- by 1.4 percent for those with taxable income of more than \$250,000 (from 6.85 percent to 8.25 percent);
- by 2.12 percent for those with taxable income of more than \$500,000 (from 6.85 percent to 8.97 percent); and

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- by 3.45 percent for those with taxable income of more than \$1 million (from 6.85 percent to 10.3 percent), and

WHEREAS, there is no evidence that moderate tax rate increases at the top levels induce outmigration. In fact, after New York passed a temporary surcharge on higher-income taxpayers in 2003, the number of high-income returns grew by 30% while the surcharge was in effect. Evidence from New Jersey shows that since 2004, when that state raised the tax rate on half-millionaires by 2.6%, the number of people earning at least \$500,000 has grown by 70% and people have not left the state as a result, and

WHEREAS, in December, more than 100 New York State economists, including Nobel-prize winner Joseph Stiglitz, endorsed (<http://www.fairsharereform.com/economists>) a proposal similar to Fair Share Tax Reform, saying “We are concerned...that steep state budget cuts will exacerbate the economic downturn and harm vulnerable low- and moderate-income New Yorkers....Economic theory and historical experience gives a clear and unambiguous answer: it is economically preferable to raise taxes on those with high incomes than to cut state expenditures.”, and

WHEREAS, more than 150 of the state's religious leaders endorsed Fair Share Tax Reform in an open letter (<http://www.fairsharereform.com/clergy>) to Governor Paterson and Albany legislators in December 2008, saying: “We implore you to ask those New Yorkers who are most well-off to share in the sacrifice and give up a little bit more of their income for the good of our State. A slightly higher contribution from New York’s wealthiest residents would significantly reduce the need to cut important healthcare and education programs so severely.”, and

WHEREAS, according to a Quinnipiac poll (<http://www.quinnipiac.edu/x1318.xml?ReleaseID=1245>) in December 2008, voters support, by 84 to 13 percent, raising the state income tax on people who make more than \$1 million per year, now therefore be it

RESOLVED, on recommendation of the Budget, Capital and Finance Committee, That the Tompkins County Legislature agrees with Governor Paterson that all New Yorkers should share in sacrifice in these difficult fiscal times, especially those most financially able to do so,

RESOLVED, further, That the Tompkins County Legislature calls on the New York State Senate and Assembly to pass the Fair Share Tax Reform Act of 2009, as one of the actions needed to close the state's budget shortfall, raising \$6 billion by slightly raising income tax rates for the top 5 percent of New York taxpayers, and therefore eliminating the need for some of the devastating cuts to the most vulnerable of our citizens,

RESOLVED, further, That copies of this resolution be sent to Governor David Paterson, New York State Senator Leader Malcolm Smith, Senators Dean G. Skelos, Eric T. Schneiderman, Jeffrey D. Klein, James L. Seward, George H. Winner, Jr., and Michael F. Nozzolio, Assembly Speaker Sheldon Silver, Assemblymember James Tedisco, Assemblywoman Barbara S. Lifton, and New York State Association of Counties.

SEQR ACTION: TYPE II-20

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

Ms. Robertson, Chair, said the Committee would meet on March 16th at 2:30 p.m. She reported the next Criminal Justice Advisory/Alternatives to Incarceration meeting would have Judge Rossiter who would speak about City Court.

RESOLUTION NO. 35 - APPROPRIATION FROM GENERAL RESERVE FUND FOR THE PURCHASE OF SPEED RADAR SIGNS FOR THE TOMPKINS COUNTY SHERIFF’S OFFICE AND THE ITHACA POLICE DEPARTMENT

MOVED by Ms. Robertson, seconded by Mrs. McBean-Clairborne. In response to Ms. Kiefer’s question, it was noted the funds would purchase two signs. Mr. Sigler stated the signs are radar only,

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there are no cameras. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County STOP-DWI Program is providing the Tompkins County Sheriff's Office and the Ithaca Police Department each with a Speed Radar Sign to promote traffic safety in high-risk areas throughout Tompkins County, and

WHEREAS, STOP-DWI fine money was collected and placed into a reserve fund and is available for uses that promote public safety, and

WHEREAS, funds are intended to cover the full cost for the speed radar signs, and

WHEREAS, there are no budgeted funds within the 2009 STOP-DWI Program budget to cover these costs, 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 the purchase of the equipment:

FROM: A4250	Reserve Fund	\$12,000
TO: A4250.52220	Departmental Equipment	\$12,000

RESOLVED, further, That the County Administrator is authorized to execute the required documents.

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on February 25th. She noted part of Government Performance and Workforce Relations Committee's goals is the same of Workforce Diversity and Inclusion Committee, to eliminate barriers to hiring diverse talent and also having a focus on Civil Service reform. A small group is working with County Administration regarding the Civil Service portion. A large part of the meeting was the discussion regarding a disability accommodation disclaimer needing to be addressed. Discussions regarding the topic would continue not only at the Committee level but within the Administration Cabinet. Mrs. McBean-Clairborne noted the topic would require investigation and perhaps the need to invest in an interpreter or closed-captioning for meetings. She reported a resolution would be coming to the Legislature through the Government Performance and Workforce Relations Committee to provide funding for the Diversity Consortium Roundtable. She said the event would take place on April 7th and would have informational and educational workshops. On April 23rd there would be a World of Skills Job Fair at the Holiday Inn. The New York State affirmative action Conference will be held June 18 and 19 in Binghamton, with new regulations and diversity and inclusion practices. The Committee will meet next on March 25th.

Report from the Legislative Rules and Procedure Committee

Ms. Kiefer, Chair, reported an organizational meeting took place on February 27th. The meetings schedule will be the third Monday of the month from 2:00 p.m. to 3:45 p.m. She asked Legislators to re-read the Rules and if there are items requiring amendments or items to be added to contact Mrs. Covert prior to March 11th.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee would meet on March 10 at 3:30 p.m. At this time he is considering the possibility of a special meeting to discuss information on the budget and his request for Department Heads to review information from New York State Association of Counties and report on potential impacts. He asked that the Committee review handouts provided on the subjects and also to review the advisory board liaison list.

March 3, 2009

Additions of Resolution(s) to the Agenda

It was MOVED by Ms. Chock, seconded by Mr. Burbank, to add the resolution entitled “Supporting the “Fair Share Tax Reform Act of 2009” in the New York State Legislature, to Improve Equity in Taxation for New Yorkers and Help Close the State’s Projected Budget Gap.” A voice vote resulted as follows: Ayes – 4 (Legislators Burbank, Chock, Robertson, and Shinagawa), Noes – 11. MOTION TO ADD FAILED.

Report from the Public Safety Committee – Continued

Ms. Robertson, Chair, asked for individuals to notify her regarding liaison appointments; she would appoint individuals if necessary. With regard to the comments relating to Committee and temporary measures, she said there is a lack of clarity of what is the appropriate action to take when the actual members arrive. Mr. Koplinka-Loehr stated he would clarify procedure in a memorandum to members.

Intent to File Resolution

Ms. Herrera stated she would be bringing forward a resolution relating to Legislator salaries at the next meeting; she expects it to be the one presented previously.

Approval of Minutes of February 17, 2009

It was MOVED by Mr. Proto, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to approve the minutes of February 17, 2009, as corrected. MINUTES APPROVED.

Recess

Mr. Koplinka-Loehr declared recess from 9:06 p.m. to 9:15 p.m.

Executive Session

It was MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to enter into executive session at 9:15 p.m. to discuss a negotiations. The meeting returned to open session at 9:50 p.m.

Adjournment

On motion the meeting adjourned at 9:50 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office