

**Tompkins County Legislature  
November 17, 2009**

**Call to Order**

Mr. Koplinka-Loehr called the meeting to order at 5:31 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. (Mrs. McBean-Clairborne arrived at 5:42 p.m.). Excused: 1 – (Legislator Randall).

**Privilege of the Floor by the Public**

No member of the public wished to speak.

**Presentation of Distinguished Youth Award**

Ms. Chock, District No. 3 Legislator, presented Alex Wicker with the November 2009 Distinguished Youth Award. Alex was recognized for the “extraordinary amount of service” he has provided over the past several years, including as a volunteer firefighter in Newfield for as much as 30 hours per week and described as “consistent, dependable and dedicated.” Newfield Fire Department Chief Ben Emery noted Alex took the initiative to earn required basic training certification, which normally takes five months, in only two weeks and is currently training to become an emergency medical technician. Among his accomplishments, Alex also was selected to participate in TST-BOCES intensive “New Visions” program to prepare for a medical career.

**Privilege of the Floor by Legislators**

Ms. Robertson, District No 13 Legislator, announced a public meeting will be held this evening at 7 p.m. at the Varna Community Center. The Department of Transportation is holding the meeting to inform people about the project of reconstruction of the bridge on Route 13 over Fall Creek. She also announced the TCCOG (Tompkins County Council of Governments) public hearing on Marcellus Shale gas drilling will take place on November 19<sup>th</sup> at the State Theater at 7 p.m. Prior to the hearing Shaleshock.org will be sponsoring a rally at 4:30 p.m. on the Commons.

Mr. Proto, District No. 7 Legislator, announced NYSEG has dropped the fixed-price option piece so it is no longer available through NYSEG itself. It can only be accessed through one of the subsidiaries or one of the other available programs. With regard to a question that was asked about the potential of getting funds out of the Universal Fund, Mr. Proto said a week ago he and others heard from the FCC (Federal Communications Commission) regarding broadband. The FCC has released information that they are accepting comments on releasing funds to public libraries and educational institutions. He thanked everyone who attended the November 8 Veteran’s Day Parade and ceremony in Dewitt Park and said all of the money through the tourism program that was used for the monuments was put to good use.

Mrs. McBean-Clairborne arrived at this time.

Mr. Burbank, District No. 12 Legislator, and Liaison to the Community Mental Health Services Board, announced that last night Board members were invited to participate in a meeting regarding the

Corporate Compliance Plan (CCP). A consultant explained why there is a CCP and why all boards need to pay attention to the official regulations in terms of State funding. He said the key thing we need to be aware of is the millions of dollars received for Medicaid and Medicare and we have make sure funds are being correctly dispensed and failing to do so can result in substantial penalties. Mr. Burbank suggested at some point the full Legislature receive a presentation to learn about this.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced the Downtown Ithaca Alliance is holding it s Annual meeting/dinner on December 1<sup>st</sup>. The Martin Luther King Freedom Walkway Implementation Committee began work with the dual designation name of State Street and is continuing to work on developing a historic walking tour to honor Dr. King and folks of history in the local community. She invited the public to attend an informational meeting on December 5th at the Southside Community Center.

Ms. Mackesey, District No. 1 Legislator, reported on activities of the Housing Coalition that is made up of Cornell, the City, and the County to try to help increase the availability of affordable housing. She said the Coalition has been working on a NOFA (Notice of Funding Availability) and that was released last Monday. On November 20<sup>th</sup> at 9 a.m. there will be a meeting for developers who are interested in applying for those funds at the Public Library.

### **Municipal Official's Report**

There was no report.

### **Chair's Report and Appointment(s)**

Mr. Koplinka-Loehr announced the quarterly meeting between department heads and Legislators is being planned by a subcommittee. He asked Legislators to submit topics to him or the County Administrator.

### **Appointment**

Mr. Koplinka-Loehr appointed the following members to the 2010 Complete Count Census Committee:

Pamela Mackesey, Chair  
Kathy Luz Herrera, Vice Chair  
Frank Proto  
Martha Robertson  
Carol Chock

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

Mr. Mareane said he had anticipated requesting an executive session but will defer that to the next meeting.

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

Mr. Wood had no report.

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

Mr. Squires had no report.

**Resolution(s) Added to and Withdrawn from the Agenda**

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

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

It was MOVED by Mr. Proto, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to approve the following appointments:

Family Court Advisory Council

Nancy Zook – At-large representative; term expires December 31, 2012

Advisory Board on Indigent Representation

Julia Dietrich - term expires December 31, 2011

Traffic Safety Committee

William Sczesny – Tompkins County Highway representative; term expires December 31, 2012

STOP-DWI Advisory Board

Matthew Kochman – Youth At-large representative; term expires December 31, 2012

Mental Retardation/Developmental Disabilities Subcommittee

Joseph K. Ryan – Community member representative; term expires December 31, 2012

Shiela Foote - Community member representative; term expires December 31, 2011

Tompkins Consolidated Area Transit, Inc. Board of Directors

Kathy Luz Herrera – Tompkins County Legislator (labor); term expires December 31, 2012

**RESOLUTION NO. 190 - BUDGET ADJUSTMENTS – HIGHWAY DIVISION**

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

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

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

***Highway***

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
4338.43495	OASAS ManagedAddiction Treatment	-\$124,295	4338.51000	Personnel Services
4322.43493	OMRDD Racker Center	-\$ 91,922	4322.54400	Program Expense

Explanation: The annual allocation from the State Office for Alcohol and Substance Abuse (OASAS) to the Mental Health Department for the program Managed Addiction Treatment Services (MATS) has been decreased from \$162,048 to \$37,753 for the 2009 Fiscal Year. The revenue for this program will only be used for salaries as indicated; all other accounts under 4338 will be at \$0.00. The annual allocation from Office of Mental Retardation/Developmental Disability (OMRDD) to the Franziska Racker Center has been decreased from \$209,869 to \$117,947 for the 2009 Fiscal Year. The Program Expense for the Racker Center is also decreased by the same amount.

