

March 4, 2008

**Tompkins County Legislature  
March 4, 2008**

**APPROVED 3-18-08**

**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.

Present: 11 Legislators; Excused: 3 (Legislators Hattery, Mackesey, Sigler); Vacancy: 1 (District No. 12 – Town of Ithaca).

**Privilege of the Floor by the Public**

No member of the public wished to speak.

**Privilege of the Floor by Legislators**

Carol Chock, District No. 2 Legislator, announced the Office for the Aging annual luncheon will be held on May 22<sup>nd</sup>. They are still looking for honorees and she has information if any Legislator is interested.

Ms. Chock submitted the following statement:

“On February 22, 2008, I attended a lecture by Ann Markusen. She is a regional planner and professor who has held many distinguished positions and awards, who currently directs the University of Minnesota’s Project on Regional and Industrial Economics (PRIE) at the Humphrey Institute of Public Affairs.

“She is well known for her studies of regional economic development and is currently looking in particular at the role of the arts and of artists in building economic development of a given locale and the importance for the public good in consciously seeking such activity.

“We know in our veins, in our core spirits, that it is good for adults, children and teens to be exposed to arts, music, theater, dance, thought, or culture of any sort (whether high brown or low brow). Even more true when a higher percentage of a community actually gets involved in arts in their own lives, especially our youth.

“Ann Markusen is working to backup that intuition with research. She studies whether the arts add to the economic base of the community. She is finding out that it most certainly does add to the economic base. Furthermore, she is looking at what kind of public support for the arts is the most effective. For example, her work has shown that, in many areas, distributed programs that provide many opportunities for smaller-scale arts that is accessible to participants in many ways has been more effective than targeting support to only one high-profile project such as Bilbao (the City in Spain that built a Guggenheim Museum).

“The good news is that Tompkins County is on target. We’re already doing many of the types of activities she has found to be successful – our Greater Ithaca Art Trail, our support of an active CVB, various partnerships in the arts, multiple small museums with hands-on activities, music alternatives, festivals, and restoration of a downtown historic theater are techniques she mentioned as effective elsewhere. Tompkins County is getting this right with our support for a variety of arts and cultural

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activities, our use of the occupancy tax for distributed grants programs that present alternative funding streams for both new and established organizations on scale with our community size, and our ongoing evaluation process for those arts and cultural programs.

“I will continue to follow her studies. I’ve also suggested to Tompkins County Area Development and/or the Community Arts Partnership that they look for an intern to apply Tompkins County data to the census profile – template that Markusen developed in her work, to compare us to other areas of the country.”

Mr. Dennis, District No. 15 Legislator, recognized the Cornell Men’s Basketball Team for accomplishments this season. He also announced the Family Reading Partnership will hold their Red Hot Gala at the Statler Hotel on March 15<sup>th</sup>. The Family Reading Partnership over the last ten years has given away over 200,000 books to children in Tompkins County.

Mr. Proto, District No. 7 Legislator, announced the Cornell women’s Basketball and men’s Track and Field Team’s also did very well over the past weekend. Mr. Proto spoke of local businesses who have done a lot for the community but often go unrecognized, and said the P&C Food Market donated five percent of their total proceeds over the past weekend to Hospicare. He also stated he has an e-mail address through the County’s e-mail system.

Ms. Robertson, District No. 13 Legislator, announced a Housing Opportunities Fair hosted by the Board of Realtors will be held Saturday, March 15<sup>th</sup>. At the last Homeless and Housing Task Force meeting it was reported for 2006 there were 16,000 emergency shelter bed nights in 2006 and in 2007 there were 11,000 bed nights. She said the Human Services Coalition will be looking into these figures but noted whatever the causes, it is good news. Ms. Robertson also announced the Annual Sister Friends Luncheon will take place on March 28<sup>th</sup>.

Ms. Kiefer, District No. 10 Legislator, announced the American Society of Newspaper Editors has named March 16-22 as “Sunshine Week”, a week-long assertion of the public’s right to know what its government is doing. She said she is looking forward to seeing what the local newspapers have in store for us that week.

### **Report from the Municipal Officials**

Herbert Engman, Town of Ithaca Supervisor, reported on activities taking place in the Town. There is a proposal for an 80-bed assisted-living facility, and they are working with Ed Marx, Commissioner of Planning and Public Works on identifying a site. Another issue being addressed by the Town is stormwater management, an unfunded, but worthwhile mandate from the State. He said they will need the assistance of all highway departments, including the County and State with this. On a positive note, Mr. Engman said there has been an upsurge of neighborhood associations being created and the Town is looking forward to working with these groups.

### **Presentation – Board of Elections**

Elizabeth Cree and Tom Paolangeli of the Board of Elections provided the Legislature with an update on voting machines. Ms. Cree said after five years, the County finally has a new voting machine. She spoke of 2008 and said through the end of this year they will be using two types of voting machines: continued usage of lever-style machines in addition to a ballot-marking device that will allow anyone who is disabled to prepare a paper ballot in privacy.

In 2009, an Optical Scan Machine will be used. One of the reasons the ImageCast Machine was chosen is because it also comes with an optical scanner (disabled for 2008 elections) that can be used as the HAVA compliant voting machine in 2009. In 2009 they can no longer use the old mechanical lever

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machines. It is expected that in 2009 all voters in Tompkins County will be voting on a paper ballot. Voters will indicate their choices on the paper ballot, then they will feed the ballot into the scanner. The scanner will notify the voter if they under or over-voted. The scanner also tabulates the results, and captures an image of the ballot. The ballots are then deposited into the compartment underneath the scanner, and can then be hand counted later to ensure the tabulator on the scanner is accurate. The majority of public outreach will take place in 2009. In reply to questions, it was noted that the Federal certification standards have still not been updated; that in 2009, village elections locally will be the first to use the new machines. In reply to Legislators it was noted that each Image Cast will cost approximately \$1,500; the Federal certification standards have still not been updated and New York State's are more stringent; that in 2009, village elections will likely be the first to use the new machines. The Commissioners are working with County Administration on storage from these machines.

