

Tompkins County Legislature
June 2, 2009

APPROVED 6-16-09

Call to Order

Mr. Koplinka-Loehr, Chair, called the meeting to order at 5:31 p.m.

Pledge of the 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 Burbank and Chock arrived at 5:33 p.m.; Mr. Hattery arrived at 5:37 p.m.; and Mr. Shinagawa arrived at 5:55 p.m.).

Privilege of the Floor by the Public

Mr. Burbank and Ms. Chock arrived at this time.

Fay Gougakis, City of Ithaca resident, spoke of recent newspaper advertisements regarding cell phone usage. Although it indicated the hazard of talking on cellular telephones while driving she believes it should also be noted that texting is a hazard and that appropriate State legislation should be considered. She also stressed the need for more education. She questions statements that cell phone use does not cause brain cancer. Ms. Gougakis also expressed her belief that cellular telephone use should also be banned while riding on Tompkins Consolidated Area Transit buses. Mr. Koplinka-Loehr noted that Tompkins County is considering legislation concerning the ban of text messaging while driving.

Mr. Hattery arrived at this time.

Joe Sammons, Executive Director of Planned Parenthood of the Southern Finger Lakes, spoke of the collective sadness as a result of the assassination of Dr. George Tiller that occurred in Kansas. He spoke of Dr. Tiller's understanding of the need for good medical care combined with counseling to assist women in making decisions regarding pregnancies. He noted an attack on one individual is an attack on all who undertake this task and said there will be a memorial to honor Dr. Tiller's legacy and courage, and to renew our own commitment to reproductive justice.

Mike Lane, Dryden resident, shared Ms. Gougakis' belief that texting while driving is a hazard. He then spoke of the 2010 County budget process, noting the work undertaken by the Legislature is commendable and also difficult. He said Governor Patterson set the tone when saying there would be pain in budgets this year to make things better. Mr. Lane said while the County budget process is exemplary it will be harder this year and Legislators need to steel themselves to both the groups asking to retain services through raising of taxes as well as those who request taxes to be lower. Mr. Lane recognized making these compromises is the premier part of being a Legislator and encouraged all to go forward to do what is best for the residents in Tompkins County.

Distinguished Youth Award

Ms. Kiefer, District No. 10 Legislator, presented the Distinguished Youth Award to the Lansing High School Students Against Destructive Decisions in honor of the public awareness brought about by the mock car crash to call attention to the hazards of texting while driving. Ms. Kiefer read the nomination letter from Kevin Wyszowski, student advisor, as well as excerpts from the Lansing Star Online editor, Mr. Veaner. She noted the event occurs every three years and provides a very graphic depiction of what could occur; this year for the first time the focus was not on drinking but on texting while driving. Ms. Kiefer shared information on each of the seven student's academic and extracurricular interests and thanked them for

June 2, 2009

bringing about the education on this very current hazard. Jessica Uhrovciik, President of the Lansing High School SADD, expressed her appreciation that the hard work done by SADD was recognized. Jessica Keturi, representative of the Lansing High School, thanked the Legislature for the recognition and spoke of the many hours of preparation that led to this successful event.

Ms. Robertson, Chair of Public Safety, noted the committee would be reconsidering a resolution to ban texting at its next meeting.

Privilege of the Floor by Legislators

Mr. Shinagawa arrived at this time (5:55 p.m.)

Ms. Robertson, District No. 13 Legislator, made the following statement:

“There will be a gathering tomorrow afternoon to honor the memory of Dr. George Tiller, the physician who was murdered in his church in Kansas on Sunday. All people of conscience, no matter your beliefs about abortion, are encouraged to come and stand together against this violence.

“Planned Parenthood of the Southern Finger Lakes is calling people together tomorrow, June 3, from 4:45 to 5:45 on the Ithaca Commons in the Bernie Milton pavilion.

“I would like to say a few additional words on this topic that continues to divide our country. Tompkins County is one of only 12% of counties in the entire country with any abortion provider. We're even more unusual in non-metropolitan areas, like upstate New York, where only 3% of counties have any abortion provider. In three states (Wyoming, Mississippi, and South Carolina) there is no place at all where women can exercise their constitutional right to end their pregnancy. Of course this disproportionately hurts women without the financial means to travel long distances to find an abortion.

“I believe it bears repeating why access to safe abortion matters, and it must be legal in order to be safe. Since Sunday, Dr. Tiller's patients have been quoted in the media saying that he saved their lives. I used to work at Planned Parenthood, where the clinic staff heard this exact statement many many times. It is not an exaggeration.

“Before passage of New York's landmark law in 1970, and Roe V. Wade in 1973, the strongest activists for decriminalization of abortion were *emergency room doctors and nurses*; they routinely had to try to save desperate women who'd been damaged trying to end a pregnancy in dangerous, back-alley operations. Wealthy women could and did travel to other countries for safer procedures; our prohibition put poorer women at special risk.

“Recently I learned of another, quieter advocacy group. At the memorial service for Constance Cook, the Republican Assemblywoman from this county who spearheaded passage of decriminalization in New York, the story was told of her work on that bill. *Funeral directors* had come privately to Connie, begging her to get the bill passed. They said they could not come out publicly but they were agonized by having to bury young women who had died of illegal abortions. There is a reason the coat hangar became the symbol of the pro-choice movement. By the way, adoption has always been an option. But for reasons we can never know or legislate, unknown numbers of women have risked death anyway, and still do today in countries where abortion is illegal.

