

Tompkins County Legislature

October 21, 2008

Call to Order

Mr. Koplinka-Loehr 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 (Legislator Kiefer arrived at 5:33 p.m.; Legislator McBean-Clairborne arrived at 5:34 p.m.).

Appointment of Civil War Commemoration Commission

Chair Koplinka-Loehr appointed a Civil War Commemoration Commission to develop and coordinate events commemorating the American Civil War, begun April 1861 and ending 1865. The Commission will develop a community civics and history lesson using the occasion to begin a discussion of war, civic obligation, racism, the role of women, soldiers of color, political opinion, and to discuss the expansion of the political process of democratization that has occurred since 1865. The initial Committee membership is at 14, with a maximum of 17 voting members. Specific commemorative events will begin in April 2011 and last through the end of the war-cycle, 2015.

Ms. Kiefer arrived at this time.

Marty Luster, Co-chair of the Commission, spoke of the Commission's first meeting that included brainstorming for events to begin in 2011 and continue for a five-year period.

Mrs. McBean-Clairborne arrived at this time.

Privilege of the Floor by the Public

No member of the public wished to speak.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, welcomed Joe Mareane, the new County Administrator. He then spoke of his work with retiring County Administrator Stephen Whicher, noting his work ethic, leadership with the communications project, health insurance consortium, and assistance in educating him regarding retiree health insurance. Mr. Dennis said Mr. Whicher has wonderful abilities that have been demonstrated to build bridges with colleges, the business world, and agencies funded by the County. Mr. Dennis noted Mr. Whicher's ability to be both fierce and understanding in negotiations, and of how he has assisted guiding the workforce toward best things for the people of Tompkins County. He wished Mr. Whicher well in his retirement.

Addition of Resolution(s) from the Agenda

It was MOVED by Ms. Robertson, and unanimously seconded, to add the resolution entitled In Appreciation of Retiring County Administrator, Stephen (Steve) Whicher to the agenda.

**RESOLUTION NO. 203 – IN APPRECIATION OF RETIRING COUNTY ADMINISTRATOR,
STEPHEN (STEVE) WHICHER**

MOVED by Ms. Robertson, and unanimously seconded.

Ms. Chock expressed her appreciation to Mr. Whicher for his ability and willingness to concisely lay out each side of an issue. She also noted he always answered her questions, honoring her right and responsibility as a Legislator to ask them.

Mrs. McBean-Clairborne expressed appreciation to Mr. Whicher for his guidance during times the Chair was absent, as well as his speaking frankly regarding issues. She noted Mr. Whicher would not hesitate to accept responsibility if a mistake was made.

Mr. Proto expressed appreciation to Mr. Whicher for a wonderful job, noting his willingness to accept questions outside of normal business hours, as well as a willingness to describe, discuss, and reiterate information.

Ms. Mackesey spoke of how she was impressed with Mr. Whicher's ability to deal with problem solving. She further expressed her appreciation for taking time to assist human services agencies with funding difficulties, such as the Drop-In Center. She noted it is not the type of assistance necessary for the position, but he was willing to do so, indicating commitment to the community and the social-support system we have.

Mr. Shinagawa expressed appreciation to Mr. Whicher for his assistance and willingness to teach, educate, and empower him as a young Legislator. He valued the time spent with Mr. Whicher and said the other young interns working under Mr. Whicher have shared the same appreciation. Mr. Shinagawa spoke of the budget coming forward and reaching the goal, showing Mr. Whicher's ability as a leader.

Mr. Koplinka-Loehr spoke of having served under four different County Administrators. He said Mr. Whicher was the most constant in his mind regarding keeping in mind the best for public good. He said he advocated efficiency, effectiveness, measurable indicators, etc. He was grateful for Mr. Whicher's analytical skills and his compassion and caring for the County.

A voice vote on the resolution resulted as follows: Ayes – 15; Noes – 0. RESOLUTION ADOPTED.

WHEREAS, Stephen (Steve) Whicher began working for Tompkins County as Assistant Assessor from 1974 to 1980, and after many years with the New York State Office of Real Property Services, returned to Tompkins County in 1996 to serve as the Director of Assessment until his appointment as County Administrator on January 21, 2001, and

WHEREAS, Steve has not one, but ten monuments to his dedication and perseverance installed around Tompkins County, all connected by a public safety communications system to die for, and

WHEREAS, Steve labored mightily on Tompkins County budgets for seven years with great success, and he will forever be credited with implementing the fiscal management tool known as "Legislature-Directed Reductions", and

WHEREAS, Steve is known for his overall leadership in County government and its departments through his efficiency, effectiveness, and high standards of public service and the development of strong relationships with human service agencies throughout the county, and

