

May 6, 2008

**Tompkins County Legislature
May 6, 2008**

APPROVED 5-20-08

Call to Order

Chair Koplinka-Loehr called the meeting to order at 5:30 p.m.

Pledge of Allegiance and Roll Call of Members

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

Present: 15 Legislators.

Presentation of Proclamations

Chair Koplinka-Loehr presented the following proclamations:

- Hotel Worker Appreciation Day in Tompkins County (April 30, 2008)
- Independent Living Week in Tompkins County (May 18-24, 2008)
- Community Action Month in Tompkins County (May 2008) – Ms. Dillon, Executive Director of Tompkins County Community Action, thanked the Legislature for its support, noting Tompkins Community Action is in its 42nd year of service to the community. Ms. Dillon invited the Legislature to their annual dinner.

Privilege of the Floor by the Public

Peter Stein, Town of Ithaca Board member, noted his previous experience working with Mr. Dennis and Mr. Burbank. He reported the Town of Ithaca is in the process of formulating a comprehensive plan that will fit into the landscape of Tompkins County, noting the need to find a balance that is not a metropolitan center with appropriate housing needs resolved. He also talked about the carbon footprint and the importance of all municipalities to review the matter and work on reduction. Mr. Stein said an issue of concern with the Town is the northeast area surface water problems. Although discussions have included the possibility of utilizing pipes to drain the water via the sewer systems, the amount of water it would involve exceeds the existing pipe capacity. In addition, the proximity to the Town of Dryden could possibly require mutual assistance. Mr. Stein expressed a desire for municipal cooperation working on the comprehensive plan and other aspects of infrastructure.

Privilege of the Floor by Legislators

Ms. Herrera, District No. 5 Legislator, reported the Sciencenter is celebrating its 25th anniversary and would have a community block party on Saturday, May 10th from 5:00 p.m. to 8:00 p.m. Other activities will occur throughout the day, and volunteers assisting in the event would gain free admission.

Mr. Shinagawa, District No. 4 Legislator, reported May is Asian-American Heritage Month. This event was established in 1978, with the date chosen for the first Japanese immigration on May 7, 1843, as well as the completion of the transcontinental railroad, May 10, 1869, with the efforts of numerous Asian heritage workers. He provided a brief history of his family's immigration to America approximately one hundred years ago and the events that occurred as a result of their heritage. Mr. Shinagawa spoke of the combination of hard work and the social structure of our country that has enabled individuals who desire to work hard and prosper to have the opportunity to do so.

May 6, 2008

Ms. Robertson, District No. 13 Legislator, spoke of the recent series of articles appearing in *The Ithaca Journal* relating to poverty. She recommended Legislators review the articles to provide an understanding of how the highlighted individuals were able to become successful, noting one indicated luck, while the other was the social structure in place. Ms. Robertson then spoke of a series workshop on Green Jobs being provided at the Sustainable Conference at the Unitarian Church, noting the second portion was being presented this evening. Ms. Robertson then asked fellow Legislators to extend condolences to Assemblywoman Barbara Lifton and her family for the loss of her granddaughter, Mira Brouwer.

Ms. Chock, District No. 3 Legislator, reported the Ithaca Neighborhood Housing Services luncheon is May 8th at the Woman's Community Building with guest speaker John Davis, a national expert on community land trust-owner-occupied housing. The Lifelong annual luncheon would be held on May 15th at the Ramada Inn, with fellow Legislator Nathan Shinagawa emceeding the event. The Office for the Aging annual event would be held on May 22nd at the Clarion, with speaker John Krout of the Ithaca College Gerontology Institute. At this event local citizens, Nancy Bereano and Bill Eisenhardt, will receive an award for their efforts on behalf of seniors. Ms. Chock then reported of a recent work walk-out undertaken by over 6,000 longshoremen along the west coast of the United States, who refused to unload war-related cargo as a form of protest against the Iraq War.

Ms. Kiefer, District No. 10 Legislator, reported on her participation in the Green Grand Prix that was held in Watkins Glen. This sixty-mile road rally was for hybrid and alternate energy vehicles, with wonderful displays of various energy-saving vehicles throughout the day.

Mrs. McBean-Clairborne, District No. 2 Legislator, shared her recent experiences as a member of a volunteer work party in New Orleans, noting a great deal more work is necessary to provide adequate housing for individuals, families, and schools. She shared personal experiences related to information on the demolition of structures, miscommunication to residents, problems with Federal Emergency Management Agency trailers, and sense of loss the communities shared. Mrs. McBean-Clairborne then spoke of flooding damage in Kansas as well, noting although not as significant as New Orleans, it was comparable to local residents. She encouraged individuals to contribute in any manner possible to assist in the ongoing efforts of the community. Mrs. McBean-Clairborne announced of the Ithaca Youth Bureau celebrating its 60th anniversary with a 60,000-mile walk. She asked people to participate in the celebration by participating in the walks.