“34 years after Roe v. Wade:

- It may seem obvious, but the reason for abortion is unintended pregnancy. Nearly half of all pregnancies of American women are unintended; 40% of these end in abortion.

June 2, 2009

- About half of American women have experienced an unintended pregnancy, and at current rates more than one-third (35%) will have an abortion in their lifetime.
- 90% of all abortions occur in the first 12 weeks of pregnancy.

“Research shows that most women who get an abortion got pregnant despite using some kind of contraception. Until contraception is completely available and perfect, and until people using it are perfect, unintended pregnancies will occur. We should be fighting to reduce the need for abortions, not killing people who provide them.

“Dr. George Tiller provided all kinds of medical care to women, including later term abortions for women in the most difficult of circumstances. He was one of only a handful of providers in this country who offer the procedure, usually necessitated by fetal anomalies and threats to a woman’s health or life.

“Dr. Tiller respected women and their ability and right to make their own ethical choices. He risked *his life daily* for the sake of *women's* lives.”

Mr. Randall, District No. 9 Legislator made the following statement:

“We all came to the Legislature with our own stories and life experiences. My journey here was predicated by a sincere desire to give back to the Groton community. I am a firm believer that we are all given talents and that we have an obligation to share them with our communities in order to take these talents to the next level. Talent without application is like a nail without a hammer; the potential exists to drive the nail into a piece of wood to build something grand like a home, but without the hammer and someone to use it, it is nothing more than a nail.

“My motivations have always been simple; to serve and to lead by example. The past three and one-half years have been years of profound growth in me personally. First I have gotten through adversity, specifically with my battle with health issues, which interfered continually with my ability to participate as a Legislator, and afforded me the dubious honor of “Legislative Slacker of the Year” for the past two years running; and, better yet, started my career as a poster person for OSHA. This is so very ironic because those of you who know my story know that it was through adversity and health issues that a desire to serve in this capacity was spawned originally. To be honest, this has been truly my biggest regret as a Legislator.

“Secondly, in the past three years, I have witnessed the realization of a lifelong dream; to share my life experiences with others, to teach. Teaching is one of the most titillating, demanding, and frustrating jobs that I have ever experienced. Abraham Heschel wrote, “Knowledge like the sky is never private property.” No teacher has the right to withhold it from anyone who asks for it. Teaching is the art of sharing. This is the kind of teacher that I want to become. I want to lead by example in hope that my students will follow. I want them to see that all it takes is small steps to make great things happen by having the courage to try. I want them to realize that being a carpenter is much greater than just building something; it is the practical application of who they are – their dreams, their trials, and their talents. I have never wanted something so much in my life as to become a great teacher. To become a great teacher takes an incredible amount of time and energy. It takes personal sacrifice and commitment to devote the time needed to truly master the art, not unlike being a Legislator. It will necessitate my return to school part-time to get my professional teaching certification, which translates into night classes and less and less time that I could devote to being a Legislator.

“With this being said it is time for me to step aside and let someone with the time and the energy run in my place in the upcoming election. I honestly struggled with this decision for a long time because I truly want to make a difference in my community. To be honest, I smile because I know I still will be

June 2, 2009

making a difference in my community by teaching your children how to be carpenters, but more importantly, how to share their talents with the community they live in. Thank you.”

Mr. Hattery, District No. 14 Legislator, reported receipt of correspondence from Heather Filiberto, Empire Zone Administrator, reporting the New York State Industrial Development Agency review of Empire Zone businesses as they relate to the new criteria. All forty-four businesses within the Tompkins County Empire Zone were notified they were to be issued retention certificates and would continue participation in the Empire Zone and receive the benefits associated with it. He said it shows the quality of businesses approved within the area as well as the work done by the staff.

Mrs. McBean-Clairborne, District No. 2 Legislator, expressed her excitement at the nomination of Judge Sotomayor and is hopeful that she will be confirmed. She then announced that on June 4th at 6:00 p.m. the Safe Community Project will have a press conference at the Bernie Milton Pavilion and will have information on what the project will entail. Also, on June 4th at 7:00 p.m. in the City Hall, the second meeting of the Youth Council will be held; they are looking for input and support from community members regarding youth safety. On June 7th, the Boatyard Grill will be holding a “Brunch for Diversity”, giving a percentage of their proceeds for the brunch and all meals from 11:30 a.m. to 4:00 p.m. to the Diversity Consortium. The Greater Ithaca Activities Center Festival will be taking place on June 13th and have tables available for organizations to provide materials.

Mr. Burbank, District No. 12 Legislator reported the Ithaca Health Alliance will have a meeting and forum on June 5th, with a presentation on seasonal and food allergies. A light dinner is provided and child care is provided upon request.

Mr. Hattery announced the Dryden Dairy Days would be held on June 13th.

Mrs. McBean-Clairborne appreciated the comments made by Ms. Robertson regarding the assassination of Dr. Tiller and recalled a performance in which she represented the life of a woman who died as a result of a botched back-door abortion. She noted the impact of acts of violence such as the assassination has on families and women.

Ms. Chock, District No. 3 Legislator, announced the Belle Sherman/Bryant Park traditional school fair would take place June 5th in the afternoon and into the evening. She invited everyone to participate and noted a perennial flower sale would be taking place.

Report from a Municipal Official

City of Ithaca

Councilwoman Mary Tomlan, City of Ithaca, noted she has been on City Council for many years, but this was her first attendance for the City at a Legislature meeting. She provided a report on the following items:

- The Planning and Development Board finalized the recommendations on the Collegetown Urban Plan and Guidelines and they will now go before the City Planning Committee this month and then Common Council. Once approved they would most likely be added to the City’s Comprehensive Plan.
- The Collegetown Plan is being updated in two phases; the first review is being done with the assistance of a consultant hired in 2008 and the more current portions will supercede the earlier portions. It will have the zoning regulation, design review standards, and specific transportation measures. Phase I of the plan will use current funding and is a broad view of the city. Phase 2 will be more neighborhood specific and will await additional funding and decisions. A consultant

June 2, 2009

is being sought for Phase 2 and the request for qualifications will be sent on June 8th, with a return date of July 10th.

- As part of the Comprehensive Plan, there is an interest in communication and input, with both the City and Town having non-voting representatives at each other's Comprehensive Plan meetings.
- Intermunicipal activities are being considered in a number of areas including water, Route 96 Corridor Plan, as well as the joint city/town study group.
- Municipal Water – the Department of Public Works voted to consider the final environmental impact complete and will do a Finding Statement as a result.

Ms. Tomlan congratulated the County on the efforts taken to manage the Empire Zone.

Mr. Dennis inquired if the plan to have Route 96 north lanes be narrow has been determined, and whether it is known where in the flood channel dredging would occur. Ms. Tomlan indicated the decision was to follow the earlier design plans for Route 96. With regard to dredging, a public meeting will be held within the next two months to discuss that decision.

Ms. Chock spoke of the Comprehensive Plan and the joint City/Town study and asked if it was appropriate to have a County Legislator present or to receive notices. Ms. Tomlan said she would request the Legislature and the Planning Department be notified.

Mr. Proto asked whether the Towns of Ithaca, Caroline, and Dryden would be notified of the dGEIS findings to allow discussion of particular points as needed regarding the Six Mile Creek corridor. Ms. Tomlan said discussions are taking place with Jennifer Dotson and Roxanna Johnston presently speaking to Caroline; others will also be approached to discuss the decisions.

Town of Ithaca

Rich DePaolo, Town of Ithaca Board Member, reported the Town would welcome the opportunity to be involved in a joint study regarding the siting and co-location aspect of cellular towers. With regard to the SMSI Health Insurance Consortium, he said it is positively received by the Town and is on the agenda for Monday, June 8th. He reported that due to the stimulus funding received for the Warren Road project the Town would benefit indirectly as the funding now allows the work for Phase I of the Forest Home Traffic Calming Plan to be done. The work on the Comprehensive Plan update is continuing and meetings are regularly occurring to obtain public comments. The results of the resident survey are being compiled and it is anticipated the project would be completed next year. Mr. DePaolo reported some information was received regarding Cornell University's revised growth plans; they anticipate an increase of between 100 to 150 undergraduate students per year, which may share the East Hill node in the plan and zoning. The town is undertaking a survey of residents near trails which would provide input to the Comprehensive Plan as well as providing insight into resident desires; upon completion in July he offered to share the information if desired.

Ms. Robertson inquired whether there are any changes regarding the East Hill Village concept. Mr. DePaolo stated the zoning regulation amendments would have to be developed prior to any decision-making; he has not yet seen any proposed Local Law regarding the matter.

Presentation Regarding Jail Accreditation

Mr. Meskill, Tompkins County Sheriff, introduced Peter Kehoe, Executive Director of the New York State Sheriff's Association. Mr. Meskill noted the organization has been an excellent resource that has assisted his office in many ways and on many topics. He noted Mr. Kehoe was present to speak to the Legislature regarding the Accreditation of the jail.

June 2, 2009

Mr. Kehoe recognized and congratulated Mr. Meskill and the Tompkins County Sheriff's Department on the outstanding achievement of accreditation of the Corrections Division. He spoke of the history of Tompkins County having outstanding Sheriffs and noted that Mr. Meskill and his Undersheriff, Mr. Tubbs, are keeping in this tradition.

Mr. Kehoe spoke of the positive effects as a result of accreditation, including: improving operations, morale, reducing incidents of lawsuit and liability that in turn reduces insurance premiums, and most importantly, increasing public confidence. He said to reach this status it required documentation of 166 standards of excellence to the satisfaction of peer-review assessors and passing on-site inspections, as well as other requirements. Mr. Kehoe stated the Tompkins County Jail met or exceeded all 166 requirements and is now one of only 62 jails within the state reaching this status. He congratulated Mr. Meskill, Chief Neimi, and Officers Potter and Bunce, and presented each with a plaque.

Mr. Meskill thanked Mr. Kehoe and thanked all individuals in his department that assisted in the work to reach this status, noting without the tenacity and leadership exhibited it would not be possible.

