

December 2, 2008

Special Event

Prior to the meeting the choral group “Out Loud Chorus”, a community chorus that welcomes everyone performed for the Legislature.

Public Hearing – Presentation of the Energy and Greenhouse Gas Emissions Element of the County Comprehensive Plan for review and discussion

Chair Koplinka-Loehr called the public hearing to order at 5:33 p.m. concerning the Presentation of the Energy and Greenhouse Gas Emissions Element of the County Comprehensive Plan for review and discussion, and possible community development projects, and asked if anyone wished to speak.

Jon Bosak, member of TCLocal, a group that had requested the study that resulted in the draft Energy and Greenhouse Gas Emissions Element presented tonight, spoke of how his group is extremely impressed with the diligence and work done to create this element of the plan. He believes the work completed would serve as a model for other counties and thanked Mr. Marx and the Planning Department staff for their work.

Amy Risen, member of the Environmental Management Council, spoke of the advisory board being very supportive of the plan. She shared additional comments that had been made following the initial draft of the element. She spoke of the subject matter also being a concern at the State and Federal levels and requested an action item relating to communication to those governments also occur. In addition, she said the oil shortages are not a future possibility but exist now and should be noted as such.

Ms. Robertson noted the Planning, Development, and Environmental Quality Committee has provided their input regarding the element.

No one else wished to speak and the public hearing was closed at 5:36 p.m.

Call to Order

Mr. Koplinka-Loehr called the meeting to order at 5:36 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 (Ms. Kiefer arrived at 5:37 p.m.). Excused: 1 (Legislator Herrera).

Privilege of the Floor by the Public

Yvonne Dawson, Groton resident, spoke of her personal interaction with the Department of Social Services relating to custody of her grandchildren. She shared information on limited visitations that resulted from a removal by the Department and indicating she can't get any response, which has now been reversed by State representatives. Ms. Dawson would like to speak to any interested staff or Legislator regarding this matter and feels that her daughter should be compensated for expenses relating to the matter.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, provided an update on the United Way Participation Contest taking place between the City of Ithaca and Tompkins County. He would like to see more

involvement by Legislators and staff and said Ms. Moody shared information that employees have contacted her to replace lost cards. There are twelve days left in the contest and asked that Legislators all participate.

Mr. Proto, District No. 7 Legislator, reminded everyone of the December 31, 2008, deadline for the New York State Electric and Gas “Voice Your Choice” program to determine how electricity would be billed. He noted that if no notice was sent the billing would go to the default program. He then offered suggestions to the State: (1) have Tompkins County Area Development Director Michael Stamm assist in suggesting a Payment in Lieu of Taxes (PILOT) from the Seneca Native Americans to offset the loss of sales tax revenue, which would resolve the tax issue and allow continued employment of the 3,000 individuals employed by them; (2) to resolve the loss of property tax due to exemptions, amend Section 420a of the Real Property Tax Law that was proposed previously, namely to allow exemption for a specific time period and then tax a portion of the land not directly used for the tax-exempt purpose; (3) to provide for sharing of profits resulting from the sale of appreciated properties that received reduced property taxation as a result of their use (agricultural, fraternal, religious, education, etc.) giving a portion to the municipality designated to receive it. He said that although it would not be popular it would allow the municipal taxpayers a share of the profit directly relating to the exemptions.

Ms. Mackesey, District No. 1 Legislator, reported that Tompkins Consolidated Area Transit (TCAT) showed an eight-percent increase in ridership during October 2007 from October 2008, primarily on the rural routes. She spoke of the bus route covering Brooktondale to Newark Valley having grown from a van to a full-size bus that is filled daily. In addition, TCAT will now be expanding as a result of agreements with Schuyler County, having buses running in the morning and evening to these areas. This is the first time TCAT has had this type of working agreement with another county and she believes there will be more ventures such as this.

Mr. Shinagawa, District No. 4 Legislator, spoke of Senator Hillary Clinton’s selection to be Secretary of State that would require Governor Paterson to select a replacement upon confirmation. Mr. Shinagawa stressed the importance of recommending an upstate individual due to the existing high level of representation from New York City and Long Island. He believes it is important to have a representative that understands the needs of upstate New York in relation to property taxes and job creation.

Report from the Municipal Officials

Herb Engman, Town of Ithaca Supervisor, expressed his appreciation to the Legislature for providing reports on County activities to the Town Board. He spoke of a desire to provide more frequent reports to the Legislature regarding Town activities during 2009. Mr. Engman spoke of the Town being faced with budget challenges as well, however, they have included a contribution of \$50,000 to Tompkins Consolidated Area Transit (TCAT), \$20,000 to Tompkins County Public Library, and have joined Tompkins County Area Development. He indicated that the Town is looking to become a bigger municipal citizen and share financial expenses and respond to the needs of the Town. He noted it is difficult to manage the Town growth rate, which has reached a population of 20,000 compared to the city’s 30,000 and is increasing more than three times as fast as the City. Additionally, there is little commercial tax base available, which requires funding through property tax on homeowners. Mr. Engman spoke of working with the County on the Route 96 corridor study, the outcome of which is wonderful and supports the Town’s goal of fostering nodal development in an environmental and sustainable manner. The review of involving TCAT into the plan is also positive. Mr. Engman expressed his appreciation to the Planning Department for their work on the study.

Presentation – Energy and Greenhouse Gas Emissions Element

Ms. Borgella, Principle Planner, provided the Legislature with a brief presentation on the Energy and Greenhouse Gas Emissions Element of the County Comprehensive Plan that is being proposed. The work completed by the Planning Department over the course of the past year was reviewed, including how this element would link to other areas of the overall Comprehensive Plan. In addition she reviewed the timeline of the project that included multiple opportunities for input from individuals throughout the County, the eight policies outlined, and examples of supporting action items. Ms. Borgella advised the Legislature that County Planning staff would be willing to address any aspect of the plan with them if desired.

Mr. Proto inquired if the November 24th draft was the most recent and was informed it was. This draft is available to the public on the website.

Ms. Robertson noted that Leslie Schill, Planner, although unable to be present, had also worked in developing the element. It was noted that Ms. Risen's comments during the public hearing had been included in the material provided to the Planning, Development, and Environmental Quality Committee at their last meeting and had been included in the revisions reviewed.

Ms. Chock spoke of the work completed and said it is a picture-perfect model of a citizen-planning process. The deliberateness of how staff went through the process and performed the work, incorporating and responding to comments assisted in developing an improved plan as a result of citizen input. Ms. Borgella noted that this particular element has had an incredible response due to the interest.

Mr. Koplinka-Loehr said it developed bold goals and could make all proud of the result.

Ms. Gerry Jones, a thirty-five year County resident, spoke of liking the direction and the renewable emphasis of the plan, but feels it is somewhat impracticable. She spoke of the cost to implement being borne by the homeowner and asked if there has been thought to possibly offering thermostats and other items to achieve the goals through the County at a discounted cost.

Ms. Borgella explained it is a planning document that would result in feasibility studies and potential programs for the action items. The in-depth analysis would come as a result of action items outlined in the plan. She also noted there has been special recognition on the effect of energy pricing on low-income households.

Amelia Stevens of Trumansburg spoke of having a property in Ithaca as well and asked that individuals such as herself with more than one residence be included in possible revolving loan plans to achieve goals.

Ms. Robertson spoke of information received at the Planning, Development, and Environmental Quality Committee indicating the action items would be taken on one at a time and could involve other partners in the community to undertake the work. She also noted the Comprehensive Plan assists in obtaining grants as the document is used as a policy guide and provides direction for staff work plans. Ms. Robertson is looking forward to developing a package of initiatives to bring forward to Federal representatives in an effort to take advantage of potential economic stimulus packages, noting the plan will strengthen the case.

Chair's Report

Mr. Koplinka-Loehr again reported on December 18 from 3:30 to 5:30 p.m. there would be a Legislature/Department Head meeting at the Ithaca Town Hall. Following the meeting the annual Legislature/Department Head Appreciation reception would follow.

Report from the County Administrator

Mr. Mareane reported at the Legislature/Department Head meeting there would be few items on the agenda, ranging from communication patterns, performance management, to the status of the State budget and update. A draft agenda has been forwarded to department heads and would be made available to Legislators. He thanked members of the Legislature for the time taken to meet with him to discuss various topics and viewpoints, finding them valuable. Mr. Mareane reported he has almost completed his one-on-one meetings with Department Heads and has learned a great deal of how the County operates; he views it as a very well-run organization and is pleased to be a part of it.

County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires had no report

Approval of Appointment(s) Under the Consent Agenda

It was MOVED by Ms. Mackesey, seconded by Mr. Randall, and unanimously adopted by voice vote by members present, to approve the following appointments under the Consent Agenda:

Library Board of Trustees – terms expire December 31, 2011

David Weil
Marcy E. Rosenkrantz

Public Information Advisory Board – terms expire December 31, 2010

Geoff Dunn
CJ DeVecchio

Environmental Management Council – term expires December 31, 2010

Michael Miles – Town of Enfield representative

Advisory Board on Indigent Representation – term expires December 31, 2011

Lucy Gold
M. Alan Hays
Gino Bush

STOP-DWI Advisory Board – terms expire December 31, 2011

Gwen Wilkinson – District Attorney’s Office representative
Patricia Buechel – Department of Probation and Community Justice representative

Traffic Safety Committee – term expires December 31, 2011

Thomas L. Ferretti – Village Police Official representative

Emergency Communications Review and Oversight Committee – term expires December 31, 2011

Peter J. Meskill – Sheriff representative

Local Emergency Planning Committee – No set term

Geoff Dunn – Broadcast Media representative

Criminal Justice Advisory/Alternatives-to-Incarceration Board – terms expires December 31, 2011

Susan Robinson – At-large representative

Tompkins Consolidated Area Transit Board of Directors – terms expires December 31, 2011
Frank Proto – County Legislator (elected)

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Ms. Mackesey, seconded by Mr. Randall, and unanimously adopted by voice vote by members present, to approve the following resolutions under the Consent Agenda:

RESOLUTION NO. 234 – DATE OF ORGANIZATION MEETING

MOVED by Ms. Mackesey, seconded by Mr. Randall, and unanimously adopted by voice vote by members present, 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 Tuesday, January 6, 2009, at 5:30 o'clock in the evening thereof.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 235 - ENDORSEMENT OF MEMORANDUM OF UNDERSTANDING AND PLEDGE TO WORK WITH ECONOMIC DEVELOPMENT COLLABORATIVE FOR COUNTY-WIDE EVALUATION OF EXISTING WATER AND SEWER INFRASTRUCTURE

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

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 needed to support planned future growth to meet housing and economic development goals, 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, the result of this evaluation will be a report that is available for all municipalities to use in their planning of infrastructure development, but that no actual investment in water or sewer facilities is included in this project, and

WHEREAS, the County of Tompkins, on behalf of TCCOG, applied for and was awarded a grant known as Shared Municipal Services Incentive (SMSI) grant from the State of New York, to conduct a County-wide evaluation of water and sewer infrastructure and develop a conceptual plan, and

WHEREAS, the TCCOG unanimously adopted this resolution on September 25, 2008, and directed that it to be forwarded to municipalities for consideration and approval by local municipal boards, and

WHEREAS, the Tompkins County Legislature adopted Resolution No. 186 of 2008 on September 16, 2008, that authorized the acceptance of this grant in the amount of \$82,245.24 for the purpose of conducting a County-wide evaluation of water and sewer infrastructure and to develop a conceptual plan, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County, by adoption of this resolution, declares its intent to support the development of a County-wide evaluation of water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needed to support planned future growth to meet housing and economic development goals,

RESOLVED, further, That the Tompkins County pledges to work with the Economic Development Collaborative to ensure cooperation of the County's planning and engineering departments with this project, providing information and documentation requested by the consultant team, led by TG Miller, including but not limited to:

- Current rated capacity of water and wastewater treatment systems from existing SPDES (State Pollution Discharge Elimination System) permits and facility plans
- Electronic files or paper copies of maps showing current water distribution and/or sanitary sewer collection systems
- Recent studies of water and sewer facilities
- Treatment processes, mechanical, and other systems-related data
- Scheduled or anticipated system upgrades or new construction
- Historical problems and obstacles including operational difficulties, regulatory compliance, land-use restrictions, public impact and complaints, and funding
- Current population served by the utilities including number of service connections
- Anticipated population growth rate for the next ten years
- Existing or planned funding sources that may be available.

SEQR ACTION: TYPE II-18

RESOLUTION NO. 236 - APPROVING COMPLETED TAX ROLLS AND DIRECTING THE EXECUTING AND DELIVERY OF WARRANTS

MOVED by Ms. Mackesey, seconded by Mr. Randall, 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 and Capital 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

RESOLUTION NO. 237 - TOWN AND CITY BUDGETS AND PRINTING OF TAX RATES

MOVED by Ms. Mackesey, seconded by Mr. Randall, 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 and Capital 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 2008 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 2008 Proceedings of the Legislature following the budgets of the several towns and City.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 238 - AUTHORIZATION FOR DIRECTOR OF FINANCE TO MAKE YEAR-END TRANSFERS, APPROPRIATIONS, AND BUDGET ADJUSTMENTS AS REQUIRED

MOVED by Ms. Mackesey, seconded by Mr. Randall, 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 and Capital Committee, That during 2009 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

RESOLUTION NO. 239 - WORKER'S COMPENSATION BUDGET AND APPORTIONMENT - MUTUAL SELF-INSURANCE PLAN

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

WHEREAS, the Budget and Capital Committee estimates that the sum of \$2,000 will be required during the year 2009 for the payment of compensation in old and pending cases on behalf of the County

and participating municipalities under the Mutual Self-Insurance Plan and for the expenses of administering same, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That there be raised from the County and participating municipalities in 2009 the total sum of \$2,000, the same to be apportioned to the County and the participating municipalities in the proportion that their equalized valuation bears to the aggregate valuation of the County and all participating municipal corporations, as follows:

<u>Municipality</u>	<u>Taxable Full Value</u>	<u>Apportionment</u>
Caroline	183,812,434	\$29.60
Danby	233,371,313	\$37.58
Dryden	701,313,883	\$112.94
Enfield	156,299,368	\$25.17
Groton	162,489,192	\$26.17
Ithaca (Town)	864,050,743	\$139.15
Lansing (Town)	824,601,235	\$132.80
Newfield	234,360,696	\$37.74
Ulysses	309,956,917	\$49.92
Ithaca (City)	1,429,325,416	\$230.18
Dryden (Village)	105,666,428	\$17.02
Freeville (Village)	23,196,009	\$3.74
Trumansburg (Village)	110,114,064	\$17.73
Lansing (Village)	418,419,811	\$67.40
Groton (Village)	77,538,297	\$12.49
Cayuga Heights (Village)	374,887,350	\$60.37
County of Tompkins	<u>6,209,475,156</u>	<u>\$1,000.00</u>
Total	\$12,418,950,312	\$2,000.00

SEQR ACTION: TYPE II-20

RESOLUTION NO. 240 - AUTHORIZING PAYMENTS FOR COMMUNITY COLLEGE OPERATING BUDGET

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

WHEREAS, this Legislature has heretofore and by resolution approved the 2008-2009 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 and Capital 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 2008-2009 on the following dates in the following amounts:

January 1, 2009	\$ 640,303
March 1, 2009	\$ 640,303

May 1, 2009	\$ 640,303
July 1, 2009	\$ 640,302
Total:	\$2,561,211

SEQR ACTION: TYPE II-20

RESOLUTION NO. 241 - DELEGATING TO THE FINANCE DIRECTOR OF THE COUNTY OF TOMPKINS, NEW YORK, THE POWER TO AUTHORIZE THE ISSUANCE OF AND TO SELL \$8,000,000 REVENUE ANTICIPATION NOTES OF SAID COUNTY IN ANTICIPATION OF RECEIPT OF STATE AID DURING THE FISCAL YEAR OF SAID COUNTY COMMENCING JANUARY 1, 2009

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

WHEREAS, it is prudent to allow for the possible issuance of revenue anticipation notes should there be a cash-flow problem resulting from delays in State Aid during 2009, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, by the Legislature of the County of Tompkins, New York as follows:

Section 1. The power to authorize the issuance of and to sell \$8,000,000 revenue anticipation notes of the County of Tompkins, New York, including renewals thereof, in anticipation of the receipt of State Aid due said County during the fiscal year of said County commencing January 1, 2009, is hereby delegated to the Finance Director, the chief fiscal officer of such County. Such notes shall be of such terms, form, and contents, and shall be sold in such manner as may be determined by the Finance Director, consistent with the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 242 - AUTHORIZING THE FILING OF AN APPLICATION TO NEW YORK STATE FOR THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

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

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, Tompkins County has examined and duly considered the applicable laws of the State of New York and deems it to be in the public interest and benefit to file an application under these laws, and

WHEREAS, it is necessary that a Contract by and between the State of New York and Tompkins County be executed for such aid, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the filing of an application in the form required by the State of New York in conformity with the assurances contained in said application is hereby authorized,

RESOLVED, further, That the Tompkins County Solid Waste Manager or her designee is directed and authorized as the official representative of Tompkins County to act in connection with the

application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State,

RESOLVED, further, That Tompkins County agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs,

RESOLVED, further, That five (5) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation (NYSDEC) together with a complete application,

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

SEQR ACTION: TYPE II - 20

RESOLUTION NO. 243 - AUTHORIZING ACCEPTANCE OF SUPPLEMENTAL GRANT AGREEMENT (NO. 1 - SCHEDULE A-2) TO THE 10-YEAR MASTER AGREEMENT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO CONSTRUCT RUNWAY 14/32 SAFETY AREA IMPROVEMENTS, TO COMPLETE OBSTRUCTION CLEARANCE, AND TO CONSTRUCT THE PARALLEL TAXIWAY RELOCATION (PHASE III) – ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, the County has received a grant offer from the New York State Department of Transportation (NYSDOT) in the amount of \$200,559 to assist with the above-mentioned projects, and

WHEREAS, the budget for this project is as follows:

FAA Share	(95.0%)	Account No. HT 5601.44592	\$7,621,250.00
NYSDOT Share	(2.5%)	Account No. HT 5601.43592	\$ 200,559.00
Local Share	(2.5%)	Account No. HT 5601.45031	\$ 200,559.00
Total			\$8,022,368.00

, and

WHEREAS, the local share of \$200,559 has been factored into the 2008 Airport budget and will be paid for through airlines fees, and

WHEREAS, in the event of project increases, the NYSDOT share may be increased by up to fifteen percent (15%) to a maximum of \$230,643 based on approved eligible costs, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the NYSDOT Supplemental Grant Agreement (No. 1 - Schedule A-2) be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

SEQR ACTION: TYPE II-2

RESOLUTION NO. 244 - AUTHORIZING ACCEPTANCE OF SUPPLEMENTAL GRANT AGREEMENT (NO. 1 - SCHEDULE A-3) TO THE 10-YEAR MASTER AGREEMENT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) TO DEMOLISH HANGAR TO ALLOW FOR APRON EXPANSION - ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, the County has received a grant offer from the New York State Department of Transportation (NYSDOT) in the amount of \$6,579 to assist with the above-mentioned project, and

WHEREAS, the budget for this project is as follows:

FAA Share	(95.0%)	Account No. HT 5601.44592	\$250,000.00
NYSDOT Share	(2.5%)	Account No. HT 5601.43592	\$ 6,579.00
Local Share	(2.5%)	Account No. HT 5601.45031	\$ 6,579.00
Total			\$263,158.00

, and

WHEREAS, the local share of \$6,579 has been factored into the 2008 Airport budget and will be paid for through airport fees, and

WHEREAS, in the event of project increases, the NYSDOT share may be increased by up to fifteen percent (15%) to a maximum of \$7,566 based on approved eligible costs, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the NYSDOT Supplemental Grant Agreement (No. 1 - Schedule A-3) be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

SEQR ACTION: TYPE II-2

RESOLUTION NO. 245 - AUTHORIZATION TO EXECUTE SUPPLEMENTARY RIGHT-OF-WAY FUNDING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION – HANSHAW ROAD RECONSTRUCTION, PIN 3753.25

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

WHEREAS, a Project to reconstruct Hanshaw Road in the Town of Ithaca between Pleasant Grove Road and Sapsucker Woods Road, P.I.N. 3753.25, (the Project), 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 eighty percent Federal funds and twenty percent non-Federal funds, and

WHEREAS, Resolution No. 9 adopted on January 18, 2005, approved the Project and authorized execution of an agreement with the New York State Department of Transportation regarding administration and funding of Scoping, Design (Phases I-VI), and Right-of-Way Incidentals, and

WHEREAS, Resolution No. 167 adopted on September 4, 2007, authorized issuance of Design and Right-of-Way Plan approvals for the Project, and

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 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 one hundred percent of the non-Federal share of the costs of Design and Right-of-Way Acquisition, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby approves the above-subject Project and authorizes the County of Tompkins to pay in the first instance one hundred percent of the Federal and non-Federal share of the costs of Design and Right-of-Way Acquisition work for the subject Project or portions thereof,

RESOLVED, further, That the sum of \$390,000 is hereby made available within account HZ5103.59239.53.10, Hanshaw 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 from 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: Unlisted
Negative Declaration Issued
(No further action required)

**RESOLUTION NO. 247 - AUTHORIZATION FOR PROGRAM RECONFIGURATION –
RECORDS AND CENTRAL SERVICES**

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

WHEREAS, the Records Management budget and program oversight was transferred from County Administration to the Personnel Department in 2003, and

WHEREAS, Article 18, Chapter 18.03, of the Tompkins County Charter places the responsibility over Records Management with the County Clerk, and

WHEREAS, it is anticipated that the Legislature, through the 20-year Capital Budget, will establish a multi-jurisdictional records center, and

WHEREAS, it is appropriate that current electronic data-management system efforts in the County Clerk's Office be fully integrated in planning of the records center, and

WHEREAS, Central Services is a program within the Personnel Department and works in conjunction with the Records Management Program, and

WHEREAS, greater efficiencies have resulted by coordinating these work efforts, now therefore be it

RESOLVED, on recommendation of the Human Resources, the Government Operations and the Budget and Capital Committees, That effective January 1, 2009, the Records Management Program and the Central Services Program shall be transferred from County Personnel to the County Clerk's Office,

RESOLVED, further, That the Tompkins County Personnel Department's fiscal target shall be reduced by \$56,046 (\$20,353 for Records Management and \$35,693 for Central Services) with a commensurate increase in the County Clerk's Fiscal Target.

SEQR ACTION: TYPE II-20

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

Mr. Stevenson, Chair, reported the Committee met on November 21st and received a report from the Sheriff regarding an employee survey. Mr. Shurtleff, Emergency Response Director, provided the

Committee with an update on the demobilization of the old radio system. The Committee was provided information on various types of electronic monitoring devices that are available to probation departments. Mr. Stevenson stated a task force, consisting of an individual from the Bar Association, two Public Safety Committee members, and four Advisory Board on Indigent Representation members, was created to study the subject of assigned counsel versus public defender. Mr. Proto inquired if there was a charge made to the task force; Mr. Stevenson replied there was and he would provide a copy to Mr. Proto.

RESOLUTION NO. 248 - AUTHORIZATION TO PROCEED WITH GOVERNANCE STRUCTURE FOR MULTI-JURISDICTIONAL DATA SHARING AMONG COUNTY LAW-ENFORCEMENT AGENCIES INCLUDING LAW-ENFORCEMENT TECHNOLOGY SHARED SERVICES (LETSS) GROUP

MOVED by Mr. Stevenson, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Information Technology Services Department (ITS) has provided for the centralization of criminal-justice information sharing and the hosting of digital law-enforcement records for Tompkins County Sheriff's Office, City of Ithaca Police Department, Village of Cayuga Heights Police Department, Village of Dryden Police Department, Village of Groton Police Department, and Village of Trumansburg Police Department since May 2003, and

WHEREAS, in 2002 criminal-justice data sharing was partially accomplished through the creation and operation of the Criminal Justice Data Communications System (CJDACS), intended to increase communication and collaboration among criminal-justice agencies within Tompkins County, and

WHEREAS, Tompkins County Administration recently coordinated two technical assistance workshops with the Center for Technology in Government (CTG at SUNY Albany) with participation by the above-mentioned agencies and other criminal-justice/public-safety service providers, for the purpose of evaluating law-enforcement shared services and data collaboration efforts in Tompkins County, and

WHEREAS, the result of the law enforcement-focused technical-assistance workshop was a defined need and mutual commitment to proceed with the development of a governance structure that is intended to formalize collective decision making, identify and secure necessary resources, define policy and procedures, and consider integration for future criminal-justice information-management projects and needs between the above-named agencies, and

WHEREAS, the above-named agencies have entered into annual data Use & Dissemination Agreements, collaborated on numerous projects, and have been meeting on a regular basis as an unofficial group known as Law Enforcement Technology Shared Services (LETSS) with tangible results of their efforts with County Departmental oversight and resources provided by ITS, and

WHEREAS, the Tompkins County Administrator, along with additional expertise with background in this field if needed, shall be available to help advise LETSS and further could help develop a model for future Criminal Justice data-sharing collaborative efforts throughout Tompkins County, and

WHEREAS, a LETSS governance structure, reporting to the Tompkins County Public Safety Committee, will formalize and continue the foundation of inter-agency collaboration and define the level of Tompkins County ITS resources dedicated to the project, and define the bylaws for the group, including a detailed description of a program funding structure, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the LETSS group, with assistance from ITS, and in collaboration with other criminal justice agencies and the Tompkins County Administrator, shall develop and present a governance structure to the Public Safety Committee for review no later than eight months from the date of this resolution.

SEQR ACTION: TYPE 11-20

RESOLUTION NO. 249 - BUDGET TRANSFER – SHERIFF

MOVED by Mr. Stevenson, seconded by Mr. Hattery. Mr. Stevenson noted he removed the resolution from the consent agenda to state the Finance Director informed him that although it did not go through the Budget and Capital Committee it would be acceptable to bring forward to the entire Legislature for a vote.

A voice vote on the motion resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, transfers from Personnel lines require Legislative approval, pursuant to the Finance Director, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Director of Finance be directed to make the following budget transfer on his books:

Sheriff's Office

From Acct	Title	Amt	To Acct	Title(s)
3113.51000	Payroll/Regular Pay	\$18,000	3113.54442	Professional Services
3113.51000	Payroll/Regular Pay	\$25,000	3113.52231	Vehicle

Explanation: County Share of Live Scan Grant. Replace ailing car.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 250 - APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – DEPARTMENT OF EMERGENCY RESPONSE

MOVED by Mr. Stevenson, seconded by Ms. Robertson, and unanimously adopted by short roll call vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Department of Emergency Response had two Emergency Services Dispatchers retire effective January and September and one Emergency Services Dispatcher resign effective October 2008, 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 Public Safety and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$10,826
TO:	A3410.51000551	Emergency Services Dispatcher	\$7,960
	A3410.58800	Fringes	\$2,866

SEQR ACTION: TYPE II-20

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

Mr. Hattery, Chair, reported the Committee has not met.

RESOLUTION NO. 251 - SETTING THE INCOME LIMITS FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES AND PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER REAL PROPERTY TAX EXEMPTION

MOVED by Mr. Hattery, seconded by Mr. Stevenson. A voice vote resulted as follows: Ayes – 13; Noes – 1 (Legislator Kiefer); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, the County Legislature desires to increase the income limits for the Persons with Disabilities and Limited Incomes Real Property Tax Exemption, and

WHEREAS, the County Legislature desires to increase the income limits for the Persons Sixty-Five Years of Age or Older Real Property Tax Exemption, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That M as used in County Code Sections 150-2(A) and 150-38(A) shall be set at \$28,000.

SEQR ACTION: TYPE II-20

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

Ms. Robertson, Chair, reported the Committee has not had a regular meeting since the last Legislature meeting; it met briefly prior to this meeting to take action on an appointment and the resolutions presented. The Committee meets next on December 11th.

RESOLUTION NO. 252 - TOMPKINS COUNTY COMMENT ON NYSDEC DRAFT SCOPE FOR DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (dSGEIS) ON THE OIL, GAS, AND SOLUTION MINING REGULATORY PROGRAM FOR THE MARCELLUS SHALE

MOVED by Ms. Robertson, seconded by Mr. Proto. Ms. Robertson spoke of Ms. Kiefer's and Ms. Chock's assistance in preparing the resolution, noting it was prepared subsequent to informational meetings regarding the subject.

Mr. Sigler said he was prepared to vote on the resolution, however, he is not comfortable supporting it due to the inclusion of the resolved indicating support of Federal bill H.R.7231. He expressed his belief that it is not appropriate for the County to recommend regulatory matters on a Federal level. If that particular portion were removed he could support the resolution.

It was MOVED by Mr. Sigler, seconded by Mr. Hattery, to removed the resolved indicating support of H.R.7231. Ms. Kiefer said the reason for supporting the reference to the Federal bill's inclusion is that it does what the resolution is intended to do; since 2005 the hydraulic-fracking has been exempted from the Safe Drinking Water Act. To remove that exemption and require scrutiny seemed consistent with the intent of this resolution. Ms. Robertson spoke of the exemption having been in place within the Energy Policy Act for three years and it is time to amend it as it is relevant to the whole issue. Mr. Sigler said New York State laws regulate safe drinking water and to support a bill affecting the entire nation is not appropriate.

Ms. Chock inquired whether the portion of the resolution relating to Federal H.R.7231 could be separated. Mr. Wood noted it could be done, however, it would then require ten votes to add the new resolution to the agenda. It was then noted that due to H.R.7231 having been recently introduced, there would be adequate time to bring the matter forward at a later date.

A voice vote on the amendment resulted as follows: Ayes – 5 (Legislators Chock, Hattery, Randall, Proto, and Sigler); Noes – 9 (Legislators Burbank, Dennis, Kiefer, Koplinka-Loehr, Mackesey,

McBean-Clairborne, Robertson, Shinagawa, and Stevenson); Excused – 1 (Legislator Herrera).
AMENDMENT FAILED.

Ms. Chock thanked Ms. Robertson for preparing the resolution, noting she was appalled at the short amount of time provided by the State to register comments, particularly when the leasing companies have had a much longer time to lease properties from landowners.

Mr. Proto disclosed that he has a signed lease on his property; it was not found to be a conflict of interest.

Ms. Kiefer expressed appreciation for Ms. Robertson's work on the resolution and stated the public would have an opportunity to weigh in on the actual regulation. This resolution is a comment on the scope of the supplemental environmental impact statement. Once the scope of work is completed, the regulations would be developed and a public comment period would be allowed.

Mr. Shinagawa said he attended a meeting with representatives of the Attorney General, which spoke of the need for the individual to protect themselves regarding the drilling. He said due to the size of the leasing companies it is a difficult task as the landowners do not have the resources or legal advice as readily available. He appreciates the fact that the State and County are expressing a need for regulation.

Mr. Sigler stated he would support the resolution since the other items within the resolution are important to residents.

Ms. Robertson spoke of the importance of commenting on the scoping document as it is an integral piece when creating regulations.

A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, compared to other fossil fuels, natural gas is a relatively clean, relatively low-impact source of energy that could replace the use of coal and other fuels that emit more greenhouse gases in a transition to a more sustainable energy future, and

WHEREAS, there has been gas drilling in New York State for more than 100 years in deposits that can be recovered by conventional means, but recent advancements in technology and increases in the price of energy have now made the extensive natural gas reserve in the Marcellus Shale potentially recoverable, and

WHEREAS, gas production from the Marcellus Shale is expected to be done using horizontal hydraulic fracturing ("fracking"), a technique that requires pressurized injection of millions of gallons of water containing certain proprietary chemicals into the underground shale to release the gas, but the sweeping 2005 Energy Policy Act exempted hydro-fracking from monitoring and regulation under the Safe Drinking Water Act, and

WHEREAS, if done in an environmentally responsible manner, development of the gas resources of Upstate New York could be of great economic benefit to landowners, municipalities, and New York State, and

WHEREAS, during the summer of 2008, Governor Paterson directed the New York State Department of Environmental Conservation (NYSDEC) to supplement the existing 1992 Generic Environmental Impact Statement governing drilling to specifically address the specific techniques used to tap the natural gas in the Marcellus Shale, and

WHEREAS, on October 6, 2008, the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation, released the *Draft Scope for Draft Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for*

Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs, and

WHEREAS, the deadline for public comment on the scoping document of the Draft Supplemental GEIS (dSGEIS) is December 15, 2008, and

WHEREAS, Tompkins County and its municipalities have a responsibility to preserve and protect our natural resources, water resources, highway infrastructure, and quality of life for our residents, and

WHEREAS, New York State law clearly places land-use authority in the hands of its towns, villages, and cities, and

WHEREAS, the Tompkins County Planning Department and the Legislature's advisory boards are reviewing and preparing comments on the draft scope that will be submitted to NYSDEC separately, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature urges the New York State Department of Environmental Conservation to consider the following issues in its dSGEIS:

1. *The Scoping Document refers to NYSDEC's consideration of impacts on groundwater and surface water. We applaud NYSDEC for addressing these impacts and we emphasize the following concerns:* (a) surface water going into the deep shale forever or otherwise permanently being taken out of the water cycle, just as limited water resources are becoming a bigger issue worldwide, (b) surface water becoming more saline over time as the high-salinity water from the shales are added to our surface waters, (c) capacity limits of local wastewater treatment plants to handle the amount of salty and contaminated water (including total dissolved solids) proposed to be sent to them, and (d) disposal of produced water, and methods of dealing with the radioactivity and heavy metals in the formation water;
2. Section 4.1.1 (Noise Impacts) of the Scoping document identifies the need to mitigate some noise impacts. The dSGEIS should identify limits on noise allowed during drilling, pumping, and compression, as well as traffic of trucks and other heavy equipment, including hours of operation, particularly within proximity to homes, schools, hospitals, and other sensitive sites;
3. Section 4.2.3.3 (Erosion and Sediment Control) of the Scoping Document should address compliance with Stormwater Pollution Prevention Regulations, particularly in MS4 areas, for drilling sites, compression sites, and pipelines all of which should be governed by the same regulations at least as stringent as those required for other construction sites;
4. Section 4.7 (Cumulative Impacts) mentions that "water withdrawals are addressed by the Susquehanna and Delaware River Basin Commissions." However, some water withdrawals may occur within the Great Lakes Basin. A process for review of water withdrawals in the Great Lakes Basin should be established and should be as stringent as the review process for the Susquehanna River Basin Commission (SRBC). Specifically, review of water withdrawals must evaluate the cumulative amount of water intended to be used;
5. Section 4.7 (Cumulative Impacts) of the Scoping Document discusses cumulative surface disturbance impacts only in relation to individual sites. The dSGEIS should also address the cumulative impacts of drilling sites, compression sites, pipelines, and roads, on the fragmentation of the landscape, forests, and natural habitat, for the region as a whole, and over time (expected to last decades).

RESOLVED, further, That the Tompkins County Legislature urges the NYSDEC to consider the following additional factors when reviewing its regulatory program:

1. All relevant divisions of NYSDEC and other State agencies should be involved in evaluating the dSGEIS and writing the resulting regulations, including but not limited to the NYSDEC Divisions or Offices of Mineral Resources; Water Resources; Air Resources, Climate Change, and Energy; and Solid and Hazardous Materials;
2. All chemicals introduced into wells must be identified and the information shared with the public before use of such chemicals is permitted;
3. NYSDEC must regulate use of fracking chemicals, disposal of produced water, and methods of dealing with heavy metals in the formation water. These regulations must be reviewed annually, and

revised if necessary, to ensure that they are kept up to date with the most current research and practice;

4. Well drillers should (a) be required to test wells at an appropriate distance from drill pads to ensure water quality, before, during, and after drilling, and (b) be required to go beyond the basic water testing and test for the chemicals they plan on using in the water for hydraulic fracturing of the shale as well as elements or compounds that could be brought to the surface from formation water;
5. NYSDEC should regulate traffic of trucks and other heavy equipment, including hours of operation, without precluding local regulation of local roads;
6. NYSDEC regulations must be available for public comment before going into effect;
7. NYSDEC should realistically calculate how many inspectors will be needed to adequately oversee all subject operations and request adequate funding or impose adequate fees on drilling companies before permitting is allowed to proceed; and
8. Local fire departments will need to have the capability to respond to accidents and spills; gas companies should be required to provide necessary training and resources.

RESOLVED, further, That since the burdens that will be placed on local communities' infrastructure and natural resources by extensive gas drilling will be borne by local governments, they should have the ability to tax such operations through an ad valorem tax on the value of the gas produced, or other taxing mechanism,

RESOLVED, further, That the Tompkins County Legislature urges the New York State Legislature to support H.R. 7231, a bill intended to repeal the exemption for hydraulic fracturing in the Safe Drinking Water Act,

RESOLVED, further, That, since adequate regulation and oversight by New York State Department of Conservation will cost significant State funds, New York State should enact a severance tax on gas drilling companies to pay the costs of such regulation and oversight,

RESOLVED, further, That a copy of this resolution shall be sent to Governor Paterson, Senators Skelos, Malcolm Smith, Winner, Seward, and Nozzolio, Speaker Silver, Assemblywoman Lifton, Chair of Senate Committee on Environmental Conservation Marcellino, Chair of Assembly Committee on Environmental Conservation Sweeney, Attorney General Cuomo, Representatives DeGette, Salazar, and Hinchey, New York State Association of Counties, and Town Supervisors and Clerks.

SEQR ACTION: TYPE II-20

Mr. Proto spoke of having seen a legal notice with regard to the New York State Department of Environmental Conservation (NYSDEC) District 7's intent to draft comments to revise the regulations for Memorandums of Understanding and other items pertaining to streams and what they might require under permits. He has a copy of the comments from the Syracuse office of NYSDEC and he had copies forwarded to various departments. He urges individuals who are interested to read the documents as it could affect work being done by the county, and in particular, the Water Resources Council.

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

Mr. Shinagawa, Chair, reported the Committee met November 24th and held a discussion regarding room tax and the possible utilization of a portion of the funds collected toward economic development. This discussion has occurred previously and at present is led by Mr. Hattery. It appears that if an amendment to policy were recommended it would require an amendment to State law. It is expected further discussion would occur prior to any request to amend the law. The Committee also discussed the additional one percent sales tax and the possibility of exempting the tax on clothing and shoes that cost under \$110; a request has been made to the Finance Director to provide information on the potential impact of initiating the exemption.

Ms. Kiefer said the last time the sales tax exemption on shoes clothing was considered, the State had indicated that if the County chose to make permanent the exemption, any increase in the monetary

amount designated by the State would have to be accepted by the County as well. She asked that a review of this requirement be included when reviewing the matter.

Mr. Proto asked if the room tax discussions would extend beyond use in economic development and was told there is not interest in doing so at this time.

RESOLUTION NO. 253 - AUTHORIZATION TO SIGN DRAFTS – COUNTY ADMINISTRATOR

MOVED by Mr. Shinagawa, seconded by Mr. Hattery. Ms. Kiefer said the resolution was amended to indicate the extent of the authority to sign drafts. She explained the second resolved deals with departments who assist clients with their funds.

A voice vote resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera).
RESOLUTION ADOPTED.

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 and Capital Committee, That during 2009 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

RESOLUTION NO. 254 – CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO END THE PRACTICE OF PASSING COSTS FOR STATE PROGRAMS TO LOCAL AND COUNTY GOVERNMENTS

MOVED by Mr. Shinagawa, seconded by Ms. Robertson. It was noted by Mr. Shinagawa this is the same resolution passed by the Tompkins County Council of Governments and reiterates statements made to the State Legislature regarding cost shifting.

A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, the financial-services sector is a significant component of New York State's economy, contributing 20% of all tax revenues received by New York State, and

WHEREAS, there has been a significant contraction within the financial-services sector over the past six months as the result of various events in the credit market and which has contributed to a general economic slowdown in the nation and throughout the world, and

WHEREAS, the State of New York has suffered a significant fiscal impact as the result of both the specific matter of the contraction of the financial-services sector and the general national economies, and

WHEREAS, the State of New York has projected a budget gap of up to \$2.5 billion in 2008-09 and \$12.5 billion in 2009-10, and

WHEREAS, the Tompkins County Legislature supports aggressive action to address the fiscal challenges facing the State, and

WHEREAS, the Tompkins County Legislature is concerned that proposals may arise during the State budget debate that would not represent sustainable spending reductions, but would instead simply

shift costs associated with mandated services from the State to local governments, causing local governments to either raise property taxes or reduce essential local services, and

WHEREAS, the Tompkins County Legislature believes the local property-tax burden throughout New York State is already the highest in the nation largely because of the proliferation of unfunded mandates and the similar burden shifts and cost allocations that have been made over the course of time by New York State, and

WHEREAS, the Tompkins County Legislature believes further cost shifting resulting in higher local property taxes will result in hardship for homeowners on fixed and moderate incomes, deter economic development, and contribute to financial stresses that have already resulted in growing numbers of tax and mortgage foreclosures, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Tompkins County Legislature hereby opposes any plan that would result in a shift from the State to local government of any costs associated with programs mandated by the State,

RESOLVED, further, That the Tompkins County Legislature calls upon Governor David Paterson and the members of the New York State Legislature to refrain from any action that would result in such shifts of cost from the State to local governments.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 255 - REQUEST FOR AUTHORIZATION TO EXTEND THE
ADDITIONAL ONE PERCENT LOCAL SALES TAX RATE IN
TOMPKINS COUNTY**

MOVED by Mr. Shinagawa, seconded by Mr. Dennis. A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Randall); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

Mr. Shinagawa noted without the additional one percent local sales tax the Legislature would require a twenty-seven percent increase in property taxes to meet budget requirements.

WHEREAS, this Legislature in 1991, 1992, 1994, 1996, 1998, 2001, 2003, 2005, and 2007 requested and received authorization from the State of New York to enact an additional one percent local sales tax in Tompkins County in addition to the three percent authorization that all New York State Counties possess by law, and

WHEREAS, the current authorization received in 2007 expires November 30, 2009, and

WHEREAS, this Legislature has been requested by the offices of Assemblyperson Lifton and Senator Seward to forward any request for an extension of this authority when legislation can be timely prepared and submitted at the beginning of a session of the State legislature, and

WHEREAS, the expiration of the additional one percent local sales tax would necessitate, (1) \$9,800,000 in reductions in County expenditures, creating a major impact on the availability of services, or a 27 percent increase in County property tax rates, or some combination thereof, as well as (2) substantial spending reductions or tax increases for the City, towns, and villages of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That this Legislature requests that Assemblyperson Lifton, Senator Seward, Senator Nozzolio, and Senator Winner sponsor and support legislation extending the authority of the Tompkins County Legislature to extend the additional one percent local sales tax in Tompkins County beyond November 30, 2009, based on the same terms and conditions included in previous legislation, to provide local property-tax relief.

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee would meet on December 17th and discuss 2009 goals.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee would meet December 3rd. At that time information would be provided regarding the dental case management program. He spoke of an editorial piece speaking of the importance of human service and not-for-profit agencies and believed it would be useful to possibly include an element relating to human services within the comprehensive plan. The Human Services Coalition is developing a survey of the approximately 420 not-for-profit agencies/businesses. Mr. Proto spoke of the importance of knowing what the impact of reducing support to these agencies would be to the County.

Ms. Robertson asked if it is known whether the Medicare Part D is now requiring individuals to again designate their preferred carrier. Mr. Proto did not know and would inquire at the next meeting.

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

Mrs. McBean-Clairborne reported the Committee met on November 20th and acted on most items seen on the agenda. She wanted to state for the record that Mr. Bernard Hutchins had provided the Committee with his comments objecting to various aspects of the Hanshaw Road project. Mr. Marren of LaBella Associates provided the Committee with information and reported the construction bid for the new Health Department building has been sent out. He also provided updates of the estimated cost of the project based on work to date and the present market. As a result of the increased material expenses it may be necessary to delay some more cosmetic features of the building to a later date; however, it appears there would be a wonderful facility for use by staff and residents. Mrs. McBean-Clairborne also expressed appreciation to Mr. Larry Chace of Etna coming to the Committee to speak about concerns relating to the airport obstruction and construction projects, particularly truck noise occurring in the early morning hours. Mr. Chace expressed appreciation to Mr. Nicholas, Airport Manager, for listening to concerns and assisting to alleviate the problems as much as possible.

Due to a conflict with the December 18th Department Head/Legislature meeting, the Committee would only meet if needed prior to the December 16th Legislature meeting.

RESOLUTION NO. 256 - AUTHORIZE GRANTING OF EASEMENTS TO NEW YORK STATE ELECTRIC AND GAS CORPORATION

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Randall. Mr. Proto expressed concern that the resolution should be amended to provide for a five-year renewal of the easement, and inquired whether the payment for the permanent easement was an annual payment or one-time. He was informed it is a one-time payment. Mr. Proto stated his opinion that having a one-time payment was not fair to municipalities and expressed a desire to postpone action to provide further review of the matter. He also inquired why Ms. Kiefer and Ms. Chock had not voted in favor of the resolution at Committee. Ms. Kiefer explained the reason was that no map was provided at the meeting indicating any potential concerns such as size of the easement, whether wetlands were on the property, what type of weed control would be used, etc. Subsequent to the meeting she was informed the agreement does not allow for chemical use or burning on the site. As a result of information, Ms. Kiefer does not oppose the resolution. Ms. Chock indicated she had required additional information on the property location prior to supporting the resolution. Mr. Wood provided a description of the location and area involved by the easement. Ms. Robertson asked more about the requirement of no chemicals or burning; Mr. Wood said

those are normally included in New York State Electric and Gas Corporation easements but the municipalities would not allow that form of weed control.

A voice vote on the resolution resulted as follows: Ayes – 11; Noes – 3 (Legislators Burbank, Chock, and Proto); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, Tompkins County jointly owns certain property with the Town of Dryden and the Village of Dryden (Town of Dryden tax parcel no. 48.-1-73.1) for flood-control purposes, and

WHEREAS, New York State Electric and Gas Corporation (“NYSEG”) has requested a temporary easement for a 2.5 year duration to improve electric transmission lines, and

WHEREAS, NYSEG has request a permanent easement for the transmission lines to cross over the parcel, and

WHEREAS, NYSEG has agreed to pay \$900 for the temporary easement and \$300 for the permanent easement (to be split among the three municipalities), and

WHEREAS, both the Town of Dryden and the Village of Dryden have already executed the easements, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee is authorized to execute easements with NYSEG for both the temporary and the permanent easement.

SEQR ACTION: TYPE II-20

Report and Presentation of Resolution(s) from the Human Resources Committee

Mr. Dennis, Chair, reported the Committee would meet on December 4th, at which time they would have a report on performance review of direct-report staff. He noted it is nearing the time to have a workshop for all to learn how to implement the newly crafted document.

RESOLUTION NO. 257 - APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – PERSONNEL DEPARTMENT

MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne, and unanimously adopted by a short roll call vote by members present, to adopt the following resolution. RESOLUTION ADOPTED.

WHEREAS, the last day of service for the Mail and Records Clerk in the Personnel Department was September 5, 2008, 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 Human Resources and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2008:

FROM:	A1990.54400	Contingent Fund	\$7,841
TO:	A1460.51000789	Mail and Records Clerk	\$7,841

SEQR ACTION: TYPE II-20

Report from Government Operations Committee (continued)

Mr. Hattery reported there has been information regarding the schedule of setting income limits for exemptions from real property taxes. Not all municipalities are participating in the exemptions; if anyone has interest they could contact the local municipalities.

Foreclosure Clarification

In response to a question from Mrs. McBean-Clairborne regarding installments for taxes, Mr. Squires stated if qualified, an individual can continue to pay agreed-upon installment payments for back taxes past the January 9th deadline. If a person had an interest in doing so they would need to contact him.

Expression of Appreciation

Mr. Randall expressed his appreciation to the Legislature and staff for their understanding of his absences due to an injury earlier in the year. He notified the Legislature he would be having corrective surgery and requested to be excused for the majority of December.

Approval of Minutes

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of the November 18, 2008 meeting.

Recess

Chair Koplinka-Loehr declared recess from 7:25 p.m. to 7:30 p.m.

Executive Session

It was MOVED by Ms. Robertson, seconded by Mr. Sigler, and unanimously adopted by voice vote by members present, to enter into executive session at 7:30 p.m. to discuss negotiations. The meeting returned to open session at 8:03 p.m.

Adjournment

The meeting adjourned at 8:03 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk