

September 2, 2008

Approved 9-16-08

**Tompkins County Legislature
September 2, 2008**

Public Hearing –Proposed Local Law No. 1 of 2008 – A Local Law Providing for Enhanced Personal-Privacy for Documents Recorded in the Office of the County Clerk, and Authorizing an Increase in Fees Collected by the County Clerk for Recording, Entering, Indexing, and Endorsing a Certificate on any Instrument

Chair Koplinka-Loehr called the public hearing to order at 5:30 p.m. concerning proposed Local Law No. 1 of 2008 – A Local Law Providing for Enhanced Personal-Privacy for Documents Recorded in the Office of the County Clerk, and Authorizing an Increase in Fees Collected by the County Clerk for Recording, Entering, Indexing, and Endorsing a Certificate on any Instrument, and asked if anyone wished to speak.

No one wished to speak and the public hearing was closed 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.

Present: 15 Legislators; Excused: 1 (Legislator Dennis arrived at 5:45 p.m.)

Privilege of the Floor by the Public

No one from the public wished to speak.

Privilege of the Floor by Legislators

Ms. Robertson, District No. 13 Legislator, called attention to the tee shirt she wore for Bike and Build, a sponsored a cross-country bicycle ride to raise money for affordable housing. She spoke of the participation of her daughter in the ride that crossed from Boston, Massachusetts, to Santa Barbara, California. Over the past five years almost \$2 million has been raised to assist in building housing projects in Massachusetts, Nevada, and Los Angeles. During the ride thirty presentations were made throughout the country, with riders participating every five days in community builds for Habitat for Humanity and other organizations. Ms. Robertson expressed appreciation to individuals who sponsored her daughter in the event.

Ms. Chock, District No. 3 Legislator, spoke of her continued orientation in various County departments, noting the most recent was at the Sheriff's Department and Corrections. She spoke of the importance of having a citizen-elected sheriff and the quality of training, both in technique and policy. She then spoke of recent events relating to demonstrations at national conventions during which protestors are being arrested. Ms. Chock is concerned that individuals right to exercise freedom of speech has been impaired and asked that locally a policy be clear on appropriate actions to avoid similar situations.

Mr. Proto, District No. 7 Legislator, reported the proposed merger of Energy East and Iberdrola has been postponed due to a lack of attendance at the Public Service Commission meeting. He then expressed appreciation to all members who assisted in supporting the Veterans Cemetery at Sampson Air Base; the official groundbreaking ceremony will take place September 6th at noon. Tompkins Consolidated Area Transit has extended its off-peak \$.50 fare for another two months to obtain additional information on ridership. Mr. Proto expressed concern regarding a recent article appearing in The Ithaca Journal stating there is a possibility of 30,000 wild horses and burros being destroyed by the Department

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of the Interior. He is seeking additional information from an Arizona Senator who is against the euthanasia and may request support from the Legislature to advocate not destroying the animals.

Mr. Dennis arrived at this time.

Mr. Burbank, District No. 12 Legislator, agreed with Ms. Chock's concern regarding the random arrests of demonstrators and journalists, including Amy Goodman. He recalled the same type of occurrence during the previous election conventions and in New York City, with many held several days and then not charged. Some of the individuals sought legal recourse in suing New York City and on August 24th a \$2 million judgment was set in place against New York for 52 protestors. He stressed that the right to assemble and free speech is a right we all have.

Mr. Sigler, District No. 6 Legislator, believes in the right of free speech. He noted the articles shared by Ms. Chock spoke of the actions of the individuals, including attacks to delegates, smashing windows, slashing tires, etc. and that the right to free speech does not allow one to act in the manner noted.

Report from the Municipal Officials

Pat Leary, Town of Ithaca Board Member, reported the Town recently passed the small wind energy facility law. The Town has been reviewing a lakefront residential zone "docks" law and sent it back to committee for further revision, it is hoped to come back to the Town Board in October. The proposed Carrowmoor development; on the Mecklenburg Road, will be referred to the Planning Board in September for comment on a zoning ordinance change. Ms. Leary reported the new Director of Zoning Enforcement Officer, Bruce Bates, formerly of Chenango County, began his new position today. The Town is working on small revisions to the noise ordinance to provide more flexibility on how far in advance to apply; presently there is a 45-day period, a different process may be created for institutional applications such as Ithaca College. The Legislature was informed that the Board of Appeals determined the markings on utility poles designating an eruv are not signs and therefore do not require zoning board action. Ms. Leary reported the Town of Ithaca received a grant in the amount of \$25,000 from New York State Agriculture and Markets to be used for an agricultural plan within the town.