Chair's Report

Mr. Koplinka-Loehr reported he held a Committee Chairs meeting on June 1st. Discussions included what would occur upon passage of the fiscal guidelines and what it means for the Committee Chairs and Department Heads, including reviewing proposed budgets level of Program Committee involvement, and the impacts prior to submission to the County Administrator. More information relating to this topic will be discussed at the Department Head/Legislature Meeting taking place from 4:30 p.m. to 6:30 p.m. on June 22nd.

Report from the County Administrator

Mr. Mareane, County Administrator, reported he is meeting with departmental managers and staff to obtain necessary information prior to the upcoming meeting on June 22nd. In addition, he noted many suggestions on ways to reduce the budget are being provided by employees using the electronic suggestion box.

Report from the County Attorney

Mr. Wood, County Attorney, reported all financial disclosure forms have been received.

Report from the Finance Director

Mr. Squires, Finance Director, reported the foreclosure auction preview would be held June 3rd for the six properties to be sold on June 9th at 7:00 p.m.

Mr. Proto discussed amendments to deeds, particularly with stream setbacks, and inquired who is able to make those changes, wondering if the amendments require Legislature approval prior to possession. Mr. Squires explained the County reviews property and does appropriate environmental reviews, which are done by himself, the Planning Department, and County Attorney. If deemed appropriate, recommendations are made to the Government Performance and Workforce Relations Committee. He indicated no amendments are made prior to the time of sale due to the fact the present owner retains the right to claim the land up to the date of auction. In the current foreclosure auction one property will be sold subject to a stream bank buffer. It was explained that although the Government Performance and Workforce Relations Committee makes a determination to place a restriction on a property the Legislature ultimately reaffirms the action of the auction sale and any restriction.

June 2, 2009

At this time, Mr. Proto proposed the property with the proposed restriction be withdrawn from the auction to provide the opportunity to review the matter. He believes it is a method of land-use control and the appropriate committee and Legislature should have the opportunity to review the matter prior to the sale. Mr. Marx said after the auction the Legislature would have to approve the sale; information would be provided regarding the easement of the property. He stated it is standard not to have the easement attached prior to the sale due to possible retention of property; all recommendations have followed administrative procedures. Mr. Hattery said he shares Mr. Proto's concerns, however, the relevant planning authority was informed of the proposal to obtain their consent as well.

Addition of Resolution(s) to the Agenda

It was MOVED by Ms. McBean-Clairborne, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to add to the agenda the resolution entitled Award of Bid – CR 121, Warren Road Reconstruction (Pin 3753.73), Town and Village of Lansing. RESOLUTION ADDED.

Withdrawal of Resolution(s) from the Agenda

There were no resolutions withdrawn from the agenda.

Approval of Appointment(s) Under the Consent Agenda

There were no appointments under the Consent Agenda.

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve the following resolution(s) under the Consent Agenda:

RESOLUTION NO. 86 – AUTHORIZATION TO INCREASE HOURS – WIC PROGRAM DIRECTOR – HEALTH DEPARTMENT

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the WIC Program has sufficient State/Federal funds to increase the WIC Director's time, and

WHEREAS, the New York State Department of Health has authorized the program to increase the hours to accomplish needed tasks, now therefore be it

RESOLVED, on recommendation of the Health and Human Services, and the Budget, Capital, and Finance Committees, That the position of WIC Program Director (14/598), labor grade N, competitive class, be increased from 35 hours per week to 40 hours per week effective June 14, 2009,

RESOLVED, further, That this increase in hours shall be permanent as long as there are sufficient grant funds to cover the increase in hours,

RESOLVED, further, That this change is one-hundred percent funded by the WIC Program grant.
SEQR ACTION: TYPE II - 20

RESOLUTION NO. 87 - AUTHORIZATION TO EXECUTE A FIVE-YEAR AGREEMENT WITH THE UNIFIED COURT SYSTEM FOR THE PROVISION OF

June 2, 2009

CLEANING AND MAINTENANCE SERVICES AT THE MAIN COURTHOUSE AND OLD COURTHOUSE

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the New York State Unified Court System has a need to ensure adequate cleaning and maintenance services are available in the Supreme and County Courts, and

WHEREAS, the Facilities Division has historically filled this need with County staff and has been reimbursed for such services, and

WHEREAS, the Facilities Division and the County are reimbursed for a percentage of expenses, and the dollar amount is negotiated each year of the five-year term, and shall be amended if expenses exceed the contract amount, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee is authorized to sign a contract with the New York State Unified Court System for the provision of Courthouse cleaning and maintenance services for the period of April 1, 2008, through March 31, 2013.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 88 - AUTHORIZATION TO EXECUTE A CONTRACT WITH BARTON & LOGUIDICE, PC, FOR DESIGN SERVICES – BRIDGE PAINTING, VARIOUS LOCATIONS (PIN 3754.20)

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Resolution No. 27 of 2009 authorized an agreement with the State of New York whereby Federal sources will furnish eighty percent of the funding necessary for the Tompkins County Bridge Painting Project (PIN 3754.20), and

WHEREAS, this project is not eligible for Marchiselli (State) funding, and

WHEREAS, County Highway Division staff has recommended Barton & Loguidice, PC, of Syracuse, New York, as best qualified to provide design services for the Tompkins County Bridge Painting Project and Barton & Loguidice, PC, has been pre-qualified by the regional New York State Department of Transportation to perform such design services, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be and hereby is authorized to execute a contract with Barton & Loguidice, PC, of 290 Elwood Davis Road, Syracuse, New York, for design services in connection with the referenced project for an amount not to exceed \$31,000, of which the Federal share is \$24,800 (eighty percent), and the local share is \$6,200 (twenty percent),

RESOLVED, further, That the Highway Division be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed ten percent of the aforementioned contract amount, funds to be provided from the Highway Bridge Maintenance Account (D5111.54411).

SEQR ACTION: TYPE II- 1

RESOLUTION NO. 89 - AUTHORIZATION TO EXECUTE SUPPLEMENTAL AGREEMENT WITH FISHER ASSOCIATES FOR DESIGN AND RIGHT-OF-WAY SERVICES – HANSHAW ROAD RECONSTRUCTION PROJECT, PIN 3753.25

June 2, 2009

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Resolution No. 209 of 2004 authorized a contract with Fisher Associates, P.E., L.S., P.C., (Fisher), of 135 Calkins Road, Rochester, New York, for design services in connection with the reconstruction of County Road 109, Hanshaw Road, and

WHEREAS, Resolution No. 167 of 2007 approved a project Design Report and Right-of-Way Plan, which identified additional highway design needs, among them a traffic signal at the Warren Road intersection, signal warrant analysis at the intersection at Pleasant Grove Road, and an archaeological assessment, and

WHEREAS, additional right-of-way needs have been identified as a result of a decision of the State of New York Supreme Court, Appellate Division in reference to Coddington Road, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be and hereby is authorized to execute a supplemental agreement with Fisher Associates, P.E., L.S., P.C., of 135 Calkins Road, Rochester, New York, for design and right-of-way services in connection with the referenced project for an amount not to exceed \$365,000, funds to be provided from account HZ5103.59239.53.10 (Hanshaw Road Capital Account),

RESOLVED, further, That the County Administrator or his designee be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed ten percent of the aforementioned contract amount, funds to be provided from capital account HZ5103.59239.53.10 (Hanshaw Road Capital Account).

SEQR ACTION: Unlisted

Negative Declaration issued (No further action required)

**RESOLUTION NO. 90 - AUTHORIZATION FOR PUBLIC HEARING - TOMPKINS
CORTLAND COMMUNITY COLLEGE OPERATING BUDGET -
2009-2010**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Tompkins Cortland Community College is a joint enterprise of Tompkins County and Cortland County whose budgets must be acted on by each county, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That a public hearing be held on June 16, 2009, at 5:30 o'clock in the evening thereof in the Legislature's Chambers of the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York, concerning the 2009-2010 operating budget request for Tompkins Cortland Community College. 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 be and hereby is directed to place such notice of public hearing in the official newspaper of Tompkins County.

SEQR ACTION: TYPE II-20

At this time, Ms. Kiefer said she was under the assumption that information regarding the Tompkins Cortland Community College charge-backs would be made available; if there were concerns raised the public hearing matter could be postponed for a two-week period. She expressed concern regarding the ability for the Legislature to amend the amounts contained within the resolution.

June 2, 2009

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank, to reconsider the Consent Agenda in order to remove the resolution regarding the Tompkins Cortland Community College 2009-2010 budget. A brief discussion took place, during which Ms. Kiefer expressed concern that passage of the resolution would not allow amendment of the resolution without the requirement of another public hearing. She believes the matter should be resolved prior to that time. It was noted the amount of county contribution is three percent. Mr. Dennis indicated without any information to indicate there is a problem with the figure he would not support the motion.

A voice vote on the motion to reconsider the Consent Agenda resulted as follows: Ayes – 7 (Legislators Burbank, Chock, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, and Robertson); Noes – 8 (Legislators Dennis, Hattery, Herrera, Proto, Randall, Shinagawa, Sigler, and Stevenson). MOTION FAILED.

In response to a question by Ms. Mackesey regarding the need for another public hearing Mr. Wood, County Attorney, indicated it is not a local law, therefore would not require a second public hearing. Like the normal budget process, the Legislature has the ability to amend the amount of contribution if desired.

Report from the Legislative Rules and Procedures Committee

Ms. Kiefer, Chair, said the Committee continues to review the rules and procedures and hopes to have input from fellow Legislators as soon as possible. At this time they are in the portion pertaining to the order of the agenda. Mr. Proto noted staff has also been asked to provide input as needed.

Report from the Health and Human Services Committee

Mr. Proto, Chairman, reported the Committee would meet on June 9th at which time reports on the impact of the economic situation would continue. He said the number of cases for Department of Social Services is increasing and has he asked for a brief report to inform Legislators. Mr. Proto noted thus far only one case of the H1N1 (Swine) flu has been confirmed within the County.

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on May 31 and briefly before the Legislature meeting; the bulk of the work is on the agenda. She reported that the Federal stimulus funding for projects such as Warren Road has freed up funding that could now be allocated to other projects awaiting the funding. The Committee heard from the Solid Waste Division that as a result of decreased revenue in commodities there is a shortfall; after reductions in the 2009 budget it is anticipated there would be a \$235,000 shortfall this year, which may result in the need to increase the solid waste fee in 2010. Mrs. McBean-Clairborne reported the Airport Re-use Master Plan, which proposes the design process include items to reduce the carbon footprint during routine upgrade and maintenance, has been enthusiastically received and approved by the Federal Aviation Administration. The airport is the first airport in the country to suggest the inclusion of environmentally-based improvements.

