

Call to Order

Mr. Koplinka-Loehr, Chair, called the meeting to order at 5:32 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: 12 present. Excused: 3 (Legislators Hattery, Herrera and Randall). Legislator McBean-Clairborne arrived at 5:07 p.m.

Proclamation

Mr. Koplinka-Loehr presented a proclamation to Richard Tubbs, Tompkins County Undersheriff, declaring the week of October 18-24, 2009 as Sheriff's Week in Tompkins County.

Poet Laureate

Tompkins County Poet Laureate, Jay Leeming, read a short poem: "Man Writes Poem".

Privilege of the Floor by the Public

Fay Gougakis, City of Ithaca, stated the law banning texting while driving goes into effect on November 1st and encouraged everyone to get the word out to see that the public is informed. She also spoke of tinted windows in vehicles and the need for a public forum to discuss concerns and address the potential danger to pedestrians as a result of these windows. Lastly, Ms. Gougakis expressed her disappointment in the recent legal human rights decision to dismiss the charges against the Sheriff.

Robert Spaulding, Town of Caroline, read the following statement:

"I recently sent an e-mail message to County Legislators expressing my opposition to the proposed one-quarter percent increase in the Mortgage Recording Tax, as well as the proposed three percent increase in property taxes.

"As a realtor, I regularly have contact with families and individuals who are considering relocating to Tompkins County. Almost without exception, these folks think our home prices are reasonable and perhaps cheap when compared to other areas. When we inform them of the real property tax burden they will be facing, however, many decide that they cannot afford to live in Tompkins County. As a result, we sometimes are able to convince them to locate in one of the surrounding counties and drive to employment in Tompkins. As a natural consequence, these individuals most likely do their shopping locally to the extent possible. You can bank on that, rather you really can't bank on that because Tompkins doesn't get the sales tax revenue. This certainly adds to an already bad situation.

"With the economy in its present condition I understand that there may be difficult financial decisions facing the County Legislature and that any cuts in services will impact County residents. I'm not suggesting across-the-board cuts; that's not an option that works for anyone. What I am suggesting is that we need to continue both mandated and essential services and at the same time cut back or eliminate programs that may be desirable but are non-essential.

“In conclusion, the current economic situation is tough and the outlook doesn’t seem to be any brighter. I think its time to stop doing business as usual. It’s not time to raise taxes or increase spending; its really time to think about “circling the wagons.” If we don’t do it this year we are only going to be faced with a much larger problem next year, especially in view of substantial cuts outlined by Governor Paterson. I received a small number of e-mails from Legislators in response to my e-mail message. The respondents appear to be in agreement with my message. That’s all well and good but what is really required now is not an agreement in principle but a commitment to action”.

Michael Lane, Village of Dryden resident, spoke of statements made recently by the Governor about the economy and cuts that need to be made. The Governor has stated that many of the cuts will be passed on to local governments and will likely impact departments such as the Department of Social Services or the Health Department. Mr. Lane said local governments do not have many choices to address those cuts and will be forced to make unpopular decisions. He said at times like these Legislators must make difficult decisions and urged members to stand firm and not raise the property tax levy any more.

Sophie Zapala, Town of Ithaca, spoke of the proposed tax levy increase and said she has heard reference to the Legislature’s choice of either cutting programs or raising taxes. She suggested the Legislature explore opportunities to fund programs that could sustain the community in the long-term. Ms. Zapala said she believes the County is in a “moral crisis” and suggested the Legislature gather a group of very knowledgeable people together to brainstorm on ideas for solutions that would bring money back to the taypayers in the longterm such as investments, bonds, or leases on County-owned bonds.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, spoke of a recent notice in NYSEG bills that the company is going to be looking for a rate increase for both gas and electric services. This is significant because when Iberdola bought the company there was concern that they not seek rate increases until they got a handle on how they were going to handle the shortage of personnel, particularly in the electric division. After reviewing past information, it was agreed they would do a self-assessment of the personnel they would need. Mr. Proto said that assessment has still not been received and the proposed increase is an insult because of the promise they made. He will also be bringing a resolution forward for consideration to remind the Public Service Commission what was agreed to at that time.

Mr. Dennis, District No. 15 Legislator, said he appreciates starting this evening’s meeting with a poem reading by Mr. Leeming. He spoke of the November 14th Family Reading Partnership event that will be at Boynton Middle School and said it is a hope of the Partnership’s Director that every meeting in Tompkins County this month will begin with a poem.

Ms. Chock, District No. 3 Legislator, also said she appreciates the speakers this evening and Mr. Leeming’s poem reading in particular. She communicated, along with Mr. Leeming, his contact information.

Ms. Mackesey, District No. 1 Legislator, spoke of the potential gas drilling in this area and said a number of informational meetings are taking place. The Tompkins County Council of Governments (TCCOG) has a subcommittee looking at the impacts on towns and villages and what can be done to protect municipalities. As part of the educational process they have decided to try to educate themselves and the public about the DGEIS (Draft Generic Environmental Impact Statement) that was released by the DEC (Department of Environmental Conservation) that deals with the regulations on the gas drilling and are in draft form. The TCCOG subcommittee has set up two meetings: on November 5 the public is invited to attend and learn about what is in the DGEIS, and on November 19th there will be a court

reporter present to take comments on the DGEIS. Those comments will then be submitted to the DEC. Ms. Mackesey said there will be a lot more information made available soon.

