

**Public Hearing – 2010-2011 Tompkins Cortland Community College Operating Budget**

Ms. Robertson called the public hearing to order at 5:30 p.m. concerning the 2010-2011 Tompkins Cortland Community College Operating Budget, and asked if anyone wished to speak. No one wished to speak and the public hearing was closed at 5:31 p.m.

**Call to Order**

Chair Robertson called the meeting to order at 5:31 p.m.

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

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

Present: 15 Legislators.

**Announcement**

Ms. Robertson announced an executive session would be held later in the meeting to discuss real estate negotiations and a personnel matter.

**Privilege of the Floor by the Public**

David Scovronick, Executive Director of the Drop-In Day Care Center, expressed appreciation for the County's funding support for his agency. He provided an overview of the Drop-In Center's operations over the past thirty years, and noted the center is open to everyone. Currently over 90 percent of the youth served come from families receiving assistance from Social Services, and many have families dealing with violence and abuse. He shared information on the challenges the Center has had and is now using the Second Step program, used by the Ithaca City School District, and working with parents to develop individual plans for the youth that utilize the same encouragement and language at home and the Center. The goal of the program is to socially prepare the children to succeed in school.

Dammi Herath, Executive Director of the Women's Opportunity Center, reported the key \$357,000 Welfare-to-Work program has been completely eliminated. In addition the Displaced Homemakers program, that has helped 12,000 people in 30 years and has put approximately \$16 million into the local economy, is also likely to be eliminated. That would result in the loss of six full-time staff members, leaving her with just two workers and \$200,000. Ms. Herath said with the distressed economy these services are needed more than ever.

Tomo Shibata of Ithaca provided the following statement:

“According to the Special Report titled “Stalking Victimization in the United States” issued by the Bureau of Justice Statistics in the Department of Justice in 2009, an estimated 3.4 million persons age 18 or older were victims of stalking in the United States during a twelve-month period. Stalking is defined in this report (as well as in federal and state criminal laws) as a course of conduct directed at a specific person that would cause a reasonable person to feel fear. 6.5 percent of the stalking victims in this survey responded that the number of stalking offenders is *unknown* (while 13.1 percent responded that the number of offenders is three or more).

“The stalking of one individual by a number of perpetrators large enough to prevent the target from identifying the number is called organized stalking, cause stalking, or gang-stalking. Thus,

according to the survey, an estimated 221,000 individuals in the United States were subjected to organized stalking during the twelve-month period.

“According to Private Investigator David Lawson, who conducted private investigation for organized stalking victims for twelve years by “joining” stalking groups and wrote a book titled “Cause Stalking”. According to this book, the target is stalked by groups of people (each group consisting of hundreds of people). The stalking group members are taught that the target is the reason for their problems. Leaders hope that the group will want to “resolve their problem”. This scapegoat rhetoric can result in assault and murder especially if the target is female or old. Those who have opportunities to spy on and assault the target (the target’s neighbors and so forth) are often told maliciously false gossip about the target and bribed with cash or illegal drugs into carrying out the mission.

“According to Lawson and Derrick Robinson, and the President of an NPO called the Freedom from Covert Harassment and Surveillance, who have interacted with over 1,000 targeted individuals in the last five years, the similar techniques are principally used for most of the targets, which are the following: tenaciously repeated non-lethal poisoning, toxic gassing (of the target’s residence, etc.), organized perjury (a large number of people file false allegations of a kind of crime that is hard to prove against one target), electronic harassment, repeated break-ins, the interception of phone and computer, and so forth.

“Certain provisions in the pre-existing state penal code can prohibit and punish the acts which constitute organized stalking – not only the stalking provision but also the provisions for the crime of soliciting a crime, the crime of assault (poisoning), and so forth. Yet the well organized and premeditated nature of this crime enables the perpetrators to hide the direct evidence of their deeds. The leaders of anti-organized stalking movement (including Robinson) who have facilitated the networking of targeted individuals found that these techniques of attacks are engineered to make the target’s experience resemble the diagnostic description of the persecutory subtype of delusional disorder or the paranoid subtype of schizophrenia. Without knowing the phenomenon of organized stalking, most psychiatrists and the law enforcement authorities assume the target is delusional. Thus no legal intervention takes place. According to Lawson, the victim cannot escape from organized stalking even if s/he leaves to another continent because the local gangs of the place the victim moves to will simply take over the mission. It is understandable in this light that eleven percent of stalking victims said they had been stalked for five years or more according to the aforementioned Department of Justice Survey.

“I would like to make a Special Topical Presentation on organized stalking and to contribute to Legislative discussion (drafting and passing a resolution, for example) in the next Legislature’s meeting.”

### **Privilege of the Floor for Municipal Officials**

Herb Engman, Town of Ithaca Supervisor, said he often has people asking why local governments do not work together. He stressed that in our County there is a great deal of collaborative effort and cooperation. He thanked the County for its efforts regarding the Hanshaw Road Reconstruction project and wanted to note the Town of Ithaca Board continues to state the need to include a sidewalk in the project.

Mr. Engman said the County’s choice to request the mortgage tax increase was a good idea that sought a way to provide revenue that would only affect people several times in their lives and said he would provide support if desired.

M. Engman spoke of the Town’s work updating the Comprehensive Plan. Currently they are seeking input on what should be included, have surveyed residents (available on website), and included interest groups for housing, energy, transportation, health, etc., to develop new ideas. In addition, a series

of neighborhood meetings have been completed. He noted the overall concerns brought up were the pace of residential development, overall traffic, and speeding. The positive aspects noted were access to services and enjoying the open space, parks, trails, etc., available.

Ms. Chock asked about the recent Pine Tree Road project meetings and noted many in attendance were not pleased with the preliminary plans. Mr. Engman said the major concern is the potential for increased truck traffic. He will try to work with Cornell University to designate truck routes. He is concerned that global positioning program (online mapping) show the shortest routes, but not necessarily the best as seen in Forest Home where tractor trailers get stuck at the intersections.

Mr. Proto asked if the Town will be included in the review process for the new development at Ithaca College (College Circle). Mr. Engman said it is a 250-bed student housing facility to deal with the increased registration. Students had been placed in temporary housing pending this project. He believes the interior road to campus would handle the traffic. Mr. Proto said Tompkins Consolidated Area Transit is putting into place a new policy that they be included in discussions for any new development that may ask for an increase or new bus service. Mr. Engman will ask they be included in this discussion and also suggested contacting the developer of Conifer on West Hill.

Mr. Stein noted any GPS map function that has a location of Cornell University campus shows Pine Tree Road as a main access point. Ms. Robertson said the goal of layered transportation is to keep delivery trucks on State routes as much as possible; East Hill Plaza and Cornell University do have local deliveries as well. She also said when traffic patterns change in one area it often affects other routes as well. Cornell University and the Town of Ithaca are using the Transportation GEIS in planning this project.

### **Privilege of the Floor for Legislators**

Mr. Proto, District No. 7 Legislator, reported the Public Service Commission has put a hold on the New York State Electric and Gas Corporation request for a rate increase to allow review of comments. The State, in cooperation with New York City, applied for a broadband grant, the funding may come from the Federal Communications Commission's Universal Service Fund. Mr. Proto announced there will be a Tompkins Consolidated Area Transit budget presentation on July 28<sup>th</sup> in the Borg Warner Conference Room of the Tompkins County Public Library.

Mr. Shinagawa, District No. 4 Legislator, announced the Fingerlakes Dragon Boat Festival will take place Saturday, July 10<sup>th</sup> in Cass Park and will include performances from various drumming and dance groups throughout the day. In addition, there will be the carnation and eye-dotting ceremony and booths with various information and crafts. Ms. Robertson said the County is sponsoring a boat and there is still time to join the team. Mr. Shinagawa noted there will be over two dozen teams from United States and Canada.

Mr. Stein, District No. 11 Legislator, noted the increased traffic concern on Pine Tree Road would be the result of removal of an overhead bridge that currently restricts some traffic. Mr. Shinagawa noted it will be interesting to see what happens regarding road patrols and speed traps since GPS updates are now including notation of areas where they are normally set up.

Mr. Proto announced there will be many other events throughout the County this weekend including the Danby Fair, Parade, and Fireman's Field Days, the Celtic/Scottish games at Stewart Park, and the Dryden Library groundbreaking ceremony.

Ms. Chock, District No. 3 Legislator, said with regard to Pine Tree Road it is important to distinguish the difference between route concerns versus speed. Suggestions regarding these items have

only been limited to local items. Ms. Chock shared her experience of being at Thomas Jefferson's grave on the Fourth of July. She said nearby was a naturalization ceremony that had just taken place. Ms. Chock said Thomas Jefferson was one of the first City Planners who advocated comprehensive planning; many things we believe are new ideas were thought of during his time.

Mr. Lane, District No. 14 Legislator, announced a groundbreaking ceremony for the addition to the Southworth Library will take place July 10<sup>th</sup> at 10:00 a.m. He spoke of Hank Dullea's article regarding the constitutional basis of the State budget that is available for others to read if desired. Mr. Lane spoke of the problems with the State budget, noting State officials took a holiday when they determined how to spend funds but not how to obtain the revenue. He said a lot of change is needed within State government.

Ms. Pryor, District No. 6 Legislator, thanked Mr. Skvornick and Ms. Herath for speaking on the importance of their programs to the community and the pain caused by the State's lack of completing their work. She said all Legislators wish they could help the groups.

### **2010-2011 Tompkins Cortland Community College Operating Budget**

Dr. Haynes provided a brief synopsis of the 2010-2011 Tompkins Cortland Community College proposed budget, noting it assumes a \$130 reduction in FTE (Full Time Equivalent) students from last year's budget. He said this figure assumes a \$285 per FTE restoration based on the Assembly and Senate agreeing to restore the funding that had been cut last December. The budget assumes a five percent increase in tuition and a 4.6 increase in enrollment (a conservative estimate). In addition, it assumes there will be two staff cuts, one administrative and one classified staff, a fifty percent reduction in the equipment budget, ten percent in the departmental operational budget on top of the \$400,000 reduction taken mid-year to accommodate the cut in State aid, and no increase in sponsoring. With regard to the maintenance of effort requirement, if funding for a community college is more than one-third funding from student tuition, it states "either in the aggregate or on a per full-time equivalent student shall be no less than the comparable actual rates for the previous year." The per-student support from the sponsors (Cortland and Tompkins County) is reduced by \$160 per FTE student due to an increase in enrollment. The other criteria is the flat-dollar contribution, which needs to remain the same; if reduced by one dollar it would cost the college between \$5.7-\$6 million (difference between best- and worst-case scenario).

