

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: 13 Legislators. Excused: 2 (Legislators Hattery and Randall).

Privilege of the Floor by the Public

Mike Lane, Dryden, spoke of the density policy that was originally promulgated by the City of Ithaca. The new hotel project was to be built without tax abatements and now that has completely changed and he questioned whether all the taxpayers in Tompkins County should be subsidizing that commercial venture in downtown Ithaca. If the City or the Ithaca City School District want to give abatements, that is up to them. He doesn't believe the County should offer those types of tax abatements.

Eric Levine, Coddington Road resident, Ithaca Town Board member, and Vice Chair of the Intermunicipal Recreation Partnership, spoke about the 2010 budget for the Recreation Partnership. He understands the County has given a directive that budgets be cut by 6.25% and hopes that will not apply to the Recreation Partnership. The existing agreement states that it is not to be governed by any other municipality and that it is its own entity. There are 11 partners and it could not function if each partner cut its own budget. He said he has worked very hard to cut costs and programs. Although there is increased participation, they did come up with a 2 ½ percent increase over 2009, but stated this is a case of spending a little money to get a lot back.

Fay Gougakis, City of Ithaca resident, referred to an article in today's Ithaca Journal and said she agrees with concerns expressed by Mr. Lozano, an employee of the Ithaca Wastewater Treatment Plant, that Cornell University is responsible for the Lakesource cooling problem. She also expressed how upset she is that the County Legislature did not want to pass a law to ban text messaging while driving. She believes the County should have passed a law regardless of what the State has done and referenced three pages of information in the New York Times as to why there should be a ban on text messaging while driving.

Distinguished Youth Award

Ms. Robertson, District No. 13 Legislator, presented the Distinguished Youth Award for July to Briannea Freedline, age 18, of Freeville. Ms. Freedline was recognized for her participation, support, and leadership as part of the O.U.R.S. (which stands for Opportunities, Understanding, Respect, Success) Program for youth at Congers mobile home park in Freeville. Julie Newman of Cooperative Extension, Manager of the OURS Program, nominated Ms. Freedline and noted that, after years of active participation, Ms. Freedline has grown to serve as a volunteer mentor for the youth and is a true leader in the program, providing consistent support to girls aged 7-17 despite personal challenges and holding multiple jobs.

Privilege of the Floor by Legislators

Greg Stevenson, District No. 8 Legislator, spoke of the website for the Health Benefits Consortium and commented there were three meetings listed on the website but no available minutes or

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information on the Plan Administrator. He said he would like to see the Steering Committee more forthright with information.

Mr. Dennis, District No. 15 Legislator, spoke of the Grassroots Festival last week and applauded those who organized the event. He especially thanked law enforcement for their work.

Ms. Chock, District No. 3 Legislator, also spoke of the Grassroots Festival and said it is a wonderful event and encouraged all to attend in the future. She spoke with the organizers and the Sheriff and all reported there were a very low number of incidents. Although one person had a heart attack, it was determined that the individual was someone with a prior health condition. Ms. Chock said organizers said this year they used the FEMA emergency system and it worked very well.

Ms. Chock commented on the recent arrest of Henry Louis Gates, a distinguished scholar in the country who was returning from a trip to China and who was arrested for breaking into his own home. She reported the text-messaging ban has been approved by the New York State Legislature and is awaiting the Governor's signature. She spoke of broadband access and will be bringing a resolution to the next Legislature meeting to support, if it comes together in time, an application for broadband stimulus funds. She had hoped the County could have provided access on County towers, but has been convinced that is not practical because of the emergency management system and technical issues. There is \$7 billion in Stimulus funds available for broadband; applications for the first pot of money are due by August 15. She will distribute a draft resolution to Legislators for review and will present it to the Planning, Development, and Environmental Quality Committee for their consideration.

Ms. Kiefer, District No. 10 Legislator, said she understands Ms. Gougakis's frustration and would have supported a local law banning text messaging in the County. However, she found nothing wrong with passing a local resolution urging the State to adopt a law and noted that our Sheriff and District Attorney did not support a local law unlike in other counties.

Mr. Burbank, District No. 12 Legislator, said he spoke previously of the surplus yellow phonebooks being dropped off in his neighborhood. He displayed newspaper bundles that are now being tossed into neighborhoods on a massive scale. He encouraged anyone who does not want these to contact the Ithaca Journal. Mr. Burbank said he has brought this issue of commercial littering to the Council of Governments at a recent meeting.

Mr. Proto, District No. 7 Legislator, spoke about the proposal for broadband access and said before sponsoring something he would like to know the impacts. He reported this week is the County's 4-H Youth Fair at 4-H acres and commented on the appropriate timing for this month's Distinguished Youth Award. He said he and Legislator Herrera will be judging at the Fair. He reminded Legislators that tomorrow at noon is the TCAT (Tompkins Consolidated Area Transit) Budget presentation for municipal officials at the Transit Facility. Mr. Proto also reminded Legislators that the monuments in Dewitt Park will be re-dedicated on October 3rd. Mr. Proto reported that NYSEG (New York State Electric and Gas) has applied to continue to reduce the Voice your Choice option by dropping the fixed rate option on bills.

Ms. Robertson, District No. 13 Legislator, commented on news report concerning California passing its budget that included a provision by which the State is taking money from counties. Los Angeles has a lawsuit challenging the constitutionality of that. Ms. Robertson reported Dryden Old Home Days, an event that was started in the late 1800's, is coming back and will be held on July 31st and August 1st.

Ms. Mackesey, District No. 1 Legislator, reported the Upstate Coalition met last week on the garbage transport truck issue. It was expected the regulations from the Department of Transportation would have been issued since it has been a year, but that has not happened yet. There was a new person

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hired in the Governor's office and he needed time to review them. The Coalition is talking about strategies to place pressure on the Governor's office to get this moved forward.

Mr. Proto referenced a comment made by Ms. Robertson concerning California's budget issues and said it goes beyond counties and his understanding is that the money has to be repaid within three years and with interest. Mr. Proto also reported on activities of the Water Resources Council and said they are meeting with representatives from the Great Lakes Basin as well as the Susquehanna River Basin concerning the transportability of water and what is being drawn in or out of the basins from one to another. Ms. Wilsea of the Planning Department has information from the presentation if anyone is interested.

Ms. Herrera, District No. 5 Legislator, spoke about the trial in Syracuse for the murder of Latiesha Green. She said it is an interesting case as it involves someone's perceived sexual orientation and someone who was murdered for that. Dwight DeLee was convicted of first-degree manslaughter as a hate crime for shooting Latiesha Green. Ms. Herrera said New York State Law doesn't cover gender identity and expression and Federal Law doesn't cover sexual orientation or gender identity and expression as being protected from hate crimes. In the ensuing days it has become more interesting because of the Matthew Shephard Law that is in Congress with another version in the Senate. She said it has been put in the defense appropriations bill with four amendments to it that make it difficult for some to support. Ms. Herrera said there is no local news coverage of this crime and believes it is something that people don't want to talk about. She quoted hate crime statistics from the National Coalition of Anti-violence programs and said murders of LGBT (Lesbian, Gay, Bisexual and Transgender) people in 2008 increased 28% from the previous year. She would like members of the public and Legislators to contact their State representatives and voice their opinion about passing the Mathew Shepard law free of "poison pills" and encumbrances and to make our country a more just place for everyone.

Ms. Herrera happily announced that Sonia Sotomayor will make a great Supreme Court Justice and is looking forward to seeing how she moves forward with the law. Ms. Herrera believes she will be fair and clear about the laws of this country.

Report from a Municipal Official

There was no municipal official report.

Chair's Report

Mr. Koplinka-Loehr reported the Fall NYSAC (New York State Association of Counties) Conference information is available and asked Legislators to let him know if anyone is interested. The deadline for registering is August 16. He announced that National recognition has been given to County's Youth Services Department for the Middle School Norm Campaign. He also announced the Dragon Boat competition was held July 12th.

Report from the County Administrator

Mr. Mareane reported the Governor signed the landline surcharge bill. He distributed a brochure from the New York State Department of State Division of Local Government Services that promotes local government efficiencies and cited Tompkins County for the Health Benefits Consortium being an example of shared services and intermunicipal cooperation. The process is moving forward and the threshold of 2,000 covered individuals has been reached. Mr. Mareane requested an executive session to discuss labor negotiations. Mr. Koplinka-Loehr said he would also like to discuss a personnel matter in executive session as well.

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Report from the County Attorney

Mr. Wood said he did not have a report. He provided a written caseload status report to Legislators.

Report from the Finance Director

Mr. Squires announced the County's sales tax extension authority has been passed by the State Legislature. He distributed sales tax receipt information and said the County's receipts are at 2007 levels, and as a result he anticipates the County being \$2 million below budget for 2009. The new retirement regulations for elected officials will require that within 150 days of taking office Legislators must file documentation of time spent in service. He spoke about the Build America Bonds and reported that NYSAC (New York State Association of Counties) is putting together a pool to aggregate financing power to participate in the new Federal program. It is a new concept and there is a lot of suspicion nationally that the intent of the program is to undermine tax-exempt financings, but NYSAC is asking the County to join the pool. He said he doesn't know if the County has any projects other than highway that would qualify but he is looking at it. Mr. Sigler said he doesn't see much benefit in joining because Tompkins County has one of the highest bond ratings in the State.

Addition of Resolution(s) to the Agenda

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Herrera, and unanimously adopted by voice vote by members present, to add the following resolution to the agenda:

Authorizing Acceptance of a (Phase II) Federal Aviation Administration (FAA) Grant to Remove Obstructions; for a Consultant Agreement with C&S Engineers, Inc.; for Construction Observation Services for Obstruction Removal; for a Consultant Agreement with C&S Engineers, Inc., to Design a Sand Storage Building; and to Purchase a Passenger Boarding Ramp for the Disabled, Runway Deicing Equipment, and a Multi-Purpose Snow Removal Loader – Ithaca Tompkins Regional Airport.

Withdrawal of Resolution(s) from the Agenda

There were no resolutions withdrawn from the agenda.

Approval of Appointment(s) Under the Consent Agenda

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

Ethics Advisory Board

Brian Eden; term expires December 31, 2011

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 by members present, to approve the following resolution(s) under the Consent Agenda:

RESOLUTION NO. 118 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 119 OF 2009: AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED WITH THE NATURE CONSERVANCY FOR THE SALE OF TAX PARCEL NO. 24.-1-17.32, LOCATED IN THE TOWN OF DRYDEN

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

WHEREAS, in Resolution No. 119 of 2009, the Tompkins County Legislature authorized the County Administrator to execute a deed with The Nature Conservancy for the sale of tax parcel no. 24.-1-17.32 in the Town of Dryden, and

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

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the County Legislature believes the sale of tax parcel no. 24.-1-17.32 has a positive impact on the environment and the County's natural resources,

RESOLVED, further, That Resolution No. 119 of 2009 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 119 of 2009.

SEQR ACTION:

(Short EAF on file with the Clerk of the Legislature)

**RESOLUTION NO. 119 - AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A DEED WITH THE NATURE CONSERVANCY FOR
THE SALE OF TAX PARCEL NO. 24.-1-17.32, LOCATED IN THE
TOWN OF DRYDEN**

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

WHEREAS, the County acquired the 1.54 acre (0.62 hectare) tax parcel no. 24.-1-17.32 in the Town of Dryden in 2008 through the foreclosure process, and

WHEREAS, the parcel contains many significant natural features, including Unique Natural Area "North Malloryville"; Fall Creek; a New York State Freshwater Wetland; location within The Fens Natural Features Focus Area and an Agricultural Resource Focus Area; and an abandoned railroad bed (the proposed Lime Hollow trail) runs adjacent to the west of the parcel, and

WHEREAS, to the north and west of the parcel lies The Nature Conservancy's 143-acre O.D. von Engeln Preserve at Malloryville, and

WHEREAS, the County approached The Nature Conservancy (TNC) about TNC acquiring the parcel to preserve unique functions and values as an addition to The Nature Conservancy's 143-acre O.D. von Engeln Preserve at Malloryville, and

WHEREAS, The Nature Conservancy has made a purchase offer for the parcel of \$1,000.00 (one thousand dollars), and

WHEREAS, County Administrative Policy No. 01-07 (Land Transactions) requires that whenever the Legislature decides to negotiate a sale for less than the fair market value for real property, the resolution conveying the property shall clearly state the public purpose served by conveying for this price and it shall include the estimate of the fair market value of the property at its highest and best use as prepared by the Assessment Department, and

WHEREAS, the Assessment Department has determined that the fair market value of the parcel is \$1,500 (one thousand five hundred dollars), and

WHEREAS, the County will provide only a quit claim deed with the sale of this property, and

WHEREAS, the reason that this property is being conveyed for less than fair market value is to increase recreational opportunities for residents of the County, protect significant unique natural areas in the County, and enhance The Nature Conservancy's 143-acre O.D. von Engeln Preserve at Malloryville, and

WHEREAS, through the process of foreclosure the property has become landlocked and therefore reduced the full assessed value of the parcel, now therefore be it

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RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the purchase offer of \$1,000.00 submitted by The Nature Conservancy on June 5, 2009 is accepted and that the County Administrator is authorized to execute the deed and closing paperwork.