In response to Ms. Herrera, Ms. Leary said the lakefront residential zoning law presently has a thirty-foot maximum on docks as well as certain set-back requirements. The planning board is reviewing the matter to see if the maximum length should be set at fifty feet and make appropriate modifications for set-back requirements due to the lakefront itself.

Ms. Leary, in response to Mr. Burbank, stated the Carrowmoor project is located on upper West Hill and will have 400+ high-end innovative green-design housing units. The project required amendments to the zoning regulations to allow some of the commercial elements of the project. It was noted that the Town stressed the need to have a middle-income component as well.

Mr. Stevenson inquired if any further information is available regarding the area the City requested to utilize as a solid waste area; Ms. Leary did not have an update.

Ms. Mackesey stressed her desire to ask the Town of Ithaca to take into consideration the fact that developments such as Carrowmoor and others will be requesting public transportation, particularly with high fuel costs, she hopes the Town would consider the importance of being involved with Tompkins Consolidated Area Transit. Ms. Leary said that the Town is considering this factor.

Presentation – Records Management Master Plan

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Mr. Chris Talarczyk of LaBella Associates provided information regarding a study of the Tompkins County Records Management Master Plan that recommends construction of a metal storage building at the County's Public Works headquarters on Bostwick Road to meet the County's long-term records management needs.

The study, prepared by the consulting firm LaBella Associates, recommends the new construction to store and preserve the County's inactive records (projected to increase by 30 percent over the next decade) over the option of renovating the old county library, where many inactive records currently are stored.

Mr. Talarzyk told Legislators new construction would permit storage in about half the space (just over 5,000 square feet) at less than half the cost. New construction is estimated at just over \$2 million, compared to \$5.8 million for renovation, with associated savings projected in utility and operational costs.

The report was prepared through a New York State Archives grant awarded to the County.

Following the presentation there was a brief question and answer period, during which the following items were noted:

- The budget would accommodate a generator in case of a loss of power.
- Filters would be used to remove dust and dirt from the climate-control area.
- Discussions have begun with other municipalities and The History Center regarding satellite locations to access records. In addition, preliminary discussions regarding a possible cooperative inactive record facility have begun.
- "Inactive records" are those required less than once every three months.
- Records in storage may only be obtained by the department they belong to; the department then provides the information to public as deemed appropriate.
- Upon request for documents in storage, they would be provided either the same or next day.
- Due to limited funding no other locations had been considered.
- The Old Health Department location as a possible site.
- Maintaining records at the library has ongoing costs associated. In addition, there are concerns for security of the records.
- If other municipalities were involved the amount of grant funding that would be available to offset construction would be increased.
- Without climate control the records are at risk for disintegration.
- The building construction is anticipated to meet the County's storage space need for a ten-year period.
- The exact storage requirement for one large department is yet to be determined, therefore an estimated requirement was factored in.
- To continue a study that would include other sites for the storage facility would require an additional grant.
- A project approval request has been submitted for the 2009 budget year.

Mr. Whicher stated this study is the first of several levels. The present phase addresses existing records, a second topic would be electronic data management, and a third piece could be to have cooperation related to tourism, The History Center, etc.

Chair's Report

Mr. Koplinka-Loehr spoke of the "Live United" initiative requesting donations of food and personal care items to help families in the area. Donations are accepted through September 10th at various locations.

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Chair's Appointments

Mr. Koplinka-Loehr made the following appointments:

Workforce Investment Board

Terms expire June 30, 2011

Robert B. Bantle – Business representative

Barbara Blanchard – Business representative

Susan B. Sammis – Business representative

Patricia Carey – TANF Employment Program representative

Dammi Herath – Community Based Organization representative

Jean McPheeters – Economic Development Organization representative

S. Diane Bradac – WIA Title I representative

Nancy Zahler – At-large representative; term expires December 31, 2011

Debbie M. Chadwick – Business representative

Ms. Kiefer noted that Ms. Blanchard has moved from the area, and it was noted that there was not application received for her appointment; Mr. Koplinka-Loehr will look into this further.

It was noted there were no new applications for seats at the Workforce Investment Board.

Report from the County Administrator

Mr. Whicher reported he would be providing his recommended budget later in the week. He is pleased to be able to meet the goals, however, the results of the Governor's cuts to County departments is still unknown. He anticipates having additional information by Monday's Expanded Budget Committee meeting. Mr. Whicher requested an executive session at the end of regular business to discuss negotiations. Upon review of gas-well drilling by hydraulic fracturing processes, Mr. Whicher strongly recommended that resources be used to review the potential impact on rural water supplies. He reported Mr. Mareane has begun his transition to the County and will look at Public Safety, Emergency Response, Core Performance, and the Industrial Development Agency next.

Ms. Robertson spoke of having Steve Nicholson of the Environmental Management Council place the issue of well drilling on their agenda and also having a discussion of it at the Planning, Development, and Environmental Quality Committee meeting. Ms. Chock expressed a concern and requested that the impact of drilling equipment on the County infrastructure also be reviewed. Mr. Proto is seeking an individual to address the topic at the Water Resources Council; he requested Mr. Whicher assist in providing suggestions relating to the legal issue as well. Mr. Whicher spoke of the need of homeowners having baseline reports for wells prior to the start of drilling. Mr. Proto said the Board of Health may also want to be involved in the discussions.

Report from the County Attorney

Mr. Wood had no report. Mr. Proto asked if there is any further information relating to the eminent-domain litigation. Mr. Wood said the County has responded to the attorney for the landowner and a fact finding is being prepared. He anticipates having more information before the next Legislature meeting.

Report from the Finance Director

Mr. Squires had no report.

Withdrawal of Resolution(s) from the Agenda

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There were no resolution(s) withdrawn from the agenda.

Addition of Resolution(s) to the Agenda

There were no resolution(s) added to the agenda.

Approval of Resolution(s) Under the Consent Agenda

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

**RESOLUTION NO. 172 - AMENDMENT OF BYLAWS – CRIMINAL JUSTICE ADVISORY/
ALTERNATIVES-TO-INCARCERATION BOARD (CJA/ATI)**

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

WHEREAS, the Criminal Justice Advisory/Alternatives to Incarceration Board at its regular meeting on July 25, 2008, unanimously approved amending its bylaws to delete the voting position of Law Guardian's Office, at the request of the Law Guardian's Office, and

WHEREAS, said position is not a required voting position under New York State Executive Law Article 13-A, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature approve the said amendment to the CJA/ATI bylaws.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 173 - AUTHORIZING THE FILING OF AN APPLICATION FOR A
STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION
AND/OR RECYCLING PROJECT AND SIGNING OF THE
ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE
LAWS OF NEW YORK STATE (JANUARY 2002 – DECEMBER
2004)**

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

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, and

WHEREAS, the Tompkins County Solid Waste Management Division herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file the application under these laws, and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That:

1. The filing of an application in the form required by the State of New York and in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. The County Administrator or designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to

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provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE.

3. The MUNICIPALITY agrees that it will fund its portion (fifty percent) of the cost of said Municipal Waste Reduction and/or Recycling Project, which pays for public education and personnel costs related to waste, reuse, and reduction.
4. Five (5) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with ONE complete application.
5. This resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 174 - AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE (JANUARY 2005 – DECEMBER 2007)

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

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, and

WHEREAS, the Tompkins County Solid Waste Management Division herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file the application under these laws, and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That:

1. The filing of an application in the form required by the State of New York and in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. The County Administrator or designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE.
3. The MUNICIPALITY agrees that it will fund its portion (50 percent) of the cost of said Municipal Waste Reduction and/or Recycling Project, which pays for public education and personnel costs related to waste, reuse, and reduction.
4. Five (5) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with ONE complete application.
5. This resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 175 - AUTHORIZING ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION (FAA) GRANT FOR DECONSTRUCTION OF THE HANGAR COMPLEX FORMERLY OCCUPIED BY

