

November 20, 1007

**Tompkins County Legislature  
November 20, 2007**

**APPROVED 12-4-07**

**Call to Order**

Mr. Joseph 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. Vacancy – 1 (District No. 3 – City of Ithaca); Legislator McBean-Clairborne arrived at 5:43 p.m.)

**Privilege of the Floor by the Public**

No member of the public wished to speak.

**Privilege of the Floor by Legislators**

Ms. Kiefer, District No. 11 Legislator, announced the League of Women Voters will hold a general membership meeting on Monday, November 26, 2007, at the Beverly Livesay Conference Room at 7 p.m. At this public meeting there will be a panel discussion on affordable housing. The panel includes Legislator Robertson, Paul Mazzarella of Ithaca Neighborhood Housing Services, and John Ward of the American Red Cross.

Mr. Dennis, District No. 15 Legislator, recognized students from Ithaca College who are involved in a program that prepares meals from leftover food at the Dining Hall and then delivers the meals to different communities within the County.

Ms. Robertson, District No. 13, said she recently traveled to California to assist in relocating her mother who is 88 years of age to an assisted living facility. Ms. Robertson said she had previously researched various facilities in Tompkins County but found there is a need to know a long time in advance of the need and that there are waiting lists. She said it was a great relief to be able locate a facility and have her mother settled in within a week. Ms. Robertson said there is a significant need in Tompkins County for a variety of living arrangements for seniors.

Mr. Proto, District No. 7 Legislator, said at the last meeting he expressed concern over the “Voice Your Choice” flyer that was sent out to residents by NYSEG without a contact phone number included. Following the meeting he had a conversation with a public relations representative of NYSEG who was unaware a number was omitted. Within a very short-time, a revised flyer was redistributed to all residents that included a phone number.

Mr. Proto reported an announcement was made at the last Water Resources Council meeting by a State representative that the State is taking an aggressive stand on reviews and upgrades of wastewater treatment plants over the next year. It was stated that there are many plants not meeting current standards. A book was distributed and placed on file in the Planning Department that is available for municipalities to review.

Mr. Proto commented on the importance of voting pointing out the recent election held in the Town of Caroline resulting in a tie vote between two (persons to become a) Town of Caroline Board members.

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Mr. Proto disclosed that he recently accepted a position with HSBC Bank.

Mr. Shinagawa, District No. 4 Legislator, reported on the Air Service Board. He said the Board met yesterday and was informed by the Airport Manager that the Airport, for the seventh month in a row, has experienced double-digit increases in the number of people flying. For the total number of passengers for the year, the numbers are back to the levels they were at in 2000. Mr. Shinagawa also reported on a web survey the Airport has conducted and said there have been over 500 responses. The consultants are reviewing these results; they hope to use this for negotiations with other airlines and marketing purposes.

#### **Report from the Chair**

Mr. Joseph did not have a report.

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

Mr. Whicher reported a new report has been posted on the NYSAC (New York State Association of Counties) website concerning the Early Intervention and Preschool Handicapped Children's Programs. He said there are some implications to Tompkins County if some of the recommendations contained in the report are adopted.

Mrs. McBean-Clairborne arrived at this time.

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

Mr. Wood reported on the Municipal Electric and Gas Alliance (MEGA) and its efforts on renewable energy. He distributed information to Legislators on the program and said Barbara Blanchard, a member of the MEGA Board, will attend the next Facilities and Infrastructure Committee meeting to provide an explanation of MEGA's efforts.

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

Mr. Squires distributed a New York State Comptroller's opinion to Legislators on elected officials and their reported work-time for retirement benefits. He said the opinion addresses the question raised of whether an elected official who is on-call 24 hours a day would be able to constitute that as a full-time workday. He said the opinion states that if an elected official is on-call, it would only count in situations where a specific service was actually being performed during that time.

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

On motion and duly seconded the following resolution(s) were added to the agenda:

Acceptance of Small Cities Grant- Homeownership VIII  
Authorization to Participate in a Copier Lease Program Based on Ontario County's Contract  
with Toshiba Business Solutions

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

Chair Joseph granted permission to the appropriate committee chair to withdraw the following resolution from the agenda:

Amending Resolution No. 217 of 1999 Pertaining to the Publishing of Assessment Data on the Internet

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

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

**RESOLUTION NO. 219 - DATE OF ORGANIZATION MEETING**

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

RESOLVED, on recommendation of the Government Operations Committee, That in accordance with Section 151 of County Law, the organization meeting of the Tompkins County Legislature shall be held in the Legislative Chambers of the Tompkins County Courthouse, Ithaca, New York on Wednesday, January 2, 2008, at 5:30 o'clock in the evening thereof.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 220 – ADOPTION OF LIST OF DESIGNATED OFFICERS AND EMPLOYEES REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM**

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

WHEREAS, State Law requires employees "who hold policy-making positions, as annually determined by" the County to fill out financial disclosure forms, and

WHEREAS, pursuant to Local Law No. 2 of 1997 and Administrative Manual Policy 01-29, Standards of Conduct, "key employees" shall be determined by separate resolution of the Tompkins County Legislature, and

WHEREAS, the list of "key employees" required to file the annual financial disclosure form has been updated, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the attached list of designated officers and employees required to fill out the annual financial disclosure form be adopted.

**SEQR ACTION:** TYPE II-20

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**FINANCIAL DISCLOSURE FORM – KEY EMPLOYEES**

<b>Title</b>	<b>Department/Division</b>
Contracts Coordinator	Administration
County Administrator	Administration
Deputy County Administrator (2)	Administration
Airport Manager	Airport
Director of Assessment	Assessment
Assistant Director-Internal Operations	Assessment
Real Property Appraiser (4)	Assessment

Valuation Specialist (2)	Assessment
Supervising Attorney	Assigned Counsel
Elections Commissioner (2)	Board of Elections
Deputy Elections Commissioner (2)	Board of Elections
Director	County Office for the Aging
County Attorney	County Attorney
County Clerk	County Clerk
Deputy County Clerk	County Clerk
District Attorney	District Attorney
Deputy District Attorney	District Attorney
Director of Services	Department of Social Services
Commissioner of Social Services	Department of Social Services
Director of Administrative Services	Department of Social Services
Director	Emergency Response
Communications Center Manager	Emergency Response
Assistant Director (2)	Emergency Response
Director	Facilities
Assistant Director	Facilities
Director	Finance
Budget and Finance Manager	Finance
Public Health Director	Health
Public Health Administrator	Health
Director of Human Rights	Human Rights
Director	Information Technology Services
Clerk	Legislature
Chief Deputy Clerk	Legislature
Legislators (15)	Legislature
Commissioner of Mental Health Services	Mental Health
Deputy Commissioner of Mental Health Services	Mental Health
Commissioner of Personnel	Personnel
Deputy Commissioner of Personnel	Personnel
Commissioner of Planning and Public Works	Planning and Public Works
Deputy Commissioner of Planning	Planning
Public Works Administrator	Public Works
Sheriff	Sheriff
Undersheriff	Sheriff
Chief Corrections Officer	Sheriff
Captain	Sheriff
Solid Waste Manager	Solid Waste
Director of Weights and Measures	Weights and Measures

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**RESOLUTION NO. 221 - AUTHORIZING ACCEPTANCE OF A TEN-YEAR MASTER GRANT AGREEMENT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO PROVIDE MATCHING GRANTS FOR PROJECTS FUNDED UNDER FEDERAL AIRPORT IMPROVEMENT PROGRAM (AIP) GRANTS OVER THE NEXT TEN YEARS, INCLUDING THE 2007 PROJECTS: REHABILITATE AIRPORT ENTRANCE ROAD; PERFORM SECURITY IMPROVEMENTS, ENGINEERING DESIGN FOR ON-AIRPORT OBSTRUCTION REMOVAL AND ENGINEERING DESIGN FOR RUNWAY 14/32 SAFETY AREA IMPROVEMENTS - ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, New York State Department Of Transportation has offered Tompkins County a ten-year grant agreement for the period of August 24, 2007 through August 23, 2017, to provide matching grants for projects funded under Federal Airport Improvement Program (AIP) grants, and

WHEREAS, the County has received a grant offer from the New York State Department of Transportation (NYSDOT) in the amount of \$40,751 to assist with the above-mentioned 2007 projects, and

WHEREAS, the budget for these projects is as follows:

FAA Share ( 95.0%)	Account No. HT 5601.44592	\$1548,544.00
NYSDOT Share( 2.5%)	Account No. HT 5601.43592	\$ 40,751.00
Local Share ( 2.5%)	Account No. HT 5601.45031	\$ 40,751.00
Total		\$1,630,046.00

, and

WHEREAS, the local share of \$40,751 has been factored into the 2007 Airport budget and will be paid for through airlines fees, and

WHEREAS, the NYSDOT share may be increased by up to fifteen percent (15%) to a maximum of \$46,864 based on approved eligible costs, and

WHEREAS, subsequent NYSDOT grant offers for the remainder of the ten-year Master Agreement will be brought before the County Legislature on an annual basis for approval, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the NYSDOT Master Agreement of August 24, 2007 through August 23, 2017, including Schedule A-1 that itemizes the 2007 projects listed above, be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

**SEQR ACTION: TYPE II-2**

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

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

<b><u>Library Board of Trustees</u></b>	<b><u>Seat</u></b>	<b><u>Term Expiration</u></b>
Michael Hall		12/31/08
Nathan Fawcett		12/31/10
Henrik Dullea		12/31/10

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**Public Information Advisory Board**

Ken Jupiter 12/31/08

**Traffic Safety Committee**

Maria Coles City of Ithaca 12/31/10

**Community Mental Health Services Board**

Gregory T. Eells 12/31/11  
John Bezirgianian 12/31/11

**MR/DD Subcommittee**

Katrina Schickel Community Member 12/31/11  
Cristine Donovan Community Member 12/31/11

**Substance Abuse Subcommittee**

John Bezirgianian CMHS Board Member 12/31/11  
Travis Marshall Community Member 12/31/10

**Office for the Aging Advisory Committee**

Carol John 12/31/10  
Leroy Wollney 12/31/10  
Terry Beckley 12/31/10  
Eleanor Porter May 12/31/10

**Mental Health Subcommittee**

Nancy Suci Community Member 12/31/11

**Personal Emergency Response Service Advisory Board**

Peter Meskill Police Agency 12/31/09  
Liz Norton Agency representing the disabled 12/31/09

**Environmental Management Council**

Martha Ferger Village of Dryden 12/31/09

**Report and Presentation of Resolution(s) from the Government Operations Committee**

Mr. Stevenson, Chairman, reported the Committee met on November 17 and discussed the publishing of Assessment data on the Internet and the Imagemate Program. He said a resolution addressing that issue was withdrawn from this evening's agenda and he does not expect the subject to return for discussion at any point in the near future.

**RESOLUTION NO. 222 - AUTHORIZING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. a OF 2007 - A LOCAL LAW AMENDING CHAPTER 32 OF THE TOMPKINS COUNTY CODE – CODE OF ETHICS**

MOVED by Mr. Stevenson, seconded by Ms. Kiefer.

Mr. Proto said there have been Legislators who have had trouble meeting the current deadline for submittal of financial disclosure forms of May 15<sup>th</sup> of each year and asked what precipitated a proposal for the date change. Ms. Kiefer said the proposed change to January 15<sup>th</sup> more closely coincides with the

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starting date for elected officials. She said when there are vacancies on Legislature seats, anyone newly appointed should file a financial disclosure form prior to taking office. For key employees, forms can be completed prior to beginning employment with the County. The other change includes a new subsection which asks all employees who need to file these forms, to file a new form if there is a significant change in their situation.

It was MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, to delete the following Section b. from the proposed Local Law:

b). A new subsection D is added to Section 32-4 which shall read as follows:

D. Within 30 days of a significant change in the information already on file, an officer or key employee shall file a revised form.

Mr. Koplinka-Loehr said he would expect filers would file a revised form without a requirement to do so being included in a local law. Several legislators agreed and said it sets up a situation to be out of compliance and an annual check on financial disclosures and conflicts of interest.

Ms. Herrera said what exists right now works and is taken seriously.

Mr. Joseph said he will support the removal of this language because it sets up a situation where it can be easy to be accidentally out of compliance and to be accused of being out of compliance because the definition is so vague. He thinks an annual check on financial situations and possible conflicts is adequate to meet the needs that are being sought.

A voice vote on the amendment resulted as follows: Ayes – 10, Noes – 4 (Legislators Kiefer, Mackesey, Shinagawa, and Stevenson); Vacancy – 1 (District No. 3). MOTION CARRIED.

It was MOVED by Mr. Proto, seconded by Mr. Hattery, to amend the date of January 15 to May 15<sup>th</sup>.

Mr. Proto asked the Clerk of the Legislature what burden would be placed upon the Legislature Office if the date were changed to January 15<sup>th</sup>. Ms. Covert, Clerk of the Legislature, stated there would be no change in the associated staff time from one date to another.

A voice vote on the motion resulted as follows: Ayes – 5 (Legislators Hattery, Herrera, Joseph, Proto, and Sigler); Noes – 9; Vacancy – 1 (District No. 3). MOTION FAILED.

A voice vote on the resolution and the changes to the proposed local law resulted as follows: Ayes- 12, Noes – 2 (Herrera and Joseph); Vacancy – 1 (District No. 3). RESOLUTION ADOPTED.

WHEREAS, certain procedural changes are advisable in order to enhance the utility of financial disclosure forms, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That a public hearing be held before the Tompkins County Legislature in Legislative Chambers of the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York, on Tuesday, December 4, 2007 at 5:30 o'clock in the evening thereof concerning proposed Local Law No. a of 2007 - A Local Law Amending Chapter 32 of the Tompkins County Code - Code of Ethics. At such time and place all persons interested in the subject matter will be heard concerning the same,

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

**SEQR ACTION:** TYPE II-20

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

**RESOLUTION NO. 223 - IN SUPPORT OF THE COUNTY-WIDE WATER AND SEWER EVALUATION**

MOVED by Ms. Robertson, seconded by Mr. Dennis.

A voice vote resulted as follows: Ayes – 12, Noes – 2 (Legislators Herrera and Koplinka-Loehr); Vacancy – 1 (District No. 3). RESOLUTION ADOTPED.

WHEREAS, the Tompkins County Economic Development Strategy’s goals include increasing and diversifying the county’s housing supply and revitalizing the county’s unique commercial districts and town centers, and

WHEREAS, the Economic Development Collaborative was organized to formalize, strengthen and deepen the cooperation among the many local agencies and municipal bodies addressing economic development issues in the County to make the process more effective through common goals and approach, and

WHEREAS, the Tompkins County Council of Governments (TCCOG) is a member of the Economic Development Collaborative, which is currently working to address the goals of the County’s Economic Development Strategy, and

WHEREAS, the Economic Development Collaborative has suggested the creation of an updated, county-wide evaluation of existing water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needs to support future planned growth to meet county housing and economic development goals, and

WHEREAS, the TCCOG supports the development of a county-wide evaluation of water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needs to support future planned growth to meet county housing and economic development goals, and

WHEREAS, Tompkins County is a member of the TCCOG, and

WHEREAS, the last county-wide evaluation of water and sewer infrastructure was completed in 1994, and

WHEREAS, an updated evaluation would facilitate the development of housing within town and village centers, commercial revitalization of those centers and growth in the tax base, with the most efficient use of public dollars for infrastructure, and

WHEREAS, staff support and oversight will be provided by Tompkins County Area Development, with the involvement of the Tompkins County Planning Department, and with timely reports to the County via the Planning Development, and Environmental Quality Committee and to TCCOG, and

WHEREAS, the New York State Shared Municipal Services Incentive Grant Program provides funding for projects that involve inter-municipal cooperation and collaboration to improve governmental efficiency, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County supports the development by an engineering consultant of a county-wide evaluation of water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needs to support future planned growth to meet county housing and economic development goals by an engineering consultant,

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RESOLVED, further, That Tompkins County pledges to work with the Engineering Consultant to ensure cooperation of its planning and engineering departments with this project,

RESOLVED, further, That the Tompkins County Legislature supports the application by Tompkins County on behalf of the TCCOG for funding from the Shared Municipal Services Incentive Grant Program, which could provide ninety percent of the cost of the study, for the county-wide evaluation of sewer and water infrastructure,

RESOLVED, further, That the County Administrator of Tompkins County or his designee will be the representative authorized to act on behalf of the Tompkins County Legislature in all matters related to this grant.

**SEQR ACTION:** TYPE II-18

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**Presentation of Resolution(s) from the Government Operations Committee (continued)**

**RESOLUTION NO. 224 - AUTHORIZATION TO PARTICIPATE IN A COPIER LEASE PROGRAM BASED ON ONTARIO COUNTY'S CONTRACT WITH TOSHIBA BUSINESS SOLUTIONS**

MOVED by Mr. Stevenson, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote.

WHEREAS, on July 18, 2007, New York State amended subdivision 3 of section 103 of the General Municipal Law to allow counties to participate in another County's contract for materials, equipment, supplies, or contract for services, and

WHEREAS, Ontario County awarded a contract to Toshiba Business Solutions on December 17, 2004, for a Copier Lease Program through December 16, 2010, and

WHEREAS, the Information Technology Services Department, the Personnel Department, and the Purchasing Division, have reviewed the information provided by Ontario County and Toshiba Business Solutions, and

WHEREAS, an informational meeting was held with the County departments that would be affected by this program to discuss the options available with the proposed Copier Lease Program, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That Tompkins County is hereby authorized to exercise the option to participate in Ontario County's bid for a Copier Lease Program,

RESOLVED, further, That the County Administrator, or his designee, be and hereby is authorized to execute required contract documents.

**SEQR ACTION:** TYPE II-20

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

Ms. Mackesey, Vice Chair, reported the Committee met on November 15th and had a long discussion on the resolution that was just adopted. The Committee was introduced to Brett Bossard, the new Executive Director of the Community Arts Partnership. Fernando DeAragon reported to the Committee on the draft Transportation Plan and also the changes that are taking place in the rural transport system. Ms. Mackesey said the Committee received a report on the County's greenhouse gas emissions inventory that started in 1998. She said the amount was calculated incorrectly in 1998 and new ways will have to be explored to meet our goal of a 20 percent reduction by the end of 2008. She also reported there was an interesting presentation and discussion on the possibility of setting up a housing trust in the County. The Committee also received a report on the Route 13 Corridor Study.

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**RESOLUTION NO. 225 - ACCEPTANCE OF SMALL CITIES GRANT – HOMEOWNERSHIP VIII**

MOVED by Ms. Mackesey, seconded by Mr. Randall, and unanimously adopted by voice vote.

WHEREAS, the County has been awarded Small Cities Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) administered by New York State for the purpose of continuing its successful existing home mortgage program for first-time homeowners, and

WHEREAS, these funds will assist nineteen families in Tompkins County to become first-time homeowners, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby accepts Small Cities CDBG funds in the amount of \$600,000,

RESOLVED, further, That the County Administrator or his designee be authorized to execute any contracts related to this project.

**SEQR ACTION: TYPE II-20**

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

Mr. Koplinka-Loehr, Chair, reported the Committee met prior to this meeting to take actions on resolutions that will be considered later in the meeting.

**RESOLUTION NO. 226 - ADOPTION OF 2008 TOMPKINS COUNTY BUDGET AND 2008-2012 TOMPKINS COUNTY CAPITAL PROGRAM**

MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne. Mr. Koplinka-Loehr said at the present point the tax levy is a 2.93% increase and the tax rate is at 1.59% increase.

**Transportation Planner**

It was MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to approve the following budget amendment:

<u>OTR #</u>	<u>Title</u>	<u>Account</u>	<u>Funding</u>	<u>Tax Levy Change</u>
092	Chief Transportation Planner	5630.51000171	(\$61,499)	-.24%
		5631.51000171	\$61,499	
		5631.44594	-\$85,483	

The Chief Transportation Planner should be 100% funded by Federal Grant and TCAT. A separate account will be developed for this program. Fringe for this position is in the centralized (9101) account.

**TCAT**

It was MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, to approve the following budget amendment:

092	Decrease funding to TCAT to match City of Ithaca's Support	5630.54400	-\$10,833	-.03%
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The City of Ithaca is supporting TCAT at 5% rather than 6% the County budgeted. The County needs to decrease their support to equal the City of Ithaca.

Ms. Herrera, member of the TCAT Board, said TCAT will make adjustments and will absorb the reduction.

Ms. Mackesey, member of the TCAT Board, said because TCAT relies on three funding sources – the County, City, and Cornell University, reductions multiply quickly when the full amount cannot be paid by one of the three partners. She stressed the need for other municipalities who are using TCAT services, to become part of the financial formula.

Mrs. McBean-Clairborne asked if the other municipalities have been contacted about joining this partnership and also if there has ever been a time when one of the partners' contributions has ever been different than the others. Mr. Joseph said that has not happened up to this point; at any point when one partner cuts back the others have followed. Ms. Herrera said it is possible for one of the partners to contribute a different amount; however, a change in the proportion of any one partner's share threatens the partnership.

Mr. Dennis said he cannot support this amendment because of the utilization of TCAT services in his district and the potential loss in services this reduction may cause.

Ms. Herrera praised Ms. Mackesey for making presentations to the Town of Ithaca and Village of Lansing boards asking them for funding support for TCAT.

Mr. Proto said over the years there have been attempts to approach Ithaca College about a financial contribution.

Mr. Koplinka-Loehr said when Joe Turcotte, TCAT General Manager, was asked what the impact of this action would be he responded TCAT would have to cut back on some of the proposed expanded services, namely park and ride and van pools.

Ms. Kiefer thanked Mrs. McBean-Clairborne for her question and Mr. Dennis for his position. She does not want to delay a park and ride addition and believes the County should not reduce its contribution.

Mr. Joseph said he will support the proposed reduction because he supports public transportation and it is important to maintain the existing 3-way partnership

A voice vote on the amendment resulted as follows: Ayes – 10; Noes – 4 (Legislators Dennis, Kiefer, Proto, and Robertson); Vacancy – 1 (District No. 3). MOTION CARRIED.

**Human Rights Department**

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the following budget amendment:

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040	Human Rights support for Copier	8040.54425	\$2,200	+ .006%
Change onetime to target funding - <i>Clerical Error</i>				

**Sheriff/Jail**

It was MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne, to approve the following budget amendment:

087	Sheriff's Office – Jail (Total \$66,956)	3150.51000406	\$48,519	+ .19%
		9101.58800	\$18,437	
Possible addition of a Corrections Officer.				

Mr. Hattery asked if this is supposed to offset overtime, and why there is such a small offset. Mr. Dennis said one position will only provide a small offset. Mr. Joseph said he does not think any number of deputies added will result in an equal reduction in overtime. He said this has become a quality-of-work-life issue; the overtime has become mandatory, and is oppressive to employees, leading to burn-out.

Ms. Robertson said this is a tough decision; however, she sees this as accepting responsibility of not expanding the Jail. The Sheriff has done an amazing job at keeping costs down and said this has a direct relationship to the transport of inmates to other facilities.

A voice vote on the motion resulted as follows: Ayes – 9 (Legislators Dennis, Joseph, Kiefer, Mackesey, McBean-Clairborne, Proto, Robertson, Shinagawa, and Stevenson); Noes – 5 ((Legislators Hattery, Herrera, Koplinka-Loehr, Randall, and Sigler); Vacancy – 1 (District No. 3). MOTION CARRIED.

Mrs. McBean-Clairborne said she expects this Legislature to face the issue of adding additional positions to the Sheriff's budget as a result of the quality of life at the Jail as a consequence of not building a new Jail. She said she hopes this Legislature will have a discussion at some point about an upgrade to the existing facility or building a new Jail to accommodate the inmates and staff. She spoke of the Capital portion of the budget and she continues to have issues with the Health Department building project as it currently exists in the budget.

Ms. Robertson agreed the issues relating to the physical condition of the Jail cannot be ignored; she noted before the County turned down the plan to build a 136-bed facility, the County was prepared to build a new 104-bed Jail but that was denied by the Commission of Correction.

Several legislators expressed their appreciation to County staff and departments with specific mention being given to Steve Whicher and Norma Jayne of County Administration.

Mr. Hattery said he supported the two percent target and the Administrator's budget. He said he did not support most of the additions or the reduction of the Fund Balance by \$140,000.

Ms. Herrera said while she would like to see the increase lower, she thinks the process this year was more fair and transparent than in the past. She spoke against the process and selection the Brown Road property for the Health Department building and said funds will be poorly spent on that location and the County will never own the property.

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Mr. Shinagawa spoke of the word “goal” and said the definition of a goal is the end toward which effort is directed. He said while he did not support the two percent goal, he said the efforts towards reaching the two percent was an effort to get the most out of County government for the lowest possible cost. Therefore, although slightly higher than the goal that was set, he believes this Legislature was successful in reaching its goal.

A roll call vote on the resolution resulted as follows: Ayes – 8 (Legislators Dennis, Joseph, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Robertson, and Shinagawa); Noes – 6 (Legislators Hattery, Herrera, Proto, Randall, Sigler, and Stevenson); Vacancy – 1 (District No. 3).  
**RESOLUTION ADOPTED.**

WHEREAS, the tentative Budget for the year 2008 and the proposed 2008-2012 Capital Program have been presented to the Legislature by the Budget Officer on September 13, 2007, and a revised tentative budget for the year 2008 and the proposed 2008 - 2012 Capital Program were adopted by the Legislature for public review on October 16, and a public hearing was held on November 13, 2008, and all persons desiring to be heard concerning same have been heard, now therefore be it

RESOLVED, on recommendation of the Budget and Capital 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 2008,

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, 2008,

RESOLVED, further, That the sum of \$35,768,597 required to meet the local share of expenses and costs of county government in Tompkins County for the fiscal year 2008 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 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 2008-2012.

**SEQR ACTION: TYPE II-21**

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Mr. Dennis, on behalf of all Legislators, presented a token of appreciation to Norma Jayne and to Mr. Koplinka-Loehr. Mr. Whicher thanked County departments for their hard work toward meeting the Legislature’s goals and noted the budget system is working well thanks to the Information Technology Services Department and Ms. Jayne.

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

Mrs. McBean-Clairborne, Chair, reported the November meeting was canceled; the next meeting will be December 21<sup>st</sup>.

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

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on November 28, 2007, in the Beverly Livesay Conference Room.

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

Mr. Shinagawa, Chair, reported the Committee has not met since the last Legislature meeting.

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Mr. Shinagawa reported on the Healthcare Consortium project and stated a meeting was held last week with there being discussion of the logistics of creating a healthcare consortium. He said under Article 47 in order to create a municipal healthcare consortium you need to have approximately 30 percent of your total paid claims for the total year built up in reserves. He noted the private sector is only required to have 11 percent. They will be looking at talking to the State and specifically asking for a change that an actuary can look at and determine an amount that would be enough to pay claims. Mr. Shinagawa said they are moving forward in a systematic manner and are gathering a great amount of information.

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

Ms. Herrera, Chair, reported the Committee met on November 13 and Mr. Marx reported that following conversations with Cornell University, the \$20 million President Skorton spoke of to be provided within the community appears to be designated as \$10 million for housing and \$10 million for Transportation Infrastructure Improvements. Previously, the County had submitted, as requested, proposals for Cornell assistance with County Highway projects that influence the Cornell campus directly.

The Committee was informed that Ken Thompson, Assistant Solid Waste Manager, will be leaving his position as he has accepted the position of Public Works Director for the Village of Groton. She said Mr. Thompson has provided great service to Tompkins County and will be missed.

The Committee reviewed administrative policies pertaining to sustainability; these policies will be forwarded to the Government Operations Committee prior to the full Legislature. Mr. Marx reported to the Committee that the County and Cornell University would be working with Ithaca Tompkins County Transportation Council (ITCTC) to develop a comprehensive proposal that Cornell University could embrace and assist with. It is hoped that the proposal will include assistance with Pine Tree Road, Ellis Hollow Road, Game Farm Road, and Turkey Hill Road; the Highway Division sees the need within the next five to ten years to invest in these roads. It is hoped that over the next several months there will be an agreement reached in principle that there will be some assistance with a variety of County projects over the next ten years. Ms. Herrera said it was noted there is no guarantee what level of assistance may be provided but it is hoped that some of these projects will be included. Forest Home is also included in the list of roads to be considered for assistance.

The next meeting will be December 11<sup>th</sup>.

### **RESOLUTION NO. 227 - AUTHORIZATION TO EXECUTE FUNDING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) – FOREST HOME DRIVE BRIDGE (BIN 3047450) OVER FALL CREEK**

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote.

WHEREAS, a Project to rehabilitate the Forest Home Drive Bridge over Fall Creek, BIN 3047450, P.I.N. 3950.41, (the Project) in the Town of Ithaca, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 75 percent Federal funds and 25 percent non-Federal funds, likely to be shared between the County and the Town, and

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WHEREAS, in order to expedite advancement of the Project and realize potential total project cost reductions, the Highway Division sought permission from the New York State Department of Transportation to administer the project locally, and

WHEREAS, the New York State Department of Transportation requires for locally administered projects that the County appropriate one hundred percent (100%) of the project costs and then file for reimbursement of eligible costs, and

WHEREAS, the County of Tompkins desires to advance the above project by making a commitment of 100 percent of the non-Federal share of the costs of Design, ROW, Construction, and Construction Inspection and Supervision, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby approves the above-subject project,

RESOLVED, further, That the Tompkins County Legislature hereby authorizes the County of Tompkins to pay in the first instance one hundred percent (100%) of the Federal and non-Federal shares of the cost of Design, ROW, Construction, and Construction Inspection and Supervision work for the subject Project or portions thereof,

RESOLVED, further, That the sum of \$1,172,000.00 is hereby made available within account HZ5103.59239.53.20, Forest Home Capital Project Account, to cover the cost of participation in the above phases of the Project,

RESOLVED, further, That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof,

RESOLVED, further, That the Tompkins County Highway Manager be and is hereby authorized to execute all necessary Agreements, certifications, and reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tompkins with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first-instance funding of Project costs and permanent funding the local share of Federal-aid and State-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible,

RESOLVED, further, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project,

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

**SEQR ACTION: TYPE II - 2**

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**RESOLUTION NO. 228 - AUTHORIZATION TO EXECUTE A CONTRACT WITH ERDMAN, ANTHONY AND ASSOCIATES, INC., FOR DESIGN SERVICES – UPSTREAM FOREST HOME DRIVE BRIDGE (BIN 3047450) OVER FALL CREEK, TOWN OF ITHACA**

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by voice vote.

WHEREAS, Resolution No. 227 of 2007 authorized an agreement with the State of New York whereby Federal sources will furnish seventy-five percent of the funding necessary for design and reconstruction of the upstream Forest Home Drive Bride over Fall Creek (BIN 3047450), and

WHEREAS, Erdman, Anthony and Associates, Inc., is qualified to provide design and construction support services for the project having designed interim repairs on the subject bridge as well s preservation of other historic bridges, and

WHEREAS, Erdman, Anthony and Associates, Inc., is one of five engineering consultants that New York State Department of Transportation (NYSDOT) and the New York State County Highway

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Superintendents Association have fully qualified and authorized for such work on Locally-Administered Federal-Aid projects in Tompkins County’s region, and

WHEREAS, County Highway Division staff has recommended Erdman, Anthony and Associates, Inc., as best qualified to provide design and construction support services for the project and NYSDOT has approved this selection, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be and hereby is authorized to execute a contract with Erdman, Anthony and Associates, Inc., of 2165 Brighton Henrietta Town Line Road, Rochester, New York, for design and construction support services in connection with the referenced project for an amount not to exceed \$210,000,

RESOLVED, further, That the Highway Division be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed five percent of the aforementioned contract amount, funds to be provided from the Upstream Forest Home Drive Bridge Reconstruction Capital Account (HZ 5103.59239.53.20).

**SEQR ACTION:** TYPE II- 2

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**RESOLUTION NO. 229 - APPROPRIATION FROM CONTINGENT FUND – ENGINEERING DESIGN FOR CONDUIT AND FIBER BETWEEN AIRPORT TERMINAL AND PUBLIC SAFETY BUILDING**

MOVED by Ms. Herrera, seconded by Ms. Kiefer. A short roll call vote resulted as follows: Ayes – 14, Noes – 0, Vacancy – 1 (District No. 3). RESOLUTION ADOPTED.

WHEREAS, the Information Technology Services Department (ITS) recognizes the need to implement a fiber optics network connection between the Airport Terminal and the Public Safety Building for the purpose of improving network performance and future flexibility, and

WHEREAS, ITS requested and has received a consultant proposal to provide engineering services in conjunction with this communication backbone connection between the Tompkins County Airport terminal and the Public Safety Building, and

WHEREAS, the Consultant will provide engineering design, generally outlining the scope of work to include performing field measurements and verifying existing conditions to include site layout and building construction types, review communication needs with Owner to develop backbone capacity, develop contract drawings and specifications detailing conduit and cable installation and terminations, and development of an estimate of probable construction cost, now therefore be it

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

FROM:	A1990.54400	Contingent Fund	\$5,200
TO:	A1680.54442	Professional Services	\$5,200

**SEQR ACTION:** TYPE II - 20

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**RESOLUTION NO. 230 - APPROPRIATION FROM CONTINGENT FUND – NETWORK ROUTER BETWEEN CORNELL UNIVERSITY AND TOMPKINS COUNTY DEPARTMENT OF EMERGENCY RESPONSE**

MOVED by Ms. Herrera, seconded by Mr. Shinagawa. A short roll call vote resulted as follows: Ayes – 14, Noes – 0, Vacancy – 1 (District No. 3). RESOLUTION ADOPTED.

WHEREAS, the Information Technology Services Department (ITS) and the Department of Emergency Response are coordinating with Cornell University to provide inter-connectivity services

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between data networks for the purposes of collaborative emergency response applications and network bandwidth allocations, and

WHEREAS, Cornell University has installed conduit and fiber optics cabling to extend their data network from Cornell’s Business Park to the Department of Emergency Response at 92 Brown Road, thereby connecting the Cornell University network with the Tompkins County network, and

WHEREAS, the County must purchase a network router to be managed by ITS in order to complete the inter-connectivity requirements that will enable collaborative emergency response and other potential mutually beneficial projects, and

WHEREAS, Synergy Global Solutions, Inc., has provided a Quotation dated August 7, 2007, under the New York State Contract #CMS915A for a network router, now therefore be it

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

FROM:	A1990.54400	Contingent Fund	\$12,010
TO:	A1680.52202	Network Components	\$12,010

**SEQR ACTION:** TYPE II - 20

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**Report from the Personnel Committee**

Mr. Dennis, Chair, reported the County Administrator Search Committee has met twice and will meet again the first week in December. He provided the following status of negotiations with bargaining units: Road Patrol – in mediation; Corrections – settled; Blue Collar – going well and continuing; White Collar – filed for impasse, the next step is mediation. The next Committee meeting will be December 12.

**Approval of Minutes of November 4, 2007**

It was MOVED by Ms. Robertson, seconded by Mr. Shinagawa, and unanimously adopted by voice vote, to approve the minutes of November 4, 2007 as submitted. MINUTES APPROVED.

**Adjournment**

On motion the meeting adjourned at 7:15 p.m.

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Respectfully submitted by Michelle Pottorff, Legislature Office