

March 6, 2007

**Tompkins County Legislature
Regular Meeting
March 6, 2007**

Approved 3-20-07

Call to Order

Mrs. McBean-Clairborne, Vice Chair, called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

Members and guests participated in the Pledge of Allegiance to the Flag.

Present: 13 Legislators. Excused: 2 (Legislators Mackesey and Randall).

Privilege of the Floor by the Public

Doria Higgins, Town of Ithaca, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform, and urged all members of the Legislature to support the resolution as well, noting it is wonderful to see Tompkins County, City of Ithaca, and the Town of Ithaca all working together on this.

William Meyer, City of Ithaca, spoke of the September 11, 2001, attack on the World Trade Center. He said he has studied the issue for several hours and has concluded that it was an inside job. He will e-mail a link on this to Legislature members individually.

Andrew Zepp, representative of the Finger Lakes Land Trust, spoke in support of the resolution on the agenda entitled Appropriating Funds for the Babcock Tract from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection. He said the Land Trust is a not-for-profit organization that works with towns and landowners cooperatively to conserve significant open space in the 12-county Finger Lakes area. He said the Babcock property is one the Finger Lakes Land Trust feels needs to be set aside as public open space because it features more than a mile on the Cayuga Inlet and consists largely of flood plains. It also includes steeply sloping woodland, public fishing access to more than a mile of water, and a key stretch of the Finger Lakes trail corridor that connects Treman State Park and the Land Trust Lick Brook Preserve. It is also located within one of the County's natural feature focus areas as delineated in the Comprehensive Plan.

John Rancich, Enfield Energy, spoke concerning his endeavor to construct a wind farm in the Enfield/Newfield area. Mr. Rancich said he would like to explain to the public and the Legislature what he plans to do and where the project currently stands and invited Legislators to contact him.

Pete Meyers, City of Ithaca resident and Coordinator for the Tompkins County Worker's Center, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform. He provided examples of instances where employees of educational institutions are not able to collect unemployment insurance during the two and a half to three months each year when they are not working, contracting that with Tompkins Cortland Community College cafeteria workers. He also mentioned the situation of Ithaca City School District aides and service workers.

Joe Hawes, City of Ithaca, spoke of his personal experiences as an employee of Cornell University's dining services and said he is laid off for 20 weeks per year and is unable to collect unemployment. He urged support of the resolution entitled Resolution on the Need for Unemployment Insurance Reform.

March 6, 2007

Terry Sharpe, President, U.A.W Local 2300, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform. Ms. Sharpe said she represents approximately 1,100 employees at Cornell University and said that these employees are not only out of work during the summer but also during several breaks in the winter and spring. She said these employees are often forced to obtain services from the Department of Social Services because they are unable to collect unemployment benefits during these periods of time.

Carl Feuer, City of Ithaca, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform. He said 75 years ago Franklins D. Roosevelt established the right to unemployment insurance. That was in recognition of the devastation that unemployment causes working families when it happens as well as the needs of communities and the economy for that injection into the economy when there is unemployment. He said in the last 25 years that right and has slowly been taken away. In 1983, Legislation was adopted that stripped hourly paid workers in educational institutions from eligibility for unemployment during seasonal layoffs. He said the State is now being asked to overturn that Legislation, and to include opportunities for retraining and help for persons with English as a second language, and the resolution being presented this evening is the first step towards that action. Mr. Feuer said Cornell University President Skorton has articulated his support for these goals and meetings with Cornell will continue.

Debbie Minnick, President of the Ithaca City School District Paraprofessionals representative, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform. Ms. Minnick said there are 220 teaching assistants and aides in the Ithaca City School District who work ten months per year. She said unemployment benefit reform is an issue that needs to be addressed and this is an opportunity for Tompkins County to be at the forefront of an important issue.

Eric Byrd, Town of Newfield resident and member of the Tompkins County Labor Coalition, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform. He said he would also like to see more clarification in the rules for unemployment. He shared his personal experiences with the unemployment system in which discounts he received were counted as income, and urged the Legislature to adopt the proposed resolution.

Cris McConkey, Town of Enfield, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform. He said he was denied unemployment insurance benefits in the 1970's for selling eight gallons of goat milk per week. Under the four-day work week provision in New York State Unemployment Insurance, which is different from other states because others are based on an income system, the fact that he was engaged in agricultural work as a sideline meant that he was working seven days a week because doing chores count as a day worked. He asked that language be added to the resolution that would abolish the four-day work week approach and move to an income approach.

Joyce Canter, Town of Dryden, spoke in support of the resolution on the agenda entitled Resolution on the Need for Unemployment Insurance Reform. She said New York State is 48th in the nation in terms of unemployment insurance.

RESOLUTION NO. 32 - PROPOSED COUNTY RESOLUTION ON THE NEED FOR UNEMPLOYMENT INSURANCE REFORM

MOVED by Mr. Shinagawa, seconded by Mrs. McBean-Clairborne.

It was MOVED by Mr. Booth, seconded by Mr. Hattery, to Refer this resolution to Committee. Mr. Booth said while he does not object to the substance of this resolution, this resolution needs to be reviewed and investigated by the Health and Human Services Committee. While this is an Individual-Member-Filed resolution, its contents are relevant to the issues dealt with by that Committee. Mr. Booth

March 6, 2007

thinks this Legislature has a responsibility to find out what significance these recommendations would have to the operations of the major educational employers in Tompkins County. He thinks there would still be time following a review by the Health and Human Services Committee, for the resolution to be submitted to the State Legislature.

Mr. Shinagawa said he opposes the motion to refer this to Committee. This resolution does not address any specific piece of Legislation; it states that there is a problem and outlines where some of the problems exist in particular. He is unsure what input from educational institutions could be helpful at this stage.

Mr. Hattery said he only became aware of this resolution today and does not feel he is informed enough to support the resolution at this time.

Ms. Kiefer said she will support the motion to Refer to Committee because she would like additional language considered that would address some of the specific issues raised this evening.

Ms. Herrera said reform takes a long time but it is important that it be communicated from the community up. In calling on the State Legislature, the Governor, and Labor Commissioner to enact measures to bring significant reform to our unemployment insurance system only asks that discussions begin on this issue.

Mr. Sigler stated he supports a lot of the language contained in the resolution; however, there are other parts of the resolution he cannot support. He said the resolution also raises the question of whether some of this should be a subsidy for school districts. As written, he is concerned that this may cut into what unemployment insurance is actually for.

Ms. Robertson said if the educational institutions had to rehire these staff who fall into this category, it would be a huge cost. These employees are not highly paid and typically don't have any cushion to live on during these periods and are expected to return to work when the institution wants them back.

Mrs. McBean-Clairborne said last year this Legislature decided to pass a resolution about livable wage and she recalls a similar argument that there was not specificity in the language. She said small steps do matter, and that resolution has made a significant impact on employees throughout the County. She stated the resolution could have a positive impact on several lives and sees this as another opportunity to take a small step to move in the right direction.

Mr. Proto said based on the statement that there is no urgency to this, he cannot see any harm in taking advantage of an opportunity to gather additional information and educate this body further. He said the type of debate and discussion that is presently happening is one that should take place in Committee.

Mr. Dennis said as a former employee of the Ithaca City School District, he witnessed first-hand what the impact was on those employees who worked only ten months per year. His only concern with this resolution is what the impact would be financially to all school districts across the State.

Mr. Shinagawa spoke to the issue of timing and said it is too late to place this on the agenda for this week's Health and Human Services Committee agenda; therefore, it would not come before this Legislature until April. He thinks that is too late and that a message needs to be sent now that this is a high priority.

The Question was called by Mr. Dennis, seconded by Mr. Stevenson. A voice vote on Calling the Question resulted as follows: Ayes – 12, Noes – 1 (Legislator Sigler), Excused – 2 (Legislators Mackesey and Randall). THE QUESTION WAS CALLED.

March 6, 2007

A voice vote on the motion to Refer to Committee resulted as follows: Ayes – 6 (Legislators Booth, Hattery, Kiefer, Koplinka-Loehr, Proto, and Sigler); Noes – 7 (Legislators Dennis, Herrera, Joseph, McBean-Clairborne, Robertson, Shinagawa, and Stevenson); Excused – 2 (Legislators Mackesey and Randall). MOTION FAILED.

At this point Ms. Kiefer offered four amendments to the proposed resolution, to add language that addresses some of the public in put as well as the issue of trust fund insolvency; they were accepted as friendly by the movers.

Mr. Booth said he will not vote against a resolution in favor of reforming the unemployment system. He stated it is important for members of this Legislature to bring forward issues that are important because of what is going on in the community. However, there is a committee structure in place to look at issues and it should be used to examine at the substance of various ideas brought forward. Education is the leading industry in the Tompkins County and he thinks it would have been reasonable and responsible to have made the inquiry he suggested earlier.

Mr. Sigler agreed with Mr. Booth's comments but has too many concerns and unanswered questions. He said this is different than the living wage issue because that had a direct impact on the County. Mr. Sigler said he would like to know what impact this would have on educational institutions, and on contract negotiations.

Mr. Shinagawa apologized for not bringing this through the Committee process. He said this does not refer to any specific piece of State legislation. He said he has heard there will be some in the near future and if it addresses the issues outlined in this resolution he fully intends to support the Legislation.

It was MOVED Mr. Proto to Postpone this resolution to the March 20, 2007 meeting. Chair Joseph declared the motion substantially the same as the previous motion and ruled the motion out of order. Mr. Proto stated a motion to refer to committee is different than a motion to postpone to a specific date.

Mr. Wood, County Attorney, said there is a difference between a motion to table and a motion to postpone. However, one could frame them so that they are virtually identical. He said it would be up to the Chair to make a decision on this. Mr. Joseph said he thinks the motions are substantially similar because someone could continue making motions to postpone to different dates but the motions would have the same meaning. Mr. Proto challenged the ruling of the Chair.

A voice vote on the question: "Shall the ruling of the Chair be sustained" resulted as follows: Ayes- 7 (Legislators Dennis, Herrera, Joseph, Koplinka-Loehr, McBean-Clairborne, Robertson, and Shinagawa); Noes – 6 (Legislators Booth, Hattery, Kiefer, Proto, Sigler, and Stevenson); Excused – 2 (Legislators Mackesey and Randall); Abstentions – 1 (Chair Joseph). THE RULING OF THE CHAIR WAS SUSTAINED.

It was MOVED by Ms. Robertson, seconded by Mr. Dennis, to Call the Question. A vote by show of hands resulted as follows: Ayes – 10, Noes – 3 (Legislators Proto, Sigler, and Stevenson). THE QUESTION WAS CALLED.

A voice vote on the resolution resulted as follows: Ayes – 10, Noes – 3 (Legislators Hattery, Proto, and Sigler); Excused – 2 (Legislators Mackesey and Randall). RESOLUTION ADOPTED.

WHEREAS, a strong unemployment insurance program maintains the standard of living of working families, boosts communities and empowers the redeployment of New York's workforce into good jobs, and

March 6, 2007

WHEREAS, New York's maximum unemployment benefit has been frozen at \$405 per week since 1998, leaving New York as 48th out of 50 states in protecting its workers against the financial impact of job loss, and

WHEREAS, only 41 percent of the jobless receive benefits at all, leaving hundreds of thousands left out each year, and

WHEREAS, many hundreds of hourly-paid employees of educational institutions in Tompkins County are denied any unemployment benefits during long periods of layoff between school terms and on school breaks, and

WHEREAS, most other hourly-paid workers are eligible for unemployment benefits when temporarily laid off, including workers doing exactly the same jobs as hourly-paid employees of educational institutions, now therefore be it

RESOLVED, That the County of Tompkins calls on our State Legislators, the Governor and the Labor Commissioner to enact measures to bring significant reform to our unemployment insurance system,