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**TAUGHANNOCK AVIATION CORPORATION - ITHACA
TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, the County has received a grant offer from the Federal Aviation Administration (FAA) in the amount of \$250,000 to deconstruct the hangar complex formerly occupied by Taughannock Aviation Corporation, and

WHEREAS, the budget for this project is as follows:

Federal Aviation Administration Share	(95.0%)	Account No. HT 5601.44592	\$250,000.00
New York State Dept. of Transportation Share	(2.5%)	Account No. HT 5601.43592	\$ 6,579.00
Local Share	(2.5%)	Account No. HT 5601.45031	\$ 6,579.00
Total			\$263,158.00

, and

WHEREAS, the deconstruction contract and the observation and contract administration contract have already been approved by the County Legislature through Resolution No. 110 dated June 3, 2008, and Resolution No. 144 dated July 1, 2008, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the grant offer from the FAA of \$250,000.00 be accepted and the County Administrator is hereby authorized to execute the required documents,

RESOLVED, further, That the local share of \$6,579.00 has already been factored into the Airport's 2008 operational budget.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 176 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 177 OF 2008 – AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS

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

WHEREAS, in Resolution No. 177 of 2008, the Tompkins County Legislature would authorize the County Administrator or his designee to execute a contract with the Tompkins County Soil and Water District to implement projects identified through the Flood Hazard Mitigation Program, and would also be authorized to execute other agreements necessary for the County to implement, monitor, and protect the projects funded through this program, 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 Planning, Development, and Environmental Quality Committee, That Resolution No. 177 of 2008 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 177 of 2008.

SEQR ACTION: Unlisted

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

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RESOLUTION NO. 177 - AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS

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

WHEREAS, the Tompkins County Legislature re-established the Flood Hazard Mitigation Program in 2006, and

WHEREAS, the Tompkins County Legislature provided funding for the Flood Hazard Mitigation Program in the amount of \$25,000 in 2008, and

WHEREAS, the Technical Committee for the Flood Hazard Mitigation Program has identified several projects to be funded through the Flood Hazard Mitigation Program, and

WHEREAS, the Tompkins County Soil and Water Conservation District is prepared to undertake the projects identified by the Technical Committee, and

WHEREAS, the projects identified for implementation will be protected through the use of a Riparian Buffer Protection Agreement, and

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee be authorized to execute a contract with the Tompkins County Soil and Water District, in an amount not to exceed \$25,000,

RESOLVED, further, That the County Administrator or his designee is also authorized to execute other agreements necessary for the County to implement, monitor, and protect the projects funded by the Flood Hazard Mitigation Program.

SEQR ACTION: Unlisted

(Short EAFs on file in the office of the Clerk of the Legislature)

Report from the Budget and Capital Committee

Mr. Shinagawa, Chair, reported the Committee has not met. The first Expanded Budget Committee will take place on September 8th. He announced that due to a mandated course he is taking, he would have to be excused at the beginning of meetings on Monday and Wednesday. During these times, Mr. Koplinka-Loehr will act as Temporary Chair of the Expanded Budget Committee.

Report from the Public Safety Committee

Mr. Stevenson, Chair, reported the Committee will meet next on September 19, 2008.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, had no report.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee would meet September 3rd. He said information pertinent to the Resolution of Intent Regarding Facility for County Office for the Aging was discussed at the last meeting. He has requested a brief summary of impacts of the State budget cuts from Department Heads and the Human Service Coalition administration and would have reports at the meeting.

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

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Mrs. McBean-Clairborne, Chair, reported the Committee met on August 21st. With regard to 55 Brown Road, she noted the deconstruction bids are out and due on September 4th with action anticipated at the next meeting on September 18th. Bids for construction should be out by October 23rd and would be due in November. Mrs. McBean-Clairborne shared the announcement of Tompkins County Solid Waste Facility employees Linette Short, Kat McCarthy, and Stephanie Egan being recognized for their Go-Green initiatives and will receive the first national award presented by the founder of Go-Green. The Committee was provided with the draft environmentally preferred procurement guide that lists businesses in our area from which to purchase green products; the State recently passed a resolution regarding green procurement. The resolutions regarding grants for the Solid Waste Facility will reimburse approximately \$250,000 for expenditures on the Go-Green educational and promotional work completed. The Solid Waste Division's budget is favorable and the outlook of revenues from additional sales of recyclable materials will assist in maintaining the fund balances.

Mr. Proto inquired whether the information technology infrastructure that is to be installed between the airport, emergency response, and 55 Brown Road will increase construction costs for the capital project. Mr. Marx said the connection within the budget is for the building itself; the connections between buildings will be budgeted separately as the work is needed.

Mrs. McBean-Clairborne spoke of comments from an individual utilizing the Solid Waste Facility for the first time; they were amazed at how welcoming and unlike other facilities of its kind.

RESOLUTION NO. 178 - RESOLUTION OF INTENT REGARDING FACILITY FOR COUNTY OFFICE FOR THE AGING

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Proto. Mr. Proto had requested it be pulled from the Consent Agenda for clarification of several items including: (1) whether the indication of the labor being at prevailing wages would restrict the bidding to any particular segment of population; (2) if a designation of years should be put in the bullet referring to no cost to the County upon the end of the capital debt; and (3) questioned Lifelong's having full ownership of the building. He also asked if an opportunity would exist beyond the resolution to discuss the project as it unfolds. Mrs. McBean-Clairborne responded the resolution only provides the intent of proceeding and not an agreement; an agreement would be acted upon at a later date, with specific details at that time. In response to the question regarding prevailing wages, Mr. Wood, County Attorney, indicated the County is required to pay prevailing wages; as Lifelong would be involved in the project and not subject to our requirement, it simply indicates the desire for prevailing wage. He said it would not eliminate anyone from bidding on the project. The County would also have the opportunity to review and amend any proposed agreement.

Ms. Mackesey expressed concern at items noted within the resolution relating to occupancy and ownership of the building. Although she recognizes it is a positive initiative, and that it is a resolution of intent, she could not support it in its present form, that the County is giving a lot toward the project. Ms. Chock is concerned that having detailed items may not be acceptable to Lifelong. Mr. Koplinka-Loehr said the resolution is the beginning of the cooperative venture and is to provide assurance to Lifelong; it does not lock either party into anything specific. Ms. Mackesey questioned the need to have such specificity within the resolution if it is only an intent to proceed. Mrs. McBean-Clairborne said the only ones she believed could be removed indicate the one referencing the end of the servicing of capital debt and ownership. She said the others do express an intent the County would have.

Mr. Randall was excused at 7:17 p.m.

Ms. Herrera said the resolution is exemplary as it walks through items the County would be interested in including in an agreement. She said as it went through the Committee process it allowed for discussion of the items. The resolution does not bind the County, she said it is not a rushed process and

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all have input. She said since two entities are involved in coming to an agreement it is important to be able to show the intent during the process, which would assist during the fundraising process.

Ms. Kiefer said the specific bullets are in place as they have been arrived at mutually between the County and Lifelong and reflect the state of mind of both organizations; it is important to indicate what is tentatively agreed to. She said the County is able to bond things but should not have other costs for the agency or department beyond the space occupied; Lifelong owning the building would be reasonable.

Mr. Koplinka-Loehr spoke of the State Court's need for Courthouse space and is pleased to see progress toward an agreement.

Mr. Proto said it is important to recognize that this does not bind the County to anything, just setting out what the County's intent and desires are. More discussions would be required and Mr. Squires would have to determine the financial aspect.

In response to Ms. Mackesey's questions regarding the situation, Mr. Whicher said the resolution was prepared based upon the vision the two parties foresee. Ms. Mackesey does not agree that all items should be listed in the resolution. Ms. Chock said she does not believe that there is agreement in all items and it is not appropriate. Mr. Marx stated that all the terms have been discussed with Lifelong and they are in basic agreement with them. Lifelong would have liked a memorandum of understanding developed several months ago, however, the County was not prepared to do so at that time and desired to see the results of the feasibility study. Upon completion of the feasibility study Lifelong is now determining whether to proceed with the project and are looking at what it may be, which is why the resolution is brought before the Legislature. Mr. Marx also said it is the intent to have Lifelong own the building which would be occupied primarily by them and be on their property.