Mr. Proto, District No. 7 Legislator, reported the Village of Dryden Memorial Day Parade would be held on May 26th, with the City of Ithaca ceremony at 5:30 p.m. in the City of Ithaca Cemetery on May 30th. He reported the first meeting of the United Female Veterans of America would take place in St. Louis, Missouri, in June 2008. Mr. Proto then spoke of having a report indicating the missing soldiers from the Vietnam War is 1,761. He reported the State officially informed Pat Deptula of a decision to approve the request to maintain the skilled nursing beds at Lakeside Nursing and Rehabilitation. Mr. Proto announced the subject of the Women, Infants, and Children (WIC) program will be discussed at the Health and Human Services meeting on May 7th. He said he received many post cards from individuals in support of maintaining the program. Mr. Proto spoke of the upcoming Meet the Candidates event occurring on May 8th at the Ithaca High School. He announced Legislator Kiefer was honored as one of Ithaca's "Wild Women of the 70's" at the "Women Making History" celebration and also welcomed Legislator Burbank.

Mr. Randall, District No. 9 Legislator, invited fellow Legislators and the public to the 15th Annual TST BOCES Car Show to be held May 18th. He also spoke of the Skills program that is offered at the school and the honor of having his student win the regional competition.

Mr. Dennis, District No. 15 Legislator, spoke of the honor of having Tompkins County Corrections Officer, Patrick Masters, highlighted in the most recent New York State Association of Counties publication for his extensive work as an Alpha Troup Second Squad Cavalry. He noted Mr. Masters duties included work in Rochester and then Iraq for 11 months. He also spoke of Pam Stonebreaker's attendance at Northeast School

May 6, 2008

where she presented information on the importance of spaying and neutering cats, showing the children how rapidly they multiply.

Mr. Stevenson, District No. 8 Legislator, reported the hand-carved Town of Enfield logo, which reflects the character of the community and had been crafted as the result of grants and tremendous effort, was stolen from the location near Trumbulls Corners Road. He asked that anyone who might have information to contact the Tompkins County Sheriff or State Police; he hopes it can be returned.

Mr. Burbank, District No. 12 Legislator, thanked everyone for welcoming him and said he was honored and thrilled to be present. He plans to become oriented to the workings of the County and will make visits to the departments to learn operations. He noted while a Town of Ithaca representative he worked on a project to improve conditions for pedestrians and cyclists. Mr. Burbank announced May 16th is bike to work day and invited all to participate in the event.

Presentation – United Nations Climate Negotiations: from Bali to Tompkins County

Dominic Frongillo, Council Member and Deputy Supervisor for the Town of Caroline, reported on his attendance at the United Nations Framework on Climate Change conference held in Bali. The conference, attended by between 10,000 – 15,000 individuals from around the world, discussed steps that could be taken when the Kyoto Protocol expires. As a youth representative, Mr. Frongillo networked with the other 200 youth to discuss how to proceed with climate change. Mr. Frongillo said he left the conference hopeful, yet climate change is accelerating at a rapid pace, with slow international response. At the conference it was noted that 350ppm of carbon dioxide is the new maximum number for civilization; we are currently at 385ppm. He spoke of the work undertaken by the Town of Caroline to become energy independent, presently with 25 percent of their energy coming from wind. He reported that the Community held a “Lighten Up Caroline” event, providing residents with a Compact Fluorescent Ray (CFR) light bulb in a sewn bag with literature. He also announced that on June 5th there would be a public meeting at the Tompkins County Public Library to discuss policies and actions the county could do to reduce greenhouse gasses and assist the environment.

Report from a Municipal Official

Mr. Stein, Town of Ithaca, provided a report under privilege of the floor for the public.

Chair’s Report

Mr. Koplinka-Loehr thanked Mrs. McBean-Clairborne and Ms. Robertson for their assistance during his absence. He reported that the Board of Education elections would hold a second Meet the Candidates event held at the Greater Ithaca Activities Center on May 15th from 6:30 p.m. to 8:30 p.m.

Addition and Withdrawal of Resolution(s) to the Agenda

There were no resolution(s) to add to or withdraw from the agenda.

Report from the County Administrator

Ms. Younger, Deputy County Administrator, did not have a report.

Report from the County Attorney

Mr. Wood reported that the closing for 55 Brown Road has occurred and the County now owns the building.

Report from the Finance Director

Mr. Squires reported on a meeting he attended in Syracuse regarding the State budget and expressed concern regarding the two percent cut made by the State. He said the cut, which would apply to every claim made by the County, takes effect as of April 1, 2008, when the State budget year begins. Every State program, with the exception of education and pre-k handicap children program, would be affected by the cut. He believes that as a result of the unprecedented \$27 billion State deficit, the State will continue to cut their share of expense for programs. Mr. Squires anticipates the 2009 budget to be the most difficult budget the County will face in years; it would be difficult to meet any target without substantial reductions at the County level due to the State shifting a greater responsibility to the County.

