

**Tompkins County Legislature  
December 15, 2009**

**Call to Order**

Mr. Koplinka-Loehr 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: 15 Legislators. Mr. Sigler arrived at 5:45 p.m. and Mrs. McBean-Clairborne arrived at 6:06 p.m. Ms. Herrera was excused at 7:23 p.m.

**Privilege of the Floor by the Public**

Roger Segelken, Chair of the Environmental Management Council (EMC), spoke in support of the Resolution on the agenda entitled Comments to New York State Department of Environmental Conservation on Draft Supplemental GIES (Generic Environmental Impact Statement). He said the EMC undertook a thorough analysis of this document and their detailed findings were filed with the State as part of the public comment period and passed on to this Legislature for consideration. He said the document is fundamentally inadequate and flawed and cannot be fixed with all of the comments submitted by the public. Mr. Segelken described the State's process as a rush to judgment with arbitrary deadlines that were a disservice to the people of New York.

**Report from the Municipal Official**

There was no municipal official in attendance.

**Privilege of the Floor by Legislators**

Ms. Herrera, District No. 5 Legislator, said she will be leaving the meeting after about two hours and requested permission to be excused this evening at approximately 7:30 p.m. She announced Light in Winter is offering many fun and free activities for people to participate January 21-24<sup>th</sup> at the Statler and encouraged people to visit [lightinwinter.com](http://lightinwinter.com) for more details.

**Distinguished Youth Award**

Mr. Shinagawa, District No. 4 Legislator, presented the December 2009 Distinguished Youth Award to Nobel Htoo, a native of Burma who relocated to Ithaca within the past year after spending time in a refugee camp in Thailand. Nobel was nominated by Kathleen Morrow of McGraw House and was praised as an "outstanding" and dedicated employee in the McGraw House dining program through the Youth Employment Service.

**Privilege of the Floor by Legislators (continued)**

Mr. Dennis, District No. 15 Legislator, spoke of the departing Legislators and said he has personally enjoyed working with them over the last four years. He prepared some personal expressions of his experiences with those Legislators and said he will communicate them in detail at tomorrow evening's Legislature/departments head gathering.

Mr. Sigler arrived at this time.

Mr. Proto, District No. 7 Legislator, announced the Voice your Choice Program is fixed-price option has ended. He said the Water Resources Council has finished its review on the Stormwater material and has sent out letters notifying all of the municipalities that are MS4's with regard to making sure appropriate stormwater regulations are in place if more than an acre of ground is being disturbed in a development. In order to comply with the Department of Environmental Conservation's changes they were asked to undertake a review and the DEC has just extended the comment period to January. Mr. Proto said the involved municipalities will receive a letter from the Chair of the Water Resources Council and noted that although Groton is not an MS4 community they have been included because it was confirmed that the Owasco Inlet will be impacted; the County is also an MS4. Lastly, Mr. Proto reported the comment period on the garbage truck hauling regulations ended yesterday.

Ms. Chock, District No. 3 Legislator, thanked Mr. Segelken for his comments with regard to the dSGEIS for gas drilling earlier in the meeting and said some of the comments submitted by the Environmental Management Council were included in the revised resolution on Legislator's desks. Ms. Chock also spoke of the International Climate Change Conference now taking place in Copenhagen. She urged people to review national news of any country other than the United States to see why 77 nations walked out of that Conference in frustration. She said the big issue is equity between the developed part of the world and the less-developed part of the world. Their thoughts are that some nations have prospered in the last 150 years, partly due to the fact that we have used more than our fair share of the world's resources. She said how the world works out using the resources that are left will have implications for our health, security, and economic future.

Mr. Randall, District No. 9 Legislator, thanked everyone for his experience on the Legislature. He said he admires this group and thanked everyone for standing by him during some difficult personal experiences over the last four years. He said he respects the County's department heads and said they are a professional group who know how to do their jobs well.

Ms. Robertson, District No. 13 Legislator, thanked the outgoing Legislators for their service. She also thanked the Environmental Management Council and Water Resources Council for their unbelievable amount of work on the gas drilling (dSGEIS) resolution. Ms. Robertson also gave credit to Catholic Charities and the community outpouring of support to help families this winter. She said 567 families came to Catholic Charities to get clothes for 1,600 family members. Among items distributed, there were over 1,000 coats, 600 blankets, 1,100 hats, and 760 scarves.

Mr. Stevenson, District No. 8 Legislator, also thanked everyone for his experience on the Legislature. He thanked his constituents in Enfield and Newfield for their support over the last four years. In addition to recognizing department heads he said the Legislature would not function as well as it does without the staff of the Clerk's office.

Mr. Burbank, District No. 12 Legislator, displayed a poster with the caption "United Against Hate". This is part of a campaign that was initiated by the Multicultural Resource Center in response to a series of disturbing phone messages that were left on the GIAC (Greater Ithaca Activities Center) phone system. He said this is an effort to say that the community identifies with the people who were attacked and will not allow this to happen in this community. Mr. Burbank encouraged others to share this message and poster as well. Additional copies can be obtained at the Multicultural Resource Center.

Mr. Hattery, District No. 14 Legislator, thanked Mr. Koplinka-Loehr for the quality of his leadership as Chair of the Legislature for the last two years. He said Mr. Koplinka-Loehr's care for the

County and its citizens has always been evident to him. Mr. Hattery said Mr. Koplinka-Loehr has always been fair, diligent in carrying out the role of the Chair, and gives the title “public servant” a good name.

### **Report from the Chair**

Mr. Koplinka-Loehr thanked the outgoing Legislators for their service. He also thanked department heads, County Administration staff, Clerk of the Legislature staff, and the camera crew for their work as well and said it has been a pleasure working with everyone over the last 12 years.

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

Mr. Mareane reminded everyone of the quarterly Legislature/department head meeting tomorrow at 3:30 p.m. At that session he will spend some time talking about the accomplishments over the past year. Mr. Mareane also extended his appreciation to the outgoing Legislators and said it has been a pleasure and a privilege to work with all of them. He passed along a special appreciation to Mr. Koplinka-Loehr for his guidance and leadership over the last year.

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

Mr. Wood reported the District Attorney and the Ithaca Police Department are looking into the matter spoken of by Mr. Burbank and he expects a statement to be made over the next few days. He, too, expressed his appreciation to the outgoing Legislators.

Mrs. McBean-Clairborne arrived at this time.

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

Mr. Squires presented to the Clerk an official statement that the County received the lowest interest rate it has ever received in a financing. He said this may be the lowest rate received by an upstate New York county in 2009; it is a rate of 0.34% on a note of \$20,000,000 and all of the five bids received were under 0.5%.

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

Chair Koplinka-Loehr granted permission to the appropriate chair to withdraw the following resolution(s) from the agenda:

Authorizing the Execution of an Agreement with New York State Department of Transportation – Job Access and Reverse Commute and new Freedom Rural Assistance Grant – 2010; and  
Determining that Certain Real Property Located on Harris B. Dates Drive in the Town of Ithaca is No Longer Needed for Public Use

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

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to add the resolution to the agenda entitled Award of Bid – New Multi-Purpose Snow Removal Equipment with Attachments – Ithaca Tompkins Regional Airport.

**Addition of Appointment(s) to the Consent Agenda**

It was MOVED by Mr. Shinagawa, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to add the following appointment(s) to the Consent Agenda:

Library Board of Trustees

Cynthia AB Nicholson – term expires December 31, 2010  
Diane Goodman-Daniel – term expires December 31, 2012  
Gwen Glazer – term expires December 31, 2011  
Martha Walker – term expires December 31, 2012

It was MOVED by Ms. Mackesey, seconded by Ms. Robertson, and unanimously adopted by voice vote, to add the following appointment(s) to the Consent Agenda:

Environmental Management Council

Roger Segelken - Chair - term to expire December 31, 2010

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

Mr. Proto spoke of several resolutions on the agenda that deal with road swaps and asked what condition are the roads in that the County is taking over. He said he is concerned with the existing condition of some of these roads and would like to know if the County will be assuming financial responsibility for the cost of needed maintenance and repairs. Mr. Marx, Commissioner of Planning and Public Works, said all of the roads have been reviewed by both the County and municipal highway superintendents. In some of the cases where there is work to be done that work will be completed to bring the road up to a basic level of quality prior to the County assuming responsibility.

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

**RESOLUTION NO. 213 - AUTHORIZATION TO DISBURSE FUNDS - COUNTY ADMINISTRATION**

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

WHEREAS, it is necessary to specify annually the manner of disbursement of appropriated funds, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the County Administrator be and hereby is authorized and directed to disburse all appropriated funds up to the amount of the appropriation included in the 2010 budget, provided that whenever a contract is required funds will be disbursed in accordance with the terms of said agreement.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 214 - DELEGATION OF AUTHORITY TO AUTHORIZE CERTAIN TAX AND SOLID WASTE FEE REFUNDS UNDER \$500**

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

WHEREAS, Section 556 of the Real Property Tax Law authorizes a tax-levying body to delegate the payment of tax refunds due to a clerical error or an unlawful entry (an unlawful entry is any information on the tax roll that violates the Real Property Tax Law), and

WHEREAS, Solid Waste Fee refunds are authorized under Resolution No. 181 of 1996, and

WHEREAS, it is the opinion of the Budget, Capital, and Finance Committee, that such delegation would be more efficient in processing said refunds and therefore beneficial to the taxpayer, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the County Director of Assessment shall transmit refund recommendations to the County Administrator,

RESOLVED, further, That the County Administrator is hereby authorized to make payments of any refunds of less than \$500 as if the Tompkins County Legislature had performed this audit in compliance with Paragraph 1-7 of Section 566 of the Real Property Tax Law,

RESOLVED, further, That any refund of \$500 or more must be approved by the Tompkins County Legislature pursuant to Paragraph 8(b) of Section 556 of the Real Property Tax Law,

RESOLVED, further, That the County Administrator shall transmit on or before the 15th day of each month a report to the Tompkins County Legislature of all the refunds processed,

RESOLVED, further, That this resolution shall only be in effect during the calendar year 2010.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 215 - WORKER'S COMPENSATION BUDGET AND APPORTIONMENT - MUTUAL SELF-INSURANCE PLAN**

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

WHEREAS, the Budget, Capital, and Finance Committee estimates that the sum of \$2,000 will be required during the year 2010 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, Capital, and Finance Committee, That there be raised from the County and participating municipalities in 2010 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	\$ 187,061,278	\$ 29.28
Danby	\$ 237,635,439	\$ 37.20
Dryden	\$ 715,150,914	\$ 111.95
Enfield	\$ 160,600,559	\$ 25.14
Groton	\$ 165,002,562	\$ 25.83
Ithaca (Town)	\$ 881,246,599	\$ 137.95
Lansing (Town)	\$ 859,064,259	\$ 134.48
Newfield	\$ 241,945,521	\$ 37.88
Ulysses	\$ 319,544,209	\$ 50.02
Ithaca (City)	\$ 1,480,337,819	\$ 231.74
Dryden (Village)	\$ 106,254,535	\$ 16.63
Freeville (Village)	\$ 23,486,950	\$ 3.68
Trumansburg (Village)	\$ 110,559,552	\$ 17.31
Lansing (Village)	\$ 441,350,639	\$ 69.09
Groton (Village)	\$ 78,151,174	\$ 12.23

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Cayuga Heights (Village)	\$	380,601,307	\$	59.58
County of Tompkins	\$	6,387,993,316	\$	1,000.00
Total	\$	12,775,986,632	\$	2,000.00

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 216 - IMPLEMENTATION OF 2010 TOMPKINS COUNTY BUDGET – MEMBERSHIPS**

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

WHEREAS, it is in the best interest of the County to have County personnel be members of a variety of organizations, now therefore be it

RESOLVED, on recommendation of the Budget, Capital and Finance Committee, That memberships in all municipal and professional organizations specifically listed in 2010 budget requests, approved by the appropriate program committee, and included in the 2010 budget adopted by the Tompkins County Legislature, are hereby authorized and approved.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 217 - IMPLEMENTATION OF THE 2010 BUDGET - DEPARTMENTAL FEES**

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

WHEREAS, various departments are authorized to charge assorted fees for various services, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That all changes and increases in fees and changes in methods of charging fees specifically identified in the departmental budget requests, recommended by the Budget, Capital and Finance Committee for 2010, and included in the 2010 budget adopted by the Tompkins County Legislature, are hereby authorized and approved.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 218 - CREATION OF, ABOLITION OF, AND CHANGES IN POSITIONS - VARIOUS DEPARTMENTS**

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

WHEREAS, the adopted 2010 Tompkins County Budget provides for an increase or reduction in hours of existing positions, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the hours of the following positions are changed as follows effective January 1, 2010:

**Assigned Counsel**

1.0 Program Coordinator - Assigned Counsel, #311, (14/670) labor grade N, increase the position and approved hours from 35 to 37.5 hours per week (1.0 FTE)

Department of Social Services

1.0 Social Services Attorney, #1144 (88/233), labor grade R, increase the position and approved hours from 35 to 40 hours per week (1.0 FTE)

1.0 Security Officer, #1155 (9/650), labor grade I, reduce position and approved hours from 40 to 35 hours per week (1.0 FTE)

1.0 Financial Investigator, #1086 (11/536), labor grade K, reduce position and approved hours from 40 to 35 hours per week (1.0 FTE)

2010: RESOLVED, further, That the following positions be created as follows, effective January 1,

Department of Finance

1.0 Senior Account Clerk (59/320), labor grade H, 35 hours per week position (1.0 FTE)

1.0 Senior Account Clerk (59/320), labor grade H, 40 hours per week position (1.0 FTE)

2010: RESOLVED, further, That the following positions be abolished as follows, effective January 1,

Department of Finance

1.0 Principal Account Clerk (61/334), labor grade K, 40 hours per week (1.0 FTE)

1.0 Payroll Specialist (61/349), labor grade K, 40 hours per week (1.0 FTE)

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 219 - ACCEPTANCE OF 2010 ANNUAL CRIMINAL JUSTICE/  
ALTERNATIVES-TO-INCARCERATION (CJATI) SERVICE  
PLAN APPLICATION**

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

WHEREAS, the Criminal Justice/Alternatives-to-Incarceration Advisory Board at its November 23, 2009, meeting unanimously approved the 2010 Annual Division of Probation and Correctional Alternatives (DPCA) Alternatives-to-Incarceration Consolidated Service Plan, and

WHEREAS, it is a requirement that the approval of the legislative/governing body accompany the Plan upon submission to the New York State Division of Probation and Correctional Alternatives, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature approves the 2010 Alternatives to Incarceration Service Application Plan for Tompkins County,

RESOLVED, further, That a copy of the Plan will be kept on file at the office of the County Administrator, the office of the Chair of CJATI, and office of the Tompkins County Legislature.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 220 - AUTHORIZATION TO DECLARE 2010 THE INTERNATIONAL  
YEAR OF THE NURSE IN TOMPKINS COUNTY AND TO  
SUPPORT A PROPOSAL TO THE UNITED NATIONS TO  
DECLARE 2011 TO 2020 THE UNITED NATIONS DECADE FOR A  
HEALTHY WORLD**

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

WHEREAS, the Tompkins County Health Department supports a resolution to declare 2010 ‘The International Year of the Nurse’ in Tompkins County in memory of the Centennial of Florence Nightingale’s death [1910], and

WHEREAS, Florence Nightingale is known for her pioneering work in nursing and was named ‘The Lady with the Lamp’ from her habit of making rounds at night to tend injured soldiers during the Crimean War in 1853, and

WHEREAS, Florence Nightingale opened the first school of nursing in 1860 to train nurses to care for the ill in hospitals and in their homes, and to care for the poor with compassion and a commitment to patient care; she went on to establish the foundations of modern nursing and nursing education, and

WHEREAS, Florence Nightingale was an articulate public communicator, community, and social activist, environmentalist, and ardent advocate for human rights and worldwide social reform, she influenced national and international leaders and fought to keep the issues related to health in the public eye, and

WHEREAS, the Nightingale Declaration Campaign is a program of the Nightingale Initiative for Global Health, a grassroots, nurse-inspired movement to increase global public awareness about the priority of health and to empower nurses and concerned citizens to stand for a healthy world everywhere, and

WHEREAS, The Nightingale Initiative for Global Health has proposed a United Nations resolution to declare 2011 to 2020 the United Nations Decade for a Healthy World in memory of the Bicentennial of Florence Nightingale’s birth [1820], and

WHEREAS, the ‘Nightingale Declaration for Our Healthy World’ is “*We, the nurses and concerned citizens of the global community, hereby dedicate ourselves to the accomplishment of a healthy world by the year 2020. We declare our willingness to unite in a program of action, sharing information and solutions to resolve problems and improve conditions, locally, nationally, and globally, in order to achieve health for all humanity. We further resolve to adopt personal practices and to implement public policies in our communities and nations, making this goal for the year 2020 achievable and inevitable, beginning today in our own lives, in the life of our nations, and in the world at large*”, now therefore be it

RESOLVED, on recommendation of the Tompkins County Board of Health, and the Health and Human Services Committee, That the Tompkins County Legislature supports the Health Department initiative to declare 2010 ‘The International Year of the Nurse’ and to support a United Nations resolution to declare 2011 to 2020 ‘The United Nations Decade for a Healthy World’.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 221 - BUDGET ADJUSTMENT – HIGHWAY DIVISION**

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

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

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

***Highway Division***

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
5130.52231	Vehicles	\$49,987	5130.52233	Highway Equipment

Explanation: To transfer the balance of the Vehicles account to Highway Equipment account for the purchase of air compressors and small miscellaneous shop equipment.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 222 - AUTHORIZATION TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH BARTON AND LOGUIDICE, P.C., FOR DESIGN SERVICES - NEWFIELD DEPOT ROAD BRIDGE REPLACEMENT PROJECT (BIN 3314380) - PIN 3753.21**

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

WHEREAS, Resolution No. 7 of 2005, authorized an agreement between Tompkins County and the New York State Department of Transportation to fund design for reconstruction of the bridge carrying County Road 130, Newfield Depot Road, over Cayuga Inlet (BIN 3314380) in the Town of Newfield, (the Project), with an average vehicle usage of 2513 vehicles per day in 2008, and

WHEREAS, Resolution No. 204 of 2004 authorized execution of a contract with Barton and Loguidice, P.C., of 290 Elwood Davis Road, Syracuse, New York, for design services in connection with the Project as a bridge rehabilitation, for an amount not to exceed \$101,000, and

WHEREAS, Resolution No. 129 of 2009 authorized granting Design Approval of the Project as a bridge replacement, pending approval by the New York State Department of Transportation, and

WHEREAS, bridge replacement involves several changes in the design scope of services compared to bridge rehabilitation that have resulted in increased costs for the Project's design services, 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 supplemental agreement with Barton and Loguidice, P.C., of 290 Elwood Davis Road, Syracuse, New York, for additional design services in connection with the referenced project for an amount not to exceed \$55,000, for a total contract amount not to exceed \$156,000,

RESOLVED, further, That the County Administrator or his designee be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed ten percent of the aforementioned total contract amount, funds to be provided from capital account HZ5103.53.09 (Newfield Depot Bridge Capital Project Account) and operating account D5111.54411 (Bridge Contracts).

**SEQR ACTION: TYPE II- 2**

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**RESOLUTION NO. 223 - AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE TOWN OF ITHACA AND CORNELL UNIVERSITY – PINE TREE ROAD BIKE AND PEDESTRIAN PATHS (PIN 395043)**

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

WHEREAS, Resolution No. 127 adopted on July 21, 2009 authorized execution of an agreement with the New York State Department of Transportation in connection with advancement of a Transportation Enhancement Project for the Pine Tree Road Bike and Pedestrian Paths, P.I.N. 3950.43, (the Project) in the Town of Ithaca, and

WHEREAS, Resolution No. 112 adopted on June 3, 2008 confirmed the support of the County Legislature for the Project funding application, which included a resolution of support passed by the Ithaca Town Board and a letter of support from Cornell University, and

WHEREAS, said application included descriptions of funding shares and the continuing operational and maintenance responsibilities of Tompkins County, the Town of Ithaca, and Cornell University concerning the facilities constructed through the Project, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County

Administrator be and hereby is authorized to execute an Agreement with the Town of Ithaca and Cornell University to fund replacement and to specify responsibilities for operation and maintenance of the project as stipulated in the approved Transportation Enhancement Project application.

**SEQR ACTION: TYPE II - 20**

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**RESOLUTION NO. 224 - AUTHORIZATION TO EXECUTE A CONTRACT WITH DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, P.C., FOR BRIDGE REPLACEMENT DESIGN SERVICES – GAME FARM ROAD OVER CASCADILLA CREEK - BIN 3209880 (DRYDEN & ITHACA)**

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

WHEREAS, replacement design of the bridge carrying Game Farm Road over Cascadilla Creek (BIN 3209980) in the Towns of Dryden and Ithaca is included in the County Highway Division’s five-year bridge plan, and

WHEREAS, with County Highway Division input, the New York State County Highway Superintendent’s Association developed a short-list of five consulting firms for work in Tompkins County for federal-aid projects, and

WHEREAS, the Facilities and Infrastructure Committee, with input from the County Department of Finance, has authorized consultant selection from said short list for locally funded bridge replacement design services, and

WHEREAS, the Tompkins County Highway Manager has recommended Delta Engineers, Architects, & Land Surveyors, P.C., being on said short list, as best qualified to provide design services for this project, 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 Delta Engineers, Architects, & Land Surveyors, P.C., of 184 Court Street, Binghamton, New York, for design services in connection with replacement of the Game Farm Road Bridge over Cascadilla Creek for an amount not to exceed \$61,825.00,

RESOLVED, further, That the Highway Division be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed ten percent of the aforementioned contract amount, funds to be provided from the Bridge Contracts Operating Account (D 5111.54411).

**SEQR ACTION: TYPE II- 2**

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**RESOLUTION NO. 225 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO ABANDONING LAKE ROAD TO TOWN OF DRYDEN**

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

WHEREAS, the Town of Dryden has been notified of and concurs with amending the County Road System by abandoning Lake Road, County Road 157, to the Town of Dryden (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION:** Unlisted

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 226 - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ABANDONING LAKE ROAD TO TOWN OF DRYDEN**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115-b of the Highway Law, that Lake Road (County Road 157, approximately 3.47 miles), classified as a local road, in the Town of Dryden, as set forth below, be removed from the map of the Tompkins County road system (the "Action"), and

WHEREAS, this abandonment is part of an agreed-upon "road swap" including sections of Game Farm Road, West Dryden Road, Hanshaw Road, and Cobb Street, and

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Dryden has been notified of and concurs with the recommendation of the County Highway Manager to abandon Lake Road to the Town of Dryden, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that Lake Road be hereby removed from the map of the Tompkins County road system to revert to and be maintained by the Town of Dryden,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Dryden reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the time specified in said agreement.

**SEQR ACTION:** UNLISTED

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 227 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO AMENDING THE COUNTY ROAD SYSTEM BY ADDING SECTIONS OF GAME FARM ROAD, HANSHAW ROAD, WEST DRYDEN ROAD, AND COBB STREET IN THE TOWN OF DRYDEN**

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

WHEREAS, the Town of Dryden has been notified of and concurs with amending the County Road System by adding sections of Game Farm Road, Hanshaw Road, West Dryden Road, and Cobb Street in the Town of Dryden ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby determines that the Action is an Unlisted Action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION:** Unlisted

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 228 - AMENDING COUNTY ROAD SYSTEM TO ADD SECTIONS OF GAME FARM ROAD, WEST DRYDEN ROAD, HANSHAW ROAD, AND COBB STREET IN THE TOWN OF DRYDEN**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that sections of Game Farm Road, Hanshaw Road, West Dryden Road and Cobb Street, in the Town of Dryden, as set forth below, be added to the map of the Tompkins County road system (the "Action"), and

WHEREAS, these additions are part of an agreed-upon "road swap" including Lake Road (County Road 157), and

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS, the Tompkins County Legislature has issued a Negative Declaration of Environmental Significance in accordance with SEQRA, and

WHEREAS, the Town of Dryden has been notified of and concurs with the recommendation of the County Highway Manager to add said roads to the map of the Tompkins County road system, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that the following sections of highway shall be added to the map of Tompkins County Road System to be maintained by Tompkins County:

1. Game Farm Road (an urban collector) from the Tompkins County - Town of Dryden Town Maintenance Jurisdictional Boundary to Stevenson Road, being a distance of 0.37 miles, shall become a part of Game Farm Road, County Road 173,
2. Hanshaw Road (a minor rural collector) from Neimi Road to West Dryden Road, being a distance of 1.03 miles, shall become a part of Hanshaw Road, County Road 182H,
3. West Dryden Road (major rural collector) from the Dryden-Lansing town line to Asbury Road, being a distance of 0.59 miles, shall become a part of West Dryden Road, County Road 108,
4. Cobb Street (major rural collector) from the Dryden-Groton town line to New York State Route 34B, being a distance of 0.57 miles, shall become a part of Cobb Street, County Road 101,

RESOLVED, further, That Asbury Road in the Town of Dryden shall become County Road 108A; Etna Road, Etna Lane, and the County-portion of Upper Creek Road (between Etna Road and Etna Lane) in the Town of Dryden shall become County Road 112; and the portion of Hanshaw Road between Etna Road and Neimi Road in the Town of Dryden shall become County Road 109,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Dryden reflecting these changes and the amendment to the map of Tompkins County road system described above shall become effective at the specified time in said agreement.

**SEQR ACTION:** Unlisted  
(Short EAF on file in the Clerk's office)

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**RESOLUTION NO. 229 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO ABANDONING BUCK ROAD, MILLIKEN STATION ROAD, AND EAST LANSING ROAD TO TOWN OF LANSING**

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

WHEREAS, the Town of Lansing has been notified of and concurs with amending the County Road System by abandoning East Lansing Road, Buck Road, and Milliken Station Road, County Roads 152, 153, and 156, respectively, to the Town of Lansing ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION:** Unlisted  
(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 230 - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ABANDONING SECTIONS OF BUCK ROAD, EAST LANSING ROAD, AND MILLIKEN STATION ROAD TO TOWN OF LANSING**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115-b of the Highway Law, that sections of East Lansing Road (County Road 152, approximately 1.22 miles), Buck Road (County Road 153, approximately 1.36 miles), and Milliken Station Road (County Road 156, approximately 0.79 miles), in the Town of Lansing, as set forth below, be removed from the map of the Tompkins County road system (the "Action"), and

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Lansing has been notified of and concurs with the recommendation of the County Highway Manager to abandon East Lansing Road, the County-portion of Buck Road, and Milliken Station Road to the Town of Lansing, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant

to Article 6, Section 115 of the Highway Law, that East Lansing Road, Buck Road, and Milliken Station Road, all deemed "local" in classification, be hereby removed from the map of the Tompkins County road system to revert to and be maintained by the Town of Lansing,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Lansing reflecting these changes and the amendment to the map of Tompkins County road system described above shall become effective at the time specified in said agreement.

**SEQR ACTION: UNLISTED**

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 231 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO AMENDING THE COUNTY ROAD SYSTEM BY ADDING NORTH LANSING SCHOOL ROAD AND FARRELL ROAD IN THE TOWN OF LANSING**

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

WHEREAS, the Town of Lansing has been notified of and concurs with amending the County Road System by adding North Lansing School Road and Farrell Road in the Town of Lansing ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby determines that the Action is an Unlisted Action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION: Unlisted**

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 232 - AMENDING COUNTY ROAD SYSTEM TO ADD FARRELL ROAD AND NORTH LANSING SCHOOL ROAD IN THE TOWN OF LANSING**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that Farrell Road and North Lansing School Road, in the Town of Lansing, as set forth below, be added to the map of the Tompkins County road system, and

WHEREAS, these additions are part of an agreed-upon "road swap" including Buck Road, East Lansing Road, and Milliken Station Road (County Roads 153, 152, and 156, respectively), and

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS, the Tompkins County Legislature has issued a Negative Declaration of Environmental Significance in accordance with SEQRA, and

WHEREAS, the Town of Lansing has been notified of and concurs with the recommendation of the County Highway Manager to add said roads to the map of the Tompkins County road system, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that the following highway shall be added to the map of Tompkins County Road System to be maintained by Tompkins County:

1. Farrell Road, from the Dryden-Lansing town line to Warren Road, County Road 121, being a distance of 1.03 miles and classified as an Urban Collector, shall become a part of West Dryden Road, County Road 108, and
2. North Lansing School Road, from New York State Route 34 to Vanostrand Road, County Road 151, being a distance of 1.37 miles and classified as a Minor Rural Collector, shall become a part of West Groton Road, County Road 100,

RESOLVED, further, That the number designation of Asbury Road in the Town of Lansing shall be changed to become County Road 108A,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Lansing reflecting these changes and the amendment to the map of Tompkins County road system described above shall become effective at the specified time in said agreement.

**SEQR ACTION:** Unlisted  
(Short EAF on file in the Clerk's office)

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#### **RESOLUTION NO. 233 - CORRECTION OF ERRORS**

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

WHEREAS, it is important that official minutes and reports be accurately written, now therefore

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Clerk of the Legislature be and hereby is authorized to correct any manifest errors in the 2010 minutes of the Legislature or in reports of any committees.

**SEQR ACTION:** TYPE II-20

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#### **RESOLUTION NO. 234 - RETURNED VILLAGE TAXES**

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

WHEREAS, Article 14 of the Real Property Tax Law authorizes village tax collectors to return to the County Treasurer a listing of unpaid taxes for enforcement, and

WHEREAS, the Villages of Cayuga Heights, Dryden, Freeville, Groton, Lansing, and Trumansburg are authorized to submit their unpaid taxes to the County for enforcement, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2010 tax rolls the amount of the uncollected village taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the village tax collectors of the various villages to the County Finance Director, and that said returned village taxes be reassessed and relieved on town tax rolls as they are returned, and that said returned village taxes be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 235 - RETURNED SCHOOL TAXES**

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

WHEREAS, Article 13 of the Real Property Tax Law authorizes school district tax collectors to submit by November 15<sup>th</sup> a listing of unpaid taxes to the County Treasurer for enforcement, and

WHEREAS, the County guarantees the school districts payment of the unpaid taxes by April 1 of the year following the return, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2010 tax rolls the amount of the uncollected school taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the collectors of the various districts, exclusive of the Ithaca City School District, to the County Finance Director, and that said returned school taxes be reassessed and relieved on town tax rolls as they are returned, and that said school taxes returned in 2009 be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 236 - ADOPTION OF APPORTIONMENT OF TAXES FOR 2010**

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

WHEREAS, the report of equalization rates and totals (footings) of assessment rolls has been prepared and approved by the Assessment Director, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the report of the Director of Assessment be accepted and adopted, and the valuation of real property and franchise be based on the 2009 final assessed values for the purposes of general tax levied against the several tax districts of the County and that the values determined therein be set forth as the basis for such general and highway tax levies for the year 2010,

RESOLVED, further, That the several amounts therein listed for State tax and County tax for general County purposes for 2010 be apportioned among, assessed against, levied upon, and collected from taxable property of the several towns and City liable therefore.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 237 - FUNDING OF COMMUNITY CELEBRATIONS GRANTS**

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

WHEREAS, Tompkins County has a grant program for community celebrations using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, the Tompkins County Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Village of Groton	January 16, 2010 - Groton Winterfest	\$ 470
City of Ithaca	January 18, 2010 - Martin Luther King, Jr. Day of Celebration	1,000
Village of Trumansburg	December 4-5, 2009 - Tru-Ulysses Winter Festival	1,500
Town of Groton	May 7-8, 2010 - McLean Happenin' in the Hamlet	<u>1,100</u>
		\$4,070

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 238 - FUNDING OF TOURISM MARKETING AND ADVERTISING GRANTS**

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

WHEREAS, Tompkins County has a grant program for Tourism Marketing and Advertising grants using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Community Arts Partnership	May 7-8, 2010 - Finger Lakes Literary Arts Fest	\$1,375
PRI/Museum of the Earth	October 3, 2009 - February 21, 2010 Amber: Letting the Past Shine Through	2,250
Community Arts Partnership	October 10, 2010 - Arts Trail	<u>5,000</u>
		\$8,625

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 239 - APPROVAL OF CONTRACT BETWEEN THE COUNTY AND THE CHAMBER OF COMMERCE/CONVENTION AND VISITORS BUREAU FOR TOURISM SERVICES**

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

WHEREAS, the Legislature has contracted with the Tompkins County Chamber of Commerce (the "Chamber") since 1987 to market Tompkins County as a tourism destination as part of the County's tourism promotion program, and

WHEREAS, the Chamber, through its Convention and Visitors Bureau, has built countless highly successful marketing campaigns that motivate thousands of visitors to stay here overnight and infuse new income into the local economy through hotels, retail, restaurants, recreation, and arts and cultural establishments, and

WHEREAS, the Chamber, through its Convention and Visitors Bureau, has created a vibrant network of tourism partnerships within the communities that work collectively toward a common goal of attracting overnight visitors while enhancing the quality of life for residents, and

WHEREAS, that current five-year contract will expire on December 31, 2009, and

WHEREAS, the County has provided funding for this contract entirely from the Room Tax account, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the contract between the Chamber and the County for the period January 1, 2010, through December 31, 2011, is hereby approved,

RESOLVED, further, That both parties agree that the negotiation and approval of a successor agreement to the present agreement shall be completed no later than December 31, 2010,

RESOLVED, further, That the County Administrator or his designee is authorized to execute all contracts and documents necessary pertaining to this agreement.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 240 - APPROVAL OF AMENDED BYLAWS OF THE TOMPKINS COUNTY AGRICULTURE AND FARMLAND PROTECTION BOARD**

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

WHEREAS, the Tompkins County Agriculture and Farmland Protection Board was created in accordance with County Resolution No. 405 adopted November 5, 1992, and Article 25AA, Section 302 of New York State Agriculture and Markets Law, and any subsequent amendments to such legislation, and

WHEREAS, the Tompkins County Charter and Code provides that the Agriculture and Farmland Protection Board has the authority to draft bylaws for approval by the County Legislature, and

WHEREAS, the members of the Agriculture and Farmland Protection Board approved bylaw revisions by vote on August 26, 2009, and approved non-substantive changes by consensus on November 28, 2009, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Agriculture and Farmland Protection Board Bylaws on file with the Clerk of the Legislature, and dated August 26, 2009, be approved.

**SEQR ACTION:** TYPE II-20

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**Approval of Appointments Under the Consent Agenda**

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

Community Mental Health Services Board

Nancy Rosen – term expires December 31, 2013

Stu Bergman – term expires December 31, 2013

Mary Hutchens – term expires December 31, 2013

Auguste L. Duplan – term expires December 31, 2013

Mental Health Subcommittee

Nancy Rosen – CMHSB Member representative; term expires December 31, 2013

Tompkins County Legislature  
December 15, 2009

Mary Hutchens – CMHSB Member representative; term expires December 31, 2013  
Adrienne Lampert - Consumer representative; term expires December 31, 2013

Substance Abuse Subcommittee

Thomas Lipa – Community Member representative; term expires December 31, 2013  
Stu Bergman – CMHSB Member representative; term expires December 31, 2013

Personal Emergency Response Service Advisory Board

Liz Norton – Agency serving elderly or disabled representative; term expires December 31, 2011  
Peter Meskill – Police Agency representative; term expires December 31, 2011  
Joan E. Murphy – Agency representing the elderly or disabled; term expires December 31, 2011  
Wilfred E. Drew – At-large representative; term expires December 31, 2010

Office for the Aging Advisory Committee

Ann Cedarholm - term expires December 31, 2012  
Catherine K. Paddock - term expires December 31, 2012  
Frances T. Sovocool - term expires December 31, 2012  
Jane E. Penrose - term expires December 31, 2012

Hillview Road Landfill Citizens Advisory Committee

Joel Gagnon – Neighborhood representative; term expires December 31, 2013

Air Service Board

Edward C. Marx – Commissioner of Planning and Public Works representative; term expires December 31, 2012  
Richard W. McDaniel – Cornell representative; term expires December 31, 2012

Library Board of Trustees

Michael Stamm – term expires December 31, 2012  
John H. Vineyard – term expires December 31, 2012

Workforce Diversity and Inclusion Committee

Lisa Holmes – County staff representative; term expires December 31, 2012  
Mary DeSouza – Community member representative; term expires December 31, 2012

Traffic Safety Board

Lawrence M. Jackmin – NYS Police representative; term expires December 31, 2012

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Patricia Buechel – Probation Director representative; term expires December 31, 2012  
Deborah Dietrich – OAR representative; term expires December 31, 2012  
Thomas L. Boyce – Local Police representative; term expires December 31, 2012

Planning Advisory Board

Monika Roth – Agriculture representative; term expires December 31, 2012  
Peter Penniman – Business representative; term expires December 31, 2012  
Richard Coogan – Local Planning representative; term expires December 31, 2012

Environmental Management Council

Roger Yonkin – At-large representative; term expires December 31, 2011  
Spring Buck – At-large representative; term expires December 31, 2011

Tompkins County Legislature  
December 15, 2009

Gary Stewart – At-large representative; term expires December 31, 2011  
Mark Whitmore – At-large representative; term expires December 31, 2011  
Clement Chow – At-large representative; term expires December 31, 2011  
Steve Nicholson – Town of Caroline representative; term expires December 31, 2011  
Martha Ferger – Village of Dryden representative; term expires December 31, 2011

Strategic Tourism Planning Board

Todd Miner – At-large representative; term expires December 31, 2012  
John C. Mitchell – At-large representative; term expires December 31, 2010  
Kathryn Pearce – Arts/Culture representative; term expires December 31, 2012  
David Sparrow – At-large representative; term expires December 31, 2012  
Ken Jupiter – At-large representative; term expires December 31, 2012  
Beverly Baker – At-large representative; term expires December 31, 2012

Finger Lakes Tourism Alliance

Scott Wiggins – At-large representative; term expires December 31, 2012

Agriculture and Farmland Protection Board

Irene Kehoe - Ex-Officio Director of Assessment (Designee) non-voting Seat

Environmental Management Council

Roger Segelken - Chair - term to expire December 31, 2010

Library Board of Trustees

Cynthia AB Nicholson – term expires December 31, 2010  
Diane Goodman-Daniel – term expires December 31, 2012  
Gwen Glazer – term expires December 31, 2011  
Martha Walker – term expires December 31, 2012

**Report from the Budget, Capital, and Finance Committee**

Mr. Dennis, Chair, reported the Committee met yesterday and received the Monthly Indicators Report from the County Administrator. Mr. Proto asked if there is any information available on the impact of State Budget cuts. Mr. Dennis said that information is being collected and information will be provided to all Legislators. Mr. Mareane spoke of the impacts of delayed State payments that are an area of concern.

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

Ms. Robertson, Chair, reported the Committee met on December 10 and spent the majority of the meeting discussing the recommendations of the Assigned Counsel/Public Defender Task Force. She said she will draft a status report on all of the recommendations as a follow-up to the report. The Committee will meet on January 14<sup>th</sup> at 3:30 p.m. and will receive an update on the AED (Automatic External Defibrillator) program, discuss impacts of gas drilling on public safety, and will discuss the ATI Evaluation report being completed by Deana Bodnar.

**RESOLUTION NO. 241 – APPROPRIATION FROM CONTINGENT FUND - TERMINAL-PAY REIMBURSEMENT – DEPARTMENT OF EMERGENCY RESPONSE**

MOVED by Ms. Robertson, seconded by Mrs. McBean-Clairborne. A short roll call vote resulted as follows: Ayes – 14, Noes – 0, Temporarily Out of Room – 1 (Legislator Stevenson). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Department of Emergency Response eliminated a Telecommunications position in June 2009 and lost an Emergency Services Dispatcher to terminal illness in August 2009, and

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

RESOLVED, on recommendation of the Public Safety and Budget, Capital and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriations:

REVENUE:	A1990.54440	Contingent Fund	\$19,653
APPROPRIATION:	A3410.51000671	Salary - Telecommunications	\$11,672
	A3410.51000551	Salary - Dispatcher	\$ 7,981

SEQR ACTION: TYPE II-20

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

Mrs. McBean-Clairborne, Chair, reported the Committee will meet tomorrow at 2:30 p.m. She said she appreciates the community's support around the issue of race, racism, and oppressive behaviors that have been happening in the community. She said she is calling on everyone to have public accountability when people are publicly treated in a manner that is not in keeping with respecting human dignity.

**Report from the Rules and Procedures Committee**

Ms. Kiefer, Chair, reported the last meeting of the year is scheduled for January 21<sup>st</sup>. She expects the Committee to have something for the Legislature to vote on in January.

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

Mr. Proto, Chair, reported the Committee met on December 8<sup>th</sup> and received a salary report from the Human Services Coalition. He reported on H1N1 vaccines and said all of the school districts are close to being completed. The Committee also heard an update from Nancy Zahler, Director of Youth Services, on the Healthy Youth Report. He announced the Committee will meet on January 12<sup>th</sup> at 3:30 p.m.

**RESOLUTION NO. 242 - AUTHORIZING CHANGES IN CHARGE STRUCTURE - TOMPKINS COUNTY HOME HEALTH CARE - HEALTH DEPARTMENT**

MOVED by Mr. Proto, seconded by Mr. Dennis, and unanimously adopted by voice vote.

WHEREAS, Tompkins County's accounting consultant, Michael McCarthy, CPA, of McCarthy & Conlon, LLP, has recommended changes in the Certified Home Health Agency fee structure to maximize Medicaid and Medicare revenues, and

WHEREAS, New York State currently promulgates rates on the day the County Legislature approves them and it is therefore, desirable for Tompkins County to adopt the 2010 rates in December 2009 for implementation on January 1, 2010, and

WHEREAS, all changes proposed were made to align charges with actual costs per unit of service as determined during Mr. McCarthy's most recent review of our financial and statistical data, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That the Tompkins County Health Department implements the charge structure below, as recommended by Michael McCarthy, CPA, in order to maximize Medicaid, Medicare, and other third party revenues.

2010 Tompkins County Home Health Care Fee Schedule

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Skilled Nursing	\$165.00	\$175.00	\$175.00	\$215.00
High Tech Nursing	\$190.00	\$200.00	\$200.00	\$240.00
Physical Therapy	\$112.00	\$115.00	\$115.00	\$155.00
Speech Therapy	\$105.00	\$120.00	\$120.00	\$120.00
Occupational Therapy	\$105.00	\$115.00	\$115.00	\$118.00
Medical Social Work	\$105.00	no fee set	no fee set	no fee set
Home Health Aide	\$ 45.00/hr	\$ 45.00/hr	\$ 48.00/hr	\$ 53.00/hr
Home Health Aide	\$ 90.00/visit	\$ 90.00/visit	\$ 96.00/visit	\$ 96.00/visit

RESOLVED, further, That the Department sets the per hour Nursing Administrative Charge at seventy-two dollars (\$72.00) per hour, for services as appropriate (i.e., rabies post exposure, hypertension screening clinics, immunization administration, etc.).

**SEQR ACTION:** TYPE II - 20

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

Mrs. McBean-Clairborne, Chair, said because she arrived later in the meeting she would take this opportunity to make comments that are usually made under privilege of the floor. She thanked Mr. Koplinka-Loehr for his service to Tompkins County and said she has enjoyed serving as the Vice Chair and noted how inclusive the Legislature was under his guidance of her in decision-making, conversations, and getting the opportunity to participate in meetings. She spoke of her personal experience and asked everyone to be mindful of the flu season and particularly of the Swine Flu and to get vaccinated.

Mrs. McBean-Clairborne, Chair, reported the Committee met on December 10. She said the Solid Waste Division received a Recycle of the Year Award and Dryden Central School received the School Waste Reduction Program Award. Some of the numbers she referred to were: waste reduction went from 21% in 2006 to 34% in 2008; this translates to 469 tons of waste material being diverted. It is also predicted that by the end of 2009 there will be a 45-55% diversion of waste from the schools (620 tons annually). The Committee also received an update on the Brown Road facility and said the move of the Health Department will likely be later than January. She complimented the Public Works staff for their hard work during the year.

Mrs. McBean-Clairborne reported on the Air Service Board and thanked members for their work. She said emplanements are up and marketing of the Airport continues.

**RESOLUTION NO. 243 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO ABANDONING SECTIONS OF SPRING STREET EXTENSION, LICK STREET, SOUTH MAIN STREET EXTENSION, PLEASANT VALLEY ROAD, HINMAN ROAD, CHIPMAN CORNERS ROAD, AND TALMADGE ROAD TO TOWN OF GROTON**

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Mackesey. Ms. Chock requested a County road map containing all of the revisions made this evening. A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, the Town of Groton has been notified of and concurs with amending the County Road System by abandoning sections of Spring Street Extension, Lick Street, South Main Street Extension, Pleasant Valley Road, Hinman Road, Chipman Corners Road, and Talmadge Road, County Roads 190, 169L, 169SM, 153, 103B, 171, and 181, respectively, to the Town of Groton (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION:** Unlisted

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 244 - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ABANDONING SECTIONS OF SPRING STREET EXTENSION, LICK STREET, SOUTH MAIN STREET EXTENSION, PLEASANT VALLEY ROAD, HINMAN ROAD, CHIPMAN CORNERS ROAD, AND TALMADGE ROAD TO TOWN OF GROTON**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Randall. A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115-b of the Highway Law, that sections of Spring Street Extension (County Road 190, approximately 3.13 miles), Lick Street (County Road 169L, approximately 1.48 miles), South Main Street Extension (County Road 169SM, approximately 1.02 miles), Pleasant Valley Road (County Road 153, approximately 0.65 miles), Hinman Road (County Road 103B, approximately 0.73 miles), Chipman Corners Road, (County Road 171, approximately 1.43 miles), and Talmadge Road (County Road 181, approximately 0.65 miles), in the Town of Groton, as set forth below, be removed from the map of the Tompkins County road system (the “Action”), and

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Groton has been notified of and concurs with the recommendation of the County Highway Manager to abandon sections of Spring Street Extension, Lick Street, South Main Street Extension, Pleasant Valley Road, Hinman Road, Chipman Corners Road, and Talmadge Road to the Town of Groton, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that sections of Spring Street Extension, Lick Street, South Main Street Extension, Pleasant Valley Road, Hinman Road, Chipman Corners Road, and Talmadge Road be hereby removed from the map of the Tompkins County road system to revert to and be maintained by the Town of Groton,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Groton reflecting these changes and the amendment to the map of Tompkins County road system described above shall become effective at the time specified in said agreement.

**SEQR ACTION: UNLISTED**

(Short EAF on file with Clerk of the Legislature)

\* \* \* \* \*

At this time Ms. Chock asked Ms. Kiefer why she was voting no; Ms. Kiefer said she strongly supports the concepts of appropriate road swaps, but believes it is a mistake for the County to abandon Chipman Corners Road, which is heavily traveled and runs north into Cayuga County.

**RESOLUTION NO. 245 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO AMENDING THE COUNTY ROAD SYSTEM BY ADDING SECTIONS OF OLD STAGE ROAD, SALT ROAD, AND COBB STREET IN THE TOWN OF GROTON**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Randall. A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, the Town of Groton has been notified of and concurs with amending the County Road System by adding sections of Old Stage Road, Salt Road, and Cobb Street in the Town of Groton (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby determines that the Action is an Unlisted Action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION: Unlisted**

(Short EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 246 - AMENDING COUNTY ROAD SYSTEM TO ADD SECTIONS OF OLD STAGE ROAD, SALT ROAD, AND COBB STREET IN THE TOWN OF GROTON**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Randall. A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that sections of Old Stage Road, Salt Road, and Cobb Street, in the Town of Groton, as set forth below, be added to the map of the Tompkins County road system, and

WHEREAS, these additions are part of an agreed-upon "road swap" including Talmadge Road, sections of Spring Street Extension, Lick Street, South Main Street Extension, Pleasant Valley Road, Hinman Road, Chipman Corners Road, and Talmadge Road, (County Roads 190, 169L, 169SM, 153, 103B, 171, and 181, respectively), and

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS, the Tompkins County Legislature has issued a Negative Declaration of Environmental Significance in accordance with SEQRA, and

WHEREAS, the Town of Groton has been notified of and concurs with the recommendation of the County Highway Manager to add said roads to the map of the Tompkins County road system, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That pursuant to Article 6, Section 115 of the Highway Law, that the following sections of highway shall be added to the map of Tompkins County Road System to be maintained by Tompkins County:

1. Old Stage Road (a local road), from New York State Route 38 to Salt Road, being a distance of 2.75 miles, shall become a part of Old Stage Road, County Road 102A,
2. Salt Road (a local road), from Stevens Road to Peruville Road, County Road 107, being a distance of 1.02 miles, shall become a part of Salt Road, County Road 102,
3. Cobb Street (a major rural collector), from the Dryden-Groton town line to Pleasant Valley Road, County Road 153, being a distance of 1.19 miles, shall become a part of Cobb Street, County Road 101,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Groton reflecting these changes and the amendment to the map of Tompkins County road system described above shall become effective at the specified time in said agreement.

**SEQR ACTION:** Unlisted  
(Short EAF on file in the Clerk's office)

\* \* \* \* \*

**RESOLUTION NO. 247 - AWARD OF BID – NEW MULTI-PURPOSE SNOW REMOVAL EQUIPMENT WITH ATTACHMENTS - ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, the Finance Department has duly advertised for bids to purchase a multi-purpose piece of snow removal equipment for the Ithaca-Tompkins Regional Airport, and

WHEREAS, four ( 4 ) responsive bids were duly received, with the low bid being \$69,697.00 from Bobcat of the Twin Tiers at 300 Lake Street, Elmira, New York, and

WHEREAS, the budget for said piece of multi-purpose snow equipment is as follows:

Federal Aviation Administration (FAA)	(95%)	\$66,212
New York State Department of Transportation (NYSDOT)	(2.5%)	\$ 1,742
Airline Rates & Charges	(2.5%)	\$ 1,743
Total		\$69,697

, and

WHEREAS, the FAA has already provided a grant to cover its share of the costs and said grant was accepted through Resolution No. 132 on July 21, 2009 by the County Legislature, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Bobcat of the Twin Tiers with a bid of \$ 69,697,

RESOLVED, further, That the local share be derived from the airport budget and that the Finance Director be authorized to advance payments for this piece of equipment until reimbursement is received from the FAA and NYSDOT.

**SEQR ACTION:** TYPE II-25

\* \* \* \* \*

At this point Mr. Koplinka-Loehr reminded Legislators that on January 1 when he leaves office, Mrs. McBean-Clairborne will be acting as Chair of the Legislature until a new Chair is chosen on January 5, noting that if Mrs. McBean-Clairborne must be absent the order of successors for 2009 will still apply.

**Report and Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee**

Mr. Shinagawa, Chair, thanked Committee members for their work throughout the year and also to Mr. Koplinka-Loehr for creating this Committee in 2009. Mr. Shinagawa said at the last meeting on December 11 the Committee reviewed progress made on goals and said significant progress was made on all of the goals, particularly the Administrative Manual policies. He spoke of New York State Retirement System requirements for Legislators and said this body will need to adopt a resolution establishing a six-hour workday.

**RESOLUTION NO. 248 - DESIGNATION OF NEWSPAPER**

MOVED by Mr. Shinagawa, seconded by Ms. Robertson. Mr. Proto asked that the Ithaca Times be considered as another one of the County's newspapers for the purpose of extending coverage to people who do not read the Ithaca Journal. He said total readership of the Ithaca Times' papers is 67,000 and circulation is 24,000. He said he may bring a proposal forward later in 2010 to do this. A voice vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature must annually designate an official newspaper, and

WHEREAS, there is only one daily newspaper in Tompkins County, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the official newspaper for the County of Tompkins for the publication of all local laws, notices and other matters required by law to be published pursuant to Section 214 of County Law and Chapter 58 of the Tompkins County Code be designated from January 1, 2010, to December 31, 2010, as follows:

The Ithaca Journal, Ithaca, New York

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 249 – APPROPRIATION FROM CONTINGENT FUND - TERMINAL -PAY REIMBURSEMENT – ASSESSMENT**

MOVED by Mr. Shinagawa, seconded by Ms. Herrera. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Department of Assessment had the Director of Assessment retire effective October 30, 2009, and

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

RESOLVED, on recommendation of the Government Performance and Workforce Relations and the Budget, Capital, and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

REVENUE	A1990.54440	Contingent Fund	\$25,755.41
APPROPRIATION	A1355.51000244	Director of Assessment	\$25,755.41

**SEQR ACTION: TYPE II-20**

\* \* \* \* \*

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

Ms. Mackesey, Chair, thanked Mr. Koplinka-Loehr for the help he has offered committee chairs throughout the year and said the depth of his knowledge and understanding of the budget process, in addition to his many other qualities will sorely be missed.

Ms. Mackesey, said the committee met on December 9 and many of the items on that agenda were approved under the Consent Agenda. The Committee spent a significant amount of time discussing the Biggs building and also the gas drilling dSGEIS resolution that follows this report.

**RESOLUTION NO. 250 - COMMENTS TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON DRAFT SUPPLEMENTAL GEIS**

MOVED by Ms. Mackesey, seconded by Ms. Chock.

Ms. Mackesey said the issue of gas drilling has clearly been on the minds of many of the County's residents and is probably the most compelling issue this County has faced in several years. She said she believes it received a great deal of attention and particularly made reference to reviews performed by the Environmental Management Council, Water Resources Council, and the Tompkins County Health Department in addition to being reviewed by two standing committees of this Legislature. Ms. Mackesey recognized the hard work put into this document by the Planning Department and said this resolution reflects the quality of work the County receives from all the departments.

Ms. Chock explained the history of changes and the timeframe associated with each revision that has been made to the resolution.

Ms. Herrera said she doesn't usually support long explanations in resolutions but in this case she thinks it is warranted. She spoke in favor of this resolution and called attention to page 3, item 10, and said it highlights the importance of asking the State to do this and also speaks to requirements to mitigate impacts of gas drilling. Ms. Herrera said she is from Texas and has seen areas ravaged by these kinds of drilling activities and supports the leadership in Tompkins County that has taken an active role in this.

At this time Ms. Herrera thanked Mr. Koplinka-Loehr for his service, integrity, diligence, mentoring, and consistency as Chair of the Legislature.

Ms. Herrera was excused at 7:23 p.m.

Mr. Sigler said he supports drilling in Marcellus shale for natural gas. He said Marcellus shale is one of the largest gas formations in the country and there is a need for natural gas. He said he did not read anything in the document that he objects to and thinks the water sources can be protected with hydrofracking. Mr. Sigler said the problem he has with the report by the State is that the set of rules being established are unclear. He believes the industry would also like to see clearer rules in order to avoid lawsuits later.

Mr. Koplinka-Loehr said he cannot support the resolution at this time unless a more definitive ruling is received from the County Attorney in regard to the term being used of “moratorium” versus “withdrawn”. He said the change to requesting the DEC document being withdrawn at this time is too significant of a change at this time.

Ms. Robertson said there is widespread agreement on the inadequacy of the DEC document and the issue is about the future of the entire region should not be taken lightly. What happens with this drilling will transform Upstate New York permanently; if gas drilling in this area is going to proceed, it needs to be done right. She said there is no analysis of the life cycle of natural gas that accounts for all of the emission involved in extraction and use. She said even if there is only a two percent leakage of methane gas in the pipeline that cancels out the alleged advantage of natural gas over coal.

Mr. Wood did not recommend use of the word “moratorium”; he said that word is typically used once something goes into effect and it appears this Legislature does not want this to go into effect at all. He did not recommend using the term “withdrawn” as it could lead to present permits automatically being used. After conferring with Mr. Marx it was agreed to change the wording to read “require that no new horizontal drilling involving the use of hydrofracturing be permitted until and unless an adequate environmental review is completed.”

Mr. Shinagawa praised the work that has gone into this resolution. He works in Pennsylvania and has learned what is happening there in Bradford County. He spoke of the focus on perceived economic activities that communities are anticipating as a result of gas drilling. He said Tompkins County is also taking into account the social, economic, and environmental well-being of Tompkins County.

Mr. Proto said he shared many of the same concerns years ago when Cornell was proposing the Lakesource Cooling Plant and said once the project was totally complete there was the addition of only one new job. He expressed concern with using the economic indicators with gas drilling and questioned where are the new jobs going to be once the drilling is complete.

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

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has released the *Draft Supplemental Generic Environmental Impact Statement 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* (hereinafter referred to as the “Document”), and

WHEREAS, the deadline for submitting comments on the Document is December 31, 2009, and

WHEREAS, the Tompkins County Health Department, the Tompkins County Planning Department, the Tompkins County Environmental Management Council, and the Tompkins County Water Resources Council, among others, are planning to submit comments to the Department of Environmental Conservation on the Document, and

WHEREAS, in addition to the important technical comments provided by those groups, the Tompkins County Legislature (hereafter “Tompkins County”) has a duty to both provide leadership to the

community and help reflect community concerns in evaluating the possible impacts associated with the proposed drilling of the Marcellus Shale, and

WHEREAS, many entities, including Tompkins County, are now striving for at least an 80% reduction in greenhouse gas emissions by 2050, and it is understood that natural gas could serve as a lower-emissions fuel source as the nation transitions to renewable sources of energy (provided that in the course of its development it is not a net eCO<sub>2</sub> emitter), and

WHEREAS, it is also recognized that natural gas is a finite resource and that total extraction of New York State's natural gas resources will only meet national energy needs for a limited period of time that will be measured in years or decades, yet environmental damage, particularly to water, arguably New York State's most valuable finite resource, could be permanent, and

WHEREAS, Tompkins County does not believe that the Document establishes adequate specific conditions, criteria, and thresholds to allow drilling permits to be issued without extensive additional environmental review needing to be conducted for each permit issued, and

WHEREAS, Tompkins County and its municipalities have a responsibility to preserve and protect water resources and other natural resources, highway infrastructure, economic development in many other sectors, public health, and quality of life for our residents now and in the future, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee and the Planning, Development and Environmental Quality Committee, That the Tompkins County Legislature submits the following comments on the Document:

1. New York State taxpayers should not be required to bear the financial costs of implementing the natural-gas water-well monitoring and tracking described in the Document. This cost should be paid for by the natural-gas industry. In describing the proposed approach to tracking the results of private well monitoring and responding to complaints concerning private well water quality, the Document states the NYSDEC's intention to rely on county health departments, potentially requiring a large commitment of County resources to undertake such an unfunded mandate. Should the final regulations continue with this approach, New York State should provide 100% funding to county health departments in order to fully provide the staffing and other resources needed to track well monitoring results and to respond to public complaints and concerns. Funds for implementing this program should be provided to local health departments through gas well permitting fees. Fees cannot be raised directly by the local health departments since the NYSDEC has sole regulatory authority over gas wells.
2. Groundwater monitoring needs to be conducted near Marcellus shale gas wells; however, the program proposed by the NYSDEC is inadequate to detect and remediate contamination of drinking water aquifers. Water quality monitoring programs should focus on monitoring the groundwater resource, not just existing drinking water wells. Water supply wells should not be the sole means of determining if groundwater contamination has occurred near a Marcellus shale gas well due to the unknown or varying construction, operation, and availability of these wells. The permit applicant should be required to install and monitor groundwater wells to detect groundwater contamination before it reaches individual or public supply wells. At least 3 monitoring wells should be installed around each well pad and each centralized flowback water surface impoundment and these wells should be sampled and analyzed at the same frequency as the private water supply wells. The NYSDEC (in conjunction with the NYS Department of Health) should establish what is required to be tested for and what are the acceptable levels. Sharing the results of all sampling programs with the public should be a requirement.
3. Prevention of pollution is better and less costly than attempts at remediation. NYSDEC must analyze the existing lists of chemicals the gas developers use in their fracking fluids (Sections 5.4 and 9.3, Tables 5-6 and 6-1) and forbid the use of any substances that are, or whose breakdown products or metabolites are known or suspected to be carcinogenic, mutagenic, or endocrine disrupters.
4. In many places throughout the Document, specific mitigation measures are "proposed,"

“encouraged,” “suggested,” etc. Regulations must require the most protective mitigation measures or best management practices available to assure the protection of the public health and welfare and the natural environment.

5. The Document, in several places, most notably page 7-64, identifies additional mitigation measures for well-drilling operations in the New York City Watershed. Such standards must apply equally to all watersheds with municipal water supplies. In Tompkins County this would include the entirety of the Cayuga Lake watershed.
6. To alleviate adverse road use impacts, the Document (page 7-109) requires operators to “attempt to obtain a road use agreement with the municipality or document the reasons for not obtaining one.” The Document should require, not just the attempt, but the development and execution of binding road use agreements. Operators should be required to notify all local municipalities, including villages, towns, cities, and counties, that their vehicles will travel through, even if there is no drilling operation in the municipality itself. Operators should then be required to sign binding road-use agreements for those municipalities, as well as with municipalities where the drilling operation is located to hold municipalities harmless for damage to roads and other infrastructure by drilling-related traffic.
7. Tompkins County has established a policy to “Reduce community greenhouse gas emissions by at least 2 percent of 2008 base year emissions per year to reach, at a minimum, an 80% reduction from 2008 levels by 2050.” [Tompkins County Comprehensive Plan: Energy and Greenhouse Gas Emissions Element, 2008] In response to a request from the NYSDEC Tompkins County reiterated this commitment by signing on to the DEC’s Climate Smart Communities Pledge in April 2009. According to the Document, over the 30-year well lifetime, emissions from 100 one-well projects will more than double all community emissions in Tompkins County over that same 30-year time period. The result is that the proposed gas drilling, if implemented, will make it impossible for Tompkins County to meet its greenhouse gas emissions goals. The cumulative impact of drilling in the Marcellus Shale may make it impossible for New York State to meet its greenhouse gas emissions goals. This cumulative impact should be clearly evaluated in the Document. The Document should require operators to detail how their drilling operation will meet specific emissions thresholds, and what mitigation measures will be implemented to accomplish those emissions levels.
8. EAF Addenda should be required before drilling permits are issued. Furthermore, EAF Addenda should be required to be submitted to local, county, and regional planning boards for review and comment to the DEC prior to drilling permits being issued. Page 7-2 of the Document proposes that EAF Addenda be submitted for all permits. In addition, page 7-23 of the Document states that many adverse impacts may be avoided by planning a drilling operation to fit site characteristics, like avoiding steep slopes and maintaining sufficient separation from environmentally sensitive features, such as streams and wetlands. Finally, Page 7-111 of the Document indicates that “the EAF Addendum submitted with each well permit application will require the applicant to attest to having reviewed any existing comprehensive, open space and/or agricultural plan or similar policy document(s).” Such EAF Addenda should require that well permit applicants comply with the existing plans and the addenda should be submitted to local, county, and regional planning boards for review and comment as such agencies are in the best position to identify the potential site-by-site environmental impacts of proposed drilling operations and are best suited for determining the consistency of proposed drilling operations with existing plans and policies.
9. The method described in the Document for disposal of flowback water and fracking fluids is totally inadequate. Although methods of disposal are discussed in the Document, it is also stated that flowback water must be characterized before the suitability of a treatment option can be determined. The problem is that the constituents of the flowback water cannot be known until after drilling activity has occurred and the wastewater produced. The document acknowledges that some potential constituents of the flowback water could make it unsuitable for treatment at a

previously designated treatment plant. In addition, the type and concentrations of flowback-water constituents can vary daily, which makes the entire concept of characterizing flowback water suspect for use by waste water treatment plants. We face the prospect of holding ponds of toxic wastewater scattered across our landscape indefinitely. No drilling can be permitted until it is determined that a safe method for disposal of flowback water and other wastes is in place. It should be required that storage facilities for such wastewater be enclosed, covered tanks, not open ponds.

10. It is essential that all of the requirements to mitigate impacts of this activity, as described herein and in other comments, be incorporated in formal regulations issued by the NYSDEC after an additional formal comment period. This is the only way to assure compliance with, and consistency in the administration of, those requirements. The Document does not propose, and it is our understanding that NYSDEC does not intend to issue, specific regulations regarding drilling in the Marcellus Shale. NYSDEC must undertake a formal rulemaking, rather than just trying to add to the existing forms, application documents, and conditions that NYSDEC has been using for decades, and use state-of-the-art scientific standards as a basis for such rulemaking. The NYSDEC must take the time to conduct the necessary research (and to make use of results from the upcoming Environmental Protection Agency's review) prior to proposing regulations.
11. The Document does not address in any meaningful way the cumulative impacts of Marcellus Shale development on a substantial region of New York State. And yet every EIS is supposed to focus on cumulative impacts rather than allowing segmentation. We recognize the challenges of this requirement, but that does not mean it should be brushed off as "difficult".
  - Industrial use. Permitted development in Tompkins County could result in a cumulative area of industrial land use equal to or greater than the entire current amount of industrially developed land in Tompkins County. In virtually every instance, existing industrial land use was sited after years of careful planning at the municipal level and review of site plans for specific activities and sites. This planning process assured that industrial land uses were located in areas that have infrastructure sufficient to support the activity, including major highways and public water and sewer infrastructure, and that do not conflict with the protection of valued natural resources. Gas drilling, by contrast, is likely to occur in areas that are not designated or suitable for industrial land uses, that have little or no infrastructure adequate to support the activity, and that have not been subjected to a comprehensive planning process to evaluate impacts of this development.
  - Local landscapes. Furthermore, local authority to review gas drilling activity has been precluded by the State of New York. The result will almost certainly be the degradation and fragmentation of our natural areas and rural landscape with serious negative impacts on a rural way of life and the function of some of our natural and wildlife resources. Invasive species of plants and animals thrive particularly at the "edges" of forests and fields, and the proliferation of drilling pads and centralized impoundment areas will introduce significantly more land with such edges.
  - Water resources. Water withdrawals are insufficiently regulated and the cumulative effects of removing billions of gallons of water from the ecosystem, effectively permanently, are barely addressed in the document.
  - Air quality. The document does not sufficiently address threats to air quality and public health from drilling operations, including emissions of nitrogen oxide (NOX) and volatile organic compounds that contribute to creation of ground-level ozone. These and other impacts on air quality and public health must be identified and prevented.
  - Gas processing and transmission. Pipelines and compression stations are not addressed by the Document; the NYSDEC must establish a mechanism to coordinate with the Public Service Commission, including regulating gathering lines that are below the size regulated by PSC, and requiring that cumulative effects of the entire industry are considered together.

- *Thresholds.* In sum, there is no attempt in the Document to establish thresholds of activity that the environment could sustain without permanent damage. In the Document, the spacing unit is the only limiting factor on development. The NYSDEC must establish a pace and level of development that it deems the human and natural environment could tolerate, rather than leaving the pace and extent of development to be determined by the industry (e.g., by the number of drill rigs available).

The failure to address cumulative impacts on the landscape and on communities is a fatal flaw that undermines everything else in the Document.

12. The Document does not address the potential negative impact on other sectors of the economy that depend on our existing environment, clean water, and viewsheds. In Tompkins County these sectors include higher education, high-tech spin-off industry, grape growing and wine production, agriculture, and tourism, each of which receives costly New York State economic development support.

RESOLVED, further, That the only conclusion that can be drawn from the Document in its current form is that it does not comply with the SEQRA requirement to evaluate the impacts of Marcellus Shale drilling on the environment and public health, and does not propose mitigation measures that sufficiently protect the public health and environment to allow permitting of drilling in the Marcellus Shale to proceed. The many flaws in the Document, including failure to assess the life cycle analysis of greenhouse gas emissions from natural gas, as well as the fact that the EPA will soon begin a study of the risks of hydrofracturing, the results of which should be included in the New York State review, require that no new horizontal drilling involving the use of hydrofracturing be permitted until and unless an adequate environmental review is complete,

RESOLVED, further, That copies of this resolution shall be sent to Director Jack Dahl of the NYSDEC Division of Mineral Resources, Governor David A. Paterson, NYSDEC Commissioner Peter Grannis, NYSDEC Executive Deputy Commissioner Stuart Gruskin, Chair of the Senate Committee on Environmental Conservation Antoine Thompson, New York State Senators John Sampson, Malcom Smith, Dean Skelos, Thomas Libous, George Winner, James Seward, Michael Nozzolio, Bill Perkins, and Eric Schneiderman, Chair of the Upstate Caucus Senator Darrel Aubertine, NYS Assembly Speaker Sheldon Silver, Assemblywoman Barbara Lifton, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Attorney General Andrew Cuomo, United States Senators Charles Schumer and Kirsten Gillibrand, U.S. Representatives Diana DeGette, John Salazar, Maurice Hinchey, and Michael Arcuri, and the New York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors.

**SEQR ACTION:** Not a SEQR Action

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

Ms. Mackesey, Chair, reported the Committee has not met but will schedule its first meeting in the near future.

### **Approval of Minutes of November 17, 2009 and December 1, 2009**

It was MOVED by Mr. Proto, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the minutes of November 17, 2009, and December 1, 2009, as corrected. MINUTES APPROVED.

### **Recess**

Mr. Koplinka-Loehr declared recess from 7:54 p.m. to 8:00 p.m.

Tompkins County Legislature  
December 15, 2009

**Executive Session**

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to enter into executive session at 8:00 p.m. to discuss a personnel matter. The meeting returned to open session at 8:13 p.m.

**Adjournment**

On motion the meeting adjourned at 8:13 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office