Mr. Dennis asked if the Legislature would be committed to anything if the resolution passed. Mr. Wood said the County would not be committed to anything listed in the resolution; any agreement and bonding would have to come before the Legislature for approval.

It was MOVED by Ms. Mackesey to amend the resolution, eliminating the following items from the resolution. MOTION FAILED FOR LACK OF A SECOND.

- In return for the County's participation, at the end of the servicing of capital debt Tompkins County would retain the right to occupy its space at no cost other than its pro-rated share of operations, maintenance, and utilities costs, for a time frame to be agreed upon, and
- If such a facility is built, it would ultimately be owned by Lifelong, and

It was MOVED by Ms. Robertson, seconded by Mr. Burbank to remove the ninth bullet "The final agreement includes language allowing the County to participate in addressing unforeseen issues as the project is rolled out", and replace language in the eighth bullet to read: "Such terms as outlined above or such items as may be deemed necessary or desirable would be the subject of an agreement to be entered into between Tompkins County and Lifelong, consistent with this resolution of intent, prior to beginning development of the facility, and".

Ms. Kiefer believed they could be included but did not recommend removal of the ninth bullet.

A voice vote on the motion to amend resulted as follows: Ayes – 2 (Legislators Burbank and Robertson); Noes – 12; Excused – 1 (Legislator Randall). MOTION TO AMEND FAILED.

It was MOVED by Ms. Robertson, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to replace language in the eighth bullet to read: "Such terms as outlined above or such items as may be deemed necessary or desirable would be the subject of an agreement to be

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entered into between Tompkins County and Lifelong, consistent with this resolution of intent, prior to beginning development of the facility, and”.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Mackesey); Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, Tompkins County (the “County”) is a municipal government in New York State, 320 North Tioga Street, and

WHEREAS, Lifelong is a 501(c)(3) corporation licensed in New York State with a mission to enhance the lives of older adults in Tompkins County, and is located at 119 West Court Street, Ithaca, New York, and

WHEREAS, the County’s Office for the Aging, currently located in the Tompkins County Courthouse at 320 North Tioga Street, Ithaca, New York, has a mission to assist Tompkins County seniors in remaining independent in their homes with a decent quality of life, and human dignity for as long as possible and appropriate, and

WHEREAS, the County, through its Office for the Aging, and Lifelong share a mutual interest in serving the needs of the older residents of Tompkins County, and

WHEREAS, Lifelong needs to expand its facilities to meet increasing demand for services, and

WHEREAS, Tompkins County needs to relocate the Office for the Aging from space in the Tompkins County Courthouse required for use by the New York State Court System, and

WHEREAS, Lifelong and the Office for the Aging currently cooperate on a number of programs including contracts for services between the County and Lifelong that account for approximately thirty percent of Lifelong’s operating budget, and

WHEREAS, the County Office for the Aging currently utilizes space in Lifelong’s facility for delivery of some programs and activities, and

WHEREAS, co-location of the Office for the Aging with Lifelong would lead to greater efficiency of services and provide more convenient access to services for older residents of Tompkins County, and

WHEREAS, Lifelong intends to expand the facilities on its current site, which is adjacent to the Old County Library site, a site identified in the County Space Use Master Plan as a future site of a Center of Government Building and an appropriate location for the Office for the Aging, and

WHEREAS, development of the Center of Government building is many years off and cannot meet the immediate need to relocate the County Office for the Aging, and

WHEREAS, a Feasibility Study conducted by Holt Architects has indicated that new construction and renovation of current facilities on the Lifelong property could accommodate the future space needs of both Lifelong and the County Office for the Aging for ten years, and

WHEREAS, the County Administrator and the County Finance Director recommend that funds toward this project be allocated in the 2009 Capital Budget, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature recognizes that:

- Development of a facility that would provide space for both Lifelong and the County Office for the Aging is in the interest of Lifelong, Tompkins County, and the people served by both organizations,
- The cooperative effort between Lifelong and Tompkins County should be undertaken to develop such a facility,

RESOLVED, further, That it is the intent of the Tompkins County Legislature that:

