

**Tompkins County Legislature**  
Regular Meeting Minutes  
**Tuesday, October 5, 2010 5:30 PM**  
Tompkins County Courthouse

Approved 11/3/10
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**Call to Order**

Ms. Robertson called the meeting to order at 5:30 p.m.

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

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

Present: 14 Legislators. Excused: 1 (Legislator Burbank).

**Announcement**

Ms. Robertson said there would be an executive session at the end of the meeting to discuss real estate negotiations and personnel matters.

**Privilege of the Floor for the Public**

Mary Berens, 105 Devon Road, spoke in favor of reinstating funding to the Child Protective Monitoring Services and the Samaritan Center. She said these programs serve the poorest and most needy and are the best investment that could be made. Ms. Berens spoke of County dollars (\$27,000) leveraging \$48,000 from the State. Thousands of youth are at-risk and the programs build the partnerships required to make family stability a reality. She spoke of having volunteered over the past eight years with Catholic Charities and has met many individuals who have been assisted by these programs, and noted the services cannot be found elsewhere.

Christa Bissell, 137 Pine Tree Road, presented the Legislature with an amended petition relating to the proposed highway/pedestrian project. The correct number of dwellings is 50, not 49 as in the original petition and that the total signatures is 59, representing 39 of 50 households. Ms. Bissell said the additional information provided includes County and grant documents indicating the overpass is an obstacle in the movement of goods and that it should be taken down. She noted the timing of the project is coincidental with a new proposal from Cornell University for an ERL project. It has been estimated that the Cornell University project will require the removal of 225,000 cubic yards of soil, which has been estimated to be 25,000 dump truck trips over a two-year period. She asked that the Legislature assist to maintain a good quality of life for residents of Pine Tree Road.

James Stoyell, 366 Conlon Road, spoke of his experiences in the Lansing Youth Services programs as one of the best experiences in his life to date, noting he was able to meet individuals who became great friends. He asked to have the funding restored since it is a positive experience for those not interested in sports activities.

Daniel Stoyell, 366 Conlon Road, also spoke in favor of continued funding for youth services programs, stating participation enriched his middle school career and it is a large part of after school activities.

Dan Flerlage, Bostwick Road, said he believes youth services programs are worthy of support. He spoke of being a teacher and a program leader for the Summer Farm Program, a joint effort between Town of Ithaca and Southside Community Center. He expressed an understanding of the difficulty of approving the County budget during difficult times. Mr. Flerlage said today's youth is growing up in a difficult time that may mean they will have shorter lives, deal with a shaky economy, face potential loss of energy sources, experience worldwide conflicts, and have an unhealthy environment. He said although

it may not be readily visible, youth programs teach a work ethic, purposeful skills, and knowledge of how to live in an adult environment.

Maddie Reaga, participant of the Youth Farm Project, spoke of the importance of the Youth Employment Services program. She said it brought together a diverse group of youth working on community projects and assisted in preparing them for adulthood. She asked that the program be continued.

### **Report from Municipal Official**

Don Barber, Town of Caroline Supervisor and Chair of Tompkins County Council of Governments, spoke of the difficult decisions facing all municipalities. With regard to youth services, Mr. Barber said discussions are taking place with other municipal officials to discuss the matter, particularly since funding for the programs comes from multiple sources. Mr. Barber said discussions included the possibility of municipalities being able to increase their contributions to make up for the loss of the County share; some could do so, but smaller municipalities such as the Town of Caroline are not able to do so without reductions in other areas of their budgets. He said all municipalities and the County need to work on a plan to transition programs, determine what direction to take, and asked that it be a priority.

Mr. Barber spoke of the New York State Legislature utilizing taxpayer dollars for their programs and then compounding the problem by the attempt to set a tax cap on local municipalities. He stressed the importance of notifying State officials not to set a tax cap, maintain a constant formula for aid to schools, and take responsibility for programs they require. He sees the reduction in youth service program funding a result of the problems at the State level.

In response to Mr. Stein's question on how the funding streams interrelate and whether the Tompkins County Council of Governments (TCCOG) should address the problem, Mr. Barber said TCCOG has started discussions regarding youth services and that Mr. Mareane spoke at the TCCOG meeting to provide insight to the reasons for various reductions in the budget. He stressed the importance of the County participating in discussions and noted the many intermunicipal projects that have taken place. Ms. Robertson said she was not at the last TCCOG meeting to discuss the topic, however, she has spoken to Ms. Zahler, Youth Services Director, about how a proposal may co-evolve.

Mr. Barber announced that he was informed by the New York State Health Insurance Department that the Municipal Health Consortium Certificate of Authority has been processed and is in the mail. He thanked the Legislature for their support and patience. Ms. Robertson expressed appreciation to Mr. Barber and Mr. Mareane for their efforts to make the Consortium a reality. She said the work completed will now serve as a model for other New York State municipalities and that other counties are expressing an interest and providing feedback for the State of how to broaden the consortium. Mr. Barber thanked Ms. Robertson and said TCCOG helped make this effort successful through a great deal of collaboration.

### **Presentation of the Distinguished Youth Award**

Ms. Robertson presented the September 2010 Distinguished Youth Award to the O.U.R.S (Opportunity Understanding Respect Success) Teen and 'Tween Leadership Council, that works with Cornell University volunteer mentors (Y.O.U.R.S. – Youth Outreach Undergraduates Reshaping Success) to build life skills, a Dryden Youth Services program affiliated with Cornell Cooperative Extension of Tompkins County. The council members are specifically recognized for the Hanshaw Village Community Build Project, which, through a grant-funded joint effort involving the park landlord, parents and guardians, and tenants, improved green space behind tenants' mailboxes into a safe and beautiful play and gathering area. Over four weekends, the youth-led project constructed and installed two picnic tables,

benches, a shelter, a homemade tire swing, and a geo-dome climber. The letter of nomination from program manager Julie Neumann notes the project “has built relationships across diversity, developed skills, and beautified their home.” The group expressed appreciation for the recognition and noted an additional grant will assist in future development of an on-site basketball court.

### **Privilege of the Floor for Legislators**

Ms. Chock, District No. 3 Legislator, thanked the youth for attending the meeting today and noted how it shows they have the ability to change their own environment. She attended the Green Buildings Open House tour that was sponsored by Cornell Cooperative Extension and was very inspired and urged participation next year. She spoke of an article indicating the White House is placing solar collectors and a solar water heater on top of the White House and that there are two large solar collection systems being built in the California desert. Ms. Chock announced the Greater Ithaca Art Trail tour will be held on October 16 and 17, highlighting a number of sites around the County.

Mr. Dennis, District No. 15 Legislator, said it is gratifying to see the young people speaking about their experiences.

Mr. Lane, District No. 14 Legislator, reported that the lawsuit filed by the Onondaga Nation regarding real property throughout the state has been dismissed this past week by a district court based on a decision that the action is too long and was too old. The areas affected were the eastern part of the Towns of Dryden, Groton, a portion of Caroline, and many other counties in the State. It is anticipated the decision will be appealed to the circuit court as well as the Supreme Court, however, this news will relieve the need to purchase title insurance when purchasing a home.

Mrs. McBean-Clairborne, District No. 2 Legislator, also expressed appreciation to the Distinguished Youth Award recipients for their volunteering in the community. The United Way Campaign has begun and has set a goal of \$2,111,111 and she asked that people return their pledge forms and show support of agencies. She announced the Greater Ithaca Activity Center is supporting the Love Has No Bounds Haiti Earthquake Relief Effort and is seeking donations of mosquito netting, insect repellent, dried foods, and personal care items. Donations may be dropped off at the Greater Ithaca Activity Center through October 8<sup>th</sup>. Congratulations were extended to the Multicultural Resource Center for the successful First People Festival that took place on October 2<sup>nd</sup>.

Mr. Proto, District No. 7 Legislator, spoke of the recent New York State Electric and Gas (NYSEG) rate increase approved by the Public Service Commission, noting billings already reflect the increase and some charges are retroactive. He congratulated the Youth Services Department for the well-attended annual luncheon held on September 29<sup>th</sup>. There will be a household pharmaceutical collection day on Saturday, October 16<sup>th</sup> at the Tompkins Consolidated Area Transit parking lot. He noted the previous collection day resulted in Tompkins County holding the national record for the most pharmaceuticals collected in a community on a single day. The Brooktondale Apple Festival is taking place on October 16<sup>th</sup>. Ms. Chock referred to the NYSEG rate increase and said she learned on the Green Building Tour that NYSEG charges \$.15 per kilowatt hour, yet when receiving excess energy from residential homes only credits them \$.04 per kilowatt hour. Ms. Herrera provided information on the specific items that could be collected on the household pharmaceutical collection day and that she believes the number is high due to the residents recognizing the safety issue and being aware of the potential damage to the watershed if pharmaceuticals are improperly disposed.

### **Chair's Report**

Ms. Robertson announced October 8<sup>th</sup> is the last day to register to vote. She reported that the special New York State Association of Counties Presidential Commission on the State Takeover of

Medicaid report is complete and available for Legislators to review. She said a report from Lieutenant Governor Ravitch and the Rockefeller Institute also addresses New York State taking over the entire Medicaid program, which is 29 percent of the tax levy, not including administration. She said the level of government making program decisions should be the one to pay for them. The New York State Association of Counties (NYSAC) resolution will be carried through to the State Legislature, Governor's office, gubernatorial candidates, and a press release relating to the property tax cap proposals has been issued. There will be a brief educational PowerPoint presentation regarding the tax cap created by Mr. Acquario from NYSAC at the next meeting. She noted that ninety percent of all tax levy in the State is to fund nine different mandates imposed on county governments. Ms. Robertson announced Mr. Mareane has been appointed by the Governor to sit on the fifteen-member Indigent Defense Commission.

### **Chair's Appointment**

Ms. Robertson made the following appointment:

#### **Civil War Commission**

Scott Callen – term to expire May 2015

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

Mr. Mareane did not have a report. Mr. Proto asked Mr. Mareane to provide the Legislature with a report of the County's cost to support Tompkins County Council of Governments (TCCOG). Mr. Mareane said much of the support is in-kind provided by Ms. Pottorff and other staff members. He will prepare a report that shows the cost and benefits provided by the work of TCCOG. Mr. Proto said there is more work that needs to be done by TCCOG and he would like to know what the costs could be.

Mr. Dennis asked if there is any budget line for TCCOG support and was informed there is not. Mr. Mareane said TCCOG is developing a modest budget and County support would be in-kind services. The discussions are to have \$5,000 to \$10,000 available to pay for the cost of studies. Ms. Robertson said the topic would be appearing on the Government Operations agenda. Mr. Mareane said TCCOG members proposed \$750 be provided by each participating municipality, however, what is being sent through municipal governments is a figure of \$250.

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

Mr. Wood reported he has had inquiries from several Legislators asking whether the County has the authority to fund youth services and senior services in local municipalities; he said that it is allowed. Whether other municipalities can do the same is an issue to be taken up by their attorneys, however, he believes it would be the same outcome. Mr. Stein said his understanding is that a town cannot provide funding to an outside private party without assurance town residents receive something of value in return, and that it can be accomplished through contracts. Mr. Wood said it is the same procedure for the County as authorized by law; there are many provisions of what is allowed.

### **Report from the Finance Director**

Mr. Squires said he provided each of the Legislators with a copy of the County 2009 audit and noted the historical context of Tompkins County's reputation of being the most stable County in New York State. He said there is very little variance from year to year, however, due to the budget constraints all are facing, the fund balance is shrinking. The audit results are posted on the County website. He then reported having filed the petition of foreclosure on 153 properties. The property owners will receive a certified mail stating if the property taxes are not paid within ninety days they would forfeit their properties. He said the number of notices is within the average, however, there are more residential

properties than normal and the amount of taxes owed is significant with 20 of the 70 residential properties owing in excess of \$20,000 each. He anticipates that by the next significant date, January 14, 2011, the number would be reduced to around 60 properties and that it will further reduce to approximately 25 properties at the time the process expires. He announced the annual Tobacco Asset Securitization Corporation meeting that provides approximately \$650,000 as a result of a settlement would be held on October 19<sup>th</sup> at 4:00 p.m.

Ms. Chock asked if there is any change to the way property owners are notified of the taxes due; Mr. Squires said they receive the certified mail at this time, if the taxes are not paid by the time of the auction there would be a different form of notification. Ms. Chock asked if consideration is given that neighbors or family members may wish to assist the owners. Mr. Squires said he notifies the Department of Social Services, Mental Health, and other appropriate individuals as much as is possible.

In response to Ms. Robertson's question on clarifying how the fund balance is shrinking, Mr. Squires said the County budget has increased due to operating expenses, which causes the fund balance, as a percentage of the budget, to be reduced.

#### **Resolution(s) to be Added to the Agenda**

It was MOVED by Mr. Stein, seconded by Mr. Proto, to add the resolution "Urging New York State to Significantly Cut the Unfunded Mandates that Cause Local Property Tax Increases Before Imposing a Cap on Local Property Taxes (DOC ID: 2237)" to the agenda. A voice vote on the motion resulted as follows: Ayes – 13; Noes – 1 (Legislator Herrera); Excused – 1 (Legislator Burbank). MOTION CARRIED.

#### **Resolution(s) to be Withdrawn from the Agenda**

Ms. Robertson gave Mr. Dennis permission to withdraw the resolution entitled "In Support of Federal Bills S.2781/H.R. 4544, Commonly Known as "Rosa's Law"/ Elizabeth A. Connelly Act and Asking that All References to Mental Retardation be Amended to Developmental Disabilities and Urging All Federal, State, and Local Governments to Amend References to "Mentally Retarded" and "Mental Retardation" to "Developmentally Disabled" and "Developmental Disability" (DOC ID: 2221) from the agenda.