WHEREAS, Steve herded the cats of municipal governments through the process of creating Tompkins County Council of Governments (TCCOG) and a health care consortium that is anticipated to save county taxpayers millions of dollars each year, and

WHEREAS, Steve's knowledge and skill were essential to negotiating the first ever AES Cayuga Payment in Lieu of Taxes (PILOT) for the IDA, such that we will need to channel his wisdom in future years to get us through, and

WHEREAS, Steve has had a home in the Ithaca area since he was in the fourth grade, and we hope he keeps his home here and spends at least a little time each year working on wood pelletizing machines, now therefore be it

RESOLVED, That the Tompkins County Legislature recognizes, on the occasion of his retirement, the many significant contributions Steve has made to preserve and improve the quality of life for the citizens of our County,

RESOLVED, further, That the Tompkins County Legislature extends its sincere appreciation and best wishes to Steve on this well-deserved occasion,

RESOLVED, further, That the public is welcome to join us at a reception on November 7, 2008, to honor and thank Steve Whicher for his years of service to Tompkins County, where we hope to embarrass him as well because nobody blushes better than Steve Whicher.

SEQR ACTION: TYPE II-20

Privilege of the Floor by Legislators (Continued)

Mr. Proto, District No. 7 Legislator, announced there would be a Veterans Day Parade at 2:00 p.m. on November 9th. On November 11th an official ceremony would be held in DeWitt Park, with a reception following at the Veterans of Foreign Wars building.

Ms. Kiefer, District No. 10 Legislator, reported on the Metropolitan Planning Organization (MPO) meeting held earlier in the day, noting they received a report that there have been several days that all Ithaca Careshare vehicles have been used at least twice. In addition, discussions regarding the winter road-clearing policies in various municipalities occurred, noting they vary from town to town. In addition, the MPO discussed the County's decision not to continue plowing roads for the State by contract due to a lack of full reimbursement. She suggested the topic of winter road-clearing policy be taken up by the Tompkins County Council of Governments to develop a consistent policy, however, the Town Highway Superintendents would need to be involved.

Ms. Robertson, District No. 13 Legislator, announced there would be a meeting on October 23rd at the Women's Community Building with representatives from the State Attorney General's office to discuss landowner rights with regard to gas drilling leases. She hoped some of the scope and Department of Environmental Conservation concerns would be involved as well.

Mrs. McBean-Clairborne, District No. 2 Legislator, congratulated the Community Dispute Resolution Center (CDRC) on its 25th anniversary and spoke of the wonderful work done by Ms. Saul and her staff to bring about conflict resolution and mediation services throughout the world. She wished them many more years of success.

Report from Municipal Official

No municipal official was present.

Chair's Report

Mr. Koplinka-Loehr requested there be a brief retreat at the end of the meeting to review the County Administrator job description and other documents provided to Legislators and speak of any expectations they may have. He also noted he had distributed copies of a letter from the New York State Association of Counties regarding participation on their various committees and indicated he would be happy to write a letter of recommendation to anyone who wished to participate.

Report from the County Administrator

Mr. Whicher spoke of his working with Mr. Mareane, stating he is an outstanding individual and that he believes the Legislature has made a wonderful selection.

Mr. Mareane expressed his appreciation and said all he had heard regarding Tompkins County government has been confirmed. He said Mr. Whicher has been an incredibly capable County Administrator who has assisted in developing policies that have helped the County. Mr. Mareane said the transition for him would be easy as Tompkins County is not a government in trouble; it is “a house in good order” and is a credit to Mr. Whicher. He is honored with the confidence placed in him by the Legislature and although the economy is difficult at this time, working together closely with the Legislature would get the County through. Mr. Mareane is looking forward to working with the Legislature and staff and thanked everyone for the confidence placed in him.

Appointment of Commissioner of Social Services

Mr. Whicher spoke of having great pleasure working with Patricia Carey, Commissioner of Social Services, for the past five years and is recommending the Legislature confirm her reappointment for a five-year term.

It was MOVED by Mr. Proto, seconded by Ms. Herrera, to appoint Patricia Carey to the position of Commissioner of Social Services for a five-year term. Ms. Robertson noted she had been on the committee making a determination of Commissioner five years ago and that the Legislature had made the right choice. She said it is a pleasure to have all questions answered, noting Ms. Carey’s advocacy for clients and her willingness to do the right thing.

A voice vote on the motion resulted as follows: Ayes – 15; Noes – 0. APPOINTMENT APPROVED.

Mr. Whicher spoke of having the privilege to appoint department heads and said it is a challenge to do so as the candidates are the best of the best. He said the County has built a good team consisting of top-of-the-line and outstanding individuals.

Mr. Whicher said it is hard to say goodbye and he is looking forward to moving on and doing something different. He expressed appreciation for the privilege and honor of working with the Legislature. Mr. Whicher said he worked with many counties throughout New York State and that Tompkins County is outstanding, with the amount of work done and care reflected by its staff and Legislature clearly reaffirming how outstanding the County is. He thanked everyone for the tremendous opportunity of working with them.