RESOLVED, further, That this reform should include a meaningful increase in the maximum benefit as well as an increase in the calculation for lower wage workers,

RESOLVED, further, That this reform should include elimination of the denial of access to unemployment benefits for hourly paid employees of educational institutions and some part-time agricultural workers,

RESOLVED, further, That this reform should include expanded opportunities for jobless workers to complete job training programs to upgrade their skills,

RESOLVED, further, That this reform provide improved access at all levels of the system to workers with limited English-speaking skills,

RESOLVED, further, That this reform should clarify what constitutes income to persons receiving unemployment,

RESOLVED, further, That this reform address the need to insure solvency of the Unemployment Insurance Trust Fund.

SEQR ACTION: TYPE II-20

Privilege of the Floor by Legislators

Ms. Robertson, District No. 13 Legislator, said she attended the first of three public forums on the budget. She thanked the Public Information Advisory Board and Marcia Lynch, Public Information Officer, for all of the work in preparing information in a very understandable format. Ms. Robertson urged anyone who was not able to attend the forum on March 3rd to attend additional forums that will be held on March 10th at the Enfield Elementary School and on March 24th at the Human Services Building. She announced a meeting will be held tomorrow at Cooperative Extension at 6:30 p.m. on ways to save energy within a home.

Mr. Dennis, District No. 15 Legislator, thanked staff and the Public Information Advisory Board for pulling together information for the public budget forum held last Saturday. He said he hopes for a better turnout at the upcoming forums, he was pleased with the quality of work that went into the forum.

Mr. Proto, District No. 7 Legislator, reminded the public to vote this evening on the Ithaca City School District bond resolutions. He said there is another meeting taking place this evening at Cooperative Extension about oil and gas leasing that has been taking place throughout the County. Chris Dalton, an attorney from Elmira, will be present at that meeting to talk with interested individuals. A second meeting will be scheduled with elected officials who are unable to attend.

Mr. Proto called attention to his telephone bill and read a notice on the bill: "Effective February 1, 2007, the carrier-cost recovery surcharge which applies to your Frontier Communication of America long distance plan will increase from \$.99 to \$1.49." This surcharge is not a tax or a government charge

March 6, 2007

but helps Frontier Communications of America to recover various costs, including costs the company incurs in the administration of the Universal Service Fund, the national fund for telecommunications relay service regulatory filing expenses and compliance items". He urged those who have Verizon or any other telephone service to check their phone bills to see if they have experienced an increase as well.

Mr. Sigler, District No. 6 Legislator, spoke of the resolution adopted earlier and stated he does support Member-filed resolutions but believes that resolution should have been debated through the committee process. Mr. Sigler congratulated Ed Marx, Commissioner of Planning and Public Works, and his staff for the role they played in the recent grant award for the Town of Lansing.

Mr. Shinagawa, District No. 4 Legislator, reported last weekend he attended a conference in Washington D.C. for the Young Elected Officials Network. He said several in attendance spoke of their experiences and stated other boards don't seem to be as wise, forgiving, and willing to mentor other members like this Legislature has done with him. He extended his appreciation to members of this Legislature for providing him with a positive experience.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced boxing will return to the Greater Ithaca Activities Center on March 17th and urged everyone to come and show their support. She also announced the Annual Human Services Coalition meeting will be held tomorrow at the Women's Community Building where Cornell University President Skorton will be the keynote speaker. Mrs. McBean-Clairborne spoke of the budget forum held last Saturday and complimented staff for the work that went into forum and the information that was presented.

Ms. Kiefer, District No. 10 Legislator, reported a Peace March will take place on Saturday, March 17th and for the first time in several decades the Northeast (Town of Ithaca and Cayuga Heights) will be marching.

Ms. Herrera, District No. 5 Legislator, said last evening there was a Labor Religion Coalition meeting where 37 local employers were commended for taking part in the Livable Wage Certification Program. She said this is the first in the country of this kind of program. They also began a 40-hour fast to demonstrate in solidarity that people can sacrifice on behalf of those who are hungry. She commended Legislator Shinagawa and others who are fasting. She also congratulated the 37 certified livable wage employers, including Tompkins County.

Chair's Report and Appointment(s)

Mr. Joseph said he has received and will make available a cd-rom copy of the NYSAC webinar that was on the Governor's budget for anyone who is interested. He also reported the Fiscal Policy Institute was in town recently to conduct a seminar on the State budget and what is involved in it as well as impacts. Materials from this seminar will also be made available in the Legislature Office.

Report from the County Administrator

Mr. Whicher spoke of the survey that was conducted as the conclusion of the budget process and stated one item that came out of that was a strong desire for some type of dialogue between department heads and Legislators. He announced this will take place on April 19th from 2:30 to 4:30 p.m. Additional details on the format will be worked on through a planning process. Mr. Whicher will also be having a discussion on March 8th with department heads on the subject of the snow event that happened in February. At that meeting they will discuss how that event was handled by the County, what the expectations should be, and what process should be looked at. He said he has received several comments about the desire to take another look at the current policy. He hopes to have a similar discussion with the unions, but in a different venue.

March 6, 2007

Report from the County Attorney

Mr. Wood spoke of the Lansing Sewer District. He said the Town of Lansing previously asked if the County would be willing to contribute towards its sewer district. He had mentioned there were some legal issues involved with that and it was referred to the Planning, Development, and Environmental Quality Committee. After discussion the Committee asked Mr. Wood to write to the Comptroller a proposal whereby the County would lend the Lansing Sewer District funds and to receive determination if such an action would be legal. Mr. Wood received a response from the Comptroller in which it stated in the form it was presented (a loan to the Lansing Sewer District) it would not be acceptable. It further stated one municipality should not act as a bank for another municipality. The Controller stated by local law, the County could offer a gift to the Lansing Sewer District. However, such an action would be subject to a finding in the County’s audit that the County had not been equitable because it had given to one municipality and not others. One way to avoid this would be to make the program available in the local law, to all municipalities or similarly situated districts. Ms. Robertson stated that with this new information it was her decisions as Chair of the Committee not to further discuss this proposal. If another member wishes to pursue it further she would honor that request.

Report from the Finance Director

Mr. Squires reported a bond sale was conducted on February 22nd. There were nine bids received for \$5.6 million bonds at an interest rate of 3.95% for a twenty-year life. A note sale of \$1,815,000 went for a rate of 3.64%. He also reported the County’s audit is scheduled to begin on March 26th.

Addition of Resolution(s) to the Agenda

There were no resolution(s) added to the agenda.

Withdrawal of Resolution(s) to the Agenda

There were no resolution withdrawn from the agenda.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 33 - BUDGET ADJUSTMENTS – OFFICE FOR THE AGING

MOVED by Mr. Booth, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present 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 Health and Human Services Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Office for the Aging

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6779.43803	State Revenue	\$ 234	6779.51000215	Salary
6779.43803	State Revenue	\$ 739	6779.51000517	Salary
6779.43803	State Revenue	\$ 134	6779.51000529	Salary
6779.43803	State Revenue	\$ 134	6779.51000637	Salary
6779.43803	State Revenue	\$ 275	6779.54303	Supplies

March 6, 2007

6779.43803	State Revenue	\$38,000	6779.54400	Program Expense
6779.43803	State Revenue	\$ 484	6779.58800	Fringes

Explanation: Reappropriated money to be used in 2007 for Restore Grant.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 34 - AUDIT OF FINAL PAYMENT – RINGWOOD ROAD BRIDGE
REPLACEMENT PROJECT RIGHT-OF-WAY – VARIOUS
PROPERTY OWNERS - PIN 375320 (BIN 3314160)**

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

WHEREAS, the four (4) parcel acquisitions as listed below (indentures and easements) were completed in accordance with the Right-of-Way Plan for replacement of the Ringwood Road Bridge over Cascadilla Creek (BIN 3314160) in the Town of Dryden as approved by Resolution 236 of 2005, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the final claim against Tompkins County, be and hereby is audited by the County Legislature:

Vendor	Payment Request	Account No.	Amount
Various Property Owners	2 (Final)	HZ5103.53.11	\$535.00

Count	Tax Map #	Acres	Type	Parcel Address	Owner	Price
1	65.-3-5	0.011	PE	809 Ringwood Road	Selman, Julia Mulks	\$ 200.00
2	65.-3-4.4	0.006	FEE	783 Ringwood Road	Hubbert, Robert & Shari	\$ 100.00
3	65.-3-4.4 65.-1-8 &	0.031	PE	783 Ringwood Road	Hubbert, Robert & Shari	\$ 435.00
4	65.-1-1.62	0.06	FEE	3 Ringwood Knoll	Cornelius, Bernard & Sandra	\$ 1.00

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Ernest N. Warren Supreme Court Library Board of Trustees

Dooley Kiefer – County Legislature representative; term expires January, 2009

Tompkins Cortland Community College Board of Trustees

Raymond A. Dalton – Tompkins County representative; term expires December 31, 2014

Air Service Board

Nathan Shinagawa – County Legislature representative; term expires December 31, 2009

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

March 6, 2007

Ms. Robertson, Chair, reported the Committee met prior to this meeting to look at the Resolution below which was revised at the Budget and Capital Committee meeting. The next meeting will be March 12th at 3:30 p.m.

RESOLUTION NO. 35 - MAKING A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 36 OF 2007

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

WHEREAS, in Resolution No. 36 of 2007 the County allocates funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection to the Finger Lakes Land Trust for the purchase of the Babcock Tract, and

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution No. 36 of 2007 is an unlisted action,

RESOLVED, further, That the Legislature hereby makes a negative determination of environmental significance in regard to Resolution No. 36 of 2007.

SEQR ACTION: Short EAF on file with the Clerk of the Legislature

RESOLUTION NO. 36 - APPROPRIATING FUNDS FOR THE BABCOCK TRACT FROM THE CAPITAL RESERVE FUND FOR NATURAL, SCENIC, AND RECREATIONAL RESOURCE PROTECTION

MOVED by Ms. Robertson, seconded by Mr. Booth. A roll call vote resulted as follows: Ayes – 12, Noes – 1 (Legislator Hattery); Excused - 2 (Legislators Mackesey and Randall).
RESOLUTIONADOPTED.

WHEREAS, the Tompkins County Legislature established the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection by Resolution No. 217 of 2005, and

WHEREAS, the current balance in the Capital Reserve Fund is \$51,323, and

WHEREAS, the purpose of the Capital Reserve Fund is to support participation by Tompkins County in partnerships with other levels of government and private organizations to:

- protect and preserve the natural, scenic, and recreational resources found in the Agricultural Resource Focus Areas and Natural Features Focus Areas identified in the Comprehensive Plan;
- preserve and develop recreational trail corridors that cross municipal borders; and
- develop outdoor recreation facilities, within the focus areas, that are intended to serve all county residents, and

WHEREAS, the Interim Program Guidelines for use of the Capital Reserve Fund calls for proposed projects to substantially further at least one of the following objectives:

- Protect a stream buffer at least 330 feet in width.
- Provide public access to the Cayuga Lake shore.
- Protect land that is adjacent to permanently protected open space.
- Preserve land on an existing or potential intermunicipal trail corridor, and

WHEREAS, the Finger Lakes Land Trust has requested financial support from the Capital Reserve Fund for the purpose of protecting the Babcock Tract and providing public access to the tract, and

WHEREAS, the Finger Lakes Land Trust purchased the Babcock Tract, which had an appraised value of \$178,000, for \$150,000, and

WHEREAS, the Babcock Tract

- is located in The Gorges Natural Features Focus Area;

March 6, 2007

- adjoins Robert H. Treman State Park, the Lick Brook Cornell University Natural Area, and two areas protected by conservation easements,
- is traversed by Cayuga Inlet, along which the New York State Department of Environmental Conservation has obtained public fishing rights, and
- is crossed by the Finger Lakes Trail, and

WHEREAS, the Commissioner of Planning and Public Works and the Planning Advisory Board have recommended that the County Legislature authorize funding of the Babcock Tract acquisition from the Capital Reserve Fund, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee and the Budget and Capital Committee, That a total of Twenty Thousand Dollars (\$20,000) in funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection be appropriated for the purpose of securing the Babcock Tract in collaboration with the Finger Lakes Land Trust and others, and of providing public access to the tract, and

RESOLVED, further, That the County Administrator or his designee be authorized to execute any contracts or agreements related to this project.

SEQR ACTION: Unlisted

Report from the Budget and Capital Committee

Mr. Koplinka-Loehr, Chair, reported the Committee met on February 26th and discussed some of the items that have already been taken up by this Legislature including a Legislature/departments head forum, budget issues, process, and outcome of the budget survey. The Committee also discussed the Rollover Policy and three concepts for proposals that were brought forward by the County Administrator and Finance Director. After discussion, the Committee directed further work be done on some of the concepts which included: if the Unreserved Fund Balance were to dip in any one year by a certain percentage, the triggering of a policy that would not allow Rollover for that particular year, a ten-year history of the change in that Fund Balance; the consideration of 1/3 of funding for unfilled positions being returned to the General Fund with 2/3 being eligible by the Department as Rollover. He said he hopes the Committee will be able to make a recommendation to the full Legislature prior to the April 26 budget retreat.

Report from the Public Safety Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on March 16.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on February 28th and discussed goals for 2007. The Committee included a long-term goal that addresses the barriers that are the result of the Civil Service process of hiring diverse employees. The Committee hopes to lobby the State of New York to reform the process in order to maximize the number of people who are reachable for hiring. The Committee also discussed a workforce violence prevention plan that will go into effect on March 4th. Mrs. McBean-Clairborne announced that in June the Tompkins County Human Rights Commission will host the New York State Affirmative Action Conference. The Multicultural Resource Center will be hosting talking circles this summer and she will provide further information as it becomes available. The next meeting will be March 28th.

Report from the Health and Human Services Committee

Mr. Shinagawa, Chair, reported the Committee will meet tomorrow at 3 p.m.

March 6, 2007

Report from the Health Department Building Committee

Mr. Proto, Chairman, reported the Committee will meet Thursday (3/18) at 3:30 p.m. in the Old Jail Conference Room. He announced April 1 is the last date by which the Committee will receive information on new sites to consider. He urged anyone who would like to suggest a site that meets the criteria, to turn information into Mr. Marx, Commissioner of Planning and Public Works by April 1.

Report from the Facilities and Infrastructure Committee

Ms. Herrera, Chair, reported the Committee met on February 27. Some of the business conducted at that meeting included the Transportation Improvement Program and ways to deal with not receiving funding. The options include stretching the funding to get the maximum amount of work done possible which would mean not including certain design features that residents and municipalities would prefer, or including projects in the Capital Program. She said Tompkins County did not receive this funding because of not ranking high enough on the cost : benefit analysis, which is a result of not having enough traffic on the roads in the County. The Committee had a discussion about how to revise the project from reconstruction to reducing the treatment that would extend the life of the road. She stated there was also discussion of working with municipalities and educational institutions about projects when it appears improvements could coincide with their upgrades.

The Committee received a report from Arel LeMaro about how Facilities Division staff dealt with the snow emergency on February 14th. Ms. Herrera said employees are commended for the tremendous amount of teamwork and hard work that went into handling that emergency. Ms. Herrera announced the meeting scheduled for March 14 has been cancelled; a special meeting will be held on March 20 at 3:30 p.m.

Report from the Personnel Committee

Mr. Dennis, Chair, reported the Committee will meet on March 14 and will have a discussion of Committee goals. He also reported labor negotiations continue with the Road Patrol.

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

Mr. Stevenson, Chair, reported the Committee met on February 21 and heard from Mr. Wood, County Attorney, that there have been additional lawsuits filed against New York State concerning H.A.V.A. (Help America Vote Act). Mr. Wood said he does not see any particular advantage for one county to join another in a suit as the case would be decided on its merits. The Committee also heard from Mr. Squires, Finance Director, on the status of property subject to foreclosure; the list of properties is short and he is investigating the possibility of having a joint auction with Tioga County. There was also a discussion of the proposed reorganization of the County Attorney's office and decided to separate the two aspects of the reorganization. The first part of that involves the salary and hours of the Deputy County Attorney, which will be considered this evening, and the request to increase the salary from the County Attorney position will be presented at a later date.

Mr. Stevenson announced the Committee has established a meeting schedule for the remainder of the year. Meetings will be held the second Friday of each month at 2 p.m.

RESOLUTION NO. 37 - APPROVAL OF DESIGNATIONS OF SUCCESSORS

MOVED by Mr. Stevenson, seconded by Mr. Booth. Mr. Stevenson expressed concern that although there is a position created to be the number two in the Department of Emergency Response, it is still vacant, but should be listed as front in the line of succession. A voice vote resulted as follows: Ayes

March 6, 2007

– 11; Noes – 2 (Legislators Kiefer and Stevenson); Excused – 2 (Legislators Mackesey and Randall).
RESOLUTION ADOPTED.

WHEREAS, Section 31.07 of the County Charter specifies that the County Administrator and specified department heads shall designate in writing, and in order of succession, the deputies (or in the absence of officially designated deputies, the employees of the department) who shall possess the powers and perform the duties of the principal in the event of the latter's absence from the County or inability to perform or exercise the powers of the office, and

WHEREAS, the Charter further requires those designations, except department heads elected on a countywide basis, to be approved by the Tompkins County Legislature, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following designations of successors are hereby approved,

RESOLVED, further, That this list is complete and supercedes all previous designations:

Airport Manager:	Assistant Airport Manager Airport Terminal Services Coordinator Operations Supervisor
County Administrator:	Deputy County Administrators Paula Younger Shawn Martel Moore County Attorney Finance Director
County Attorney:	Deputy County Attorney
Commissioner of Social Services:	Director of Services Director of Administrative Services Social Services Staff Development and Quality Coordinator
Director of Emergency Response:	Communication Systems Manager Communication Center Manager
Public Health Director:	Public Health Administrator Director of Patient Services
Medical Examiner:	Deputy Medical Examiner, William Klepack, M.D. Deputy Medical Examiner, David Newman, M.D.
Mental Health Commissioner:	Deputy Commissioner Mental Health Medical Director Director of Mental Health Clinic Clinic Supervisor
Director of Finance:	Budget and Finance Manager Director of Accounting Services
Commissioner of Personnel:	Deputy Commissioner of Personnel
Commissioner of Planning and Public Works:	Deputy Commissioner of Planning

March 6, 2007

RESOLUTION NO. 38 – AUTHORIZING SALARY FOR POSITION ABOVE THE SALARY RANGE – DEPUTY COUNTY ATTORNEY

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

WHEREAS, the Legislature desires to set the salary for the employee in the following position:
Deputy County Attorney
, and

WHEREAS, the system utilized by Tompkins County to assign salaries to positions based on job description is unable to match the market-rate salary of this specialized professional position, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That effective January 1, 2007, the base salary for the incumbent in the title listed below shall be:

Deputy County Attorney \$47,840 at 20 hours

RESOLVED, further, That effective immediately, whenever there is a vacancy in this title, a base salary will be set for the newly hired incumbent on an individual basis by a resolution of the Legislature,

RESOLVED, further, That no new monies are needed to fund this change.

SEQR ACTION: TYPE II-20

Approval of Minutes of February 20, 2007

It was MOVED by Mr. Shinagawa, seconded by Ms. Robertson, to approve the minutes of February 20, 2007 as corrected. MINUTES APPROVED.

Adjournment

On motion the meeting adjourned at 7:18 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office