#### **Resolution(s) Approved Under the Consent Agenda**

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present, to approve the following resolution under the Consent Agenda:

**RESOLUTION 2010-158: ACCEPTANCE OF A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GRANT TO PROVIDE REDUCE, REUSE, RECYCLE, AND REBUY (4RS) IN TOMPKINS COUNTY SCHOOLS - TOMPKINS COUNTY SOLID WASTE MANAGEMENT DIVISION (DOC ID: 2215)**

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present, under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, in 2009 the United States Environmental Protection Agency (USEPA) solicited competitive proposals for its Reduce, Reuse, Recycle, and Rebuy (4Rs) in Schools Grant under EPA-A2-RPB-01-2010, and

WHEREAS, the Tompkins County Solid Waste Management Division (TCSWMD) prepared a

proposal for the EPA-A2-RPB-01-2010 grant to implement a pilot program to strengthen 4R practices in Tompkins County Schools, and

WHEREAS, the total project cost is \$32,500.00, of which the TCSWMD is contributing \$3,000.00 of in-kind and cash donations, and the USEPA has awarded a Reduce, Reuse, Recycle, Rebuy (4Rs) in Schools Grant in the amount of \$29,500.00 to Tompkins County, and

WHEREAS, the TCSWMD will serve as lead agency for the implementation of this grant, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature accepts the USEPA Reduce, Reuse, Recycle, and Rebuy (4Rs) in Schools Grant in the amount of \$29,500.00,

RESOLVED, further, That the project budget is as follows:

REVENUE: 8165.3989	Federal Aid Other	\$29,500.00
EXPENSES: 8165. 51771	Salary for Communication & Administrative Coordinator	\$ 4,361.00
8165.51077	Salary for Communications Assistant	4,662.00
8165.51868	Salary for Waste Reduction & Recycling Specialist	1,455.00
8165.54313	Photography Equipment	800.00
8165.54303	Office Supplies	1,200.00
8165.54330	Printing	1,222.00
8165.54412	Travel & Training	3,468.00
8165.54333	Educational & Promotional Materials	2,600.00
8165.54442	Professional Service Fees	9,732.00

RESOLVED, further, That the County Contracts Coordinator is authorized to execute the USEPA grant award on behalf of Tompkins County,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign any contracts or agreements between the County of Tompkins and any third party necessary to complete the project.

**SEQR ACTION: TYPE II-20**

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### **Report from the Government Operations Committee**

Mr. Lane, Chair, said the committee has not met since the last Legislature meeting. The next meeting is October 21<sup>st</sup>. He reported the subcommittee to discuss the minutes policy has met, circulated a proposal, and is receiving comments. The proposal is written not to overburden staff, taking into account the variation of staff taking minutes, and agencies it would involve. He will be bringing amendments based on comments received to Government Operations for review. In response to Mr. Stein's question about when the Legislature would see the proposed policy, Mr. Lane said at this time he does not know.

### **Report from the Planning, Development, and Environmental Quality Committee**

Ms. Mackesey, Chair, said the committee would meet on October 6, 2010.

### **Report from the 2010 Complete Count Census Committee**

Ms. Mackesey, Chair, said the committee has not met.

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

Mr. Dennis, Chair, said the Expanded Budget and Capital Committee will meet on October 7<sup>th</sup> at 4:00 p.m. He referred to the statement about Tompkins County Council of Governments not having a budget and noted there will be discussion of how to provide a small amount of financial assistance. The

Expanded Budget and Capital Committee will also meet on October 12<sup>th</sup> and the first voting meeting will take place on October 14<sup>th</sup>. Mr. Dennis said the Mental Health Department will be making its presentation within the next two meetings.

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

Mr. Shinagawa, Chair, said the Committee met on October 4<sup>th</sup>. The Committee received an update from the Sheriff on the re-entry program as well as an update from Ms. Buechell, Probation Director, on the recidivism study. The Committee was informed that Ms. Bodnar has been authorized as a researcher within the State database. Mr. Shinagawa spoke of information shared regarding the Secure Communities program by Immigration and Naturalization Services. Although not presently a requirement in New York State it is anticipated there will be legislation to adopt the program. When people are booked in a jail their fingerprints will be forwarded to both the Federal Bureau of Investigation and Homeland Security for their review. If the State were to adopt the program counties have the ability to choose whether they would like to belong.

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

Mrs. McBean-Clairborne, Chair, said the September 22<sup>nd</sup> meeting included the resolution regarding a change of language from “Mental Retardation” to “Developmental Disability” that has been withdrawn from this agenda to allow conversations with mental health professionals. The subcommittee working on the Diversity Plan met on October 3<sup>rd</sup> and is continuing to refine the plan. She said many think of diversity and inclusion as an educational requirement, however it includes the role our social and cultural organizations play as well. She spoke of the Kitchen Theatre’s renovations and how it brings diverse groups to Ithaca as well as a wonderful lineup of shows. Their location is now in a portion of the City where there are low-income families who can look forward to the positive change in their lives.

