

Call to Order

Ms. Robertson called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 15 legislators (Legislator Stein arrived at 5:32 p.m.).

Announcement of Executive Session

Ms. Robertson requested an executive session be held later in the meeting to discuss litigation and real estate negotiations.

Mr. Stein arrived at this time.

Privilege of the Floor by the Public

Kathy Schlather, Human Services Coalition Director, reported the Coalition has started its budget process and extended an invitation to agencies to speak to the Legislature during privilege of the floor at upcoming meetings. At this time, she introduced Chris Sanchirico of Catholic Charities.

Chris Sanchirico, Catholic Charities, submitted the following statement:

“Thank you for your continued funding of our work at Catholic Charities. We appreciate your understanding of our mission to reduce poverty by building a caring community. We are committed to providing services to the most vulnerable, and remain a resort of last resource for hundreds of county residents who must struggle to make ends meet.

“You fund two of our most important projects, the Samaritan Center, and the Immigrant Services Program.

“The Samaritan Center provides short-term emergency financial assistance, personal care products, and free clothing to over 1000 Tompkins County families each year. We also provide facilitated enrollment for food stamps, and on-site enrollment for Child Health Plus/Family Health Plus.

“In the past year the Samaritan Center has experienced an over 30% increase in requests for personal care products. In 2009 we provided assistance to over 1300 families. In 2010 our clothing closet is averaging 100 new households per month. Short term emergency assistance, not counting the Homelessness Prevention Program, has increased 35% since last year, and food stamp eligibility screening has seen a staggering 111% increase over last year. Many of our new participants have not “been in the system” and have many issues and challenges in addition to their presenting problem. They need guidance, reassurance, and often, referrals to other services.

“In the course of developing our Immigrant Services Program (ISP) it has become clear that there is a gap in services in our community, since low-income immigrants cannot afford the high costs of retaining immigration attorneys. We are working towards becoming accredited by the Board of Immigration Appeals so that our ISP Director can act as a legal advocate and offer skilled legal assistance to immigrants in our community, to keep their families together, gain protection from persecution and

domestic violence, attain residency and work authorization, and become naturalized as U.S. citizens. This would provide a unique service to our community that would greatly benefit the immigrants residing here.

“County funding for both of these programs is critical if we are to continue to offer our essential services in times of need. We are a very lean organization and are committed to controlling our expenses. We leverage county funding with volunteer labor and with grants and contracts that build on your support. In 2009, your \$45,000 for the Samaritan Center helped to leverage about \$70,000, including FEMA funding for emergency utility payments, IURA/CDBG for security deposits, and a generous United Way grant for personal care products. Grants like these rarely include funding for the staff needed to implement the programs. They provide funding that goes directly to people in need. Without county funding to maintain our staff and infrastructure, all of these funds would have to be passed by.

“Funding for a program like the Samaritan Center should not be cut during times of economic distress. In 2010, our county funding for the Samaritan Center and ISP was cut by over 15%, during an economic downturn when an increase, or at least flat funding, would have been much more appropriate, and frankly, quite necessary. At the same time, demand for Samaritan Center services grew by 35%. We are now receiving over 900 calls each month from Tompkins County residents in crisis. The homelessness prevention funding that we received assisted 450 families, many of whom are now regularly utilizing our Samaritan Center clothing closet and personal care product program.

“The ISP program has received start-up CDBG funds from the IURA since 2006, but that funding comes to an end in fall of 2011. County funding will be essential if these services are to remain in our community. Given that over 12% of Ithaca’s population was foreign born according to the 2000 census, and most likely will be higher in the 2010 census, we feel the level and scope of our services is providing an incredible value to our community.

“Thank you again for your support. Please look over our new newsletter, and let me know if you have questions about our work.”

Bernie Hutchens, 1016 Hanshaw Road, submitted the following statement:

“There has been some apparent astonishment, on the part of this Legislature, with regard to the intensity of the uprising against the Hanshaw Road project. We can understand this in terms of a “perfect storm”, which here has five elements.

“The first element is the Coddington Road court decision that returned power to the property owners. It told the county that they could not claim right-of-way based on sundry third-party documents. Rather they had to show their own deeds - or else rely solely on ownership by use.

“The impact of this decision has been understood, but apparently not implemented by the County.

“The second element was the change in the notifications requirements of the Eminent Domain Procedures law. The March 16 hearing had active participation, and was memorable. But members of this legislature might be hard pressed to recall the previous five such hearing. This is because they averaged only 30 seconds each. Nothing was said, and in consequence, the ability to challenge a taking (being limited to issues, facts, and objections presented at the hearing), was zero. When we are notified, we show up.

“A third, extremely important element is the fact that the project; in its oversized footprint, in its neglect of safety issues, and its inclusion of sidewalks (the cause of the Right-of-Way problems), is

extremely unattractive to the impacted residents. This has been true since 2005, although somewhat hidden from you by the staff.

“A neighborhood petition of 2005 was 94% against most aspects of the project. This petition to the Town was claimed to be unobtainable. (I was recently able to get it in just a couple of hours.)

“At two Town Board meetings, one in 2005, 14 of 14 residents spoke against the project, as did 8 of 11 residents at a 2006 meeting.

“Incidentally, at the 2006 meeting, the Town infamously rescinded a previous resolution giving the Hanshaw Road owners a right to vote on sidewalks. The Town’s actions were not the sort of thing on which good will is built.

“In the County’s own 2007 Final Design Report, which this Legislature examined and approved, there is clear evidence of 80% opposition to the sidewalks and the overall plan. Finally, there was the March 16 hearing, and the subsequent flood of written comments.

“I cannot emphasize enough, that the overall unattractiveness of this project must be understood, and addressed.

“Element 4 is the importation of out-of-town consultants and their ham-fisted, although cordial, approach to the property owners. The “one-offer system” of negotiations that I mentioned at the last meeting here, is typical of this abuse. Contrary to what Ms. Kiefer said, that wording is not standard under eminent domain law, nor is it in the NYS DOT manual.

“Element 5 is our neighborhood. I am proud of our neighbors; their character, their intelligence, their hard work, and their accomplishments. Like most Ithaca neighborhoods, we have professors, engineers, authors, private business owners, and many others of notable endeavor. They did not get where they are by NOT thinking for themselves.

“You sometimes ask our views – pro forma – but our good-faith responses are subsequently, in one ear, and out the other. You never kindle trust of government, even at this local level. You never invite us to sit down and talk.

“But when we do have the opportunity to speak, and to act, we do, and we will.

“And that explains March 16th.”

Carlos Gutierrez, Latino Civic Association of Tompkins County and Human Rights Coalition, said that prior to Senator Edward Kennedy’s death, Senator Schumer promised to bring forward a resolution on immigration reform; President Obama also promised “a change for America”. Immigrant communities are being used as scapegoats; children and families are being terrorized by immigration and law enforcement with massive round-ups. The immigrant community is made up of hard-working people and paid below minimum wage, and not being paid overtime. It is time to put a stop to these practices and he urged the Legislature to support the resolution on the agenda entitled Resolution Urging the U.S. Congress to Enact Comprehensive Immigration Reform. He extended an invitation to Legislators to attend a rally on May 1 at 3 p.m. in support of comprehensive immigration reform.

Ute Ritz-Deutch, Tompkins County Immigrant Rights Coalition and Coordinator of the Ithaca Chapter of Amnesty International, spoke of the existing immigration system and the importance to take a stand on human rights and civil rights. She referenced the legislation passed in Arizona and said it is the worst yet this country has seen; it would compel law enforcement to detain people on site if they cannot

provide immigration papers; it is important to take a stand and not let this happen. She urged the Legislature to send a strong and clear message to State representatives and to the President to do the right thing.

Laurie Konwinski, Cascadilla Street, Coordinator of Justice and Peace And Ministry for Catholic Charities and Member of the Tompkins County Immigrant Coalition, also spoke in support of the resolution entitled Resolution Urging the U.S. Congress to Enact Comprehensive Immigration Reform. This is an economic issue for Tompkins County and also a moral issue about human dignity and better treatment of people coming into the United States looking for a better life. Ten percent of the population in Tompkins County is immigrant and their labor is essential for the economy. The current immigrant system is destroying ability to run farms. The labor of immigrants is essential to local, state, and national economy.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, brought to the attention of the Legislature the potential New York State Electric and Gas (NYSEG) rate increases. He has written again to the Public Service Commission (PSC) about the proposed electric and gas increases; however, he has not received an answer. There are several public hearings scheduled across the State; the closest is April 18 in Binghamton at which he will be speaking. Mr. Proto reminded Legislators that Memorial Day is approaching. Flags for cemeteries have been ordered; the County purchases the flags and provides them to local VFW's. If anyone knows of any local VFW looking for flags let him know. Lastly, Mr. Proto spoke of a presentation given on gas drilling at the Water Resources Council meeting provided by Mark Lovegreen from Tioga County. He suggested that the presentation also be given to the Legislature. He reported the vote on the Ithaca City School District budget would be on May 18th. It contains a proposed increase of slightly over 4.5% at this time. In addition to filling three openings on the School Board there are two propositions on the ballot.

Ms. Chock, District No. 3 Legislator, reinforced Mr. Proto's request that Mike Lovegreen from Bradford County be invited to speak to this Legislature on gas drilling. She received a call today about Cornell University's discussion about leasing of Cornell lands for gas drilling; a hearing will be held April 22nd to comment on their process.

Ms. Mackesey, District No. 1 Legislator, reported on a meeting held at the Department of Transportation (DOT) of the Task Force set up by the Governor including representatives from the trucking industry and communities, to talk about the proposed regulations. She thought the meeting was going to be about implementing the regulations, but the DOT said it had no intention to implement the regulations. A month ago she received reassurance from DOT that the regulations were going to go into effect this summer. She spoke with Senator Schumer's office and they had no indication this was going to happen. It appears someone "pulled the plug" but she doesn't know who or how it happened. The Upstate coalition will meet tomorrow to discuss what the next move will be. This is a tremendous setback but they are not going to give up.

Mr. Dennis, District No. 15 Legislator, thanked the Legislature for the card recently sent to him.

Ms. Kiefer, District No. 10 Legislator, said she heard a presentation from James Hanson concerning "Global Climate Change, What Must We Do Next?". He was calm, factual, and gentlemanly, but the content of his remarks was grim. He noted that once tipping points are passed, the dynamics of climate will not be reversible by human action. She also reminded Legislators of the deadline for filing financial disclosure forms is due May 15th.

Mr. Lane, District No. 14 Legislator, commented on the State budget still not being adopted and said counties, school districts, etc., are waiting to see what is going to happen. He believes it is time the State Legislature changes and that there be a constitutional convention. On April 21st, the Dryden Historical Society will have a presentation at the Southworth Library concerning its connection with Abraham Lincoln. The new addition to the Library will be called the Lincoln Center.

Ms. Robertson, District No. 13 Legislator, reported on a small focus-group meeting concerning the search for the Ithaca City School District Superintendent's position. Two meetings have been scheduled in the Towns of Caroline and Enfield. She also commented on the passing of the much-loved and respected heroine of Civil Rights, Dorothy Height, this morning at the age of 98.

Special Presentation – Overview of Airport Operations

Bob Nicholas, Airport Manager, provided an overview of the Airport and its operation. He shared overhead slides of the runway and Airport buildings. There are three major airlines: US Airways, Continental, and Delta. The four hubs Tompkins County connects to are LaGuardia, Newark, Philadelphia, and Detroit. He commented on the air traffic control tower and said it is run under a private contract between the Federal Aviation Administration (FAA) and Midwest ATC Service. Having a private company run the tower instead of the FAA cuts the costs roughly in half. The Airport, owned by Tompkins County, was purchased from Cornell in 1956. He spoke briefly about the Air Service Board and said it has played a tremendously important role in getting the Airport where it is today.

The annual Airport budget is approximately \$2.5 million and has been completely self-supporting for over 20 years. There are over 260 employed at the Airport and almost half a million dollars is generated in sales tax every year. Over \$12 million is spent on local goods and services and \$35 million is generated annually in economic activity.

Enplanements

Since 2006, there has been a steady increase in passenger boardings. In 2009, it reached almost

Airfares

Upon the arrival of Continental Airlines in October 2008, it added competition among the three carriers and brought airfares down dramatically across the board. In April, Ithaca had the lowest airfare in 9 of the 12 markets.

Green Master Plan

Mr. Nicholas said the Airport is currently in the middle of developing a Green or Sustainable Master Plan that will determine what the need is over the next 20 years and guide development.

Chair's Report

Ms. Robertson said the Gas Drilling Task Force of the Tompkins County Council of Governments held its first meeting last Friday. The Task Force consists of municipal officials and anticipates there will be six subcommittees set up. This Task Force is a way to coordinate efforts on road ordinances, legislation, and sharing of information among municipalities. On April 28 and May 4 she will be traveling to Albany to meet with Pete Grannis of the DEC and others to discuss gas drilling.

Ms. Robertson reported that yesterday there was a meeting for municipal officials regarding gas drilling with Dusty Horwitt from the Environmental Working group. He suggested that officials should begin going to Washington.

Report from County Administrator

Mr. Mareane, reported the budget retreat for Legislators will be held at 6 p.m. on April 27 at TCAT. After the last Department Head/Legislature Retreat, a workgroup was established to discuss a long-term financial projection and some different approaches to focus on programs and the impacts. The workgroup consisted of 16 Department Heads and Legislators. Two meetings have been held and he said an e-mail was recently sent out that laid out the consensus reached by the group. The forms to be used by the Departments will be distributed in the next couple of days. This will be the year to make very hard, high-quality decisions.

Mr. Mareane reported the Health Director search committee has narrowed the applicants to six individuals who they will begin interviewing. He provided a brief update on two other searches that are in the earlier stages of development: Youth Services Director and Supervising Attorney for the Assigned Counsel Program.

He reported on Leandra's Law that requires anyone convicted of a misdemeanor or felony DWI to install in their vehicle(s) an ignition interlock system. There are some people who will not be able to afford the \$1,200 charge for the device. He attended a webinar yesterday and was told that counties will not be held responsible for that cost and was also told there will be some relief for the administrative burden.

Lastly, he said he does not have a progress report on the Health Benefits Consortium. There continue to be issues with the adequacy of reserves and labor representation. He hopes to have an update for the next meeting.

Report from County Attorney

Mr. Wood said he requested an executive session earlier via Ms. Robertson, to discuss litigation. Mr. Wood then addressed comments made by Mr. Hutchens under Privilege of the Floor. As Mr. Hutchins pointed out, for many years the County held eminent domain proceedings on road takings and no one ever showed up at the hearings. A few years ago, New York State made two major changes to the eminent-domain procedures law. One changes the publishing of the meeting and now requires personally serving each resident that may be affected. The second change is the requirement for warning these residents that if they do not come to the hearing and raise any objections they lose the power to raise any objections in any future eminent domain proceedings.

Report from the Finance Director

Mr. Squires distributed the first-quarter sales tax information; it is positive as more money was credited to the budget for the first three months this year than last year by about 1.5%. The allocation of activity within the City is up substantially greater than outside the City. The sales tax report shows the City as being up almost 10% and towns down about 5%, resulting in the County's amount being up 1%. For budget purposes, the County is about \$100,000 below budget for the first quarter.

Presentation by County Staff

Cheryl Nelson, Public Works Administrator, provided the following report from the Sustainability Team:

“Thank you for the opportunity to speak with you tonight and update you on the outstanding work being done by the county’s sustainability team. The charge that created this team states that a report is to be given to the Legislature, annually, by Earth Day. Since Earth Day is on 4/22, I made here just in time.

“As a reminder for veteran legislators and as information for the “newbys”, our team has been in business for several years now. It is comprised of county employees who took on the task of being a team member on top of their all ready full workload. Neither additional funds nor personnel were committed for this purpose. Instead of being seen as something added to doing business, sustainable practices and products are now seen as a regular part of doing business.