Mr. Burbank, District No. 12 Legislator, said as he was driving here this evening he drove by the Public Library and noticed a bright rainbow-colored flag belonging to a group of demonstrators who were protesting the war in Afghanistan. He said as he sat in his vehicle at a traffic light he thought about the war in Afghanistan and said that while he hasn't formed an opinion on the war he is proud to live in a country where people are free to express their views and proud to live in a community where people take the time to make everyone aware of pressing international issues. Mr. Burbank said he is also pleased with the number of individuals from the public who are in attendance this evening to talk about the budget. He said the County budget is extremely complex and encouraged everyone to go to the County's website and learn about the difficult choices Legislators are faced with during this budget season.

Mr. Shinagawa, District No. 4 Legislator, said he went to the Cancer Resources Centers Strength in Numbers Walkathon on Saturday, October 17th and said it was a great event that brought many people together for a common cause. He reported at the recent Challenge Industries awards ceremony the Tompkins County Clerk's Office was presented with the Business Partners of the Year Award for their large scanning project. He congratulated staff in the County Clerk's office for this accomplishment.

As Chair of the Government Performance and Workforce Relations Committee, he announced Valeria Coggin, Director of Assessment, will be retiring on October 30, 2009, from Tompkins County after 23 years of service with Tompkins County. She is respected locally and Statewide as someone who is professional, highly skilled, and fair. He said the Assessment Department has just received its eleventh consecutive State award for assessment accuracy. Mr. Shinagawa said in a field where emotions can run high and tempers can flare, she has proven to be a great diplomat who has listened, reasoned, and explained. She has also groomed an excellent staff and has created systems that will be in place for many years to come.

Ms. Kiefer, District No. 13 Legislator, said she appreciates the new idea suggested by Ms. Zapala under privilege of the floor. She said the idea that the taxpayers can invest in something we do and get back some return is very provocative and she appreciates the newness of the thought.

Report from Municipal Official(s)

No municipal official was present.

Chair's Report and Appointment(s)

Mr. Koplinka-Loehr said he had mentioned in the past about a Census Committee and by mid-November will appoint a special committee for outreach and that group would appoint a community committee. He asked that any Legislator interested in serving on the committee to let him know. He will circulate a draft charge and a draft composition of the community committee to all Legislators.

He said he will also distribute a copy of a letter received by the Ithaca City School District regarding collaborating and partnering in training.

Mr. Koplinka-Loehr had no appointments.

Report from the County Administrator

Mr. Mareane reported the Quarterly Indicators for the third quarter has been released; he pointed out there were some items that appear better than what has been seen recently, including the lower unemployment rate, the Airport continues to do great business with emplanements up by 25 percent, overtime spending is down by 20 percent, and sales tax is still a decline but the rate of decline has slowed in the third quarter. Mr. Mareane said there are still some problem areas such as temporary assistance numbers being up but there are a few positive signs.

He requested an executive session to discuss personnel items.

Mrs. McBean-Clairborne arrived at this time.

Report from the County Attorney

Mr. Wood said he placed a copy of the decision on the Human Rights case regarding the Sheriff on file with the Clerk of the Legislature.

Report from the Finance Director

Mr. Squires reported last week he and the County Administrator participated in a conference call with Moody's to review the County's bond rating. He said in the last several ratings the County has had one of the top ratings in the State, however, the County now has a Negative outlook for the last several ratings. This is because of Moody's perception that restricting the taxing authority limits financial operations. He said they view this as a negative that the County doesn't take advantage of raising taxes at every available opportunity. He said they are waiting to hear if the County's rating will be retained and if the Negative Outlook will be lifted. Mr. Squires also spoke of sales tax receipts and said at the end of the 3rd quarter he thinks the amount the budget was reduced was correct. At the next meeting he will bring forward a resolution to approve a multi-year contract for the County's financial audit.

Addition of Resolution(s) to the Agenda

It was MOVED by Ms. Robertson, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to add the following resolution to the agenda: Authorizing a public hearing on proposed Local Law No. a of 2009 – Amending Section 110-2 and Section 110-7 of the County Code to Increase the Surcharge on Local Telephone Exchange Access Lines in the County from Thirty-Five (35) Cents to One Dollar (\$1.00).

Withdrawal of Resolution(s) from the Agenda

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

Approval of Appointment(s) Under the Consent Agenda

There were no appointment(s) presented for approval.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 170 - BUDGET ADJUSTMENTS - VARIOUS DEPARTMENTS

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

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

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

Office of Employment and Training

Revenue Acct	Title	Amount	Appropriation Account	Title(s)
6292.44797	Federal Aid TAA	\$80,000	6290.54400	Program Expense

Explanation: Trade Act Assistance funds being made available for training for recently laid off Borg Warner employees.

Office for the Aging

Revenue Acct	Title	Amount	Appropriation Account	Title(s)
6793.44772	Federal Revenue	\$2,901	6793.51000559	Salary
6793.44772	Federal Revenue	\$1,099	6793.54880	Fringes
6793.44772	Federal Revenue	\$2,000	6793.54491	Subcontract

Explanation: Federal revenue increase for Aging Services Specialists will free up County money in HIICAP program; Federal revenue increase in HIICAP program; Federal revenue increase permits an increase in subcontract for HIICAP program.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 171 – AUTHORIZATION TO ACCEPT WHEELS FOR WORK GRANT FROM NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE (OTDA) – DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, assisting eligible county residents to maintain if not increase their self-sufficiency through employment is a priority for the Department of Social Services, and

WHEREAS, lack of reliable transportation and ineligibility for access to financing to acquire said vehicles are frequently encountered obstacles to self-sufficiency, and

WHEREAS, the Department submitted a “Wheels for Work” application to the New York State Office of Temporary and Disability Assistance’s Bureau of Housing and Shelter services to fund a subsidized car-loan program through two local credit unions, and

WHEREAS, the Department has received a notice of award from OTDA for \$140,000 in 100% Federal Temporary Assistance for Needy Families (TANF) financing over a 12 month period beginning October 1st of this year (with equal additional funding available annually for up to a total of 3.5 years), now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget, Capital, and Finance Committees, That the Department of Social Services is authorized to accept the award and accordingly contract with its partner agencies as per the state-approved program plan and budget,

RESOLVED, further, That the Director of Finance is authorized to make the following adjustments to the Social Services’ 2009 budget:

2009 Appropriation:	6010.54400	Program	\$ 140,000
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2009 Revenue: 6010.44610 Fed: DSS Admin \$ 140,000
and be it

RESOLVED, further, That the following adjustments be made to the Social Services' 2010 budget:

Appropriation: 6010.54400 Program \$ 140,000
Revenue: 6010.44610 Fed: DSS Admin \$ 140,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 172 – ACCEPTANCE OF SUBSTANCE ABUSE PREVENTION GRANT – YOUTH SERVICES

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

WHEREAS, the Tompkins County Youth Services Department is the fiscal and administrative agent for the Community Coalition for Healthy Youth, and

WHEREAS, the Community Coalition for Healthy Youth submitted a competitive application for Federal funds available through the Drug Free Communities Support Program of the Substance Abuse and Mental Health Services Administration to expand the coalition's efforts to prevent and reduce substance use among youth countywide, and

WHEREAS, a five-year, \$125,000/year, grant was awarded to the Tompkins County Youth Services Department on behalf of the Community Coalition for Healthy Youth for the period October 1, 2009, through September 30, 2014, to achieve their goals, and

WHEREAS, there is no cash match required from Tompkins County, and

WHEREAS, the expenses and revenues have already been budgeted for 2009 and 2010, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That Tompkins County accepts the five-year Federal Drug Free Communities Support Program grant to be administered by the Youth Services Department to prevent and reduce substance use among youth in Tompkins County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 173 – APPOINTMENT OF ELECTION COMMISSIONER FOR 2010-2011

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

WHEREAS, Election Commissioner Elizabeth W. Cree's term is due to expire December 31, 2009, and

WHEREAS, the Tompkins County Republican Committee, at its September 28, 2009, meeting recommended Elizabeth W. Cree for reappointment to a two-year term, now therefore be it

RESOLVED, on recommendation of the Tompkins County Republican Committee and the Government Performance and Workforce Relations Committee, That Elizabeth W. Cree be and hereby is appointed Republican Party Elections Commissioner for the two-year term commencing January 1, 2010, and ending December 31, 2011.

SEQR ACTION: TYPE II-20

Report and Presentation from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on October 13th and many items are reflected on the agenda this evening. He spoke of the resolution awarding a van service to Ithaca Dispatch and said it is a two-year plan; this initiative will allow access to the JARC funding for the purpose of providing transportation to work for those who qualify for social services. He said some of the TCAT routes did not work with some of the changes that were being proposed, particularly in the Watkins Glen route. He assured everyone that staff has been meeting with TCAT representatives and have worked diligently to resolve issues on this pilot program. Mr. Proto also reported on the substance abuse prevention grant and said this is a five-year grant in the amount of \$125,000 each year. When the County had this grant previously it was concentrated in the Ithaca City School District area but will now be carried over into every area of the County. Mr. Proto also reported on a special request for funding by the Ithaca Area Child Care Center (IACC). They have asked for consideration of \$20,000 as a result of a shortfall in funding. He said the Committee has initially approved consideration of this; however, there may be a need to re-constitute the group that met a couple of years ago to review the Drop-In Children's Center request. Mr. Proto announced the clinics that are being scheduled for the seasonal flu will be announced as soon as they are scheduled. The next meeting will be November 10th.

Mr. Shinagawa spoke of the H1N1 vaccine and addressed many of the misconceptions that exist in the community.

RESOLUTION NO. 174 – AWARD OF RURAL SUBSCRIPTION VAN SERVICE PROPOSAL TO ITHACA DISPATCH, INC. – DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, the Tompkins County Department of Social Services has identified a need to develop flexible rural transportation service to provide low-income rural residents with improved access to employment and other services, and

WHEREAS, the Rural Subscription Service is initially a pilot project in the Towns of Enfield and Newfield, which will be evaluated to advise the County of lessons learned for expanding service to other rural towns, and

WHEREAS, Tompkins County duly advertised and solicited a request for proposals (RFP 09-04) for an operator to operate a demand-responsive rural service, to provide transportation for persons in rural locations not served by TCAT fixed-route service, and

WHEREAS, on June 17, 2009, the County received only one proposal to operate rural demand-responsive service in the Towns of Enfield and Newfield from Ithaca Dispatch, Inc., to contract with the County at the following prices for the first year with subsequent years to be negotiated:

Contract Price:	\$60 per revenue hour
Fuel escalation Clause	Increase \$1.00 per hour for each \$.25 increase in fuel price above a baseline of \$2.25 per gallon, as determined by the Energy Information Administration average for Upstate New York.

, and

WHEREAS, the prices were reviewed, found acceptable, and determined to be within the budget estimate by Department staff, and

WHEREAS, Rural Subscription Service will be funded with Federal Transit Administration Section 5316 Job Access and Reverse Commute grants NY-37-X053 and NY-90-X606, Section 5317 New Freedom grant NY-90-X608 and NYSDOT Community Solutions for Transportation Grants Years 7 and 8 up to \$275,000 for one year, now therefore be it

RESOLVED, on recommendations of the Health and Human Services Committee, That the Tompkins County Legislature awards the Rural Subscription Service proposal to Ithaca Dispatch, Inc.,

with the term of the contract to be two years, with an opportunity for three subsequent one-year renewals, subject to annual approval of funding by the County,

RESOLVED, further, That the Contracts Coordinator is authorized to execute an agreement with Ithaca Dispatch, Inc., on behalf of the County,

RESOLVED, further, That the Finance Director is authorized to make payments from the Transportation Grant account 5631.54425 Service Contracts for this contract,

RESOLVED, further, That the County Department of Social Services staff is authorized to provide technical assistance to Ithaca Dispatch, Inc., to assist the operator to comply with Federal and State regulations, in order to successfully implement the scope of services in the Rural Subscription Service proposal.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 175 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – HEALTH DEPARTMENT

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne. A short roll call vote resulted as follows: Ayes – 12, Noes – 0, Excused – 3 (Legislators Hattery, Herrera, and Randall). RESOLUTION ADOPTED.

WHEREAS, the Health Department had a Public Health Sanitarian resign effective September 11, 2009, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the Department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$1,159
TO:	A4090.51000595	Public Health Sanitarian	\$ 852
	A4090.58800	Fringes	\$ 307

SEQR ACTION: TYPE II-20

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on October 15th. The most significant item discussed was the proposed increase in the Solid Waste Annual Fee; that item will come before the Legislature at the November 4 meeting.

Report from the Government Performance and Workforce Relations Committee

Mr. Shinagawa, Chair, reported the Committee met on October 9 and received a presentation from Kevin Sutherland on the methodology to develop dashboards for departments and help with understanding performance measurements. Mr. Sutherland also discussed the way he will be approaching this with department heads. Mr. Shinagawa said the Committee spent the majority of time discussing administrative policies and said those will be coming to the full Legislature at its next meeting. Mr. Shinagawa said the Committee also heard from the Personnel Department on its work relating to Civil Service reform with Cornell's Institute for Public Affairs.

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

Ms. Mackesey, Chair, reported the Committee met on October 14th and business conducted at that meeting is reflected in the resolutions on the agenda. The Committee also received a presentation from the Convention and Visitor's Bureau (CVB) on projects they are currently involved in. Mr. Bonn, Director of the CVB, reported the tourism and room occupancy rate is down in Tompkins County however, the local rate of decline is less than in many other places in New York State. Ms. Mackesey said a resolution creating a local development corporation and authorizing the corporation to work with the Industrial Development Agency (IDA) will be brought forward at the next Legislature meeting. She said when a law ended last January the IDA was no longer able to issue bonds to tax-exempt organizations and forming the local development corporation is an attempt to re-establish that connection. It will also allow the IDA to collect fees, which Ms. Mackesey noted has been a serious loss to the IDA. The next meeting will be November 12th.

RESOLUTION NO. 176 – DESIGNATING TOMPKINS COUNTY A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 AND DESIGNATING THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS THE EXCLUSIVE ISSUER OF RECOVERY ZONE FACILITY BONDS

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

WHEREAS, the American Recovery and Reinvestment Tax Act of 2009 (the "ARRA") created a new type of tax-exempt facility bond entitled Recovery Zone Facility Bonds ("RZFBs") that, among other things, must be issued in 2009 or 2010, and

WHEREAS, RZFBs are designed to assist counties and large municipalities with local job creation and economic development activities by providing access to tax-exempt financing for certain kinds of business-development activities that historically would not qualify for such low-cost financing (e.g. large manufacturing plants, distribution centers, hotels, research parks, and any other project deemed appropriate), and

WHEREAS, pursuant to the ARRA, the County received authority to issue up to \$2,321,000 of RZFBs (the "Allocation"), and

WHEREAS, the County lacks the authority under the Laws of New York State to issue RZFBs for the benefit of private entities, and the failure by the County to designate the Tompkins County Industrial Development Agency (the "Agency") as the exclusive issuer of RZFBs will likely cause the County to lose the Allocation and its ability to avail itself of this significant benefit of the ARRA, and

WHEREAS, in furtherance of its public purposes, the County has supported the provision of taxable and tax-exempt financing by the Agency and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the County and development of economically sound commerce consistent with the County's burdens and responsibilities, and

WHEREAS, since the current economic crisis started, the County has experienced increases to its unemployment rate and the home-foreclosure rate, and is experiencing general distress, and

WHEREAS, the County desires to designate Tompkins County as a Recovery Zone (within the meaning of the ARRA) to maximize potential qualifying projects, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County determines that all areas of Tompkins County have significant unemployment, increased rate of home foreclosures, or general distress and therefore the County hereby designates Tompkins County as a Recovery Zone pursuant to the ARRA,

RESOLVED, further, That the County hereby designates the Agency as the exclusive issuer of the County for the purposes of issuing RZFBs and to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish the issuance of the RZFBs, provided however that any

obligations issued by the Agency shall never be a debt of the State of New York, the County or any political subdivision thereof (other than the Agency) and neither the State of New York, the County or any political subdivision thereof (other than the Agency) shall be liable thereon,

RESOLVED, further, That the County is hereby authorized to covenant and agree with the Agency in one or more transactions contemplated by this resolution for the benefit of the Agency and the holders from time to time of any bonds, notes, or other obligations or other securities (hereinafter collectively, the "Securities") issued by the Agency, and that the County will not limit or alter the rights of the Agency to fulfill the terms of its agreements with the holders of the Securities or in any way impair the rights and remedies of such holders of the security for the Securities until the Securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. Authorized representatives of the County are hereby granted the power to make such a covenant to and agreement with the Agency and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Agency is hereby authorized to assign to, or for the benefit of, the holders of its Securities any covenant or agreement made by the County pursuant to the foregoing provisions,

RESOLVED, further, That the Chair of the Legislature or his designated representative is hereby authorized and directed for and in the name and on behalf of the County to perform all tasks and other actions required of the County or provided for by the provisions of the ARRA with respect to the County in connection with the issuance of RZFBs, and to execute and deliver all such additional certificates, instruments, and documents, pay all such fees, charges, and expenses and to perform all such further acts and things as may be necessary or, in the opinion of the Chair of the Legislature or his designated representative, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the County with all of the terms, covenants, and provisions of the ARRA with respect to the County in connection with the issuance of RZFBs,

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

SEQR ACTION: TYPE II-20

RESOLUTION NO. 177 – AUTHORIZING PUBLIC HEARINGS FOR HOUSING, PUBLIC FACILITIES, AND ECONOMIC DEVELOPMENT NEEDS FOR THE OFFICE OF HOUSING AND COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

WHEREAS, the New York State Office of Housing and Community Renewal's funding for the Community Development Block Grant (CDBG) program accepts competitive applications for housing, public facilities, and microenterprise projects in the spring of each year, and

WHEREAS, Tompkins County would like to apply for competitive housing, public facilities, and/or microenterprise funds in 2010, and

WHEREAS, the Tompkins County Legislature would like to solicit input from the public regarding needs in these areas, and

WHEREAS, Tompkins County is required to have at least two public hearings prior to submitting any CDBG applications for funding, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That two public hearing dates be set: the first to be held on November 4, 2009, to discuss general housing, public facilities, and economic development needs in the County; and the second to be held on January 19, 2010, to discuss submitting a specific application for competitive housing, public facilities, and/or microenterprise funds under the CDBG program in 2010. These hearings will be held at

5:30 p.m., at a regularly scheduled meeting of the Tompkins County Legislature, 320 North Tioga Street, Ithaca, New York,

RESOLVED, further, That the Clerk of the Legislature is authorized and directed to place proper notice of these public hearings in the official newspaper of the County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 178 – MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 179 OF 2009 (AUTHORIZATION TO ACCEPT 2009-2010 SNOWMOBILE TRAILS GRANT-IN-AID)

MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne.

Ms. Robertson said she is appreciative of an informative memo the Committee received that was prepared by Leslie Schill of the Planning Department. The memo addressed many concerns that had been raised in Committee.

Ms. Chock said she had questions coming into the process of whether impacts had been addressed. She said she has learned there are areas of the County that are used for this activity and believes people have had an opportunity to comment. She is also satisfied that noise impacts have been addressed in the Negative Declaration.

Ms. Kiefer said snowmobile clubs cannot access State funds unless they are sponsored by a municipality. This year there are two locations of existing trails that have never before been part of the master plan the County sponsors in the grant application. The trail that is being added in Groton is 15 miles long. Although Ms. Schill properly investigated and reported on her recent conversations with the Clerks in Groton, Ms. Kiefer said there were five to ten complaints per year but were never formalized as complaints. The Environmental Review Committee of the Environmental Management Council, among other things, was concerned with noise. Ms. Kiefer said it is her opinion this should be a conditioned negative declaration because the section through the Village of Groton passes on an old railroad bed near residences. Since the County is sponsoring this for the first time there is an opportunity to place a condition in this negative declaration. Although the residents living in that area now do not oppose it those people will not live there forever and she believes this is an opportunity to be forward-thinking. She noted such a condition would also have to be implemented by the Village of Groton.

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank, to include the following condition in the Negative Declaration: “there should be no use of the trail behind those houses after 8 p.m.”.

Mr. Stevenson said as a rural resident he supports the concept of development and maintenance of snowmobile trails. He said given the opportunity to use and maintain a trail, snowmobilers will generally comply. He said if there aren't places to ride snowmobilers will ride anywhere and thinks this Legislature will be forward-thinking and proactive by adopting this resolution without a condition.

Mr. Dennis said he does not believe the County should establish conditions for the Village of Groton. Ms. Mackesey agreed with Mr. Stevenson and Mr. Dennis and said enforcement of noise concerns should be left to the Village of Groton. She referred to the past complaints and said she received information that they were not noise-related complaints.

A voice vote on the amendment resulted as follows: Ayes – 2 (Legislators Burbank and Kiefer), Noes – 10, Excused – 3 (Legislators Hattery, Herrera, and Stevenson). MOTION FAILED.

Mr. Burbank said he will vote against this resolution because of environmental concerns as he thinks it is fundamentally wrong to have a negative declaration on the environmental impact of these

machines. He said although the noise is becoming less of an issue than in the past because manufacturers are working to decrease noise levels, it is still a concern. He also spoke of issues of compaction of snow and possible impact on wildlife.

Mr. Proto clarified that the Planning Department has graciously acted as the gatherer of information over the years for the snowmobile clubs throughout the County and has submitted the application on behalf of the clubs. He noted this work has been removed from the Department's work plan in 2010 as a result of the budget. He also said the part of the trail in the Village of Groton is not a new trail, but is the first time money will be accessed through this grant to perform the maintenance.

A voice vote resulted as follows: Ayes – 10, Noes – 2 (Legislators Burbank and Kiefer), Excused – 3 (Legislators Hattery, Herrera, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 179 of 2009, would authorize the Planning Department to accept the 2009-2010 Snowmobile Trails Grant-In-Aid funds from the New York State Office of Parks, Recreation and Historic Preservation in the event that grant funds are awarded, and

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

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That Resolution No. 179 of 2009 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 179 of 2009.

SEQR ACTION: Unlisted

(Negative Declaration and Short EAF on file with Clerk of the Legislature)

RESOLUTION NO. 179 – AUTHORIZATION TO ACCEPT 2009-2010 SNOWMOBILE TRAILS GRANT-IN-AID

MOVED by Ms. Mackesey, seconded by Mr. Stevenson. A voice vote resulted as follows: Ayes – 10, Noes – 2 (Legislators Burbank and Kiefer), Excused – 3 (Legislators Hattery, Herrera, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the New York State Office of Parks, Recreation, and Historic Preservation administers a grant program to encourage local snowmobile club stewardship and development of snowmobile trails in the state, and

WHEREAS, in order to be eligible for this grant program, a local municipality must agree to sponsor the application and administer the program, which the Tompkins County Planning Department has done for local snowmobile clubs since 1998, and

WHEREAS, this year, five snowmobile clubs are proposing to maintain 119 miles of trails for snowmobile use in Tompkins County, and as part of the grant application, each club prepared a 3-year maintenance plan, which have been compiled for a master application, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Planning Department is authorized to accept the 2009-2010 Snowmobile Trails Grant-In-Aid funds in the event that grant funds are awarded.

SEQR ACTION: Unlisted

(Negative Declaration and Short EAF on file with Clerk of the Legislature)

RESOLUTION NO. 180 – AUTHORIZING AMENDMENT TO 2009 FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT – NY-90-X618

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

WHEREAS, the New York State Department of Transportation notified the County that it approved a transfer of \$182,900 in Section 5311 rural funds to the Section 5307 urban formula program, and

WHEREAS, Tompkins Consolidated Area Transit (TCAT) requested the County to amend a 2009 Federal Transit Administration Section 5307 grant (NY-90-X618) to increase the budget for Preventive Maintenance for TCAT's bus fleet, and

WHEREAS, the amended grant budget would be as follows:

TCAT Projects:	FTA	State	TCAT	County	Total
Preventive Maintenance	\$1,225,676	\$ 153,210	\$ 153,210	-	\$ 1,532,095
Short Range Planning	\$ 56,000	\$ 7,000	\$ 7,000	-	\$ 70,000
Operating Assistance	\$ 30,000	\$3,897,977	\$6,773,997	-	\$ 10,701,974
Clean Diesel Conversion	\$ 45,740	\$ 5,717	\$ 5,718	-	\$ 57,175
Acquire ADP Hardware/Software	\$ 38,065	\$ 4,758	\$ 4,758	-	\$ 47,581
Acquire Support Vehicles	\$ 12,800	\$ 1,600	\$ 1,600	-	\$ 16,000
Rehab/Renovate Facility Surveillance/ Security System	\$ 8,000	\$ 1,000	\$ 1,000	-	\$ 10,000

County Projects:

Mobility Management	\$ 32,640	\$ 4,080	-	\$ 4,080	\$ 40,800
Project Admin	\$ 48,000	\$ 6,000	-	\$ 6,000	\$ 60,000

TOTAL for NY-90-X618 Grant	\$1,496,921	\$4,081,342	\$6,947,283	\$ 10,080	\$12,535,625
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, 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 an amendment on behalf of the County of Tompkins with the Federal Transit Administration for the 2009 Section 5307 Grant NY-90-X618, in the amount of \$182,900 to increase Preventive Maintenance funds.

SEQR ACTION: TYPE II-20

Report from the Budget, Capital, and Finance Committee

Mr. Dennis, Chair, reported the Expanded Budget Committee will meet again tomorrow at 5 p.m. He referred to a comment made under privilege of the floor by the public and stated the 2010 budget being recommended by the County Administrator contains a three percent decrease in spending for Tompkins County. He said all Legislators and the County Administrator are looking closely at the cost of government in 2010 and beyond with a view towards cutting expenses to the greatest extent possible while still providing adequate services for the residents of Tompkins County.

At this time Mr. Koplinka-Loehr spoke of the process moving forward. He said there are still a few voting meetings that will take place and at some time between the last revisit meeting and the next regular meeting of this Legislature, a recommendation needs come to this body from the Expanded Budget Committee so that changes to the County Administrator's budget can be voted on. There needs to then be time for that budget to go to the public hearing that is now scheduled for November 4. He said at the end of this meeting he will be requesting that this meeting be adjourned on a day-to-day basis. When the Expanded Budget Committee is ready to make a recommendation this body will be called back into session with proper public notice given, to approve a budget that will be sent to the public and for comment at the public hearing.

Mr. Koplinka-Loehr said he will also circulate information on how to amend the Tentative Budget.

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

Ms. Robertson, Chair, reported the Committee met on October 19th and received a report on bail statistics from the Sheriff. The number of people being bailed has been dropping from 2007 to the projected amount for 2009. The Committee began discussing possible reasons for this and will continue discussion at the next meeting with OAR (Opportunities, Resources, and Alternatives). Ms. Robertson said the statistics on population at the Jail show immediate results from the implementation in September of the variances that were approved by the Commission of Correction. In total, prisoner days paid for boardouts was 286 in July; 292 in August, and dropped to 80 in September. The costs went from \$22,529 in July to \$29,000 in August, to under \$9,000 in September.

The Committee also received an update on the PAD (Public Access Defibrillator) Program. Ms. Robertson said there had been a question concerning incorporating the 911 auto-dial feature in the units and the reliability of existing phone lines. Following a review it was recommended by staff that the best option at this time is to purchase units without that feature. The Committee will receive an updated timeline at the next meeting.

The Committee received a report from Susan Cook of the County Attorney's Office on juvenile justice and was informed that State officials and agencies are seriously considering raising the age of juvenile status to 17 or 18. At the present time someone age 16 or 17 who commits a criminal offense is treated as an adult. Patricia Carey, Department of Social Services Commissioner, is on the Statewide Committee that is looking into this and will keep the Committee informed. Casey Monahan, DSS Caseworker, updated the Committee on the Re-entry Program and reported she has worked with 33 participants since March, 2008. The individuals she has worked with were repeat offenders; however, to date only three have been re-incarcerated. The Committee will receive a detailed report in January from Deanna Bodnar. Lastly, there was a discussion of the Strategic Action Plan that was approved by the Criminal Justice Advisory/Alternatives-to-Incarceration Board in January 2007.

RESOLUTION NO. 181 – ADOPTION OF REPORT ON ASSIGNED COUNSEL/PUBLIC DEFENDER ANALYSIS AND REVIEW TASK FORCE

MOVED by Ms. Robertson, seconded by Mr. Dennis. Ms. Chock said she came into this with many questions; however, after several discussions she whole-heartedly supports this resolution and the direction being taken.

Mr. Shinagawa said this report reaffirms that the current system is equitable, fair, and provides the best quality of representation for the price. He said he will support this resolution because not only does it affirm the current system, it moves in a direction that will improve it.

Ms. Kiefer suggested adding the following language to the last Resolved: "...for the thorough, clearly written and useful investigation and report."

Mr. Proto said this is the fourth review of this program and the other three reviews that were done over the years came to the same conclusion --- that Tompkins County has a fine Assigned Counsel Program and does not need a public defender system. He said the only concerns he has is with regard to the mentoring aspect and the funding piece related to the five courts that feed into it. He would like to explore whether training monies from the State could be accessed. He said while he doesn't object to the Public Safety Committee reviewing the progress on recommendations, he thinks the Legislature should be kept informed of any related proposed budgetary changes or changes in how funds are being spent.

Mrs. McBean-Clairborne thanked former County Administrator, Steve Whicher, for bringing this forward as something for the Legislature to review.

Ms. Robertson said in November the Public Safety Committee will review the page on recommendations and discuss who would be responsible for looking into each of them.

A voice vote resulted as follows: Ayes – 12, Noes – 0, Excused – 3 (Legislators Hattery, Herrera, and Randall). RESOLUTION ADOPTED.

WHEREAS, the Assigned Counsel/Public Defender Analysis and Review Task Force was created on November 21, 2008, and charged "to explore the benefits and costs of, and recommend to the Public Safety Committee of the Tompkins County Legislature a future course of action regarding the most effective delivery of services to residents of Tompkins County who cannot afford legal representation, including analysis of an Assigned Counsel model, a Public Defender/Conflict Defenders' model or a hybrid thereof", and

WHEREAS, the Task Force completed its work and has delivered a final report dated August 31, 2009, to the Clerk of the Legislature, and

WHEREAS, the Task Force's report was unanimously endorsed by the Advisory Board on Indigent Representation on September 9, 2009, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the August 31, 2009, Assigned Counsel/Public Defender Analysis and Review Task Force report is hereby received and adopted by the Tompkins County Legislature,

RESOLVED, further, That the Public Safety Committee will consider each of the report's recommendations and determine how to implement them,

RESOLVED, further, That the Legislature hereby expresses its gratitude to the Assigned Counsel/Public Defender Analysis and Review Task Force and each of its members for the thorough investigation and report.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 182 - AUTHORIZING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. A OF 2009 – AMENDING SECTION 110-2 AND SECTION 110-7 OF THE COUNTY CODE TO INCREASE THE SURCHARGE ON LOCAL TELEPHONE EXCHANGE ACCESS LINES IN THE COUNTY FROM THIRTY-FIVE (35) CENTS TO ONE DOLLAR (\$1.00)

MOVED by Ms. Robertson, seconded by Ms. Kiefer. Ms. Robertson said this surcharge increase will raise approximately \$250,000; it will diversify the County's income stream and lessen the property tax burden.

Mr. Stevenson said while this is different than an increase in the property tax it is still difficult to support. He said there are a lot of fees that already exist on telecommunications systems and components that should be used for this purpose. Mr. Mareane explained that the exemption included in the law for Cornell University amounts to approximately \$50 per month. Ms. Chock urged the public to let Legislators know their opinion on this issue. Mr. Proto stated funds from this surcharge would be used to pay costs of the County's communications system.

It was MOVED by Mr. Dennis, seconded by Mr. Sigler, to Call the Question. A voice vote on the motion to Call the Question resulted as follows: Ayes – 11, Noes – 1 (Legislator Kiefer); Excused – 3 (Legislators Hattery, Herrera, and Randall). THE QUESTION WAS CALLED.

A voice vote on approving the resolution resulted as follows: Ayes – 11; Noes – 1 (Legislator Kiefer); Excused – 3 (Legislators Hattery, Herrera, and Randall). RESOLUTION ADOPTED.

Ms. Kiefer asked that the County Attorney when preparing the local law in its final form to include a reference to the date the original local law was adopted.

RESOLVED, on recommendation of the Public Safety Committee, That a public hearing be held before the Legislature at the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York on November 4, 2009 at 5:30 o'clock in the evening thereof concerning proposed Local Law No. a of 2009 – Amending Section 110-2 And Section 110-7 of the County Code to Increase the Surcharge on Local Telephone Exchange Access Lines in the County from Thirty-Five (35) Cents to One Dollar (\$1.00). At such time and place all persons interested in the subject matter will be heard concerning the same.

RESOLVED, further, That the Clerk of the Legislature is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the County.

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said recently a group of students in Washington, D.C. had a sit-in because of their concern over a lack of counselors and teachers as a number have lost jobs because of budget constraints. The Committee is watching that issue as well as the Amelia Kearney vs. the Ithaca City School District case. The Committee is continuing its work on the WDIC plan and are partnering with Workforce Development to offer study sessions for upcoming Civil Service examinations in their attempts to reach more of the community who are in protected classes and to have a wider pool of candidates. The next meeting will be October 28th in the Human Services Committee. Mrs. McBean-Clairborne reported the Committee is working on follow-up steps to the County's Cultural Competency training session and talking groups that took place.

Report from the Legislative Rules and Procedures Committee

Ms. Kiefer, Chair, reported the Committee met yesterday and concluded work on Rule IV – Order of Business. She called attention to the Committee’s proposed recommendations to Rules I, II, and III that were included in Legislator’s folders this evening. She particularly called attention to Rule I pertaining to who presides over the Legislator’s Organizational meeting; in Rule II the quorum language has been changed to stress the importance of Legislators notifying the Clerk’s Office when they will be absent from subcommittee, committee, and Legislature meetings.

Mr. Proto asked that the Government Performance and Workforce Relations Committee review the topic of the new New York State Retirement Service requirement for reporting of hours by Legislators.

Recess

Mr. Koplinka-Loehr declared recess from 7:54 p.m. The meeting reconvened at 8:00 p.m.

Executive Session

It was MOVED by Mr. Burbank, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to enter into executive session at 8:00 p.m. to discuss a personnel matter and litigation. The meeting returned to open session at 8:34 p.m.

Appointment(s)

It was MOVED by Mr. Proto, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to reappoint Anita Fitzpatrick as Personnel Commissioner for a term expiring June 1, 2011.

It was MOVED by Ms. Chock, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to appoint Jay Franklin as Interim Director of Assessment. This appointment will remain in effect until a permanent appointment is made following a Civil Service process.

Approval of Minutes

There were no minutes submitted for approval.

Adjournment

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to adjourn the meeting on a day-to-day basis at 8:37 p.m.