

**Tompkins County Legislature**

**November 5, 2008**

**Public Hearing – 2009 New York State Community Renewal Community Development Block Grant Program – Focus on County needs and priorities, and possible community development projects**

Chair Koplinka-Loehr called the public hearing to order at 5:30 p.m. concerning the 2009 New York State Community Renewal Community Development Block Grant Program – Focus on County needs and priorities, and possible community development projects, and asked if anyone wished to speak.

Jeanne Leccese, Planner, stated this is the first of two public hearings regarding the Federally-funded Community Development Block Grant (CDBG) funds used for community renewal. She spoke of having acquired \$50,000,000 state-wide and the County receiving \$750,000 in funding for housing, public infrastructure, and other facility projects.

No one else wished to speak and the public hearing was closed at 5:32 p.m.

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

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

Present: 13 Legislators; Excused - 2 (Legislators Randall and Sigler).

**Welcoming County Administrator**

Chair Koplinka-Loehr welcomed County Administrator Joe Mareane to his first meeting with the Tompkins County Legislature.

**Privilege of the Floor by the Public**

No member of the public wished to speak.

**Moment of Silence**

Chair Koplinka-Loehr requested a moment of silence for former member of the Board of Representatives Hugh “Sam” MacNeil. Mr. MacNeil served on the Board from 1970 through 1978, Chair of the Board 1976-1978, and State Assemblyman 1979-1988.

**Privilege of the Floor by Legislators**

Mr. Proto, District No. 7 Legislator, spoke of Mr. MacNeil having established many of the standing committees in existence today. Although he had not served with him, he remembered him well as a Cornell University Basketball Coach. Mr. Proto said Mr. MacNeil’s wife, Georgia, is with us but not doing well either.

Mr. Koplinka-Loehr, District No. 11 Legislator, spoke of running cross-country with Mr. MacNeil’s son. He said Mr. MacNeil coached people in many ways and would be deeply missed.

Mr. Dennis, District No. 15 Legislator, spoke of his running against Mr. MacNeil for the State Assembly seat and fondly recalled their campaigning together. As a result of the experience they became friends and he always found Mr. MacNeil an interesting man. He is certain his family would greatly miss

him and that he served wonderfully in Tompkins County for many years. Mr. Proto recalled another former County Legislator, Deborah Dietrich, having also run against Mr. MacNeil for the State Assembly seat.

Mr. Proto announced the Veteran's Day Parade would take place on Sunday, November 9<sup>th</sup>. In addition, there would be a ceremony on November 11<sup>th</sup>, the actual Veteran's Day, in DeWitt Park. Mr. Proto expressed appreciation to all who voted for the proposition on the ballot regarding civil service credit for Veteran's. Mr. Proto also expressed appreciation to those who attended the Rotary's Pancake Breakfast on Election Day.

Mrs. McBean-Clairborne, District No. 2 Legislator, extended her congratulations to President-Elect Obama and Vice President-Elect Biden. She said the election was good for everyone, with many in Ithaca celebrating and she sees the possibilities of what could occur. She expressed her appreciation to all who worked on the campaigns and noted that Presidential Candidate McCain's speech was gracious and humbling, noting that everyone needs to work for change.

Ms. Robertson, District No. 13 Legislator, spoke of the turnout of voters and volunteers; it shows what democracy is all about. She said people who don't normally pay attention to politics got involved. Ms. Robertson said a lot of State and local candidates worked hard and she expressed congratulations to all who both won and lost for the efforts, stating it is vital for democracy to have people willing to do so.

Ms. Chock, District No. 3 Legislator, said a debt of acknowledgement should be given to the Board of Elections and volunteers who assisted in the election. She spoke of the requirement for volunteers to stay for the entire time the polls are open, putting in a sixteen-hour day. Ms. Chock said regardless of what way people voted it was hoped to have participation; in Tompkins County the participation rate was 71 percent with almost 54,000 voters and 3,400 absentee ballots, the national rate was 62.5 percent. Ms. Chock then spoke of the high number of voters whose names were not in the poll books, noting there were between 800 to 900 individuals requiring affidavit ballots. She would like to see if anything could be done to reduce this number.

Ms. Kiefer, District No. 10 Legislator, spoke of this Election Day marking the likely end of the old lever voting machines and noted she photographed one to have a remembrance. She spoke of her concern regarding the new machine, noting the placement of the machines did not provide privacy for handicapped individuals voting. Mr. Proto inquired how many of the new machines were utilized; it was unknown at this time.

Ms. Herrera, District No. 5 Legislator, was disappointed to see California's Proposition 8 pass last night, yet said it is important to look at the things representing success. She noted the lesbian, gay, bisexual, and transgender (LGBT) community needs to help people learn that freedom is fundamental. Ms. Herrera said the loss in Proposition 8 should emphasize the celebration and victory President-Elect Obama achieved and learn and go forward.

### **Report from Municipal Official(s)**

Peter Stein, Town of Ithaca Board member, spoke of things that stood out in his mind regarding Election Day: (1) a telephone bank of 50-75 individuals set up at the Hilton, (2) his grandchildren's perspectives on voting, one for voting the first time, and another for participating in door-to-door contact. He said it was wonderful to see people instilled with a feeling of participating in the process.

Mr. Stein spoke of the Town making a determination to resolve the ongoing problem of surface water drainage affecting between 600 to 800 homes in the northeast portion of the town. This would require working with the County regarding the disposal of wastewater. He reported that Mr. Noteboom is retiring as Highway Superintendent and the Town is reviewing the operations to determine if any changes

should be made. Mr. Stein said he is working with other Committee members on a consolidation study originally initiated by former Town Supervisor Cathy Valentino to determine if the Town and City should become one municipality. This report will be released next month at an upcoming joint meeting. The Town has finalized its budget, which calls for a 17 percent increase in the tax levy; the increase in expenditures is only 6 percent. He noted the Town believed it would be important to be prepared for possible increases due to the present economy.

Ms. Herrera said she was glad to see the Town of Ithaca included funding for Tompkins Consolidated Area Transit within the budget.

Mr. Proto inquired if any additional information was available on the proposed long-term health facility; at this time there is no additional information. The Town indicated reluctance to allow the construction of a facility so close to the Treman Park entrance and suggested another site along the Route 96 corridor. Although the developer has viewed the site no further information has come forward for the last four to five months.

In response to a request from Ms. Chock, Mr. Stein named members of the Committee reviewing the feasibility of the Town and City merger.

### **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 for anyone who wished to participate.

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

Mr. Mareane reported on two important dates regarding the New York State budget, November 18, 2008, when the Legislature is called to return to Albany to address the \$2 billion deficit in the current year's budget, and December 16, 2008, the date Governor Paterson plans to release the 2009-2010 budget, which could have a \$12.5-\$13 billion dollar budget gap to close. Discussions with the New York State Association of Counties (NYSAC) and Mr. Squires, Finance Director, have indicated the State may respect the counties' desire not to cut mandated entitlement programs recognizing it is only a cost shift and not a cut. NYSAC has been working hard on providing suggestions of areas to cut the State budget. Mr. Mareane said he provided the report regarding the State budget to Department Heads as well. He said it would take the collective intelligence of the entire government and asked for input on how to respond to proposals from Albany. With regard to the County budget, Mr. Mareane requested restraint in year-end spending. Mr. Mareane reported the Chair of the Legislature and he would be setting up meetings with our State Legislators to express concerns regarding cost shifting of programs and how it would affect the County. Mr. Mareane spoke of his transition, noting that upon meeting with many department heads he has learned a lot and has an understanding of the County's priorities.

Ms. Mackesey expressed concern regarding the NYSAC suggestion of the elimination of the Shared Initiative for Municipal Services and asked if counties would be able to have any input. She noted that elimination of this initiative, which could save a great deal of funding, seems short-sighted. Mr. Mareane did not believe there is the possibility and that NYSAC's intention was to point the Governor into areas where there is some form of control. It is anticipated that department heads would be providing input to the NYSAC suggestions within a week.

Ms. Robertson expressed concern that there was not any reference to public safety, particularly in eliminating the authority for the Commission on Corrections to require counties to build much larger jails

than necessary. She then thanked Mr. Mareane for his participation with the AES negotiations regarding the Payment In Lieu of Taxes (PILOT), noting he rapidly absorbed the situation and was able to assist in the process.

Ms. Chock stated if any additional Legislators could be helpful with the meetings to be held with State representatives she would be pleased to attend as well. Ms. Robertson noted it is sometimes more useful to meet in Albany rather than having a local meeting.

### **Announcement of Receptions**

Mr. Koplinka-Loehr reported there would be a reception to greet Mr. Mareane on Thursday, November 6<sup>th</sup> from 4:30 – 6:30 p.m. in the Borg Warner Room of the Library; a farewell reception for Mr. Whicher would take place on Friday, November 7<sup>th</sup> from 4:30 – 6:30 p.m. at the Holiday Inn.

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

Mr. Wood addressed Ms. Chock's concern regarding the high number of individuals required to complete an affidavit prior to voting. He said he believes part of the reason is the many petition drives to seek voters that occur within the County; these rely on an individual properly delivering them for processing. In addition, the Department of Motor Vehicle registration process is not always understood, getting a license does not automatically register you. Also, although individuals believe the registrations they filled out during a registration drive will be received via postal service, to make sure Mr. Wood stressed the importance of following up on voter registration prior to election time.

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

Mr. Squires reported that former County Administrator Steve Whicher provided testimony at the interest arbitration hearing regarding the Sheriff's union. He noted many employees from the Sheriff's office were in attendance. A public information meeting was held at the airport to review the application to increase the passenger facility charge from \$3.00 to \$3.50; no one attended the meeting. The application will be forwarded to the Federal Aviation Administration for their approval and if received the increase could go into effect in March. Mr. Squires reported this week's legal advertisements would include a listing of approximately 800 parcels for non-payment of any 2008 taxes. In the near future, a listing would also be placed of the approximately 150 parcels that would be subject to foreclosure.

During a brief discussion regarding the passenger facility charge increase it was explained the fee is charged to the ticket of an individual and goes toward improvements at the airport. Mr. Burbank expressed a concern that the public information meeting was not held where the majority of public could attend and be informed. He then inquired whether there has been an increase in the number of foreclosure properties; Mrs. McBean-Clairborne noted she did not recall authorization for a public hearing [it was later noted it was a public information meeting, not a hearing]. Mr. Squires indicated there is an approximate 15 percent increase, however, due to multiple parcels for one owner and a single agricultural parcel representing one-third of taxes due it is hard to fully determine. Mr. Squires would be providing members of the Legislature a list of all properties subject to foreclosure after the final documents are filed January 7<sup>th</sup>; he noted many of the delinquent properties may pay their tax bill prior to then.

### **Withdrawal of Resolution(s) from the Agenda**

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

### **Addition of Resolution(s) from the Agenda**

It was MOVED by Mr. Dennis, seconded by Mr. Stevenson, and unanimously adopted by voice vote, by members present, to add the resolution entitled Correcting Omission in Determination and Findings Following the Conclusion of Public Hearing Concerning a Proposed Taking by Eminent Domain in the Town of Enfield to the agenda.

**Approval of Resolution(s) Under the Consent Agenda**

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

**RESOLUTION NO. 217 – BUDGET ADJUSTMENTS – CAYUGA ADDICTION RECOVERY SERVICES - MENTAL HEALTH**

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

WHEREAS, during 2008 Budget preparation, the expense and revenue figures were omitted from the budget for New York State Unit 4331, Alpha House (a/k/a Cayuga Addiction Recovery Services), and

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 Health and Human Services Committee, That the Director of Finance is hereby authorized and directed to make the following budget correction:

Revenue:

4331.43495	Office of Alcoholism and Substance Abuse Services, Mental Health, Department of Alcoholism and Alcohol Abuse	\$229,104.00
4331.44495	Office of Alcoholism and Substance Abuse Services, Federal Funds	\$713,142.00

Appropriation:

4331.54400	Program Expense	\$229,104.00
4331.54400	Program Expense	\$713,142.00

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 218 – BUDGET ADJUSTMENT – LAKEVIEW MENTAL HEALTH SERVICES - MENTAL HEALTH**

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

WHEREAS, the Tompkins County Mental Health Department is the administrative entity for contractual Service Providers of Mental Health through the New York State Office of Mental Health (NYS OMH), and

WHEREAS, one of the contracted Service Providers, Lakeview Mental Health Services (MHS), provides residential-based treatment services to individuals with mental illness in Tompkins County, and has recently opened a Community Residence, Single-Room Occupancy (CR-SRO) in Tompkins County at 323 Third Street, Ithaca, New York, and

WHEREAS, Mental Health has received two allocations from the NYS OMH to (1) provide direct care to residents and relieve debt service toward the Single-Room Occupancy mortgage in the amount of \$224,140 for 2008, and (2) cover program development costs associated with the CR-SRO in the amount of \$135,810, and

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 Health and Human Services Committee, That the Director of Finance is hereby authorized and directed to make the following budget adjustments:

Revenue:

4332.43485	New York State Office of Mental Health (Funding Code: 072F)	\$224,140.00
4332.43485	New York State Office of Mental Health (Funding Code: 031F)	\$135,810.00

Appropriation:

4332.54400	Program Expense	\$224,140.00
4332.54400	Program Expense	\$135,810.00

**SEQR ACTION:** TYPE II-20

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**Individual Member-Filed Resolution**

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

MOVED by Mr. Dennis, seconded by Mr. Stevenson, and unanimously adopted by voice vote, by members present.

WHEREAS, on October 21, 2008, this Legislature adopted Resolution No. 216, which adopted Determination and Findings regarding a proposed taking in the Town of Enfield, and

WHEREAS, the Findings listed the documents reviewed by the Legislature, and

WHEREAS, one document was inadvertently omitted from the list, now therefore be it

RESOLVED, That 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**", is amended by adding the "the Answer and Counterclaim" as Subsection A(j)(vi).

**SEQR ACTION:** TYPE II-20

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**Report from the Facilities and Infrastructure Committee**

Mrs. McBean-Clairborne, Chair, did not have a report.

**Report from the Human Resources Committee**

Mr. Dennis, Chair, reported the Committee would meet on November 6<sup>th</sup> at 3:00 p.m.. He reported his attendance at the interest arbitration hearing and noted that although many employees were present at the meeting it was on their own time. He found the meeting to be interesting.

**Report from the Government Operations Committee**

Mr. Hattery, Chair, did not have a report.

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

Ms. Robertson, Chair, reported the Committee would meet on November 13<sup>th</sup>.

**Report from the Budget and Capital Committee**

Mr. Shinagawa, Chair, reported the Committee would meet on November 10<sup>th</sup>; a capital program request for Tompkins Cortland Community College would be discussed at approximately 4:30 p.m.

Mr. Koplinka-Loehr noted the Public Hearing on the proposed 2009 Budget and Capital Program would take place on Monday, November 10, 2008, at 7:00 p.m. in the Legislative Chambers.

**Report from the Public Safety Committee**

Mr. Stevenson, Chair, said the Committee has not met; it would meet again on November 21<sup>st</sup>.

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on October 22<sup>nd</sup> and spent the greater part of the meeting reviewing a training video created by the Skilled Trades Diversity Council. The film is used to assist in educating employees on various situations that could occur that are illegal. She noted the film was very well done.

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

Mr. Proto, Chair, reported the Committee met earlier in the day. At the meeting they were informed of a new Community Partnership Tobacco Control grant application being made to New York State by the Health Department; if received the \$235,000 would be used for personnel, media coverage, and written material relating to smoke-free outdoor areas, cessation, etc. Previous grants for the program were shared by Cortland County; the State now desires each county to have their own program. A copy of the past five-year program results would be placed on file in the Legislature office in the near future. The Office for the Aging spoke of a grant application that would allow individuals to train locally to become home health aides. Mr. Proto spoke of Mr. Mareane's memo and asked Legislators to carefully review the items outlined by New York State Association of Counties (NYSAC); many are related to health and human services programs, and although desiring to reduce costs he is concerned about continuing programs necessary to assist constituents. Ms. Holmes, Office for the Aging Director, provided an evaluation for the Registry Program that matches up individuals seeking employment to senior citizens requiring some assistance within their homes. Mr. Schlather, Cornell Cooperative Extension Executive Director, shared a new DVD/online interactive program that provides information on how to reduce energy costs within your home. The site would be operational by November 10<sup>th</sup> and can be seen at [ccext.net/energy](http://ccext.net/energy). Department of Social Services Commissioner Patricia Carey reported the Federal government is increasing HEAP benefits this year. It is not yet known exactly how the funds would be distributed and will provide additional information as it is known. Ms. Carey had also reported on a grant application that is being received for the planning of Safe Havens, a woman's violence prevention initiative, in the amount of \$150,000 per year for two years. The next meeting is December 3<sup>rd</sup>.

**Request for Funding Information**

Mrs. McBean-Clairborne requested her colleagues inform her of any grant opportunities that may be available to assist in the creation of a training video.

**Approval of Minutes of October 21, 2008**

It was MOVED by Mr. Dennis, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the minutes of October 21, 2008 as submitted. MINUTES APPROVED.

**Recess**

Mr. Koplinka-Loehr declared a recess from 6:39 – 6:44 p.m.

**Executive Session**

It was MOVED by Mr. Dennis, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to enter into an executive session to discuss labor relations.

An executive session was held at 6:44 p.m. and returned to open session at 6:59 p.m.

**Adjournment**

On motion, the meeting adjourned at 6:59 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk