

January 20, 2009

Tompkins County Legislature

January 20, 2009

Approved

Public Hearing – 2009 New York State Community Renewal Community Development Block Grant Program

Mr. Koplinka-Loehr called the public hearing to order at 5:31 p.m. concerning 2009 New York State Community Renewal Community Development Block Grant Program. Jeanne Leccese, Tompkins County Planning Department, provided a brief overview of the Program. No member of the public wished to speak and the public hearing was closed at 5:34 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 Legislators. Excused: 2 (Legislators Herrera and McBean-Clairborne).

Presentation of Proclamation

Mr. Koplinka-Loehr proclaimed January, 2009 as Mentoring Month in Tompkins County. Mr. Koplinka-Loehr said on behalf of the Youth Services Department, he encouraged people to participate on Jan 22, in the “Thank You Mentor Day”.

Privilege of the floor by the Public

Janis Kelly, City of Ithaca resident, expressed her dissatisfaction over the January 6, 2009, process in selecting the Vice Chair of the Legislature. She said she does not believe Mrs. McBean-Clairborne was treated fairly as she was not considered for re-election to the position. Ms. Kelly said in her opinion, the Legislature did not fulfill its commitment to diversity and good government through the actions taken at that meeting. She said she has not heard of any complaints made of Mrs. McBean-Clairborne and said she has done nothing wrong. She believes the Legislature owes the citizens of the community an apology, and that a new chair should be chosen.

Distinguished Youth Award

Mr. Proto, District No. 7 Legislator, presented the January, 2009, Distinguished Youth Award to Eighth graders Dylan and Dustin Hollenbeck, Justin McNeal, Matt Laue, Nick Hubbell, and Adam Bradford, Boynton students, in recognition of their farming education. The boys planned and carried out a number of activities and created displays to teach their fellow students about their involvement and how farming is a vital part of our community and includes people from all walks of life.

Privilege of the floor by Legislators

Ms. Robertson, District No. 13 Legislator, commented on today’s historic events as President Obama took the Oath of Office. She reported the Environmental Management Council has vacancies and urged members of the public to contact the Planning Department for further information. She also reported the Human Services Coalition will sponsor a presentation on the Governor’s proposed budget and alternative revenue-raising options the State could use to balance its budget in a more progressive fashion. That presentation will take place tomorrow at the Women’s Community Building. Ms. Robertson announced US Airways will print a 13-page feature of Ithaca in its February 2009 issue.

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Jim Dennis, District No. 15 Legislator, commented that Shanova Moodie, who participates in the Mentor Program, is also a County employee. He said she was very important in the recent United Way funding drive and is a great example of a good County worker who also helps in the community. Mr. Dennis spoke of today's inauguration and said President Obama is the right person at the right time and he hopes all of the good will wishes will continue through these difficult times.

Ms. Kiefer, District No. 11 Legislator, announced that next month cell phone numbers will be made public by the release to telemarketers and reported a telephone number to contact to get on a do-not-call list. She announced a public informational meeting on the Stewart Park Rehabilitation Action Plan will be held on January 23rd at the Public Library's Borg Warner Room.

At this time Ms. Kiefer made the following statement:

"I will move tonight to renew my motion to Reconsider the 1/6 vote for Chair of the Legislature. I will do so tonight, even though not all Legislators are present, because by rule this kind of Reconsider motion can only be made at the meeting when the vote is taken or at the next meeting. For me, tonight is the next meeting, since the "Special" meeting that Mike Koplinka-Loehr (hereafter "Mike") called for 1/15, could deal only with any specific motion or resolution contained in the call to that meeting, and there was none included in his call to that special meeting.

"It is important to get clear what the problem before us is. It has never really been about vice chair, but about chair – specifically, about another year of Mike as chair.

"At the 1/6 organizational meeting of the Legislature we were all treated to our chair demonstrating supposed "confusion", which manifested itself during our votes for vice chair. To the public it must have seemed incomprehensible. To at least one viewer whose letter was published in the Ithaca Journal on January 14, Mike's reliance on "secret information whose content or source he was unwilling to reveal" suggested that Mike was "following a hidden agenda and could not be trusted" and the writer called on Mike to resign.

"To me it was another in a series of surprises, missteps, and manipulations that occurred during his 2008 chairmanship – but the first to be so public, since the others were dealt with and "cleaned up" within the county organization. I take no pleasure in saying all this – especially on this celebratory January 20 Inauguration Day, when there is great hope of a new national coming together, this may seem inappropriate. But I need to explain to my constituents and to the public the context for why, back on January 6, I moved to reconsider my vote for Mike as chair.

"First of all, I never wanted to have Mike serve another term, and Mike has known of my unhappiness with various of his actions. Sadly, I have lost confidence and trust in him. [I believe I am not alone in having reached this state of realization.] After much off-record discussion in December and January, Mike had agreed to vote for a "2009 Democratic ticket" leaving him as chair and supporting Martha Robertson as vice chair. I agreed to this arrangement because it would allow him to "save face" while at the same time allowing someone who has both the time and energy to be on hand and keep an eye on things and be out early warning system, to also be part of the 2009 "leadership team".

"I should note that this was never a criticism of Leslyn as vice chair, she had filled the role of Vice Chair for three years and is a very competent but extremely busy woman, with many non-legislative responsibilities. And Martha never wanted to be vice chair per se. In my opinion Martha could handle the job of chair well, and I would certainly have supported her challenging Mike for chair. But that is not where we got to.

"Prior to January 6, Mike had assured me he would be voting for Martha for Vice Chair. When he broke his word on 1/6 by voting for Leslyn, Mike announced the vote as 7 to 8 and this was followed

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by complete silence. Mike never completed the chair's duty of announcing what those numbers meant, namely that Leslyn was now Vice Chair of the Legislature – and without that statement the vote was incomplete, and therefore can be considered erroneous. Into that stunned silence I moved to ask to reconsider my vote for chair. Someone asked for a recess, and, upon assent, Mike called a recess.

“It should come as no surprise [to staff or members of the public] that members of the Legislature regularly meet in political-party caucuses. “Caucus” is not a dirty word – all political parties make use of it. Caucuses provide time for informal consultation and frank discussion, and are recognized in NYS Law as being exempt from the Open Meetings law precisely to allow such discussion. And incidentally, this actually saves legislative meeting time. Because caucus matters are generally considered confidential, I will not and have not breached that confidentiality, so I am only speaking for myself tonight.

“After the recess on 1/6, where Mike called for and held a revote for vice chair, he reported the numbers and said that Martha is now Vice Chair, thereby completing the chair's duty in conducting an election. In my opinion, that vote legally stands.

“With respect to the 1/15 Special meeting of the Legislature that Mike hurriedly called, it was clear that he planned no action other than to issue a self-serving statement putting his best spin on what he had done publicly on 1/6. In that statement he pleaded that he was under “extreme political pressure”, that he had made an error, and that his otherwise fine public record should be taken into account. But any pressure he felt was of his own making, from breaking his word. And from my knowledge, this was not the first “error” in his public life, just an obvious one very publicly observable.

“Today, when I move later in the meeting to Reconsider the vote for chair, that motion will need to be seconded, and a majority of the Legislature (8) would need to vote to allow reconsideration.

“Thank you for your patience and attention.”

Mr. Burbank, District No. 11 Legislator, said Ms. Kiefer's concerns are real and sincere and will be addressed. He stated this is an extraordinary day in our country and in the world as the first African-American was sworn in as President of the United States. Mr. Burbank said he is aware that many Ithacans, including Mrs. McBean-Clairborne, are in Washington, D.C., at the present time to witness this historic event. He asked that everyone join in this celebration that transcends the partisan divisions that typically push parties apart and said he is hopeful it will bring everyone together nationally and locally. He said the democratic process happens at all levels and what is done at the local level is very important.

Mr. Shinagawa, District No. 4 Legislator, apologized he didn't make the special meeting last week due to being in New York City for a required graduate class. He said at the time the plane landed in the Hudson River he was a short distance away at a medical center and witnessed the remarkable efforts first hand of emergency personnel. He said while it may not be affordable, the country's healthcare is responsive. Mr. Shinagawa said he will not support a motion to take action on the position of Chair or Vice Chair because he believes all Legislators should be in attendance for such an important discussion and/or action.

Ms. Chock, District No. 3 Legislator, spoke of a commentary she heard during today's inauguration about political caucuses and th role they play in the democratic process. She said the process can be key to being a place for bringing new ideas, to think ideas through, and also to strategize.

Ms. Robertson, District No. 13 Legislator, asked that a special meeting be scheduled when all members can be in attendance to address the Chair and Vice Chair issue.

Mr. Proto, District No. 7 Legislator, asked for guidance from the Chair in how committees should proceed until the issue of leadership of this Legislature can be addressed. Mr. Proto announced on

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January 22 the Community Science Institute will be honoring volunteers for stream monitoring they have been doing in the County. He said it is important to recognize the 80 to 90 volunteers in the County doing work that could not be afforded otherwise. Lastly, Mr. Proto said today was a historic inauguration day and said one could not help but be moved by President Obama's comments.

Mr. Sigler, District No. 6 Legislator, responded to comments made by Ms. Kiefer earlier with regard to cell phone numbers being released and stated he believes it to be untrue and further information can be found at snopes.com.

Report from a Municipal Official

Maria Coles, City of Ithaca Common Council Member, reported yesterday morning the City unveiled the dual designation of State Street and Dr. Martin Luther King Street. She reported on a controversy between the Town of Ithaca and the City of Ithaca concerning the ownership of the land occupied by the Ithaca Farmer's Market. Without speaking of the controversy itself, she said the Town now has no objection to the City going ahead with the IURA lease with the Ithaca Farmer's Market. Ms. Coles said the City's Workforce Diversity Committee continues to do great work for the City. So far, almost every department has reported to that Committee with a plan for diversifying. She reported the building development moratorium in Collegetown will expire in April. Having read the Collegetown Plan, she believes the Plan leaves far too many questions unanswered, many with regard to parking, protection of neighborhoods, and building height. She reported the Mayor, in preparation for hard fiscal times ahead, has implemented a hiring freeze and has also created a committee to review vacancies.

Chair's Report

Mr. Koplinka-Loehr reported he has circulated some draft ideas for 2009 committee responsibilities and requested Legislators comment soon so that appointments can be made at the February 3rd Legislature meeting. He said he has distributed economic-indicator information to all Legislators.

Mr. Koplinka-Loehr spoke of today's Inauguration ceremony and said President Obama spoke of the confidence of the American people in their elected representatives. He said if his January 6th actions have shaken the confidence of this community, in our government, or in this Legislature leadership, he is willing to "undertake a revote" of Chair of this Legislature. He said it is his goal to restore public confidence in the leaders of this County in a transparent manner.

Mr. Koplinka-Loehr stated that "if his error on January 6th has shaken the confidence of this community, in our government, or in this Legislative leadership then I commit to you that I am willing to submit to revisiting the election of chair of this Legislature or a vote of confidence if necessary".

Mr. Sigler raised a point of order and said "You are not allowed to I don't think".

Mr. Koplinka-Loehr stated "I could resign".

Mr. Sigler responded "You could, that is true, if that is the way you wanted to do it".

Mr. Koplinka-Loehr said "I am not proposing to resign tonight. I am saying I am willing to take that under as one method to achieve an outcome that is definitive. It is not one method that I added to my list last Thursday, but it is a method that would be definitive. My goal is to restore public confidence in our leaders in this county in a transparent manner. With that we will move on".

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Report from the County Administrator

Mr. Mareane reported he joined Legislators Koplinka-Loehr and Robertson, and Patricia Carey, Commissioner of Social Services, to meet with Senator Seward in Cortland to discuss some of the ongoing budget concerns and implications of the proposed state budget cuts on Tompkins County. He reported the Budget and Capital Committee agenda circulated for the January 26 contains an error and it will be recirculated. The agenda states there will be a discussion of the Room Occupancy Tax; that item is intended to be an action item. Mr. Mareane requested an executive session to discuss a personnel issue. He reported he attended a meeting with Legislators Dennis, Robertson, and Sigler, and Planning and Public Works Commissioner Ed Marx, with Congressman Arcuri about the federal stimulus package.

Report from the County Attorney

Mr. Wood reported on the Coddington Road decision. He explained the Appellate Court held essentially two things. One issue was whether the County complied with SEQR (State Environmental Quality Review Act); the Court said the consultant the County hired did a thorough environmental analysis but it wasn't clear the Legislature adopted the analysis. They held against the County on that; however, the Legislature can correct that by readopting the resolution, making it clear that it adopts the analysis that was done. Mr. Wood said the second point dealt with the extent of the County's right-of-way. The Complainants in the case believe that the County's right-of-way should be the County's "use". The County believes the right-of way should be three rods (49.5 feet); the Court agreed with the property owners and said it should be "use" unless it can be shown how the County acquired the three rods. The problem for the County is that the road dates back to before the 1700's – long before there are any records, so there is no way to show how the County got three rods. This means the County would have to go by use, which means it makes the acquiring of parcels somewhat less definite but this does not affect the overall project. He said the State is probably going to do the acquiring of land to the extent the County needs land and will go about it a different way that may take more time. Mr. Wood said it will not have a significant financial impact. He said it is important to remember that the rebuilding of the road is approximately a \$9 million project and of that \$8.5 million comes from the State and Federal government. The basic width of the road is the primary concern of the landowners and the decision does not change that width. It comes down to the State and Federal governments belief that if it is not the designed width, the road would not be safe, and they would not provide funding for a road determined to be unsafe. Mr. Wood said the decision affects the procedures of acquiring the land and does not impact the project itself. He said he would e-mail Legislators about another scheduled matter.

Report from the Finance Director

Mr. Squires distributed a sales tax report and said Tompkins County ended 2008 with \$1 million over budget. He also reported progress has been made on reducing the number of properties on the foreclosure list and has distributed information to all Legislators. The list has been reduced from over 66 to 18 parcels. Prior to the next Legislature meeting the County will be receiving bids on the \$6.9 million financing to complete the funding for the Health Department building.

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

There were no resolutions(s) added to or withdrawn from the agenda.

Approval of Appointment(s) Under the Consent Agenda

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

Youth Services Board

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Bernice Yarosh – At-large representative; term expires December 31, 2011

Jane Powers - At-large representative; term expires December 31, 2011

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Julia P. Hughes – Assigned Counsel representative; term expires December 31, 2011

Public Information Advisory Board

J.R. Clairborne- term expires December 31, 2010

Hillview Road Landfill Citizens Advisory Committee

Brian B Eden – At-large representative; term expires December 31, 2012

Local Empire Zone Administration Board

J.R. Clairborne- Zone resident representative; term expires December 31, 2011

Water Resources Council

Roger Yonkin – Liaison to Environmental Management Council; term expires December 31, 2011

Planning Advisory Board

John Spence – Housing representative; term expires December 31, 2011

Agricultural and Farmland Protection Board

Bob Mazourek – Agribusiness representative; term expires December 31, 2011

Jamie Baker – Farmer representative; term expires December 31, 2012

Rachel Crispell - Farmer representative; term expires December 31, 2012

Soil and Water Conservation District

Ronald V. Updike – At-large representative; term expires December 31, 2011

Resolution(s) Approved Under the Consent Agenda

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

RESOLUTION NO. 7 – ACCEPTANCE OF GRANT FROM COMMUNITY HEALTH FOUNDATION OF WESTERN AND CENTRAL NEW YORK – OFFICE FOR THE AGING

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

WHEREAS, the Tompkins County Office for the Aging wishes to engage in a community planning effort on the training and retention of paraprofessionals involved in home and health care, and

WHEREAS, this planning effort is necessary in order to address a shortage of health-care paraprofessionals, and

WHEREAS, this grant will allow the Tompkins County Office for the Aging to lead such a community planning effort, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$20,000 from the Community Health Foundation of Western and Central New York,

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

REVENUE:	A6772.42770	Miscellaneous Revenue	\$20,000
APPROPRIATION:	A.6772.5100049	Salary	\$16,320

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A6772.54400 Program Expense \$ 3,680
SEQR ACTION: TYPE II-20

RESOLUTION NO. 8 – ACCEPTING UNITED WAY GRANT FOR *FRESH SQUEEZED ORANGE JUICE GUIDE TO TEEN SERVICES AND ACTIVITIES – YOUTH SERVICES*

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

WHEREAS, the Tompkins County Youth Services Department is charged with maintaining an inventory of youth programs in the community and for sharing that information with youth, families, schools, and service providers, and

WHEREAS, the Youth Services Department has periodically published the *Fresh Squeezed Orange Juice Guide to Teen Services and Activities* known as the “OJ Guide” for many years by using staff time and interns to gather information and grants to help publish the Guide, and

WHEREAS the United Way of Tompkins County’s Youth in Philanthropy group has awarded the Tompkins County Youth Services Department \$4,000 to help with the hard copy and online publication of the OJ Guide in early 2009, now therefore be it

RESOLVED, on recommendation of Health and Human Services Committee, That the grant be and hereby is accepted by Tompkins County,

RESOLVED, further, That the Director of Finance be directed to adjust the revenue and appropriations of the 2009 Youth Services Department budget record as outlined below:

FROM:	7020.42797	Other Local Government Contributions	\$4,000
TO:	7020.54330	Printing	\$4,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 9 - DELEGATION OF AUTHORITY TO AUTHORIZE CERTAIN TAX REFUNDS AND CREDITS OF \$2,500 AND UNDER

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

WHEREAS, Section 554 of the Real Property Tax Law authorizes a tax-levying body to delegate the correction of tax rolls due to a clerical error, an error in essential fact, or an unlawful entry (an unlawful entry is any information on the tax roll that violates the Real Property Tax Law), and

WHEREAS, Section 556 of the Real Property Tax Law authorizes a tax-levying body to delegate the payment of tax refunds due to a clerical error, an error in essential fact, or an unlawful entry, and

WHEREAS, it is the opinion of the Government Operations Committee, that such delegation would be more efficient in processing said refunds and therefore beneficial to the taxpayer, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Director of Assessment shall transmit corrections and/or refund recommendations to the County Administrator,

RESOLVED, further, That the County Administrator is hereby authorized to allow payments of bills where recommended refund or credit is \$2,500 or less, without prior audit by the tax-levying body, in compliance with Paragraph 9 (a), (c) of Section 554, and Paragraph 8 (a), (c), (d), and Paragraph 9 and 10 of Section 556 of the Real Property Tax Law,

RESOLVED, further, That any refund or credit over \$2,500 must be approved by the Tompkins County Legislature pursuant to Paragraphs 8 (a), 9, and 10 of Section 566 of the Real Property Tax Law,

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except for refunds amounting over \$2,500 as a result of Real Property Tax Law Article 7 litigation ordered by the New York State Supreme Court,

RESOLVED, further, That the County Administrator shall transmit on or before the 15th day of each month a report to the Tompkins County Legislature of all the corrections and refunds processed,

RESOLVED, further, That this resolution shall only be in effect during the calendar year 2009.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 10 - URGING NEW YORK STATE TO MAKE PERMANENT AND EXPAND THE AUTHORITY OF THE INDUSTRIAL DEVELOPMENT AGENCY CIVIC FACILITY LEGISLATION

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

WHEREAS, since 1992, the Tompkins County Industrial Development Agency (IDA) has issued over \$466 million in tax-exempt bonds to twenty-two projects, and this action has allowed twelve local not-for-profit employers to borrow money at lower interest rates for capital projects and refinancing existing debt, and

WHEREAS, these projects have resulted in the construction of over one-million square feet of space, the creation of temporary construction jobs, and the creation of hundreds of permanent new jobs, and

WHEREAS, many of the projects have also had a positive impact on the quality of life of the residents of Tompkins County, and

WHEREAS, the local employers affected have included Ithaca Community Child Care Center, the Special Children's Center, Family & Children's Services, Kendal at Ithaca, Longview, George Junior Republic, Cayuga Medical Center, TC3 Foundation, Ithaca College, and Cornell University, and

WHEREAS, the funds borrowed are not a financial obligation of the IDA or the County; they are the obligation of the employers, and

WHEREAS, not-for-profit clients of the IDA have stated that the quick, efficient, and cost-effective issuance of their bonds, as provided by the local IDA, has helped their projects stay on time and within budget, and

WHEREAS, in addition to assisting local employers lower the cost of borrowed capital and save time in completing major projects, the IDA's activity is a major source of fee revenue that, in turn, supports economic development in Tompkins County, and the clients themselves appreciate that the fees paid stay in the local community to support local economic development, and

WHEREAS, other counties similarly depend on IDA revenue from not-for-profit clients for economic-development activities, and in the current economic crisis counties need all the tools possible to restart their local economies, and

WHEREAS, the State law that allows the IDA to issue these tax-exempt bonds, commonly called "Civic Facility legislation", expired on January 31, 2008, and

WHEREAS, both the State Assembly and Senate have introduced bills that would extend the Civic Facility legislation, and

WHEREAS, one of the Assembly bills would add restrictions that would substantially restrict the IDA's ability to assist local not-for-profit employers, without regard for local economic conditions, and without requiring the New York State Dormitory Authority to comply with the same restrictions in issuing not-for-profit bonds, and the Senate bill would make permanent the legislation and allow IDAs to finance college dormitories without any limitation on the amount of the bonds issued, and

WHEREAS, in order for local not-for-profit employers to determine whether proposed projects are financially viable, and because they make such decisions based on at least a two-year time frame, they need the Civic Facility legislation to be reenacted immediately, and

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WHEREAS, Tompkins County Area Development (TCAD), the administrator of the IDA, is already working with local not-for-profit employers that are considering projects that would be constructed in the next twenty-four months, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature urges the New York State legislature to make permanent and expand the authority of the Civic Facility Legislation,

RESOLVED, further, That copies of this resolution be sent to Governor David Paterson, New York State Senators Malcolm Smith, James L. Seward, George H. Winner, Jr., and Michael F. Nozzolio, Assemblyman Sheldon Silver, and Assemblywoman Barbara S. Lifton.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 11 - BUDGET ADJUSTMENT – PLANNING

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

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Planning

Revenue Acct	Title	Amt	Approp Acct	Title(s)
CD8688.44959	Federal Aid	\$101,225	CD8688.54400	Program Expense
CD8695.42411	CD Program Income	\$300,000	CD8695.54400	Program Expense
CD8684.42411	CD Program Income(HO)	\$120,000	CD8684.54400	Program Expense
CD8684.42411	CD Program Income(ED)	\$120,000	CD8684.54400	Program Expense

Explanation: HO 8 State Grant Funds remaining; HO HUD Program Funds; State Program Income Funds Homeownership; State Program Income Funds Economic Development (RPM).

SEQR ACTION: TYPE II-20

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

Mr. Proto, Chair, reported the Committee met prior to the Legislature meeting this evening. He called attention to the resolution approved under the Consent Agenda accepting a grant from the Community Health Foundation. This grant is to do planning to help establish a spectrum for home health aides in order to provide more training locally. At the present time they have to travel outside of the County in order to receive training. Mr. Proto said the costs to the institutions that are sending these individuals are substantial and Ms. Holmes, Director of the Office for the Aging, is very happy to receive this. Mr. Proto said in the Governor’s proposed budget, there is an item regarding home health aides and wanting to do away with the contracts that the County has with the agencies (Tompkins County has a contract with Family and Children’s Service); this would result in the County having to hire several people in order to perform the duties that the current contract covers. The Committee will continue discussing this.

RESOLUTION NO. 12 – APPROPRIATION FROM CONTINGENT FUND FOR ALTERNATIVES VENTURE FUND

MOVED by Mr. Proto, seconded by Ms. Robertson. Mr. Proto said Patricia Carey, Department of Social Services Commissioner, thinks there may be a way to expand the reach of this program if part of the grant was administered through that Department. Ms. Kiefer asked how much the program cost in

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2008. Mr. Graham, Community Relations Director for the Alternatives Federal Credit Union, said the grants that fell through totaled \$47,500. He said the 2008 program cost was \$60,000-\$65,000. Although the program is expanding in 2009 he does not anticipate any significant increase in cost because the program is mainly volunteer driven. Mr. Graham said funding was not requested during the budget process because they had anticipated receiving grant funds.

Mr. Shinagawa said the Budget and Capital Committee discussed these types of funding requests. In the future if any agency falls within the purview of the Human Services Coalition, the Coalition will conduct a review prior to a request being presented to the Budget and Capital Committee. If an agency does not fall under the purview of the Coalition it will be reviewed by County Administration prior to submittal to the Budget and Capital Committee.

Mr. Koplinka-Loehr said he will not support the resolution because the policy is unclear as to whether the County will be the funder of first resort for these kinds of mid-year emergencies in the community.

A short roll call vote by members present resulted as follows: Ayes – 12, Noes – 1 (Legislator Koplinka-Loehr); Excused – 2 (Legislators Herrera and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the Alternatives Venture Fund, a not-for-profit corporation affiliated with Alternatives Federal Credit Union, is set to begin the seventh season of its free Volunteer Income Tax Assistance (VITA) tax-preparation program, and

WHEREAS, during the previous tax season, the VITA program served 1,200 Tompkins County households, leveraging over \$32 for every \$1 of program expense and bringing over \$2 million dollars of State and Federal tax refunds into the County, and

WHEREAS, this season, the VITA program is expanding to new tax-preparation sites in the Town of Dryden, Brooktondale, and Cornell University, and

WHEREAS, the program expects to increase households served by 15 percent with a proportional increase in tax refunds returned to those households, and

WHEREAS, VITA did not receive grants from two major funding sources this season due to an overwhelming request for funds, the Alternatives Venture Fund is reaching out to many sources within the community to support this program, and

WHEREAS, VITA is extremely beneficial to its clients and the County as a whole, and

WHEREAS, funds supporting VITA are returned to the community many times over, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That the County authorize and direct the Finance Director to make the following one-time appropriation:

FROM:	A1990.54400	Contingent Fund	\$10,000
TO:	6305.54400	Alternatives Venture Fund	\$10,000

RESOLVED, further, That County Administrator or his designee is authorized to execute any documents and agreements pertaining to the proposal.

SEQR ACTION: TYPE II-20

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

Ms. Kiefer, Member, reported the Committee met on January 15. It was a shortened meeting in order to allow members to attend the special Legislature meeting. She said Solid Waste staff was present to inform the Committee on recycling guidelines and will come back at a future meeting to discuss this in more detail. Ms. Kiefer said the Committee learned that a hangar at the Airport that had belonged to the Ithaca Hangar Association is now the County's obligation to purchase because the initial agreement said that when the time came the County would purchase the hangar. She said the Committee was told

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the hangar will cost \$200,000 and the hangar will be rented to the same tenants. She asked Mr. Wood to further explain this situation.

Mr. Wood said it appears the Airport was interested in building hangars at the time of the agreement but because there was unlikely enough money to do so, an arrangement was made with a private company to build the hangar and the County would purchase it after 20 years. He said the Ithaca Hangar Association has been around for many years but for no purpose other than to own the hangar for those 20 years. He said it is clear the County is legally obligated to purchase the hangar. He stated the appraisal is fair and reasonable. Ms. Mackesey asked if the County has been collecting rent and paying for the maintenance of the hangar. Mr. Wood said the County has collected rent and maintenance done has been minimal. Ms. Robertson pointed out that when we have "swapped" roads with other municipalities, we have usually brought them in to repair first. It seems unfair that this hangar has had minimal maintenance and now the County will have to incur these costs. Mr. Marx clarified that the rent paid was for a ground lease on the land that was occupied and they were responsible for maintenance. They are now paying a lot more rent because they are paying a hangar rent. Mr. Wood said he expects the County to recoup this cost after approximately seven years and could then see a profit from the arrangement.

Mr. Shinagawa said a concern was raised by Budget and Capital Committee members that this was not brought forward during the budget process. County staff did not become aware of this until the budget process was almost complete.

Mr. Proto said he served as Chairman of the Airport Development Committee at that time and he recalls the County was looking at constructing a new Airport Terminal but did not know where it would be located. At the time it seemed like a good opportunity because the County would be able to control its own property.

Ms. Robertson said Legislators are concerned about the process on this issue. It seems they should have been informed when this first came up, rather than at the end of the process.

Ms. Kiefer continued her report and stated the Committee authorized construction bids being sought on the Warren Road project and also authorized that bids be sought on the 55 Brown Road building reconstruction project.

Mr. Proto said Mr. Sczesny, Highway Manager, had a legal notice in the newspaper last week regarding heavy truck traffic traveling over County roads. He asked what precipitated that notice. He said there has been a decrease in heavy truck traffic on Route 79 because they are now taking back roads. This is because the State has established a stop just as a truck enters Tompkins County. Mr. Proto asked what precipitated the legal notice. No answer was available; Mr. Marx will follow-up on this.

RESOLUTION NO. 13 - AWARD OF BID - TOMPKINS COUNTY HEALTH DEPARTMENT BUILDING RENOVATION CAPITAL PROJECT

MOVED by Mr. Randall, seconded by Ms. Chock. Mr. Randall said he has reservations about the electrical bid portion of this resolution because there was a difference in price between the first and second bidder of more than ten percent. While he has some concerns over that bid, Mr. Randall said he has confidence in Mr. Lemaro's management of the contract. Mr. Proto asked if any of these bidders would be hiring local contractors. Mr. Randall said he has been told efforts will be made by the contractors to employ local contractors.

Ms. Chock was assured all four contractors have agreed to pay prevailing wages and provide apprenticeship opportunities and all will attempt to hire local labor. Mr. Lemaro said it is a requirement that these contractors pay a prevailing wage, regardless of being union or non-union. He said that is

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enforced by the State Labor Department and not the County. At least two of the contractors have sited that they will use local labor unions for the project.

Ms. Kiefer spoke of the deconstruction contract and said the County had expected to meet the goal of 75% of the materials being recycled/reused but has learned that figure will be 95%. This is very good news and should add another point in the LEED rating for the building. The Health Department Construction Committee has not met very regularly, but information has been presented to the Facilities and Infrastructure Committee when it becomes available.

A roll call vote by members present resulted as follows: Ayes – 12, Noes – 1 (Legislator Proto), Excused – 2 (Legislators Herrera and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Finance Department has duly advertised for bids for the Tompkins County Health Department Building Renovation project, and

WHEREAS, twenty-nine (29) bids were received for four (4) contracts bid and publicly opened and read on December 23, 2008, now therefore be it

RESOLVED, on recommendation of the Health Department Building Construction and the Facilities and Infrastructure Committees, That the base bid plus two (2) alternates for firelite glazing (GC-3) and solid-surface lavatory stations (PC-4) be accepted and awarded to the qualified apparent low bidders as follows:

General Work Contract	William H. Lane, Inc. Binghamton, NY	\$1,795,000
Mechanical Contract	Piccirilli-Slavik & Vincent Plumbing & Heating, Inc. Binghamton, NY	\$1,097,000
Electrical Contract	Concord Electric Corp. Rochester, NY	\$940,000
Plumbing Contract	Kimble, Inc. Elmira, NY	\$390,300
	TOTAL	\$4,222,300

RESOLVED, further, That the County Administrator is hereby authorized to enter into contracts with each successful contractors 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

Report from the Public Safety Committee

Mr. Stevenson, Chair, reported the Committee met prior to this meeting. The next meeting will be in February.

Report from the Workforce Diversity and Inclusion Committee

In Chair McBean-Clairborne's absence, Ms. Robertson, Member, reported she attended the December meeting. The Committee discussed goals for the coming year and ideas for usage of programs funds. She said they are looking forward to working with County Administration on the hiring of a project assistant.

Report from the Human Resources Committee

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Mr. Dennis, Chair, reported there has been one negotiation session with the White Collar Union and a second meeting was held today with the Corrections Officers Union. At today's meeting proposals were exchanged; the next meeting will be scheduled in February or March.

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

Mr. Hattery, Chair, reported the Committee met prior to this meeting. A number of items were approved under the Consent Agenda.

RESOLUTION NO. 14 - TO AMEND RESOLUTION NO. 251 OF DECEMBER 18, 2007 - DETERMINATION AND CERTIFICATION OF COUNTY CLERK'S ALLOWANCE - ANNUAL EXPENSES FOR ADMINISTERING MORTGAGE TAX

MOVED by Mr. Hattery, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present.

WHEREAS, pursuant to Section 262 of the Tax Law, recording officers and treasurers are entitled to receive all their necessary expenses for purposes of administering mortgage taxes in their offices on approval and allowance by the New York State Tax Commission, and

WHEREAS, the State Tax Commission, by resolution duly adopted July 1, 1946, did determine that such mortgage-tax expenses be approved at the amount certified to the State Tax Commission by County Board of Representatives [Tompkins County Legislature] provided it is a reasonable and necessary allowance for such expenses, and

WHEREAS, the County Clerk has conducted a cost analysis and has recommended that the allowance for mortgage-tax expenses be increased from \$152,483 per annum to \$185,616 per annum, and

WHEREAS, the Finance Director has conducted a cost analysis and has recommended that the allowance for the treasurer's expense for administering the mortgage tax be set at \$15,000 per annum, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the sum of \$185,616 per annum be, and the same hereby is, determined as a reasonable and necessary allowance of the Tompkins County Clerk, the recording officer of the County of Tompkins, for the hire of clerks and assistants and other expenses to assist in the administration of the mortgage-recording tax in her office, and that the sum of \$15,000 per annum be, and the same hereby is, determined as a reasonable and necessary allowance of the Tompkins County Finance Director, to assist in the administration of the mortgage tax funds, and that said sum of \$200,616 is hereby certified to the State Tax Commission as the reasonable and necessary allowance for such expenses,

RESOLVED, further, That the Clerk of the Legislature is hereby directed to send a certified copy of this resolution, with her original signature thereon, to the State Tax Commission,

RESOLVED, further, That this resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

Report from the Planning, Development and Environmental Quality Committee

Ms. Robertson, reported the Committee met on January 8th. There was discussion of suggestions presented by Ms. Kiefer for the Program Oversight Committee for the housing program with Cornell and the City. The Committee discussed this at length and agreed to bring the comments to a meeting that was held last week with the City. She said the City and the County have been talking about the wording and the fine points of the Memorandum of Understanding and this was the first time all of the comments and suggestions from Cornell were reviewed jointly between the City and the County. Ms. Kiefer's suggestions were accepted; however additional time is needed to continue work on the comments received from Cornell. The Committee discussed the adjustments to the Homeownership Program and

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approved the Civic Facilities resolution that was on tonight's Consent Agenda. The remainder of the meeting was spent discussing Mr. Hattery's proposal for usage of Room Occupancy Tax funds. The Strategic Tourism Planning Board has expressed strong opposition to that proposal.

Report from the Budget and Capital Committee

Mr. Shinagawa, Chair, reported the Committee met and discussed the Airport hangar issue that was reported on earlier. The Committee also discussed the funding request from Alternatives Federal Credit Union for the Tax Assistance Program. The next meeting will be January 26th.

Motion to Reconsider Election of Chair

It was MOVED by Ms. Kiefer, seconded by Mr. Dennis, to reconsider the election of Legislature Chair.

Mr. Sigler said he did not think the rules would allow for the reconsideration of an election. Mr. Wood was asked to provide guidance. Mr. Wood stated Robert's Rules state that once an election is final it cannot be reconsidered but there is some debate of reconsideration of the Vice Chair position. However, a majority of this Legislature can vote to suspend those rules.

Mr. Koplinka-Loehr ruled that based on the opinion of the County Attorney, the election of Chair is final.

Ms. Kiefer said this is a charter County and the Charter we have taken from New York State Law those portions that we think should apply to the County and refers to Robert's Rules as a place to go when the Legislature Rules are silent about a process, but said there is nothing that requires this Legislature to follow Robert's Rules on election procedures. She said this Legislature could interpret the Rules as stating that reconsideration is possible on any motion. Therefore, Ms. Kiefer stated she disagrees with Mr. Wood's opinion and Mr. Koplinka-Loehr's ruling.

Mr. Koplinka-Loehr referenced Legislature Rule XII – Rules of Order – “In any matter of procedure not governed by these rules, the Legislature shall be governed by Robert's Rules of Order.” Ms. Kiefer disagreed and said she believes this Legislature is governed by its rules where it is silent.

Due to it being late in the evening, Ms. Kiefer WITHDREW her motion.

Ms. Robertson said she would like this to be brought up as soon as possible at a time when all Legislators can be present. She asked Ms. Covert to circulate a message to all Legislators, to see a time before February 3 when all could be present. She was surprised the Chair had not already asked for that.

Mr. Koplinka-Loehr said a special meeting for the purpose of “Revisiting the Chair and Vice Chair” will be called prior to the February 3 Legislature meeting if a date can be identified where all members can be in attendance.

Mr. Hattery said while some uncertainty may remain with regard to the Vice Chair position, he thinks any effort to revisit the election of Chair is out of order. He said by continuing to try to change the rules this Legislature further jeopardizes its credibility with the public.

Approval of Minutes of December 16, 2008

It was MOVED by Ms. Kiefer, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the minutes of December 16, 2008. MINUTES APPROVED.

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Approval of Minutes of January 6, 2009

It was MOVED by Ms. Kiefer, seconded by Ms. Robertson, to approve the minutes of January 6, 2009 with the changes submitted by Legislators Kiefer and Robertson.

It was MOVED by Mr. Proto, seconded by Mr. Hattery, to Table action on the minutes indefinitely to allow time for review of the proposed changes by all Legislators. A voice vote on the motion to table resulted as follows: Ayes – 12, Noes – 1 (Legislator Burbank), Excused – 2 (Legislators Herrera and McBean-Clairborne). MOTION TO TABLE INDEFINITELY CARRIED.

Recess

Mr. Koplinka-Loehr declared recess from 8:02 p.m. to 8:07 p.m.

Executive Session

It was MOVED by Mr. Dennis, seconded by Mr. Shinagawa, and unanimously adopted by voice vote by members present, to enter into executive session at 8:07 p.m. to discuss a personnel matter. The meeting returned to open session at 8:18 p.m.

Adjournment

On motion the meeting adjourned at 8:18 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office