“I am honored to have served as Chair of the team since it’s inception. Each year, the team develops goals and objectives. A copy of the 2009 Accomplishments and 2010 Goals is available to you so you can see more details on our successes and I hope that you take the time to read it. However, there are some items both new and ongoing that are particularly noteworthy and fall into three main categories:

- **The first category is Environmentally Preferred Procurement and this has been a particularly active and interesting topic area**
- Probably the largest single improvement made by Tompkins County in this area is changing to purchasing copier paper that is 30%, 50%, or 100% recycled content. Purchasing virgin content paper is no longer an option unless it is by special request for a specific purpose and it is proven that the recycled content paper would not serve the need.
- Through assistance from the Solid Waste Management Division, all county departments were given samples of preferred products to test and asked to provide feedback on their use. Lisa Jehu, the county’s single purchasing agent, is ever vigilant in seeking preferred products and communicating with departments reminding them of “greener” options.
- The first Green Vendor Fair, sponsored by the county’s EPP sub-committee, was held in October and was a rousing success. A diverse vendor group drew a steady stream of county employees and others to the fair. It is something that may be considered again in the future. Nicole Stumpf chairs this team and does a yeoman’s job challenging all to expand the use of environmentally friendlier products
- The Finger Lakes Environmentally Preferred Procurement Consortium (FLEPPC) continues to reach out to municipal and community members to find ways to purchase friendlier products at a lower price and overcome hurdles that impede the joint-purchasing process. This group chaired by Kat McCarthy, networks with other consortiums and continues to research information that is applicable and beneficial to the group’s mission. A logo has recently been approved to help depict the group’s mission and purpose.
- The Environmentally Preferred Procurement Resource Guide is a source of information on environmentally preferred products. This guide is shared across the community and is available electronically.
- Lisa Jehu and County Purchasing has been recognized by the State Electronic Challenge for environmental accomplishments in purchasing during 2009.
- **The second category receiving a lot of focus as been in Greening the Fleets**

- A county Green Fleet Policy was developed by a team of department stakeholders and approved by the Legislature last fall. This policy was shared with the City of Ithaca and referenced as a model they used in developing their policy.
- The Alternative Fuels Consortium came together initially for the purpose of getting biodiesel available for use in municipal and public fleets in the county. It was, indeed, successful in getting biodiesel here in April of last year. The consortium opted to continue to collaboratively discuss and evaluate alternative fuels such as compressed natural gas, propane, and electric applications. Vendors are invited in to give presentations on items of interest. This has proven to be a very valuable and efficient way of networking and researching information.
- Tompkins County became a member of the Clean Cities Coalition. This organization and its central NY coordinator, Barry Carr, have been great sources of information on grant opportunities, alternative fuels, and opportunities for networking.
- **Reducing Green House gas emissions and making county-owned facilities more sustainable and efficient has been a focus area for many years and is the third category of interest**
- The Health Department's new home at 55 Brown Rd. is the county's first LEED certified building project. Silver status seems achievable. Move-in is projected for late June.
- The administrative policy entitled Facilities Management and Workplace Environment that you recently approved addresses many items including thermostat settings, energy reductions, and use of appliances in county buildings.
- County-owned and maintained facilities are cleaned with environmentally preferred products. Barbara O'Brien, Cleaning Supervisor, has been and continues to be a leader in researching and testing products and equipment to find ones that work most effectively and efficiently.
- Every county department has gone through a waste assessment thanks to the Solid Waste Management staff. Alternative ways of reducing waste including increasing recycling, rebuying, and composting have been implemented. Each department has a waste reduction representative who serves as the point of contact for all things related to reducing waste. This also includes a listserve where departments advertise unwanted items to other departments at no cost – a true win-win situation that helps to save tax dollars.
- Our own Ithaca-Tompkins Regional Airport is the first airport in the country to get FAA approval to develop a “green” 20-year master plan. This truly is setting the benchmark for all other airports for their future planning. This process is being aided with the involvement of an advisory board comprised of many local sustainability veterans.
- Tompkins County entered into an energy performance contract with Johnson Controls a few years ago. This involved a process of auditing county-owned buildings and developing a list of energy related improvements needed and the associated payback. This information serves as a planning tool for scheduling energy modifications to county buildings. Annual reports show that results are slightly exceeding expectations. Arel LeMaro, Facilities Director, is responsible for the oversight of this program.

“For 2010 and beyond, these goals will continue to be monitored and improved upon as well as other initiatives being undertaken when identified to keep the county organization leading the way and moving positively and responsibly into the future. Ongoing employee education and communication coupled with seeking green alternative products at prices that budgets can bear in this economic time are

challenges with which we will continue to grapple. Although appealing and applicable, some alternative products come with higher price tags. Through our consortiums we will try to create a larger demand to help reduce pricing so these products are the more attractive and affordable alternative.

“In March, I was asked to present information on the county’s sustainability program to SEEN, the Sustainable Enterprise and Entrepreneur Network. I received many comments on the good work being done and that we needed to promote it to residents across the county. Many in attendance at that event are seasoned sustainability veterans and were surprised to learn about the many successes we have. I will be working with Marcia Lynch to help spread the word far and wide to the residents.

“As my employment with Tompkins County comes to a close and I move into the retirement phase of my life, I have faith that members of the next generation like Kat McCarthy and Nicole Stumpf, employees in the Solid Waste Management Division, will carry on with the visions and missions for a sustainable future. My hope is that everyone that lives in or travels to Tompkins County does their share to protect and improve this area we call home so it can be enjoyed by this and many generations yet to come. I have no doubt that Tompkins County will continue to be seen as a leader and set high standards for others to emulate. Although it may seem cliché, the slogan of “think globally but act locally” seems applicable and appropriate to summarize our actions.

“On behalf of the Tompkins County Sustainability Team and me, thank you for this opportunity to share our team’s successes with you. As a Tompkins County resident and taxpayer, I am appreciative of this team and their efforts and I hope that you are, too. We look forward to your continued support of sustainability and the team’s mission. We’ll be back same time, next year”.

Resolution(s) Added to and Withdrawn from the Agenda

It was MOVED by Mr. Proto, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to add the resolution to the agenda entitled In Opposition to New York State Proposed Legislation S7000A/A10372, Amending New York State Insurance and Public Health Law.

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, to add the resolution to the agenda entitled In Opposition to Article VI, Health and Mental Health Bill, Section 43 of the Proposed 2010-2011 Governor’s Budget.

There were no resolutions withdrawn from the Agenda.

Resolution(s) Approved Under the Consent Agenda

It was MOVED by Ms. Chock, seconded by Mr. Proto, and unanimously adopted by voice vote, to approve the following resolutions under the Consent Agenda:

RESOLUTION NO. 50 - FUNDING OF SPRING 2010 TOURISM MARKETING AND ADVERTISING GRANTS

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

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

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

therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following Spring 2010 Tourism Marketing and Advertising grants are approved:

| | | |
|---|---|----------|
| PRI & Museum of the Earth | 2010 One Fish, Two Fish, Old Fish, New Fish Exhibit | \$5,000 |
| State Theatre of Ithaca, Inc. | 2010 Dan Zanes & Friends Performance | \$3,000 |
| Cayuga Wine Trail | 2010 Holiday Shopping Spree | \$4,000 |
| Cayuga Wine Trail | 2010 Greyhound Wine Tour & Friends | \$2,500 |
| Historic Ithaca | 2010 Central NY Window Preservation Conference | \$750 |
| Downtown Ithaca Alliance | 2010 Downtown Ithaca Festival of Ice | \$2,000 |
| Cayuga Lake Watershed | Cayuga Eco-Cruise Pilot | \$2,500 |
| Ithaca Triathlon Club | 2011 Cayuga Lake Triathlon | \$3,400 |
| Light in Winter Festival, Inc. | 2011 Light in Winter | \$5,000 |
| bioDevelopments-International Institute | 2010 Ithaca Scottish Games & Celtic Festival | \$1,250 |
| TOTAL | | \$29,400 |

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

SEQR ACTION: TYPE II-20

Resolution No. 51 - Funding of Spring 2010 Tourism Project Grants

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

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

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following Spring 2010 grants are approved:

| | | |
|---------------------------------|---|------------------|
| Tompkins Co. Chamber Foundation | Interpretive Panels- Waterfront Trail Phase 3 | \$ 8,000 |
| Cayuga Lake Wine Trail | 2010 Greyhound Wine Tour & Friends | \$ 2,000 |
| Downtown Ithaca Alliance | 2010 Downtown Ithaca Festival of Ice | \$ 9,000 |
| Light in Winter Festival, Inc. | 2010 Light in Winter Festival | \$ 7,000 |
| bioDevelopments | 2010 Ithaca Scottish Games & Celtic Festival | \$ 10,000 |
| PRI & Museum of the Earth | 2010 One Fish, Two Fish, Old Fish, New Fish | <u>\$ 10,000</u> |
| | | \$ 46,000 |

