

Tompkins County Legislature

December 16, 2008

APPROVED 1-20-09

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: 13 Legislators. (Legislator Kiefer arrived at 5:33 p.m.); Excused: 2 (Legislators Randall and Stevenson).

Privilege of the Floor by the Public

Beverly Chin, Town of Lansing resident and a representative of the Human Services Coalition, spoke concerning the Tompkins Rx prescription discount program. This prescription card program was spearheaded by Legislator Robertson and endorsed by Tompkins County in 2004 for distribution to all Tompkins County residents. Ms. Chin reported in November, the total amount saved over the four-year period was \$1,004,226.

Ms. Kiefer arrived at this time.

Peter Bardaglio, Trumansburg resident and Chair of the Tompkins County Climate Protection Initiative, urged the Legislature to support the proposed Tompkins County Energy and Greenhouse Gas Emissions Element as an amendment to the County's Comprehensive Plan. The Initiative has been working since June, 2008, on energy efficiency measures for the County and working with local educational institutions, Chamber of Commerce, Tompkins County Area Development, Ithaca Downtown Partnership, and others. He presented a letter in support of the resolution on the agenda this evening with signatures of representatives of many local supporters of the Energy and Greenhouse Gas Emissions Element. Mr. Bardaglio said a lot of excellent and thoughtful work has gone into this and believes the proposed Element is a national model.

Privilege of the Floor by Legislators

Ms. Chock, District No. 3 Legislator, reported on an awards ceremony she attended on December 7th that was sponsored by Sustainable Tompkins. The purpose of the award ceremony was to "Recognize Signs of Sustainability for 2008 in Tompkins County". Ms. Chock said several County efforts received awards, along with 83 initiatives. Some recipients of the awards included: Ithaca Car Share, Tompkins County Soil and Water Conservation District, Tompkins County Planning Department, TCAT, Finger Lakes Reuse Center, Tompkins County Climate Protection Initiatives, Finger Lakes Environmentally Preferred Procurement Consortium, Tompkins County Solid Waste Division, 211 Tompkins, Cooperative Extension, TC3 Green Collar Career Fair, and the Danby Hamlet Planning Steering Committee.

Ms. Robertson, District No. 13 Legislator, thanked Ms. Chin for reporting on the Tompkins Rx Program. She announced the Health Planning Council did an evaluation of the program by surveyed all of the pharmacies in the County about their experiences with the Program and the overall results were very positive.

Ms. Kiefer, District No. 10 Legislator, spoke of global warming and said she heard Bill McKibben interviewed this morning on the radio. He is one of the people publicizing Dr. James Hanson's point, that 350 parts per million in CO₂ equivalents is the tipping point for the planet. It was

stated that right now we are at 387 parts per million with the sea ice and land ice at the poles is melting faster than ever. The present goal that is regarded in international agreements would let us get to 480 parts per million, which is unacceptable. She said the recent Climate Summit in Poland has just ended with no new agreements and the next international meeting when new goals may be agreed upon is December, 2009. Ms. Kiefer said a lot of the countries are waiting to see what the United States, which produces a disproportionate share of these emissions, will do. She said she hopes the new Administration will make this a high priority as was promised during the recent Presidential election campaigns.

Ms. Mackesey, District No. 1 Legislator and member of the TCAT Board of Directors, reported at the last TCAT meeting information presented from October showed the month's ridership was 357,000 rides, the highest monthly total ever. Ms. Mackesey also reported on a meeting she attended at Tompkins Cortland Community College that was attended by representatives of Cortland State, Cortland County, Cornell University, Tompkins Cortland Community College, Tioga County, and Tompkins County. The meeting was held because the group has been awarded 75,000 to study the feasibility of a regional transit system.

Mrs. McBean-Clairborne, District No. 2 Legislator, displayed her "fa la la" button. This is a project of the Downtown Ithaca Alliance, and in addition to stamping out hunger, it is about how to build collaborations and work together to maximize efficiencies and help each other out. She announced this afternoon the FBI released the list of safest cities and noted Ithaca is listed in top three of safest cities.

Ms. Proto, District No. 7 Legislator and member of the TCAT Board of Directors, reminded the public to get their "Voice your Choice" selections into NYSEG as they are due December 31st. He also reported on the proposed TCAT route changes and said anyone who has concerns should contact TCAT directly.

Ms. Herrera, District No. 5 Legislator and member of the TCAT Board of Directors, spoke of the proposed TCAT route changes. She said employees are doing good work in trying to maximize efficiency and also minimizing the cost to the public during a very difficult economic time. She complimented the ice sculptures downtown and said the displays last weekend were brilliant.

Report from the Municipal Officials

No town, village, or City municipal official was in attendance.

Chair's Report and Appointment

Mr. Koplinka-Loehr reminded members that there will be a joint Legislature/department head meeting on December 18th at the Ithaca Town Hall at 3:30. A holiday party will be held following the meeting.

Mr. Koplinka-Loehr appointed Dan K Huston to the Workforce Investment Board as a business representative for a term expiring December 1, 2011.

Mr. Koplinka-Loehr stated 2008 Standing Committee membership will carry-over through January, 2009.

Report from the County Administrator

Mr. Mareane reported on the State budget gap and proposals by Governor Paterson to close that gap, including \$9.5 billion in spending cuts with the balance coming in the form of revenue increases. He said the Governor is asking the State Legislature to close the current year budget gap by February 1st and to close next year's budget gap by March 1st. Mr. Mareane said he has submitted a highlight sheet to members of the Legislature highlighting programs that would be impacted by the State budget; however,

he will be working with staff over the next several days to do a very detailed assessment of impact. He noted there will be several changes made to this budget over what will be a very long process. Mr. Shinagawa commented on the proposed State budget and said he was pleased that in his comments the Governor said he did not want to increase State mandates on local governments. However, Mr. Shinagawa opposes the many increases in fees and sales taxes that he thinks adversely affect low- and middle-class people. It was noted that while there many negatives contained in the proposed State budget, there are areas that could prove to be positive for Tompkins County, such as the hard cost of mandates not being shifted to counties.

Mr. Mareane reported a meeting was held today with Congressman Hinchey and his staff to begin a discussion about possible initiatives the federal government could do that would be a part of federal stimulus program. Such initiatives would come at a time when it is very much needed and would be the most beneficial to the community.

County Attorney

Mr. Wood distributed information summarizing pending litigation the County Attorney's Office is handling.

Report from the Finance Director

Mr. Squires reported the County will be receiving bids for the Health Department project on December 23rd. He reported these are anxious times in the financial markets and today the Federal Reserve eliminated interest earnings from investments. He reported the County has met its interest earnings estimate for 2008 but noted the estimates had been substantially lowered. He said the County is going to market for \$11.1 million in note renewals and is hopeful the borrowing rates will be low, particularly because of the County's very good credit rating. Mr. Squires said the County will end the year having exceeded the sales tax estimate by approximately \$1 million.

Mr. Squires provided an update on foreclosure properties and said there are currently 60 properties, down from 70. Property owners have until January 2nd to redeem properties. He noted two property owners represent half of the commercial-class properties' value.

Addition of Resolution(s) to the Agenda

On motion and duly seconded and unanimously adopted by voice vote by members present, the following resolution(s) were added to the agenda:

Appropriation from Contingent Fund – Terminal Pay Reimbursement – Sheriff's Office – Jail
Appropriation from Contingent Fund – Replacement Pay – Sheriff's Office – Jail
Acceptance of Legislative Initiative Grant for Personal Emergency Response Systems Machines
– Office for the Aging

Withdrawal of Resolution(s) from the Agenda

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

Addition of Appointment(s) to the Agenda

It was MOVED by Ms. Robertson, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to add appointments to the following advisory boards to the Consent Agenda:

Local Empire Zone Administration Board

Water Resources Council
Environmental Management Council

It was MOVED by Ms. Robertson, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to add appointments to the Planning Advisory Board to the regular Agenda.

Approval of Appointment(s) Under the Consent Agenda

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve the following appointments under the Consent Agenda:

Library Board of Trustees – terms expire December 31, 2011

Richard Driscoll
Michael S. Hall
Nancy B. Schuler
Eric Acree

Advisory Board on Indigent Representation – terms expire December 31, 2011

Seth Peacock
William E. Furniss, Jr.