SEQR ACTION: UNLISTED

(Short EAF on file with the Clerk of the Legislature)

RESOLUTION NO. 120 - AUTHORIZATION TO EXECUTE A THREE-YEAR CONTRACT - ADMINISTRATION AND PROVISION OF TRANSPORTATION FOR EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION CHILDREN RESIDING IN TOMPKINS COUNTY - HEALTH DEPARTMENT

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

WHEREAS, the Tompkins County Finance Department, in cooperation with the Tompkins County Health Department, has duly advertised for proposals for administration and provision of transportation services to children ages 0-5 who are enrolled in Preschool Special Education and Early Intervention programs as authorized by Tompkins County and who reside in Tompkins County, and

WHEREAS, two proposals were received by the June 16, 2009, deadline, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget, Capital and Finance Committees, That the contract be awarded to Birnie Bus Service, Inc. of Syracuse, New York,

RESOLVED, further, That the contract be awarded for a period of three (3) years commencing September 1, 2009, and terminating August 31, 2012, with the option to renew for an additional five one-year periods,

RESOLVED, further, That the Health Department is authorized to implement this proposal on behalf of the County, funds are provided for in Account A2960.54305 and A4054.54305.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 121 - AUTHORIZATION TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH NUTRITION FOR THE ELDERLY IN TOMPKINS COUNTY, INC., d/b/a FOODNET MEALS ON WHEELS

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

WHEREAS, Governor David Paterson has authorized the use of American Recovery and Reinvestment Act Federal funding whereby Federal sources will partially defray the cost of providing nutrition services to seniors in Tompkins County on a one-time basis, and

WHEREAS, Foodnet Meals on Wheels is duly qualified to provide these services that include the provision of both congregate and home delivered meals, and

WHEREAS, the Tompkins County Office for the Aging currently subcontracts with Foodnet Meals on Wheels in order to provide congregate and home delivered meals, and

WHEREAS, the Tompkins County Office for the Aging recommends Foodnet Meals on Wheels be enabled to carry out these services, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County authorizes a supplemental agreement with Foodnet Meals on Wheels,

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RESOLVED, further, That the Finance Director is authorized to make the following adjustments to his books:

REVENUE	A6776.44772	Federal Revenue	\$17,661
APPROPRIATION	A.6776.54491	Subcontracts	\$17,661

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 122 – AWARD OF BID – DISABLED-PASSENGER RAMP
- ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, the Finance Department advertised for bids on a passenger ramp for the boarding of disabled passengers and received one bid, and

WHEREAS, while other boarding ramps exist, this particular ramp is the only one that meets the needs of the airlines serving Ithaca Tompkins Regional Airport, and

WHEREAS, the bid price of \$22,250 for said Disabled-Passenger Ramp is considered reasonable by the Federal Aviation Administration (FAA), now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to KCI Passenger Boarding Ramps of White City, Oregon, for a total price of \$22,250, subject to grants being received from the FAA and New York State Department of Transportation (NYSDOT),

RESOLVED, further, That the budget for said Disabled-Passenger Boarding Ramp is as follows:

FAA	(95.0%)	\$21, 138
NYSDOT	(2.5%)	\$ 556
Local (Airport Budget) (2.5%)		\$ 556
Total		\$22, 250

RESOLVED, further, That the County's Finance Director be and hereby is authorized to advance payment for said boarding ramp until reimbursement is received from the FAA and NYDOT.

SEQR ACTION: TYPE II-25

**RESOLUTION NO. 123 – AWARD OF BID – RUNWAY DEICING EQUIPMENT AND
PURCHASE OF DUMP TRUCK - ITHACA TOMPKINS
REGIONAL AIRPORT**

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

WHEREAS, the Finance Department advertised for bids on de-icing equipment to be used on runways, taxiways, and ramps during icing conditions, and

WHEREAS, two (2) bids were duly received, and

WHEREAS, Tyler Ice of New Berlin, Wisconsin, was the lowest responsible bidder for providing the Runway Deicing Equipment that meets the operational needs of the Ithaca Tompkins Regional Airport, in the amount of \$44,628, and

WHEREAS, for the Runway Deicing Equipment to become operationally useful, it must fit onto a suitable Dump Truck to be purchased on New York State contract for \$92,000, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid for the Runway Deicing Equipment be awarded to Tyler Ice of New Berlin, Wisconsin, in the amount of \$44,628 and the Dump Truck be purchased on New York State contract in the amount of \$92,000,

RESOLVED, further, That the grand total for the Dump Truck and Runway Deicing Equipment is \$136,628 and that award and purchase of both pieces of equipment are subject to grants being received

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from the Federal Aviation Administration (FAA) and New York State Department of Transportation (NYSDOT),

RESOLVED, further, That the budget for said Dump Truck and Runway Deicing Equipment is as follows:

FAA	(95.0%)	\$129,796
NYSDOT	(2.5%)	\$ 3,416
Local (Airport Budget) (2.5%)		\$ 3,416
Total		\$136,628

RESOLVED, further, That the County's Finance Director be and hereby is authorized to advance payment for said equipment until reimbursement is received from the FAA and NYDOT.

SEQR ACTION: TYPE II-25

**RESOLUTION NO. 124 – AUTHORIZING A CONSULTANT AGREEMENT
WITH C&S ENGINEERS, INC., FOR DESIGN AND BIDDING
SERVICES FOR A SAND STORAGE BUILDING – ITHACA
TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, the new terminal ramp, runway and taxiway extensions, new T-hangar pavement, and two general-aviation ramp extensions have added approximately forty percent to the airport's paved airport operations area, and

WHEREAS, the original sand storage bay in the CFR Building is no longer big enough to meet the airport's operational needs, and

WHEREAS, a stand-alone sand storage building is needed to provide sufficient capacity for current and future needs, to allow for the sand to be heated, and to allow for the storage of liquid runway deicing fluid, and

WHEREAS, C&S Engineers, Inc., the airport's engineering consultants, have proposed to design and bid said sand storage building for a fee of \$98,040, and

WHEREAS, the budget for these design and bidding services is as follows:

Federal Aviation Administration (FAA) Share (95.0%)	\$93,138
New York State Department of Transportation (NYSDOT) Share (2.5%)	\$ 2,451
Local Share (2.5%)	\$ 2,451
Total	\$98,040

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the agreement with C&S Engineers, Inc., for \$98,040 be and hereby is approved, subject to FAA and NYSDOT funding being received and subject to an Independent Fee Estimate (IFE) being conducted to ascertain the fee is fair,

RESOLVED, further, That the local share of \$2,451 will come from the airport's operational budget,

RESOLVED, further, That the County Administrator is authorized to execute the required documents and the Finance Director is authorized to advance payment for these services until reimbursement is received from the FAA and NYSDOT.

SEQR ACTION: TYPE II-21

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RESOLUTION NO. 125 - AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., FOR CONSTRUCTION OBSERVATION AND ADMINISTRATIVE SERVICES OF RUNWAY 32 LOCALIZER ARRAY RELOCATION PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, the addition of pavement to the departure end of Runway 32 to meet mandated runway safety area standards has brought aircraft operations to within 502 feet of the Localizer Array system which provides navigation aid to landing aircraft, and

WHEREAS, the Federal Aviation Administration's (FAA's) acceptable minimum separation distance between operating aircraft and the Localizer Array is 600 feet, and

WHEREAS, the County recently awarded a contract to B&H Taxilane Lighting, Inc., of Conklin, New York, to relocate said Localizer Array, and

WHEREAS, the airport's engineering consultant, C&S Engineers of Syracuse, New York, has proposed providing the necessary Construction Observation and Administration Services for the Runway 32 Localizer Array Relocation project for a price not to exceed \$20,080.00 with the budget for said work being as follows:

FAA Share (95.0%)	\$19,076
New York State Department of Transportation (NYSDOT) Share (2.5%)	\$ 502
Local Share (2.5%)	\$ 502
Total	\$20,080

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the agreement with C&S Engineers, Inc., for \$20,080 be and hereby is approved, subject to FAA and NYSDOT funding being received,

RESOLVED, further, That the local share of \$502 will come from the airport's operational budget,

RESOLVED, further, That the County Administrator is authorized to execute the required documents and the Finance Director is authorized to advance payment for these services until reimbursement is received from the FAA and NYSDOT.

SEQR ACTION: TYPE II-2

RESOLUTION NO. 126 - AUTHORIZING ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION (FAA) GRANT TO COMPLETE A "GREEN" MASTER PLAN - ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, the County has received a grant offer from the Federal Aviation Administration (FAA) in the amount of \$285,000 to develop and complete a "Green" Twenty-year Master Plan, and

WHEREAS, this Master Plan will incorporate sustainable elements into all future airport projects whenever possible, with the goal of greatly reducing or totally eliminating the airport's carbon footprint as outlined in Resolution No. 116 approved by the Legislature on July 7, 2009, and

WHEREAS, the budget for these projects is as follows:

FAA Share (95.0%)	Account No. HT 5601.44592	\$285,000
New York State Department of Transportation Share (2.5%)	Account No. HT 5601.43592	\$ 7,500
Local Share (2.5%)	Account No. HT 5601.45031	\$ 7,500
Total		\$300,000

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, and

WHEREAS, the County Legislature approved this "Green" Master Plan project at its meeting on July 7, 2009, subject to federal and state funding being received, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the grant offer from the FAA of \$285,000 be and hereby is accepted and that the County Administrator is authorized to execute the required documents,

RESOLVED, further, That the local share of \$7,500 has already been factored into the airport's 2009 operational budget.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 127 - AUTHORIZATION TO EXECUTE FUNDING AGREEMENT WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
(NYSDOT) – PINE TREE ROAD BIKE AND PEDESTRIAN PATHS
(P.I.N. 3950.43)**

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

WHEREAS, a Project for the Pine Tree Road Bike and Pedestrian Paths, P.I.N. 3950.43, (the Project) in the Town of Ithaca, is eligible for funding under Title 23 United States Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 71.8 percent Federal funds and 28.2 percent non-Federal funds, and

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

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

WHEREAS, the County of Tompkins desires to advance the above project by making a commitment of 100 percent of the non-Federal share of the costs of design, ROW, construction, and construction inspection and supervision, now therefore be it

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

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

RESOLVED, further, That the sum of \$956,454.00 is hereby made available within account HZ5103.59239.53.15, Pine Tree Road Capital Project Account, to cover the cost of participation in the above phases of the Project,

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

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

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

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RESOLVED, further, That this resolution shall take effect immediately.
SEQR ACTION: TYPE II-2

**RESOLUTION NO. 128 - AUTHORIZATION TO ISSUE DESIGN APPROVAL AND ACQUIRE
RIGHT OF WAY – WEST SENECA ROAD BRIDGE (BIN 3210250)
OVER BOARDMAN CREEK - PIN 3755.10**

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

WHEREAS, construction of a replacement bridge on West Seneca Road over Boardman Creek (BIN 3210250), PIN 3755.10, (the Project) in the Town of Ulysses, with an average vehicle usage count of 1018 in April 2008, is eligible for 80 percent Federal funding, and

WHEREAS, preliminary project design has been developed in conformance with the applicable environmental laws, design standards, and accepted engineering practice; all exceptions to accepted design standards have been thoroughly analyzed and their retention adequately justified; all permits have been identified and will be secured prior to letting; public participation has been encouraged and included in the project development processes; and project costs are reasonable, and

WHEREAS, in accordance with applicable Federal regulations and guidelines, Right-of-Way acquisition will be necessary on three adjoining properties, which is considered de minimus in nature, and

WHEREAS, completion of all procedural requirements needed prior to project design approval have been certified and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, having reviewed project materials provided, hereby determines that this project is a Type II SEQRA action requiring no further environmental review,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting Design Approval whereby completion of project final design shall be authorized,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents to acquire Right of Way for the referenced project.

SEQR ACTION: TYPE II-2

**RESOLUTION NO. 129 - AUTHORIZATION TO ISSUE DESIGN APPROVAL – CR 130,
NEWFIELD DEPOT ROAD BRIDGE (BIN 3314380) OVER
CAYUGA INLET - PIN 3753.21**

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

WHEREAS, Resolution No. 7 of 2005 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund reconstruction design for a bridge to carry County Road 130, Newfield Depot Road, over Cayuga Inlet (BIN 3314380) in the Town of Newfield, with an average vehicle usage count of 2513 in 2008, and

WHEREAS, preliminary project design has been developed in conformance with the applicable environmental laws, design standards, and accepted engineering practice; all exceptions to accepted design standards have been thoroughly analyzed and their retention adequately justified; all permits have been identified and will be secured prior to letting; public participation has been encouraged and included in the project development processes; and project costs are reasonable, and

WHEREAS, in accordance with applicable Federal regulations and guidelines, Right-of-Way acquisition will likely be unnecessary, with the possible exception of an expanded permanent easement from Norfolk Southern Rail Road, which is considered de minimus in nature, and

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WHEREAS, completion of all procedural requirements needed prior to project design approval have been certified by the design consultant and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, having reviewed project materials provided, hereby determines that this project is a Type II SEQRA action requiring no further environmental review,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting Design Approval whereby completion of project final design shall be authorized,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents to acquire Right of Way, if needed, for the referenced project.

SEQR ACTION: TYPE II-2

Presentation of Resolution(s) from the Health and Human Services Committee

RESOLUTION NO. 130 - EXEMPTING INTERMUNICIPAL RECREATION PARTNERSHIP FROM HAVING TO PREPARE A BUDGET TO MEET TOMPKINS COUNTY'S BUDGET-CUTTING GUIDELINES

MOVED by Mr. Burbank, seconded by Mr. Proto. Ms. Mackesey believes the title is confusing and complicates what is being requested. She said she does not support the resolution and said comparing this with TCAT and TC3 is unfair as those budgets are based on what is presented in their budgets. The Recreation Partnership is not presenting their budget at this time and said it is a negotiable item.

Mr. Dennis said while he understands what was said earlier by Eric Lavine, he would like to see the resolution go back to committee for further discussion and suggested a discussion with towns take place. He said if the County were to exempt this group there will be a long line of applications for exemptions. He said he cannot support this without other funding options being explored. He is not saying that everyone has to sacrifice but look at ways to trim their budget.

Ms. Robertson said the Recreation Partnership is not like the other agencies or departments. This is a very important intermunicipal group and if the County is going to stay in this partnership it needs to be a partner. The value is not just in the programs but in the trust built up between the County and the people in the municipalities.

Ms. Kiefer understands Mr. Dennis as Budget Committee chair supporting Tompkins County guidelines and does not object to County representatives making a plea for help from other municipalities to cover the County's \$1,459 increased share. But the Recreation Partnership has had a long and difficult history and is now a valuable entity and all the municipal members have agreed to not let individual municipal members dictate the budget, so she would not support cutting it.

Mr. Proto said this is really a planning document for their budget deliberations and they will need to go back to municipalities and work out formulas. The Recreation Partnership serves approximately 4,000 kids. He understands that because these are stressful financial times the families who are taking advantage of the programs are probably amongst the most impacted by the economy. This gives their kids an opportunity to participate in activities, and noted there are some programs proposed for elimination because the Recreation Partnership could not afford to carry them any longer. He said it is important to recognize this is the beginning of their budget process and urged Legislators to support this resolution.

Mr. Koplinka-Loehr said he agrees with Mr. Proto that this is a planning tool and in general he agrees that the County should honor its agreements. But he favors alerting a party of a change in a

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contribution level early enough so that there is time to plan and not in November when the budget is adopted. Mr. Koplinka-Loehr said while services have been provided for many years, he does not support the resolution because he does not believe providing youth recreation is part of the County's mission.

Ms. Chock said she believes youth services are an important part of the County's mission. She said each Intermunicipal agreement should be treated individually. She offered a friendly amendment, which the Legislature accepted, to change the title to "Recognizing Commitment to the Intermunicipal Recreation Partnership Agreement".

Ms. Chock also offered the following amendments:

1. Remove the following phrase from the 5th Whereas: "like it has done with other Intermunicipal agreements" and replace with "for the purposes of intermunicipal cooperation"; this was accepted as friendly.
2. Change title from: "Exempting Intermunicipal Recreation Partnership from Target Cuts", to: "Commitment to the Intermunicipal Recreation Partnership Agreement"; this was accepted as friendly.
3. Replace 1st Resolved with: "RESOLVED, on recommendation of the Health and Human Services Committee, That Tompkins County will consider the Intermunicipal agreement in its budget considerations rather than be exempt from across-the-board cuts."

Mr. Burbank said he had the pleasure of serving on the Recreation Partnership when he was on the Ithaca Town Board. He recalled discussion during a difficult budget year of the County's withdrawal from the Partnership and spoke of the profoundly negative impact that had on the other municipalities. He referred to the Partnership as a "four-legged stool" that needs all four legs to function.

Mr. Dennis stated that the Legislature should not be exempting anyone in order for the budget process to work.

Ms. Mackesey agreed with Mr. Dennis and said the Legislature needs to look at the budget in its entirety. The County is in a very serious situation and needs to be taking a realistic look at this. She cannot support this action that is outside of the County's budget process.

Mr. Sigler said when the Legislature first voted to renew this agreement it came two months before the budget process and he had asked why it could not wait until the budget process. He agrees with Ms. Mackesey's comments and believes it would be better to talk about this during budget discussions rather than setting it aside as something different. He believes the Recreation Partnership is valuable, however, all of the County's programs have supporters.

Ms. Robertson said there are some budgets that are acted upon outside the County's budget process and gave Tompkins Cortland Community College as an example. She spoke of intermunicipal agreements and said there is an inherent risk to having them. In some years there will be great advantages for the County and in other years it will be harder, however, the Recreation Partnership is much more cost-effective than municipalities providing services individually. She said it involves a leap of faith and statement that something is being done in the long run that is better for County residents.

Ms. Kiefer referred to Mr. Koplinka-Loehr's comments and said she can understand that is a belief one can have because each municipality within the County has youth services as a possible area of work. She is surprised that Mr. Koplinka-Loehr, a long-standing champion of the County's quality-of-life, does not support County-supported youth services. Ms. Kiefer said the Recreation Partnership is

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unique, and therefore she does not believe this opens the door to other similar requests. Lastly, she offered substitute language for the title and in the first Resolved; both were accepted as friendly.

Mr. Stevenson said as the Legislator representing the Town of Enfield the message he wishes to send is that he supports the Recreation Partnership.

Mr. Shinagawa said he opposes the resolution and shares many of the sentiments expressed of Ms. Mackesey and Mr. Dennis. He would like to see effort made to show what the Recreation Partnership would look like with the reduction and what programs would be impacted. Mr. Shinagawa said he finds it hard to exempt this one particular area when the County is looking at other significant areas being cut, such as law enforcement or programs for at-risk youth. He spoke of his support for youth programs and how he fought very hard for the County to stay in the Recreation Partnership. He said given other priorities the Legislature will be faced with making, his priorities are going to be with programs that can affect whether people can stay in their homes, eat, and feel safe.

Mr. Koplinka-Loehr reminded the Legislature that there will still be the opportunity to vote on the impact in the form of an over-target request during the budget process.