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

Mr. Proto, Chair, said the Committee would meet on October 13<sup>th</sup>. He announced October is Breast Cancer Awareness Month and that a proclamation would be completed for the October 19<sup>th</sup> Legislature meeting. The Health Department is stressing the importance of taking advantage of flu shot clinics this year as well as rabies clinics. They are also working on the issue of home health aides and working with a candidate for the Public Health Director position.

### **Report from the Facilities and Infrastructure Committee**

Ms. Kiefer, Chair, reported the Committee met on October 1<sup>st</sup> and heard from another Pine Tree Road resident expressing concerns. The Ithaca-Tompkins County Transportation Council has been checking records relating to traffic concerns and the Highway Division is reviewing and taking traffic counts. There will be a public meeting regarding Pine Tree Road later this fall. She said the planned project for pedestrian travel is not likely to change truck traffic on the residential portion of Pine Tree Road between Route 79 and Snyder Hill Road where there are already trucks but the improvements could affect the portion closer to East Hill Plaza. The New York State Parks staff have been in touch with municipalities having an interest in the Black Diamond Trail; they have funding for material but not staff to complete the work. They are discussing an intermunicipal cooperative agreement in which, during the off-seasons for highway maintenance, it would allow use of municipal equipment and staff to work on the trail. The Highway Division continued to discuss what impacts the budget cuts would have. Mr. Sczesny reported to the Committee that prior to having a dedicated crew the County had to undertake a tremendous cleanup following major rainstorms. Since the ditching crew was created the need for emergency cleanup has been greatly reduced. The Committee received and discussed a chronology of the usual methods of public notice and participation for highway projects, however, additional work on this

document will be done. The Solid Waste Division presented proposed improvements to the Recycling and Solid Waste Center site plan, which look very promising. A presentation will be made to the Legislature in the near future.

Mr. Proto asked whether the use of Highway staff for the Black Diamond Trail would be a decision for the Legislature and noted that particular project may not be a priority. Ms. Kiefer clarified that the work would be done by equipment operators when finished with road projects in the fall and prior to the next spring construction season and it would only be a few days during that period.

Mr. Stein said Ms. Kiefer's statements relating to the Pine Tree Road project not affecting the residents on the southern portion of the road is conjecture, not fact, and that obtaining more data would provide better determination of traffic.

### **Report from the Capital Plan Review Committee**

Ms. Robertson, Chair, announced the Committee would meet on October 14<sup>th</sup>.

### **Approval of Minutes of September 7, 14, and 21, 2010**

At this time the minutes of September 7 and 21, 2010, were withdrawn to allow members additional time to review.

It was MOVED by Mr. Proto, seconded by Mr. Dennis, to approve the minutes of September 14, 2010. A voice vote resulted as follows: Ayes – 13; Noes – 1 (Legislator Herrera); Excused – 1 (Legislator Burbank). MINUTES APPROVED.

### **Unfinished Business**

Mr. Stein said the ad hoc committee met twice concerning the proposed property tax cap. At the first meeting his proposed resolution was reviewed in addition to Ms. Robertson bringing forward a proposed replacement that was adopted by New York State Association of Counties. At the second meeting it was decided to bring both to the Legislature as the resolutions are not mutually exclusive or contradictory.

### **RESOLUTION 2010-148: A RESOLUTION LINKING A LOCAL MANDATE CAP TO ANY FUTURE LOCAL PROPERTY TAX LEVY CAP (DOC ID: 2194)**

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

Mr. Stein said the State's proposed tax cap is a complicated issue and he wanted the public to know mandates are not terrible and that the issue is who should pay for them. The NYSAC resolution says what the State does is not fair and they should take back the expense of the mandates, in whole or part. However, saying something is unfair gets you nowhere. The key is to see the issue from NYS's perspective. The fact is the State has the power to set the mandates and cap. As a result, he views the resolution as a negotiation tool between two parties, but the County has no leverage. Mr. Stein believes that counties this year are getting by, but that a tax cap is not a distant probability but is imminent.

Mr. Stein spoke of the State's financial position and noted the \$10 billion provided by all counties together is equal to the \$10 billion budget gap, not counting mandates to schools, cities, and towns. He estimated the total cost at \$15 billion and said it would not be possible for the State to come up with funding to relieve the County of the cost of mandates. Changing the state income tax to what is was in

1970 would only generate \$9 billion, however this is not being discussed. He said although not the best choice, his resolution offers an alternative.

Mr. Robison said that he felt some of Mr. Stein's statements were conjecture, however, he thanked him for taking up the issue and working on the ad hoc committee. Mr. Robison said it is irresponsible on the part of State candidates that the issue comes to light at this time. The public needs to be educated and the public only deals with one end of the equation and needs to be enlightened; we would all agree with a tax cap, but not as it is being proposed.

Mr. Proto asked for clarification about the committee work and whether the resolution was passed at committee or if there was a different recommendation. Mr. Stein said after debating the issue the committee voted 3 to 1 to bring both resolutions forward.

Mr. Dennis said while he understands what Mr. Stein is attempting, he will support the NYSAC resolution to provide more leverage to NYSAC to discuss the concerns. He spoke in opposition to mandates, particularly those associated with the Taylor Law. He said a tax cap could have a negative affect on counties, particularly those not as sound as Tompkins County. Without the ability to override a tax cap it would be difficult for them to function. Mr. Dennis spoke of constituents requesting State pensions be placed in the private sector, however that is where the state pension funds were invested when the market failed. He believes the NYSAC resolution would better speak to the County position.

Mr. Lane said that although the idea of a tax cap is an intriguing call for help, people do not understand it or what it would do. He thanked Mr. Stein for his resolution and noted the importance of speaking to the State Legislature to make them understand they cannot shift the total burden to counties. He said when the Senate passed the tax cap there was not any contact made to County representatives prior to their vote. He said both resolutions are good, however, he will support Mr. Stein's resolution.

Mrs. McBean-Clairborne expressed confusion that two resolutions were being presented since one resolution was sent to the ad hoc committee for review. She agrees that the State will do what they want but the resolution is presenting a position that seems attractive. While the counties do not like what they are paying in mandates she noted the Medicaid cap does not seem like a cap. She would like Legislators to be cautious and will support the resolution.

Ms. Mackesey appreciated the time spent reviewing the issue and that the resolution is requesting a rational way to deal with a tax cap. She said the assumption is that it is a rational process to deal with the State, which is a mistake. She said the State is imposing a cap to appear that they have fiscal restraint, but the cap has nothing to do with restraints on the part of the State Legislature or government, rather it is placing it on the counties. When speaking to people they are shocked to learn that eighty-eight percent of the County revenue is for unfunded mandates. Ms. Mackesey said it should be illegal for the State to take over the County revenue sources and that their proposal is more regressive than income tax. She would like to see counties stand firm and strong in speaking to the State that it should not happen. She will support the NYSAC resolution.

Ms. Robertson said she agreed with Ms. Mackesey and said that the resolutions are incompatible; Mr. Stein's resolution says freeze and the NYSAC resolution states no cap unless coupled with significant cuts in local cost for State mandated programs. She does not believe citizens and counties are getting by and that the status quo is unacceptable. She said the County should support the resolution that does more than freeze costs; there are counties whose entire levy is not enough to cover Medicaid cost, and there are many other mandates. Ms. Robertson said at the time the ad hoc committee was formed the NYSAC resolution was not in hand. She said the three percent Medicaid cap is only on the growth. During a telephone conversation State Senator Seward had indicated to her that the proposed cap was unworkable without mandate relief, yet the Senate, including Senator Seward, voted in favor of the tax cap to shift the

burden of taxes to the local governments. She suggested using Mr. Stein's information as a memorandum to be included with the NYSAC resolution.

Ms. Kiefer said much of what she wanted to say was covered by Ms. Mackesey and Ms. Robertson. She said she took Mr. Stein's suggestion and put herself in the position of a State representative reacting to Mr. Stein's resolution, and she does not believe there would be any impetus to accept freezing mandates, so his resolution would not work. Although, she is a proponent of restoring a progressive income tax with a lot of brackets, she has never said it would cover the entire deficit. She said she will support the NYSAC resolution.

Ms. Chock thanked Mr. Stein and the ad hoc committee for their work. She believes the way to put pressure on the State is many voices saying the same thing. She was pleased to see the resolution incorporated information from the NYSAC resolution and believes it showed support for NYSAC's stance. She would like to pass a resolution that supports both and would like the NYSAC resolution to be appended to this resolution. Ms. Chock is uncomfortable supporting either resolution without weighing in on a tax cap and making a connection between the property tax and income tax.

It was MOVED by Ms. Chock, seconded by Ms. Kiefer, to add after the 9<sup>th</sup> Whereas paragraph: "Whereas, New York State's trend of shifting its expenses to the property tax levy has been affected by the State's reduction in the top personal income tax rates by more than fifty percent over the last twenty-five years, and"; and to add a third Resolved that states: "Resolved, further, That the Tompkins County Legislature respectfully requests the New York State Governor and Legislature shift the burden from reliance on the regressive property tax and towards restoration of a more progressive income tax on New York's top marginal brackets."

Mr. Stein said he supports the proposed additional "Whereas" paragraph, however, he objects to the proposed "Resolved". He said the proposed "Resolved" amendment is not appropriate to tell such a large entity as the State what to do.

Ms. Pryor said she finds both paragraphs to be acceptable.

Mr. Dennis said he opposes the "Whereas" amendment and noted much of the money coming into New York State was through Wall Street; the County should not address the income tax situation.

Ms. Chock said if the amendments are included she could support the resolution.

Mr. Robison believes it is necessary to identify a problem and let Albany know. The two resolutions are not the same and he will support the NYSAC resolution that clearly states what is desired.

Ms. Robertson said she could support the amendment but not the resolution.

It was MOVED by Mr. McKenna to call the question. A voice vote to call the question resulted as follows: Ayes – 13; Noes – 1 (Legislator Chock); Excused – 1 (Legislator Burbank). THE QUESTION WAS CALLED.

A voice vote on the amendment resulted as follows: Ayes – 7 (Legislators Chock, Kiefer, Lane, McBean-Clairborne, Pryor, Robertson, and Stein); Noes – 7 (Legislators Dennis, Herrera, Mackesey, McKenna, Proto, Robison, and Shinagawa); Excused – 1 (Legislator Burbank). AMENDMENT FAILED.

It was MOVED by Ms. Pryor to call the question. A voice vote to call the question resulted as follows: Ayes – 8 (Legislators Dennis, Kiefer, Mackesey, McKenna, Pryor, Robison, Shinagawa, and

Stein); Noes – 5 (Legislators Chock, Herrera, McBean-Clairborne, Proto, and Robertson); Temporarily Out of Room – 1 (Legislator Lane); Excused – 1 (Legislator Burbank). THE QUESTION WAS CALLED.

A voice vote on the resolution resulted as follow: Ayes – 4 (Legislators Chock, McBean-Clairborne, Pryor, and Stein); Noes – 9 (Legislators Dennis, Herrera, Kiefer, Mackesey, McKenna, Proto, Robertson, Robison, and Shinagawa); Temporarily out of Room – 1 (Legislator Lane); Excused – 1 (Legislator Burbank). RESOLUTION FAILED.

WHEREAS, Governor Paterson and gubernatorial candidate Cuomo both strongly support legislation that would cap the annual percentage local tax increase at 4% and 2% respectively, and

WHEREAS, the New York State Senate has passed a bill capping the annual local tax increase at 120% of the rate of inflation or 4%, whichever is lower, and

WHEREAS, public opinion polls show that New York residents strongly support a local tax cap, and

WHEREAS, it is therefore likely that the current and/or next Governor will present local property tax capping legislation to the Legislature, and

WHEREAS, Tompkins County spends 88% of its property tax levy solely to fulfill State mandates over which the County has no control, and

WHEREAS, the 2011 Tompkins County budget contains deep cuts in services provided to residents, and

WHEREAS, the State Budget Office projects a 2011 pension cost increase which will cause a further 4.5% property tax increase or equivalent service cuts to be borne by Tompkins County residents, and

WHEREAS, the automatic 3% annual increase in local Medicaid payments will cause a further 0.9% property tax increase or equivalent service cuts to be borne by Tompkins County residents, and

WHEREAS, if current trends continue, the time is not far away when Tompkins County will send its entire property tax levy to Albany, and

WHEREAS, the funds Tompkins County must spend to provide the services it currently provides can be expected to rise at the rate of inflation, and

WHEREAS, the financial challenges facing the State government could be partially, albeit not fully met by raising the top personal income tax rate without adversely affecting the majority of New York residents, now therefore be it

RESOLVED, That the Tompkins County Legislature supports the attached New York State Association of Counties (NYSAC) resolution entitled “Urging New York State to Significantly Cut the Unfunded Mandates that Cause Local Property Tax Increases Before Imposing a Cap on Local Property Taxes,”

RESOLVED, further, That in the event the current financial situation of the State precludes the significant reductions required by the NYSAC resolution, the Tompkins County Legislature respectfully asks the Governor and Legislature to include a Local Mandate Cap in any Local Tax Cap law that incorporates the following provisions:

1. There shall be an absolute and fixed dollar cap on the cost of all mandates imposed on counties by the State. In 2011 and beyond, all expenses that exceed the county's total State mandated expenditures in 2010 will be paid for solely by the State.
2. In 2011 and beyond, the net annual flow of funds for reasons other than fulfilling State imposed mandates will not be altered in a way that adversely affects the finances of counties.
3. The Local Mandate Cap shall remain in effect for the same period of time as the Local Tax Cap.

