

Tompkins County Legislature
Regular Meeting Minutes
Tuesday, October 19, 2010

Approved 12/7/10

Call to Order

Ms. Robertson 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: 15 Legislators. Mrs. McBean-Clairborne arrived at 5:35 p.m. and was excused at 7:31 p.m. Mr. Shinagawa was excused from 7:38 p.m. to 8:15 p.m. and excused again at 9:05 p.m. Ms. Herrera was excused at 8:05 p.m.

Presentation of Proclamation

Ms. Robertson presented a proclamation declaring the week of October 23 – October 29, 2010, to be Breast Cancer Awareness Week in Tompkins County to Kerry Quinn, Director of Client Services, Cancer Resource Center of the Finger Lakes. Ms. Quinn extended an invitation to everyone to attend the 17th Annual Walkathon and 5k run to be held on October 23rd.

Privilege of Floor by the Public

Philip Cox, Ellis Hollow resident and Catholic Charities Board member, urged the Legislature to reconsider funding of contracts the Department of Social Services has with Catholic Charities. These contracts are for Child Protective Services and the Samaritan Center in the amount of \$27,000. He noted this funding brings in additional funding from New York State in the amount of \$48,000. He spoke of the services that would not be provided to the poorest and most vulnerable citizens of the community as a result of this funding cut. Mr. Cox said he would be willing to pay more property taxes if that is what it would take to maintain funding of these programs in the County budget. He also noted the families they serve are working towards self-sufficiency and are trying to get out of their current situation. It was also noted the Samaritan Center provides services irrespective of a person's religious affiliation.

Fay Gougakis, City of Ithaca, spoke against hydrofracking on State and County land. She spoke in support of the resolutions on the agenda that address natural gas drilling and asked the Legislature to consider adding language that: requests the Clean Air Act and Clean Water Act be reinstated, places more emphasis on water supply, and that copies of the resolutions be sent to Congressman Hinchey and President Obama. She said it is important to have everyone work on this matter in unison so that drilling can be banned in New York State.

Craig Schutt, Soil and Water Conservation District Manager, spoke concerning the resolution on the agenda opposing the Chesapeake Bay total maximum daily load proposal by the United States Environmental Protection Agency. He said there are a lot of misconceptions but there are also a lot of reasons why this should be rejected in its current proposal. If this proposal is approved demands will be placed on New York to have its water cleaner than anyone else's in the watershed and said it will place extreme financial hardships on farms and municipalities in the watershed. Mr. Schutt announced public meetings will be held on October 26th in Elmira and on October 27th in Binghamton; public comments have to be submitted by November 8th.

Tomo Shibata, City of Ithaca resident, said she is a victim of organized stalking. She spoke of her personal experience and reports she has filed with the Cornell University Police. Ms. Shibata urged the Legislature to have open dialogue about this and to oppose organized stalking.

Melissa Gatch, Supervisor of the Home Health Care Program at the Tompkins County Health Department, read a letter of support from a family member of one of the patients in the Home Health Care Program. In the letter the individual described how his wife's life had been extended by four to five years due to the diligence of the attending nurses, therapists, and others. The author of the letter said he was able to continue to work outside the home and to maintain his health insurance, which covered most of her care. He further stated he hopes others are able to experience the quality of care his wife received and urged the Legislature not to cut funding to this program.

Sigrid Connors, Director of Patient Services at the Tompkins County Health Department, spoke concerning the proposal to cut funding to the Health Department's Home Health Care Program. She said this program has existed for 45 years and there needs to be due diligence, careful consideration, time for a study to be completed, and time for recommendations to be implemented before this program is ended, sold, or transferred to a not-for-profit organization.

Linda Finlay, Town of Ithaca, submitted a petition containing 320 signatures urging the Legislature to "Please restore the essential DSS (Department of Social Services) funding to Catholic Charities of Tompkins/Tioga's Samaritan Center (\$34,000) and CPS Mentoring Program (\$41,000). Without such funding, two-thirds of which is a State match, critical needs of the poor will be unmet and families will have no recourse when government programs fail them, deepening the divide between rich and poor in our community". Ms. Finlay said the County budget removes \$27,000; however, Catholic Charities will lose \$75,000 without the matching funds from the State. She said this little amount of money does a huge amount of good to people who have the greatest need and the people who will suffer the most if this money is not restored are the children.

Mary O'Brien, Pastoral Associate at St. Catherine of Sienna Church and a former Board Member of Catholic Charities, urged the Legislature to restore funding to DSS for the Catholic Charities and Samaritan Center programs. Ms. O'Brien said last month the Census bureau reported one in seven people are struggling below the poverty level. The weakened economy affects our community with greater needs, resources, and stresses on agencies such as Catholic Charities, which are trying to help people meet their basic needs.

Tommy Miller, a Cortland County resident and is the Family Empowerment Services Director for Catholic Charities. Mr. Miller is a Facilitator with Franciska Racker Center and Cooperative Extension and spoke of collaboration and networking of services that happens within Tompkins County. In his comments, Mr. Miller stressed there is nothing more important than taking care of the children and invited the Legislature to consider the question "how are the children?" as they consider budget decisions.

Leslie Appel, Trumansburg resident, spoke in support of the Early Intervention Program. Ms. Appel said her son was diagnosed with a speech delay at age one and received services from this program. She said her son greatly benefited from the program and the help they received through the Service Coordinator.

Paul Pennock, a school Psychologist from Trumansburg Central School District, spoke in support of the Trumansburg/Ulysses rural youth services. He said the program provides services to youth who are not involved in sports and it has been very important and influential in the school. He said these are the kinds of programs that have a ripple effect throughout the community and said when kids are involved good things happen. At this time seven students shared their personal experiences with the Trumansburg and Ulysses youth programs.