Ms. Herrera said there are points on both sides of the process issue. When people are worried about eating, staying in their homes, and paying their bills, their youth are hurting. The ripple effect from the youth hurting can be felt throughout the community. She said this presents a dilemma on both sides of the argument because she can think of other organizations that could present the same argument. She believes there are some opportunities for movement on this issue and said although she has reservations, she does not want to vote against it. Ms. Herrera clarified that although this action sends a message it does not set the budget for the Recreation Partnership; the signal that is being sent is that the County is faced with a year unlike other years, and a case is going to have to be made to justify the request. She said organizations are going to be asked to adhere to the budget guidelines that others are being asked to adhere to.

A roll call vote resulted as follows: Ayes – 6 (Legislators Burbank, Chock, Kiefer, Proto, Robertson, and Stevenson); Noes – 7 (Legislators Dennis, Herrera, Mackesey, McBean-Clairborne, Shinagawa, Sigler, and Koplinka-Loehr); Excused – 2 (Legislators Hattery and Randall). RESOLUTION LOST.

WHEREAS, the Tompkins County Legislature voted in 2007 to continue its commitment as a key partner in Intermunicipal Recreation Partnership by approving the 2008-2012 Intermunicipal Recreation Partnership Agreement, and

WHEREAS ...”the Partners agree to the ... cost-sharing formula [which] allocates the annual net operating costs of programs into four equal shares. The City of Ithaca agrees to pay one quarter of the net operating cost, the Town of Ithaca agrees to pay one quarter, and the County agrees to pay one quarter. The smaller municipalities agree to share the remaining quarter.”, and

WHEREAS, all eleven municipalities agreed that the “Recreation Partnership Board shall review preliminary budget projections in June and July and decide on the acceptable net program cost for the upcoming year by the end of July. During the budget development process, each Recreation Partnership Board member shall discuss the municipal payments needed with its municipality to determine if the preliminary budget adopted by the Recreation Partnership Board is feasible.”, and

WHEREAS, the Tompkins County Legislature 2010 budget target that requires a 6.25% reduction in the County’s contribution to the Intermunicipal Recreation Partnership represents a unilateral reduction that affects all other partners, and

WHEREAS, the members of the Intermunicipal Recreation Partnership Board have asked that the County exempt this Agreement from across-the-board budget targets, for the purposes of intermunicipal cooperation, now therefore be it

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RESOLVED, on recommendation of the Health and Human Services Committee, That the Intermunicipal Recreation Partnership be exempt from having to prepare a budget each year to meet any across-the-board County target setting for the life of the Agreement (2008-2012),

RESOLVED, further, That Tompkins County agrees to adhere to the budgeting process in the approved Agreement.

SEQR ACTION: TYPE II-20

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

**RESOLUTION NO. 131 - AWARD OF BID – TOMPKINS COUNTY HEALTH DEPARTMENT
SITE DECONSTRUCTION/CONSTRUCTION CAPITAL PROJECT
(PHASE III)**

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer. Mr. Proto commented that it has been a while since the Legislature has had an update on the Health Department Building project and requested a presentation, including an update on the status of the sale of the existing Biggs facility. Mr. Koplinka-Loehr said he will request that a presentation be scheduled.

A voice vote resulted as follows on the resolution: Ayes – 13, Noes – 0, Excused – 2 (Legislators Hattery and Randall). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Finance Department has duly advertised for bids for the Tompkins County Health Department Site Deconstruction/Construction project (Phase III), and

WHEREAS, two (2) bids were received and publicly opened and read on July 2, 2009, now therefore be it

RESOLVED, on recommendation of the Health Department Building Construction and the Facilities and Infrastructure Committees, That the base bid plus three (3) alternates for removal of remaining asphalt and installation of 2” binder and 1” top coat (Alt. No. 1), hydroseed for no-mow grass (Alt. No. 2), and granite curbs (Alt. No. 3) be accepted and awarded to the lowest responsible bidder as follows:

Site Contract	Economy Paving Co., Inc. Cortland, NY	\$511,439
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RESOLVED, further, That the County Administrator or his designee is hereby authorized to enter into a contract with Economy Paving Co., Inc., and to execute change orders of up to five (5) percent of the contract total,

RESOLVED, further, That the Facilities Division be authorized to implement this bid on behalf of the County, funds being available in Capital Account No. HM4002.59239-40.10.

SEQR ACTION: TYPE II-2

RESOLUTION NO. 132 - AUTHORIZING ACCEPTANCE OF A (PHASE II) FEDERAL AVIATION ADMINISTRATION (FAA) GRANT TO REMOVE OBSTRUCTIONS; FOR A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC.; FOR CONSTRUCTION OBSERVATION SERVICES FOR OBSTRUCTION REMOVAL; FOR A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., TO DESIGN A SAND STORAGE BUILDING; AND TO PURCHASE A PASSENGER BOARDING RAMP FOR THE DISABLED, RUNWAY DEICING EQUIPMENT, AND A MULTI-PURPOSE SNOW-REMOVAL LOADER - ITHACA TOMPKINS REGIONAL AIRPORT

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MOVED by Mrs. McBean-Clairborne, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present.

WHEREAS, the Federal Aviation Administration has been authorized to make a Phase II grant offer of \$505,135 to help finance the above mentioned projects and equipment purchases, and

WHEREAS, the budget for these projects is as follows:

Federal Aviation Administration – (95.0%)	Account No. HT5601.44592	\$505,135
New York State Department of Transportation – (2.5%)	Account No. HT 5601.43592	\$ 13,293
Local – (2.5%)	Account No. HT 5601.45031	\$ 13,293
Total		\$531,721

, and

WHEREAS, all the above named projects and equipment purchases will have been approved by the County Legislature before construction or purchase, subject to Federal and State funding being received, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the grant offer from the FAA of \$505,135 be accepted,

RESOLVED, further, That in the event additional Federal discretionary funding is available, and the FAA increases the Federal grant offer to \$688,766 to allow for the addition of two light towers as an add-on to the Obstruction Clearance bid, then and in that event the grant offer of \$688,766 be accepted,

RESOLVED, further, That the local share of \$13,293 will come from the airport's 2009 operational budget,

RESOLVED, further, That in the event the Federal grant is increased to \$688,766 the NYSDOT share would increase by \$4,832 and the airport share would also increase by \$4,832; the additional airport share also coming from the 2009 airport operational budget,

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

SEQR ACTION: TYPE II-20

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

It was MOVED by Ms. Mackesey, seconded by Ms. Robertson to approve the following appointment:

Planning Advisory Board

Minakshi Amundsen – At-large representative; term expires December 31, 2011

Ms. Chock commented that she thinks this person would be a wonderful addition to the Planning Advisory Board, but would be more appropriate representing the education seat. She believes it would be a conflict of interest for this individual to represent planning interests in an at-large seat.

Ms. Herrera disclosed that she is employed by Cornell University and works in the Facilities division and has served with this individual in several capacities. She believes this individual's credentials are impeccable and having her sit at the table would be good for Tompkins County. She does not object to her serving as an at-large member. Mr. Wood does not believe there is a conflict of interest with Ms. Herrera's disclosure.

A voice vote resulted as follows on the appointment: Ayes – 12, Noes – 1 (Legislator Chock), Excused – 2 (Legislators Hattery and Randall). APPOINTMENT CARRIED.

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Report and Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee

Mr. Shinagawa, Chair, reported the Committee met on July 10th and had an update on various policies and a presentation from the Assessment Department on a study performed by Jay Franklin, Assistant Assessment Director, on other counties' assessment practices. He developed cost projections on what it would look like if it were done differently and concluded Tompkins County's present system is the most consistent and effective system.

**RESOLUTION NO. 133 - SUPPORTING THE NEW YORK STATE FAIR PAY ACT OF 2007
(ASSEMBLY BILL NO. A3911; SENATE BILL NO. S955)**

MOVED by Mr. Shinagawa, seconded by Ms. Herrera. Ms. Robertson said her concern is that this County went through a long and complicated process removing stereotyping from job classifications in trying to assign a weight-based criteria on a variety of factors. She said she would like additional time to review this legislation.

Ms. Kiefer said she supports two potential bills in the State Legislature that are intended to make it a violation of human rights law to discriminate between male and female employees by compensating employees of different genders differently for work of comparable worth. The legislation also attempts to ensure pay differential is not based on a person's sex, national origin, or race.

Mr. Proto said he sees this legislation as proposing equal pay for equal worth; Mr. Shinagawa said that is an accurate statement. Mr. Proto said he, too, would like to have time to review the legislation. Mr. Shinagawa suggested Mr. Proto Table the resolution rather than refer it to committee.

It was MOVED by Mr. Proto, seconded by Ms. Robertson, to postpone the resolution to the next meeting.

Ms. Herrera said while she can understand some Legislators wanting time to review this further, she would like to see this approved this evening. She spoke about comparable worth and said this legislation deals with discrimination in job titles traditionally held by women and persons of color. This action supports legislation to remove barriers that prevent women and people of color from receiving comparable pay for comparable-worth work.

Mr. Sigler said he would like to know how this is different from any existing legislation.

Ms. Chock clarified the current law allows men and women to be given different titles for essentially the same work; this legislation does not allow men and women with the same jobs to be classified differently.

A voice vote resulted as follows on the motion to postpone: Ayes – 9 (Legislators Dennis, Kiefer, Mackesey, McBean-Clairborne, Proto, Robertson, Shinagawa, Sigler, and Stevenson); Noes – 4 (Legislators Burbank, Chock, Herrera, and Koplinka-Loehr); Excused – 2 (Legislators Hattery and Randall). MOTION TO POSTPONE CARRIED.

WHEREAS, the very first bill signed into law by President Obama was the Lilly Ledbetter Fair Pay Act, which restored the 1964 Civil Rights Act's Equal Pay Protection for persons whose jobs involved the same work,

WHEREAS, the Ledbetter Act does not address pay inequities across different but equally valued job titles, and

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WHEREAS, the New York State Fair Pay Act (A3911, S955) addresses this problem by amending Capital Labor Law to ensure pay differential is not based on a person's sex, national origin, or race, and

WHEREAS, another bill (A2351/S2968) amends Executive Law to make it a violation of Human Rights Law to discriminate between male and female employees by compensating employees of different genders differently for work of comparable worth, and

WHEREAS, both of these bills should result in removing discrimination in job titles traditionally done by women and people of color, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Tompkins County Legislature recognizes the need for the New York State Fair Pay Act and its companion bill and urges the New York State Assembly and Senate to pass, and the Governor to sign, this important Legislation,

RESOLVED, further, That copies of this resolution be sent to our State Senators and Assemblywoman, the Chairs of the relevant State legislative committees, the Governor, and the New York State Association of Counties (NYSAC).

SEQR ACTION: TYPE II-20

Ms. Herrera said she would like the County Attorney and the relevant committee to examine the bylaws and charters of organizations such as TC3, the public library, and TCAT, and why these have been allowed to propose separate-from-county budgets. In addition, she requested there be an examination of the charters and bylaws of intermunicipal groups to see whether any of these could argue they are similar, and whether the county has agreed in any of these documents, to allow them to set a budget number that differs from the budget set by the County. She asked the Government Performance and Workforce Relations Committee to consider a policy on intermunicipal organizations to clarify which sets its own budget.

Presentation of Resolution(s) from the Health and Human Services Committee

RESOLUTION NO. 134 - AUTHORIZATION TO ACCEPT FUNDS, EXECUTE MULTI-YEAR CONTRACTS, CREATION OF POSITION AND BUDGET ADJUSTMENT – TOBACCO CONTROL PROGRAM COMMUNITY PARTNERSHIP – HEALTH DEPARTMENT

MOVED by Mr. Burbank, seconded by Ms. Kiefer. Mr. Proto said the grant is \$160,000 per year for five years for a total of \$800,000. There is a smoking ban in restaurants, bars, County buildings and vehicles; an increase in the anti-smoking advertisements; products have been moved to behind sales counters; and locked access ports in tobacco shops have been instituted. He said everyone has had friends and family members impacted by the side effects of tobacco. He is not opposed to what has already been done but this action takes it one step further. He requested a report be given to the Health and Human Services Committee on all of the activities that have taken place and if they have achieved the goals that have been established.

Ms. Robertson congratulated staff in getting this very competitive award. There is clearly a long way to still go as this is the leading preventable illness that causes death in the country.

Mr. Dennis said Mr. Proto should be provided with all of the information he requested and commented that smoking should be banned in all public places.

Mrs. McBean-Clairborne said this is a grant for \$160,000 per year and noted the position being created will only continue as long as 100% of the grant funding will be available. In reference to the proposed smoking ban on the Commons, she said there will be public meetings held.

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Mr. Sigler said he supports the resolution and views smoking as a generational issue, as time moves forward the less smoking there will be.

A voice vote resulted as follows on the resolution: Ayes – 12, Noes – 1 (Legislator Proto), Excused – 2 (Legislators Hattery and Randall). RESOLUTION ADOPTED.

WHEREAS, the New York State Department of Health (NYSDOH) has awarded the Tompkins County Health Department five-year grant funding of \$160,000 per year, for a Tobacco Control Program Community Partnership for the period August 1, 2009, through June 30, 2014, and

WHEREAS, the purpose of this community partnership funding will be to engage local stakeholders, educate community leaders and the public, mobilize community members and organizations, strengthen tobacco-related policies, prevent and reduce tobacco use, and limit opportunities for exposure to secondhand smoke, and

WHEREAS, to accomplish the goals of this grant the Department requests the creation of one full-time position of Health Educator to fulfill strategies and activities in the work plan, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget, Capital, and Finance Committees, That the Health Department is authorized to accept said funds,

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

RESOLVED, further, That one position of Public Health Educator (13/763), labor grade M (13), competitive class, 35 hours per week be created effective August 1, 2009,

RESOLVED, further, That said position would only continue so long as one-hundred percent grant funding is available,

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

REVENUE:	4016.43489	Other State Grants	\$56,264
APPROPRIATION:	4016.51763	Public Health Educator	\$18,209
	.52206	Computer Equipment	\$ 2,400
	.54330	Printing	\$ 5,000
	.54333	Education & Promotion	\$ 4,000
	.54412	Travel and Training	\$ 1,500
	.54414	Local Mileage	\$ 400
	.54442	Professional Service Fees	\$16,000
	.54452	Postage	\$ 2,200
	.58800	Fringes	\$ 6,555

SEQR ACTION: TYPE II-20

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, said the Soil and Water Conservation District attended the last meeting and reported that to-date they have not received any money from the State for their programs. Tompkins County Area Development provided a report and the Planning Department has completed a renter's survey of rental units around the County with results being available on the website. Ms. Mackesey also reported that funding has been awarded for the Pony Hollow Aquifer Study.

Ms. Robertson announced Ms. Mackesey was appointed as the Chair of the Program Oversight Committee for the Housing Fund Program.

Report from the Budget, Capital and Finance Committee

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Mr. Dennis, Chair, reported the 2009 budget may need some adjustments as a result of a shortfall in sales tax as it is anticipated that there will be a \$2 million deficit. Mr. Squires, Mr. Mareane, and Ms Jayne are meeting regularly to discuss this and reviewing ideas to balance the budget. Mr. Mareane will be presenting recommendations at the next Committee meeting for consideration and discussion.

Report and Resolution(s) from the Public Safety Committee

Ms. Robertson, Chair, reported the Committee met yesterday and went through rollover requests and discussed 2010 budget impacts. Patricia Carey, Social Services Commissioner, reported on the alternatives-to-incarceration evaluation. Deana Bodnar of the Social Services Department will be working on that and has established a preliminary timeline for the work. The final report should be completed in January. The Assigned Counsel Task Force continues to meet and she expects to present a report to the Committee in September, but noted there is no plan to suggest a radical change to the existing system. The Sheriff received approval today from the Commission of Corrections for a variance to double-cell 18 beds in the jail for up to six months; this should help reduce the number of inmates being boarded out to other facilities. At the end of June, \$156,000 had been spent on board-outs in 2009.

In response to Mr. Proto's question concerning the Department of Social Services doing the alternatives-to-incarceration evaluation, Ms. Robertson said the Department completed the original report in 2003. Mr. Proto said as Chair of the Health and Human Services Committee, he would have appreciated being involved in these discussions and requested inclusion in the future.

RESOLUTION NO. 135 - APPROPRIATION FROM GENERAL RESERVE FUND FOR THE PURCHASE OF TEN SCRAM (SECURE CONTINUOUS REMOTE ALCOHOL MONITORING) UNITS FOR THE TOMPKINS COUNTY PROBATION AND COMMUNITY JUSTICE DEPARTMENT

MOVED by Ms. Robertson, seconded by Mrs. McBean-Clairborne. Mr. Shinagawa said he received a lot of information and is convinced the units are very cost effective and save on incarceration costs. However, he believes it is important that when going forward with these kinds of expenses that the benefits are clear. Ms. Robertson noted that this is funded with DWI fine money and not taxpayer dollars.

A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Hattery and Randall). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County STOP-DWI Program is providing the Tompkins County Probation and Community Justice Department with ten SCRAM (Secure Continuous Remote Alcohol Monitoring) devices and one year of continuous alcohol monitoring costs to monitor offenders, and

WHEREAS, a SCRAM unit is a bracelet worn on the ankle and monitors alcohol use 24-hours per day, and

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

WHEREAS, funds are intended to cover the full costs of the ten SCRAM units and one year of monitoring services at the cost of \$15,000 for the SCRAM units and \$19,345 for daily monitoring fee of \$5.30 a day, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for purchase of 10 SCRAM units and pay for one year of monitoring services:

FROM: A4250	Reserve Fund	\$34,345
TO: A4250.52220	Departmental Equipment	\$34,345

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

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SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee has not met since the last Legislature meeting. She thanked Ms. Herrera for mentioning the hate crime under Privilege of the Floor and spoke briefly of how difficult it is for prosecutors to prove hate crimes.

Report from the Legislative Rules and Procedures Committee

Ms. Kiefer, Chair, reported the Committee met yesterday and had a lengthy discussion of Rule XVII – Acquiring and Disclosing Information. She said the Committee will bring proposals to amend the Rules of the Legislature to the Legislature for consideration in sections.

Ms. Robertson spoke concerning Rule XVII and requested a copy of the information presented by Department Heads.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on July 14 and had a lengthy discussion on the Recreation Partnership target-exemption request. The Committee will be working on the resolution to award a bid for the rural feeder proposal for Ithaca Dispatch. There is concern that a good share of the County is underserved by the TCAT service because rural residents cannot get to the bus stops. The Committee was reluctant to award the contract until a number of questions were answered. Mr. Proto reminded members if they have concerns or questions they should submit them to Deana Bodnar at the Department of Social Services. The next meeting will be August 11th.

Mr. Proto spoke of his attendance at the 60th anniversary of the Slaterville Fire department and the 50th anniversary of the ambulance squad. There is a unit within the ambulance that can do vitals and transmit to the Emergency Room so that the hospital has the information upon the patient's arrival. The unit costs approximately \$25,000; Bangs Ambulance is scheduled to get one.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on July 16 with most of the business being reflected in resolutions on the Legislature's agenda. Departments began providing the Committee with updates on the impacts of the 2010 budget. They have been working to find areas to cut and cooperate during this very difficult budget climate. The Air Service Board met yesterday and discussed the great increase in enplanements over last year.

Approval of Minutes of June 22, 2009

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of the June 22, 2009, meeting as submitted.

Recess

Mr. Koplinka-Loehr declared recess at 8:20 p.m. The meeting reconvened at 8:28 p.m.

Executive Session

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It was MOVED by Mr. Dennis, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to hold an executive session to discuss personnel and labor negotiations. An executive session was held from 8:28 p.m. and returned to open session at 9:01 p.m.

Adjournment

On motion the meeting adjourned at 9:01 p.m.