STOP-DWI Advisory Board – term expires December 31, 2011

Charles E. Howard – At-large representative

Emergency Communications Review and Oversight Committee – terms expire December 31, 2011

Tim Bangs – Manager of Commercial Ambulance Service representative
Vincent P. Monticello, Sr. – Ithaca Police Chief designee representative

Public Information Advisory Board – term expires December 31, 2010

Chuck Brodhead

Office for the Aging Advisory Committee – terms expire December 31, 2011

Eugene Lovelace
Maxine C.P. Nicholls
Donna Jean A. Darling

Youth Services Board – terms expire December 31, 2011

Dr. Jeffrey D. Bishop – At-large representative
Amanda Verba – At-large representative
Term expires December 31, 2010
Stephen L. Farkas – Town of Lansing representative

Personal Emergency Response Service Advisory Board – term expires December 31, 2010

Cindy Ceracche – Agency representing disabled or elderly

Workforce Diversity and Inclusion Committee – terms expire June 30, 2011

Kristina Belanger – County staff representative
Shawn Martel Moore – County staff representative

Local Empire Zone Administration Board – terms expire December 31, 2011

Jean McPheeters – Local Business representative
Michael Hattery – Residential representative
Carl E. Haynes – Local Educational Institution representative
Water Resources Council – terms expire December 31, 2011

Sharon K. Anderson – Cooperative Extension representative
Cindy Schulte – Municipal representative
Todd Miller – USGS representative (ex-officio, non-voting)
Liz Cameron – Environmental Health representative
Elaine Quaroni – At-large representative
Donna Eschenbrenner – At-large representative
Term expires December 31, 2010
Herbert Dwyer – Economic Development representative

Environmental Management Council – terms expire December 31, 2010

Stephen C. Komor – At-large representative #13
Amy Risen – At-Large representative #12
James McGarry – At-large representative #11
Kenny Christianson – At-large representative #7
Dan Lamb – At-large representative #8
Marissa Weiss – At-large representative #9

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 258 - IMPLEMENTATION OF 2009 TOMPKINS COUNTY BUDGET - MEMBERSHIPS

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present 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 and Capital Committee, That memberships in all municipal and professional organizations specifically listed in 2009 budget requests, approved by the appropriate program committee, and included in the 2009 budget adopted by the Tompkins County Legislature, are hereby authorized and approved.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 259 - IMPLEMENTATION OF THE 2009 BUDGET - DEPARTMENTAL FEES

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present 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 and Capital 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 and Capital Committee for 2009, and included in the 2009 budget adopted by the Tompkins County Legislature, are hereby authorized and approved.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 260 - AUTHORIZATION TO DISBURSE FUNDS - COUNTY ADMINISTRATION

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present 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 and Capital 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 2009 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

RESOLUTION NO. 261 - DELEGATION OF AUTHORITY TO AUTHORIZE CERTAIN TAX AND SOLID WASTE FEE REFUNDS UNDER \$500

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present 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 and Capital 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 and Capital 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 2009.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 262 - AUTHORIZING CHANGES IN CHARGE STRUCTURE - TOMPKINS COUNTY HOME HEALTH CARE - HEALTH DEPARTMENT

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

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 2009 rates in December 2008 for implementation on January 1, 2009, 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.

2009 Tompkins County Home Health Care Fee Schedule

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Skilled Nursing	\$150.00	\$165.00	\$175.00	\$175.00
High Tech Nursing	\$185.00	\$190.00	\$200.00	\$200.00
Physical Therapy	\$110.00	\$112.00	\$115.00	\$115.00
Speech Therapy	\$105.00	\$105.00	\$120.00	\$120.00
Occupational Therapy	\$105.00	\$105.00	\$115.00	\$115.00
Medical Social Work	\$105.00	\$105.00	no fee set	no fee set
Home Health Aide	\$ 45.00/hr	\$ 45.00/hr	\$45.00/hr	\$48.00/hr
	\$ 90.00/visit	\$ 90.00/visit	\$90.00/visit	\$96.000/visit

RESOLVED, further, That the Department sets the per hour Nursing Administrative Charge at \$66.00 per hour, for services as appropriate (i.e., rabies post exposure, hypertension screening clinics, immunization administration, etc.)

