

**Call to Order**

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

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

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

Present: 13 present (Legislator Shinagawa arrived at 5:36 p.m.). Excused: 2 (Legislators Herrera and Randall).

**Presentation of Proclamation**

Mr. Koplinka-Loehr presented a proclamation declaring September 15, 2009, through October 15, 2009, as Latino Heritage Month in Tompkins County to Daniel Leon-Molina and Carlos Guitterez of the Latino Civic Association.

**Privilege of the Floor by the Public**

Mike Lane, Village of Dryden, said one of the strongest areas of community commitment is to Tompkins Cortland Community College (TC3) and that it has been a very good relationship over the years. In the past negotiating committees have been appointed for labor contracts and some of the things done included the broaching of health insurance participation by the employees. Up until the mid-1990's, the College had paid 100 percent of the premium. Recently he learned Tompkins County is no longer going to go through the negotiation process at the College and he said he hopes this is incorrect information that is circulating at the Cortland County Legislature.

**Privilege of the Floor by Legislators**

Mr. Dennis, District No. 15 Legislator, responded to comments made by Mr. Lane and said he would be happy to speak with Mr. Lane about the recent history of negotiations with Cortland County and TC3.

Ms. Robertson, District No. 13 Legislator, thanked Congressman Michael Arcuri and his staff for coming to the Varna Community Center last week to speak about health care. She said there were approximately 200 people in attendance and the conversation was extremely respectful and informative. She announced on October 3 on the Ithaca Commons there will be a rally for health care reform. Ms. Robertson recognized Damon Ferguson and Michael Lane for their commitment to attend Legislature meetings.

Ms. Chock, District No. 3 Legislator, spoke of an e-mail she received concerning the TCAT No. 10 bus and the recent increase in the frequency of a route near Cascadilla Street. The individual spoke of emissions and although it is very helpful to riders that the frequency has been increased to every ten minutes this has created issues concerning neighborhood noise and emissions.

Mr. Burbank, District No. 12 Legislator, reported the Annual Aids Ride-for-Life fundraiser was held last weekend. His son participated in the ride that raised \$225,000 which he noted is extraordinary for this size of group. He praised the hundreds of volunteers and participants in the very worthwhile event and encouraged everyone to participate next year.

Mrs. McBean-Clairborne, District No. 2 Legislator, spoke of the H1N1 (swine) flu, the recent death of a Cornell student and the number of cases being diagnosed. She said she hopes everyone can help in combating this and noted the extra work and expenses the Health Department will incur because

of this. Mrs. McBean-Clairborne also said school has begun and there are a great number of children walking; she gave kudos to law enforcement for their efforts in protecting these children and helping them to walk safely to school. Lastly, she spoke of the convenience and value of the TCAT bus pass program (\$30 per month), particularly for students.

Mr. Proto, District No. 7 Legislator, announced the Annual Veteran's Watch Fire will take place on September 18<sup>th</sup> at Myers Park in Lansing. If any individual has an American flag to dispose of, they could make arrangements to have it burned at this event. At 11:30 a.m. on October 3<sup>rd</sup> a war memorial rededication ceremony will take place in DeWitt Park. He also spoke of the H1N1 (swine) flu and said Gary Stewart of Cornell will be giving a presentation on September 17 at 7 p.m. at Ithaca High School on behalf of the Campus Community Coalition to address how the local college campuses are dealing with this. Later this month, Karen Bishop of the Health Department will be giving a presentation to the Rotary Club. He announced the seasonal flu clinics have been set up and he will post a flyer in the Legislature Office. Mr. Proto said he is still waiting to hear from NYSEG if they will be doing the Voice your Choice Program this year.

#### **Report from Municipal Official(s)**

No municipal official was present.

#### **Presentation on the Health Department Building Project**

Mr. LeMaro, Facilities Manager, provided the Legislature with a PowerPoint presentation on the status of the Health Department building project, noting deconstruction started in November, 2008, construction started February 2009, site work started in August, and the project should be within budget , with the Health Department moving in December. Mr. Marx commended Mr. LeMaro for accomplishing so much while the Assistant Director position has been vacant.

It was announced there would be an executive session at the end of the meeting concerning the Biggs B building.

#### **Chair's Report and Appointments**

Mr. Koplinka-Loehr also spoke of Aids Ride-for-Life event and praised the community's volunteerism efforts. He also recognized the importance of paying attention to the H1N1 (swine) flu. He will be attending the New York State Association of Counties conference and asked Legislators to let him know of any topics they wished to have covered. He reported that regular quarterly meetings with Cornell and the County occur and that last week one was held. He will provide Legislators with an update on those meetings.

Mr. Koplinka-Loehr had no appointment(s).

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

Mr. Mareane had no report.

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

Mr. Wood no report. He requested an executive session be held at the end of the meeting to discuss litigation.

**Report from the Finance Director**

Mr. Squires reported the County audit has been posted on the County’s website. He also stated the Annual Tobacco Corporation meeting will be held on September 22<sup>nd</sup> at 4:00 p.m.

**Addition to and Withdrawal of Resolution(s) from the Agenda**

There were no additions to or withdrawals of resolutions from the agenda.

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

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

**Environmental Management Council**

Roberta Lee Dixon – Change from Town of Danby to At-large (#5) representative

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

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

**RESOLUTION NO. 157 – ACCEPTANCE OF GRANT FROM NEW YORK STATE HOUSING TRUST FUND CORPORATION FOR THE RESTORE PROGRAM**

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

WHEREAS, the Tompkins County Office for the Aging assists low-income seniors to make emergency health and safety-related repairs to their homes, and

WHEREAS, home repairs have been identified as a major need for low-income seniors, and

WHEREAS, the Tompkins County Office for the Aging has been awarded a grant from New York State Housing Trust Fund Corporation to fund the RESTORE program in the amount of \$75,000, and

WHEREAS, the Tompkins County Office for the Aging has expressed a willingness to administer the RESTORE program, and

WHEREAS, the duration of the grant will be from September 1, 2009, through September 30, 2010, and

WHEREAS, the grant will serve the home repair needs of an estimated thirty-five (35) households who are in emergency situations, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$75,000,

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

REVENUE	A6779.43803	State Revenue	\$75,000
APPROPRIATION	A6779.54400	Program Expense	\$75,000

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 158 – ACCEPTANCE OF LEGISLATIVE INITIATIVE GRANT FOR HOME REPAIRS FOR LOW-INCOME SENIORS**

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

WHEREAS, the Tompkins County Office for the Aging has been granted New York State member-item funding in the amount of \$10,000 from Assemblywoman Barbara Lifton's office, and

WHEREAS, the funding will be expended from October 1, 2009, through September 30, 2010, and

WHEREAS, the grant will be used to fund home repairs for low-income seniors, and

WHEREAS, the grant will be used to fund repairs not covered under the RESTORE program or Weatherization Referral and Packaging Program, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$10,000,

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

REVENUE	A6796.43803	State Revenue	\$10,000
APPROPRIATION	A.6796.54400	Program Expense	\$10,000

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 159 - BUDGET ADJUSTMENT - DEPARTMENT OF SOCIAL SERVICES**

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

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 require Legislative approval, and

WHEREAS, in order to jump-start the disbursement of HEAP benefits, New York State is passing through Federal funds for one-hundred percent reimbursement of approved costs for early certification, eligibility determination, and entry of HEAP benefits into the State-mandated WMS computer system between September 1<sup>st</sup> and November 30<sup>th</sup>, and

WHEREAS, the Department of Social Services will contract with the County Office for the Aging (\$11,281) and Tompkins Community Action (\$7,766) as well as hire a full-time Social Welfare Examiner for up to ninety days, to perform this mandated early and accelerated application processing of applications the State itself will mail out, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

***Department of Social Services***

Revenue Acct	Title	Amount	Appropriation Account	Title(s)
6010.44641	Federal HEAP	\$ 8,328	6010.51000538	Salary
6010.44641	Federal HEAP	\$ 2,998	9101.58800	Fringes
6010.44641	Federal HEAP	\$11,281	6010.54442	Professional Services
6010.44641	Federal HEAP	\$ 7,766	6010.54442	Professional Services

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 160 - ESTABLISHING COUNTY EQUALIZATION RATES**

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

WHEREAS, pursuant to Article III, Section 4.05, Subdivision (d) of the Tompkins County Charter and Code, the Director of Assessment has submitted and recommended the adoption of

equalization rates for all towns in Tompkins County and the City of Ithaca for the assessment rolls filed in 2009, and for the apportionment of County taxes levied in 2010, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the following equalization rates be and hereby are adopted:

<u>TOWN</u>	AGGREGATE ASSESSED	COUNTY	AGGREGATE FULL
	VALUATION OF TAXABLE REAL PROPERTY FOR COUNTY PURPOSES	EQUALIZATION RATE	VALUATION OF TAXABLE REAL PROPERTY FOR COUNTY PURPOSES
Town of Caroline	187,061,278	100	187,061,278
Town of Danby	237,667,726	100	237,667,726
Town of Dryden	844,762,399	100	844,762,399
Town of Enfield	160,600,559	100	160,600,559
Town of Groton	243,278,018	100	243,278,018
Town of Ithaca	1,262,649,851	100	1,262,649,851
Town of Lansing	1,303,813,498	100	1,303,813,498
Town of Newfield	242,025,021	100	242,025,021
Town of Ulysses	430,678,761	100	430,678,761
City of Ithaca	<u>1,479,987,819</u>	100	<u>1,479,987,819</u>
<b><u>TOTALS</u></b>	<b>6,392,524,930</b>		<b>6,392,524,930</b>

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 161 - ADOPTION OF REGULAR AND SUPPLEMENTAL REPORTS OF TOTALS (FOOTINGS) OF ASSESSMENT ROLLS**

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

WHEREAS, Tompkins County desires to maintain an official record of the 2009 Final Assessment Roll, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the regular and supplemental report of the totals (footings) of assessment rolls be accepted and the figures therein be used as a basis for the taxation in the several tax districts of the County for the year 2010 based upon the July 1, 2009, County of Tompkins Final Assessment Roll.

**SEQR ACTION:** TYPE II-20

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

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on September 23<sup>rd</sup>.

**Report from the Legislative Rules and Procedure Committee**

Ms. Kiefer, Chair, reported the Committee will meet on September 21<sup>st</sup>.

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

Mr. Proto, Chair, said the Committee met and discussed an update being proposed for open burning regulations. The Department of Environmental Conservation has proposed a change relating to agriculture and the disposition of plastics and tires. The Health Department is reviewing the proposed changes. The Committee received an update on the H1N1 (swine) flu and emphasized the importance for the public to practice safety by washing hands often. The Committee was informed of grants received by

the Youth Services Department and the County Office for the Aging. A \$2.4 million “rapid residency” grant was received by the Department of Social Services to address housing for people in critical need or at risk. The American Red Cross Executive Director, Barry Stein, was introduced. Betty Falcao of the Health Planning Council updated the Committee on chronic diseases. In addition to receiving updates from the Department of Social Services, it was reported that a new computer system is being installed that will process applications faster. The next Committee meeting will be October 15. A special meeting will be held on September 23<sup>rd</sup> to review budget items, if needed.

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

Mrs. McBean-Clairborne, Chair, reported the next meeting will be September 17<sup>th</sup>.

Mr. Shinagawa arrived at this time, noting the biggest infestation is along Niemi Road. This plant is an extremely hazardous plant due to the caustic nature of the sap.

**Report from the Government Performance and Workforce Relations Committee**

Mr. Shinagawa, Chair, reported the September 14 meeting was canceled. Ms. Kiefer, Vice Chair, reported the Committee met prior to this meeting and approved the resolutions on this evening’s consent agenda.

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

Ms. Mackesey, Chair, said the Committee met last week and will report in more detail at the next Legislature meeting.

**RESOLUTION NO. 162 - IN SUPPORT OF NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION (NYSDOT) REASONABLE ACCESS  
HIGHWAY REGULATION**

MOVED by Ms. Mackesey, seconded by Ms. Chock. Ms. Mackesey said the 25-mile limit was one of the criteria that were used in creating these regulations. However, what was also taken into consideration was the number of truck accidents, truck-pedestrian accidents, and accidents involving fatalities on Routes 79 and 89 being higher than the State’s average. Ms. Mackesey read a letter from a couple in Dryden who spoke of their frustration and the difficulty that they have had in selling their home because of excessive noise from truck traffic. She encouraged the public to write or e-mail their comments concerning the new regulations by October 9<sup>th</sup>.

Mr. Shinagawa spoke of the strength of the diversity in the people involved in this since the beginning of the proposed regulations.

Mr. Proto spoke of the compromise at the Committee to address some of the concerns regarding agriculture. This started because of a concern about garbage trucks traveling on State roads. He expressed concern about the effects of this regulation will have on agriculture products that are not local deliveries. He contacted the Farm Bureau and said they want to comply but expressed concern that the added time and cost may affect particular farmers. They are very concerned about the effect statewide. He said he will not support the resolution, but suggested that if trucks are going to be diverted to other routes that incentives be given to truckers such as lowering gas prices or the tolls on the thru-way.

Mr. Dennis said he will support the resolution but said enforcement will be extremely important.

Mr. Burbank said he, too, will support the resolution. He understands the problem is with garbage trucks and this is an attempt to address that. He spoke against trucking garbage across the State and hopes it will be communicated with State leaders that there needs to be a long-term solution.

Mr. Hattery thanked Mr. Proto for his work with the Farm Bureau on this issue.

A voice vote resulted as follows on the resolution: Ayes – 11, Noes – 2 (Legislators Hattery and Proto), Excused – 2 (Legislators Herrera and Randall). RESOLUTION ADOPTED. Mr. Proto requested the contact information for the Department of Transportation be circulated to Legislators.

WHEREAS, the Tompkins County Legislature recognizes the need of large transport trucks to supply our communities and farms, and

WHEREAS, increasing numbers of large transport trucks are using highways through our region not to deliver local goods within the region but as an alternative to Interstate highways, and

WHEREAS, the large number of non-local transport trucks is causing deterioration in the fabric and infrastructure of our communities by disturbing rural and urban residents alike with noisy engine brakes, damaging pavement and weakening bridges because of their weight, and threatening the safety of young and old pedestrians and bicyclists, and

WHEREAS, the economic impact of the continued presence on our highways night and day of sizeable numbers of through transport trucks will negatively affect the growing tourism industry that currently brings approximately \$160 million into Tompkins County, and

WHEREAS, the New York State Department of Transportation (NYSDOT) has promulgated regulations to provide relief for Tompkins County residents and make our roads safer by limiting truck traffic in Tompkins County on Routes 96, 89, and 79 to local deliveries, and

WHEREAS, through transport trucks will have to travel less than 25 miles out of their way to avoid traveling on Routes 96, 89, and 79 in Tompkins County, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature urges Governor Paterson and the New York State Department of Transportation to implement the proposed regulations as quickly as possible.

**SEQR ACTION:** TYPE II-20

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### **Report from the Budget, Capital, and Finance Committee**

Mr. Dennis, Chair, reminded the Legislature that the public forum is scheduled for 7 p.m. on September 21<sup>st</sup> at the Tompkins County Public Library and that the next Expanded Budget Committee meeting is September 22<sup>nd</sup> at 5 p.m.

### **Report from the Public Safety Committee**

Ms. Robertson, Chair, reported the Committee would meet on September 21<sup>st</sup> at 2:30 p.m. The Committee will discuss the Assigned Counsel/Public Defender Task Force report in great detail. Mr. Proto requested an update on what is included in Ms. Bodnar's alternatives-to-incarceration review and where it stands.

### **Approval of Minutes**

It was MOVED by Mr. Dennis, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the minutes of August 18, 2009, as submitted. MINUTES APPROVED.

### **Recess**

Chair Koplinka-Loehr called a recess at 7:11 p.m. The meeting reconvened at 7:20 p.m.

**Executive Session**

It was MOVED by Mr. Shinagawa, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to hold an executive session at 7:20 p.m. to discuss litigation and real estate. The meeting returned to open session at 8:00 p.m.

**Adjournment**

The meeting adjourned at 8:00 p.m.