Mr. Sigler asked how much of the shortfall would be left following the State's first year. Mr. Squires indicated it is difficult to determine due to the State being on a cash basis. The State estimates a shortfall over three years in excess of over \$27 billion. Twenty-two percent of the State economic base comes from Wall Street; if there is a problem with the financial markets it affects the State. He said 22,000 jobs are being cut on Wall Street and the average incomes are reduced.

Ms. Robertson asked what the local impact of the reductions are, particularly since this is being done mid-year. Mr. Squires said at the moment it is not known the full extent of the State's actions due to the manner claims are processed.

Ms. Kiefer requested Mr. Squires provide an estimate of how this State reduction would affect the 2008 adopted budget.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 76 - AUTHORIZATION TO ACCEPT AN AWARD OF A GRANT FOR THE BENEFIT OF THE DRUG COURTS OF TOMPKINS COUNTY

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

WHEREAS, the Probation and Community Justice Director has been notified of a grant award in the amount of \$35,000 from a local foundation that has requested no publicity for the grant, to provide support for the Drug Treatment Courts of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the County Administrator or his designee execute all contracts related to this award,

RESOLVED, further, That the Director of Finance is directed to make the following budget adjustment for 2008:

BUDGET ADJUSTMENT

FROM: (Revenue)	A 3990.42705	Gifts & Donations	\$35,000
TO: (Appropriation)	A 3990.51000049	Project Assistant	\$ 600
	A 3990.54333	Education & Promotion	\$15,000
	A 3990.54491	Sub-Contracts	\$19,340
	A 3990.58800	Fringe	\$ 60

SEQR ACTION: TYPE II-20

May 6, 2008

RESOLUTION NO. 77 - FUNDING OF COMMUNITY CELEBRATIONS GRANTS

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

WHEREAS, Tompkins County has a grant program for community celebrations using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

City of Ithaca	2008 Rock the Arts Festival	\$1,200
Town of Groton	2008 Happenin' in the Hamlet	1,200
Town of Lansing	2008 Early History of Bicycling	500
Town of Newfield	2008 Schoolhouse Reunion	1,000
Town of Lansing	2008 Lansing Fishing Derby	433
Town of Lansing	2008 Myers Park Concert Series	1,000
City of Ithaca	2008 Summertime Block Party	1,500
Town of Danby	Recognizing Danby's Rural Cemeteries	578
Town of Lansing	2008 Farm City Day	2,000
Village of Groton	2008 Groton Olde Home Days	1,500
Village of Trumansburg	2008 Mainstreetscape Celebration	1,900
Town of Newfield	2008 Newfield Old Home Days	1,500
Town of Ithaca	2008 Tutelo Homecoming Festival	2,000
City of Ithaca	2008 Latino Heritage Month	2,000
Town of Enfield	2008 Enfield Harvest Festival	1,640
Village of Trumansburg	2008 Trumansburg Winter Festival	1,900
Village of Groton	2009 Groton Winterfest	750
City of Ithaca	2009 Lunar New Year Festival	1,500
City of Ithaca	Rededication of Memorials-Dewitt Park	<u>1,000</u>
		\$25,101

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 78 - FUNDING OF TOURISM MARKETING AND ADVERTISING GRANTS

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

WHEREAS, Tompkins County has a grant program for Tourism Marketing and Advertising using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, now therefore be it

May 6, 2008

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Finger Lakes GrassRoots Festival	2008 Finger Lakes GrassRoots Festival	\$ 3,250
Tap Legacy Foundation	2009 Finger Lakes Tap Dance Festival	\$ 2,000
Town of Ulysses	Trumansburg Select.com	\$ 1,000
Historic Ithaca- State Theatre	Ithaca Theatre Collective	\$ 3,000
Ithaca Triathlon Club	2009 Cayuga Lake Triathlon	\$ 4,000
Ecovillage at Ithaca, Inc.	Podcar City Sustainable Transportation Conference	\$ 2,000
Ithaca Festival	Ithaca Festival Program Insert	\$ 2,500
PRI- Museum of the Earth	Hatching the Past: Dinosaur Eggs & Babies	\$ 4,500
Ithaca Downtown BID	Ithaca Downtown BID Web Site and Campaign	\$ 4,250
NYS Brewers Association	2008 Ithaca Brew Fest	\$ 4,000
Cayuga Wine Trail	2008 September Harvest Wine Fest	\$ 4,000
Cayuga Wine Trail	2008 Grapehound Wine Tour	\$ 3,250

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 79 - FUNDING OF NEW TOURISM INITIATIVE GRANT

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

WHEREAS, Tompkins County has a grant program for New Tourism Initiatives using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grant is approved:

New York State Brewers Association	2008 Ithaca Brew Fest	\$15,000
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RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 80 – FUNDING OF TOURISM PROJECT GRANTS

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

WHEREAS, Tompkins County has a grant program for Tourism Projects using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