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

SEQR ACTION: TYPE II-20

Resolution No. 52 - Funding of Spring 2010 Community Celebrations Grants

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

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

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following Spring 2010 grants are approved:

| | | |
|-------------------|--|--------------|
| Town of Enfield | 2010 Enfield Harvest Festival | \$1,770 |
| City of Ithaca | 2010 Congo Square Market | 800 |
| Town of Caroline | 2010 Caroline Open House | 2,000 |
| City of Ithaca | 2010 Cayuga Lake Community-Build | 1,000 |
| City of Ithaca | 2010 Juneteenth African American Heritage Celebration | 2,000 |
| Village of Groton | 2010 Sesquicentennial Celebration of Village | 800 |
| Town of Danby | 2010 Danby Fun Day | 910 |
| Town of Enfield | 2010 Enfield Elementary School Celebrating 51 Years | 500 |
| Town of Lansing | 2010 Myers Park Concerts | 1,050 |
| City of Ithaca | 2010 West End Waterfront Rhiner Festival | 2,000 |
| City of Ithaca | 2010 Celebrating Youth in the Arts | 550 |
| Town of Dryden | 2010 Dryden Lake Festival | 2,000 |
| Town of Groton | 2010 Annual Halloween Celebration | 350 |
| City of Ithaca | 2010 Latino Heritage Month Celebration | 2,000 |
| Town of Newfield | 2010 Newfield Old Home Days | <u>2,000</u> |
| | | \$19,730 |

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

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 53 - AUTHORIZATION TO CONTRACT WITH TOMPKINS COUNTY
AREA DEVELOPMENT FOR 2010 TOURISM CAPITAL GRANTS
PROGRAM**

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

WHEREAS, the County has provided funding for tourism entirely from the Room Occupancy Tax account, and the County Legislature appoints members to the Strategic Tourism Planning Board (STPB) to make recommendations concerning expenditures from that account, and

WHEREAS, the Tompkins County Legislature approved an increase in the Room Tax in 2001 to support the development of tourism products and attractions, among other objectives, including the funding of feasibility studies, seed money, or funding for tourism capital projects, and

WHEREAS, the STPB also recognizes the need to encourage the development of tourism products and attractions through the Tourism Capital Projects Grant Program, in order to increase the

tourism business in the County, and to increase the income from the Room Occupancy tax, and

WHEREAS, the STPB has recommended that Tompkins County Area Development (TCAD) continue to administer the Tourism Capital Projects Grants process that has a 2010 total budget of \$133,263, divided into a grants budget of \$119,937 and an administration budget of \$13,326, and

WHEREAS, STPB will be responsible for recommending grants from this program to the appropriate Legislative committee, and TCAD will administer the application process, will review and analyze the feasibility and economic impact of a project, will provide oversight for each project, and provide such analysis with recommendations to the appropriate Legislative committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign an agreement with TCAD pertaining to this program,

RESOLVED, further, That, of the total program amount of \$133,263, up to \$13,326 (10 percent of total program expenditures) shall be paid to TCAD for 2010 administrative evaluation and oversight services,

RESOLVED, further, That the Planning, Development and Environmental Quality Committee or its successor is authorized to recommend expenditures be made from this Program Account, with the understanding that such expenditures shall be subject to the approval by the Tompkins County Legislature.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 54 - AWARD OF SPRING 2010 TOURISM CAPITAL GRANTS

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

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

WHEREAS, funding exists within the 2010 Room Tax Occupancy budget for Tourism Capital Grants, and

WHEREAS, TCAD reviewed the following projects with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following project will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Room Occupancy tax, and the following grant awards have been reviewed and recommended by the STPB, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign all documents related to these projects:

| Entity | Project | 2010 |
|------------------------------------|--|-----------------|
| Center for Transformative Action | Dorothy Cotton Institute Feasibility Study | \$7,500 |
| Tompkins County Chamber Foundation | Stewart Park Building Rehab. Feasibility Study | \$15,000 |
| PRI/ Museum of the Earth | Glacier/Climate Exhibit Project | \$20,000 |

RESOLVED, further, That upon completion of the requirements outlined in the grant agreements, including the availability of Room Tax Occupancy funding and PRI/Museum of the Earth obtaining the required outside funding, the County Administrator or his designee is authorized to sign all documents relating to this 2011 project:

| Entity | Project | 2011 |
|--------------------------|---------------------------------|-----------------|
| PRI/ Museum of the Earth | Glacier/Climate Exhibit Project | \$30,000 |

SEQR ACTION: TYPE II-20

Appointments Approved Under the Consent Agenda

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

Environmental Management Council

Brian Eden – At-large representative; term expires December 31, 2010

Individual Member-Filed Resolution

**RESOLUTION NO. 55 – RESOLUTION URGING THE U.S. CONGRESS TO ENACT
COMPREHENSIVE IMMIGRATION REFORM**

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Herrera. Mrs. McBean-Clairborne explained there is some urgency with this resolution because of the growing movement in the country and she believes the County's voices need to be heard. She spoke of the importance of the census and said according to the 2000 Census more than 10,000 of the 96,000 County residents are immigrants. There are a lot of economic benefits to the country and to the State as a whole because of the presence of immigrants. She spoke of her own personal story of coming here as an immigrant and becoming a naturalized citizen. At this time, she shared some statistical information from the Immigration Policy Center.

Mr. Lane said he agrees with the need for immigration reform. However, he stated that it is not clear to him as to what legislative bills the resolution is supporting and expressed concern with the process and that the resolution did not go through a committee. He supports the idea and people this resolution refers to, but questioned the process.

It was MOVED by Mr. Lane, seconded by Mr. Proto, to refer the resolution to the appropriate committee.

Ms. Herrera said if the decision to refer to committee has anything to do with past stances she has taken with regard to process she can understand that. However, she asked Legislators to consider the importance of sending a message to the immigrants in the community and to understand the "watershed" moment this country is at. She spoke of sending a message of how important it is to reunite around the issues of social justice, economic development, and human rights. She announced there will be a rally on May 1 and urged Legislators to support the resolution.

Ms. Robertson said she feels there is nothing personal about the idea of sending this to committee. She said there are no criteria laid out in the Rules about who can bring a member-filed resolution and Mrs. McBean-Clairborne followed the rule and the deadline for submitting resolutions for the agenda.

Mrs. McBean-Clairborne said she appreciates Mr. Lane's comments; however, any debate about whether resolutions should be first considered by a program committee should be outside of debate on this resolution. She said this Legislature may want to consider a change to the Legislature's Rules; however, there are a number of member-filed resolutions that have come before the Legislature and she does not want to start the debate with this one.

Mr. Proto addressed Ms. Herrera's statement and said the intent to refer to committee is not based on a personal "payback" for any past stance she has taken with regard to process. This Legislature has the privilege of sending an item to a committee when further information is requested.

Mr. Shinagawa said he first had the same concerns as Mr. Lane, but since learning of the rally deadline and the work Mrs. McBean-Clairborne and others have done, he is satisfied and will support the resolution.

Ms. Chock understands the May 1st deadline and said she appreciates having had the resolution in Legislature packets a week in advance of the meeting.

Ms. Kiefer said she circulated an e-mail this afternoon saying that if this resolution went to committee no harm would be done because there will be other gatherings this summer on the same subject. She believes the revisions to the resolution have greatly improved the resolution, but continues to disagree that there should be any reference to Mr. Ortiz's bill or that Mr. Schumer may introduce a bill. She believes referring the resolution to committee would be reasonable, but said she is prepared to vote on the resolution this evening.

Mr. Lane said his position has to do with process only and commented that referring new matters to committee is a very common practice under Robert's Rules of Order.

Mr. Stein asked if there was a precedent for not considering such items without going through a committee. At this time, Ms. Robertson read the section of Legislature Rules pertaining to Individual Member-Filed Resolutions.

Ms. Mackesey opposed the motion to refer to committee, but suggested deleting the last Whereas.

Mr. Dennis said he also opposes the motion to refer to committee and commented that it makes him unhappy when something becomes personal.

Mr. Burbank was inclined to send it to committee because he didn't fully understand what the resolution was attempting to do. He agrees with the general principles and with removing a specific reference to a bill that is 7,200 pages, which he does not believe many members have read.

Ms. Robertson said she originally thought the resolution should go through committee, but then learned of the rally scheduled for May 1st. She suggested the Government Operations Committee review the Legislature Rule for Individual Member-Filed Resolutions.

A voice vote on the motion to refer to committee resulted as follows: Ayes – 4 (Legislators Lane, McKenna, Proto, and Robison); Noes – 11. MOTION TO REFER TO COMMITTEE FAILED.

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank, to delete the last Whereas as follows: "WHEREAS, a bill, the "Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009," H.R. 4321, was introduced to the House of Representatives on December 15th, 2009 by Representative Solomon P. Ortiz from Texas, and is a significant step towards comprehensive immigration reform, and Senator Charles Schumer from New York has indicated that he will introduce a comprehensive bill in the United States Senate, now therefore be it".

Ms. Kiefer explained the Ortiz bill as referenced in the resolution was not part of the packet and she is not familiar with it. In addition, she does not find the mention that Senator Schumer "may be" introducing legislation useful.

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Mrs. McBean-Clairborne said she opposes removing the language with respect to the Bill. There are many times when bills are referenced that members of this Legislature have not read. However, she would agree with removing the reference to Senator Schumer.

It was MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne, to amend the amendment to read as follows: "WHEREAS, a bill, the "Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009," H.R. 4321, was introduced to the House of Representatives on December 15th, 2009 by Representative Solomon P. Ortiz from Texas, ~~and is a significant step towards comprehensive immigration reform, and Senator Charles Schumer from New York has indicated that he will introduce a comprehensive bill in the United States Senate,~~ now therefore be it".

A voice vote on the amendment to the amendment resulted as follows: Ayes – 14, Noes – 1 (Legislator Kiefer). MOTION TO AMEND THE AMENDMENT CARRIED.

Following discussion and clarification of the motion on the table, Mr. Proto called the question. A voice vote resulted as follows on calling the question: Ayes – 11, Noes – 4 (Legislators Chock, Dennis, Lane, and Stein). MOTION TO CALL THE QUESTION CARRIED.

A voice vote resulted as follows on the amendment as amended: Ayes – 11, Noes – 4 (Legislators Chock, Dennis, Kiefer, and Robison). AMENDMENT AS AMENDED CARRIED.

Mr. Proto said this is difficult for him not to support the resolution as his Grandparents on both sides of his family were immigrants from Italy and his wife and stepchildren are Canadians. He respects what Ms. Herrera and Mrs. McBean-Clairborne are trying to accomplish but as Mr. Lane tried to get the resolution referred to committee he believes it would be useful to have more discussion.

Mr. Dennis said he will support the resolution but the last hour legitimized Mr. Lane's concerns that this should have been referred to Committee.

Mr. Robison thanked Ms. Herrera and Mrs. McBean-Clairborne for bringing this resolution forward. It's an important issue for the entire country that will continue to be debated for a long time. He spoke of the deadline and said this is not tied to any funding and it is not clear to him about what the reform is. This County is dealing with a multi-million dollar budget shortfall and that is a local issue; this resolution deals with a national issue that he states the County has very little control over as a body.

A vote on the resolution as amended resulted as follows: Ayes – 12; Noes – 3 (Legislators McKenna, Proto, and Robison). RESOLUTION ADOPTED.

WHEREAS, Tompkins County was named in honor of Daniel Tompkins, once governor of New York, Vice President of the United States, and architect of the 1827 Emancipation Law that ended slavery in New York, and

WHEREAS, Tompkins County has lived up to the history of this name with its strong commitment to protecting the human rights, civil rights, liberties, and security of all its citizens as expressed in the United States Constitution and the New York State Constitution, and

WHEREAS, Tompkins County, Chapter 92, Anti-Discrimination Local Law No. 6-1991, amended by Local Law No. 1-2004 (Tompkins County Charter §C 23.01(e)) among other things, extended human rights protection to County residents regardless of immigrant or citizenship status, and

WHEREAS, according to the 2000 U.S Census, 10,166 of the 96,501 total Tompkins County population were immigrants, and

WHEREAS, we believe in the dignity of all Tompkins County residents regardless of immigration status and recognize the importance of their many contributions to the social, cultural,

religious, and economic life of Tompkins County, and

WHEREAS, Tompkins County has a major stake in a just and fair federal immigration system that would help protect the health and richness of Tompkins County's diverse population, and

WHEREAS, our nation's immigration system continues to be broken, with the federal government pursuing an ineffective enforcement-only strategy that serves to criminalize people who seek to better their quality of life instead of welcoming them in the way that prior generations of immigrants were welcomed to our shores, and

WHEREAS, the current immigration system and its policies cause great anguish to our residents who daily experience the tragedy of families divided, the criminalization of socially beneficial work being performed by local agencies, churches, and businesses which work with undocumented workers; the elimination of judicial review and due process for valued County residents; and the undermining of trust between County residents and their government, and

WHEREAS, unlike at least twenty other countries including Canada, Australia, New Zealand, Brazil, and most European countries where same-sex couples are legally recognized as a family, in the United States Lesbian, Gay, Bisexual and Transgender (LGBT) families are not recognized in federal immigration laws, thus when a foreign partner's visa expires, couples/families are forced either to separate or the United States citizen must leave the country and live in exile, and

WHEREAS, our nation urgently needs legislation to correct the failings of our immigration system, to improve public safety and national security, to protect all workers regardless of immigration status from mistreatment by employers, to restore civil rights and liberties to all, to strengthen all families, communities and our economy, and

WHEREAS, our broken immigration system has allowed persistent unequal administration of justice based on race or national origin at the local level as documented by the Southern Poverty Law Center in its September 2009 report "*Climate of Fear: Latino Immigrants in Suffolk County, N.Y.*," and which has undermined effective community policing by discouraging the reporting of crime and cooperation with prosecutors in immigrant communities due to well-founded fears of immigration enforcement action against them, thereby putting entire communities at risk and undermining public safety for all, and

WHEREAS, for the past decade federal immigration enforcement agents have been conducting raids of people's homes without specific purpose or permission from a court of law and incarcerating anyone who cannot produce immigration status documents, resulting in minimal advances for national security and destructive effects on families, including children who are U.S. citizens by birth returning home from school to find that their parents have been taken away, and

WHEREAS, comprehensive immigration reform would,

- Keep all families, including families with same-sex partners, together by reuniting the families who are already here and have been separated for far too long by the legal immigration backlog process
- Free up enforcement resources to focus on those who pose serious risk to national security or have violent criminal records
- Allow employers who are trying to follow the law to do so without being undercut by unscrupulous employers who drive down wages and workplace standards
- Boost our country's ailing economy by raising incomes for all workers, yielding over \$1.75 trillion to our GDP over a ten year period, generating billions in additional tax revenue and consumer spending, and supporting hundreds of thousands of jobs, according to "*Raising the Floor for American Workers: The Economic Benefits of Comprehensive Immigration Reform*," a January 2010 joint report by the Immigration Policy Institute, Center for American Progress, and U.C.L.A., and

WHEREAS, said study's findings have been publicly affirmed by the Cato Institute, which in its August 2009 study, "*Restriction or Legalization*," reached similar conclusions, with both studies also concluding that attempting to mass deport millions of unauthorized workers, taxpayers, and consumers would only damage our economy, and

WHEREAS, a bill, the “Comprehensive Immigration Reform for America’s Security and Prosperity Act of 2009,” H.R. 4321, was introduced to the House of Representatives on December 15th, 2009 by Representative Solomon P. Ortiz from Texas, now therefore be it

RESOLVED, That the Tompkins County Legislature calls on the U.S. Congress to enact comprehensive immigration reform that will include replacing our ineffective enforcement-only policy; ceasing the practice of warrantless raids; and providing a pathway for undocumented immigrants towards earning legal permanent status and citizenship,

RESOLVED, further, That the Tompkins County Legislature expresses its appreciation to all people from around the world who have made Tompkins County their home and in so doing have helped to make Tompkins County one of the most vibrant, safe and attractive communities in the United States,

RESOLVED, further, That the Clerk of the Legislature send copies of this resolution to U.S. Senators Schumer and Gillibrand; to Representatives Maurice Hinchey and Michael Arcuri; and all the other members of the Honorable New York State Congressional delegation.

SEQR ACTION: TYPE II-20

* * * * *

Recess

Ms. Robertson declared recess from 8:05 p.m. The meeting reconvened at 8:14 p.m.

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

Ms. Mackesey, Chair, reported the Committee met on April 7. In addition to approving resolutions on the Consent Agenda, the Committee heard the annual report from the Water Resources Council. Ms. Mackesey said the tourism program has a substantial amount of money and needs an employee to oversee the Program. Mr. Mareane updated the Committee about the progress he has been making on a proposal to create a position that would oversee the program and is continuing to look at where that employee would be housed and if it would be a County employee. The Committee also heard a report from the Soil and Water Conservation District; Craig Schutt reported the District has six employees and a \$1 million budget that mostly comes from the State. The County also allocates \$110,000 annually to the Soil and Water Conservation District.

Ms. Kiefer spoke of the tourism grants and said one grant is to transfer funds to Cornell’s Center for Transformative Action, formerly known as CRESA, the Center for Religion, Ethics, and Social Policy, to investigate the feasibility of the Dorothy Cotton Institute. She said this is exciting because it appears to be about developing a freedom and justice center, which could be part of a black history trail. The other item she mentioned that did not get recommended in the Celebration Grant process was for the Community School of Music and Arts. That group is celebrating its 50th anniversary and is planning a celebration and she believes it meets the criteria for grant funds. Ms. Kiefer said she is awaiting additional information but may add a member-filed resolution to the next agenda that proposes to authorize celebration grant funds to the Community School of Music and Arts.

Mrs. McBean-Clairborne requested an update on the description of the various Celebrations grants.

RESOLUTION NO. 56 - SUPPORT FOR STATE LEGISLATION TO AMEND CURRENT ENABLING LAWS AUTHORIZING SUSTAINABLE ENERGY FINANCING PROGRAMS

MOVED by Ms. Mackesey, seconded by Mr. Burbank.

Ms. Mackesey explained the County would basically be taking a lien out on a property and lending these funds. Mr. Mareane said under Finance Law the County is not authorized to borrow money for these kinds of purchases; the intent is to broaden what is allowed to be borrowed by municipalities for this purpose.

Ms. Herrera spoke of a previous concern she had with regard to foundations being utilized to circumvent prevailing wage requirements and asked if there would be any way this legislation could be used to avoid paying a prevailing wage. Ms. Mackesey said this is being used by people to make their home more energy- efficient. She gave an example of a homeowner installing a fuel-efficient furnace and said the loan for the furnace would be attached to their property tax and would be paid off over time. In the event the home was sold the loan would transfer to the new owner.

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

WHEREAS, in August 2009, the Tompkins County Legislature adopted Resolution No. 146 “Support for State Legislation Authorizing Municipalities to Establish Green Loan Programs to Provide Financing to Residential and Commercial Property Owners for Energy Efficiency and Renewable Energy Improvements”, and

WHEREAS, in November 2009, by Chapter 497 of the Laws of 2009, the State of New York authorized an amendment of the General Municipal Law by creating Article 5-L to allow municipalities to create Property-Assessed Clean-Energy Programs (known in New York State as “Sustainable Energy Financing Programs”) to promote the deployment of renewable energy systems and energy efficiency improvement measures at residential and commercial properties, and

WHEREAS, Tompkins County wishes to increase energy efficiency of existing buildings, reduce energy costs for residents, reduce carbon emissions to help mitigate climate disruption, reduce the negative health effects of fossil fuel emissions, and create and retain local jobs in the energy audit and energy contracting sector, and

WHEREAS, Tompkins County wishes to explore mutually beneficial ways of:

- Leveraging private sources of capital with other public and private resources to accomplish these objectives, and
- Coordinating efforts with Federal, State, and other agencies and authorities to assure that activities are compatible with the plans and programs of the cooperating municipalities, and

WHEREAS, the Sustainable Energy Financing Program enabled by Article 5-L should be amended to allow broader sources of funding while securing and facilitating such programs. Such legislation is now pending in the New York State Senate and Assembly, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature hereby requests the State of New York to adopt legislation to amend, strengthen, and correct technical deficiencies within the current enabling laws authorizing Sustainable Energy Financing Programs, including allowing the use of bonds and other sources of public and private financing to establish and implement such programs,

RESOLVED, further, That the Clerk of the Legislature is authorized to forward this resolution in support of amending current enabling laws authorizing Sustainable Energy Financing Programs to Governor David A. Paterson, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Senator George Winner, Senator James Seward, Senator Michael Nozzolio, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Assemblywoman Barbara Lifton, and the New York State Association of Counties.

SEQR ACTION: TYPE II-20

MOVED by Ms. Mackesey, seconded by Ms. Kiefer, and unanimously adopted by a short roll call vote.

WHEREAS, Tompkins County serves as the Host Agency for the Ithaca-Tompkins County Transportation Council, the Metropolitan Planning Organization for the Ithaca-Tompkins County area, and

WHEREAS, the County has a contract with the New York State Department of Transportation to provide funding for the Ithaca-Tompkins County Transportation Council through grants provided by the Federal Highway Administration and Federal Transit Administration, and

WHEREAS, the Ithaca-Tompkins County Transportation Council has grant authorizations for its 2010-2011 fiscal year, beginning April 1, 2010, and ending March 31, 2011, in the amounts of \$280,350 from the Federal Highway Administration, and \$42,034 from the Federal Transit Administration, and

WHEREAS, the Policy Committee of the Ithaca-Tompkins County Transportation Council has adopted resolution 10-1, *APPROVAL OF THE 2010-2011 ITHACA-TOMPKINS COUNTY TRANSPORTATION COUNCIL OPERATING BUDGET*, which requests that the Host Agency (Tompkins County) take the appropriate actions to fully implement said operating budget, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the budgets for the Ithaca-Tompkins County Transportation Council, as presented in "ATTACHMENT A" to this resolution, be amended in the 2010 Tompkins County budget and that the County Finance Director be authorized to expend such funds for the period from April 1, 2010, through March 31, 2011.

SEQR ACTION: TYPE II-20
ATTACHMENT A

2010-2011 ITCTC OPERATING BUDGET

| CODE | DESCRIPTION | Current Year Funds | | |
|-------|-----------------------------|--------------------|-----------|-------------|
| | | 10/11 FHWA | 10/11 FTA | 10/11 TOTAL |
| .4959 | REVENUES: FEDERAL AID | \$280,350 | \$42,034 | \$322,384 |
| | EXPENSES: COMBINED SALARIES | 186,661 | 23,359 | 210,020 |
| .8800 | FRINGE | 75,598 | 9,460 | 85,058 |
| .2206 | COMPUTER EQUIPMENT | 0 | 500 | 500 |
| .2210 | OTHER EQUIPMENT | 0 | 0 | 0 |
| .2214 | FURNITURE & FIXTURES | 0 | 400 | 400 |
| .2230 | COMPUTER SOFTWARE | 0 | 300 | 300 |
| .4303 | OFFICE SUPPLIES | 0 | 0 | 0 |
| .4330 | PRINTING | 0 | 750 | 750 |
| .4332 | BOOKS/PUBLICATIONS | 0 | 200 | 200 |
| .4400 | PROGRAM EXPENSE | 8,000 | 0 | 8,000 |
| .4402 | LEGAL ADVERTISING | 0 | 750 | 750 |
| .4412 | TRAVEL/TRAINING | 500 | 1,000 | 1,500 |
| .4414 | LOCAL MILEAGE | 256 | 1,000 | 1,256 |
| .4416 | PROFESSIONAL DUES | 300 | 300 | 600 |
| .4424 | EQUIPMENT RENTAL | 3,500 | 0 | 3,500 |
| .4425 | SERVICE CONTRACTS | 250 | 750 | 1,000 |

| | | | | |
|-------|-----------------------------|------------------|-----------------|------------------|
| .4432 | RENT | 250 | 250 | 500 |
| .4442 | PROFESSIONAL SERVICE FEES | 1,135 | 865 | 2,000 |
| .4452 | POSTAGE SERVICES | 500 | 500 | 1,000 |
| .4472 | TELEPHONE | 400 | 1,150 | 1,550 |
| .4618 | INTERDEPARTMENTAL CHARGE | 0 | 500 | 500 |
| .4905 | CENTRALLY DISTRIBUTED ITEMS | 3,000 | 0 | 3,000 |
| | | | | |
| | | | | |
| | TOTAL EXPENSES | \$280,350 | \$42,034 | \$322,384 |

Report from the Census Committee

Ms. Mackesey, Chair, provided an update on the work of Census enumerators. On April 24 they will be going out to try to catch up with students before they leave their apartments in the morning. She provided an update on the participation rate of municipalities and noted Groton is in first place with a participation rate of 82%. Mr. Shinagawa noted the increased rate in Collegetown from 39% to 52%. Ms. Mackesey clarified the percentage is based on the percentage of forms relative to the number of forms that have been mailed out.