The Governor vetoed the Senate and Assembly efforts to restore funding, however, when discussing the matter with Senator Seward and Assemblywoman Lifton they indicated the process is not complete and there could still be hope to restore the funding. If the funds are not restored, the increase in enrollment would assist in offsetting the loss of revenue. Currently enrollment is up 14 percent above last year, with summer school up 9 percent. Steps are being taken to reduce staff an additional 4.5 FTE (two vacant positions, two currently staffed).

Mr. Stein asked what the change in expenses and students is between the current and proposed budgets. Dr. Haynes said the bottom line increase is 2.2 percent; the original increase in students was projected at 4.6 percent, which would be modified to 10.3 percent, subject to restoration of funding. In response to the question of quality of education, Dr. Haynes said the primary focus is to preserve direct support for core enrollment; areas outside of core would be affected by staff reductions. Because there are many qualified teachers, adjunct professors are utilized to reduce expenses.

Mr. Proto asked if the satellite service center and international exchange programs would be affected. Dr. Haynes said the centers are doing well and should not be affected by reductions in funding. The State provides one-half the cost of rental for the Cortland center. He anticipates the program would be reviewed to become more reliant on the service centers. With respect to the international exchange program, it was not certain if there would be funds from Disney. At this time the Department of State has

provided a verbal commitment to do the visas and it is expected to confirm this in the near future. Mr. Proto suggested working with the City to come up with numbers showing the positive financial impact the center produces.

In response to Ms. Chock's question on enrollment policies, Dr. Haynes said with the exception of the nursing program the College is an open-access institution. There are prerequisites such as skill levels and for international students testing is completed to provide students with the appropriate level of skills needed to succeed.

Dr. Haynes clarified that if necessary due to cuts by the State, he may bring forward a modified budget that would draw down on the college's fund balance. He noted the use of fund balance has not occurred in the past and he believes the changes are remote that he would need to do so.

The shift in sponsorship shares (percentages) is the result of a three-year average ratio of student enrollment for each county. The formula used for this budget shifts one percent (\$42,549) from Cortland County and increases Tompkins County by the same. This brings the total Tompkins County contributes to \$2,638,047.

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

**RESOLUTION NO. 102 - ADOPTION OF 2010-2011 BUDGET – TOMPKINS CORTLAND COMMUNITY COLLEGE**

It was MOVED by Mr. Dennis, seconded by Mr. Proto. Ms. Kiefer suggested the following statement be included in the resolution: "The approved plan is the ratio of the two sponsor counties shares based on the three-year rolling average of their student enrollment." However, following a brief discussion it was agreed the statement would be added as a note to the resolution.

Ms. Pryor said she was initially concerned that the County was supporting the College without the same cuts to departments, however, having heard the presentation that clarified the serious cuts that have occurred she is supportive of the resolution.

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

WHEREAS, a proposed operating budget for Tompkins Cortland Community College for the fiscal year September 1, 2010, through August 31, 2011, has been presented to the Legislature of the County of Tompkins pursuant to County Law and Section 6406 of the Education Law, and

WHEREAS, the Legislature has conducted a public hearing on said proposed budget on the 6th day of July, 2010, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That said proposed 2010-2011 operating budget in the amount of \$35,390,806 of which the total sponsoring community contribution is in the amount of \$4,254,915 (a zero percent increase) be and the same hereby is approved,

RESOLVED, further, That the Legislature of Tompkins County includes in the 2010 Tompkins County Budget an amount to be determined pursuant to the approved plan for said College in effect as of September 1, 2010, and that the amount when determined be raised by taxation in the County of Tompkins in the fiscal year 2011,

RESOLVED, further, That this resolution shall become effective upon the adoption of a concurrent resolution by the Cortland County Legislature.

**SEQR ACTION: TYPE II-20**

Note: The approved plan is the ratio of the two sponsor counties shares based on the three-year rolling average of their student enrollment.

### **Chair's Report**

Ms. Robertson announced there are two cooling centers that are open to the public: (1) Greater Ithaca Activity Center, from 1:00 p.m. to 7:00 p.m., and one at Friends Hall at the east end of Schoellkopf complex from 4:00 p.m. to 8:00 p.m. today and 2:00 p.m. to 8:00 p.m. for the balance of the week. She suggested other questions could be directed to the 211 Information line.

Ms. Robertson spoke of meeting with Committee Chairs to review preliminary budget information and asked that each Committee spend time reviewing budget information submitted by Department Heads and suggested special meetings to do so if necessary. Legislators will be receiving copies of the departmental program review documents within the next several days, followed by agency review documents soon after.