May 6, 2008

Tap Legacy Foundation, Inc.	2009 Finger Lakes Tap Dance Festival	\$ 6,000
Social Venture	2009 Finger Lakes International Dragon Boat Festival	\$10,000
Finger Lakes GrassRoots Festival	2008 Finger Lakes GrassRoots Festival	\$15,000
Social Venture	National Dance Week-Ithaca 2008	\$ 1,000
Cornell Cooperative Extension	Ithaca/Tompkins County Restaurant Week	\$ 5,000
Downtown Ithaca BID	Downtown Ithaca Holiday Festival	\$10,000
PRI- Museum of the Earth	Hatching the Past: Dinosaur Eggs & Babies	\$ 8,000
Cayuga Wine Trail	September Harvest Wine Fest	\$10,000
Cayuga Wine Trail	2008 Grapehound Wine Tour	\$ 2,000
Cayuga Nature Center	Cayuga Nature Center Improvements	<u>\$13,000</u>
		\$80,000

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 81 – AWARD OF TOURISM CAPITAL GRANT – CAYUGA NATURE CENTER

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

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

WHEREAS, funding exists within the Room Occupancy Tax budget for Tourism Capital Grants, and

WHEREAS, TCAD reviewed the following project with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following project will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Room Occupancy Tax, and the following grant award has been reviewed and recommended by the STPB, 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 sign all documents related to this project:

Entity	Project	
Cayuga Nature Center	Feasibility Study- Detail Design for Facility	\$13,500

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Public Information Advisory Board

Larry Roberts – Term to expire December 31, 2009

May 6, 2008

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

Ms. Robertson, Chair, said the Committee will meet on May 8, 2008, and will have a full agenda. She noted a lot of work was done on the tourism grants presented. Ms. Kiefer was surprised funding was granted at this time for the Ithaca Triathlon, which is an August 2009 event, and thought there might have been another round of grants later in the year that would have been a more appropriate time to apply. Ms. Chock said the grants are designed to provide adequate planning time to effectively promote the function. Ms. Kiefer then inquired how the County would be informed of the individual performing a feasibility study for capital grants. Ms. Robertson said it is the responsibility of the applying agency to carry out the work. For the Cayuga Nature it would be Claudia Brenner Design, and the Stewart Park rehabilitation will be Rick Manning's firm.

RESOLUTION NO. 82 – AMENDING MEMBERSHIP OF THE WATER RESOURCES COUNCIL (RESOLUTION LOST)

MOVED by Ms. Robertson, seconded by Ms. Mackesey. Mr. Proto said he supported the resolution at Committee to bring it forward to the full Legislature for discussion. However, as Chair of the Water Resources Council, he would not support the resolution as he believes the seat needs to be retained and a more aggressive approach to find a member occur. He spoke of two individuals expressing an interest from Ithaca Forward, who lost interest when they thought the seat might be dissolved. He believes it is an important segment that needs to be included within the Council to discuss water issues throughout the County. Ms. Chock spoke in support of the resolution, stating she believes there is a need to continue planning and the amendment would encourage community members to participate. Ms. Kiefer agrees with Ms. Chock. Ms. Robertson noted that although the seat is designated with a person with a planning background, it is not a County staff member seat. Mr. Proto reminded the Legislature that a compromise to fill the seat with an "at-large" member also failed at the Water Resources Council meeting.

A voice vote on the resolution resulted as follows: Ayes – 5 (Legislators Burbank, Chock, Kiefer, Koplinka-Loehr, and Robertson); Noes - 10 (Legislators Dennis, Hattery, Herrera, Mackesey, McBean-Clairborne, Proto, Randall, Shinagawa, Sigler, and Stevenson). RESOLUTION LOST.

WHEREAS, the Tompkins County Water Resources Council (WRC) was established by Resolution No. 181 of 1997, and the membership of the WRC was restructured by Resolution No. 57 of 2000, which created nineteen voting members, including an Economic Development seat, and

WHEREAS, the membership of the WRC was expanded by two At-Large voting seats by Resolution No. 211 of 2000, and terms were changed from two years to three years by Resolution No. 49 of 2001, and

WHEREAS, the WRC conducts an annual membership campaign and occasional special campaigns, and has had no applicants for the Economic Development seat since it was vacated in December of 2004, and

WHEREAS, the Nominating/Membership Committee of the WRC recommended that the seat be changed, and the WRC voted at its meeting on March 17, 2008, to change the seat from Economic Development to Planning, to be filled with a person with expertise in planning, either by virtue of training or on-the-job experience, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Economic Development seat of WRC is changed to Planning.

SEQR ACTION: TYPE II - 20

May 6, 2008

RESOLUTION NO. 83 – AWARD OF TOURISM CAPITAL GRANT – CAYUGA WATERFRONT TRAIL INITIATIVE

MOVED by Ms. Robertson, seconded by Ms. Herrera. Mr. Proto said he did not support the resolution in committee because he was concerned the grant money was going to be used to pay the consultant. Ms. Robertson said the funds are for the feasibility study, although she is not certain who could be a potential subcontractor. Ms. Herrera will support the resolution, noting that the park does need repair and it would assist in increasing utilization of the park. Ms. Mackesey said Common Council has been discussing the park for some time, with the last expenditure being a roof on the boathouse. Mr. Proto requested the Strategic Tourism Planning Board provide a report of the completed feasibility study to the Planning, Development, and Environmental Quality Committee. Ms. Chock said having been on the STPB she is confident a concerted and detailed process regarding the development and award of grants has occurred.

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

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

WHEREAS, funding exists within the Room Occupancy Tax budget for Tourism Capital Grants, and

WHEREAS, TCAD reviewed the following project with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following project will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Room Occupancy Tax, and the following grant award has been reviewed and recommended by the STPB, 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 sign all documents related to this project:

Entity	Project	
Cayuga Waterfront Trail Initiative	Feasibility Study- Stewart Park Rehabilitation Action Plan	\$15,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 84 - TO APPROVE CONTINUATION OF AND REVISIONS TO AGRICULTURAL DISTRICT NO. 2

MOVED by Ms. Robertson, seconded by Mr. Proto. Ms. Robertson said she did not support the resolution at the Planning Advisory Board or the Committee since it appeared some of the Town of Ulysses parcel designations could promote sprawl. She subsequent was informed the Town Board agrees with the removal of the parcels and will support it as is. Ms. Kiefer believes the proximity between the designated areas and Route 96 mean the possibility of sprawl that would oppose the present Route 96 Corridor planning. Mr. Proto stated the Town of Ulysses and Planning Advisory Board members were supportive of the district. Mr. Marx indicated his only concern is that when the parcels removed from the district are sold, the purchaser would still be notified their property is within an agricultural district due to its proximity and therefore will not support the resolution.

May 6, 2008

A vote on the resolution resulted as follows: Ayes – 13; Noes – 2 (Legislators Kiefer and Mackesey). RESOLUTION ADOPTED.

WHEREAS, under New York State Agricultural District Law, it is required that agricultural districts be renewed every eight years allowing landowners to apply to become a part of or to exempt all or part of their lands from the district, and

WHEREAS, Tompkins County has established agricultural districts in support of State policy in an effort to preserve, protect, and encourage the development and improvement of agricultural land for the production of food and other agricultural products, and

WHEREAS, the County Legislature is the lead agency that must approve the formation of and changes in agricultural districts, and

WHEREAS, the County, as required by law, conducted a public hearing for this review and approval on March 18, 2008, and no one spoke at the public hearing, and

WHEREAS, the Planning, Development, and Environmental Quality Committee has reviewed the recommendations regarding revised agricultural district boundaries from the Agricultural and Farmland Protection Board and the Planning Advisory Board, and

WHEREAS, a list of parcels indicates those recommended for addition total 152 acres and for deletion 531 acres, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the newly revised boundaries of Agricultural District No. 2 be approved and that the District be continued.

SEQR ACTION: TYPE II-20

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

Mr. Stevenson, Chair, reported the Committee met April 18th and discussed the Re-entry Program with representatives from various public safety departments and agencies. The group will meet in June to continue discussion of how to coordinate and improve operations. A working session on technical assistance for the Tompkins County Criminal Justice Data Sharing Initiative will be held May 19th. The Committee meets next on May 16th.

RESOLUTION NO. 85 – AWARD OF CONTRACT – PHYSICIAN SERVICES – TOMPKINS COUNTY JAIL

MOVED by Mr. Stevenson, seconded by Mr. Dennis. Ms. Kiefer expressed surprise on the limited number of contacts and responses to the bid and inquired why the medical associations of Tompkins and surrounding counties were not contacted. Mr. Stevenson said the bid was awarded to the current jail physician, who adequately provides for the need of the Sheriff's office. Ms. Herrera requested more transparency regarding the procedure of future bids. Mr. Squires reported the bids were sent to the previous solicitation listing, which did not include Cayuga Medical. Inquires from the National Correctional medical services had been received but it was not economically feasible for them to pursue due to the size of the jail. He said in future bids more will be contacted.

A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 1 (Legislator McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Finance Department has duly requested proposals for Physician Services for the Tompkins County Jail, and

WHEREAS, one (1) proposal was received on February 14, 2008, now therefore be it

May 6, 2008

RESOLVED, on recommendation of the Public Safety Committee, That the proposal from Marshall Trabandt, M.D., of Aurora, New York, for Physician Services for the Tompkins County Jail for \$61,044 annually be and hereby is accepted for a two-year term (March 1, 2008 – February 29, 2010) with additional renewal options for up to three, one-year terms upon mutual agreement,

RESOLVED, further, That the County Administrator be authorized to execute an agreement to implement this contract.

SEQR ACTION: TYPE II-25

RESOLUTION NO. 86 - APPROPRIATION FROM CONTINGENT FUND - REPLACEMENT PAY – DEPARTMENT OF PROBATION AND COMMUNITY JUSTICE

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

WHEREAS, the Department of Probation and Community Justice had an employee out on disability for greater than two months in the Core Probation Services Program, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the Director of Finance is hereby authorized to make the following adjustment to his books for 2008:

FROM:	A1990.54440	Contingent Fund	\$8,232
TO:	A3142.51000585	Probation Officer	\$5,965
	A3142.58800	Fringes	\$2,267

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on April 23rd; some of the work that has been occurring will be coming forward through the Human Resources Committee.

Report from the Health and Human Services Committee

Mr. Proto, Chair, said the Committee will meet May 7th, and will have an update on the Lifelong/Office for the Aging possible co-location, an update on autism and children with special care needs, as well as a discussion regarding the possible discontinuance of the sponsorship of the Women, Infants, and Children (WIC) program in the Health Department. He spoke of the postal cards received from the public regarding the WIC program, and clarified the County is not discussing dropping the program, but to not reapply for its sponsorship. The State would determine sponsorship following a review of applications. A resolution regarding the Health Department's Certificate of Need application relating to 55 Brown Road would be considered. Ms. Kiefer expressed her desire to see others apply for sponsorship as well as the County and let the State make a determinate choice.

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

Mr. Randall, Member, reported the Committee met on April 17th. He has requested a public meeting be held in McLean to discuss concerns and complaints relating to Highway projects. Mr. Whicher, County Administrator, addressed the Committee with regard to his review of rental sites for the storage of County voting machines. As a result he is suggesting the construction of a storage building at

May 6, 2008

the Bostwick Road location to provide storage for both the Board of Elections and in the future the Facilities Department. The Committee received a draft of the Cornell University Transportation Investment Initiative indicating various projects being recommended as well as the Highway Division 2008 work plan. He said that due to the escalating expense for materials it would not be able to complete as much work as initially planned. The Committee will meet next on May 15th.

RESOLUTION NO. 87 – MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RUNWAY SAFETY AREA IMPROVEMENTS AND OBSTRUCTION CLEARANCE PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mr. Randall, seconded by Mrs. McBean-Clairborne. Ms. Kiefer had initially requested the language be modified to indicate a conditional negative declaration to ensure the Army Corps of Engineers work would include full compliance with technical specifications of the construction document; however as it would require an additional thirty-day public comment period the resolution was modified to indicate compliance to the Addendum instead. Ms. Herrera noted this resolves the issue of the paperwork between the application and addendum not being consistent, the language would provide assurance of the scope of work to be completed; she is hopeful that C&S Engineers would review processes to assure consistency.

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

WHEREAS, through Resolution No. 127 dated July 5, 2005, and Resolution No. 154 dated September 5, 2006, the Legislature approved agreements with C&S Engineers of Syracuse to conduct an Environmental Assessment for an Obstruction Removal project and a Runway Safety Area Improvement project, and

WHEREAS, said C&S Engineers have now conducted a full environmental assessment involving all stakeholders in the process, have completed Parts I, II, and III of the Full Environmental Assessment Form and have duly advertised the availability of the Environmental Assessment report for inspection by members of the general public, and

WHEREAS, to address concerns about impacts on wetlands, on April 7, 2008, Addendum 1, point 22, modified the technical specifications (Item P-151) and has been included in construction documents and the Army Corps of Engineers permit, and

WHEREAS, the Federal Aviation Administration (FAA) has also reviewed the likely effect of this project on the environment and has issued a Finding of No Significant Impact (FONSI), now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Runway Safety Area Improvements and Obstruction Clearance Project is a Type 1 State Environmental Quality Review action,

RESOLVED, further, That the Tompkins County Legislature does hereby make a Negative Declaration of Environmental Significance for said project with the understanding that there will be full compliance with technical specifications (Item P-151) of the construction document as modified by Addendum 1, point 22.

SEQR ACTION: TYPE 1

(Negative Declaration - Full Environmental Assessment Form is available in the Legislative Clerk's Office)

May 6, 2008

RESOLUTION NO. 88 – AWARD OF BID – RUNWAY SAFETY AREA IMPROVEMENTS AND OBSTRUCTION CLEARANCE PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mr. Randall, seconded by Ms. Chock, and unanimously adopted by voice vote by members.

WHEREAS, the Finance Department advertised and received four bids to make mandated improvements to the runway safety area and clear obstructions from land owned by the Ithaca Tompkins Regional Airport, and

WHEREAS, the airport's engineering consultants, C&S Engineers of Syracuse, have reviewed all the bids and found the lowest responsible bidder is Sealand Contractors of Rush, New York, with a bid of \$3,197,872, and

WHEREAS, the Federal Aviation Administration (FAA) has reviewed the likely effect of this project on the environment and has issued a Finding of No Significant Impact (FONSI), now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Sealand Contractors of Rush, New York, as the lowest responsible bidder with a bid of \$3,197,872,

RESOLVED, further, That the funding sources for this project are as follows:

FAA Share	(95.0%)	\$3,037,978
New York State Department of Transportation	(2.5%)	\$ 79,947
Local Share (Airline Rates & Charges)	(2.5%)	\$ 79,947
TOTAL		\$3,197,872

RESOLVED, further, That the County Administrator be and hereby is authorized to execute a contract with Sealand Contractors of Rush, New York,

RESOLVED, further, That the Finance Director be authorized to borrow monies if necessary, until reimbursement is received from the FAA and New York State Department of Transportation.

SEQR ACTION: TYPE 1

(Negative Declaration - Copy of the Full Environmental Assessment Form is available in the Legislative Clerk's office)

Ms. Herrera spoke of Governor Patterson's announcement regarding training and other steps for the State to become more sustainable; she would like to acknowledge the County's work on sustainability and suggested the State be informed of the work completed to date.

Report from the Human Resources Committee

Mr. Dennis, Chair, announced the Committee did not meet; the next meeting would be June 5th. He reported negotiations for road patrol with the labor negotiator has taken place with a final offer having been made. If the offer were declined it will go to arbitration.

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

Mr. Hattery, Chair, said the Committee would meet on May 9th.

RESOLUTION NO. 89 – AUTHORIZING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. a of 2008 - A LOCAL LAW AMENDING CHAPTER 32, SECTION 32-4, OF THE TOMPKINS COUNTY CODE – CODE OF ETHICS

May 6, 2008

MOVED by Mr. Hattery, seconded by Ms. Kiefer. Mr. Hattery explained the amendment would change the date for filing financial disclosure forms to the end of January. Mr. Proto and Ms. Herrera spoke in opposition of the resolution due to the date and timing for the filing deadline.

A voice vote on the resolution resulted as follows: Ayes – 6 (Legislators Burbank, Dennis, Kiefer, Mackesey, Sigler, Stevenson); Noes – 9 (Chock Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Robertson, Shinagawa). RESOLUTION FAILED.

WHEREAS, it is desired to amend the Code of Ethics to require elected officials and key employees of Tompkins County to file an annual disclosure statement by January 30 of each year, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That a public hearing be held before the Tompkins County Legislature in Legislative Chambers of the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York, on Tuesday, May 20, 2008, at 5:30 o'clock in the evening thereof concerning proposed Local Law No. a of 2008 - A Local Law Amending Chapter 32, Section 32-4, of the Tompkins County Code - Code of Ethics. At such time and place all persons interested in the subject matter will be heard concerning the same,

RESOLVED, further, That the Clerk of the Legislature is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 90 – AUTHORIZING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. b of 2008 - A LOCAL LAW AMENDING CHAPTER 32, BY ADDING A NEW SECTION 32-3(i), OF THE TOMPKINS COUNTY CODE – CODE OF ETHICS

MOVED by Mr. Hattery, seconded by Ms. Kiefer. Mr. Hattery said the amendment would add language regarding a provision to restrict misuse of position by municipal officers and employees. Mr. Proto inquired whether specific incidents have occurred regarding abuse and was informed by Mr. Hattery some requests prompting a change have been made. Ms. Kiefer said there was enough concern and that she believes it to be a reasonable amendment that provides more guidance than just financial requirements.

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

WHEREAS, it has been deemed appropriate to amend Section 32 of the Tompkins County Code of Ethics to include a new section dealing with Misuse of Position, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That a public hearing be held before the Tompkins County Legislature in Legislative Chambers of the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York, on Tuesday, May 20, 2008, at 5:30 o'clock in the evening thereof concerning proposed Local Law No. b of 2008 - A Local Law Amending Chapter 32, Section 32-3(i), of the Tompkins County Code - Code of Ethics. At such time and place all persons interested in the subject matter will be heard concerning the same,

RESOLVED, further, That the Clerk of the Legislature is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the County.

SEQR ACTION: TYPE II-20

May 6, 2008

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

Mr. Shinagawa, Chair, did not have a report.

RESOLUTION NO. 91 – ESTABLISHMENT OF 2009 COUNTY FINANCIAL GOALS

MOVED by Mr. Shinagawa, seconded by Mr. Dennis.

It was MOVED by Ms. Mackesey, seconded by Mr. Burbank, to amend the resolution as follows: “RESOLVED, on recommendation of the Budget and Capital Committee, That the Legislature establishes the goal of a maximum tax levy increase of three and one-half percent (_3.5_) for 2009 resulting in a 10.8 percent tax rate decrease for 2009 (\$6.12 tax rate) and also resulting in a projected decrease of \$1,817,000 in locally controlled spending over 2009 projections,”.

Ms. Mackesey initially supported the 3 percent goal, however subsequent to the budget retreat reflected on previous years goal setting, and how setting low goal puts strain upon department heads to meet the goal, which is subsequently increased. Although she believes there is a need to be frugal in the levy increase she believes the 3.5 percent is a more realistic goal.

Ms. Herrera said she does not support the amendment and said it is a time to be more cognizant of taxpayers’ difficulties and be stringent. She believes the majority of staff understands the situation and will work with the Legislature.

Mr. Dennis also said he opposes the amendment. He would like to make it clear that the Legislature is understanding of taxpayer difficulties and that it would be a difficult budget year.

Ms. Robertson believed a four percent increase would be acceptable, which is less than half of the maintenance of effort figure. She said many people depend on the services of Tompkins County; if the tax levy increases as the budget progresses it would be better to set the higher amount now so people know what to expect. She believes citizens will contact Legislators regarding the importance of services offered.

Mr. Sigler spoke of the 2008 budget, coming close to meeting its goal of 2 percent. He believes New York State is normally the last one in, first one out of a recession; if there is a recession, the 3 percent figure would be adequate and desirable.

Mr. Randall disagrees with setting a goal that cannot necessarily be held to and does not believe a goal is necessary.

Mr. Stevenson stated his constituents are supportive of program cuts and that the figure should be low.

Mr. Proto stated he opposes the amendment. He spoke of an article in the Ithaca Journal indicating a recession in Upstate New York; and said although the 2009 budget is difficult, 2010 and 2011 may be more difficult due to reduced profits on Wall Street. He urged his colleagues to scrutinize every county-administered program and said the alternatives to incarceration programs that have not been proved effective are one spending area to examine.

May 6, 2008

Mr. Koplinka-Loehr spoke of the CAP committee made up of business and community members three years ago recommending that setting a goal early in the process allows dialogue of the impact of potential cuts. He stated that he would not support the amendment.

Ms. Chock said County services are the first things citizens need during difficult financial periods.

Ms. Robertson noted the 3.5 percent would not be reached without cutting big programs and that the alternatives to incarceration programs were not sufficient by themselves.

Mr. Squires spoke of property tax being the County's only option with regard to some areas, which is a structural problem that requires a review of what recurring expenditures could be eliminated in future years.

Ms. Kiefer said the County, like residents, experience the same difficulties with regard to inflation. She said the lower goal places more anxiety on departments and staff; these are times when safety net services are most needed.

A voice vote on the motion to amend resulted as follows: Ayes – 6 (Legislators Burbank, Chock, Kiefer Mackesey, Robertson, Shinagawa); Noes – 9 (Legislators Dennis, Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, and Stevenson). MOTION TO AMEND LOST.

Ms. Robertson noted the 3 percent tax levy for 2009 also means at least a \$500,000 cut in 2008 spending.

Mr. Proto spoke of having received State budget information after the local County Budget Retreat and that the 3.35 cut from the New York State Budget was not related to education and health. In addition, the Department of Social Services budget is between \$13 to \$15 million out of a total \$33 million budget, with only some control over the services provided. He asked fellow Legislators to review the article regarding the State deficit and encouraged Ms. Robertson to undertake an effort to push back expenses to the State.

Mr. Shinagawa will support the resolution, stating it is necessary to be proactive and plan. He said the Budget and Capital Committee will be discussing large-cut proposals and asks that standing committees look at various issues.

Ms. Robertson said the discretionary portion of Department of Social Services funding is only \$4 million of the \$15 million total.

A roll call vote on the resolution resulted as follows: Ayes – 11 (Legislators Burbank, Chock, Dennis, Hattery, Herrera, Koplinka-Loehr, Mackesey, McBean-Clairborne, Proto, Shinagawa, and Sigler); Noes – 4 (Legislators Kiefer, Randall, Robertson, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, Tompkins County, as part of its budget policy and process, wishes to establish a guideline for development of the 2009 budget, and

WHEREAS, as of April 29, 2008, the County Administrator estimates that maintenance of effort would require an 8.6 percent tax levy increase, and

WHEREAS, the rate of inflation as of April 16, 2008, was reported to be 3.98 percent, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Legislature establishes the goal of a maximum tax levy increase of three percent (3%) for 2009 resulting in a 11.2

May 6, 2008

percent tax rate decrease for 2009 (\$6.09 tax rate) and also resulting in a projected decrease of \$1,993,000 in locally controlled spending over 2009 projections,

RESOLVED, further, That the Legislature use 2009 to begin a process to stabilize the rate of tax levy change,

RESOLVED, further, That the County Administrator shall be charged to recommend modifications to employee health and prescription costs and further consolidations of departments and functions where opportunities exist for improved efficiencies.

SEQR ACTION: TYPE II-20

Approval of Minutes of April 15, 2008

It was MOVED by Mr. Stevenson, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote to approve the minutes of April 15, 2008. MINUTES APPROVED.

Recess

Mr. Koplinka-Loehr declared recess from 8:30 p.m. to 8:36 p.m.

Executive Session

It was MOVED by Mr. Dennis, seconded by Mr. Proto, and unanimously adopted by voice vote, to enter into executive session at 8:36 p.m. to discuss legal and personnel matters.

Ms. Mackesey was excused at 9:36 p.m.

Mr. Stevenson was excused at 9:49 p.m.

The meeting returned to open session at 9:49 p.m.

Adjournment

On motion the meeting adjourned at 9:49 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office