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

Mr. Dennis, Chair, reported the budget retreat will be held on April 27 at 6 p.m. at the Transit Facility; contributions for food can be given to the Clerk of the Legislature. The April 26 Budget and Capital Committee meeting has been canceled.

RESOLUTION NO. 58 - APPROPRIATION FROM CONTINGENT FUND - TERMINAL-PAY REIMBURSEMENT - PERSONNEL DEPARTMENT

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

WHEREAS, the Personnel Department had a Personnel Assistant Retire effective January 29, 2010, and

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

RESOLVED, on Recommendation of the Budget and Capital Committees, that the Director of Finance is hereby authorized and directed to make the following budget appropriation:

| | | | |
|-------|--------------|---------------------|----------|
| FROM: | A1990.54440 | Contingent Fund | \$ 9,492 |
| TO: | A1430.510033 | Personnel Assistant | \$ 6,756 |
| | A1430.58800 | Fringes | \$ 2,736 |

SEQR ACTION: TYPE II-20

RESOLUTION NO. 59 - AUTHORIZATION TO EXECUTE A FIVE-YEAR AGREEMENT WITH THE NEW YORK STATE UNIFIED COURT SYSTEM FOR THE PROVISION OF COURT ATTENDANT SERVICES AT THE MAIN COURTHOUSE

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

WHEREAS, all counties in New York State are obligated to provide certain services to the New York State Unified Court System related to the operation of state and county courts, and

WHEREAS, among those services is the support provided by Court Attendants employed by the host county, and

WHEREAS, Tompkins County and the Office of Court Administration (OCA) have agreed upon the number of hours of service required to be provided by Court Attendants, and

WHEREAS, OCA has agreed to reimburse Tompkins County the actual direct expense of providing those Court Attendants, and OCA sets the wages with Tompkins County acting as a pass-through agent, and

WHEREAS, this understanding has been memorialized in a five-year agreement between the County and the Unified Court System, and

WHEREAS, the specific maximum dollar amount of the reimbursement is negotiated each year of the five-year term, and

WHEREAS, the maximum dollar amount for year one of the Agreement is \$55,000, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the County Administrator or his designee is authorized to sign a contract with the New York State Unified Court System for the provisions of court security for the period of April 1, 2009, through March 31, 2014.

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Mr. Shinagawa, Chair, had no report.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported at the last meeting they began talking about a resolution to encourage the use of the Martin Luther King, Jr., street name. The Committee recognized there are still some missing pieces and is working with the GIS (Geographic Information System) to make sure the street name will appear on map quest, Google, etc., before it moves forward. The undoing-of-racism series of training begins tomorrow and there are a number of County employees who are signed up. Mrs. McBean-Clairborne thanked Ms. Robertson for her comments in memory of Dorothy Height earlier in the meeting and said she was a matriarch of the civil rights movement in this community. Lastly, Mrs. McBean-Clairborne announced in recognition of Black History Month there will be a showing of a movie entitled "Passing it on, the Southside Story" at the History Center on May 6th. This is in collaboration with the Southside Community Center; and she encouraged everyone to attend. The next meeting will be April 28th.

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

Mr. Proto, Chair, reported the Committee met on April 8th, and continues to discuss the impacts of the Governor's budget. He urged Legislators to review the Long Term Care Needs Assessment completed by the Human Services Coalition. He said Betty Falcao of the Health Planning Council provided a status report on what the future holds for the aging population. The report showed there is a lot of concern over the anticipated costs to care for those who are now in the middle-age population with issues of obesity and diabetes. Mr. Proto said the Committee heard from Nancy Zook of the Youth Services Department on the Summer Youth Employment Program. Last year that Program was devastated by a \$150,000 budget cut. Ms. Zook reported that program was reconfigured and they are

working with Workforce Development and intend to deal with approximately 700 kids between the ages of 14 and 17, and have already been talking about 150 service jobs. Mr. Proto reported the Health Department is scheduled to move to Brown Road on June 25; the next Committee meeting will be held on May 12th.

RESOLUTION NO. 60 - CHANGE IN HOURS - PSYCHIATRIC SOCIAL WORKER AND FORENSIC COUNSELOR - TOMPKINS COUNTY MENTAL HEALTH DEPARTMENT

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

WHEREAS, the Tompkins County Mental Health Department has reorganized the Forensic Unit of the Mental Health Clinic, and

WHEREAS, this reorganization requires the increase of hours of one (1) Psychiatric Social Worker from 35 hours per week to 37.5 hours per week and to decrease the hours of one (1) Forensic Counselor from 40 hours per week to 37.5 hours per week, and

WHEREAS, this departmental reorganization results in no change in overall departmental hours and there is no change in County cost for these position changes, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That the position of Psychiatric Social Worker (16-599), labor grade P, be increased from 35 to 37.5 hours per week and the Forensic Counselor (16-675), labor grade P, be decreased from 40 hours to 37.5 hours per week effective immediately.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 61 - IN OPPOSITION TO NEW YORK STATE PROPOSED LEGISLATION S7000A /A10372, AMENDING NEW YORK STATE INSURANCE AND PUBLIC HEALTH LAW

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

WHEREAS, the Center for Disease Control has noted that Autism is a critical health care threat in the United States at present, and

WHEREAS, the New York State Assembly Memorandum in support of insurance coverage for Autism Spectrum Disorder treatments states ... "Autism is the fastest growing disabling disorder affecting American children, with diagnoses increasing by 500% over the past ten years...Children denied intensive early treatment will have a lower level of functionality and are much more likely to need life-long support services... If we calculate that an estimated one in ninety children in New York State is diagnosed with some form of Autism Spectrum Disorder, and we calculate that for every \$1 we spend before the age of 5 we save \$7 on lifelong care, we will ultimately save the State, insurance providers, victims, and their families untold millions of dollars over the long-term.", and

WHEREAS, children with Autism Spectrum Disorders routinely receive therapeutic services through Early Intervention or school-based services administered and co-funded by counties, and

WHEREAS, the proposed State legislation to amend the New York State and Public Health Laws (S7000A/A10372) includes language in relation to the screening, diagnosis, and treatment of autism spectrum disorder, and

WHEREAS, while seemingly well-intentioned, the legislation contains language that would, in fact, be detrimental and discriminatory to the population of children it is seeking to serve and have an adverse financial effect on counties, namely:

- Children currently classified with autism spectrum disorder would not receive insurance coverage for services.
- The current practice of insurers broadly defining the term "medical necessity" would be

preserved and a dangerous public policy precedent set by precluding counties from billing insurance companies for autism spectrum disorder services.

- There are no cost-savings for any entity, except the insurance industry.

, now therefore be it

RESOLVED, That the Tompkins County Legislature, and as reviewed by the Health and Human Services Committee, strongly opposes A7000A/S10372 based on these adverse provisions that could prevent the County from receiving payments for services from third party insurers,

RESOLVED, further, That a copy of this resolution be sent to Governor David Paterson, Senate Temporary President Malcolm Smith, Senate Majority Leader Pedro Espada, Jr., Senate Minority Leader Dean Skelos, Senate Health Committee Chair Thomas K. Duane, Senate Mental Health Committee Chair Thomas Morahan, Senator James Seward, Senator Michael Nozzolio, Senator George Winner, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Assembly Health Committee Chair Richard Gottfried, Assembly Mental Health Chair Felix Ortiz, Assemblywoman Barbara Lifton, and New York State Association of Counties.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 62 - IN OPPOSITION TO NEW YORK STATE PROPOSED LEGISLATION
S7000A /A10372, AMENDING NEW YORK STATE INSURANCE AND
PUBLIC HEALTH LAW**

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

WHEREAS, the Center for Disease Control has noted that Autism is a critical health care threat in the United States at present, and

WHEREAS, the New York State Assembly Memorandum in support of insurance coverage for Autism Spectrum Disorder treatments states ... “Autism is the fastest growing disabling disorder affecting American children, with diagnoses increasing by 500% over the past ten years...Children denied intensive early treatment will have a lower level of functionality and are much more likely to need life-long support services... If we calculate that an estimated one in ninety children in New York State is diagnosed with some form of Autism Spectrum Disorder, and we calculate that for every \$1 we spend before the age of 5 we save \$7 on lifelong care, we will ultimately save the State, insurance providers, victims, and their families untold millions of dollars over the long-term.”, and

WHEREAS, children with Autism Spectrum Disorders routinely receive therapeutic services through Early Intervention or school-based services administered and co-funded by counties, and

WHEREAS, the proposed State legislation to amend the New York State and Public Health Laws (S7000A/A10372) includes language in relation to the screening, diagnosis, and treatment of autism spectrum disorder, and

WHEREAS, while seemingly well-intentioned, the legislation contains language that would, in fact, be detrimental and discriminatory to the population of children it is seeking to serve and have an adverse financial effect on counties, namely:

- Children currently classified with autism spectrum disorder would not receive insurance coverage for services.
- The current practice of insurers broadly defining the term “medical necessity” would be preserved and a dangerous public policy precedent set by precluding counties from billing insurance companies for autism spectrum disorder services.
- There are no cost-savings for any entity, except the insurance industry.

, now therefore be it

RESOLVED, That the Tompkins County Legislature, and as reviewed by the Health and Human Services Committee, strongly opposes A7000A/S10372 based on these adverse provisions that could

prevent the County from receiving payments for services from third party insurers,

RESOLVED, further, That a copy of this resolution be sent to Governor David Paterson, Senate Temporary President Malcolm Smith, Senate Majority Leader Pedro Espada, Jr., Senate Minority Leader Dean Skelos, Senate Health Committee Chair Thomas K. Duane, Senate Mental Health Committee Chair Thomas Morahan, Senator James Seward, Senator Michael Nozzolio, Senator George Winner, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Assembly Health Committee Chair Richard Gottfried, Assembly Mental Health Chair Felix Ortiz, Assemblywoman Barbara Lifton, and New York State Association of Counties.

SEQR ACTION: TYPE II-20

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, reported the Committee will have a special meeting on April 30 to review responses to the request for proposals to change to single stream recycling. The meeting will be held in executive session because the proposals received from the different companies responding to the RFP are not public and negotiations may be underway by that time. All Legislators have been provided with information and all are invited to attend. She spoke of the Sustainability Team and said they have been a great addition to the County's efforts to move forward on green items and Ms. Nelson has been a good Chair of that group. Ms. Kiefer announced Warren Road between Hillveiw and Asbury will be closed for two months beginning April 26 for a road repaving/reconstruction project.

Ms. Herrera asked that all Legislators receive a copy of all of the information that is handed out at the April 30 meeting.

Report from the Capital Program Review Committee

Ms. Robertson, Chair, reported the Committee met on April 8 and discussed evaluation of the current Public Safety Building. Arel LeMaro, Director of Facilities, was asked to give the Committee an update on what kinds of maintenance issues face the County on both a short- and long-term basis. The list for the first five years totals \$250,000-\$300,000 for repairs and basic maintenance. Mr. LeMaro has about \$85,000 in his budget this year and some of the work has already been done. There is approximately \$200,000 in work for the second five years and approximately \$700,000 in work for the 10-15 year timeframe. Ms. Robertson said the County is not facing anything imminent that would require the Jail project to be moved up on the Capital Plan (currently scheduled for 2014). The Committee also reviewed the Space Use Master Plan Report from 2005 that looked at the Center of Government Building and the Health Department building. There was discussion of utilizing the Old Library and of the court system requests that County offices in the Courthouse be vacated. There has been some activity with the bar association as far as vacating this space. Ms. Robertson said the Committee will be making a recommendation on what, if anything, needs to be included in the 2011 budget. The next meeting will be May 13th.

Mr. Burbank noted that now New York State regulations specify that public meeting space needs to have adequate space for the public to attend.

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

Mr. Lane, Chair, reported the Committee met on April 15th at the Public Library and heard from Susan Currie, Library Director, and also received a tour of the Library. The Committee received a report from Mr. Mareane about his efforts for lean office training, an area that was recommended by the Citizen's Budget Committee. Mr. Mareane informed the Committee that two departments have been

identified to participate in a pilot – the Health Department and the Office for the Aging. Mr. Squires spoke to the Committee about the Lakeside Nursing Home bankruptcy hearing he attended with Mr. Wood and it was reported the County will receive back taxes in the amount of \$650,000. Mr. Lane reported the Committee also took up the sale of the Biggs B Building after being presented with a proposal by Mr. Mareane that was within the parameters given by this Legislature. The sale was to Cayuga Medical Center for \$1,059,000 and a resolution will come to the Legislature next month. The Committee began a discussion of budgets and programs and began with the Board of Elections. Ms. Cree and Mr. Dewitt reported the new ballot machines seem to be working well and have “spot on” counts. However, they are much more difficult and time-consuming to program and there will need to be discussion during the budget process of whether to continue two technician positions. The Commissioners also reminded the Committee that the Legislature did not allocate any funding in the budget for a primary election in 2010 and they will need approximately \$30,000 to cover local primary elections. Lastly, Mr. Lane reported the broadband efforts are continuing. He said a committee will be created and Ms. Younger will be taking the lead in identifying process steps and what expertise will be needed.

RESOLUTION NO. 63 - IN SUPPORT OF BILL NOS. A.9919 AND S.7338 THAT PERMITS COUNTY CLERKS TO RETAIN A SHARE OF THE FEES COLLECTED FOR MOTOR VEHICLES THROUGH THE DEPARTMENT OF MOTOR VEHICLE WEBSITE

MOVED by Mr. Lane, seconded by Mr. McKenna, and unanimously adopted by voice vote.

WHEREAS, County Department of Motor Vehicle (DMV) offices are required to be open for service to customers and oftentimes must issue no-fee renewals when customers renew on-line but fail to receive their stickers, and

WHEREAS, County DMV's continue to provide in-person service to often handle complex situations for customers, while New York State DMV is able to take 100% of fees now conducted on-line, rather than sharing even 12.7% of the fee for services with counties, the amount that County DMVs presently retain for in-person services, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature supports Bill Nos. A.9919 and S.7338 that would permit County Clerks to retain a share of the fees collected for motor vehicles through the DMV website,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Majority Temporary President Malcolm Smith, Senate Majority Leader Pedro Espada, Jr., Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator James Seward (51st District), Senator George Winner (53rd District), Senator Michael Nozzolio 54th District), Assemblywoman Barbara Lifton (125th District).

SEQR ACTION: TYPE II-20

Approval of Minutes of April 6, 2010

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the minutes of April 6, 2010. MINUTES APPROVED.

Unfinished Business

Mr. Proto spoke of the Alternatives-to-Incarceration memorandum dated August 16, 2009, that he has referenced previously. He said he has provided Ms. Robertson and Mr. Shinagawa each with a copy.

Recess

Minutes
Tompkins County Legislature
Tuesday, April 20, 2010

Ms. Robertson declared recess from 9:21 p.m. The meeting reconvened at 9:26 p.m.

Executive Session

It was MOVED by Mr. Robison, seconded by Ms. Pryor, and unanimously adopted by voice vote, to enter into executive session at 9:26 p.m. to discuss litigation and real estate negotiations. The meeting returned to open session at 10:18 p.m.

Adjournment

On motion, the meeting adjourned at 10:18 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office