Report from the County Attorney

Mr. Wood spoke of his working daily with Mr. Whicher; he could speak of any issue, always giving attention and discussing anything. He spoke of Mr. Whicher doing what he believed right and that it has been a privilege to have that kind of working relationship with him. Mr. Wood said he commended the Legislature on Ms. Carey’s appointment; she is an excellent Commissioner of Social Services.

Mr. Wood reported with regard to the eminent domain lawsuit and said there would be a hearing before a judge regarding the issue. At this time, an order maintaining the enjoining to allow access to the site is in place. He has met several times with the parties involved, with the next meeting to occur on October 23rd. Mr. Wood said the purpose of the resolution on today’s agenda is due to time requirements; the resolution must be approved within ninety days. Mr. Wood said passing the resolution would strengthen the County’s position to arrange access to the site. The reason the matter has not come

forward to the Committee for reporting is simply due to the timing of requirements and once the hearings are complete he would provide a report.

Report from the Finance Director

Mr. Squires said he has worked with Mr. Whicher for a number of years and will miss always being able to stop in and discuss items with him.

Mr. Squires reported the City of Ithaca has agreed to take over the billing of septage from the County. He suggested individuals desiring to see the latest financial status of the budget could do so at the www.tompkins-co.org site under the budget heading.

Mr. Squires spoke of the webinar presented by the New York State Association of Counties (NYSAC) regarding retirement reporting of elected officials. Due to regulatory changes, in January or February elected officials will be required to provide a report of all time spent on the position they were elected for. Although surveys of approximate time spent were done in the past, the State Comptroller would be requiring a record of time over a 120-day period. Mr. Squires will be providing a sample of information required. Ms. Mackesey noted the January – March time period recorded may not accurately reflect the overall work done by an elected official, particularly if they are just coming into office. Ms. Kiefer reported there is a comment period under the regulations and urged members of the Legislature to review the material and send in comments. She also noted that travel time can be included in worked time, which is different from the Internal Revenue Service. One question yet to be answered by NYSAC is whether the State Legislature members are also required to record time.

Mr. Squires reported he would be completing work on a bond issuance relating to the 55 Brown Road, Health Department property in January 2009.

Mr. Squires reported he received a call from Dr. Haynes of Tompkins Cortland Community College regarding the need to speak to the counties in the near future; he is not certain of the purpose but believes it may relate to a required facility alteration.

Mr. Squires reported the sales tax for the third quarter was received, and he believes it contains a large adjustment due to the increased amount. The receipts for 2008 could come in over \$1 million above estimates, this could be used to offset potential cuts from State income. He noted he was more conservative in the 2009 revenue projections.

Withdrawal of Resolution(s) from the Agenda

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

Addition of Resolution(s) from the Agenda

In addition to the resolution previously added to the agenda, it was MOVED by Mr. Stevenson, seconded by Mr. Dennis, and unanimously adopted by voice vote, to add the resolution entitled: Appropriation From Contingent Fund – Expanded Transition Program (Re-Entry Initiative) – Opportunities, Alternatives, And Resources (OAR)

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 204 - AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE TOWN OF ULYSSES – WEST SENECA ROAD BRIDGE REPLACEMENT AND FUTURE MAINTENANCE (BIN 3210250)

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, Tompkins County and the Town of Ulysses cooperatively maintain a bridge on West Seneca Road (BIN 3210250) over Boardman Creek in accordance with Resolution Nos. 43 of 1946, and 259 of 1998, and

WHEREAS, in response to deterioration of the bridge, the County is preparing plans and specifications, and will receive bids to build a replacement structure in 2009, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator be and hereby is authorized to execute an Agreement with the Town of Ulysses to fund replacement and to specify responsibilities for continued cooperative maintenance of the bridge.

SEQR ACTION: TYPE II- 2

RESOLUTION NO. 205 - AUTHORIZATION TO EXECUTE EXTENSIONS OF SNOW AND ICE AGREEMENTS WITH THE TOWNS IN TOMPKINS COUNTY

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, the County of Tompkins has heretofore entered into Agreements with seven Towns in Tompkins County pursuant to Section 135a of the State Highway Law relating to removal of snow and ice from County highways in Towns and incorporated Villages, and

WHEREAS, said Agreements provide for an annual review to consider modifications to such snow and ice services, and