**Sheriff**

Revenue Acct	Title	Amt	Approp Acct	Title(s)
T20830000	Drug Forfeiture	\$ 6,000	3113.54306	Automotive Supplies

Explanation: DARE campaign against drugs.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 191 - AUTHORIZATION TO ACCEPT A GRANT FROM THE STATE ARCHIVES – COUNTY CLERK**

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

WHEREAS, the County Clerk’s Office has been notified of a grant award from the State Archives in the amount of \$42,000, and

WHEREAS, the State Archives grant represents a project for the County Clerk’s Office to back file and index archival records into their Electronic Document Management System, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workplace Relations Committee, That the County Administrator or his designee be authorized to execute all contracts related to this award,

RESOLVED, further, That the Director of Finance is authorized and directed to make the following budget adjustment:

APPROPRIATION	A1410.54442	Professional Services	\$42,000
REVENUE	A1410.43089	Other State Aid	\$42,000

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 192 - DATE OF ORGANIZATIONAL MEETING**

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

WHEREAS, the Rules of the Legislature requires the organizational meeting be held on or before January 8 of each year, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That in accordance with Section 151 of County Law, the organizational meeting of the Tompkins County Legislature shall be held in the Legislative Chambers of the Tompkins County Courthouse, Ithaca, New York on Tuesday, January 5, 2010, at 5:30 o’clock in the evening thereof.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 193 - AUTHORIZATION FOR DIRECTOR OF FINANCE TO MAKE YEAR-END TRANSFERS, APPROPRIATIONS, AND BUDGET ADJUSTMENTS AS REQUIRED**

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

WHEREAS, it is necessary, annually, to balance Tompkins County's financial books, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That during 2010 the County Finance Director be and hereby is authorized and directed to make year-end transfers, appropriations, and budget adjustments required to clear credit balances from the books at year's end,

RESOLVED, further, That any such additional entries made by the County Finance Director shall be reported back to the Tompkins County Legislature.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 194 - AUTHORIZATION TO SIGN DRAFTS - COUNTY ADMINISTRATOR**

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

WHEREAS, it is necessary, annually, to authorize a Tompkins County official to sign all Tompkins County drafts, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That during 2010 the County Administrator be and hereby is authorized to sign all drafts of the County of Tompkins and to delegate this authority to the Department of Finance,

RESOLVED, further, That County Officials acting in their official capacity as custodians or other representatives of clients have authority to sign checks in furtherance of their fiduciary responsibilities.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 195 - TOWN AND CITY BUDGETS AND PRINTING OF TAX RATES**

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

WHEREAS, annually Tompkins County must keep a record of the adopted City and Town budgets and must, in accordance with the laws of New York State, levy and collect property taxes per those adopted budgets, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That, in accordance with the laws of the State of New York and with budgets adopted by the several town boards of the County of Tompkins now on file with the Clerk of the Legislature, there be levied upon and collected from the taxable property of the several towns of the County and the City of Ithaca the sums contained in those budgets,

RESOLVED, further, That said summaries of the budgets of the several towns of the County and the City of Ithaca be printed in the 2009 Proceedings of the Tompkins County Legislature,

RESOLVED, further, That after the tax rates are ascertained for the various towns and the City of Ithaca, the Clerk shall print such rates in the 2009 Proceedings of the Legislature following the budgets of the several towns and City.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 196 - AUTHORIZING PAYMENTS FOR COMMUNITY COLLEGE OPERATING BUDGET**

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

WHEREAS, this Legislature has heretofore and by resolution approved the 2009-2010 operating

budget for the Tompkins Cortland Community College and appropriated the necessary funds to pay the Tompkins County proportionate share of the operating budget of said college, and

WHEREAS, to accommodate Tompkins Cortland Community College's fiscal year and cash-flow needs, it is important that Tompkins County's share be paid during the first half of the calendar year, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the County Administrator be and hereby is authorized and directed, pursuant to the provisions of the Education Law of the State of New York and within the authorization provided by this Legislature, to pay Tompkins Cortland Community College an amount up to but not to exceed the Tompkins County budgeted share of the operating costs of said college for the fiscal year 2009-2010 on the following dates in the following amounts:

January 1, 2010	\$ 659,512
March 1, 2010	\$ 659,512
May 1, 2010	\$ 659,512
July 1, 2010	\$ 659,511
Total:	\$ 2,638,047

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 197 - APPROVING COMPLETED TAX ROLLS AND DIRECTING THE EXECUTING AND DELIVERY OF WARRANTS**

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

WHEREAS, it is necessary annually to provide for property tax collection in Tompkins County to meet expenses and the cost of county governments in Tompkins County, and to direct that upon the tax rolls of the several towns and City, the several taxes will be extended, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the tax rolls be approved as completed and that there shall be extended and carried out upon the roll the amount to be levied against each parcel of real property shown thereon,

RESOLVED, further, That there be annexed to each of said rolls a tax warrant prepared by the Director of Assessment as provided for in Section 4.00(b) of the Tompkins County Charter, that such warrants shall be the respective amounts theretofore authorized to be levied upon each of said rolls, that the several warrants be signed by the Chair and the Clerk of the Legislature under seal of the Legislature and by the Director of Assessment, and that said rolls with said warrants annexed are to be forthwith delivered to the respective collectors of the nine towns and City districts of the County.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 198 - ACCEPTANCE OF COMMUNITY LIVING PROGRAM GRANT - OFFICE FOR THE AGING**

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

WHEREAS, the Federal Community Living Program assists individuals who are at risk of nursing home placement and spending down to Medicaid eligibility levels to remain at home through the provision of home and community-based services, and

WHEREAS, the New York State Office for the Aging was awarded a Federal Community Living Program grant and wishes to partner with the Tompkins County Office for the Aging on its implementation, and

WHEREAS, Tompkins County residents in need of long-term care services will gain greater access to home and community-based services and avoid nursing home placement as a result of this grant, and

WHEREAS, the Tompkins County Office for the Aging will be awarded, pending final approval, a two-year grant of \$50,000 to implement the Community Living Program, and

WHEREAS, the duration of the grant will be from October 1, 2009, through September 30, 2011, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$50,000.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 199 – ACCEPTANCE OF AGING AND DISABILITY RESOURCE CENTER GRANT – OFFICE FOR THE AGING**

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

WHEREAS, the Federal Administration on Aging is expanding Aging and Disability Resource Centers nationwide to increase public awareness and access to the full array of long-term care services, and

WHEREAS, the New York State Office for the Aging was awarded an Aging and Disability Resource Center grant and wishes to partner with the Tompkins County Office for the Aging on its implementation, and

WHEREAS, this grant will provide long-term care consumers in Tompkins County with streamlined access to long-term care services, empowering them to make informed choices about their care, and

WHEREAS, the Tompkins County Office for the Aging will receive \$150,000 to administer the Aging and Disability Resource Center grant, and

WHEREAS, the duration of the grant will be from September 1, 2009, through September 30, 2012, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$150,000.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 200 - AUTHORIZATION TO ACCEPT GRANT FROM NEW YORK STATE ARCHIVES - MENTAL HEALTH**

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

WHEREAS, the Mental Health Department and the Information Technology Services Department (ITS) have been notified of a Local Government Records Management Improvement Fund (LGRMIF) grant award in the amount of \$50,847, and

WHEREAS, the New York State Archives LGRMIF grant application was submitted to develop an Electronic Medical Records System (EMRS) with an improved business process to create efficiencies for client information management and retrieval as well as billing processes, and

WHEREAS, the primary records include client charts and billing information for the Tompkins County Mental Health Department, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant and that the County Administrator or designee be authorized to execute all contracts related to this award,

RESOLVED, further, That the Director of Finance is authorized and directed to make the following budget adjustment:

APPROPRIATION	A4310.54442	Professional Services	\$50,847
REVENUE	A4310.43089	Other State Aid	\$50,847

**SEQR ACTION:** TYPE II-20

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**Report from the Government Performance and Workforce Relations Committee**

Mr. Shinagawa, Chair, reported the Committee met last Friday and were updated on mandate relief legislation that was passed recently by the State Legislature and signed by the Governor. The Committee didn't feel there was much mandate relief to counties but noted two possible areas. The first is a change in financing opportunities; the second is a change in the minimum amount before something can be put out to bid up to \$30,000. Mr. Shinagawa said the Committee received updates from WDIC, met the WDIC internn and learned about the work she is doing. The Committee also had a discussion about the Green Fleet resolution and asked the Finance Department to bring a discussion of changing the foreclosure policy to the next meeting. Lastly, Ms. Younger updated the Committee on the status of Administrative Manual Policy updates.

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

Ms. Mackesey, Chair, reported the Committee met on November 12<sup>th</sup> and deferred her report to the next meeting.

**RESOLUTION NO. 201 – ADOPTION OF ADMINISTRATIVE POLICY NO. 01-44 - GREEN FLEET**

MOVED by Ms. Mackesey, seconded by Ms. Kiefer. A voice vote resulted as follows: Ayes – 13, Noes – 1 (Legislator Hattery), Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, by Resolution No. 267 of 2008 the Legislature adopted the Energy and Greenhouse Gas Emissions element of the Tompkins County Comprehensive Plan, and

WHEREAS, the Energy and Greenhouse Gas Emissions element includes an action item to establish a green fleet policy for County government, and

WHEREAS, an ad hoc committee of County department representatives has worked for more than a year to develop the policy, and

WHEREAS, this policy has been reviewed by the appropriate Standing Committee and by the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee and the Government Performance and Workforce Relations Committees, That Administrative Policy No. 01-44 Green Fleet is hereby adopted.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 202 - AUTHORIZATION TO ACCEPT UNITED STATES DEPARTMENT OF ENERGY GRANT AND UTILIZE ALTERNATIVE FUEL INITIATIVE FUNDS; ANTICIPATED REVENUE FROM SALE OF CURRENT FLEET VEHICLES; AND 2009 ROLLOVER FUNDS FROM THE PLANNING DEPARTMENT TO PURCHASE THREE HYBRID VEHICLES IN SUPPORT OF THE COUNTY'S GREEN FLEET INITIATIVE**

MOVED by Ms. Mackesey, seconded by Ms. Robertson. A short roll call vote resulted as follows: Ayes – 13, Noes – 1 (Legislator Hattery), Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature adopted a resolution on April 7, 2009, to enter into a memorandum of understanding with Clean Communities of Central New York (CCCNY), and

WHEREAS, the United States Department of Energy (DOE) established the Clean Cities program to provide tools and resources for voluntary, community-based programs to help reach the goal of reduced dependence on foreign oil, and

WHEREAS, through its participation in CCCNY Tompkins County became eligible to apply for funding from the DOE for a green fleet initiative, and

WHEREAS, this in an interdepartmental initiative that furthers the County's greenhouse-gas emissions goals by expanding access via a new shared-car pool of these three hybrid vehicles to all County staff in the downtown Courthouse Complex, and

WHEREAS, the County Legislature earmarked \$50,000.00 for this Alternative Fuel Initiative in 2009, and

WHEREAS, the United States Department of Energy has granted Tompkins County \$6,000.00 toward the differential cost of purchasing three hybrid vehicles in support of the County's Green Fleet Initiative, and

WHEREAS, Tompkins County has committed to fund the majority of the cost of three hybrid vehicles using \$50,000.00 allocated by the Legislature for the Alternative Fuel Initiative as well as anticipated revenue from the sale of three County vehicles that are currently in the fleet, and a small portion of previously approved 2009 rollover funds from the Planning Department, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality, the Government Performance and Workforce Relations, and the Budget, Capital, and Finance Committees, That the County Administrator or his designee be authorized to sign all documents related to the acceptance of grant funds from the U.S. Department of Energy,

RESOLVED, further, That the County Finance Director allocate anticipated revenue from the sale of three County vehicles that will be replaced by more efficient vehicles to fund the purchase of three hybrids,

RESOLVED, further, That the County Finance Director be authorized to adjust the budget in the following manner:

FROM:

8020.44959	Federal Aid	\$ 6,000.00
1990.52231	Contingency Fund- Alternative Fuel Initiative	\$50,000.00
8020.42665	Planning Department - Sale of Equipment Account	\$ 6,000.00 (est.)

TO:

8020.52231	Planning Department - Vehicles Account	\$56,000.00
8020.52231	Planning Department - Vehicles Account	\$ 6,000.00 (est.)

**SEQR ACTION:** TYPE: II-25

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**RESOLUTION NO. 203 – AUTHORIZING THE FORMATION OF THE TOMPKINS COUNTY DEVELOPMENT CORPORATION TO PERFORM ESSENTIAL GOVERNMENTAL FUNCTIONS INCLUDING ACTIVITIES ASSOCIATED WITH THE PROMOTION OF COMMUNITY AND ECONOMIC DEVELOPMENT AND JOB CREATION AND ISSUANCE OF BONDS ON ITS BEHALF**

MOVED by Ms. Mackesey, seconded by Mr. Burbank. Ms. Herrera said she has been a member of the IDA for a long time and is also an active member of the labor community. She said IDA reform at the State level was delayed this year and she believes this is a way to get around the delay. Ms. Herrera said when you rely on the lowest common denominator and when there are very poor restrictions in place that encourage people to get the cheapest skilled labor possible this is the result of that. She asked her colleagues to take a stand for economic development of individuals in this community, keep wage levels at an acceptable rate, and to not support this end-run around local wage stability.

Ms. Mackesey said the reason this local development corporation is being formed is because the IDA lost its ability to issue bonds to not-for-profit organizations approximately two years ago. When those bonds were issued the IDA was able to collect a fee and that was one of the main sources of income for the IDA. With the expiration of that law the IDA has not been able to issue not-for-profit bonding and has suggested that a local development corporation be set up, which would allow them to re-issue those bonds. Ms. Mackesey said she and Ms. Robertson met with representatives of the labor community to discuss some of the concerns spoken of by Ms. Herrera. As a result of those discussions the resolution has been revised. As a result of the revisions, the powers of the local development will be focused primarily on issuing bonds and not on the other areas that they traditionally can do, such as acquiring property.

Ms. Robertson called attention to the language added by Ms. Chock that addresses the continuation of existing policies of the Industrial Development Agency related to such public interests.

Ms. Chock said she will support this and believes the sunset of the local bonding authority enhances the State budget at the expense of localities. She said she shares Ms. Herrera's concern that language be built in that would give more local control over including the kinds of policies that would go along with the granting of loans. She said the resolution give us the ability as we move forward to talk about and debate including other requirements to making a loans such as wage levels or diversity in hiring practices.

Ms. Herrera thanked Ms. Chock for her efforts; however, Ms. Herrera does not endorse or support this resolution. She also does not believe there is unanimity on the IDA about the public interests that are referenced. She spoke of abuses of the law that can happen when there is dense wording that is designed as a way around legislation that has not been renewed. Ms. Herrera said she would like to stand in history as someone who tried to keep the wages in this County and surrounding counties from being eroded by actions such as this that help financiers but are on the backs of labor.

Mr. Proto said he thinks this resolution is needed but there needs to be sensitivity about giving certain organizations a "leg up" on others as this seems to eliminate certain organizations that cannot meet the criteria.

Ms. Robertson extended an invitation to Legislators to attend the next meeting on December 4<sup>th</sup> to see how the IDA operates. She said after lengthy discussions in the areas contained in the Resolved, the IDA decided to encourage and not require things such as apprenticeship program or diversity programs.

The IDA decided to include questions on the application as a way to stimulate conversation and it has worked very well.

A voice vote resulted as follows: Ayes – 12, Noes – 2 (Legislators Herrera and Stevenson), Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, it is the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage, and develop economically sound commerce and industry, and

WHEREAS, Tompkins County (the "County") is tasked with the responsibility and burden to promote the health, safety, and general welfare of the residents of the County by, among other things, preventing unemployment and economic deterioration including by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce, and

WHEREAS, it is essential for the County to support the operation by both for-profit entities and not-for-profit corporations within the County to increase the employment opportunities for residents of the County and the ability to provide financing through the issuance of tax-exempt and taxable bonds to projects of for-profit entities and not-for-profit corporations is essential to the continued development, construction, improvement, and operation of projects by for-profit entities and not-for-profit corporations, and

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

WHEREAS, in order to further promote the public purposes of the County, the County desires to form "The Tompkins County Development Corporation" (the "Corporation") under Sections 402 and 1411 of the New York Not-For-Profit Corporation Law ("N-PCL") for the exclusive public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities and lessening the burdens of government and acting in the public interest and which shall have the powers to issue bonds, notes, and other obligations thereof, and

WHEREAS, to accomplish its job creation and other economic development responsibilities and relieve the burdens related to same, and to facilitate the ability of for-profit entities and not-for-profit corporations to access capital for projects that enhance, create and preserve employment opportunities for residents of the County, the County desires to task the Corporation with such burdens and responsibilities and authorize the Corporation to issue bonds on behalf of the County for such purposes and to work cooperatively with the Agency to achieve such public purposes, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby authorizes and directs the formation of the Corporation and designates the County as sole member of the Corporation with the initial Board of Directors of the Corporation to consist of individuals that are the current members of the Board of Directors of the Industrial Development Agency, and thereafter to consist of such other individuals as may hereafter be appointed by the County, as sole member, and the Corporation is hereby designated as an on-behalf-of-issuer of the County for the purposes of issuing bonds with authority to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create, and preserve employment opportunities for residents of the County, which such powers shall include, but not be limited to, those powers described in N-PCL Section 1411 and to be described in the Corporation's Certificate of Incorporation, with the power to issue tax-exempt and taxable bonds, notes, or other obligations on behalf of the County in furtherance of its purposes, provided, however, that any obligations issued by the corporation shall never be a debt of the state of New York, the County, or any political subdivision thereof (other than corporation) and neither the state of New York, the County, or any political subdivision thereof (other than corporation) shall be liable thereon,

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

RESOLVED, further, That all policies of the Industrial Development Agency related to such public interests as diversity in hiring practices, apprenticeships, wage levels for jobs created, LEED construction, green operation, and other public-interest stipulations that are in existence as of the date of issuing of any bonds, notes, or other obligations will apply to the contract related to the issuance of such debt,

RESOLVED, further, That any and all fees resulting from the issuance and re-payment of such bonds, notes, or other obligations will be used to support economic development activities in Tompkins County,

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

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 204 - AUTHORIZING NEW YORK STATE DEPARTMENT OF TRANSPORTATION MASTER MASS TRANSPORTATION CAPITAL PROJECT SUPPLEMENTAL AGREEMENT #3 FOR 2009 – TOMPKINS CONSOLIDATED AREA TRANSIT, INC., AND TOMPKINS COUNTY**

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

WHEREAS, the New York State Department of Transportation and Tompkins County executed a contract (No. TCA2MS, K006701) (County Resolution No. 228, 12/19/2006) to authorize payments to the County for the State Mass Transportation Capital Program aid, and

WHEREAS, the State Mass Transportation Capital Program includes two programs - the State Dedicated Fund Program (SDF), which provides up to 100% of project funding, and the Federal Transit Program Aid which provides 10% of funding for projects eligible for Federal Transit Administration (FTA) funding, and

WHEREAS, the New York State Department of Transportation awarded \$839,429 in State funds to Tompkins County, including \$325,000 in SDF Year 11 funds and \$514,429 in matching Federal Transit Program funds for two FTA Sec 5307 grants (NY-03-X0603 and NY-03-X618), to Tompkins County to reimburse the expense by Tompkins Consolidated Area Transit, Inc., and the County for capital projects previously applied for by the County, and

WHEREAS, the County's allocation is \$55,880, as follows:

<u>County Projects</u>	<u>State Aid</u>
Project Administration	\$ 11,300
Mobility Management	\$ 8,080
Small Paratransit Buses	\$ 32,500
Preventive Maintenance -TTI	\$ 4,000

Total County Projects	\$ 55,880
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, and

WHEREAS, TCAT's allocation is \$ \$783,549, as follows:

<u>TCAT Projects</u>	<u>State Aid</u>
Preventive Maintenance - TCAT	\$295,848
ADP Hardware & Software	\$5,758
Passenger Shelters	\$3,500
Support Vehicles	\$1,600
Misc. Communication Equipment	\$4,125
Smartcard Fare Equipment	\$100,000
Facility Security Cameras	\$1,000
Rehab Buses - Clean Diesel Conversion	\$13,718
30 Ft Replacement Rural Buses (4)	\$48,000
40 Ft Buses for Rural Expansion (2)	\$63,500
Replacement Diesel Engines	\$7,500
40 Ft Hybrid Buses ARRA Grant (2)	\$225,000
Short Term Planning	\$14,000
Total TCAT Projects	\$783,549

, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes said Mass Transportation Capital Project Supplemental Agreement #3, for \$839,429, be executed by the County with New York State Department of Transportation.

**SEQR ACTION:** TYPE II-20

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**Presentation of Resolution(s) from the Health and Human Services Committee**

**RESOLUTION NO. 205 - APPROPRIATION FROM CONTINGENT FUND - TERMINAL-PAY REIMBURSEMENT - COUNTY OFFICE FOR THE AGING**

MOVED by Mr. Proto, seconded by Mr. Stevenson. A short roll call vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Office for the Aging had a Senior Account Clerk/Typist retire effective October 30, 2009, and

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

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

REVENUE	A1990.54440	Contingent Fund	\$4,392.85
APPROPRIATION	A6772.51000529	Senior Account Clerk/Typist	\$4,392.85

**SEQR ACTION:** TYPE II-20

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**Presentation of Resolution(s) from the Budget, Capital and Finance Committee**

**RESOLUTION NO. 206 - AUTHORIZING A MULTI-YEAR AGREEMENT WITH CIASCHI, DIETERSHAGEN, LITTLE, & MICKELSON, LLP, FOR THE FINANCIAL AUDIT OF TOMPKINS COUNTY**

MOVED by Mr. Dennis, seconded by Mr. Shinagawa. Mr. Proto disclosed that he has a continuing partnership agreement with Mr. Dietershagen on items that are not included in this resolution and said he will not be financially compensated by any of these contracts. A voice vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, the County Finance Department issued a Request for Proposals for auditing services, and

WHEREAS, five accounting firms responded with fee proposals ranging from \$60,000 per year to \$82,000 per year, and

WHEREAS, the Finance Director after reviewing proposals and verifying references, recommended that the Audit Committee of the Legislature consider two firms that best suited the financial reporting requirements of the County, and

WHEREAS, the Audit Committee on October 21, 2009, interviewed two accounting firms moved forward for consideration, and

WHEREAS, the selection of Ciaschi, Dietershagen, Little, & Mickelson, LLP, was recommended by the Audit Committee based upon past service experience, their understanding of the County’s financial reporting systems, and the quality and cost effectiveness of the proposal, now therefore be it

RESOLVED, on recommendation of the Budget Capital, and Finance Committee, and the Audit Committee, That the Director of Finance is authorized to award a contract to Ciaschi, Dietershagen, Little, & Mickelson, LLP, for the financial audit of the County (and component Units - Tompkins Public Library, Tompkins Industrial Development Agency (IDA), Tompkins Tobacco Asset Securitization Corporation (TASC), and Tompkins Soil & Water Conservation District (SWDC), for the years 2009, 2010, and 2011, based upon the following proposed fees:

	<b>2009</b>	<b>2010</b>	<b>2011</b>
County-wide audit	\$25,000	\$25,000	\$28,000
Federal Single audit	\$12,000	\$12,000	\$12,000
Library	\$8,000	\$8,000	\$8,000
IDA	\$7,000	\$7,000	\$7,000
Tobacco Corporation	\$4,000	\$4,000	\$4,000
SWDC	\$4,000	\$4,000	\$4,000
NYS Single Audit	\$4,000	\$4,000	\$4,000
<b>Total fee</b>	<b>\$64,000</b>	<b>\$64,000</b>	<b>\$67,000</b>

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 207 - ADOPTION OF 2010 TOMPKINS COUNTY BUDGET AND 2010-2014 TOMPKINS COUNTY CAPITAL PROGRAM**

MOVED by Mr. Dennis, seconded by Mr. Shinagawa.

Mr. Dennis stated he hopes the Governor and the New York State Legislature will do the right thing and not pass along any further costs to counties. He said this process began by the Legislature setting a goal of a three percent levy increase; in most department budgets this was the equivalent of between a 10 and 12% reduction. Mr. Dennis said in order to meet a difficult goal there have been

programs that have been reduced in addition to staffing. He thanked the County Administrator and his staff and County Legislators for their work on this difficult budget.

**AMENDMENT TO 2010 TENTATIVE BUDGET – HUMAN SERVICES COALITION - AGENCIES**

It was MOVED by Ms. Kiefer, seconded by Ms. Robertson, to approve the following budget amendment. A voice vote resulted as follows: Ayes – 8 (Legislators Burbank, Chock, Dennis, Herrera, Kiefer, McBean-Clairborne, Robertson, and Shinagawa); Noes – 6 (Legislators Hattery, Koplinka-Loehr, McBean-Clairborne, Proto, Sigler, and Stevenson); Excused – 1 (Legislator Randall). MOTION CARRIED.

WHEREAS, target funding of \$10,600 is needed by the Human Services Coalition to support maintenance of effort for some of its agencies due to the increased operating costs and decreased funding that are anticipated in 2010, and

WHEREAS, the Legislature recognizes how vital the services are that each of these agencies provides to Tompkins County residents, now therefore be it

RESOLVED, That the Human Services Coalition – Agency budget (6305.54400) be increased for 2010 by \$10,600 in target funding,

RESOLVED, further, That this amendment increases the 2010 property tax levy .02% (from 3.97% to 3.99%) or a tax rate increase of .03% (from \$5.995 to \$5.997 per 1000 of assessed value).

\* \* \* \* \*

**AMENDMENT TO 2010 TENTATIVE BUDGET – CAPITAL PROGRAM**

It was MOVED by Ms. Herrera, seconded by Mrs. McBean-Clairborne, to approve the following budget amendment. A voice vote resulted as follows: Ayes – 3 (Legislators Burbank, Herrera, Koplinka-Loehr, and McBean-Clairborne); Noes – 11; Excused – 1 (Legislator Randall). MOTION FAILED.

WHEREAS, the final payment (\$258,000) for the 1989 Mental Health Building debt service, which is part of the Tompkins County Capital Program, will be paid in 2010, now therefore be it

RESOLVED, That the Capital program (9961.54400) target be reduced by \$258,000 and replaced with one-time funds,

RESOLVED, further, That this amendment decreases the 2010 property tax levy by .7% (from 3.97% to 3.27%) or a tax rate decrease of .7 % (from \$5.995 to \$5.955 per 1000 of assessed value), and decreases the surplus fund balance from \$1,886,509 to \$1,628,509.

\* \* \* \* \*

**RESOLUTION NO. – AMENDMENT TO 2010 TENTATIVE BUDGET – PUBLIC HEALTH**

It was MOVED by Ms. Herrera, seconded by Mr. Stevenson, to approve the following budget amendment. Ms. Cole said she understands this is one-time funding but funds are desperately needed to get through the pandemic. She said the Department is facing a lot of unknowns for 2010 and this will provide the Department with an opportunity to review its organizational structure. A voice vote resulted as follows: Ayes – 11; Noes – 3 (Legislators Dennis, Hattery, and Mackesey); Excused – 1 (Legislator Randall). MOTION CARRIED.

WHEREAS, the Public Health Department requested funding for a full-time Account Clerk Typist position, and

WHEREAS, the Public Health Department has rollover funds to support this position for one year, now therefore be it

RESOLVED, That the Public Health Department budget be modified in 2010 as follows with one-time funds:

Account Clerk Typist	4047.51000513	\$30,463
Fringe	4047.58800	\$12,338
Revenue	4095.43401	\$10,747
Rollover	4047.54999	-\$32,054,

RESOLVED, further, That this amendment neither increases or decreases 2010 property tax levy.

\* \* \* \* \*

#### **AMENDMENT TO 2010 TENTATIVE BUDGET – GENERAL FUND FRINGE**

It was MOVED by Ms. Herrera, seconded by Mr. Stevenson, to approve the following budget amendment. Ms. Herrera said over recent months the estimates for pension costs have varied and she would like at least a portion of this not to be applied to the tax levy. She said even the smallest amounts being applied from the General Fund to reduce the tax levy increase can be helpful to the taxpayer. Ms. Mackesey expressed concern over reducing the fund balance and believes doing so would be setting up residents for an even worse financial situation next year. She noted the amount is an estimate and could be much higher. Ms. McBean-Clairborne said she sees the motion as a compromise because only a portion is being applied from the Fund Balance.

A voice vote resulted as follows: Ayes – 4 (Legislators Herrera, Koplinka-Loehr, McBean-Clairborne, and Stevenson); Noes – 10, Excused – 1 (Legislator Randall.). MOTION FAILED.

WHEREAS, pension costs for 2010 are anticipated to be approximately \$195,000 more than originally anticipated, and the exact cost is unknown, and

WHEREAS, the Legislature wants to support this ongoing expense with target funds, and does not want to increase the tax levy more than absolutely necessary, and

WHEREAS, the Legislature wants to reduce the tax levy burden on Tompkins County residents, who are having to reduce their own spending, now therefore be it

RESOLVED, That the General Fund Fringe Account (9101.58800) target funding be reduced by \$95,000 and replaced with one-time funds,

RESOLVED, further, That this amendment decreases the 2010 property tax levy by .26% (from 3.97% to 3.71%) or a tax rate decrease of .25% (from \$5.995 to \$5.981 per 1000 of assessed value), and decreases the surplus fund balance from \$1,886,509 to 1,791,509.

\* \* \* \* \*

Ms. Kiefer said she has to leave the meeting at this time. She said could support the budget at this time if no further amendments were made. Amendments continued to be offered; Kiefer was excused at 7:05 p.m.

#### **AMENDMENT TO 2010 TENTATIVE BUDGET – DEFERRED MAINTENANCE PROGRAM**

It was MOVED by Ms. Herrera, seconded by Mr. Proto, to approve the following budget amendment.

Ms. Herrera acknowledged there are differences of opinion on the Legislature as to how to balance the County Budget. However, at a time when people have lost jobs and health insurance she believes this would bring a small amount of relief to property owners.

A voice vote resulted as follows: Ayes – 4 (Legislators Herrera, Koplinka-Loehr, McBean-Clairborne, and Proto); Noes – 9; Excused – 1 (Legislators Kiefer and Randall.). MOTION FAILED.

WHEREAS, the deferred maintenance program budget received a \$50,000 target increase for 2010, and

WHEREAS, the Legislature has recommended \$500,000 of onetime funds for the deferred maintenance program in 2010, and

WHEREAS, the Legislature recognizes the need to support the deferred maintenance program, and

WHEREAS, the Legislature wants to reduce the tax levy burden on Tompkins County residents, who are having to reduce their own spending, now therefore be it

RESOLVED, That the Facilities Maintenance budget (1620.54470) be reduced by \$50,000 target funding,

RESOLVED, further, That this amendment decreases the 2010 property tax levy by .14% (from 3.97% to 3.83%) or a tax rate decrease of .13% (from \$5.995 to \$5.988 per 1000 of assessed value).

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### **AMENDMENT TO 2010 TENTATIVE BUDGET – HIGHWAY PROGRAM**

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, to approve the following budget amendment. Ms. Herrera said the Highway Division budget represents six percent of the total local share in the 2010 budget. She would like to reduce the Highway program budget by \$50,000; she believes the County has a good Highway Manager who can help manage this reduction.

Ms. Robertson said if gas drilling begins next year the Highway Division is going to be tasked with having to do core sampling and other measurements of County roads. The reason for this work is to compile baseline information on all of the roads that can be measured against any damage that is done by trucks that are expected to be traveling on these roads. She said the target budget for the Highway Division was already cut by \$230,000 and the target an additional cut of \$290,000 has been made to the 2010 budget. This is far beyond any cut made to any other County department. Ms. Chock said she will support this amendment because she believes as a society there needs to be more thought about how to transport ourselves from one destination to another at a lesser expense. She would also like the Highway Division to document any costs incurred as a result of gas drilling.

A voice vote resulted as follows: Ayes – 3 (Legislators Chock, Herrera, and Koplinka-Loehr); Noes – 10, Excused – 2 (Legislators Kiefer and Randall). MOTION FAILED.

WHEREAS, the Highway Division budget represents 6% of the total local share in the 2010 budget, and

WHEREAS, the Legislature wants to reduce the tax levy burden on Tompkins County residents, who are having to reduce their own spending, now therefore be it

RESOLVED, That the Highway Program budget (5110.54312) be reduced by \$50,000 target funding,

RESOLVED, further, That this amendment decreases the 2010 property tax levy by .14% (from 3.97% to 3.83%) or a tax rate decrease of .13% (from \$5.995 to \$5.988 per 1000 of assessed value).

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### **AMENDMENT TO 2010 TENTATIVE BUDGET – SHERIFF’S LAW ENFORCEMENT**

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, to approve the following budget amendment. Ms. Herrera said she has confidence in Sheriff’s Meskill’s ability to manage this budget reduction. Mrs. McBean-Clairborne said she believes vehicle purchases should be budgeted as one-time expenses and not Target funding.

A voice vote resulted as follows: Ayes – 3 (Legislators Herrera, Koplinka-Loehr, McBean-Clairborne); Noes – 10, Excused – 2 (Legislators Kiefer and Randall). MOTION FAILED.

WHEREAS, the Sheriff's Office - Law Enforcement budget represents 5% of the total local share in the 2010 budget, and

WHEREAS, the Legislature wants to reduce the tax levy burden on Tompkins County residents, who are having to reduce their own spending, now therefore be it

RESOLVED, That the Sheriff's Office – Law Enforcement vehicle budget (3113.52231) be reduced by \$49,000 target funding,

RESOLVED, further, That this amendment decreases the 2010 property tax levy by .14% (from 3.97% to 3.83%) or a tax rate decrease of .13% (from \$5.995 to \$5.988 per 1000 of assessed value).

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### **AMENDMENT TO 2010 TENTATIVE BUDGET – SALES TAX**

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr to approve the following budget amendment.

It was MOVED by Ms. Chock, to amend the amendment, changing the amount to \$30,000 and earmarking these funds to be used for Human Services Coalition purposes. MOTION FAILED DUE TO LACK OF A SECOND.

A voice vote resulted as follows on the amendment: Ayes – 2 (Legislators Herrera and Koplinka-Loehr); Noes – 11, Excused – 2 (Legislators Kiefer and Randall). MOTION FAILED.

WHEREAS, the Sales Tax Revenue has seen some recovery in recent months, now therefore be it  
RESOLVED, That the Unallocated Revenues budget (9999.41110) be increased by \$100,000 target funding,

RESOLVED, further, That this amendment decreases the 2010 property tax levy by .28% (from 3.97% to 3.69%) or a tax rate decrease of .26% (from \$5.995 to \$5.980 per 1000 of assessed value).

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### **AMENDMENT TO 2010 TENTATIVE BUDGET – COUNTY ATTORNEY**

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, to approve the following budget amendment.

A voice vote resulted as follows: Ayes – 2 (Legislators Herrera and Koplinka-Loehr); Noes – 11, Excused – 2 (Legislators Kiefer and Randall). MOTION FAILED.

WHEREAS, the County Attorney's budget represents .5% of the total local share in the 2010 budget, and

WHEREAS, the Legislature wants to reduce the tax levy burden on Tompkins County residents, now therefore be it

RESOLVED, That the County Attorney's budget (1420) be reduced by \$10,000 target funding,

RESOLVED, further, That this amendment decreases the 2010 property tax levy by .03% (from 3.97% to 3.94%) or a tax rate decrease of .03% (from \$5.995 to \$5.994 per 1000 of assessed value).

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It was MOVED by Mr. Dennis, seconded by Mr. Proto, to appropriate one-time funding in the amount of \$2,000 for use by the Civil War Commission. He said the group was supposed to have applied

for Room Tax funds but that did not get done. Mr. Dennis proposed that the funding be placed in the County Administration Budget; this was later changed by consensus to the County Historian's budget.

Ms. Chock said her understanding of the Commission is that it is to promote a community dialogue; however, all of the elements of what they do does not promote visitors from outside the area. Ms. Robertson said she believes there are other sources of funding to accommodate this request.

Mr. Dennis Called the Question, seconded by Mr. Proto. A voice vote on the motion to Call the Question resulted as follows: Ayes –10, Noes – 3 (Legislators Chock, Herrera, and Koplinka-Loehr); Excused – 2 (Legislators Kiefer and Randall). THE QUESTION WAS CALLED.

A voice vote on the motion resulted as follows: Ayes – 6 (Legislators Burbank, Chock, Dennis, Proto, Koplinka-Loehr, and Stevenson); Noes - 7 (Legislators Hattery, Herrera, Mackesey, McBean-Clairborne, Robertson, Shinagawa, and Sigler); Excused – 2 (Legislators Kiefer and Randall). MOTION FAILED.

Ms. Herrera said she could support the appropriation if funds were appropriated in the County Historian's budget. Mr. Koplinka-Loehr stated that previous motion did just that.

It was MOVED by Ms. Herrera, seconded by Mr. Burbank, to Reconsider the previous motion. A voice vote on the motion to Reconsider resulted as follows: Ayes – 8 (Legislators Burbank, Chock, Dennis, Herrera, Proto, Koplinka-Loehr, Shinagawa, and Stevenson); Noes - 5 (Legislators Hattery, Mackesey, McBean-Clairborne, Robertson, and Sigler); Excused – 2 (Legislators Kiefer and Randall). MOTION TO RECONSIDER CARRIED.

Ms. Chock requested a report from the Civil War Commission after they begin their work.

Mr. Hattery said he cannot support motions made without any prior documentation.

Mr. Burbank said he will support this because he believes the Civil War was not just a historic event but was one of the most profound events in American History and we are still dealing with the implications of what happened and why it happened. Ms. Robertson said she cannot support the motion because process was not followed.

A roll call vote on the amendment resulted as follows: Ayes – 9 (Legislators Burbank, Chock, Dennis, Herrera, Koplinka-Loehr, Proto, Shinagawa, Sigler, and Stevenson); Noes – 4 (Legislators Hattery, Mackesey, McBean-Clairborne, and Robertson); Excused – 2 (Legislators Kiefer and Randall). MOTION CARRIED.

A roll call vote on the following resolution as amended resulted as follows: Ayes – 8 (Legislators Burbank, Chock, Dennis, Mackesey, Proto, Robertson, Shinagawa, and Stevenson); Noes – 5 (Legislators Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, and Sigler); Excused – 2 (Legislators Kiefer and Randall). RESOLUTION CARRIED.

WHEREAS, the tentative Budget for the year 2010 and the proposed 2010-2014 Capital Program have been presented to the Legislature by the Budget Officer on September 1, 2009, and a revised tentative budget for the year 2010 and the proposed 2010 - 2014 Capital Program were adopted by the Legislature for public review on October 28<sup>th</sup>, and a public hearing was held on November 4, 2010, and all persons desiring to be heard concerning same have been heard, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That pursuant to Section 5.07 of the County Charter, the said proposed budget as amended is adopted, subject to the

correction of manifest errors by the Clerk of the Legislature and the Budget Officer, as the budget of Tompkins County for the year 2010,

RESOLVED, further, That pursuant to Sections 5.03, 5.04, and 5.05 of the County Charter, the several amounts specified in such budget opposite each item of expenditure set forth in the column adopted are appropriated for the objects and purposes specified, effective January 1, 2010,

RESOLVED, further, That the sum of \$38,309,070 required to meet the local share of expenses and costs of county government in Tompkins County for the fiscal year 2010 as set forth in the budget be assessed against, levied upon, and collected from the taxable property of the nine towns and the city liable therefore,

RESOLVED, further, That this change will result in an approximate tax-levy increase of 3.99 percent and a county-wide average tax-rate increase of 1.1 percent and a decrease of 0.19 percent in local spending,

RESOLVED, further, That pursuant to Section 5.07 of the County Charter, the said proposed Capital Program as amended is adopted, subject to the correction of manifest errors by the Clerk of the Legislature and Budget Officer, as the Capital Program of Tompkins County for the years 2010-2014.

**SEQR ACTION:** TYPE II-21

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

Ms. Robertson, Chair, reported the Committee met yesterday and had a discussion on bails. At the previous meeting OAR had reported there appeared to be bail inflation but after looking at the numbers they do not believe that has been happening. There was also a lengthy discussion of the recommendations contained in the Assigned Counsel/Public Defender Task Force report and discussion will continue at the next meeting. The next meeting was rescheduled to December 10<sup>th</sup>. Mr. Proto asked for a status report on the ATI evaluation and when the Public Safety Committee would hear a report. Ms. Carey said there was a delay in receiving information from the Office of Court Administration; however, she believes the issue has been resolved and the Committee will hear a report in January. Ms. Carey responded to a question by Mr. Proto and said she will review questions that were submitted by Legislators and will try to give an interim report to address them.

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

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on November 24<sup>th</sup>. She gave kudos to the Ithaca Police Department for the hiring of the first person of color to hold the position of Deputy Chief of Police, Peter Tyler. She said with the help of Sarah Reisletter, Intern, she hopes to have a climate survey and the first draft of a Comprehensive County Diversity Plan that can be brought to the Legislature for review.

### **Report from the Legislative Rules and Procedures Committee**

Mr. Hattery, Vice Chair, reported the Committee met yesterday. Legislators have been provided with copies of proposed revisions to Rule IV – Order of Business.

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

Mr. Proto, Chair, praised Lisa Holmes, Director of the Office for the Aging, for her work in securing grant funds associated with the resolutions approved earlier under the Consent Agenda. He also recognized the acceptance of the New York State Archives money by the Mental Health Department in the amount of \$53,847 and noted the extraordinary efforts by human services staff to bring additional funds into the County. Mr. Proto also reported on the reimbursement from the State for quarterly payments are behind; the fourth quarter of 2008 payment was just received. This is a concern because if

money has to be borrowed to cover these costs there is an associated interest cost. The Committee also received a report on a successful delivery of the H1N1 vaccine and the Newfield Elementary School; the next clinic will be in Groton. The next meeting will be December 8<sup>th</sup>.

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

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on November 19<sup>th</sup>. She reported on activities at the Ithaca-Tompkins Regional Airport and said people are being urged to fly often and to fly early. She reminded the public of heightened security during the holidays and asked that travelers arrive early.

### **Approval of Minutes of November 4, 2009**

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to approve the minutes of November 4, 2009 as submitted. MINUTES APPROVED.

### **Recess**

Mr. Koplinka-Loehr declared recess from 8:00 p.m. to 8:05 p.m.

### **Executive Session**

It was MOVED by Ms. Robertson, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to enter into executive session at 8:05 p.m. to discuss a personnel matter. The returned to open session at 8:10 p.m.

### **Resolution Approved in Executive Session**

It was MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to add the resolution that follows to the agenda.

### **RESOLUTION NO. 208 – RESOLUTION OF APPRECIATION – CHIEF BRIAN H. WILBUR**

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

WHEREAS, Ithaca Fire Chief Brian H. Wilbur has recently concluded a forty-two year career in the fire and emergency services, having served Ithaca and the greater Tompkins County community since 1988, and

WHEREAS, throughout his tenure, Chief Wilbur has provided unfailing leadership and steadfast commitment to the steady improvement and effective delivery of vital public services to our residents and visitors, and

WHEREAS, Chief Wilbur has continually forged consensus and fostered partnerships among the many levels of governments and public safety disciplines, “town and gown” interests, career and volunteer companies, and throughout the community at large, and

WHEREAS, Brian Wilbur’s role in Tompkins County’s public safety efforts contributed significantly to the development of the County’s Radio Communications System, the implementation of Enhanced 9-1-1 Service, the crafting of a Comprehensive Emergency Management Plan, and unprecedented levels of mutual aid assistance, good-will, and cooperation, and

WHEREAS, Chief Wilbur served Tompkins County as a member of the E911 Task Force, member and Vice Chair of the former E911 Advisory Board, and then as Chair of the successor

Tompkins County Legislature  
November 17, 2009

Emergency Communications Review and Operations Committee, in addition to his long-time and active membership with the Tompkins County Fire, EMS, and Disaster Advisory Board and the County Emergency Planning Committees, and

WHEREAS, Chief Wilbur guided the formation of a County Hazardous Materials Response Team within the Ithaca Fire Department, and facilitated the creation of a joint County/City Fire Training Center and educational initiatives that benefit responders throughout the region, and

WHEREAS, the community will pause to recognize Brian Wilbur's career and community achievements on November 21, 2009, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature does hereby recognize and express our sincere appreciation and gratitude to Chief Brian H. Wilbur for his many years of service, leadership, and dedication to the citizens of Tompkins County, and further extends our wishes for a happy, safe, and healthy retirement, and acknowledges, as well, Brian's continuing contributions as a community volunteer and resident.

**SEQR ACTION:** TYPE II-20

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The meeting returned to open session at 8:10 p.m.

**Adjournment**

The meeting adjourned at 8:10 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office