Cyrus Umrigar, Brooktondale resident, said public lands are one of the few areas where nature can flourish and where people can go and partake in outdoor activities. He said gas drilling is not compatible with this use of the land. Mr. Umrigar said it is often stated that the reason for drilling is because it will bring a large economic benefit to a community. However, studies are showing that in the long-run communities that did not embrace resource extraction on average did better than communities that did. He spoke of the State of West Virginia, which has been mining for coal for decades, yet is one of the poorest states in the nation. He urged the Legislature not to allow drilling on County lands and to ask New York State to do the same.

Garrett Peabody and Jon Ulrich, spoke of the proposed budget cuts to youth funding. Mr. Ulrich said he served as a Program Manager for Youth Services in Newfield and is now employed by the Franziska Racker Center. He introduced Garrett Peabody. Mr. Peabody said he participated in 22 of the rural youth programs and spoke of his experiences with the rural youth programs and how it affected his life in a positive manner.

Robin Dubovy, Ithaca, spoke in support of the Family Resolutions project, a program that works with families whose children are in very vulnerable circumstances. She said all of the families have children involved in either foster care or who could potentially be involved in foster care. Ms. Dubovy said the goal of the program is to work on permanency. Facilitators hold over 250 family team meetings per year and these meetings bring together everyone who are concerned with the well-being of the child and looks at how to attain a permanent solution that will give a child the best possible opportunity to be in a permanent home. She said having a neutral third party is critical to the success of the program because the system is often not trusted by families and the goal is to bring people together to talk about solutions for success as opposed to being in a constant adversarial situation. Ms. Dubovy said the Family Resolutions Project is a very cost-effective program that prevents more expensive kinds of care.

Arlene Wisner, Brooktondale resident, spoke in support of the resolution on the agenda entitled "Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydro-Fracturing". Ms. Wisner said she is very appreciative of the ways the Legislature has had vision and leadership in its opposition to fracking and caring for Tompkins County and its lands.

Presentation of Distinguished Youth Award

Mr. Lane, District No. 14 Legislator, presented the October 2010 Distinguished Youth Award to Natalie Kirkwyland, of Dryden. Ms. Kirkwyland was nominated by Debbie Fisher, Treasurer for the Dryden Community Center Café. Natalie is recognized for her work in organizing the Café, in serving on its board and finance committee, including writing the business plan for Café operations. She was also praised for her many other activities on behalf of her church and community, including planting and helping maintain plantings around the Village as a member of the Dryden Beautification Brigade Core Team; serving at Dryden's Southworth Library, and participating in last summer's Rotary Youth Leadership Conference.

Privilege of the Floor by Legislators

Mr. Burbank, District No. 12 Legislators, said he recently had an unexpected medical event and shared some things he learned in the process of being cared for by Cayuga Medical Center. He said Tompkins County has a wonderful medical center, both in terms of its physical layout and the quality of care it provides to patients. He said the service provided at both the Emergency Room and the Surgical Care unit was extraordinary and he cannot speak highly enough of it. Mr. Burbank said during his hospital stay he greatly appreciated the wonderful service Tompkins County is providing the public through the cablecasting of meetings and thanked Public Information staff for their work in delivering this service. Lastly, Mr. Burbank said he has learned how quickly lives can change and how anyone can find

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themselves in a situation of needing support quickly. He said he was fortunate to have the care he needed at home but believes everyone must do what they can to make sure there are support systems in place for those who do not.

Mrs. McBean-Clairborne, District No. 2 Legislator, said she recently passed by the “jungle”, and said it appears there are many more tents and many more people there. She expressed concern that there are so many people in this community who are homeless and in need. She said as this Legislature deliberates over budget decisions to think about the families who the economy is hitting the hardest. She said last night many members of the community were gathered at GIAC (Greater Ithaca Activities Center) for the kick-off of the Martin Luther King Community Build. It was a well-attended event and there are copies of Martin Luther King’s last published book “Where do we go from here: chaos or community?” available at GIAC. She encouraged the community to participate in reading the book and having conversations about where this community wants to go. Mrs. McBean-Clairborne also reminded everyone to complete their United Way pledge cards and to give as generously as possible.

Ms. Kiefer, District No. 10 Legislator, reported on an article in the November issue of Esquire magazine. She said several months ago Esquire announced the formation of a commission to balance the federal budget. They brought together well-known Washington-based figures who are no longer in office and it was chaired by Larry O’Donnell. The Commission was comprised of Senator Gary Hart, Senator Bill Bradley, Senator Bob Packwood, and Senator John Danforth. They met for a short time and had an agenda that included how to balance the budget. Ms. Kiefer said it was amazing to see how they worked together when they didn’t have to run for election and how they were able to compromise and move on when an idea wasn’t practical. She said she thinks this Legislature does quite a good job of considering what needs to be done without thinking about re-election. Ms. Kiefer said she will provide a copy of the article in the Legislature Office.

Ms. Chock, District No. 3 Legislator, announced the Fingerlakes Bioneers Conference will take place this weekend with many activities planned. This event entitled “We Make Our Future” is designed to engage and empower participants of many ages to take on climate change, sustainable planning, and to learn how to be a change agent ready for action. More information can be found at the website: wemakeourfuture.org.

Mr. Proto, District No. 7 Legislator, thanked those who attended the Brooktondale Apple Festival and the Speedsville Annual Dinner last Saturday. He reminded everyone that the Cancer Resource Center of the Finger Lakes will hold its annual walk on Saturday. He also announced the Farm Bureau’s Annual Dinner will be held Friday evening and said all Legislators are welcome to attend. Mr. Proto also spoke of serving on the New York State Association of Counties Blue Ribbon Task Force on Farming and said there have been four meetings to discuss communicating to the State Legislature how important agriculture is to New York State. He said meetings will continue over the winter to continue work on the report. Mr. Proto reminded the public to vote on November 2nd.

Mr. Lane, District No. 14 Legislator, said several Expanded Budget and Capital Committee meetings have been held to review the 2011 Tompkins County budget and he is very pleased with the attendance of Legislators. He said it shows a real commitment to a very tough budget.

Ms. Pryor, District No. 6 Legislator, said voting is important and a part of our democratic process and encouraged everyone to vote on November 2nd. She also thanked those members of the public who spoke this evening.

Mr. Dennis, District No. 14 Legislator, announced the Family Reading Partnership Annual Book Festival will take place on November 13th. He said he is very impressed by the students from the Trumansburg and Ulysses area who spoke this evening.

Report from the Chair

Ms. Robertson also encouraged everyone to vote on November 2nd and said absentee ballots can still be obtained. She announced the “Lift Every Voice and Work” concert will be held at St. Paul’s Church this weekend.

Report from the County Administrator

Mr. Mareane said a few months ago it was reported the County’s Solid Waste Division had been profiled in a book that talked about solid waste in the world and we were one of two cities in the country that was profiled based on the pioneering work that is done here. He said Barbara Eckstrom announced last week that the book has won the Publications Award from the International Solid Waste Management Association. Mr. Mareane said it’s good for Tompkins County to be on the cutting edge of these efforts and to be recognized by others.

Mr. Mareane said the first meeting of the Indigent Legal Services Board will be held on November 1st. He asked Legislators who have motions they would like considered as part of the budget process to forward them to County Administration as soon as possible.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires had no report. Ms. Robertson announced the annual Tompkins Tobacco Asset Securitization Corporation met today.

Resolution(s) Added to or Withdrawn from the Agenda

It was MOVED by Mr. Dennis, seconded by Mr. Proto, to add the resolution to the agenda entitled Temporary Amendment to the County’s Fiscal Policy for Fiscal-Year 2010 Involving Rollover and Personnel-Related Savings. A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Herrera). MOTION CARRIED.

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 resolution(s) under the Consent Agenda:

**RESOLUTION 2010-160: AUTHORIZING 2010 FEDERAL TRANSIT ADMINISTRATION
SECTION 5307 GRANT APPLICATION FOR TCAT AND
TOMPKINS COUNTY (DOC ID: 2224)**

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

WHEREAS, the Secretary of the United States Department of Transportation is authorized to make grants for mass transportation projects pursuant to Section 5307 of Chapter 53, Title 49, of the United States Code, and

WHEREAS, the County of Tompkins is the Designated Recipient by the Governor of New York

State for the Federal Transit Administration (FTA) Section 5307 Urban Formula program, with responsibilities to propose FTA-funded projects to the Ithaca-Tompkins County Transportation Council (I-TCTC) (after coordinating with public transportation providers) and to select projects from the I-TCTC Transportation Improvement Program for inclusion in FTA grants, and

WHEREAS, the FTA fund sources for the 2010 Section 5307 Grant are as follows:

2010 Sec 5307 Urban Formula Allocation	\$1,489,459
NYSDOT Transfer from Sec 5311	\$ 195,700
Total Federal Transit Funds	\$1,685,159

, and

WHEREAS, the County and TCAT agreed to the projects selected for inclusion in the 2010 grant from the I-TCTC's 2007-2012 Transportation Improvement Program, as amended on May 18, 2010, and

WHEREAS, the County desires to accept a grant of funds from FTA, in the amount of \$12,733,998, to be used for operating assistance, and capital and planning projects for 2010, and

WHEREAS, the County will receive and use said FTA funds as follows:

Project Descriptions	Federal	NYSDOT	TCAT	County	TOTAL
Preventive Maintenance	\$ 1,424,839	\$ 178,105	\$178,105	-	\$1,781,049
Mobility Management - County	\$ 34,400	\$ 4,300	-	\$ 4,300	\$ 43,000
Program Administration - County	\$ 48,000	\$ 6,000	-	\$ 6,000	\$ 60,000
ADP Hardware and Software	\$ 16,000	\$ 2,000	\$ 2,000	-	\$ 20,000
Shop Equipment	\$ 8,000	\$ 1,000	\$ 1,000		\$ 10,000
Security Equipment	\$ 8,000	\$ 1,000	\$ 1,000		\$ 10,000
Bus Stop Signs	\$ 8,000	\$ 1,000	\$ 1,000		\$ 10,000
Passenger Shelters	\$28,000	\$ 3,500	\$ 3,500		\$ 35,000
Rehab/Renovate TCAT Facility	\$ 38,320	\$ 4,790	\$ 4,790	-	\$ 47,900
Short-Term Transit Planning	\$ 16,000	\$ 2,000	\$ 2,000	-	\$ 20,000
Support Vehicles	\$ 25,600	\$ 3,200	\$ 3,200	-	\$ 32,000
SUBTOTAL CAPITAL & PLANNING PROJECTS	\$ 1,655,159	\$ 206,895	\$ 196,595	\$ 10,300	\$ 2,068,949
Operating Assistance	\$ 30,000	\$ 3,400,000	\$ 7,235,049	-	\$ 10,665,049
TOTAL	\$ 1,685,159	\$ 3,606,895	\$ 7,431,644	\$ 10,300	\$ 12,733,998

, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes the County Contracts Coordinator to execute and file applications on behalf of the County of Tompkins with the Federal Transit Administration for the 2010 Section 5307 Grant,

RESOLVED, further, That the grant budget total is \$12,733,998 including Federal, New York State, TCAT and County sources,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign:

1. Any and all agreements between Tompkins County and the Federal Transit Administration for the Project.
2. Any and all agreements between Tompkins County and the State of New York for the Project.
3. Any and all agreements between Tompkins County and TCAT, and any third-party subcontractors necessary to complete the project, if applicable.

SEQR ACTION: TYPE 11-20

RESOLUTION 2010-161: ACCEPTANCE OF NEW YORK STATE OFFICE OF HOUSING AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT - HOMEOWNERSHIP IX (DOC ID: 2226)

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by

voice vote under the Consent Agenda.

WHEREAS, Tompkins County has been awarded New York State Office of Housing and Community Renewal Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) administered by New York State for the purpose of continuing its successful existing home mortgage program for first-time homeowners, and

WHEREAS, these funds will assist twenty-one families in Tompkins County to become first-time homeowners, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby accepts New York State Office of Housing and Community Renewal CDBG funds in the amount of \$750,000,

RESOLVED, further, That the County Administrator, or his designee, be authorized to execute any contracts related to this project.

SEQR ACTION: TYPE II-20

RESOLUTION 2010-162: AWARD OF TOURISM CAPITAL GRANTS - 2010 (DOC ID: 2233)

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

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

WHEREAS, funding exists within the Room Tax Occupancy budget for Tourism Capital Grants, and

WHEREAS, TCAD reviewed the following projects with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following projects will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Room Occupancy tax, and the following grant award has been reviewed and recommended by the STPB, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign all documents related to these projects:

Entity	Project	2009	2010	2011	2012	2013
Cayuga Nature Center	New Entrance and Attractions	\$25,000		\$50,000	\$25,000	
Kitchen Theatre	Bold New Space Renovation		\$25,000	\$25,000	\$25,000	\$25,000
Hangar Theatre	A Hangar for All Seasons Renovation		\$25,000	\$25,000	\$25,000	\$25,000
	TOTAL	\$25,000	\$50,000	\$100,000	\$75,000	\$50,000

SEQR ACTION: TYPE II-20

Appointment(s) Approved 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 appointment:

Planning Advisory Board – term expires December 31, 2013

Todd Bittner – Natural Environment representative

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

Ms. Mackesey, Chair, reported the next meeting will be November 3rd.

RESOLUTION 2010-163: RESOLUTION OF THE TOMPKINS COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF TOMPKINS COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING OF THE ISSUANCE BY TOMPKINS COUNTY DEVELOPMENT CORPORATION OF UP TO \$30,000,000 AGGREGATE PRINCIPAL AMOUNT TAX-EXEMPT REVENUE BONDS (ITHACA COLLEGE PROJECT), SERIES 2010 (DOC ID: 2223)

MOVED by Ms. Mackesey, seconded by Ms. Pryor. Ms. Herrera stated as a member of the local construction industry she is delighted by the prospect of having this kind of work available locally for local members of the skilled trades who are having a really hard time. She asked Mr. Stamm, Executive Director of Tompkins County Area Development (TCAD), what efforts are being made to hire local workers and keep the money in this area. Michael Stamm invited Ms. Herrera to send a message to the Local Development Corporation of her interest in who builds the project stating this would be the time to do that. They meet the first Friday in November to consider final approval of the project. Ms. Chock thanked Mr. Stamm and TCAD staff for doing the work to create the Corporation that is enabling Tompkins County to issue these bonds locally. A voice vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature (the "Legislature"), as the elected legislative body of Tompkins County, New York (the "County"), has been advised by the Tompkins County Development Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Ithaca College, a New York not-for-profit corporation (the "Company") and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Revenue Bonds (Ithaca College Project), Series 2010, in an aggregate principal amount not to exceed \$30,000,000 (the "Bonds"), and

WHEREAS, the project (the "Project") shall consist of the payment, reimbursement and/or financing of existing indebtedness incurred by the Company for the purpose of financing (A) the acquisition of a parcel (or parcels) of land located at 1031 Danby Road, Ithaca, New York and containing in the aggregate approximately 30.5 acres (the "Land") and the existing improvements situated thereon consisting principally of 21 apartment buildings containing in the aggregate approximately 286,000 square feet of space and 150 residential units, parking areas containing in the aggregate a capacity for approximately 659 vehicles and other related improvements (the "Existing Apartments"), and a community building containing in the aggregate approximately 7,800 square feet of space (the "Community Building" and, together with the Existing Apartments, the "Existing Improvements"); (B) (i) the renovation, rehabilitation, and general upgrading of the Existing Improvements, and (ii) the

acquisition and construction on the Land of up to 5 new apartment buildings and an addition to be added on to the community building containing in the aggregate approximately 133,000 square feet of space and 78 residential units, parking areas containing in the aggregate a capacity for approximately 85 additional vehicles and other related improvements (collectively, the "Improvements"); (C) the acquisition and installation in and around the Existing Improvements and the Improvements of certain items of machinery equipment and other tangible personal property (the "Equipment", and collectively with the Land, the Existing Improvements and the Improvements, hereinafter the "Facility"); and (D) paying certain costs and expenses incidental to the issuance of the Bonds (the costs associated with items (A) through (D) above being hereinafter collectively referred to as the "Project Costs"), and

WHEREAS, the Issuer proposes to assist in the financing of the Project by issuing the Bonds to (i) pay all or a substantial portion of the cost of financing the Project, and (ii) pay reserves and costs incidental to the issuance of the Bonds, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice, and

WHEREAS, on October 4, 2010, the Issuer held such a public hearing upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in *The Ithaca Journal*, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on October 4, 2010, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Tompkins County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, and by the Legislature of Tompkins County, That:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Tompkins County Planning, Development and Environmental Quality Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation Tompkins County, and neither the State nor any political subdivision thereof, including without limitation Tompkins County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

RESOLUTION 2010-164: RESOLUTION IN OPPOSITION TO DRILLING FOR NATURAL GAS ON STATE FOREST LANDS (DOC ID: 2228)

MOVED by Ms. Mackesey, seconded by Ms. Chock. Ms. Mackesey suggested adding the word “certain” to the title.

Mr. Stein said he supports the resolution opposing hydrofracturing but has concerns with the language concerning emissions contained in the fourth Whereas. It was MOVED by Mr. Stein, and seconded by Ms. Pryor, to include Ms. Mackesey’s suggested change to the title and to remove the following fourth Whereas:

“Whereas, evidence is mounting that the life cycle greenhouse gas emissions from natural gas developed using high-volume hydrofracturing is equivalent to and perhaps greater than from coal, and”

Mr. Stein said he has consulted with persons in the scientific community and has been advised that there is no evidence that this is a danger and it doesn’t apply only to hydrofracturing of natural gas but to all gas. He said the argument has been made that natural gas is not a cleaner gas than coal-based gas and if this is true the entire program for reducing greenhouse gas would need to be changed. He said the proposed language weakens the resolution and he does not believe it to be accurate.

Mr. Dennis said he would support a resolution opposing all drilling on State forest land, not just hydrofracking.

Mr. Shinagawa said he will support Mr. Stein’s motion, not because he agrees with the changes, but because unanimity is important.

Ms. Chock said it is her understanding that the forest plan being proposed by the Department of Environmental Conservation states that gas will produce lower emissions. She thinks this language is in the resolution to make the distinction between what is accepted that gas drilled by traditional means is cleaner burning than gas, but when it’s obtained by this newer, untraditional method of extraction raises scientific questions of whether it is cleaner than coal.

Mr. Proto said he will support the resolution because two of the towns he represents comprise the greater share of forest land in Tompkins County. He supports Mr. Stein’s suggestion to remove the Whereas; he also stated he is not a fan of hydrofracking but hopes this Legislature will consider that there are other things that can go on State land that the County has no control over.

Mr. Marx, Commissioner of Planning and Public Works, explained the information the Whereas is based on. He said the larger part of the research is based on the fact that there are extensive leaks in the natural gas transmission system on the pipes going to wells, to the transmission lines, and in the transmission lines. Natural gas consists mainly of methane, and methane is 70 times more potent than CO₂ in the short term. It is extremely effective in trapping the heat from the sun, which is how global warming works. The assumption is that the whole process of developing and using natural gas may have greenhouse gas emissions be equal to or greater than some of the fossil fuels that are currently believed to be more dangerous greenhouse gas emitters. He said the actual burning of natural gas compared to coal or oil is less emitting, but Cornell researchers are looking at the whole process.

Mr. Marx said when the Planning Department reviewed the Department of Environmental Conservation’s draft Environmental Impact Statement staff was shocked at the potential emissions from the development of gas resources in the County. He said the resolution states “evidence is mounting” because this information hasn’t fully been debated and incorporated into literature.

Ms. Robertson spoke to the third Whereas: “Whereas the draft plan states that drilling for natural gas on State forest lands using high-volume hydrofracturing should be considered on a case by case basis because the greenhouse gas emissions from natural gas are lower than for other fossil fuel energy sources, and”. She said the reason the State is considering this is because this supposedly will lower greenhouse gas emissions; she also said the need to address this is critical to the issue. She said in 2009 the State of Texas realized it had a very big problem with leaks in transmission and they tried to put a cap on gas leaks of five percent. The EPA (Environmental Protection Agency) estimate is one and a half percent leakage throughout the system but admits that is a rough estimate. Texas tried to place a five percent cap on this and the industry fought that back and said they couldn’t get it down to five percent.

Ms. Robertson said it is cheaper for the companies to let the gas leak than to find the leaks and close them because gas is so inexpensive. She said this is why companies have to be required to do this. She said just because the evidence does not exist yet it does not mean it is not true or something not worth looking at. She also spoke of the overwhelming scale of drilling in the State and said it would be extremely damaging for New York State to go down this path. She prefers the fourth Whereas remain in the resolution.

Ms. Pryor said she greatly appreciates and respects the information that has been put forward; however, she disagrees with the necessity for the fourth Whereas to remain in the resolution. She said given the disagreement over the Whereas, she thinks there is value in having a unanimous vote and will support the amendment.

Ms. Kiefer said at the time the DEC’s draft Environmental Impact Statement was released one of the emerging issues she had in her comments was the need to look at the lifecycle of greenhouse gas emissions from this technology. She thinks that more will be heard about this and to be on the early side of publicizing this does not seem unreasonable to her. Ms. Kiefer said the draft plan uses, as one of its rationales, that methane is a better fuel in terms of global warming, and therefore she thinks including something specific to the draft plan is important.

It was MOVED by Ms. Chock, seconded by Ms. Mackesey, to amend the amendment, changing the language of the fourth Whereas to read: “Whereas, scientists are currently studying whether life cycle greenhouse gas emissions from natural gas developed using high-volume hydrofracturing, unlike those from more traditional methods of gas drilling, are equivalent to and perhaps greater than those from coal, and”.

Mr. Robison said members of this Legislature probably all agree on the title of the resolution, but he does not support having a debate about science that would hinder the intent of the resolution.

Mrs. McBean-Clairborne was excused at this time.

It was MOVED by Mr. Lane, seconded by Ms. Pryor, to Call the Question. A voice vote on the motion to Call the Question resulted as follows: Ayes – 11, Noes – 3 (Legislators Chock, Kiefer, and Robertson); Excused – 1 (Legislator McBean-Clairborne). THE QUESTION WAS CALLED.

A voice vote on the amendment to the amendment resulted as follows: Ayes – 5 (Legislators Burbank, Chock, Kiefer, Mackesey, and Robertson); Noes – 8 (Legislators Dennis, Herrera, Lane, McKenna, Proto, Pryor, Shinagawa, and Stein); Excused – 1 (Legislator McBean-Clairborne); Temporarily out of the Room – 1 (Legislator Robison). AMENDMENT TO THE AMENDMENT FAILED.

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It was MOVED by Mr. Stein, seconded by Ms. Pryor, to Call the Question. A voice vote on Calling the Question resulted as follows: Ayes – 11, Noes – 3 (Legislators Chock, Kiefer, and Robertson); Excused – 1 (Legislator McBean-Clairborne). THE QUESTION WAS CALLED.

A voice vote on the original amendment resulted as follows: Ayes – 8 (Legislators Dennis, Lane, McKenna, Proto, Pryor, Robison, Shinagawa, and Stein); Noes – 6 (Legislators Burbank, Chock, Herrera, Kiefer, Mackesey, and Robertson); Excused – 1 (Legislator McBean-Clairborne). MOTION CARRIED.

It was MOVED by Mr. Shinagawa, seconded by Ms. Pryor, to Call the Question. A voice vote on the motion to Call the Question resulted as follows: Ayes – 5 (Legislators Dennis, Lane, Pryor, Robison, and Shinagawa); Noes – 9; Excused – 1 (Legislator McBean-Clairborne). MOTION FAILED.

Mr. Shinagawa was excused at 7:38 p.m.

It was MOVED by Ms. Kiefer, seconded by Ms. Herrera, to return to the original title and to amend the fourth Whereas as follows: “Whereas, scientists are currently studying whether the life cycle greenhouse gas emissions from natural gas development using high-volume hydrofracturing are equivalent to or, perhaps different than those from coal, and”

Ms. Pryor and Mr. Proto opposed the amendment and said they believe it to be out of order because it is substantially the same as the previously defeated motion. The Clerk of the Board and the Chair ruled the motion to be in order.

Ms. Kiefer said she is proposing the amendment to respond to Mr. Stein’s concern and to address the particular type of drilling technique being looked at for Marcellus Shale and is trying to cover both points in this amendment.

Mr. Stein requested the two parts of Ms. Kiefer’s motion to be severed; Ms. Kiefer agreed.

Mr. Robison suggested that this resolution be sent back to committee for discussion and further work. Mr. Marx said the deadline for adopting this resolution is October 29.

At the request of Ms. Robertson, Ms. Kiefer took the Chair’s podium.

It was MOVED by Ms. Robertson, seconded by Mr. Burbank, to amend the amendment and delete the third Whereas: “Whereas the draft plan states that drilling for natural gas on State forest lands using high-volume hydrofracturing should be considered on a case by case basis because the greenhouse gas emissions from natural gas are lower than for other fossil fuel energy sources, and”.

Ms. Robertson said taking out the fourth Whereas but leaving the third Whereas in leaves the impression that Tompkins County agrees that greenhouse gas emission from natural gas are lower than from those from other fossil fuels. She said taking out both Whereases still leaves a very strong resolution. At this time Ms. Robertson withdrew the motion

It was MOVED by Mr. Stein, seconded by Mr. Robison, to Call the Question. A voice vote on the motion to Call the Question resulted as follows: Ayes – 10, Noes – 3 (Kiefer, Proto, and Robertson); Excused – 2 (Legislators McBean-Clairborne and Shinagawa). THE QUESTION WAS CALLED.

A voice vote on Ms. Kiefer’s proposed amendment to amend the fourth Whereas resulted as follows: Ayes – 1 (Legislator Kiefer); Noes – 12, Excused – 2 (Legislators McBean-Clairborne and Shinagawa). MOTION FAILED.

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It was MOVED by Ms. Robertson, seconded by Mr. Burbank, to amend the amendment and to delete the third Whereas: “Whereas the draft plan states that drilling for natural gas on State forest lands using high-volume hydrofracturing should be considered on a case by case basis because the greenhouse gas emissions from natural gas are lower than for other fossil fuel energy sources, and”

It was MOVED by Mr. Burbank, seconded by Mr. Robison, to Call the Question. A voice vote on the motion to Call the Question resulted as follows: Ayes – 11, Noes – 2 (Legislators Herrera and Kiefer); Excused – 2 (Legislators McBean-Clairborne and Shinagawa). THE QUESTION WAS CALLED.

A voice vote on the amendment to the amendment and making it the main motion (excluding Legislator Kiefer’s amendment to the title) resulted as follows: Ayes – 11, Noes – 2 (Legislators Herrera and Kiefer); Excused – 2 (Legislators McBean-Clairborne and Shinagawa). MOTION CARRIED.

A voice vote on the motion to return the resolution to the original title: “Resolution in Opposition to Drilling for Natural Gas on State Forest Lands” resulted as follows: Ayes – 9, Noes – 4 (Legislators Chock, Herrera, Kiefer, and Proto); Excused – 2 (Legislators McBean-Clairborne and Shinagawa). MOTION CARRIED.

A voice vote on the resolution as amended resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislators McBean-Clairborne and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has developed a draft Strategic Plan for State Forest Management to guide the management of the 780,000 acres of State forest lands in New York State, and

WHEREAS, the NYSDEC is soliciting public comment on that plan, and

WHEREAS, the industrial scale of hydro-fracturing operations is incompatible with the purposes of and values provided by our State forest lands, and

WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads, pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values including threatening water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation cover, and allowing invasive species to become established, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, rather than allowing fragmentation of State forests we should be increasing our acreage of unbroken State forest lands off limits to drilling to provide mitigation for the increasing fragmentation of private forest lands, and

WHEREAS, as climate change occurs the State forest lands will become increasingly important as routes of migration for those species that cannot adapt to that climate change and must move north or to higher elevation to survive, and that the fragmentation and other impacts from drilling will impair the ability of the State forest lands to perform that function, and

WHEREAS, our State forests are increasingly used for all types of outdoor recreation activities and gas drilling will impair if not irreparably damage the value of this recreational resource, and

WHEREAS, outdoor recreation provided by the State forest lands is a valued and recognized component of our tourism economy with much potential for future growth, and

WHEREAS, most State forest lands are located in rural areas where roads, other infrastructure, and emergency-response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for services resulting from the industrial activity associated with high-volume hydro-fracturing, and

WHEREAS, it is clear that, from a long-term environmental, economic, and social perspective, the value of our State forest lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is allowed to occur, 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 Department of Environmental Conservation to modify the State Forest Management Plan to prohibit drilling for natural gas on State forest land using high-volume hydro-fracturing, and to specifically recognize the important role that State forest lands can play in helping to mitigate some of the impacts of hydro-fracturing that may occur on private land,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51st District), Senator George Winner (53rd District), Senator Michael Nozzolio (54th District), Assemblywoman Barbara Lifton (125th district), and NYSDEC Commissioner Pete Grannis.

SEQR ACTION: TYPE II-20

Ms. Robertson resumed the chair.

RESOLUTION 2010-165: RESOLUTION PROHIBITING LEASING OF COUNTY-OWNED LAND FOR NATURAL GAS DRILLING USING HIGH VOLUME HYDRO-FRACTURING (DOC ID: 2229)

MOVED by Ms. Mackesey, seconded by Ms. Chock.

Ms. Kiefer reviewed the changes made by the Facilities and Infrastructure Committee. Mr. Stein said he has the same concerns with this resolution as he had with Resolution No. 164. It was MOVED by Mr. Stein, seconded by Ms. Pryor, to delete the second and fifth Whereases.

Ms. Kiefer said she understands Mr. Stein's approach to this, however, hopes Legislators would take this issue seriously and support these Whereases remaining in the resolution. She said this resolution is about County-owned land and is what residents are worried about.

Mr. Lane said he believes all Legislators take this issue seriously.

Ms. Chock said she does not want anything to jeopardize passing the resolution and will vote against removing the whereases for the same reasons she expressed during discussion of the previous resolution.

Ms. Herrera was excused at 7:55 p.m.

It was MOVED by Mr. Burbank, seconded by Ms. Robison, to Call the Question on the Amendment. A voice vote on the motion to Call the Question resulted as follows: Ayes – 10, Noes – 2 (Legislators Kiefer and Robertson); Excused – 3 (Legislators Herrera, McBean-Clairborne, and Shinagawa). THE QUESTION WAS CALLED.

A voice vote on the amendment resulted as follows: Ayes – 7 (Legislators Burbank, Lane, McKenna, Proto, Pryor, Robison, and Stein); Noes – 5 (Legislators Chock, Dennis, Kiefer, Mackesey, and Robertson); Excused – 3 (Legislators Herrera, McBean-Clairborne, and Shinagawa). AMENDMENT FAILED.

Mr. Proto said time constraints that existed on the previous resolution concerning State land do not exist on this resolution and said he would prefer sending this back to committee. It was MOVED by Mr. Proto, seconded by Ms. Pryor, to refer this resolution to both the Planning, Development and

Environmental Quality and the Facilities and Infrastructure Committees for further work. Ms. Robertson suggested this go to only the Planning, Development and Environmental Quality Committee. Mr. Proto accepted a friendly amendment to send this resolution to only the Planning, Development, and Environmental Quality Committee. Ms. Kiefer asked that it go to the Facilities and Infrastructure Committee also and was advised it could also be placed on that Committee's agenda at any time.

A voice vote resulted as follows: Ayes – 8 (Legislators Burbank, McKenna, Lane, Proto, Pryor, Robertson, Robison, and Stein); Noes – 4 (Legislators Chock, Dennis, Kiefer, and Mackesey); Excused – 3 (Legislators Herrera, McBean-Clairborne, and Shinagawa). RESOLUTION REFERRED TO COMMITTEE.

WHEREAS, it is increasingly clear that drilling for natural gas using high-volume slick-water hydraulic-fracturing (hydro-fracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, evidence is mounting that life cycle greenhouse gas emissions from natural gas extracted using high-volume hydro-fracturing is likely equivalent to the emissions from coal, and

WHEREAS, the Tompkins County government, as well as the overall community, has established a goal to reduce greenhouse gas emissions 80% by 2050, a goal that would be impossible to meet if natural gas drilling occurred on county-owned land, and

WHEREAS, the Tompkins County Energy and Greenhouse Gas Emission component of the Tompkins County Comprehensive Plan concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, and

WHEREAS, Tompkins County further believes that development of the Marcellus Shale will likely have a net adverse impact on reducing greenhouse gas emissions, and

WHEREAS, with respect to the 556 acres of County forest land, the Tompkins County Forest Management Plan specifically states that “drilling sites and pipeline corridors that permanently alter the character of the land would not be compatible with the goals outlined in this Plan,” and

WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads, pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values, including threatening water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation cover, and allowing invasive species to become established, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, rather than allowing fragmentation of County-owned lands and forests we should be increasing our acreage of unbroken forest lands off limits to drilling to provide mitigation for the increasing fragmentation of private forest lands, and

WHEREAS, County-owned forest lands are located in rural areas where roads, other infrastructure, and emergency response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for services resulting from the industrial activity associated with high-volume hydro-fracturing, and

WHEREAS, it is clear that from a long-term environmental, economic, and social perspective the value of our county-owned lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is allowed to occur, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee and the Facilities and Infrastructure Committee, That Tompkins County will not lease any county-owned lands, including but not limited to County forest lands, for high-volume hydro-fracturing to extract natural gas,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51st District), Senator George Winner (53rd District), Senator Michael Nozzolio (54th District), Assemblywoman

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Barbara Lifton (125th district), and New York State Department of Environmental Conservation
Commissioner Pete Grannis.

SEQR ACTION: TYPE II-20

Ms. Mackesey deferred the Committee report to the next meeting.

Recess

Ms. Robertson declared recess from 8:12 p.m. The meeting reconvened at 8:20 p.m.

Mr. Shinagawa returned at 8:15 p.m.

Report from the 2010 Complete Count Committee

Ms. Mackesey, Chair, had no report.

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

RESOLUTION 2010-166: TEMPORARY AMENDMENT TO THE COUNTY'S FISCAL POLICY FOR FISCAL-YEAR 2010 INVOLVING ROLLOVER AND PERSONNEL-RELATED SAVINGS (DOC ID: 2259)

MOVED by Mr. Dennis, seconded by Ms. Kiefer.

Mr. McKenna said he originally supported this resolution; however, he has changed his mind because he thinks it undermines the Legislator's relationship with department heads. He said he has learned from discussions with department heads that many of them anticipated these funds would be available.

Mr. Proto agreed with Mr. McKenna and said when a similar action was taken last year there was an opportunity for involvement of department heads in the discussion ahead of time.

Mr. Dennis said he has not spoke to any department head but thinks this is not a significant change from what happened last year.

Mr. Mareane said he does not think department heads will be surprised by this action; they are aware of how bad times are and although they may be disappointed they will not be surprised.

Mr. Burbank said he is comfortable supporting this action for this year and said he assumed it was already happening. He appreciates Mr. McKenna's comments and said if consideration is being given to this being a long-term policy this Legislature should consult with department heads.

A voice vote on the resolution resulted as follows: Ayes –12, Noes – 1 (Legislator McKenna), Excused – 2 (Legislators Herrera and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, fiscal uncertainty for the County and its residents continues this year, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital and Capital Committee, That the Tompkins County Legislature hereby and temporarily amends the County's rollover policy for the 2010 fiscal year by directing that personnel-related savings generated by County departments that would otherwise be preserved for departmental rollover purposed instead be dedicated for general County

deficit avoidance purposes as deemed necessary and appropriate by the Director of Finance. This amendment to the County's rollover policy shall sunset at the end of the County's 2010 fiscal year.

SEQR ACTION: TYPE II-20

Mr. Dennis, Chair, reported Mr. Sutherland has distributed information on the format Legislators may use to submit motions on the 2011 proposed County Budget for the Expanded Budget and Capital Committee to consider. The Committee will begin consideration of several motions over the next few meetings.

Mr. Dennis reported the October 28th meeting has been canceled so that Legislators may attend the retirement dinner for Nancy Zahler, Youth Services Director.

Ms. Covert, Clerk, said the public hearing on the proposed 2011 Tompkins County Budget is scheduled for November 3rd at 7 p.m. She explained at their final meeting the Expanded Budget and Capital Committee will adopt a resolution accepting the actions of the Committee and this resolution will move to the full Legislature. Once adopted by the Legislature the new tentative budget will include all actions of the Expanded Budget and Capital Committee. If the Legislature changes the date of the public hearing this would require formal action this evening.

There was discussion of a logistical problem in allowing time for the Expanded Budget and Capital Committee to act on motions and to be able to present a budget to the public by November 3rd and budget adoption on November 16th. It was agreed the Expanded Budget and Capital Committee will meet on October 25th at 5:30 p.m.

It was MOVED by Ms. Pryor, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to add a motion to the agenda to change the public hearing on the proposed 2011 Tompkins County budget to November 8.

It was MOVED by Mr. Proto, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present to change the public hearing on the proposed 2011 Tompkins County budget to November 8 at 7 p.m.

Report and Presentation of Resolution(s) from the Public Safety Committee

Mr. Shinagawa, Chair, had no report.

Report from the Workforce Diversity and Inclusion Committee

There was no report.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met and reviewed a letter received by Brenda Grinnell-Crosby, Public Health Administrator, concerning the additional 1.1% cut in the FMAP (Federal Medical Assistance Percentage) program. She said this will result in a cut to the Health Department and many of the human service agencies. Mr. Proto reported one of the disappointing items the Committee heard about was the use of JARC (Job Access Rural Commute) funding for transportation. Last year this Legislature approved the establishment of a bus/transportation plan for Newfield and Enfield for people who needed rides but didn't fall within the TCAT (Tompkins Consolidated Area Transit) schedule. Deana Bodnar of the Department of Social Services, provided the Committee with a report on riders and said the average is about 100 riders per month. Mr. Proto said this is a little disappointing because DSS

had hoped for high enough numbers to establish a route. He also reported the Committee passed a proposal regarding the CHHA (Certified Home Health Agency) so the Request for Proposal process can begin earlier. It does not have to come back to the Legislature or Health and Human Services Committee. The next meeting will be November 10th. Mr. Mareane explained the FMAP reduction cut, which he described as an unfunded mandate and said he is drafting a letter and resolution to advise the State of the impact of this on Tompkins County.

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, reported the Committee met today; the next meeting is November 5th.

Mr. Shinagawa was excused at 9:05 p.m.

Report from the Capital Program Review Committee

Ms. Robertson, Chair, reported the Committee has not met since the last Legislature meeting. She said the Committee is still waiting for two space studies. At the next meeting the Committee will be talking about business cases for the Center of Government.

Report from the Government Operations Committee

Mr. Lane, Chair, reported the Committee will meet October 21st.

Member-Filed Resolution

RESOLUTION (ID # 2247): A RESOLUTION EXPRESSING OPPOSITION TO THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) REGULATORY PROPOSAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND RAISING SERIOUS CONCERNS REGARDING THE UNATTAINABLE MANDATE AND LACK OF PARITY REPRESENTED IN LOAD ALLOCATIONS FOR THE STATE OF NEW YORK COMPARED TO OTHER BAY STATES AND WATERSHED JURISDICTION PARTNERS; AND REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE UNITED STATES CONGRESS, NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY IN SECURING A MORATORIUM ON REGULATORY IMPLEMENTATION OF THE CHESAPEAKE BAY TMDL IN NEW YORK UNTIL SUCH OBJECTIONS AND CONCERNS ARE FULLY ADDRESSED (FILED BY LEGISLATOR PROTO AND AVAILABLE 10/19/10) (DOC ID: 2247)

MOVED by Mr. Proto, seconded by Ms. Pryor.

Mr. Proto said in order to undo the pollution that is taking place in the Chesapeake Bay the Environmental Protection Agency has asked each state to invoke very firm guidelines and they will become regulations on the nutrient load, particularly nitrogen and phosphorous. He said this resolution came from the Farm Bureau because most of the impact will fall on lands that are associated with agriculture. He said United States Senators and Congressmen have all signed a letter that was copied to all Legislators asking for a delay in implementing this until New York State takes a better look at it. He encouraged Legislators to read the information that has been provided.

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He said he is willing to postpone action on this resolution to November 3rd to give members an opportunity to review information. Ms. Kiefer has offered some changes that have been circulated.

Ms. Chock reported the Water Resources Council established a subcommittee that agreed to meet and comment on this prior to the November 3 meeting. Ms. Kiefer said they will meet by October 27th and draft a resolution for Water Resources Council Executive Committee action and provide to the Legislature by November 3rd. She said Todd Miller, who is the United States Geological Services representative to the Water Resources Council, has also sent his opinion on this and that information will be circulated as well.

Mr. Lane suggested the Planning, Development, and Environmental Quality Committee discuss this on November 3rd.

Chair Robertson granted Mr. Proto permission to withdraw this resolution from the agenda.
RESOLUTION WITHDRAWN.

Approval of Minutes of September 7, 21, and October 5, 2010

The minutes were withdrawn from the agenda. Proposed changes will be distributed in advance of the meeting.

Adjournment

The meeting adjourned at 9:19 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office