- Any facility deconstructed, or constructed for occupancy, by Lifelong and the County Office for the Aging would be done so with labor that would be paid prevailing wages, and
- Any facility constructed would stress long-term energy efficiency and reliance on renewable resources, and
- A financial arrangement will be pursued whereby County financing would be utilized to support construction of the facility and each party would bear a proportional share of the

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capital cost of developing a facility, less any public grant funding that may be acquired for the entire facility, and

- In return for the County's participation, at the end of the servicing of capital debt Tompkins County would retain the right to occupy its space at no cost other than its pro-rated share of operations, maintenance, and utilities costs, for a time frame to be agreed upon, and
- If such a facility is built, it would ultimately be owned by Lifelong, and
- Design approval would be needed from both Lifelong and Tompkins County prior to going to bid, and
- Such terms as outlined above or such items as may be deemed necessary or desirable would be the subject of an agreement to be entered into between Tompkins County and Lifelong, consistent with this resolution of intent, prior to beginning development of the facility, and
- The final agreement includes language allowing the County to participate in addressing unforeseen issues as the project is rolled out.

SEQR ACTION: TYPE II-20

Report from the Human Resources Committee

Mr. Dennis, Chair, reported the Committee would meet on September 4th.

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

Mr. Hattery, Chair, announced the next meeting will take place September 12th.

RESOLUTION NO. 179 - ADOPTION OF LOCAL LAW NO. 2 OF 2008 - A LOCAL LAW PROVIDING FOR ENHANCED PERSONAL-PRIVACY FOR DOCUMENTS RECORDED IN THE OFFICE OF THE COUNTY CLERK, AND AUTHORIZING AN INCREASE IN FEES COLLECTED BY THE COUNTY CLERK FOR RECORDING, ENTERING, INDEXING, AND ENDORSING A CERTIFICATE ON ANY INSTRUMENT

MOVED by Mr. Hattery, seconded by Mr. Dennis. It was MOVED by Mr. Proto, seconded by Mr. Burbank, to separate the Local Law, allowing separate votes on the enhanced personal-privacy and increase in fees. Mr. Wood expressed an opinion that it would be possible since the public hearing was for both subject areas. Following a brief discussion, voice vote on the motion resulted as follows: Ayes – 2 (Legislators Burbank and Proto); Noes – 12; Excused – 1 (Legislator Randall). MOTION FAILED.

A voice vote on the main motion resulted as follows: Ayes – 12; Noes – 2 (Legislators Burbank and Proto); Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, a public hearing was held before the Tompkins County Legislature on September 2, 2008, to hear all persons interested in proposed Local Law No. 2 of 2008 - A Local Law Providing for Enhanced Personal-Privacy for Documents Recorded in the Office of the County Clerk, and Authorizing an Increase in Fees Collected by the County Clerk for Recording, Entering, Indexing, and Endorsing a Certificate on Any Instrument, now therefore be it

RESOLVED, on recommendation of the Government Operations and Budget and Capital Committees, That proposed Local Law No. 2 of 2008 - A Local Law Providing for Enhanced Personal-Privacy for Documents Recorded in the Office of the County Clerk, and Authorizing an Increase in Fees Collected by the County Clerk for Recording, Entering, Indexing, and Endorsing a Certificate on Any Instrument, is hereby adopted,

September 2, 2008

RESOLVED, further, That the Clerk of the Legislature shall publish in the official newspaper of the County a notice of adoption containing a synopsis of said local law and shall within twenty days file one certified copy in the Office of the County Clerk, and one copy with the Secretary of State.

SEQR ACTION: TYPE II-20

Report from the Planning, Development, and Environmental Quality Committee

Ms. Robertson, Chair, thanked Mr. Proto for Chairing the August 14th meeting and noted the remaining items had appeared on the Consent Agenda. The next meeting will be September 11th.

Recess

Mr. Koplinka-Loehr declared recess from 7:46 p.m. to 7:55 p.m.

Executive Session

It was MOVED by Mr. Proto, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to enter into executive session at 7:55 p.m. to discuss negotiations. The meeting returned to open session at 8:33 p.m.

Adjournment

The meeting adjourned at 8:33 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office