

Tompkins County Legislature
Regular Meeting Minutes
Tuesday, December 21, 2010 5:30 PM
Tompkins County Courthouse

Approved 1-18-11

Call to Order

Ms. Robertson called the meeting to order at 5:32 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. (Ms. Herrera arrived at 5:34 p.m. and was excused at 8:12 p.m.)

Announcements

Ms. Robertson requested an executive session to be held later in the meeting to discuss real estate negotiations. She also said she would be reordering the agenda to accommodate staff and the public.

Privilege of Floor by the Public

Richard Hanna, Congressman-elect for the 24th Congressional District, said he represents 11 counties and that Tompkins County was the first County to invite him to a meeting. He commented that everyone shares one common goal “the betterment of this community, this State, this District”. He spoke of his roots in Tompkins County, said he has family in Cayuga Heights, and said his sisters attended school here and that he uses the Airport. New District offices will be opened in Auburn, Cortland, and part-time offices will be opened in Norwich and Oneonta. The Utica District office will continue to be open but will be relocated to a more user-friendly location. Additional District Managers will also be available for constituents. Because he is here to serve the people, he asked that he be made aware of any needs, demands, questions, criticisms, and ideas. He thanked the Legislature for inviting him and hopes other counties he represents will do the same.

Joe Wilson, Hunt Hill Road, spoke in support of the resolution on the agenda concerning the ban on hydrofracking. He listed many reasons for having a ban: it prevents roads from becoming clogged, destroyed, motor vehicle accidents, polluted water and air, short- and long-term diseases, destruction of the outdoors, degradation of traditional resources of income and taxes, rent increases, decreases in residential property values, increases in prices for consumables, increases in accidents and industrial emergencies, rises in crime that cause a need for additional law enforcement officers, equipment, jail space and court space. The result would be higher taxes or reduced services and a guaranteed lower quality-of-life.

Jane Penrose, representing Concerned Citizens of Ulysses, submitted the following statement:

“Concerned Citizens of Ulysses is a grassroots group currently working to ban heavy industry in our town. The heavy industry which currently occupies our attention happens to be slickwater high-volume hydrofracking and we applaud your effort to ban this dreadful practice on lands owned by Tompkins County.

“Looking at the big picture, we see a Federal government which has exempted the oil and gas drilling industries from even modest oversight. American’s water and air are fair game for this profit-driven poison industry in every State in our nation. And so our Federal government failed to protect us.

“Our State government after spending years crafting a Supplemental Generic Impact Statement, which is widely regarded as a bad joke by anybody even faintly interested in public safety and/or the environment, is now presumably revising this woefully inadequate document. When it re-emerges the

public has been given a mere 30 days to review it after which it will presumably become law...a law that would be enforced by a handful of inspectors in a State in which tens of thousands of gas wells are contemplated. And so our State Government has failed to protect us.

“This is why we, in little Towns like Ulysses, feel we need to protect ourselves either through stand-alone laws or zoning code alterations against heavy industries such as hydrofracking. Nobody else is going to do it for us. And hence we are so heartened to know that our County Legislature agrees with us and is standing shoulder to shoulder with us in the battle that will decide the fate of upstate New York if not the nation itself.”

Bob Howarth, Town of Ulysses, said he is an employee of Cornell University and is an expert on the environmental consequences of energy systems. He provided a summary handout: “Assessment of the Greenhouse Gas Footprint of Natural Gas from Shale Formation Obtained by High-Volume, Slick-Water Hydraulic Fracturing” and strongly urged the Legislature to support the resolution on the agenda to ban leasing on County land. One reason he opposes hydraulic fracturing is that it is a bad fuel for the nation in terms of Greenhouse Gas warming. He highlighted the comparison of Marcellus Shale gas with other fossil fuels society uses and he believes it is worse for greenhouse gas warming than other fossil fuels available. He commented that the manuscript was submitted to peer-review journal and accepted for publication. It is now under revision to be printed.

Ms. Herrera arrived at this time.

Lisa Wright, Bolceville Road, spoke in support of the resolution to ban fracking on County land. Over the next several decades there are predicted to be over 70,000 Marcellus Shale gas wells and perhaps many more Utica Shale gas wells in New York State. One hundred years from now, these capped wells will still be around with aging plugs, cement, casings, etc. She applauded the Legislature for taking a stand on this issue at the local level.

Ellen Harrison, Ellis Hollow Road, also spoke in support of the resolution to ban fracking on County land. She spoke as a representative of FLEASED, an organization for people who signed gas leases before understanding the issue and now want to get out of the lease. She is proud of the Legislature and Tompkins County as the Legislature understood early that this is not a “slam, dunk, great economic prospect” for the County. She commented on her visit to Bradford County in Pennsylvania and a presentation she heard from a local elected official concerning the costs as referenced earlier by Mr. Wilson. The costs for this would be enormous and the people who would be paying this are the taxpayers.

Adam Law, Muriel Street, read and submitted the following statement:

“I thank the Chair and members of the Tompkins County Legislature for allowing me three minutes to endorse the resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydro-Fracturing.

It is my opinion as a physician and endocrinologist that hydraulic fracturing of Shales presents a significant potential hazard to human health. I have surveyed the literature on the health effects with Professor Madelon Finkel from the Department of Public Health at Weill Cornell Medical College and our peer-reviewed paper is in Press with the American Journal of Public Health.

“The resolutions we make in Tompkins County are influential at the New York State level.

“April 23, 2010 I gave a presentation to the Medical staff at the Cayuga Medical Center on the potential of health effects of hydraulic fracturing. D. Jud Kilgore was in attendance.

“Dr. Kilgore proposed a resolution in favor of a moratorium at the Tompkins County Medical Society June 10, 2010, which passed unanimously.

“Between July 13 and November 26, 2010, the medical societies of Otsego, Broome, Oneida, Herkimer, Madison, Chenango, Oswego, Cayuga, Chemung, and Onondaga counties either signed resolutions or sent letters supporting a moratorium.

“October 14 Family Health & Preventive Medicine Subcommittee of the Medical Society of the State of New York unanimously endorsed a moratorium on gas drilling.

“On December 9, 2010, the Medical Society of the State of New York passed the following unanimous resolution:

“Resolved, That the Medical Society of the State of New York supports a moratorium on natural gas extraction using high-volume hydraulic fracturing in New York State until valid information is available to evaluate the process for its potential effects on human health and the environment.

“This shows how local physicians of Tompkins County concerned about the health of hydraulic fracturing of shales has translated to a strong statement in favor of a moratorium at the State level.

“Let’s do the same with one of these resolutions before the County legislature and start the ball rolling with this important precautionary statement”.

Marie McRae, Dryden, read and submitted the following statement:

“Let me be very clear that what I am talking about here, and what you are considering banning from County-owned lands is the heavily industrialized process that involves drilling deep vertical holes into the earth and then drilling long horizontal legs off of those verticals. To extract fossil fuel from deep underground layers, water, sand, and chemicals are then injected under high pressure into those well holes. Enough chemicals in each well to outweigh three elephants. This whole process is often called by the name high-volume, slick-water hydraulic fracturing – but let us be clear here again that the phrase describes only one part of the entire industrial process.

“There can be many unintended consequences from this drilling and extracting.

“No regulation can prevent the heavy metals and radioactive substances loosened by this process from coming up to the surface with the fossil fuel.

“No regulation can prevent 30% to 70% of the toxic chemicals from remaining underground.

“No regulation can predict or control the underground migration of toxic plumes.

“No regulation can prevent the extraordinary squandering of fresh water – 5.5 million gallons average per well – 100% of which becomes 100% contaminated, permanently. And this in an era of diminishing availability of fresh water in the United States and worldwide.

“No regulation, in this era of economic plummet, can magically find the billions needed to construct waste treatment plants that might be able to filter the toxic chemicals, heavy metals and radioactive materials from the waste.

“No regulation is what New York State currently has for this process. None were proposed in the draft Supplemental Generic Environmental Impact Statement, and I expect that none will be brought forth in the next incarnation of that document.

“As you deliberate tonight, please bear in mind the long-established record of the oil and gas extraction corporations. For decades they’ve been – and continue to be - rapacious, sloppy, and inhumane, whether it’s the Ecuadorian Amazon, the Niger Delta, the Gulf of Mexico, or Pennsylvania.

“There is only one way to render this practice safe: Ban it. Outright. Unequivocally. Anything less dooms us.

“Please approve this drilling ban for lands owned by Tompkins County”.

Margaret McCasland, Lansing, said she has a list of the properties owned by the County and was surprised by the amount. She said information is available that there are two areas in the County viable for drilling in the Marcellus Shale, however, deep below the Marcellus Shale is the Utica Shale and it is drillable all over Tompkins County and is being regulated by the exact same State guidelines. She spoke of the importance of this ban as it will also protect the Utica Shale. Each drilling pad can have up to 16 or more well-bores and can drill another eight wells below that pad. Ms. McCasland believes that gathering lines and transitional stations are also part of the process and there should be a ban on those areas. She encouraged more education on this issue and commented that she will be taking information to Australia where they are starting to frack.

Tomo Shibata, City of Ithaca resident, said she is a victim of organized stalking abuse. She spoke of her personal experiences and reports she has filed with the Cornell University Police. Ms. Shibata urged the Legislature to have open dialogue about this and to oppose organized stalking abuse.

Sara Hess, City of Ithaca, thanked the Legislature for taking up the issue to ban fracking on County land. She also spoke about her visit to Bradford County, Pennsylvania, with 12 other people from Tompkins County. She has been working on this issue for two years and said she was surprised at what she heard in Bradford County. They heard from a County Commissioner, a Supervisor of a Town, and someone in charge of economic development. It was reported that County services have increased, i.e., 30% increase in police, fire, and ambulance services in response to traffic problems, accidents, DWI’s, and other various crimes. Housing costs have also been particularly difficult for families and individuals’ as costs have tripled for apartments in some cases.

Presentation of Distinguished Youth Award

Ms. Mackesey, District No. 1 Legislator, presented the December 2010 Distinguished Youth Award to Dana Malcolm, Shiane Milton, Reggie Feaster, G-Quan Booker, Harmony Graves, Dacia McBean, Kelsey McBean, Eisah Nunn, Giovanni Griffin, Keisha McBean, Ashanee Brooks, and Danica Webbe who were recognized and nominated by Greater Ithaca Activities Center (GIAC) Director Marcia Fort and three other staff for representing GIAC and the Ithaca community at the United States Social Forum in Detroit, Michigan, in June. The group who identified themselves as “GIACtivists” at the forum was praised for sharing their experiences.

Privilege of the Floor by Legislators

Mrs. McBean-Clairborne, said that although three of the youth nominated for the Distinguished Youth Award are relatives, she did not have anything to do with the selection, but is very proud and glad Marcia Fort nominated them. She said it is amazing the work these youth do. She commented the group took a vegetable oil fueled bus on their trip to Detroit, Michigan.

Mr. Lane, District No.14 Legislator, said at the last meeting a majority of the Legislature was in favor of a resolution authorizing the bond funding for the PIF (PILOT Increment Financing) for BJ's Wholesale. It was unusual that the resolution came to the Legislature before having a vote by the Industrial Development Agency (IDA). The IDA then voted afterwards and voted it down. This is interesting because it calls into question what the role is of our representatives to the IDA and if they are voted in as independent people or as a representative of the Tompkins County Legislature? He hopes the appropriate Legislative Committee will take up how the various advisory boards are structured next year.

Ms. Kiefer, District No. 10 Legislator, announced Linnett Short who has worked in the Solid Waste Division 24 years is retiring. She has been in the schools, working with kids, and will be greatly missed. There will be an open house recognizing Ms. Short on December 29th.

Mr. Burbank, District No. 12 Legislator, announced today is Winter Solstice. A group of intrepid cyclists has set out on the shortest ride on the shortest day of the year. He mentioned this as a reminder that people in this community cycle throughout the year and that we all benefit from it.

Ms. Chock, District No. 3 Legislator, thanked everyone who spoke this evening in support of the resolution to ban fracking on County land. She announced the film Gasland will be shown again in Tompkins County on January 5 at the Ulysses Town Hall at 7 p.m. There will be a panel of three people including Ken Zeserson who will be answering questions.

Presentation – Tompkins County Recycling and Solid Waste Center Upgrade and Operation

Barbara Eckstrom, Solid Waste Manager, said this evening the Legislature will be considering a resolution awarding a contract to FCR, LLC of Charlotte, North Carolina to upgrade the Tompkins County Recycling and Solid Waste Center and operation of the Center over the next decade. She commended County Attorney, Jonathan Wood, for all his time and effort in assisting with this process. She also thanked her staff and others for their hard work and commitment. The contract and the improvements being made to the Center will reduce the waste stream to 75% by increasing the amount of recyclable materials converting to a single-stream recycling process.

At this time Ms. Eckstrom introduced the following individuals:

Sean Duffy, President, FCR LLC

Graham Stevens, Director of Sustainability and Growth, FCR LLC

Stephen Klemann, Area Manager Business Development with Casella Waste Systems/FCR LLC

Scott Norstrand, Engineer with Barton and Loguidice

Mr. Wood, County Attorney, explained the details of the contract and said negotiations have been held over the last year. A decision was made to have two contracts: one is for design/build and the other is the service agreement to operate the facility for a ten-year period (with an option to cancel after five years). Below are highlights of the project and contracts:

- **The Project:** The ten-year service agreement with FCR, which begins February 16, 2011 (with an option to cancel after five years), will expand services and activities at the Center—including substantial improvements to the facility, conversion to single-stream recycling, and processing of additional recyclable materials on site. These improvements will divert more materials from the County's waste stream, toward meeting the goal to increase the diversion rate from the current 60% to 75% by 2015. The County anticipates a grant from the New York State Department of Environmental Conservation to cover 50% of the facility construction costs. Construction will be completed by the end of October.

- Single-Stream Recycling: Beginning March 7, 2011, all recyclables collected will go into one bin. Materials will be loaded and transferred to FCR's Ontario County facility for processing and recovery.
- Materials Processing: After construction is completed, commercial loads that contain a high percentage of fiber (such as cardboard and paper), as well as sorted loads of cardboard or high-grade paper, will be baled at the Center and shipped to market, maximizing revenue. FCR will separate recyclable and reusable material from certain recycling-rich loads of garbage to separate valuable material from the waste. Waste will be loaded onto trailers for landfill shipment (contracted for by the County through a separate contract).
- Drop-Off Center: After construction is completed, significant improvements to the site will provide safer and more efficient public access—including more covered bays, additional parking, as well as improved signage and traffic flow, which will separate residential and commercial traffic.

Mr. Duffy expressed his appreciation and said he is very excited to have this opportunity to work toward the solution of reaching the 75% goal by 2015 to increase diversion rate and reduce the waste stream. He briefly explained FCR's experience and said the company processes in excess of 1.2 million tons of recyclables per year and operates over 20 facilities. The company's focus is recycling; it designs, builds, and operates recycling facilities.

Mr. Stevens spoke of the support received from County Solid Waste staff and believes they represent the County well. They have been very passionate about the County's resources and have been a great reflection of the County. He looks forward to working with the County meeting the "high bar" that has been set.

Mr. Lane commended Ms. Eckstrom and other staff for the work that was done in rolling this out. It was a process that kept the Committee and Legislature informed every step of the way and he hopes this could be used as a model for other projects.

Ms. Herrera also commented on the team Ms. Eckstrom has put together over the years and the thousands of tons of items that have been diverted from the waste stream and is something everyone can be proud of.

Ms. Herrera understands this project will be managed by people from out of state, but asked if the construction jobs created by this project will be available to local people. Mr. Stevens said the company is proud of the relationships it builds with communities and understands that begins with the employees hired. The company will work together with County staff to develop a local hiring solution. A local engineering group based in New York is being used for the construction phase and they are looking at them to echo FCR LLC's practices to hire locally. Ms. Eckstrom said there will be an increase in the number of jobs and if the recycling tonnage doubles in the next five years, the number of employees could rise to 22.

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

Resolution 2010-207: Award of Contracts for the Upgrading and Operation of the Tompkins County Recycling and Solid Waste Center Pursuant to General Municipal Law Section 120-W (DOC ID: 2323)

MOVED by Ms. Kiefer, seconded by Ms. Mackesey, and unanimously adopted by voice vote.
RESOLUTION ADOPTED.

WHEREAS, the Solid Waste Division received proposals from four recycling companies pursuant to Section 120-w of the General Municipal Law and has completed negotiations, and

WHEREAS, this Legislature has determined that it is in the public interest to award a contract to FCR, LLC, of Charlotte, North Carolina, on the basis of overall costs and anticipated revenues and such other factors as experience in Facility operation, and its commitment to waste diversion and maximizing recycling at the Recycling and Solid Waste Center (RSWC; hereafter, "the Facility") as specified in its proposal, and

WHEREAS, the FCR, LLC (hereafter, "Company"), proposal includes a plan to upgrade the Facility, and

WHEREAS, the County has determined that an award to FCR, LLC, does not require the adoption of particularized findings referred to in General Municipal Law Section 120-w(4) (e) (4) because of all the responsive proposals received by the County, the total proposal submitted by FCR, LLC, provides the lowest net cost to the County, and

WHEREAS, the County and the Company have negotiated a design-build contract for facility and site improvements in the amount of \$2,496,917 and a service agreement for operation of the Facility at an overall cost that varies with tonnages, market conditions, and other factors, and

WHEREAS, this Legislature wishes to authorize the Clerk of this Legislature to publish notice of such award in accordance with General Municipal law Section 120-w (6), now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee is authorized to execute any and all contracts with FCR, LLC, of Charlotte, North Carolina, providing for the upgrading and operation of the Facility for the costs and fees described in said proposal as amended through negotiation, for a ten-year period with a one-time right of either party to cancel at the end of year five upon two-hundred days notice,

RESOLVED, further, That the basis of the determination by this Legislature is that (a) FCR, LLC, is the most responsive proposer having submitted the most responsive proposal to the Request for Proposals (RFP), and (b) of proposals received from responsive proposers, FCR, LLC,'s total proposal, as negotiated, will provide the lowest net cost to the County,

RESOLVED, further, That the validity of the contracts and the procedures relating to this award may be contested only if:

- (1) such action, suit, or proceeding is commenced within sixty (60) days after the date of publication of official action, and
- (2) such award or procedure was not authorized pursuant to General Municipal Law Section 120-w, or
- (3) any of the provisions of General Municipal Law Section 120-w, that should be complied with at the date of the publication of such official action have not been substantially complied with, or
- (4) a conflict of interest can be shown in the manner in which the contracts were awarded,

RESOLVED, further, That the Clerk of the Legislature is hereby authorized and directed to publish notice of the official action of the county awarding the contracts in accordance with General Municipal Law Section 120-w (6) (b).

SEQR ACTION: TYPE II-2 Upgrade of Existing Structure

* * * * *

Report and Appointment(s) from the Chair

Ms. Robertson reported there are four labor-negotiating teams that have representatives from the County with three teams currently in place. A new process for road patrol negotiations will begin in January and Ms. Robertson nominated Legislators Dennis and Robison, County Administrator Joe Mareane, and Personnel Commissioner Anita Fitzpatrick to serve on the team.

It was MOVED by Ms. Pryor, seconded by Mr. Burbank, and unanimously adopted by voice vote, to affirm the appointments of Jim Dennis, Brian Robison, Joe Mareane, and Anita Fitzpatrick to the Road Patrol Negotiating team as nominated by Ms. Robertson.

Report from the County Administrator

Mr. Mareane asked Legislators who have not turned budget surveys in to do so. He recognized how much good work has happened over the course of the year. He hopes the public knows how much time this Legislature puts into this process and stays away from petty and partisan and concentrates on commitment. He also recognized departments and the people who work for the County who are all doing a lot with less. There is still a lot of work ahead but we should be proud of the work accomplished in spite of a very difficult set of circumstances.

Ms. Robertson agreed and thanked Mr. Mareane for his leadership.

Report from the County Attorney

Mr. Wood had no report. As a follow-up to the introductions made earlier during the presentation, Mr. Wood recognized the County Solid Waste staff present that worked as part of the team to bring forward the contract with FCR LLC: Tom Richardson, Leo Riley, and Kat McCarthy.

Report from the Finance Director

Mr. Squires reported he distributed the November sales tax information and said the financial plan presumes sales tax will increase 3.3 % for the year. At this time, the County is 3.8% ahead of budget. His observation is that there has been very brisk activity in the retail markets around the County and he hopes sales tax will grow even more before year-end.

Resolution(s) Added to or Withdrawn from the Agenda

There were no resolution(s) added to or withdrawn from the agenda at this time. The resolutions entitled "Making a Negative Determination of Environmental Significance in Relation to Resolution No. 226 of 2010" and "Approving the Purchase of Property Located at 214-216 West State Street (Martin Luther King, Jr., Street), Ithaca, New York (DOC ID: 2379)" were added to the agenda later in the meeting.

Approval of Resolution(s) Under the Consent Agenda

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

Resolution 2010-208: Budget Adjustments - Various Departments (DOC ID: 2372)

MOVED by Ms. Pryor, seconded by Mrs. McBean-Clairborne, 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 Government Operations and the Health and Human Services Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Board of Elections

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
1450.51000793	Senior Voting. Machine Tech	\$5,000	1450.54400	Program Expenses

Explanation: Need to transfer funds to pay for General Election workers because of a lack of funding for a full Primary Election. Position was vacant part of the year.

Office for the Aging

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
6773.44772	Federal Revenue	\$8,334	6773.54400	Program Expenses

Explanation: Revenue increase for Community Living Program.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-209: Designation of Newspaper (DOC ID: 2368)

MOVED by Ms. Pryor, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote 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, 2011, to December 31, 2011, as follows:

The Ithaca Journal, Ithaca, New York

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-210: Correction of Errors (DOC ID: 2366)

MOVED by Ms. Pryor, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote 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 2011 minutes of the Legislature or in reports of any committees.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-211: Delegation of Authority to Authorize Certain Tax and Solid Waste Fee Refunds Under \$500 (DOC ID: 2367)

MOVED by Ms. Pryor, seconded by Mrs. McBean-Clairborne, 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 and Capital Committee, that the delegation to the County Administrator 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 2011.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-212: Authorization to Disburse Funds - County Administration (DOC ID: 2365)

MOVED by Ms. Pryor, seconded by Mrs. McBean-Clairborne, 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 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 2011 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 2010-213: Implementation of the 2011 Budget - Departmental Fees (DOC ID: 2363)

MOVED by Ms. Pryor, seconded by Mrs. McBean-Clairborne, 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 and Capital Committee, That all changes and increases in fees and changes in methods of charging fees specifically identified in the departmental budget requests and included in the 2011 budget adopted by the Tompkins County Legislature, are hereby authorized and approved.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-214: Approval of Amended Bylaws – Criminal Justice/Alternatives to Incarceration Advisory Board (DOC ID: 2158)

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

Minutes
Tompkins County Legislature
Tuesday, December 21, 2010

WHEREAS, the Criminal Justice/Alternatives to Incarceration Advisory (CJA/ATI) Board desires to amend its bylaws to more accurately reflect the County Legislature's advisory board attendance policy and more accurately designate its appointed membership pursuant to the New York State Executive Law under which it operates, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the bylaws for Criminal Justice/Alternatives to Incarceration Advisory Board, as amended and adopted by the CJA/ATI at their November 22, 2010, meeting, be approved,

RESOLVED, further, That a copy of the amended bylaws shall be kept on file with the Clerk of the Legislature and the Chair of the CJA/ATI Board.

SEQR ACTION: TYPE II-20

* * * * *

Approval of Appointment(s) Under the Consent Agenda

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

Library Board of Trustees -Terms expire December 31, 2013

Lara Litchfield-Kimber
Christine Sanchirico
Cynthia Nicholson

Public Information Advisory Board

David E. Vieser – Term expires December 31, 2012

Community Mental Health Services Board - terms expires December 31, 2014

Harmony Ayers Friedlander
Arpi Hovaguimian
Ellen O'Donnell

Community Mental Health Services Board – MR/DD Subcommittee

Lisa Maurer – Community Member representative; term expires December 31, 2014

Community Mental Health Services Board – Substance Abuse Subcommittee

Ron Schoneman – Community Member representative; term expires December 31, 2014
Meredith DePol - Community Member representative; term expires December 31, 2012
Greg Firman - Community Member representative; term expires December 31, 2012

Personal Emergency Response Service Advisory Committee

Wilfred Drew - term expires December 31, 2012

Office for the Aging Advisory Committee

Leroy Wollney - term expires December 31, 2013
Ardith Bennett - term expires December 31, 2013

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

Ms. Mackesey, Chair, said the Committee has not met since the last Legislature meeting.

**Resolution 2010-215: Authorizing Participation in ITN Everywhere Mobility Management Project
(DOC ID: 2337)**

MOVED by Ms. Mackesey, seconded by Mr. Proto. Ms. Herrera said the fourth Whereas references the local steering committee and the membership; she clarified for the record that TCAT is a member of the ITCTC and that TCAT has also been involved in the discussions and is an integral part of this planning partnership. Ms. Mackesey suggested and the Legislature agreed to add "TCAT" to the list of members of the local steering committee in the fourth Whereas.

A voice vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, Tompkins County has a long history of developing community transportation services and support programs through collaborative planning, and

WHEREAS, the Tompkins County Coordinated Public Transit-Human Services Transportation Plan Committee and the Ithaca-Tompkins County Transportation Council (ITCTC) identified need for more flexible, affordable transportation options for people of all ages, primarily in rural and small urban areas, which could potentially be served through a combination of volunteer driver, ridesharing, car-sharing, and related services, and

WHEREAS, in July 2010, ITN America, (ITN: Independent Transportation Network) a national not-for-profit mobility services corporation, based in Portland, Maine, solicited up to four New York State communities, under 200,000 population, to collaborate on a development project called ITN Everywhere, to create a business model and software infrastructure for volunteer transportation in small urban and rural areas, and to prepare a landscape analysis of transportation needs and underutilized assets in local communities, and

WHEREAS, since August 2010, a local steering committee including: ITCTC, County Office for the Aging, Department of Social Services, Finger Lakes Independence Center, Ithaca Carshare, Cornell Cooperative Extension of Tompkins County (Way2Go), TCAT, and GADABOUT have worked to evaluate the desirability of participating in ITN Everywhere, and

WHEREAS, the Board of Directors of GADABOUT Transportation Services, Inc., agreed to be the local sponsoring agency for ITN Everywhere on November 18, 2010, and

WHEREAS, the cost of participating in ITN Everywhere is \$50,000, which will be paid for by a \$25,000 grant from the Harry and Jeannette Weinberg Foundation and \$25,000 from the 2008 Federal Transit Administration grant NY-90-X606, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality and the Health and Human Services Committees, That Tompkins County agrees to participate in the ITN Everywhere development project with ITN America,

RESOLVED, further, That the County will pay \$25,000 to ITN America using Federal Transit Administration JARC (Job Access and Reverse Commute) mobility management project funds from grant NY-90-X606, County Budget A5631 Transportation Planning, and oversee the project as the FTA grant recipient,

RESOLVED, further, That the County Administrator, or designee, is authorized to execute the necessary agreements with ITN America and local steering committee participants to advance the project.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-216: Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydro-Fracturing (DOC ID: 2229)

MOVED by Ms. Mackesey, seconded by Ms. Chock. Ms. Herrera asked if the Legislators that voted against the resolution in Committee could provide an explanation. Ms. Pryor said she would now support the resolution as many of the concerns raised in the extensive discussions held have been addressed and incorporated in the resolution below.

Mr. Proto said he voted in opposition to the resolution for procedural reasons. He opposes gas drilling on County land, but believes that any contract or consideration of this process would have to be

approved by the County Legislature. There has been a great amount of time spent on this and he believes this Legislature would not allow gas drilling on County land to proceed. He hopes at the appropriate time, Mr. Lane will offer the shorter version of the resolution he has prepared.

Mrs. McBean-Clairborne explained she voted against the resolution at the Committee meeting because of the discussions held with individuals with expert opinions and said she was not informed enough to support the resolution. However, the revised resolution as proposed below addressed the areas and removed some of the assumptions she was concerned with and will now support the resolution. She said she would also support a shorter and simpler version of the resolution.

It was MOVED by Mr. Lane to call the question and unanimously adopted by voice vote to call the question. THE QUESTION WAS CALLED.

A voice vote on the resolution resulted as follows: Ayes – 14, Noes – 1 (Legislator Proto).
RESOLUTION ADOPTED.

WHEREAS, it is increasingly clear that drilling for natural gas using high-volume slick-water hydraulic-fracturing (hydrofracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads, pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values, including threatening water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation cover, and allowing invasive species to become established, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, rather than allowing fragmentation of County-owned lands and forests we should be increasing our acreage of unbroken forest lands off limits to drilling to provide mitigation for the increasing fragmentation of private forest lands, and

WHEREAS, County-owned forest lands are located in rural areas where roads, other infrastructure, and emergency response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for services resulting from the industrial activity associated with high-volume hydro-fracturing, and

WHEREAS any economic boost to the state's economy from development and sale of natural gas from Marcellus Shale is short term at best, and will foreclose the long-term economic benefit to the county of tourism and agriculture, and

WHEREAS, the Tompkins County government, as well as the overall community, has established a goal to reduce greenhouse gas emissions at least 80% by 2050, a goal that would be impossible to meet if natural gas drilling occurred on county-owned land, and

WHEREAS, the Tompkins County Energy and Greenhouse Gas Emission component of the Tompkins County Comprehensive Plan concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, and

WHEREAS, with respect to the 556 acres of County forest land, the Tompkins County Forest Management Plan specifically states that "drilling sites and pipeline corridors that permanently alter the character of the land would not be compatible with the goals outlined in this Plan," and

WHEREAS, it is clear that from a long-term environmental, economic, and social perspective the value of our county-owned lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is allowed to occur, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Facilities and Infrastructure Committees, That Tompkins County will not lease any county-owned lands, including but not limited to County forest lands, for high-volume, slick-water hydraulic-fracturing to extract natural gas,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to

forward copies of this resolution to Governor David Paterson, Governor-elect Andrew Cuomo, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51st District), Senator George Winner, Senator-elect Thomas O'Mara (53rd District), Senator Michael Nozzolio (54th District), Assemblywoman Barbara Lifton (125th District), and New York State Department of Environmental Conservation Acting Commissioner Peter Iwanowicz.

SEQR ACTION: TYPE II-20

* * * * *

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

Mr. Proto, Chair, reported the Committee met on December 8 and most of the Committee's business is reflected on the agenda. The Committee discussed at length the resolution pertaining to the ITN Everywhere proposal because of the human services network that is involved. The Committee will next meet on January 12.

Resolution 2010-217: Authorizing a Multiple-Year Contract with Venesky & Company, for the Preparation of a Cost Allocation Plan for the Years 2010-2012 (DOC ID: 2316)

MOVED by Mr. Proto, seconded by Ms. Herrera. Mr. Lane asked if there were any other firms that would do this work for less money. Mr. Squires said there are other firms but it would cost more; he said it is a "niche" assignment and counties with a population of less than 200,000 use this firm. Local firms are not equipped to do cost allocations because it is such a specialized business. He also noted the County has paid the same amount for the last 18 years. The only competitor is a firm located in Scranton, Pennsylvania.

In response to Mrs. McBean-Clairborne's question concerning the process for contracting with this firm, Mr. Squires said this firm has been doing this since before he started in 1992 and there have been multi-year agreements. This firm specializes in this type of "niche" operation.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, Federal OMB Circular A-87 requires the preparation of an annual indirect-cost report in order to recover indirect-cost reimbursement for certain Federally assisted programs, and

WHEREAS, the firm of Venesky & Company is unique in its specialized practice in the area of Federal and State program cost reporting, and

WHEREAS, over the past three years with the assistance of Venesky & Company, the Indirect Cost Reports have generated \$3,338,067 in reimbursement as compared to the consultants fees totaling \$38,700, and

WHEREAS, the Finance Director has recommended that it would be in the best interest of the County to renew the Cost Allocation agreement with Venesky & Company, because of cost and time efficiencies developed as a result of the consultant's familiarity with the County's operations, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That the Departments of Finance, Health, and Social Services are authorized to enter into a multi-year contract with Venesky & Company, for the preparation of an annual cost report for the years 2010-2012, at a fee of \$12,900 annually.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-218: Appropriation from Contingent Fund – Public Health Director Search Expenses – Health Department (DOC ID: 2356)

MOVED by Mr. Proto, seconded by Ms. Herrera. A short roll vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the department has incurred unbudgeted expenses related to the first search for the Public Health Director, and

WHEREAS, a second search is currently under way with additional expenses yet to be incurred, and

WHEREAS, funds are not available in the operating budget to cover these unanticipated costs, now therefore be it

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

FROM:	A1990.54440	Contingent Fund	\$4,751
TO:	A4010.54400	Program Expense	\$4,751

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-219: Authorizing Changes in Charge Structure - Tompkins County Home Health Care - Health Department (DOC ID: 2355)

MOVED by Mr. Proto, seconded by Ms. Mackesey. Mrs. McBean-Clairborne said she appreciated the explanation included with the resolution stating the department maintains the use of a sliding-fee scale for those patients paying out-of-pocket costs and continuing the ability to waive a fee in special circumstances. She said she would be interested in hearing what those special circumstances might be. In addition, she appreciates knowing people will not be denied care.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

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 2011 rates in December 2010 for implementation on January 1, 2011, 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.

2011 Tompkins County Home Health Care Fee Schedule

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Skilled Nursing	\$175.00	\$175.00	\$215.00	\$242.00
High Tech Nursing	\$200.00	\$200.00	\$240.00	\$275.00
Physical Therapy	\$115.00	\$115.00	\$155.00	\$162.00
Speech Therapy	\$120.00	\$120.00	\$120.00	\$120.00

Minutes
 Tompkins County Legislature
 Tuesday, December 21, 2010

Occupational Therapy	\$115.00	\$115.00	\$118.00	\$127.00
Home Health Aide	\$45.00/hr	\$48.00/hr	\$53.00/hr	\$53.00/hr
	\$90.00/visit	\$96.00/visit	\$96.00/visit	\$96.00/visit

RESOLVED, further, That the Department sets the per hour Nursing Administrative Charge at eighty-eight dollars (\$88.00) per hour, for services as appropriate (i.e., rabies post exposure, hypertension screening clinics, immunization administration, etc.)

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-220: Appropriation from Contingent Fund - Terminal Pay - Youth Services Department (DOC ID: 2351)

MOVED by Mr. Proto, seconded by Mr. McKenna. Ms. Kiefer said the Resolved includes the words “up to” and asked Mr. Squires to explain why the figures are not precisely known at this point. Mr. Squires requested the words “up to” be added at the Budget and Capital Committee as it is intended to supplement the department up to this amount. He reminded the Legislature of the recent change in the rollover policy for 2011 that eliminates any balances from rolling over in personnel and fringe accounts of a department’s budget. Traditionally departments have requested the exact amount of terminal pay paid to an employee regardless of whether they needed the full amount or not. The language in the resolution allows the amount needed by the department to be appropriated.

A short roll vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Youth Services Department had their Director retire effective November 19, 2010, and

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

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

FROM:	A1990.54400	Contingent Fund	\$23,785
TO:	A7020.51000220	Youth Services Director	\$16,929
	A7020.58800	Fringes	6,856

SEQR ACTION: TYPE II-20

* * * * *

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, said she did not have a report. The next Committee meeting is January 7th. In response to Mr. Lane’s question, she said there was a well attended meeting in the neighborhood for Pine Tree Road residents to hear about the Pine Tree trail and the pedestrian and bikeway improvements last evening. She noted that staff did a very good job at addressing comments and questions. At this time, she asked Mr. Stein to report on a subcommittee of the ITCTC (Ithaca-Tompkins County Transportation Council) he has been involved with.

Mr. Stein reported that he and ITCTC staff, Fernando de Aragon and Tom Mank, have been discussing the issue of speeding in the County and are trying to get a hold on where the problem areas are that present the greatest hazards to the community. They are working to develop a methodology to get a list of those roads; at this time there are approximately 12 streets on the list and Pine Tree Road is one of them. The general idea is to work with the District Attorney, the justices, and the Sheriff to see if a

meaningful enforcement program can be put together and done within the limits of funding given to the Sheriff's Department.

Ms. Pryor suggested that other Legislators may be aware of areas that are problematic and asked if that information could be shared. Mr. Stein explained how some of the information was collected to determine the problematic areas, and said he would take Ms. Pryor's suggestion to the subcommittee.

Report and Presentation of Resolution(s) from the Capital Program Review Committee

Ms. Robertson, Chair, said the Committee met December 9th and again jointly this evening with the Budget and Capital Committee. On December 9th, the Committee heard an update from Facilities Division Manager Arel LeMaro on the space studies for the Courthouse, Human Services Building, and Mental Health Department. The State Court system is pleased with the study done of the Courthouse. The Committee also discussed and approved a Scope of Work and a resolution to conduct a study for a Center of Government concept.

Resolution 2010-221: Appropriation from Contingent Fund - Center of Government Study (DOC ID: 2374)

MOVED by Ms. Kiefer, seconded by Mr. Proto. Ms. Kiefer explained the addition to the resolution is that the study may cost more than the original estimate of \$50,000, and if an additional amount is negotiated a request will be made for the additional amount from the 2011 Contingent Fund. At this time, Mr. LeMaro highlighted the changes made to the Scope of Work for the Center of Government study as recommended by the Committee that could result in the estimated amount being higher. He noted that originally it was just to look at the status quo versus a new building, but that has been expanded to include various combinations of existing buildings with a new building, possible reuse of any buildings vacated, and consideration of relocating additional departments and combinations of departments. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature undertook a Space Use Master Plan, completed in 2005, that provided both impetus and direction for the consideration of a Center of Government facility that would house a number of County legislative and administrative operations, and

WHEREAS, in keeping with the 2005 Space Use Master Plan, a Center of Government project has been incorporated into the County 20-year Capital Improvement Plan for commencement in 2016, and

WHEREAS, the County is compelled to relocate several occupants of the County Courthouse in order to comply with the New York State Court Facilities Act, a law that requires counties to accommodate the space needs of the New York State court system, and

WHEREAS, governments at every level are facing extraordinary fiscal challenges that require consideration of all methods of reducing costs, including the costs of occupancy, and

WHEREAS, the convergence of these factors has been considered by the County Legislature's Capital Plan Review Committee and resulted in a recommendation to undertake an expert analysis that will compare the current configuration and projected costs of occupancy of County operations housed in both County-owned and leased facilities with the estimated cost of housing all or a part of those operations in a new Center of Government facility, and to recommend the most cost effective manner to accommodate the space needs of the County, and

WHEREAS, the County's Facilities Division has developed a scope of work that would guide that analysis and that shall be a part of the record of this legislative action and which scope of work may be able to be accomplished for an estimated \$50,000, now therefore be it

RESOLVED, on recommendation of the Capital Plan Review and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget

Minutes
Tompkins County Legislature
Tuesday, December 21, 2010

appropriation:

FROM: A1990.54400	Contingent Fund	\$50,000
TO: 1620.54442	Facilities Professional Services	\$50,000

SEQR ACTION: TYPE II-20

* * * * *

Recess

Ms. Robertson declared recess at 7:29 p.m. The meeting reconvened at 7:35 p.m.

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

Mr. Lane, Chair, reported the Committee has met twice since the last Legislature meeting. The Committee approved many year-end resolutions and at the special meeting discussed redistricting, a Constitutional Convention, and the minutes policy. At the regular meeting, the Committee discussed and approved a local law pertaining to road protection and invited members of the public and representatives from the Agriculture and Farmland Protection Board and Tompkins County Council of Governments to discuss the topic. The Committee added an exemption for agricultural activities to the law. The resolution to hold a public hearing on the law will be presented to the Legislature in January.

Resolution 2010-222: Appropriation from Contingent Fund to Cover Expenses Related to Full County Primary Election – Board of Elections (DOC ID: 2362)

MOVED by Mr. Lane, seconded by Mr. McKenna. A short roll vote on the resolution resulted as follows: Ayes – 14, Noes – 0, Temporarily out of the room – 1 (Legislator Pryor). RESOLUTION ADOPTED.

WHEREAS, the Board of Elections was charged with running a three-party Primary Election September 14, 2010, and

WHEREAS, this Primary Election included races for Governor, Lieutenant Governor, Tompkins County Sheriff, New York State Attorney General, and United States Senate, and

WHEREAS, the Board of Elections agreed to securing exact costs of a Primary Election including County and State races before asking for funds, and

WHEREAS, the County has been billed \$5,580.00 for services rendered for moving all voting equipment, and

WHEREAS, the County has been billed by all election workers for working the Primary Election day and preparations for the day in the amount of \$19,714.00, and

WHEREAS, payment was due and has been made for all invoices, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the Director of Finance be authorized and directed to make the following budget appropriation:

FROM: A1990.54400	Contingent Fund	\$25,294.00
TO: A1450.54400	Program Expense	\$25,294.00

SEQR ACTION: TYPE II-20

* * * * *

Report from the Planning, Development, and Economic Development Committee

Ms. Mackesey, Chair, said she did not have a report.

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

Mr. Dennis, Chair, no report. The December 27 meeting has been canceled.

Resolution 2010-223: Implementation of 2011 Tompkins County Budget - Memberships (DOC ID: 2364)

MOVED by Mr. Dennis, seconded by Ms. Mackesey. Mr. Proto said he requested this resolution be pulled from the Consent Agenda as he has questions with regard to a couple of memberships. He questioned why one department (Solid Waste) is paying dues to Toastmasters and three departments (Airport, Solid Waste, and Workforce Investment Board) are paying dues to the Chamber of Commerce. The other department he questioned is dues paid by the ITCTC and asked if the County is reimbursed. Mr. Marx said the ITCTC dues paid are a pass-through and the County is reimbursed.

Ms. Kiefer said the Airport and Solid Waste have paid Chamber dues for a long time as they are enterprise entities and the connections with business are important to both organizations. With respect to the Toastmasters Club, employees of Solid Waste have received very useful training on how to speak with and interact with the public.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

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 2011 budget requests and included in the 2011 budget adopted by the Tompkins County Legislature, are hereby authorized and approved.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-224: Changes in Positions - Various Departments (DOC ID: 2373)

MOVED by Mr. Dennis, seconded by Ms. Mackesey. Mr. Proto asked what the affect is on retirement and health insurance when the hours of a position are changed. Mr. Mareane said there is no effect on the health benefits and as to the effect of what a person is paid, this would impact pension benefits as a one-year lag. These changes are reflected in the 2011 budget.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the adopted 2011 Tompkins County Budget provides for increases or reductions in the standard work week and/or approved hours of existing incumbents, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the hours of the following positions are changed as follows effective January 1, 2011:

Assessment Department

1.0 Assistant Assessment Account Specialist, Position #1292, change to Assessment Account Specialist, White Collar Grade I (9), Job Code 765, increase the standard workweek and the approved hours from 35 to 40 hours per week

1.0 Geographic Information System Technician, Position #308, White Collar Grade J (10), Job Code 713, increase the standard workweek and the approved hours from 35 to 40 hours per week

Department of Social Services

1.0 Senior Financial Investigator, Position #1098, White Collar grade M (13), Job Code 658,

increase the standard workweek and the approved hours from 35 to 40 hours per week

1.0 Senior Financial Investigator, Position #1035, White Collar grade M (13), Job Code 658, increase the standard workweek and the approved hours from 35 to 40 hours per week

Health Department

1.0 Public Health Director, Position #456, Management Grade T (90), Job Code 250, increase the standard workweek and the approved hours from 35 to 40 hours per week

1.0 Public Health Administrator, Position #472, Management Grade R (88), Job Code 232, increase the standard workweek and the approved hours from 35 to 40 hours per week

Public Works - Solid Waste Division

1.0 Solid Waste Manager, position #900, Management Grade R (88), Job code 257, increase the standard workweek and the approved hours from 35 to 40 hours per week

Probation Department

1.0 Transition Workforce Specialist, position #833, labor grade L (12), Job Code 783, decrease the standard workweek and the approved hours from 40 to 35 hours per week.

Planning Department

1.0 Commissioner of Planning and Public Works, position #1296, (91/170), management grade U, decrease the standard workweek and the approved hours of the position from 40 to 37.5 hours per week (1.0 FTE)

1.0 Principal Account Clerk Typist, position #662, (11/673), labor grade K, decrease the standard workweek and the approved hours of the position from 40 to 35 hours per week (1.0 FTE)

1.0 Senior Planner, position #680, (14/609), labor grade N, decrease the standard workweek and the approved hours of the position from 40 to 35 hours per week (1.0 FTE)

1.0 Senior Planner, position #666 (14/609), labor grade N, decrease the standard workweek and the approved hours of the position from 40 to 35 hours per week (1.0 FTE)

1.0 Senior Planner, position #678 (14/609), labor grade N, decrease the standard workweek and the approved hours of the position from 40 to 37.5 hours per week (1.0 FTE)

SEQR ACTION: TYPE II-20

* * * * *

Report from the Public Safety Committee

Mr. Shinagawa, Chair, said he did not have a report.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee will meet tomorrow. She said she wanted to take this opportunity to welcome Dr. Brown, the new Superintendent of the Ithaca City School District and wish him well. She spoke of the hiring process and said she wished people who have now expressed concerns or question his qualifications would have participated in the process beforehand. She believes this is a sign of the amount of work that continues to need to be done in the community. She hopes everyone will be supportive and will welcome Dr. Brown.

Mrs. McBean-Clairborne announced on Monday, December 27th there will be Kwanzaa celebration at the Southside Community Center and invited everyone to come and celebrate. She said that she and Ms. Reistetter, Project Assistant, continue to work on the report for the climate survey conducted. She commented that when she took on the position of chairpersonship of this Committee she thought this would be an easy road, however, it takes a lot of time to get the work done and there is no easy fix to these things. The work is continuous. The Committee is trying to make Tompkins County a model organization when it comes to supporting inclusion and she hopes it will continue to be at the forefront and have others follow the County in what it does.

Mr. Dennis spoke of his experience during the interview process of the three final candidates. He was impressed by Mr. Brown because of his commitment to Ithaca and said has a young family. Mr. Dennis believes this individual will be here for the long-term and said he has already visited the Family Reading Partnership. He hopes that the community will help Mr. Brown succeed.

Mr. Proto suggested that the six School Superintendents in the County be invited to Legislature meetings and speak as a Municipal Official.

Mrs. McBean-Clairborne made a follow-up comment to Mr. Dennis and said that Mr. Brown has been getting out in the community and visited GIAC (Greater Ithaca Activities Center) and said he had left an impression with the children.

Ms. Pryor announced that tomorrow there will be a signing ceremony at the White House to celebrate the recent legislation passed on "Don't ask, don't tell". This is a step forward toward more full inclusion for the LGBT (Lesbian, Gay, Bisexual, and Transgender) community and the civil rights of the nation. She is very proud and said there have been many people who have worked very hard to make this happen.

Approval of Minutes of November 16 and December 7, 2010

It was MOVED by Mr. Proto, seconded by Ms. Chock, to approve the minutes of November 16th and December 7th as corrected. A voice vote resulted as follows: Ayes – 13, Noes – 2 (Legislators Dennis and Herrera). MINUTES APPROVED AS CORRECTED.

Recess

Ms. Robertson declared recess at 8:11 p.m. The meeting reconvened at 8:18 p.m.

Ms. Herrera was excused at 8:12 p.m.

Executive Session

It was MOVED by Mr. Lane, seconded by Mr. Robison, and unanimously adopted by voice vote by members present, to hold an executive session to discuss real estate negotiations. An executive session was held at 8:18 p.m. and returned to open session at 8:50 p.m.

Recess

Ms. Robertson declared recess at 8:50 p.m. The meeting reconvened at 8:53 p.m.

Resolution(s) Added to the Agenda

Minutes
Tompkins County Legislature
Tuesday, December 21, 2010

It was MOVED by Mr. Dennis, seconded by Ms. Pryor, to add to the agenda the resolution entitled Making a Negative Determination of Environmental Significance in Relation to Resolution No. 226 of 2010, Approving the Purchase of Property Located at 214-216 West State Street (Martin Luther King, Jr., Street), Ithaca, New York (DOC ID: 2379).

Ms. Chock stated for the record that she objects to adding this resolution to the agenda without having sufficient time to review the environmental form.

A voice vote resulted as follows: Ayes – 12, Noes – 2 (Legislators Chock and Proto), Excused – 1 (Legislator Herrera). MOTION TO ADD THE RESOLUTION TO THE AGENDA CARRIED.

It was MOVED by Mr. Dennis, seconded by Ms. Pryor, to add to the agenda the resolution entitled Approving the Purchase of the Property Located at 214-216 West State Street (Martin Luther King, Jr., Street), City of Ithaca (DOC ID: 2380). A voice vote resulted as follows: Ayes – 12, Noes – 2 (Legislators Chock and Proto), Excused – 1 (Legislator Herrera). MOTION TO ADD THE RESOLUTION TO THE AGENDA CARRIED.

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

Resolution 2010-225: Making a Negative Determination of Environmental Significance in Relation to Resolution No. 226 of 2010, Approving the Purchase of Property Located at 214-216 West State Street (Martin Luther King, Jr., Street), Ithaca, New York (DOC ID: 2379)

MOVED by Mr. Dennis, seconded by Ms. Pryor. Mr. Mareane briefly explained the purpose of the two resolutions added to the agenda. The resolutions authorize the County to purchase the building known as the Carpet Bazaar. The intent of this purchase is to find a location for the County Office for the Aging (COFA) that is currently located in the Courthouse. The County has been looking for space for some time to accommodate space need requirements for the Court system. The proposal will have the County paying the owners \$52,000 per year for the next 15 years. The present value is \$600,000. Mr. Mareane hopes the closing will take place prior to March 1 and begin the renovations immediately. He briefly commented on the study being done for a Center of Government building, but said that project would not happen for many years.

Ms. Robertson said as Chair of the Capital Plan Review Committee, the Committee has discussed this issue at most of its meetings. When she started as a Legislator in 2002, she recalled discussions to move COFA at that time. The Office of Court Administration has been exceedingly generous in terms of time and very patient, but Ms. Robertson understands the need for the courts to have more space.

It was MOVED by Mr. Proto, seconded by Mr. Stein, to Call the Question. A voice vote resulted as follows: Ayes 12, Noes – 2 (Legislators Chock and McBean-Clairborne), Excused – 1 (Legislator Herrera). QUESTION WAS CALLED.

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

WHEREAS, Resolution No. 226 of 2010 would approve the purchase of property located at 214-216 West State Street (Martin Luther King, Jr., Street) for use by the Tompkins County Office for the Aging after vacating its present location in the County Courthouse at 320 North Tioga Street, Ithaca, NY, 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 Capital Plan Review and the Budget and Capital Committees, That Resolution No. 226 of 2010 is an Unlisted action,

RESOLVED, further, That the Tompkins County Legislature hereby determines that the acquisition of property at 214-216 West State Street (Martin Luther King, Jr., Street) for use by the Tompkins County Office for the Aging 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 Resolution No. 226 of 2010.

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

* * * * *

Resolution 2010-226: Approving the Purchase of the Property Located at 214-216 West State Street (Martin Luther King, Jr., Street), City of Ithaca (DOC ID: 2380)

It was MOVED by Mr. Dennis, seconded by Mr. Stein. Mr. Lane spoke in support of the resolution as he believes the County has done the work needed and has looked at other properties and the cost.

Ms. Chock stated for the record that COFA was the first department she toured when she became a Legislator and recognized their need for different space. She spoke in opposition of the actions to add the resolution to the agenda and the negative declaration without having the benefit of time to consult with City officials. She believes the environmental effect includes the consideration of the character of the nearby community, and the economic and commercial health of downtown Ithaca and would like the opportunity for more time for a reaction.

Ms. Kiefer explained that when she tried to review the environmental forms today they were unavailable and said that was her reason for opposing the previous resolution. She said she will support this resolution as it now includes language that the County will not go forward with the purchase if the site is found to have any unmitigatable significant environmental issues. It is her understanding that City Administration is aware of the County’s interest in the building and does not believe it will surprise the City nor has heard of any negative comments from the City.

Ms. Robertson noted the City Mayor and City staff have been apprised of this since the beginning of the investigation of this site.

Mr. Proto said he has been involved since the time the County began looking for space for COFA. He said that although he supports the need for COFA to find space and believes staff has done a good job, he opposes the price being paid for the building and is concerned with the cost for renovations.

A roll call vote resulted as follows: Ayes – 11, Noes – 3 (Legislators Chock, McBean-Clairborne, and Proto), Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, the New York State Office of Court Administration has asked the County to provide additional space in the County Courthouse to meet the needs of the Court System, and

WHEREAS, an independent architectural engineering firm has confirmed that the State Court System needs the additional space, and

WHEREAS, the Tompkins County Office for the Aging needs to be relocated from its present site at the County Courthouse, 320 North Tioga Street, Ithaca, New York, in order to accommodate the needs of the Court System, and

WHEREAS, the Legislature has reviewed location choices for several years, and

Minutes
Tompkins County Legislature
Tuesday, December 21, 2010

WHEREAS, the site at 214-216 West State Street (Martin Luther King, Jr., Street) best meets the needs of the County Office for the Aging at the least overall cost relative to any other alternative, now therefore be it

RESOLVED, on recommendation of the Capital Plan Review and the Budget and Capital Committees, That the building at 214-216 West State Street (Martin Luther King, Jr., Street) be purchased for the amount of \$52,000.00 at closing, where title shall be transferred to the County, with an annual deferred payment of \$52,000 for fourteen consecutive years thereafter (a net present value of \$600,000),

RESOLVED, further, That the County Administrator or his designee is authorized to execute all contracts or agreements necessary to accomplish the acquisition,

RESOLVED, further, That the purchase is contingent upon an environmental review that reveals no significant unmitigatable environmental issues.

SEQR ACTION: Unlisted (Short Environmental Assessment Form and Negative Declaration on file with the Clerk of the Legislature.)

* * * * *

Adjournment

The meeting adjourned at 9:11 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office