SEQR ACTION: TYPE II - 20

RESOLUTION NO. 263 - AUTHORIZATION TO ACCEPT VIOLENCE AGAINST WOMEN ACT (VAWA) DEVELOPMENT GRANT FROM FEDERAL DEPARTMENT OF JUSTICE – DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, the Department of Social Services is challenged, when working with families troubled by domestic violence, to satisfy its dual mandates to keep children safe and promote parental involvement in children’s lives, and

WHEREAS, the “Safe Haven” approach to dealing with this circumstance has been successful elsewhere, and

WHEREAS, the Department submitted a “Safe Havens Development Grant” application to the United States Department of Justice to fund the preliminary work of creating a resource of that type in Tompkins County, and

WHEREAS, the Department has received a notice of award from the Department of Justice’s Office on Violence Against Women worth \$150,000 over a two-year period, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Department of Social Services is authorized to accept the award.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 264 - CORRECTION OF ERRORS

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

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

RESOLVED, on recommendation of the Government Operations Committee, That the Clerk of the Legislature be and hereby is authorized to correct any manifest errors in the 2009 minutes of the Legislature or in reports of any committees.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 265 - DESIGNATION OF NEWSPAPER

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

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 Operations 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, 2009, to December 31, 2009, as follows:

The Ithaca Journal, Ithaca, New York

SEQR ACTION: TYPE II-20

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

Ms. Robertson, Chair, reported the Committee met on December 11. She said on Legislators desks is the history and current proposal on Community Housing Affordability Program and Community Housing Trust Program of the Housing Fund. A full presentation will be given to the Legislature on January 6th. Ms. Robertson reported Legislators Mackesey and Chock have been working on the tourism program and staffing issues and are looking at what role a paid professional would have in directing the tourism program. The Committee discussed stimulus package proposal that was discussed with Congressman Hinchey and also voted on a resolution relating to membership of the Industrial Development Agency. The Committee will meet next on January 8th.

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

Planning Advisory Board – terms expire December 31, 2011

Andrew Zepp – Land Preservation/Public Land Management representative

Fernando deAragon – Transportation representative

Martha Armstrong – Economic Development representative

John Gutenbergger – Education representative

RESOLUTION NO. 266 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 267 OF 2008

MOVED by Ms. Robertson, seconded by Ms. Herrera. A voice vote resulted as follows: Ayes – 10; Noes – 3 (Legislators Hattery, Proto, and Sigler); Excused – 2 (Legislators Randall and Stevenson).
RESOLUTION ADOPTED.

WHEREAS, in Resolution No. 267 of 2008, the Tompkins County Legislature would adopt the Energy and Greenhouse Gas Emissions Element as an amendment to the Tompkins County Comprehensive Plan to guide County program development and decision making with regard to energy and greenhouse gas emissions, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution No. 267 of 2008 is a Type I action,

RESOLVED, further, That the Tompkins County Legislature determines that the Energy and Greenhouse Gas Emissions Element of the Tompkins County Comprehensive Plan will not have a significant adverse effect on the environment and is expected to have a positive and beneficial effect on the community,

RESOLVED, further, That the Tompkins County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 267 of 2008.

SEQR ACTION: Negative Declaration and Full Environmental Assessment Form on file with the Clerk of the Legislature.

RESOLUTION NO. 267 - ADOPTION OF THE ENERGY AND GREENHOUSE GAS EMISSIONS ELEMENT AS AN AMENDMENT TO THE COUNTY COMPREHENSIVE PLAN

MOVED by Ms. Robertson, seconded by Ms. Mackesey. Ms. Robertson said this is a great addition to the Plan that has the broad support of the community. Ms. Kiefer said this is the first chance the Legislature has had an opportunity to vote on the wording; there have been meetings all over the community and changes made to reflect much of the input that was given. However, while the Environmental Management Council is fully supportive of the Element, there are changes that did not get made that she still feels strongly about.

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank to amend the resolution to include amending the Plan in two places [underlined]: page one, first paragraph: The projected decline in rural oil supply ("peak oil"); and page seven third action item: to have an adaptation plan that addresses greenhouse gas emissions and peak oil. Mr. Burbank spoke of depleting world supply of oil reserves and strongly urged Legislators to support the amendment. Ms. Herrera agreed with the sentiment expressed and the need to educate the public; however, she stated the Element proposed represents a collaborative effort that resulted in the Element proposed without the additional language.

Ms. Chock said she believes the effort has been an incredible planning process and recognized the work of the Planning Department staff in soliciting input from so many areas of the community. Given new information she heard on the radio from the United Nations Conference, Ms. Chock said she will support the amendment proposed.

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

Ms. Mackesey said she was impressed by the number of discussions, meetings, and public outreach that was done on this by Planning Department staff.

Mr. Sigler said he did not support the Comprehensive Plan; therefore, will not support this Element. He said he is against centralized planning at the County level and believes planning is inherently a city and town issue. He believes the goals contained in the Element are amiable and contains many energy efficiencies; however, there is a coal plant within Tompkins County that produces a lot of

CO2 and unless something is done to sequester carbon in a cost effective way, the carbon problem will not be solved. Mr. Hattery said he agrees with Mr. Sigler's comments and also disagrees with the number of assumptions contained in the Element.

Ms. Herrera said she supports the County's Comprehensive Plan and doing outreach to solicit input from the public. She said because of that and the extraordinary efforts made to gain consensus she cannot support the resolution as amended with additional language. She said it is undemocratic to change the wording that has been agreed to at the last minute. Ms. Herrera said for the record the original resolution represented an extraordinary effort.

A voice vote on the original resolution and the Emissions Element as amended resulted as follows: Ayes – 9 (Legislators Burbank, Chock, Dennis, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Robertson, and Shinagawa); Noes – 4 (Legislators Hattery, Herrera, Proto, and Sigler); Excused – 2 (Legislators Randall and Stevenson). RESOLUTION ADOPTED.

WHEREAS, in 2004, the Tompkins County Legislature adopted the Tompkins County Comprehensive Plan to guide County program development and decision making based on a community-defined vision of future growth and development in Tompkins County, and

WHEREAS, during the comprehensive planning process energy and greenhouse gas emissions were identified as important topics to be included in the Tompkins County Comprehensive Plan, but were delayed for study due to resource limitations at the time with the intention of studying and incorporating the topics as resources became available, and

WHEREAS, the Tompkins County Planning Department, with guidance and advice from the Tompkins County Planning Advisory Board and with significant participation from the Tompkins County Environmental Management Council, has developed an Energy and Greenhouse Gas Emissions element to be added to the Tompkins County Comprehensive Plan that addresses the local energy challenge, and

WHEREAS, the County has, through its Department of Planning, engaged in an extensive outreach effort to solicit public input and determine public support for the Energy and Greenhouse Gas Emissions element's Principles, Policies, and Action Items as a means for providing leadership and guiding decision making on energy and greenhouse gas emissions in the community, and

WHEREAS, the draft element was subject to wide-ranging opportunities for public review and comment, including four general public meetings and presentations to key community organizations, including the Chamber of Commerce, Tompkins County Council of Governments, and Tompkins County Climate Protection Initiative, and

WHEREAS, this element is based on current research undertaken by the Planning Department with outstanding assistance from many active groups, organizations, and individuals in the community, and

WHEREAS, the element promotes community-wide reduction in energy demand, improvements to energy efficiency, transition to renewable sources of energy, and the reduction of greenhouse gas emissions, and

WHEREAS, the element is not only consistent with the Tompkins County Comprehensive Plan but also supports other principles and policies of the County Comprehensive Plan, such as nodal development patterns, developing alternative transportation options, investing in local jobs and business opportunities, and protecting rural resources and natural features, and

WHEREAS, the Tompkins County Planning Advisory Board and Tompkins County Environmental Management Council have both passed resolutions recommending that the Legislature adopt the element as an amendment to the Tompkins County Comprehensive Plan, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Energy and Greenhouse Gas Emissions element is adopted as an amendment to the Tompkins County Comprehensive Plan,

RESOLVED, further, That the Energy and Greenhouse Gas Emissions Element, like the Tompkins County Comprehensive Plan itself, should be used in association with other factors, such as fiscal impacts, service delivery needs, and environmental impacts, to guide decision making by the County,

RESOLVED, further, That, when there is a perceived conflict between sections of the Comprehensive Plan, the Tompkins County Legislature intends that the Tompkins County Comprehensive Plan's Principles, Policies, and Action Items be used as a whole to evaluate the impacts of various actions.

SEQR ACTION: TYPE I-1

Negative Declaration and Full Environmental Assessment Form on file with the Clerk of the Legislature.

**RESOLUTION NO. 268 – APPROPRIATION FROM CONTINGENT FUND -
INTERNATIONAL COUNCIL ON LOCAL ENVIRONMENTAL
INITIATIVES (ICLEI) MEMBERSHIP**

MOVED by Ms. Robertson, seconded by Ms. Herrera. A short roll call vote resulted as follows: Ayes – 12, Noes – 1 (Legislator Hattery); Excused – 2 (Legislators Randall and Stevenson).
RESOLUTION ADOPTED.

WHEREAS, in 2001 Tompkins County joined the Cities/Counties for Climate Protection (CCP) project of the International Council on Local Environmental Initiatives (ICLEI) a program for municipal governments to identify sources of greenhouse-gas emissions (GHG) within their jurisdictions and take actions to reduce such emissions, and

WHEREAS, Tompkins County completed an inventory of the GHG emissions from County government operations in 2001 and a Local Action Plan to Reduce GHG Emissions from County government operations in 2003, and

WHEREAS, the Tompkins County's Local Action Plan to Reduce GHG Emissions for County government operations established a 2008 goal of reducing by twenty percent the amount of GHG emissions from the operation of County government compared to its 1998 baseline, and

WHEREAS, Tompkins County completed an update to its GHG emission inventory in Summer 2007 to assess how County government is progressing toward its reduction goal using the ICLEI software and technical assistance, which expresses all GHG emissions in terms of CO₂ equivalents (eCO₂), and

WHEREAS, Tompkins County has developed a new Energy and Greenhouse Gas Emissions Element to the County Comprehensive Plan that incorporates the findings from the carbon emissions inventory, and

WHEREAS, membership in ICLEI will provide resources to assist Tompkins County in its GHG emissions reduction efforts and continue Tompkins County's commitment to this effort, and

WHEREAS, by Resolution No. 104 of 2008, Tompkins County renewed its membership with the International Council for Local Environmental Initiatives, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget and Capital Committees, That Tompkins County renew its membership with the International Council for Local Environmental Initiatives,

RESOLVED, further, That membership fees in the amount of \$1,200 be paid for 2009,

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

From: Contingent Fund	1990.54400	\$1,200
To: Dues & Memberships	1920.54400	\$1,200

SEQR ACTION: TYPE II-18

**RESOLUTION NO. 269 – AUTHORIZING A LEASE AGREEMENT BETWEEN THE COUNTY
AND THE TOMPKINS COUNTY SOIL AND WATER
CONSERVATION DISTRICT**

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

WHEREAS, the Natural Resources Conservation Service (NRCS) has historically contributed substantially to the rent for the Tompkins County Soil and Water Conservation District (SWCD), and

WHEREAS, through Federal audits and a change in Federal policy the NRCS can no longer assist with rental costs to the SWCD, and

WHEREAS, the rental cost at the current 903 Hanshaw Road SWCD/NRCS office location is prohibitive to both the SWCD and Tompkins County, and

WHEREAS, County Administration has identified adequate office and storage space for the Soil and Water Conservation District at the same location leased by the County for the Board of Elections, and

WHEREAS, the SWCD Board of Directors and staff all agree that this space will adequately meet the office and storage needs of the SWCD and is well located for SWCD programs and clientele, and

WHEREAS, on November 10, 2008, the Tompkins County Soil and Water Conservation District Board of Directors passed a resolution in support of entering into a lease agreement with Tompkins County, and

WHEREAS, funds have been appropriated in the 2009 Tompkins County budget for the Soil and Water Conservation District, specific to rental payment, and

WHEREAS, the Soil and Water Conservation District wishes to provide adequate notice of termination of rental at their present location to the landlord and co-tenant, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is hereby authorized to enter into a lease agreement with the Tompkins County Soil and Water Conservation District.

SEQR ACTION: TYPE II-20

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

Mr. Shinagawa, Chair, reported the Committee met last week and discussed a number of issues, including the use of Room Tax funds. The Committee will take action on that issue in January. The Committee will also be taking action on the Housing Trust Fund and will hear from Carl Graham of the Alternatives Federal Credit Union on a budget shortfall in the Volunteer Tax Assistance Program.

**RESOLUTION NO. 270 - CREATION OF, ABOLITION OF, AND CHANGES IN
POSITIONS - VARIOUS DEPARTMENTS**

MOVED by Mr. Shinagawa, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present.

WHEREAS, the adopted 2009 Tompkins County Budget provided for additional positions in already-existing job titles or an increase or reduction in hours of already-existing positions, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the following positions be created effective January 1, 2009:

Department of Social Services

1.0 Clerk (4/503), labor grade D, 35 hours per week (1.0 FTE)

1.0 Social Welfare Examiner (11/538), labor grade K, 35 hours per week (1.0 FTE)

1.0 Senior Social Welfare Examiner (13/558), labor grade M, 35 hours per week (1.0 FTE)

1.0 Senior Caseworker (15/581), labor grade O, 35 hours per week (1.0 FTE)

Mental Health Department

2.0 Project Assistants, (76/049), labor grade 76, 40 hours per week (2.0 FTE)

Youth Services Department

1.0 Project Assistant, (76/049), labor grade 76, 40 hours per week (1.0 FTE)

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the hours of the following positions are changed as follows effective January 1, 2009:

Health Department

1.0 Community Health Nurse position #1192, (15/580), labor grade O, decrease the position and approved hours from 35 to 27 hours per week (.77 FTE)

1.0 Director of Preschool Special Education position #522, (15/755), labor grade O, decrease the position and approved hours from 35 to 17.5 hours per week (.5 FTE)

.80 Senior Account Clerk Typist position # 436, (9/529), labor grade I, increase the position and hours from 28 to 35 hours per week (1.0 FTE)

ITCTC

1.0 Administrative Assistant position #674, (12/535), labor grade L, increase the position and approved hours from 35 to 40 hours per week (1.0 FTE)

Personnel Department

1.0 Personnel Assistant Trainee position #652, (58/357), Confidential Group labor grade H, decrease the position and approved hours from 40 to 37.5 hours per week (1.0 FTE)

SEQR ACTION: TYPE II-20

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

Mr. Dennis, Vice Chair, had no report.

RESOLUTION NO. 271 – APPROPRIATION FROM CONTINGENT FUND – REPLACEMENT PAY – DEPARTMENT OF PROBATION AND COMMUNITY JUSTICE

MOVED by Mr. Dennis, seconded by Mr. Burbank. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Randall and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the Department of Probation and Community Justice had an employee out on disability for greater than two months in the Core Probation Services Program, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay to the Department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance is hereby authorized to make the following adjustment to his books for 2008:

FROM:	A1990.54400	Contingent Fund	\$6,925
TO:	A3142.51000585	Probation Officer	\$5,018
	A3142.58800	Fringes	\$1,907

SEQR ACTION: TYPE II-20

RESOLUTION NO. 272 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – DEPARTMENT OF PROBATION AND COMMUNITY JUSTICE

MOVED by Mr. Dennis, seconded by Ms. Robertson. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Randall and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the Department of Probation and Community Justice had a Probation Officer leave the service effective November 14, 2008, and

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

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance is hereby authorized to make the following budget appropriation for 2008:

FROM:	A1990.54400	Contingent Fund	\$284
TO:	A3142.51000585	Probation Officer	\$206
	A3142.58800	Fringes	\$ 78

SEQR ACTION: TYPE II-20

RESOLUTION NO. 273 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT - SHERIFF’S OFFICE - JAIL

MOVED by Mr. Dennis, seconded by Mr. Hattery. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Randall and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the Sheriff’s Office had two (2) Correction Officers resign, one (1) effective July 22, and one (1) effective July 30, 2008, and one (1) Correction Officer retire effective February 22, 2008, and one (1) Undersheriff resign effective May 9, 2008, and

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

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2008:

FROM:	A1990.54440	Contingent Fund	\$24,464
TO:	A3150.51000406	Correction Officer	\$ 9,364
	A3150.51000219	Undersheriff	\$15,100

SEQR ACTION: TYPE II-20

RESOLUTION NO. 274 – APPROPRIATION FROM CONTINGENT FUND – REPLACEMENT PAY – SHERIFF’S OFFICE - JAIL

MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Randall and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the Sheriff’s Office had three (3) employees out on medical leave for greater than two months in the Jail, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay to the Department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2008:

FROM:	A1990.54440	Contingent Fund	\$28,234
TO:	A3150.51000406	Corrections Officer	\$27,632
	A3150.51000707	Jail Nurse	\$ 602

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet tomorrow at 3:30 p.m.

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

Mr. Proto, Chair, reported the Committee met on December 3 and heard a report from the Health Planning Council on efforts on behalf of the Universal Service Fund. He said Ms. Robertson raised a question at the last Legislature meeting regarding Medicare Part D and said Lifelong is putting on clinics in the community for the public on making plan changes. Ms. Zahler, Youth Bureau Director, reported on work the Youth Services Board has been doing on a survey in cooperation with school districts on students behavior and attitude towards alcohol, drugs, and gambling. The results should be available in the next few months. Mr. Proto called attention to the home health aide fee structure change that was approved earlier under the Consent Agenda and noted that does not mean home health aides will be getting a change in salaries. He said it still remains a challenge to recognize those individuals appropriately. At the meeting the Committee also received a year-end report from the Human Rights Commission, and local budget impacts on the Mental Health Department. Mr. Proto also recognized the Health Planning Council on its 40th Anniversary. The next Committee meeting will be January 7th.

RESOLUTION NO. 275 - ACCEPTANCE OF LEGISLATIVE INITIATIVE GRANT FOR PERSONAL EMERGENCY RESPONSE SYSTEMS MACHINES-OFFICE FOR THE AGING

MOVED by Mr. Proto, seconded by Ms. Kiefer. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Randall and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the County Office for the Aging (COFA) administers the Personal Emergency Response System (PERS) Program to assist frail seniors and persons with disabilities remain safely in independent living, and

WHEREAS, the number of individuals requiring PERS service continues to rise, and

WHEREAS, COFA has been awarded a Legislative Initiatives Grant in the amount of \$10,000 to purchase approximately sixty-seven (67) machines, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$10,000,

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

REVENUE:	A6787.43803	State Revenue	\$10,000
APPROPRIATION:	A6787.52219	PERS Units	\$10,000

SEQR ACTION: TYPE II-20

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, reported the Committee did not meet in December. The Committee will not meet in January unless needed.

Report from the Human Resources Committee

Mr. Dennis, Chair, reported there is a meeting being established with Legislators to discuss the direct-report performance evaluation to be held at the end of January. Mr. Dennis extended happy holidays to all County employees.

Report from Government Operations Committee

Mr. Hattery, Chair, reported the Committee met on December 12 and heard from Greg Potter, Director of Information Technology Services, on updates to the Communications Policy. Mr. Potter will be working with Ms. Fitzpatrick and Jonathon Wood, departments, and a group of organized labor representatives and plans to complete the process by July, 2009. The Committee also received an update from the Deputy County Administrator on the Administrative Manual Maintenance Team. There was also a discussion of compensation of Legislators during the 2010-2014 term, and how to respond to the current economic times. Mr. Hattery said discussion will continue in January on the role of a Legislator and whether becoming a Legislator in Tompkins County means having a reduced employment status.

Remembrance

Mr. Proto said former Town Supervisor Howell passed away last week. His wife, Helen Howell, served on this Legislature for several years.

Approval of Minutes of December 2, 2008

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of December 2, 2008. MINUTES APPROVED.

Adjournment

The meeting adjourned at 7:18 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office