WHEREAS, it would be in the best interest of the County to extend said Agreements, as currently set to expire December 31, 2008, as modified and updated, for an additional period, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That extensions of said snow and ice agreements are hereby authorized for a period of up to two years from January 1, 2009, through December 31, 2010, with the assurance that the required annual review can lead to modifications in the second year, and the County Administrator be and hereby is authorized and directed to execute such extensions on behalf of the County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 206 - AUTHORIZING AN AGREEMENT WITH CONTINENTAL AIRLINES, INC., TO OPERATE IN AND LEASE SPACE AT THE ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, Continental Airlines, Inc., d/b/a Continental Connection, wishes to lease space in the passenger terminal at the Ithaca Tompkins Regional Airport and begin air transportation service in October 2008, and

WHEREAS, the Ithaca Tompkins Regional Airport is a publicly owned, public-use facility that is required by Federal Aviation Administration (FAA) regulations to accommodate any and all airlines that

desire to provide public conveyance by air, subject to said airline or airlines being in good standing and abiding by the conditions stated in any airport/airline agreement, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That an Airline Operating Agreement incorporating the operating and lease terms agreed with Continental Airlines Inc., be approved and that the County Administrator be and hereby is authorized to execute said operating agreement with Continental Airlines Inc.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 207 - APPOINTMENT OF ELECTION COMMISSIONER FOR 2009-2010

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, Election Commissioner Stephen DeWitt's term is due to expire December 31, 2008, and

WHEREAS, the Tompkins County Democratic Committee, at its September 25, 2008, meeting recommended Stephen M. DeWitt for reappointment to a two-year term, now therefore be it

RESOLVED, on recommendation of the Tompkins County Democratic Committee and the Government Operations Committee, That Stephen M. DeWitt be and hereby is appointed Democratic Party Elections Commissioner for the two-year term commencing January 1, 2009, and ending December 31, 2010.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 208 - BUDGET ADJUSTMENT – TRANSPORTATION GRANT

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by voice vote, under the Consent Agenda.

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

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

Transportation Grant

Revenue Account	Title	Amt	Appropriation Account	Title(s)
5631.43594	Mass Transit	\$28,860		
5631.41792	Transit Income	\$800		
5631.44594	Fed Aid Mass	\$163,840		
5631.42770	Other Misc. Rev	\$500		
		\$500	5631.52206	Computer Equipment
		\$900	5631.52230	Computer Software
		\$200	5631.54303	Office Supplies
		\$1,500	5631.54330	Printing
		\$100	5631.54332	Books/Publications
		\$93,500	5631.54400	Program Expense
		\$3,000	5631.54402	Advertising and Promotion
		\$800	5631.54412	Travel and Training
		\$300	5631.54416	Dues/Memberships
		\$93,000	5631.54425	Service Contracts
		\$200	5631.54442	Professional Services

Explanation: These accounts were not budgeted during the 2008 Budget Process because grant funds and program configuration were not established. There is no local share in 2008.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 209 - AUTHORIZING PUBLIC HEARINGS FOR HOUSING, PUBLIC FACILITIES, AND ECONOMIC DEVELOPMENT NEEDS FOR THE OFFICE OF COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by voice vote, under the Consent Agenda.

WHEREAS, the New York State Office of 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 2009, and

WHEREAS, Tompkins County is required to have at least two public hearings pursuant to 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 5, 2008, to discuss general housing, public facilities, and economic development needs in the County and the second to be held on January 20, 2009, to discuss submitting a specific application for competitive housing, public facilities, and/or microenterprise funds under the CDBG program in 2009,

RESOLVED, further, That 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 to place proper notice of these public hearings in the official newspaper of the County.

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Central New York Conservation District

Jacalyn Spoon – Tompkins County representative; no set term

Agricultural and Farmland Protection Board

Raul Aguirre – Land Conservation representative; term expires December 31, 2011

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

RESOLUTION NO. 210 - AMENDING BYLAWS FOR THE STRATEGIC TOURISM PLANNING BOARD TO INCREASE MEMBERSHIP

MOVED by Ms. Robertson, seconded by Ms. Chock. In response to a question from Ms. Kiefer regarding the amendment of specific designations for members, Ms. Chock noted the amendments provide for more flexibility in obtaining members on the Board. There is a detailed nominating process and Committee review prior to appointments. Ms. Kiefer felt the elimination of some of the categories might not be the best way to provide for increased membership. Ms. Herrera spoke of the Strategic

Tourism Planning Board being part of the local economic development and it is important to increase membership.

A voice vote on the resolution resulted as follows: Ayes – 15; Noes – 0. **RESOLUTION ADOPTED.**

WHEREAS, the current membership of the Strategic Tourism Planning Board (STPB) is limited to specific categories, and the committee would benefit from the expertise from other areas that contribute to the Tompkins County Tourism Program, but do not fit into the current specified categories for membership, and

WHEREAS, the reason for such extension is to enjoy the benefit of experience that the board gains from members who serve on the STPB, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the bylaws for the Strategic Tourism Planning Board that were adopted by the Board of Representatives, on February 20, 2002, be amended as follows:

Section 1. Appointment Procedure.

a. Voting Members

- Two lodging representatives
- One Recreation representative
- One Agriculture representative
- Four Arts/Culture representatives
- One Cornell University representative
- One Ithaca College representative
- One Tompkins Cortland Community College representative
- Seven At-large representatives

b. Non-Voting Members

- The STPB shall have 6 non-voting members one each from:
 - The Tompkins County Legislature
 - Tompkins County Chamber of Commerce (Convention and Visitors Bureau)
 - Governmental Transportation
 - Tompkins County Area Development
 - Downtown Ithaca Alliance
 - Community Arts Partnership

RESOLVED, further, That the members that currently represent seats that are eliminated by this resolution shall now represent At-large positions on the Strategic Tourism Planning Board, maintaining their respective terms.

SEQR ACTION: TYPE II-20

Appointment

It was MOVED by Ms. Robertson, seconded by Mr. Proto, and unanimously adopted by voice vote, to approve the following appointment:

Strategic Tourism Planning Board

Deborah L. Teeter – Agriculture representative; term expires December 31, 2008

RESOLUTION NO. 211 - FUNDING OF TOURISM WEBSITE UPGRADE

MOVED by Ms. Robertson, seconded by Mr. Proto. Ms. Herrera said she had voted against the resolution at Committee as she did not have adequate time to review the matter. Subsequent to the meeting she reviewed the matter and would support it.

A voice vote on the resolution resulted as follows: Ayes – 15; Noes – 0. **RESOLUTION ADOPTED.**

WHEREAS, the Ithaca/Tompkins Convention and Visitors Bureau (CVB) is designated as Tompkins County's tourism promotion agency, and

WHEREAS, one of the CVB's key tools to market the area is its website known as VisitIthaca.com, which provides visitors with intriguing images, facts, tips, lodging, and meeting resources, as well as relocation guides, and

WHEREAS, it is timely to update and upgrade the VisitIthaca.com website, to make it a more user-friendly, efficient, and effective marketing tool to bring more tourism to Tompkins County and thereby strengthen the local economy, and

WHEREAS, the CVB has reviewed its website designer's proposal with a cost not to exceed \$12,000 for the upgrade, and

WHEREAS, the Strategic Tourism Planning Board received and reviewed a proposal from the CVB to upgrade the website and recommended its approval to the Tompkins County Legislature through the Planning, Development, and Environmental Quality and the Budget and Capital Committees, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee and the Budget and Capital Committee, That the County Administrator or his designee is authorized to execute an amendment to the Tompkins County Chamber of Commerce contract for the CVB's website upgrade for an amount not to exceed \$12,000,

RESOLVED, further, That the Director of Finance be authorized and directed to make the following appropriation from the Room Tax Reserve:

Appropriation: 0980.0000	Room Tax Reserve Fund Balance	\$12,000
Expense: 6475.54630	Convention and Visitors Bureau	\$12,000

SEQR ACTION: TYPE II-20

Ms. Robertson, Chair, reported the Committee met on October 8th, the next meeting would be held November 13th. The transportation initiative resolution represents a grant received with numerous proposals within it to fill in transportation gaps. A good part of the meeting was spent discussing the public response to the draft Energy and Greenhouse Gas Emissions portion of the Comprehensive Plan. There were many meetings soliciting comments from residents and staff received over 350 comments. They reported on how the comments were used to modify the draft proposal. This will now be provided to the Planning Advisory Board, with the final version coming to the Committee in November and to the Legislature with a public hearing in December. She commended the staff for the work completed. A draft memorandum of understanding between the City and the County relating to the housing initiative is in the process of review and would be coming forward by the end of the year. The Committee received a report from Mr. Marx regarding the Biggs B disposition recommendations; this has gone to the Facilities and Infrastructure Committee.

With regard to Resolution No. 208 – Budget Adjustment – Transportation Grant, Ms. Kiefer spoke of the census data provided that showed, by municipality, how much of the total population and how many seniors live within ¼ mile of a TCAT route and noted it would be useful to know how many trips per day to each location occurs. Ms. Mackesey said the information is available and would provide a copy of the information. Mr. Proto said that as a member of the Tompkins Consolidated Area Transit (TCAT) Board who reviewed the grant, it was determined the Board should meet periodically with Mr. Mengel of the Department of Social Services to have an understanding of the program's progress. There is no local share for the programs in 2008, however with potential State reductions it may be necessary to come to the Legislature to request additional funding.