**Chair's Report and Appointment(s)**

Mr. Koplinka-Loehr said Legislators have received a summary analysis of the proposed State Budget. He said he also has an extra packet of information presented by Senator Winner on February 22<sup>nd</sup> if any Legislator would like a copy. Mr. Koplinka-Loehr reported the Upstate Commission on Property Tax Relief will hold a hearing on April 10<sup>th</sup>. He thanked the County Administrator Search Committee who have presented three candidates for consideration.

Mr. Koplinka-Loehr made the following appointment(s):

Workforce Investment Board

Leslyn McBean-Clairborne; term expires June 30, 2008

Extension Service

Carol Chock

Workforce Diversity and Inclusion Committee

Leslyn McBean-Clairborne – County Legislator; term expires December 31, 2008

Facilities and Infrastructure Committee

Carol Chock (moving from Human Resources Committee)

Mr. Koplinka-Loehr said he will serve on committees (Public Safety and Human Resources) with vacancies until an individual is elected to fill the District No. 12 vacancy.

**Report from the County Administrator**

Mr. Whicher had no report.

**Report from the County Attorney**

Mr. Wood had no report.

**Report from the Finance Director**

Mr. Squires reported last week \$995,000 in bond anticipation notes were sold at a rate of 2.06 percent, with JP Morgan Chase the lowest of six bidders. He attended an interesting presentation in Syracuse concerning reform of the way the State of New York collects the motor fuel tax. A proposal is in the State Budget to change the county sales tax by removing it from sales tax collection and making it a motor fuel excise tax that will be shared from New York State. It has significant consequences in the way the State will distribute revenues to counties. He noted that sales tax is a percentage of the price of fuel,

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which brings in more revenues if the price goes up, whereas an excise tax would be a fixed number of cents per gallon, which will not go up as the price goes up. He will continue to provide updates as this moves forward and new information becomes available.

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

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

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

It was MOVED by Mr. Dennis, seconded by Mr. Proto, to add to the agenda the resolution entitled Calling Upon the Governor and the New York State Legislature to Refrain from Enacting New Public Employee Benefit Mandates. A voice vote resulted as follows: Ayes – 10; Noes – 1 (Legislator Herrera); Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Vacancy – 1 (District No. 12 – Town of Ithaca). MOTION CARRIED.

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to add to the agenda the resolution entitled Urging a Greater State Commitment to Maintaining the Safety and Integrity of Local Highways and Bridges.

### **Resolution(s) from the Health and Human Services Committee**

#### **RESOLUTION NO. 29 - CALLING ON THE GOVERNOR, THE NEW YORK STATE OFFICE OF MENTAL HEALTH AND THE NEW YORK STATE DEPARTMENT OF HEALTH TO ASSURE THAT ANY FISCAL RESTRUCTURING OF NON-INPATIENT MENTAL HEALTH SERVICES INCLUDE (i) EQUITABLE ASSUMPTION OF RESPONSIBILITY AMONG MEDICAID-ELIGIBLE FACILITIES AND PROGRAMS IN SERVING MEDICALLY INDIGENT PERSONS AND (ii) FAIR COMMERCIAL INSURANCE RATES AND SERVICE AUTHORIZATIONS FOR ENROLLEES**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne. Mr. DeLuca briefly explained the Office of Mental Health and the Health Department are looking at restructuring the rates for outpatient services, primarily Clinic services. This resolution is trying to get some assurance that if rates are changed that historical providers to individuals who are indigent or poor, have equitable rates. It also addresses insurance with the notion that sometimes insurance companies do not find a person eligible and that person goes to the indigent provider, often the County, and provides for some equity in those situations. It also says the County should have some say in the rate, particularly when there is disagreement about the rate being correct.

A voice vote resulted as follows: Ayes – 11; Noes – 0; Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Vacancy – 1 (District No. 12 – Town of Ithaca)

WHEREAS, the New York State Office of Mental Health is actively exploring a comprehensive fiscal restructuring of non-inpatient mental health services, and the Governor and the New York State Department of Health would participate in the review and adoption of any such restructuring, and

WHEREAS, under prior fiscal standards and practices governing reimbursement and responsibilities to provide non-inpatient mental health services, certain providers, frequently including those under local governmental auspice, have at times assumed a disproportionate responsibility, to their fiscal disadvantage, in serving medically indigent children, adults and families, and

WHEREAS, prior arrangements governing commercial insurance coverage for non-inpatient mental health services have sometimes allowed carriers to reimburse at artificially low rates or deny

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approval of coverage for enrollees because care for medically indigent persons is eventually assumed in default by certain providers, frequently including those under local governmental auspice, now therefore be it

RESOLVED, That, as part of any fiscal restructuring of non-inpatient mental health services, (i) responsibility to serve medically indigent persons is equitably distributed and assumed among all Medicaid-eligible facilities and programs in a local geographic area that are paid comparable rates; and (ii) fair commercial insurance rates and authorizations for services to enrollees are assured,

RESOLVED, further, That as part of any such fiscal restructuring, county mental hygiene departments are authorized and reimbursed to monitor and periodically attest to the assumption of responsibility by individual mental hygiene facilities and programs in their local geographic area in serving medically indigent persons, and that such attestation be a material factor considered by New York State in determining the status and reimbursement of such facilities and programs,

RESOLVED, further, That the Comprehensive Outpatient Program Services (COPS) add-on Medicaid payments reflect a conversion of State aid from New York State only dollars to a mix of Federal and State dollars; and since historically that State aid was under the auspice of County Mental Hygiene Local Governmental Units (LGU) to distribute for the care of the mentally ill, that any formulas for COPS funding redistribution have the approval of the local County LGU to reflect their statutory role regarding local funding allocations,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and **SEQR ACTION: TYPE II-20**

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

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

**RESOLUTION NO. 30 - AUTHORIZATION TO ACCEPT AN AWARD OF A GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**

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

WHEREAS, the Probation Director has been notified of a grant award from the New York State Division of Criminal Justice Services in the amount of \$35,600 and referred to as the STOP grant, and

WHEREAS, the STOP grant represents a collaborative effort among Tompkins County, Cayuga Medical Center, The Advocacy Center of Tompkins County, Cornell University Police Department, and the Human Services Coalition, and will fund the Sexual Assault Nurse Examiner (SANE) program, Self-Defense Training, and a lock-change program for victims of domestic violence and sexual assault, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the County Administrator or his designee execute all contracts related to this award,

RESOLVED, further, That the Director of Finance is directed to make the following adjustments to his books for 2008:

**BUDGET ADJUSTMENT**

Revenue	A3994.43389	State Aid	\$35,600
Appropriation	A3994.51000754	Administrative Services Coordinator	\$ 5,000
	.58800	Fringes	\$ 1,900
	.54442	Professional Services	\$28,700

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**RESOLUTION NO. 31 - AUTHORIZATION TO EXECUTE CONSTRUCTION FUNDING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION – RINGWOOD ROAD BRIDGE (BIN 3314160) OVER CASCADILLA CREEK**

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

WHEREAS, a Project to replace the Ringwood Road Bridge over Cascadilla Creek, BIN 3314160, P.I.N. 3753.20, (the Project) in the Town of Dryden, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of eighty percent Federal funds and twenty percent non-Federal funds, and

WHEREAS, Resolution No. 8 adopted on January 19, 2005, approved the Project and authorized execution of an agreement with the New York State Department of Transportation (NYSDOT) regarding administration and funding of Scoping, Design (Phases I-VI), and Right-of-Way Incidentals, and

WHEREAS, in order to expedite advancement of the Project and realize potential total project cost reductions, the NYSDOT requires the County to appropriate one-hundred percent of the project costs and then file for reimbursement of eligible costs, and

WHEREAS, the County of Tompkins has advanced the above Project, making a commitment of one-hundred percent of the non-Federal share of the costs of Construction, with the Federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement, and

WHEREAS, construction of the replacement bridge, authorized through award of bid by Resolution No. 68 adopted on May 1, 2007, is complete and was inspected for acceptance by NYSDOT on January 9, 2008, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby retroactively approves the above-subject project and the advancement by the County of Tompkins of one-hundred percent of the Federal and non-Federal share of the costs of Construction work for the subject Project or portions thereof,

RESOLVED, further, That the sum of \$410,000 is hereby made available within account HZ5103.59239.53.11, Ringwood Capital Project Account, to cover the cost of participation in the Construction phase of the Project,

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

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

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

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

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**RESOLUTION NO. 32 - AUTHORIZING A LEASE EXTENSION WITH THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) IN CONNECTION WITH OFFICE AND OTHER OPERATIONAL SPACE IN THE PASSENGER TERMINAL - ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, by Resolution No. 303 on December 3, 2002, the County Legislature approved a five-year lease agreement with the Transportation Security Administration (TSA) to rent office and other operational space in the airport terminal building, and

WHEREAS, with the ongoing need to have TSA personnel present for passenger and baggage security screening duties, the TSA has requested a four-year extension of said lease agreement, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That a four-year extension to the original lease agreement with a negotiated increase in rent be and hereby is approved and that the County Administrator be and hereby is authorized to execute said four-year lease extension.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 33 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT NO. 9 WITH C&S ENGINEERS, INC., FOR ADDITIONAL DESIGN SERVICES IN CONNECTION WITH THE PARALLEL TAXIWAY RELOCATION (PHASE III) PROJECT – ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, through Resolution No. 119 dated July 5, 2005, the Legislature awarded a contract to C&S Engineers, Inc., to design the mandated Relocation of the Parallel Taxiway (Phase III) project, and

WHEREAS, the design was completed and the County has been awaiting funding from the Federal Aviation Administration (FAA) to construct said Parallel Taxiway Relocation (Phase III) project, and

WHEREAS, the FAA has applied for Discretionary Funding to complete this third and final phase during 2008, and

WHEREAS, though grant money will be made available for this project, it appears unlikely it will be sufficient to complete the entire project, and

WHEREAS, the FAA has asked the County to authorize a re-design of the project that will postpone certain elements of the original construction plan until a later date and thus reduce expected construction costs, and

WHEREAS, the re-design work is necessary to deal with consequent changes to elevations, drainage patterns, lighting, signage, and significant revisions to contract drawings and bid documents, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 9 with C&S Engineers, Inc., for additional design services in connection with the Parallel Taxiway Relocation (Phase III) project at a cost of \$45,167 be approved, and that the County Administrator is hereby authorized to sign the contract documents and the Finance Director is authorized to make payments until Federal and State reimbursements are received,

RESOLVED, further, That the budget for said Supplemental Agreement No. 9 is as follows:

Federal Aviation Administration	(95%)	\$42,909.00
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New York State Department of Transportation	(2.5%)	\$ 1,129.00
Airport Operational Budget	(2.5%)	\$ 1,129.00
Total		\$45,167.00

**SEQR ACTION: TYPE II-2**

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

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

Personal Emergency Response Service Advisory Board

Greg Stevenson – County Legislator; term expires December 31, 2008

Greater Ithaca Activities Center

Nathan Shinagawa – County Legislator; term expires December 31, 2009

Air Service Board

Michael Stamm – At-Large; term expires December 31, 2010

Alan Pederson – At-Large; term expires December 31, 2010

Recreation Partnership

Carol Chock – alternate County Legislator representative; term expires December 31, 2009

**Report from the Human Resources Committee**

Mr. Dennis, Chair, said a mediation session for the Blue Collar Union is scheduled for this Thursday. A brief special Committee meeting will be held prior to the March 18<sup>th</sup> Legislature meeting to consider a resolution relating to the proposed Governor’s budget. He will be requesting an executive session at the end of the meeting to discuss the County Administrator’s search process.

**Report from the Government Operations Committee**

Ms. Kiefer, Vice Chair, said the Committee has not met; the next meeting is March 14<sup>th</sup>.

**Member-Filed Resolution**

**RESOLUTION NO. 34 – RESOLUTION SUPPORTING THE GOVERNOR’S PROPOSAL TO ALLOW TOMPKINS COUNTY THE OPTION OF INCREASING THE FEES FOR RECORDING DOCUMENTS WITH THE COUNTY CLERK’S OFFICE**

MOVED by Ms. Kiefer, seconded by Ms. Robertson. Mr. Proto said he is opposed to this resolution as the County Clerk has been the recipient of an enormous amount of money over the last several years from the State Archives and Records Association for the preservation of records. He asked if the act of increasing the fees in the future is with the County Clerk or will need to be determined by the State. Ms. Kiefer said it is her understanding that counties will have the authority. Ms. Kiefer and Mr. Koplinka-Loehr said specific County Legislative action would be necessary to increase the fees. Mr. Koplinka-Loehr said he supports this because this will only provide counties with options to increase fees.

A voice vote resulted as follows on the resolution: Ayes – 9 (Legislators Chock, Dennis, Herrera, Kiefer, Koplinka-Loehr, McBean-Clairborne, Robertson, Shinagawa, and Stevenson); Noes – 2

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(Legislators Proto and Randall); Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Vacancy – 1 (District No. 12 – Town of Ithaca). RESOLUTION ADOPTED.

WHEREAS, Tompkins County Clerk's Office serves as the records repository for all manner of documents including land records, mortgages, deeds, and powers of attorney, and

WHEREAS, the Tompkins County Clerk must maintain these documents in perpetuity to show a clear chain of title to specific property and maintain a history of ownership, and

WHEREAS, this is a massive undertaking, requiring a county-records staff, sophisticated computer hardware and software, and massive amounts of both electronic and physical storage in the form of specific county-records buildings and high-capacity servers, and

WHEREAS, additionally the information within these records must be protected against use by individuals seeking to commit crimes such as identity theft, and

WHEREAS, for this vital and important service, Tompkins County has received the same compensation for over thirty years, \$5 per document and \$3 per page, which falls well below the national average for the fees charged for similar services in other states, and

WHEREAS, Tompkins County has made great progress in automating and preserving their records and providing improved access to them in recent decades, and

WHEREAS, the current fee structure does not cover the costs associated with the essential services provided by the County Clerk's office, and

WHEREAS, the Governor's proposal will provide an estimated optional revenue stream to Tompkins County equal to \$332,184 or approximately one percent tax levy decrease by 2009, now therefore be it

RESOLVED, That Tompkins County supports the Governor's proposal to allow the county option to increase these recording fees to cover the costs associated with maintaining and protecting these important records,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to the Governor, the New York State Legislature, and all others deemed necessary and proper.

**SEQR ACTION: TYPE II-20**

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### **Report from the Planning, Development, and Environmental Quality Committee**

Ms. Robertson, Chair, said the Committee has not met; the next meeting is March 13<sup>th</sup>.

### **Report from the Budget and Capital Committee**

Mr. Shinagawa, Chair, said the Committee met February 25<sup>th</sup> and reviewed and discussed its goals. The discussion included the subject of the use of Room Occupancy Tax funds for the specific purpose of economic development. The Committee was informed that a change in State Law would be required if the County were to change the use of these funds. Discussion on this topic will continue at the next Committee meeting and representatives from the tourism field will be attending. The calendar for the Budget process was finalized and the date for the Legislature retreat is April 29<sup>th</sup>. A request was made to Standing Committees to discuss any serious budget issues presented by departments during June and July.

### **Member-Filed Resolution(s)**

**RESOLUTION NO. 35 – CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO  
END THE PRACTICE OF PASSING COSTS FOR STATE  
PROGRAMS TO COUNTY GOVERNMENT AND OUR PROPERTY-  
TAXPAYERS**

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MOVED by Mr. Shinagawa, seconded by Mr. Dennis. Following a brief discussion, it was MOVED by Ms. Robertson, seconded by Ms. Kiefer, to add the following RESOLVED: “Resolved, further, That the Commission on Property Tax should also consider a circuit breaker such as that proposed by Assemblywoman Galliff and Senator Little (Assembly Bill No. 1575; Senate Bill 53”). Mr. Shinagawa said he could not support the amendment because he does not know enough about this proposal or its implications specifically for Tompkins County. Although Ms. Robertson read a summary of the legislation, several Legislators were unable to support the amendment because of the lack of time to review the amendment prior to taking action. A voice vote on the amendment resulted as follows: Ayes – 1 (Legislator Robertson); Noes 10; Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Vacancy – 1 (District No. 12 – Town of Ithaca). AMENDMENT FAILED.

A voice vote on the original motion resulted as follows: Ayes – 11; Noes – 0; Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Excused – 1 (District No. 12 – Town of Ithaca). RESOLUTION ADOPTED.

WHEREAS, unfunded State mandates shift the responsibility and the cost of implementing State-required programs from the State to the local level and force localities to cut existing services or raise property and other local taxes to cover the additional State requirements, and

WHEREAS, State government leaders have acknowledged that high property taxes are a problem for residents and businesses in New York State, making the state less attractive and less competitive, and

WHEREAS, the Citizens Budget Commission states that local taxes in New York State are seventy-nine percent higher than the national average and that State laws result in high local tax burdens, and

WHEREAS, the Tax Foundation, based in Washington, D.C., reports that nine of the top ten counties nationwide in median real estate taxes as a percentage of median home value are in New York State, and

WHEREAS, the Governor has formed a bipartisan commission to make recommendations on a package of reforms that gets at the root causes of what is driving taxes so high, including looking at unfunded mandates on both school districts and municipalities, proposals on how to make our tax relief system fairer to the middle class taxpayer, and a proposal for a fair and effective cap to hold the line on school district property taxes, with said commission due to report its findings in June of this year, and

WHEREAS, Tompkins County recommends that State policy makers should strive to forge a stronger State-local partnership by eliminating unnecessary state requirements, should make the State more responsive by requiring state payment of mandates it deems essential and by establishing alternative methods for performance and implementation, and

WHEREAS, while awaiting the recommendations of the Governor’s commission on ways to reduce the high property taxes in New York State, state policy makers should refrain from making the problem worse by shifting costs from the State’s 2008-2009 budget to county budgets and our property taxpayers, now therefore be it

RESOLVED, That Tompkins County calls on the Governor and State Legislature to end the practice of passing costs for State programs to county government and our property taxpayers,

RESOLVED, further That the Tompkins County Legislature urges the Governor and the State Legislature to recognize how New York State income tax has been flattened across income brackets over the last thirty years, and to reverse that trend and return to a more progressive income tax structure to pay for State mandates on counties and school districts,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

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**RESOLUTION NO. 36 – SUPPORTING THE GOVERNOR’S PROPOSAL TO RESTRUCTURE AND AUGMENT THE STATE’S PROGRAMS TO ASSIST LOCAL SHARED SERVICES AND CONSOLIDATION EFFORTS**

MOVED by Mr. Shinagawa, seconded by Mrs. McBean-Clairborne. It was MOVED by Ms. Robertson, seconded by Mr. Proto, to strike the second Resolved. Ms. Robertson said the request contained in this resolution to spend \$100 million is inconsistent with other resolutions being forwarded to the State because this asks that funding be increased. A voice vote resulted as follows: Ayes – 5 (Legislators Herrera, Kiefer, Proto, Randall, Robertson); Noes – 6 (Legislators Chock, Dennis, Koplinka-Loehr, McBean-Clairborne, Shinagawa, and Stevenson); Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Vacancy – 1 (District No. 12 – Town of Ithaca). MOTION FAILED. A voice vote on the original resolution resulted as follows: Ayes – 9 (Legislators Chock, Dennis, Herrera, Kiefer, Koplinka-Loehr, McBean-Clairborne, Randall, Shinagawa, and Stevenson); Noes – 2 (Legislators Proto and Robertson). Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Vacancy – 1 (District No. 12 – Town of Ithaca). RESOLUTION ADOPTED.

WHEREAS, the Governor’s 2008-2009 Executive Budget includes a plan to restructure, enhance, and amend various programs and sections of State law to improve ongoing and future local consolidation plans and shared-service initiatives, and

WHEREAS, these changes include:

- Restructuring the \$25 million Shared Municipal Services Incentive (SMSI) grant program to form the Local Government Efficiency Grant Program with specific outlays of grant funding as follows:
  - \$6 million for regional “21<sup>st</sup> Century Demonstration Projects” promoting large-scale, regional consolidation and shared services pilot projects;
  - \$9 million for shared service implementation grants;
  - \$4 million for shared service study grants;
  - \$4 million for consolidation grants with special emphasis on shared highway service programs which, when undertaken, will provide additional highway aide to participants;
  - \$2 million for administrative assistance grants;
- Expanding the list of services that can be the subject of shared service contracts;
- Authorizing non-monetary exchanges of goods and services between local governments;
- Allowing the State Department of Transportation (DOT) to contract with municipalities for terms of up to five years;
- Expanding the range of emergency situations for which DOT can provide assistance, and allow municipalities to similarly assist the State;
- Enabling municipalities that maintain the roads and bridges of other municipalities to receive the same level of payments under the Consolidated Local Highway Improvement Program (CHIPS), and

WHEREAS, these proposed changes, many of which were taken from the ideas submitted to the Governor’s Commission of Local Government Efficiency and Competitiveness, will allow for easier consolidation of duplicative government functions, more efficient sharing of services and will result in overall lower taxation on local real property owners, now therefore be it

RESOLVED, That Tompkins County supports the Governor’s proposals to restructure, enhance, and amend various programs and sections of State law to improve ongoing and future local consolidation plans and shared service initiatives,

RESOLVED, further, That Tompkins County urges the Governor and the State Legislature to increase this funding allocation to \$100 million dollars as recommended by the Local Government Commission on Efficiency and Competitiveness,

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RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 37 – CALLING UPON THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO REFRAIN FROM ENACTING NEW PUBLIC EMPLOYEE BENEFIT MANDATES TO ASSIST IN CURTAILING RISING LOCAL PROPERTY TAXES**

MOVED by Mr. Dennis, seconded by Ms. Kiefer. Ms. Herrera explained her vote in opposition to this resolution. She stated Nassau County Executive Thomas Suozzi and Nicholas Pirro, former Onondaga County Executive and New York State Association of Counties Past President, have never actually been considered friends of the employees of the State, and said for this and other reasons she questions the intent of this resolution. Mr. Dennis said as a former teacher and a member of the Teacher's Union, it is difficult for him to support this resolution. However, as a member of this Legislature and a former City Councilperson, he has seen how binding arbitration has caused difficulties to local communities. He said if binding arbitration were extended to many more municipal employees in New York State localities probably would lose control over setting salaries for a long period of time. Mr. Dennis said there are some changes to the Taylor Law that should be studied and closely looked at.

Mr. Stevenson asked for an opinion from the County Attorney if it would be appropriate for him to vote on this resolution because he is a public employee. Mr. Wood advised Mr. Stevenson that it would be appropriate for him to vote on this as it impacts a large group of public employees and arguable, this resolution includes all Legislators. Mr. Stevenson said while he agrees there may be places within the Taylor Law that need examination, this resolution asks for meaningful mandate relief and reforms of compulsory binding arbitration in a broad sense. He said it infers that the whole system is bad and doesn't support that statement.

Ms. Chock questioned the way the resolution is worded, particularly the first Resolved. She said the way it is currently written any unrelated personnel cost mandate related to safety or environmental concerns of people who work for the public could be affected.

Mr. Dennis said unrelated personnel costs also have to do with health insurance benefits and he would be troubled extending health insurance benefits to retirees at the same level as active employees because this would represent a significant cost increase to every municipality in New York State.

Ms. Robertson said she supports this resolution because counties need to be able to have control over these issues and negotiations.

A voice vote resulted as follows: Ayes – 8 (Legislators Dennis, Kiefer, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Robertson, and Shinagawa); Noes – 3 (Legislators Chock, Herrera, and Stevenson). Excused – 3 (Legislators Hattery, Mackesey, and Sigler); Vacancy – 1 (District No. 12 – Town of Ithaca). RESOLUTION ADOPTED.

WHEREAS, New York State has the highest state and local tax burden in the nation, and

WHEREAS, rising local property taxes contribute to New York's unenviable status in regard to tax burden, and

WHEREAS, high property taxes are often described as a major impediment to the State's economic growth, which has lagged behind the nation for the past decade, and

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WHEREAS, the Governor has signed an Executive Order creating the New York State Commission on Property Tax Relief, a bipartisan commission charged with determining the root causes of high property taxes including the effects of state mandates on local governments, and

WHEREAS, this Commission is chaired by Nassau County Executive Thomas Suozzi and has among its membership Nicholas Pirro, former Onondaga County Executive and New York State Association of Counties Past President, both of whom will bring their vast knowledge of budgets and experience with State mandates and their costs to the deliberations of the Commission, and

WHEREAS, the Governor and the leadership of the Legislature have all pledged to reduce the burden of local property taxes on businesses and property owners as a way to stimulate the State's economic recovery, and

WHEREAS, public employee pension benefit enhancements, revisions to the provisions of the Taylor Law, and mandates for new employee leave benefits contribute to higher personnel costs to counties, other units of local governments, and school districts, and in turn represent added burdens to local taxpayers who have to pay the costs of these new benefits, now therefore be it

RESOLVED, That Tompkins County hereby calls upon the Legislature not to enact and the Governor not to approve, any new personnel cost mandates as a first step in achieving their promised reduction in the local property tax burden and until the Commission on Property Tax Relief has conducted its review and issued its report,

RESOLVED, further, That Tompkins County calls upon the Legislature and the Governor to enact meaningful mandate relief and reforms of compulsory binding arbitration, municipal compensation benefits, and other existing personnel cost mandates, which have increased personnel budget costs and added to the burden of local property taxpayers,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

**SEQR ACTION:** TYPE II-20

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

Mr. Stevenson, Chair, reported the Committee met briefly before this meeting to act on resolutions being considered this evening. The next meeting will be March 21<sup>st</sup>.

Mr. Proto spoke of a recent meeting held in Binghamton that was sponsored by the State Emergency Management Office regarding the anticipation of flooding and heading off any potential problems this Spring. He spoke of the significant impact the southern portion of the County experienced a couple of years ago by flooding and asked Mr. Shurtleff, Director of Emergency Response, to participate in future meetings.

### **RESOLUTION NO. 38 – URGING THE GOVERNOR AND THE STATE LEGISLATURE TO INCLUDE BUDGETARY LANGUAGE TO INCREASE PROBATION REIMBURSEMENT TO THE STATUTORILY REQUIRED FIFTY PERCENT**

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

WHEREAS, Section 246 of the New York State Executive Law stipulates, "State aid shall be granted to the City of New York and the respective counties outside the City of New York only to the extent of reimbursing fifty per centum of the approved expenditures incurred by the county or City in maintaining and improving local probation services.", and

WHEREAS, over the past two decades, local reimbursement for probation services has decreased from 46.5 percent to lower than 20 percent, and

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WHEREAS, this deficiency was not addressed by Governor Spitzer in his 2008-2009 budget proposal, and

WHEREAS, while reimbursement has diminished, state mandates on probation have increased to include interim supervision, DNA collections, sex offender registration, ignition interlock, and community service for Driving While Intoxicated (DWI), and

WHEREAS, counties have been forced to assume a greater proportion of probation costs as the scope of probation services expands and new technologies arise for tracking and monitoring the activities of probationers, and

WHEREAS, in recent years, these costs have escalated sharply and dwindling State reimbursement and dedicated local funds are not enough to meet the demands placed on local probation departments, and

WHEREAS, probation officers typically travel great distances to meet with probationers at home or work, incurring additional non-reimbursed expenses, and

WHEREAS, the high costs associated with quality probation services has forced counties to assume a greater proportion of probation expenses, resulting in layoffs, reductions in services, and/or increases in property taxes, and

WHEREAS, Tompkins County realizes that effective probation services provide substantial savings for the State by reducing the reliance on incarceration and placements, as evidenced by the 63,000 felons and the 43,000 juveniles currently receiving probation services, now therefore be it

RESOLVED, That Tompkins County in conjunction with Chief Judge Judith Kaye, the Office of Court Administration, and the New York State Council of Probation Administrators (COPA), urges the Governor and the State Legislature to support the restoration of State aid to local probation departments to a full fifty percent of approved expenditures incurred by the county or City of New York in maintaining and improving local probation services,

RESOLVED, further, That any new public safety mandate imposed pursuant to State law, regulation, or Executive Order that imposes additional duties upon local probation departments, or directly increases the population of offenders subject to the jurisdiction of any such department, be fully funded by the State,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

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**RESOLUTION NO. 39 – URGING THE GOVERNOR AND THE STATE LEGISLATURE TO HOLD COUNTIES HARMLESS FOR ANY STATE-MANDATED INCREASES FOR DISTRICT ATTORNEYS’ SALARIES**

MOVED by Mr. Stevenson, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present.

WHEREAS, legislation proposed by Governor Spitzer as part of his 2008–2009 Executive Budget provides a twenty-one percent salary increase for State-paid judges and justices, retroactive to April 1, 2006, and an additional 2.5 percent on April 1, 2008, and

WHEREAS, historically, when the Governor and the Legislature have authorized pay increases for these judges and justices they have also included supplemental appropriations for counties to offset the state mandated pay increase this creates for district attorneys, and

WHEREAS, the Governor’s proposal will provide \$3 million to counties for a portion of those costs, with counties being responsible for the sizable retroactive difference in district attorney salaries, and

WHEREAS, if the State does not completely cover this mandatory salary increase for District Attorneys, county taxpayers will be forced to shoulder these expenses, and

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WHEREAS, with county budgets already in place for 2008, the burden of state set retroactive salary increases for district attorneys will have a \$26,000 negative fiscal impact on Tompkins County, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That Tompkins County is calling upon the Governor and the Legislature to remain consistent with past practices and include language holding counties harmless for any pay increases for judges and justices of the Unified Court System and District Attorneys,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

**SEQR ACTION: TYPE II-20**

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on February 27<sup>th</sup>. The Committee is hoping to engage the County in discussion of a Strength in Diversity Award. This award would not only be for County departments and employees, but members of the community as well because everyone is working towards engaging or are doing things to continue to promote health and diversity within the community. They are also continuing to roll out the Diversity Statement to departments and agencies. Mrs. McBean-Clairborne said the Committee is trying to work diligently, however, a lot of the work is involved and they will be exploring ways to allow more staff time to be allocated to the Committee's efforts.

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

Mr. Proto, Chair, reported the Committee will meet tomorrow. There will be a discussion of space needs for the Office for the Aging and the State's recommendation on the Preschool Handicapped Children's Program.

**Member-Filed Resolution(s)**

**RESOLUTION NO. 40 - URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF THE STATE'S HISTORIC SHARE OF PUBLIC ASSISTANCE TO TOMPKINS COUNTY**

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

WHEREAS, since 1938, counties and New York State have equally shared in the non-Federal cost of public assistance at a fifty percent state, fifty percent local split for this program, and

WHEREAS, the 2008-09 Executive Budget proposes to break this historic State and local fiscal partnership by increasing the County share by two percent while simultaneously decreasing the State's cost for the Family Assistance and the Safety Net program by two percent, and

WHEREAS, the Governor's proposed budget includes another serious impact to counties by implementing a local share for the cost of carving out two-parent families from the Federal work participation rates, by removing the local district hold-harmless provision, and

WHEREAS, with counties budgets already in place in 2008, these two budget actions -- this carve-out of the two-parent families and increasing the County share of public assistance by two percent - - negatively impacts Tompkins County's budget by \$106,000, a nearly 0.5 percent tax levy increase, now therefore be it

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RESOLVED, That Tompkins County opposes any policy or fiscal initiative like this proposed increase in the local share for public assistance and “two-parent carve-out” that changes the fundamental promise Governor Spitzer made to the County about ongoing, historic state and local partnerships,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

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**RESOLUTION NO. 41 - URGING THE GOVERNOR AND STATE LEGISLATURE TO REMOVE TOMPKINS COUNTY FROM THE FISCAL AND PROGRAMMATIC RESPONSIBILITY OF THE PRESCHOOL SPECIAL EDUCATION PROGRAM**

MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present. Mr. Proto said while he will vote in support of this to save a percentage on the County property tax bill, he has a concern that this will result in an increase on the school tax bill.

WHEREAS, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions-Educational Program as Section 4410 of the Education Law, and

WHEREAS, this law included a provision to reduce the county fiscal liability to 25 percent by the 1993-1994 school year, and

WHEREAS, succeeding statutes, beginning with the Deficit Reduction Act of 1990, have reneged on State statutory assurances of increased State fiscal participation in the program and the state has consistently resorted to balancing the State Budget by decreasing the State’s portion of the program costs, and

WHEREAS, this mandated program has grown exponentially in Tompkins County share, from \$1 million in 1989 to nearly \$2 million in 2006-2007, and

WHEREAS, the Federal and State law places responsibility for the program with the educational system and gives decision-making authority to school districts, and

WHEREAS, the financial burden for programmatic decisions falls on Tompkins County rather than on school districts, and

WHEREAS, the Governor and State Legislature last year recognized the need to reform the Preschool Special Education Program and established the Temporary Task Force on Preschool Special Education to make recommendations for the same, and

WHEREAS, the Temporary Task Force on Preschool Special Education, in its final report, recommended that county fiscal participation be capped and county programmatic and administrative involvement be eliminated by 2013, and

WHEREAS, the 2008-2009 Executive Budget proposes to limit the growth of Tompkins County expenditures for the preschool special education program at 4 percent the first year, 3.5 percent the second year, and 3 percent the third year and every year thereafter, and

WHEREAS, this proposal imposes a new financial requirement on school districts by requiring them to take over the State responsibility to reimburse counties 59.5 percent of the costs of Committee on Preschool Special Education (CPSE) administration and evaluations, and

WHEREAS, Tompkins County appreciates the Governor’s proposal to “cap” county expenses but urges that the “cap” be carefully examined and structured to maximize savings and long-term benefits to counties, now therefore be it

RESOLVED, That Tompkins County believes that counties should, ultimately, be removed from the fiscal, contractual, and programmatic responsibilities of the 4410 Preschool Special Education Program,

RESOLVED, further, That Tompkins County calls on the Governor and State Legislature to build off of the 2008-09 Executive Budget proposal to “cap” the growth of county Preschool Special Education expenses and ensure that counties statewide benefit from this proposal,

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RESOLVED, further, That Tompkins County calls on the Governor and State Legislature to begin, in 2008-09, the process for transitioning programmatic and administrative responsibility from counties in line with the recommendations of the Temporary Task Force on Preschool Education,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

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**RESOLUTION NO. 42 – URGING THE STATE LEGISLATURE TO OPPOSE THE PROPOSED SHIFT OF ONE-HUNDRED PERCENT OF THE COST OF JUVENILE DETENTION FACILITIES TO TOMPKINS COUNTY**

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

WHEREAS, Tompkins County strongly opposes the unprecedented 2008-2009 Executive Budget proposal that ends the state and local partnership in funding the costs associated with operating local juvenile detention facilities by requiring counties to assume one-hundred percent of the cost, and

WHEREAS, according to the 2008-2009 Executive Budget proposal, effective April 1, 2008, counties will assume the full cost of youth placed by the Family Court in secure and non-secure detention facilities, and

WHEREAS, currently, the State reimburses counties fifty percent for secure and non-secure juvenile detention costs, and with county budgets for 2008 already in place, shifting the cost completely to Tompkins County, will mean an increase in cost to the county budget of \$100,000, a 0.3% tax levy increase, and

WHEREAS, the policy rationale behind this cost-shift is the State's recommendation that Tompkins County find alternative, diversion programs for these youth, such as community-based solutions, however, there is no possibility of diversion or other community-based alternatives for a youth who has been placed in a secure detention facility, and

WHEREAS, this is an example of a break in a state and local partnership, where local property taxpayers will be directly impacted, and

WHEREAS, at the time of this proposal, the State is currently in the process of closing many of their state-owned and operated secure detention facilities, which will result in immediate State savings, now therefore be it

RESOLVED, That Tompkins County urges the State Legislature to oppose this change in reimbursement policy and fiscal shift of 100 percent of the cost of juvenile detention facilities to counties, and to focus on strengthening, not severing, the state and local partnership,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

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**RESOLUTION NO. 43 - URGING THE STATE LEGISLATURE AND THE GOVERNOR TO SUPPORT LOCAL PUBLIC HEALTH INITIATIVES**

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

WHEREAS, Tompkins County recognizes Governor Spitzer's commitment to funding local public health initiatives, as well as the overall local public health infrastructure in the 2008-2009 Executive Budget Proposal, and

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WHEREAS, Tompkins County provides essential public health services in its communities and is a consistent leader in addressing public health priorities, and

WHEREAS, the 2008-2009 Executive Budget Proposal allocates \$20 million in additional funds for essential local public health services, which include disease control, family health, and environmental health services, and

WHEREAS, the budget proposal expands the Public Health Leaders for Tomorrow initiative, which offers funding for local public-health leaders to obtain ongoing education in recognition of identified workforce needs, and

WHEREAS, there is also increased funding for lead-prevention efforts, with a focus on primary prevention, and

WHEREAS, new chronic-disease funding includes appropriations for healthy-eating coalitions and the Healthy Schools Act, which expands access to nutritious meals for school-age children, now therefore be it

RESOLVED, That Tompkins County supports funding and policy initiatives that serve to help further local health efforts to prevent disease and disability, promote health and safety, and protect the environment,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

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Mr. Proto requested that all of the resolutions being adopted this evening with regard to the State Budget be copied and distributed to Tompkins County's State representatives.

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on February 21. The Committee discussed the proposed Town of Lansing sewer district, disposal of the Biggs building, and received an update on Brown Road. It was reported by Commissioner Marx that the anticipated closing date of Brown Road is May 11<sup>th</sup>. The Facilities Division will have the master file on that project and any Legislator wanting to review that file may contact that Department. Mrs. McBean-Clairborne said the Committee also discussed space needs for the Office for the Aging; discussions will continue with Lifelong. Mr. Dennis reported the building committee for Brown Road will be concluding interviews in March and the Legislature can then make a decision on what group will be doing the design and the other items consistent with moving that project forward.

### **RESOLUTION NO. 44 – URGING A GREATER STATE COMMITMENT TO MAINTAINING THE SAFETY AND INTEGRITY OF LOCAL HIGHWAYS AND BRIDGES**

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

WHEREAS, Tompkins County is responsible 304.4 miles of roadways, and 109 bridges, and

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic development, revitalization, and functioning of our schools, businesses, health and hospital facilities, emergency responders, as well as the general traveling public, and

WHEREAS, the State's Consolidated Highway Improvement Program (CHIPs) funds are vital to the Tompkins County Highway Department in order to maintain and upgrade important components of the local transportation system, and to purchase necessary highway equipment and materials, and

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WHEREAS, the level of CHIPs funding in the current five-year capital plan falls well short of what is needed to assist counties in addressing the ever-deteriorating conditions of local roads and bridges, and

WHEREAS, while structural deficiencies in the State Dedicated Highway and Bridge Trust Fund (DHBTF) and expenditures for non-transportation infrastructure construction and maintenance purposes threaten the flow of capital funds to this vital local transportation funding program, and

WHEREAS, the Marchiselli Funding Program is the State component of a successful Federal, State, and local partnership, delivering transportation improvements to federally aidable local highway projects, and

WHEREAS, Marchiselli Funding has decreased and this means the County may not be able to take full advantage of the availability of federal funding, and many qualifying projects go unfunded, and

WHEREAS, the demands on the County-owned 109 bridges, too many of which are in aging and deteriorating condition, necessitate the establishment of a new funding commitment by the State to a local bridge and culvert program, and

WHEREAS, while the local system remains woefully underfunded, costs of maintenance, fuel, equipment, and materials continue to increase and the local infrastructure continues to deteriorate, making it necessary to substantially increase CHIPs funding to meet today's and future needs and make up for the deleterious effects of inflation, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Tompkins County appreciates the Governor's recognition of the construction and maintenance needs of local bridges and supports additional, recurring, and dedicated revenues to fund bridge and highway projects as a good first step in addressing the critical needs of the local transportation system as long as the financial mechanisms will insure the integrity and long-term viability of the State Dedicated Highway and Bridge Trust Fund,

RESOLVED, further, That Tompkins County supports proposals to restore the fiscal integrity of the State Dedicated Highway and Bridge Trust Fund by phasing-out the responsibility for non-capital expenditures, which are unrelated to construction and repair of transportation infrastructure,

RESOLVED, further, That Tompkins County urges the Governor and the Legislature of the State of New York to support increases in local transportation programs, particularly for CHIPs and Marchiselli, to ensure the safety of the local transportation systems, which are so important to the State's economy and the thousands of citizens who rely on local roads every day to get them to and from their places of employment,

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this Resolution to Governor Spitzer, the New York State Legislature, and all others deemed necessary and proper.

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Mr. Proto said he recently read that the Governor was proposing a cut in State aid to community colleges and also an increase in the tuition rate, and asked for a status report. Mr. Whicher said he believes it is a \$50 decrease in State Aid per full-time equivalent student, and would result in approximately a \$100,000 decrease to Tompkins Cortland Community College. It was suggested that a resolution in opposition to this decrease be presented at the next meeting.

### **Approval of Minutes of February 19, 2008**

It was MOVED by Mr. Stevenson, seconded by Mr. Randall, and unanimously adopted by voice vote by members present, to approve the minutes of February 19, 2008. MINUTES APPROVED.

### **Recess**

March 4, 2008

Mr. Koplinka-Loehr declared recess from 7:45 p.m. to 7:55 p.m.

**Executive Session**

It was MOVED by Mr. Dennis, seconded by Mr. Shinagawa, and unanimously adopted by voice vote by members present, to enter into executive session at 7:55 p.m. to discuss personnel matters. The meeting returned to open session at 8:42 p.m.

**Adjournment**

The meeting adjourned at 8:42 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office