### **Report from the County Administrator**

Mr. Mareane said cuts from the State are being reviewed and it will take several days to determine how they would affect departments. Preliminary information indicates concern for core programs in the aging services area, home care services, reimbursements to the Probation Department, and the child welfare programs within the Department of Social Services.

Although the State has not approved its revenue budget, the State is proposing numerous increases in taxes, restoration of tax on clothing and shoes, deferral of business tax credits granted under economic development programs, and a reduction of itemized deductions for charitable giving by wealthy individuals. In spite of their increasing revenue through these measures, the Senate has indicated it would not approve any home rule request for local governments that would increase revenue, including surcharge on landline phones, extensions of existing sales tax that is expiring, and the County's request to increase mortgage recording tax. He is concerned that if actions such as this become a precedent to deny home rule requests it will become a large issue. Lobbying efforts to reverse this decision are being undertaken by New York State Association of Counties and other counties throughout the State. If the request does not go through it would mean an additional three percent increase to make up the \$1 million the tax increase represented or to cut expenditures, which would be in the non-mandated areas.

In response to Mr. Dennis' question regarding the Federal FMAP funds for Medicaid, Mr. Mareane said the preliminary budget is based on the premise of not spending any funds until it is known what the amount would be. If the State does not receive Federal funding it would require an additional billion dollars in their budget. Ms. Robertson said this morning Congressman Arcuri told her he is in favor of the Federal share going to states. Mr. Proto said the FMAP matter is supposed to be brought up within the next several weeks. He then asked if there would also be lobbying regarding mandates. Mr. Mareane said there would be continued efforts. He noted one reason property taxes increase is the cost of mandated programs, especially pensions. The expenditure side of the budget is in place and the changes will be on the revenue side; it is hoped to have the mortgage tax and home rule items restored.

Ms. Chock said it is the right and duty of citizens to let their voices be heard. She asked if there is anything that could be done to help with the lobbying efforts, including a resolution. Mr. Mareane said phone calls would be helpful.

Ms. Herrera asked if it is a bi-partisan effort regarding the Senate's position. Mr. Mareane said neither party is taking credit. The County was careful, transparent, open to debate, looked for options, and did what it felt was right and appropriate for the community. If it reaches a point in Albany that they

say they know what's better for the community, that is a concern of principle and what it would mean for the next round of Home Rule requests. There are two sources of revenue within the County, property tax and sales tax. Ms. Herrera said this is one tax she supported; if the option is removed, increased property tax would be much more regressive and narrows alternatives.

Mr. Stein believes it to be a very political move. In a tough year it would be unusual to have a Senator put themselves on the line. He said counties and municipalities should be afforded the right to raise certain kinds of taxation if desired; it should not have to be authorized by the State Legislature. He asked if it would require a constitutional amendment to reach that goal. Mr. Wood did not believe it would require a constitutional amendment; the State would simply not place a sunset clause.

Ms. Robertson said Ken Crannell, formerly of New York State Association of Counties, said a year ago he believed the State would begin to not approve local government requests. She noted that in addition to denying local government requests they are raising regressive taxes, raising taxes on donations to the wealthy, which would only hurt those receiving donations, etc. Instead of raising income tax rates, particularly for the wealthy, they are choosing what will hurt those who can least afford it. Presently the Medicaid portion is 29 percent of the property tax levy; if the State would take over the share of the program, property taxes could be reduced by 29 percent. She hopes the lobbying efforts are successful.

### **Confirmation of Appointment**

Mr. Mareane reported on the search for a Supervising Attorney for the Assigned Counsel Program and provided information on the position. He said the Advisory Board on Indigent Representation set up a committee to review candidates and recommends Wes McDermott, Acting Supervising Attorney be appointed to the position. He agrees with this recommendation, and the Public Safety Committee approved the appointment, which now requires Legislature confirmation.

It was MOVED by Mr. Shinagawa, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to appoint Wes McDermott to the position of Supervising Attorney for the Assigned Counsel Program. APPOINTMENT CONFIRMED.

### **Report from the County Attorney**

Mr. Wood did not have a report.

### **Report from the Finance Director**

Mr. Squires said there is a pattern throughout the State of counties not being reimbursed for Social Services costs. Counties have not received any funding from the State Office of Family and Children's Services and in other areas only receiving small amounts with no regular schedule of when it may come. The counties are paying out for these services daily. As a result, most counties are down several million dollars in reimbursements. He reported that today he received \$500,000 for Mental Health, which is the largest check received in the past three weeks; the average received is approximately \$2,500 per day. Due to the lack of reimbursements he is concerned there may be liquidity issues before the end of summer that may require bonding to cover expenses.

Mr. Squires said the County had \$2 million dollars on hand at the end of May, by the end of June there should be an additional \$3 million in property taxes received which will help offset the monies owed by the State for a period of time. He is concerned that although benefits are being paid the reimbursements are not. He said there has not been any notice or explanation regarding the lack of reimbursement payments and he believes it is due to the recession. Mr. Squires reported a positive aspect is that the County sales tax revenue has been favorable, with June payments up twelve percent.

Ms. Chock asked if it is possible to determine what is owed and use the information in the lobbying efforts. Mr. Squires said the comparable is to see what the receivable is for New York State, it varies from \$4 million to as high as \$12 million. It was up at year's end \$4 million over the previous year; as the year progresses claims are submitted but are not diminished by reimbursements. What his office has to watch is being paid and what comes in regularly. It was also noted if the County did not pay the State for their claims, they could withhold State Aid payments.

Mr. Proto asked if the problem with reimbursements could affect the County's bond rating. Mr. Squires said since the situation is the same throughout the State he believes it would be the same for any county. If the County were to bond, it would be looked at to see if it could have been prevented or if it is a matter of spending more than able to pay.

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

There were no resolutions to add to the agenda.

**Resolution(s) to be Withdrawn from the Agenda**

There were no resolutions to withdraw from the agenda.

**Approval of Resolution(s) Under the Consent Agenda**

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

**RESOLUTION NO. 103 - AWARD OF BID - LEACHATE HAULING FROM CLOSED LANDFILLS**

It was MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote. RESOLUTION ADOPTED.

WHEREAS, the Department of Finance-Division of Purchasing has duly advertised for bids for the transportation of Leachate for the Tompkins County Public Works Department, and

WHEREAS, one (1) bid for Leachate Transportation from the Hillview landfill and the Caswell landfill to the Ithaca Area Wastewater Treatment Plant in Ithaca, New York, was received and publicly opened on Friday, June 25, 2010, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid for Leachate Transportation from the Hillview landfill and the Caswell landfill to the Ithaca Area Wastewater Treatment Plant in Ithaca, New York, be awarded to WeCare Transportation, LLC of Jordan, New York, for a price of \$49.00 per 1,000 gallons,

RESOLVED, further, That the funds are available in the Solid Waste Division budget, account number 8166.54442,

RESOLVED, further, That the Contract's Administrator be authorized to execute this bid on behalf of the County.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 104 - INCREASE IN HOURS – MAIL AND RECORDS CLERK – COUNTY CLERK**

It was MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote.  
RESOLUTION ADOPTED.

WHEREAS, the County Clerk's Office wishes to increase the hours for the position of Mail and Records Clerk from 35 hours per week to 40 hours per week to accommodate the pressure of business, and

WHEREAS, the Tompkins County Clerk wishes to maintain a level of service only possible by having this position designated as a 40-hour work week, and

WHEREAS, such change is part of several organizational changes in the Department that will be beneficial to the organization and result in increased efficiency, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the standard work week for one position of Mail and Records Clerk, Labor Grade 7, be increased from 35 hours per week to 40 hours per week, effective immediately,

RESOLVED, further, That no additional funding is required.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 105 - AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS - SALE OF FORECLOSURE PROPERTIES AT PUBLIC AUCTION**

It was MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote.  
RESOLUTION ADOPTED.

WHEREAS, by tax foreclosure proceedings, the County acquired certain parcels in the County, and

WHEREAS, said properties were sold, contingent upon Legislature approval, at public auction on June 15, 2010, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That upon payment in full of the bid price, plus current taxes and filing fees, that the County Administrator be and hereby is authorized to execute quitclaim deeds for all parcels sold at public auction.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 106 - AUTHORIZATION TO EXECUTE QUITCLAIM DEED - PROPERTIES REDEEMED BEFORE COUNTY AUCTION**

It was MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote.  
RESOLUTION ADOPTED.

WHEREAS, Tompkins County works with property owners to allow them to redeem their homes prior to auction, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator is authorized to execute a Quitclaim Deed conveying property acquired by the County through 2010 tax foreclosures, back to the previous owners upon payment of all back taxes, penalties, interest and fees as follows:

Town of Ithaca	31-4-4.2	Bob Orshalom
Village of Groton	5-1-5	Gary & Laura Scutt
Town of Dryden	76-1-20.53	Howser Meadows, Inc.
Town of Newfield	3-1-3.52	Gary Armstrong

**SEQR ACTION:** TYPE II-20

**Approval of Appointment(s) Under the Consent Agenda**

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

**Workforce Investment Board**

Lisa Patz - Business representative; term expires June 30, 2013  
Paul Gardner - Business representative; term expires June 30, 2013  
Mark R. Coldren - Business representative; term expires June 30, 2013  
Lisa A. Holmes - Senior Program representative; term expires June 30, 2013

**Report from the Budget and Capital Committee**

Mr. Dennis, Chair, reported the Committee will meet on July 12<sup>th</sup>. Ms. Herrera requested to add the revisionist minutes interpretation item to the Budget and Capital and Facilities and Infrastructure agendas. She has already spoken to Mr. Lane, Chair of the Government Operations Committee, to add the item as well. She would like to see Committees discuss the matter in public for transparency purposes.

**Report from the Public Safety Committee**

Mr. Shinagawa, Chair, said the Committee met on June 30<sup>th</sup>. In addition to the discussion regarding Mr. McDermott's appointment, the bulk of the meeting was spent on a presentation by Spillman about the new computer-aided dispatch system. This system is state-of-the-art and would provide information to dispatch calls accurately, look at the area to determine escape routes, etc. The system would also provide a management tool that shows trends and tracks patterns in the County to assist with the law enforcement leaders to have information to assist in solving and preventing crimes. The Committee unanimously approved a resolution be prepared and a capital project request be made to purchase the system. There will be a special meeting to take action on the items when prepared. Mr. Shinagawa thanked all who worked on this project.

Mr. Stein said it was a great presentation. He expressed concern about the ultimate costs for upgrades and maintenance (\$152,000 out of \$1.5 million total). Although upgrades are necessary he said it would continue to increase up to a cap. Mr. Mareane said seven percent is the maximum increase for maintenance. He would like to have language written into the contract that would limit large increases each year.

Mr. Robison said he had been skeptical about the system and volunteered to be part of the process. As a result he believes this company and program is the appropriate way to move forward, particularly since the present system does not assist officers and the public well. He expressed appreciation to the Committee reviewing bids and noted the County's negotiators were very successful in obtaining greater service for less than originally quoted. Mr. Shinagawa thanked Mr. Robison for his assistance reviewing the project.

Ms. Robertson said this is the final piece of the \$20 million communications project the County has worked on for many years. She also reported Cornell University has also chosen the same vendor for their systems. There is part of the funding in the original capital project and the Sheriff is confident there will be grant funds available for some of the project as well.

Mr. Proto asked if there would be additional information on the Alternatives to Incarceration report. Mr. Shinagawa said there were some contingencies regarding part of the report and is expecting to

have a report at his next meeting. Ms. Robertson said there will be a report to the full Legislature on July 20<sup>th</sup>.

Ms. Chock asked if there would be any option to phase in the system. Mr. Mareane said it is an integrated system that is woven together. He does not believe there is an opportunity to phase in portions of the system. Mr. Shinagawa said the County is also paying for training of the system, which will include thirty days on-site with law enforcement officers. Ms. Chock asked if the question could be answered and the information brought to the Legislature before taking action on the contract. Mrs. McBean-Clairborne said the question of implementing in phases was asked many times and the answer was that it could not be. She also pointed out there will be ninety days of training for law enforcement personnel as well as emergency responders. There would also be equipment purchases made by municipalities during this time to determine it is operating properly. The committees who worked on this project over the years had also asked the question due to the costs, and she believes it would be good to ask the question again.

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

Mrs. McBean-Clairborne, Chair, said the Committee has not met. She reminded individuals to turn in their workplace climate survey if they had not yet done so.

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

Mr. Proto, Chair, reported the Committee will meet July 14<sup>th</sup>. At that time Dr. Them, Guthrie Clinic, will speak to the Committee about what affect gas drilling operations could have in the health and human services areas. He clarified it would not be about the actual hydrofracturing process. He reported Mr. Mareane will provide an update on the Public Health Director search and that earlier today there was an all-day session of the committee assigned for the search for Youth Services Director. Mr. Proto asked members of the Committee to be prepared to discuss two potential dates for special meetings to review the budget information they will be receiving.

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

Ms. Kiefer, Chair, reported the leachate contract is with the same firm, WeCare, and increased from \$47/gallon to \$49/gallon. The amount of leachate continues to decrease, with seventy-five percent of the hauling from the Caswell Road site and twenty-five percent from the Hillview Road site. The Committee met on July 2<sup>nd</sup> and discussed the Biggs property disposition. Any sale or disposition would include discussions with the Town of Ithaca, taking into account their Comprehensive Plan. The Committee heard from Mr. Marx about a potential capital project for facilities deferred maintenance, and a possible official highway map indicating rights-of-way. The Airport provided a sketch of the plan to replace trees removed from the parking lot project.

Ms. Kiefer reported the Committee reviewed one 2010 rollover request. Only three members were present and it did not receive the support to move forward. The Committee reviewed a proposed resolution regarding public art on public buildings, however, due to many concerns raised, action was delayed. Solid Waste Division made a presentation of its ReBusiness project recognition awards to businesses cooperating in waste reduction. They spoke of two grants, one for \$35,000 for composting and recycling in rural locations and trailer parks, and one for \$45,000 for reuse programs in schools. They also reported on a contract with Challenge Industries to provide countywide paper-shredding; a Park Foundation grant to Challenge Industries will provide the lock-boxes to keep the paper secure.

There will be a tour of a single-stream recycling facility in Ontario County in August. Interested Legislators should contact Ms. Fuller in the Legislature office if they are interested in attending.

Mr. Proto requested an update on what pricing the County is receiving for recyclables. He then noted he had a County Highway map that was produced in 1983. Ms. Kiefer explained the "Official County Highway Map" being discussed would have many more details and include possible future use of roads.

**RESOLUTION NO. 107 - AWARD OF BID - CR110, ELLIS HOLLOW ROAD RECONSTRUCTION - TOWN OF DRYDEN**

It was MOVED by Ms. Kiefer, seconded by Mr. McKenna. Ms. Kiefer said the bid includes colored shoulders. Ms. Robertson said she is pleased to see the project move forward. Mr. Proto asked if there would be a need to have eminent domain proceedings for any properties. Ms. Kiefer said to her knowledge the project is moving along smoothly. Ms. Robertson said two years ago the project was contentious; the County responded to the public and the project will now be well received. She also noted the design calls for five foot shoulders.

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

WHEREAS, the Department of Finance - Division of Purchasing has duly advertised for bids for CR 110, Ellis Hollow Road Reconstruction - Phase 1, and

WHEREAS, five (5) bids were received and publicly opened on June 30, 2010, and

WHEREAS, the low bid was within the budget estimate, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That a contract be awarded to SuitKote of Cortland, New York, lowest responsible bidder, in the amount of \$1,606,214.88,

RESOLVED further, That the funds are available in the Ellis Hollow Road Capital Account #HZ 5325.59239.53.25,

RESOLVED further, That the Highway Division is hereby authorized to execute change orders to the contract up to 10% of the value of the contract, funds to be provided from the Ellis Hollow Road Capital Account (HZ 5325.59239.53.25) and Road Maintenance Program Capital Account (HZ 5105.59239.51.05).

**SEQR ACTION: TYPE II-2**

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**Report from the Capital Program Review Committee**

Ms. Robertson, Chair, said the Committee will meet July 8<sup>th</sup>.

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

Mr. Lane, Chair, reported the Committee met on June 17<sup>th</sup>. Ms. Lynch reported on work being done by the Public Information Advisory Board in preparation of the 2011 budget presentation. They are discussing various methods to bring about public awareness and provide additional transparency. One suggestion is to have a call-in radio show to provide dialogue. Mr. Lane reported on Ms. Pryor's well-attended public information meeting held in the Town of Lansing. Both Mr. Mareane and Ms. Lynch were present for the meeting and if other Legislators would like to have this type of meeting Ms. Lynch has offered her services.

Mr. Lane said the Committee discussed what the next steps will be when census information is completed. With respect to the redistricting, various scenarios were considered. Previously the Legislature Committee responsible for redistricting worked with staff and municipal officials. The

Committee is discussing having a larger public presence, possibly an independent commission, which is what the State has planned to do. The census information will be received within the first two months of 2011.

He spoke about the resolution on the agenda concerning a standard work day for elected and appointed officials. It indicates Ms. Kiefer's time as less than other Legislators due to her illness during the reporting period. He noted that Ms. Kiefer has worked for many years as hard as anyone and that she will have an opportunity to amend the time in the future.

**RESOLUTION NO. 108 - ESTABLISHING STANDARD WORK DAY FOR ELECTED AND APPOINTED OFFICIALS**

It was MOVED by Mr. Lane, seconded by Ms. Pryor. Mrs. McBean-Clairborne asked for clarification of what the resolution accomplishes. Mr. Lane said the resolution provides a standard work day for reporting purposes to the New York State Retirement System. It does not require daily reporting and is the standard day for the remainder of an individual's term of office.

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

WHEREAS, effective August 12, 2009, New York State adopted a new regulation 315.4 for additional reporting requirements for elected or appointed officials that more clearly defines the process for reporting time worked for those officials who are members of the New York State Retirement System, and

WHEREAS, a three-month record of work activities was submitted to the Clerk of the Legislature by those officials that do not maintain a daily record of actual time worked, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Elected Officials</b>					
<b>Legislator</b>	Will Burbank	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Carol Chock	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Kathy Luz Herrera	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Dooley Kiefer	6	1/1/2010 - 12/31/2013	N	17.5
<b>Legislator</b>	Michael E. Lane	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Pamela Mackesey	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Leslyn McBean-Clairborne	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	David McKenna	6	1/1/2010 -	N	20

			12/31/2013		
<b>Legislator</b>	Frank P. Proto	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Pamela Mackesey	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Leslyn McBean-Clairborne	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Frank P. Proto	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Martha Robertson	6	1/1/2010 - 12/31/2013	N	20
<b>Legislator</b>	Peter Stein	6	1/1/2010 - 12/31/2013	N	20
<b>District Attorney</b>	Gwen Wilkinson	8	1/1/2010 - 12/31/2013	N	20
<b>Appointed Officials</b>					
<b>Election Commissioner</b>	Elizabeth Cree	8	1/1/10 - 12/31/2011	Y	20
<b>Election Commissioner</b>	Stephen Dewitt	8	1/1/09 - 12/31/2010	Y	20
<b>Clerk of the Legislature</b>	Catherine Covert	8	Indefinite	Y	20
<b>Finance Director</b>	David Squires	8	Indefinite	Y	20
<b>County Administrator</b>	Joe Mareane	8	Indefinite	Y	20
<b>County Attorney</b>	Jonathan Wood	8	Indefinite	Y	20

RESOLVED, further, That the resolution be posted on the Tompkins County website for a minimum of 30 days and that a certified copy of the resolution and affidavit of posting be filed with the Office of the State Comptroller within 45 days of adoption.

**SEQR ACTION:** TYPE II-20

**Report from the Planning, Development, and Environmental Quality Committee**

Ms. Mackesey, Chair, said the Committee will meet on July 7<sup>th</sup>.

**Report from the 2010 Complete Census Committee**

Ms. Mackesey, Chair, did not have a report.

**Approval of Minutes of June 15, 2010**

It was MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne. Ms. Herrera read the following statement:

“I would like to express, for the record, my deep concern regarding a new interpretation of our policy regarding minutes. This new policy is one I formally questioned on the record at both the Capital Review Committee and the Budget and Capital Committee. At each of those meetings I requested that, in the interests of open government this revisionist policy be considered and commented upon by at least two relevant committees, the Government Operations Committee and the Budget and Capital Committee.

“The reason I’m requesting review is my strong concern that the practice of Legislators privately or publicly questioning staff regarding comments that staff person has made, requesting that the minutes reporting the staff person’s comments be changed to accommodate the Legislator’s request. As some of you are aware, I believe that this new revisionist minutes policy raises legal and ethical issues that must be publicly addressed by the Legislature. I’m aware that Martha Robertson issued a statement on June 25, but am not sure whether her interpretation of this revisionist policy was made public.

“I again request, on the record, that the Legislature publicly consider and discuss this issue in committee, with the results reported at the Legislature. When I can be assured that minute revisions do not include the possibility of revisions to staff’s comments by Legislators, I’ll be less concerned about this loss of transparency and open government.

“Accordingly, unless it is specifically stated that no revisions were made off the record and that staff wasn’t privately or publicly approached to revise their comments based on a Legislator’s memory, notes, or desires, I will be voting no to minutes because of my concern about our loss of transparency in local government and very real possibility, certainly not intentional or from any of us, of abuse or ethical and legal ramifications due to this revisionist policy.”

Mr. Proto thanked Ms. Robertson for her memo clarifying some of the procedure and asked what should be done at this time regarding minutes. Ms. Robertson said the memo was written to clarify procedure while the matter is being reviewed by the Government Operations Committee. Upon their review a recommendation would come forward and would be reported to the full Legislature. She has received good comments thus far. Ms. Herrera noted she was in disagreement to Ms. Robertson’s interpretation.

Ms. Kiefer offered amendments to the minutes following the presentation of the Downtown Ithaca Alliance’s Strategic Plan to include her statement indicating a desire for green spaces and pocket parks and also an amendment to the discussion on Resolution No. 99 that indicated her comment agreeing about consistency between the title and the language in the resolved.

Ms. Kiefer then spoke about staff’s words in the minutes and said she does not believe there are many staff members who read the Legislative minutes. When a Legislator reads the way a staff statement has been characterized, she does not see anything wrong calling attention that staff is being quoted or characterized in the minutes and calling that staff person to ask if it is accurate. If that is what Ms. Herrera objects to she hopes Ms. Herrera could think about how that could be handled.

Mr. Dennis said the matter has been referred to committees. He agrees with Ms. Herrera’s comments about not wanting to be perceived as unethical and the way to do so is not writing it down; people can see the video and hear the tape. He believes it is only necessary to have action only records. He also noted that for the five years he has dealt with staff and in no case has he seen staff feeling threatened by any Legislator; if he had he would be open to hearing them.

Ms. Mackesey said she believes the matter should go to Committee.

Mr. Proto, as mover of the minutes, said he supports the amendments by Ms. Kiefer, however, in deference to Ms. Herrera suggested the recording be checked to determine if it is accurate. He agrees

with Ms. Mackesey that the Government Operation Committee should discuss the issue and that the Legislature abide by the Chair's memo until the Committee makes its suggestions.

Ms. Chock also announced a correction to a report title within the minutes that was accepted.

Mr. Stein asked how long recordings are kept, and whether there is a legal significance to the words of a staff member made at meetings that is not significant to the decisions being made. With regard to votes, Mr. Wood said it is not a requirement to have the discussion, just the votes. Whether it could have legal significance, if someone challenged a vote based on what someone said, the matter rarely comes up. The other part is the policy of this Legislature, and changing minutes is a different issue. If it is a substantive change it should come to the Legislature, but if it is just spelling, whether the request is by Legislators or staff it is not necessary. Mr. Stein was informed the recordings of Legislature meetings are a permanent record and that it was believed Committee recordings are kept six months after approval of minutes.

Ms. Robertson said it is in everyone's interest to have transparent and accurate minutes and to make sure what is on paper is backed up by the recording. To her knowledge in the nine years on the Legislature she has never heard or sensed any actual problem as far as the content misrepresenting anybody's comments, intentions, etc. The Committees will look at this and bring recommendations for changes back to the Legislature. In the meantime the memo is to assist in operating in the meantime.

A voice vote to approve the minutes of June 15, 2010, as corrected, subject to review of the recording. A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Herrera). MINUTES APPROVED.

### **Recess**

Ms. Robertson declared recess at 8:26 p.m. The meeting reconvened at 8:45 p.m.

### **Executive Session**

It was MOVED by Mr. Robison, seconded by Ms. Pryor, and unanimously adopted by voice vote, to enter into an executive session to discuss real estate negotiations and a personnel matter. An executive session was held at 8:45 p.m. and returned to open session at 9:35 p.m.

### **Adjournment**

On motion the meeting adjourned at 9:35 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office