RESOLUTION NO. 91 - AUTHORIZATION TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH BERGMANN ASSOCIATES, PC, FOR CONSTRUCTION INSPECTION SERVICES – CR121, WARREN ROAD RECONSTRUCTION (PIN 3753.73)

June 2, 2009

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Herrera, and unanimously adopted by voice vote. Mrs. McBean-Clairborne explained she removed the resolution from the consent agenda to amend the amount of the supplemental agreement to reflect a reduction in the contracted amount.

WHEREAS, Governor David Patterson has authorized the use of American Recovery and Reinvestment Act Federal funding whereby Federal sources will furnish one-hundred percent of the funding necessary for reconstruction of Warren Road, and

WHEREAS, Bergmann Associates, PC, of Rochester, New York, satisfactorily provided engineering design services and is qualified to provide construction engineering support and construction inspection services for the Warren Road reconstruction project, and

WHEREAS, Bergmann Associates, PC, is one of fifteen engineering consultants that New York State Department of Transportation has fully qualified and authorized for such work in Tompkins County's region, and

WHEREAS, County Highway Division staff has recommended Bergmann Associates, PC, as best qualified to provide the required construction inspection services for this Federally aided project, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be and hereby is authorized to execute a supplemental agreement with Bergmann Associates, PC, of 28 East Main Street, Rochester, New York, for construction inspection services in connection with the referenced project for an amount not to exceed \$440,210,

RESOLVED, further, That the Highway Division be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed ten percent of the aforementioned contract amount, funds to be provided from the Warren Road Reconstruction Capital Account (HZ 5103.59239.53.12).

SEQR ACTION: TYPE II- 2

**RESOLUTION NO. 92 - AWARD OF BID – CR 121, WARREN ROAD RECONSTRUCTION
(PIN 3753.73), TOWN AND VILLAGE OF LANSING**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Proto, and unanimously adopted by voice vote.

WHEREAS, Resolution No. 12 adopted on January 18, 2005, approved a project to reconstruct County Road 121, Warren Road, P.I.N. 3753.73, in the Town and Village of Lansing (the Project), and

WHEREAS, Resolution No. 21 adopted on February 21, 2006, authorized granting of Design and Right-of-Way Plan approvals whereby completion of project final design was authorized, and

WHEREAS, Governor David Paterson has authorized the use of American Recovery and Reinvestment Act (ARRA) federal stimulus funding whereby federal sources will furnish one-hundred percent of the funding necessary for construction of the Project, including construction inspection and utility relocation, and

WHEREAS, the Department of Finance - Division of Purchasing has duly advertised for bids for the Project, and

WHEREAS, seven (7) bids were received and publicly opened on May 28, 2009, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to F. Rizzo Construction, Inc., of Auburn, New York, lowest, responsible bidder, in the amount of \$4,538,543.50, pending approval by the New York State Department of Transportation,

RESOLVED, further, That the Highway Division be authorized to implement this bid and execute change orders with total values not to exceed ten percent of the aforementioned bid amount on

June 2, 2009

behalf of the County, funds to be provided from the Warren Road Capital Account (HZ 5103.59239.53.12) and Road Maintenance Program Capital Account (HZ 5105.59239.51.05).

SEQR ACTION: TYPE II - 2

Report from the Government Performance and Workforce Relations Committee

Mr. Shinagawa, Chair, reported the Committee would meet on June 12th.

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, reported the Committee would meet on June 10. She reported that at the May 13th meeting the Planning Department reported on the 2009 Water Quality Strategy, which addresses water resources within the county. The plan is for a three-year period versus the previous two-year plan and addresses some topical issues such as gas drilling. The Committee also was presented the Route 96 Corridor Study, noting the area faces a lot of developments and certain pressures regarding increased traffic in the City and neighborhoods. The plan addresses how to plan for future use and the best manner in which to proceed. Mr. Proto noted the policy addressing the Route 96 corridor study is coming through the land-use policy; the Planning Advisory Board is working on amendments to set-backs. He would like to request the Planning, Development, and Environmental Quality Committee place that topic on a future agenda with information of how the Legislature would be informed. Mr. Marx stated he would do so.

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

Mr. Dennis, Chair, spoke of the Committee receiving information from Mr. Mareane regarding steps taken in the budget process.

RESOLUTION NO. 93 - ESTABLISHMENT OF GUIDELINES AND FISCAL TARGETS FOR ALL COUNTY BUDGETING UNITS FOR THE PREPARATION OF THE 2010 BUDGET

MOVED by Mr. Dennis, seconded by Mr. Hattery.

Mr. Shinagawa spoke of his conversations with an administrator of a larger agency who noted discussions with Mr. Mareane regarding the budget were very respectful and that the manner presented clearly recognized the work and manner in which to cut costs were understood to be difficult. The individual said the demeanor shown made it clear that Administration has an understanding of what the agency is going through during this difficult process.

Ms. Robertson noted that at a Human Services Coalition meeting the consensus was that although the 2010 budget is difficult the manner of communication from Administration was appreciated. She then spoke of the proposed decrease of 6.25 percent, noting some departments do not have the ability to make the reductions. In response to her question, Mr. Mareane said each percentage point was equal to approximately a \$380,000 reduction. Ms. Robertson would not support the 6.25 percent reduction.

Mr. Sigler believes the resolution is requesting across-the-board reductions from all departments and is applicable to every area under the control of the County. He asked to have a different approach, to determine what areas Legislators would like to see reduced before instilling the across-the-board reduction request. Mr. Sigler expressed his belief that while 2010 would be difficult, the subsequent

June 2, 2009

years would be more difficult; if difficult choices are not made at this time it will be more difficult in the future.

Mr. Koplinka-Loehr stated the process has been to set a guideline in April, with a vote in May, with the resolution following directing departments, agencies, municipalities, to meet guidelines. This year the request is for the 6.25 percent reduction from the 2009 base budget. Mr. Sigler's suggestion that determining specific areas of reduction would provide a tool is not unlike what is being asked, it is simply a way to meet a guideline. In response to a question by Mr. Shinagawa, Mr. Koplinka-Loehr noted the last time an across-the-board reduction occurred was in 1992, with the current budget process having been developed as a result.

Mr. Shinagawa felt it is appropriate to request Department Heads to determine how they would amend their budget to meet the goal, and then have the Legislature review to determine if they are in agreement. He would not support a lower number given the financial indicators provided by the State.

Ms. Herrera supports the resolution and recognizes it will require tough decisions. The collaboration with departments in the process is commendable. Ms. Herrera believes it would be good to ask the departments to work with the Legislature and arrive at consensus of where to go. At this time it is early in the process and with pension shortfalls at the State level the potential of double-digit tax increases is possible without proactive steps to ensure sound financial status.

Ms. Kiefer noted the resolution provides the County Administrator the authority to adjust the 6.25 percent reduction if it is not possible for a specific department, therefore it is not a strict across-the-board reduction. Ms. Kiefer said it is difficult for her to determine how to vote on the resolution due to the three percent tax levy increase. Ordinarily she would accept a legislative decision as a group, and base future votes on it, but in this case it is just a guideline, one she believes to be unwise. She asked a month ago for the contrast between maintenance of effort budget and the three percent increase and was informed the County would have a 4.4 million dollar base shortfall; additional revenues for reserve in the amount of \$1.3 million would reduce the amount, and if combined with an additional \$1 million to hold salary and fringe flat, would then leave only \$2.5 million to raise through property tax; this amount would only be an additional \$37.50 for a \$100,000 home, or for the median assessment of \$145,000, a \$55 increase. Ms. Kiefer said it is clearer to the public to indicate what the additional taxes to keep services would be. Therefore she is not certain she can support the resolution.

Mr. Dennis stated the choice made today is not as difficult as it will be when departments bring forward their budgets, with regard to salaries, flat salaries are not the County's negotiating position at this time. He indicated the decisions on the County's programs would come later.

Ms. Robertson said two tough choices have already been made affecting the 2010 budget, one being the increase of management salaries for 2009. She said this will amount to \$264,000 for 2009 and 2010. The choice to provide 3 percent for Tompkins Cortland Community College's 2009-2010 budget has also been made. The combined total adds \$384,000 to the 2010 budget, which is approximately one percent on the tax levy. She does not believe it is reasonable to have departments go through the exercise of finding 6.25 percent cuts, putting staff under great stress when it is not likely the legislature will have the fiscal discipline to make those cuts.

It was MOVED by Ms. Robertson, seconded by Ms. Kiefer, to amend the resolution to reflect a 5.25 percent reduction in the 2009 base budget.

Mr. Proto agreed with Ms. Robertson's opinion on the choices made for Tompkins Cortland Community College. While there is hope that some changes such as the pension plans is not bad, he is in

June 2, 2009

agreement that perhaps the tax levy should be increased slightly above 3 percent. In addition he would like to afford departments and agencies the ability to show what the reduction would mean. He noted many departments and agencies contract with outside agencies and they too would be affected. While he is sympathetic, he thinks it is too early in the process to change the levy and will not support the amendment.

Ms. Herrera said this is the beginning of the budget process; the Legislators would be approached by those desiring to keep programs, and others wishing to reduce taxes. She expressed her desire to have a collaborative process going forward to determine the 2010 budget.

Mr. Koplinka-Loehr would not support the proposed amendment. He stated the resolution is a budget tool to get information from department heads with regard to meeting the goal. He does not believe amending the amount would provide enough information.

Ms. Robertson stated the -5.25 percent target would still require cuts of \$2.2 million. She said at the recent CAP meeting one member stated a reduction in taxes is desired, but we should not cut the library. She believes not desiring cuts could be requested for all departments and to be fair the Legislature should show responsibility in decision-making.

Ms. Mackesey said she did not support the resolution at Committee if it is simply an exercise to see what could occur and she finds it offensive; there are cuts to be made with the tax levy set low. The history does not indicate a willingness on the part of the Legislature to cut programs and putting the Department Heads through this exercise uses time, creates concern, and then doesn't happen. Although it may require cuts this year she believes it to be too deep and unfair. Ms. Mackesey said if the budget is not reduced and the Legislature supports a higher tax levy following this exercise she would not be pleased.

Ms. Chock will not support the proposed amendment, she believes the original amount would provide a reasonable discussion. She does not believe a three percent tax levy increase could be achieved, but does not support one much higher. Ms. Chock said the County has been responsible and that the Legislature would have options when the information is provided and will make decisions.

Mr. Sigler noted the management increase was appropriate and it was fundamentally wrong to treat management differently than other employees as funds were available in the 2009 budget. It was also noted that there most likely will be no increase in wages anticipated in 2010. He also said the three percent increase for Tompkins Cortland Community College was the best that could be done. Although the goal may not be achieved, he believes it requires trying to do so. He believes budgeting is the most significant thing a Legislator does.

Mr. Burbank expressed appreciation to Ms. Robertson for the amendment, but feels it is too modest. He said it will be a tough year and wishes the matter could be delayed until August when more is known. He recognized this would put staff through misery and understands it is time for Legislators to articulate where cuts should or should not be made.

It was MOVED by Mr. Proto, seconded by Ms. Herrera, to call the question. A voice vote on calling the question resulted as follows: Ayes – 12; Noes – 3 (Legislators Chock, Mackesey, Robertson). QUESTION CALLED.

A voice vote on the amendment to the resolution resulted as follows: Ayes – 2 (Legislators Kiefer and Robertson); Noes – 13. AMENDMENT FAILED.

June 2, 2009

Ms. Robertson will not support the resolution and stated we have not seen the difficult choices yet.

A voice vote on the resolution resulted as follows. Ayes – 11; Noes – 4 (Legislators Burbank, Kiefer, Mackesey, and Robertson). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Fiscal Policy specifies that a fiscal target is the maximum amount of general revenue spending authority that a department head or program director may request without initiating an Over-Target Request, and changes in fiscal targets should be communicated to department heads and program directors as timely as possible in order for them to submit their budget requests by August 1, 2009, and

WHEREAS, already-negotiated salary increases will require more than a 2.25 percent increase in department salary and fringe expenses, and

WHEREAS, the Tompkins County Legislature wishes to establish targets in order for departments and agencies to submit their 2010 budget requests, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That fiscal targets for all budgeting units for preparation of the 2010 budget are hereby established as follows:

1. For not-for-profit agency grants, fiscal targets shall be decreased by 6.25% from the amount approved in the 2009 adopted budget –not including one-time funding nor any funds re-appropriated from previous years.
2. For Towns and Villages applying for reimbursement for County-wide services, and for Human Service and Criminal Justice agencies receiving reimbursement pursuant to the Sales Tax Agreement between the County and City of Ithaca, fiscal targets shall be decreased by 6.25% from the current year appropriation –not including one-time funding nor adjustments for prior years.
3. For all County departments' fiscal targets shall be decreased by 6.25% from the fiscal target approved in the 2009 adopted budget.
4. In addition, department fiscal targets shall not include one-time funding nor any funds re-appropriated from previous years.

RESOLVED further, That the County Administrator, for the purpose of constructing the recommended budget, shall have the full authority of the Legislature to adjust department targets as needed to achieve the Tax Levy goal set by the Legislature, and will consult with Department Heads and Division Managers prior to adjusting targets.

SEQR ACTION: TYPE II-20

Mr. Dennis said the next meeting would be on June 8th at 3:30 p.m.

Report and Appointment(s) from the Public Safety Committee

Ms. Robertson, Chair, reported the Committee would meet on June 15th and will consider a resolution urging the State to enact a ban of texting while driving. Ms. Robertson hopes to have a discussion on the 2003 Alternatives to Incarceration report prepared by Ms. Schlather. Mr. Hattery asked if there would be a fiscal rider to indicate the cost of enforcement of a text ban law. Ms. Robertson did not know at this time.

It was MOVED by Ms. Robertson, seconded by Mr. Burbank, to appoint Jeff Lydon – Representative of Agency Providing Mediation Services to Courts; term expires December 31, 2010. Mr. Proto indicated that while he did not have anything against the appointment he pulled it from the Consent Agenda due to a residency issue. Ms. Robertson noted Mr. Lydon is in the process of purchasing a home within the County and is anticipated to close within the next couple of months.

June 2, 2009

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, to amend the appointment to indicate the start date of August 1. Following a brief discussion, during which it was noted this is not a designated appointment, a voice vote on the amendment resulted as follows: Ayes – 11; Noes – 4 (Legislators Burbank, Chock, Kiefer, and Robertson). AMENDMENT APPROVED.

A voice vote on the appointment resulted as follow: Ayes – 15; Noes – 0. APPOINTMENT APPROVED.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on May 27th, with the majority of the meeting being a report done on the work completed by TFC Associates. Upon receipt of the executive summary of the report she will forward the information on to fellow Legislators. She noted the training provided great recommendations and the Committee will now look at the next steps to take regarding workforce diversity and inclusion and will include reviews of the information provided in surveys. Mrs. McBean-Clairborne expressed appreciation to the Tompkins County Mental Health Services Board for their use of the diversity logo on the awards presented to community members. The next meeting is June 24th and will include local CSEA representatives to discuss various topics.

Approval of Minutes of May 19, 2009

The minutes were deferred to the next Legislature meeting.

Adjournment

On motion the meeting adjourned at 8:17 p.m.