RESOLVED, further, That copies of this resolution be sent to Governor Paterson, members of the New York State Legislature, and all those deemed necessary and proper.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION 2010-159: URGING NEW YORK STATE TO SIGNIFICANTLY CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES (DOC ID: 2237)**

MOVED by Mr. Stein, seconded by Mrs. McBean-Clairborne. Mr. Proto asked when New York State Association of Counties would be presenting their resolution to the State and if other counties have passed similar resolutions. He was informed there was a press release within the last week regarding this effort, however, it is not yet known what other counties have taken action.

Ms. Mackesey said she would like to see counties support NYSAC's efforts that stress to the State what the mandates and other State proposals mean on a local level.

Mrs. McBean-Clairborne said she would like to see the language of Mr. Stein's original resolution included in a letter to the State to further express the County's views on the subject. Ms. Robertson will collaborate with Mr. Stein following this meeting to do so. She said this resolution uses the NYSAC resolution and adds additional information from Tompkins County.

Ms. Kiefer has written a brief article for the Village of Lansing newsletter to clarify this topic for constituents and will share this information.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Herrera); Excused – 1 (Legislator Burbank). RESOLUTION ADOPTED.

WHEREAS, New York property taxes are nearly eighty percent (80%) above the national average, and

WHEREAS, New York county leaders have long recognized the need for lower property taxes and have been strong advocates in support of lowering the local tax burden for decades, and

WHEREAS, counties do not have a choice over how to spend most of their locally raised revenues as mandates from Albany and other fixed costs make up as much as eighty percent (80%) of a typical county budget, and

WHEREAS, Governor Paterson and many State Legislators support a cap on local property tax levies of four percent (4%), or one-hundred twenty percent (120%) of inflation, whichever is less, but the current crop of property tax cap proposals do nothing to reduce or eliminate current State mandates on counties or prevent new mandates, and

WHEREAS, arbitrarily capping property taxes without addressing root causes would cripple county governments within a few short years, because all non-mandated spending would have to be eliminated to meet the cap, and

WHEREAS, little action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up county property tax levels for decades, and

WHEREAS, the major cost drivers for counties are fixed costs and delivering state services locally, and

WHEREAS, counties' fixed costs include pension contributions, which are determined by benefit levels established by the State Legislature, and

WHEREAS, the other major cost drivers are unfunded and underfunded state mandates, such as Medicaid, early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense that will cost county property tax payers and New York City residents over \$10 billion this year alone, along with numerous other programs, and

WHEREAS, these mandated costs grow well in excess of the rate of inflation nearly every year, including:

- County payments to the New York State Retirement System that are expected to rise forty percent (40%) in 2011 and by a similar amount in 2012, and have grown by over one-thousand percent

(1,000%) since the year 2000 due to generous benefit expansions mandated by the State Legislature and Governor.

- Since 2005, the local share of Medicaid costs has increased at least three percent (3%) each year and sometimes by double-digit annual increases in the years prior to 2005.
- The State continued to shift its costs to counties in the 2009-2010 and 2010-2011 State budgets by over \$400 million in human service delivery alone.
- New York State counties are owed hundreds of millions of dollars in state reimbursement at any given moment, without providing any compensation to counties for the cost of “floating” cash to the state, and this amount can easily double when the State Budget is not adopted on time.

, and

WHEREAS, simply capping property taxes does nothing to reduce the costs of these and many other State services that counties must pay for and implement at the local level; in fact it preserves the distinction of having the highest property taxes in the nation, and

WHEREAS, this distinction continues to drive people and businesses out of New York and acts as a deterrent to relocation to our state, and

WHEREAS, the property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State, now therefore be it

RESOLVED, That the Tompkins County Legislature encourages all parties, state and local, to enact legislation so that fiscal responsibility for services resides with the level of government that has the decision-making authority over those services; this will in turn reduce the property tax burden and not preserve the status quo,

RESOLVED, further, That Tompkins County Legislature urges the Governor and State Legislature not to impose a local property tax cap unless it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases,

RESOLVED, further, That copies of this resolution be sent to Governor Paterson, members of the New York State Legislature, and all those deemed necessary and proper.

**SEQR ACTION:** TYPE II-20

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### **Recess**

Ms. Robertson declared a recess at 8:10 p.m. The meeting reconvened at 8:15 p.m.

### **Executive Session**

It was MOVED by Ms. Mackesey, seconded by Mr. Stein, and unanimously adopted by voice vote by members present, to enter into an executive session to discuss real estate and personnel matters. An executive session was held at 8:15 p.m. and returned to open session at 8:55 p.m.

### **Adjournment**

On motion, the meeting adjourned at 8:55 p.m.

*Respectfully submitted by Karen Fuller, Deputy Clerk.*