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on October 16th, with most discussion items contained within this agenda. She said the Committee heard about the Biggs B

disposition and more information would be forthcoming. A presentation of the *GoGreen Initiative* was shown, this initiative received national recognition for the work undertaken by Linnett Short, Kat McCarthy, and Stephanie Egan. She said it is a testimony of the value of project assistants as both Kat and Stephanie came to Tompkins County in this manner; they both are new employees of the County and are continuing to work on educational projects. Mrs. McBean-Clairborne is proud of the program and sees value in supporting the use of Project Assistants. The Committee held a discussion regarding the Public Works proposal to fund a part-time position for green purchasing in the Finance Department. It was determined to continue working on the possibility to answer all questions relating to the proposal and move it forward. The Committee was informed the resolution creating the Air Service Board had a sunset clause for December 31, 2008, and it is necessary to determine if the Legislature desires to continue the Board and if there are any questions regarding the membership. Mrs. McBean-Clairborne expressed pleasure to pass the resolution authorizing an agreement with Continental Airlines to lease space and provide air service at the Ithaca Tompkins Regional Airport.

RESOLUTION NO. 212 - ESTABLISHING A UNIT CHARGE FOR THE 2009 SOLID WASTE ANNUAL FEE

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Mackesey. Mr. Proto said he would not support the resolution and expressed concern regarding the unit charges for the colleges; he believes they are too low, particularly with the many years of using the landfill. He believes there are other ways the fees should be negotiated. Mr. Proto also spoke of the fund balance and would like to propose that during 2009 a review occur to determine how to reduce the sold waste fee below the present \$54.00 amount as well as whether the fund balance amount is appropriate in light of a potential single-stream waste program. Mrs. McBean-Clairborne said she can see why Mr. Proto has said this, but with new initiatives that would come forward the fund balance would not be as significant. She is willing to discuss the matter. Mr. Burbank would not support the resolution due to a fee structure he believes is too regressive; he too is interested in the areas spoken of by Mr. Proto.

Ms. Eckstrom, Solid Waste Director, said the situation is very grave regarding the commodities market for paper; some domestic manufactures have closed and the international market is also strained. The ten percent fund balance for Solid Waste is in place to prevent the need to increase property tax. She noted the five-year projected budget, which includes increases for fuel prices and no increase in contracts, shows if the annual fee is maintained at \$54 for four to five years it could lose \$300,000 to \$400,000 by the end of the year. She believes it is critical to understand both the history and future that by 2015 the annual fee would be \$60. Debt service for Solid Waste Facility will be paid off in 2015.

A voice vote on the resolution resulted as follows: Ayes – 11; Noes – 4 (Legislators Burbank, Proto, Siger, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the unit charge for the 2009 Solid Waste Annual Fee has been recommended by the Facilities and Infrastructure Committee, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Unit Charge for the 2009 Solid Waste Annual Fee be established at \$54.00 per billing unit, which is the same as the 2008 Solid Waste Annual Fee.

ATTACHMENT A: SCHEDULE OF RATES

	PROPERTY CLASS	'USED AS' CODE
(A)		
Single-family residences	210,240,241,242,250,280	
Mobile Homes	270,271,416	
Churches		Z32
Unit Charge:	One billing unit per Church or living unit	

(B)
 Two-family residences and other residences with two living units All 220's

Unit Charges: Two billing units, except if verified as owner occupied and used as a single unit, the charge is one billing unit.

(C)
 Multi-unit residences

3 or more units	230's	
Apartments		A01 - A07
Rooming houses:	418	
	2.5 beds = 1 billing unit	

Unit Charges: One billing unit per living unit

(D)
 Colleges: All tax-exempt parcels owned by the colleges

Unit Charges:	Tompkins Cortland Community College	\$6,287.51
	Cornell University	\$178,413.62
	Ithaca College	\$47,506.08
	BOCES	<u>\$28,805.09</u>
	Total Colleges:	\$252,637.00

(E)
 Recreation and Warehouse (except row storage) All K's, Z01-Z11, Z19-Z26, F01-F04, F06, F07, F08, F10, F11

Unit Charges: \$0.0193/sq.ft.

(F)
 Wholly Exempt Homes for the Aged 633
 Wholly Exempt Other HealthCare Facilities 642

Unit Charges: \$0.0193/sq.ft.

(G)
 All other All property classes and 'used as' codes not listed elsewhere in a specific category

Unit Charges: \$0.0386/sq.ft.

(H)
 Seasonal Residences 260

Property must be classified as a seasonal residence by the Tompkins County Assessment Dept.
Unit Charge: One-half (1/2) billing unit per living unit.

(I)
No fee assessed:
Row storage F05
Non-contributive area Z98
Local government - all tax-exempt parcels owned by the city, towns,
villages, and county within Tompkins County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 213 - AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE TOWN OF ITHACA AND CORNELL UNIVERSITY – FOREST HOME DRIVE BRIDGE (BIN 3047450) OVER FALL CREEK, RECONSTRUCTION AND FUTURE MAINTENANCE

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer. It was noted the resolution was pulled from Consent Agenda to enable a note that amendments to the agreement had been made. Ms. Robertson said that Cornell University is providing \$160,500 toward the project as part of the \$10 million transportation commitment within the Community Transportation Investment. This project is for a one-lane bridge, as presently exists.

A vote on the resolution resulted as follows: Ayes – 14; Noes – 1 (Legislator Hattery).
RESOLUTION ADOPTED.

WHEREAS, Tompkins County and the Town of Ithaca cooperatively maintain a bridge on Forest Home Drive (BIN 3047450) over Fall Creek in accordance with Resolutions Nos. 43 of 1946 and 259 of 1998, and

WHEREAS, in response to deterioration of the bridge, the County is preparing plans and will tentatively receive bids to reconstruct the structure in 2009, and

WHEREAS, the Tompkins County Legislature by Resolution No. 227 adopted on November 20, 2007, approved the project as a federally aided project, with \$879,000 of Federal Transportation Enhancement Program funding, and

WHEREAS, Cornell University has included \$160,500 for this project in its Community Transportation Investment Initiative, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator be and hereby is authorized to execute an Agreement with the Town of Ithaca and Cornell University to fund reconstruction of the bridge and to specify responsibilities for its continued cooperative maintenance.

SEQR ACTION: TYPE II- 2

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

Mr. Stevenson, Chair, reported the Committee met October 17th and discussed a task force to analyze public defenders versus assigned counsel in the context of Advisory Board on Indigent Representation (ABIR). The Committee heard from the leadership of ABIR who reported being in the process of discussing the concept and would provide feedback to the Committee in order to determine how to move forward.

Mr. Dennis, Chair, reported the Committee would meet on November 6th. He also reported that County Administrator Whicher and County Attorney Wood would be testifying at upcoming arbitration hearings.

Report from the Government Operations Committee

Mr. Hattery, Chair, reported the Committee met on October 10th and discussed a resolution to support continuation of the Core Performance initiative. Based upon discussions the resolution would be reworked and revisited at a later date. He spoke of the presentation made by Information Technology Services (ITS) outlining the need for revision and assessment of the Use of Communication System policy. Mr. Potter, Director of ITS, will be returning in December with a draft proposal of a work plan as well as proposed members of a task force to be appointed at that time.

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

RESOLUTION NO. 215 - ADOPTION OF AMENDMENTS TO THE 2009 TENTATIVE TOMPKINS COUNTY BUDGET AND 2009-2013 CAPITAL PROGRAM

MOVED by Mr. Shinagawa, seconded by Mrs. McBean-Clairborne. Mr. Shinagawa spoke of resolution providing the tax levy and the amount of increase that produced an average tax decrease. He noted how much discussion occurs regarding the budget and believes it is partly due to setting goals, which are kept in the forefront, leading to better decisions. Although there are concerns regarding the amount to be in the fund balance he believes it is as good position as can be at this time. Mr. Shinagawa spoke of the work done with department heads, noting the sacrifices they made to meet the goal. He also believed Legislators should be recognized for their work. He hopes it would be supported and thanked everyone for a good job.

Mr. Koplinka-Loehr stated if the resolution passes tonight it would become the new tentative budget and become the default permanent budget if no further votes were to occur. There will be a public hearing on the budget on November 10th, with a vote by the Legislature on November 18th.

Ms. Robertson spoke of the budget being a challenge. She said she had reviewed the decisions to Legislature had made the Expanded Budget and Capital Committee meetings and noted there were very few close votes, which showed a form of consensus by the Legislature. She would like to see the final vote on the budget delayed to obtain additional information on revenue at the State level, however, she will support the resolution.

Mr. Dennis will support the resolution and believes everyone will be hoping the State information coming in February or March would not cause additional concern. He acknowledged the work done on the budget and during meetings by Mr. Shinagawa and Ms. Jayne of County Administration.

Ms. Chock supports the resolution and spoke of having viewed the process from the taxpayer point of view. She indicated the increase in the tax-levy seen by an average taxpayer would be closer to 1.2 percent increase as a result of increased housing within the County.

Mr. Hattery spoke of County Administration staff doing a good job bringing forward a budget meeting target. He will not support the resolution due to the Legislature amendments that he believes reduced flexibility to deal the State's potential reduction of funding.

Mr. Proto noted that although not a perfect budget he is glad it is under the 3 percent mark. He asked that a copy of the tentative budget be made available to the public for review.

Mrs. McBean-Clairborne spoke of working and living in the City of Ithaca and her experience in having to balance needs and ability to pay. She spoke of some wanting to have a lot of services but do not have the ability to afford them or to deal with having them removed. She has some areas that she does not agree with and would like continued discussions but does not want to delay passing the budget. Mrs. McBean-Clairborne spoke of the difficulty city residents have paying taxes and expressed a desire to create a form of stimulus by eliminating the sales tax for clothing and shoes. She will support the resolution but hopes to have continued discussions on the \$75,000 potential amendments in the contingent fund.

Mr. Whicher expressed appreciation for the comments regarding the budget. He was nervous when looking at a three percent goal and was not certain it could be achieved; Norma Jayne suggested a different approach and worked directly with departments. He indicated he worked less on this budget than previous ones and credited the work to Ms. Jayne.

Ms. Herrera spoke of thinking as a taxpayer and rank-and-file employee viewpoint during the budget meetings. She believes a delay in passing the budget would make individuals more anxious and the budget should move forward as soon as possible. She noted that although the budget is a 2.9 percent increase, she would have liked to maintain the fund balance at the initial level. She would like to see public opinion and make changes if needed.

Ms. Kiefer will not support this budget for the reasons noted by Mr. Hattery regarding the fund balance; it does not position us well to deal with next year. She doesn't agree with reaching the target by cutting departments such as the Highway Division as it only would delay and increase the cost of necessary work. She spoke of the County also having to deal with inflation and does not believe the budget appropriately reflects this.

A roll call vote on the resolution resulted as follows: Ayes – 11; Noes – 4 (Legislators Burbank, Hattery, Kiefer, and Sigler). RESOLUTION ADOPTED.

Mr. Koplinka-Loehr announced the Public Hearing on the tentative 2009 Budget and Capital Program at 7:00 p.m. on November 10, 2008, in the Legislative Chambers.

WHEREAS, amendments to the 2009 tentative budget and 2009-2013 capital program were recommended and filed by the Expanded Budget and Capital Committee on October 20, 2008, and

WHEREAS, a public hearing is tentatively scheduled for November 10, 2008, 7:00 p.m., at the Legislative Chambers, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the 2009 Tentative Budget and 2009-2013 Capital Program submitted by the County Administrator is hereby amended in accordance with the recommendations of the Expanded Budget Committee, the action taken by this Legislature on this date, and the Rules of the County Legislature and Article 7 of County Law, for a total tax levy amount of \$36,837,645, resulting in an approximate tax-levy increase of 2.99 percent and a county-wide average tax-rate decrease of 13.5 percent.

SEQR ACTION: TYPE II-21

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee would meet on October 22nd. At that time a presentation of a diversity and inclusion training video created by the Skilled Trades Diversity Consortium would be viewed and discussed. She invited all interested parties to attend. The Committee is also scheduled to review the Strength in Diversity award criteria.

Member-Filed Resolution

RESOLUTION NO. 216 - ADOPTING DETERMINATION AND FINDINGS FOLLOWING THE CONCLUSION OF A PUBLIC HEARING CONCERNING A PROPOSED TAKING BY EMINENT DOMAIN IN THE TOWN OF ENFIELD (AMENDED BY RESOLUTION NO. 219 OF 2008)

MOVED by Mr. Dennis, seconded by Mr. Stevenson. Ms. Kiefer called attention to a number of wording problems in the Findings statement, and offered corrections, which were accepted by the Legislature. A voice vote on the resolution resulted as follows: Ayes – 15; Noes – 0. RESOLUTION ADOPTED.

WHEREAS, on August 19, 2008, this Legislature held a Public Hearing to inform the public of and review the public use to be served by the proposed taking and the impact on the environment and residence of the locality where the County project is situated, and

WHEREAS, the Legislature received both comment and documents at the Public Hearing, and

WHEREAS, the Eminent Domain Procedures Law requires that the Legislature, within ninety days after the conclusion of the Public Hearing, make determinations and findings concerning the project, now therefore be it

RESOLVED, That this Legislature hereby adopts the Determination and Findings set forth in the document entitled “**DETERMINATION AND FINDINGS OF THE TOMPKINS COUNTY LEGISLATURE FOLLOWING THE CONCLUSION OF THE PUBLIC HEARING CONCERNING THE PROPOSED TAKING BY EMINENT DOMAIN OF THE RADIO COMMUNICATIONS TOWER SITE LOCATED BETWEEN TUCKER AND PODUNK ROADS IN THE TOWN OF ENFIELD, STATE OF NEW YORK**”,

RESOLVED, further, That the Clerk of the Legislature is directed to publish a synopsis of the Determination and Findings in at least two successive issues of the *Ithaca Journal*,

RESOLVED, further, That notice of the synopsis shall be served by personal service or certified mail upon the property owner.

SEQR ACTION: TYPE II-20

Approval of Minutes of October 7, 2008

It was MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote to approve the minutes of October 7, 2008 as submitted. MINUTES APPROVED.

Adjournment

On motion, the meeting adjourned at 7:35 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk