

Tompkins County Legislature
April 21, 2009

Approved 5/5/09

Call to Order

Mr. Koplinka-Loehr called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 14 Legislators. Excused: 1 (Legislator McBean-Clairborne).

Privilege of the Floor by the Public

Michael Lane, Town of Dryden resident and former Legislator, spoke highly of the County's budget process and the example that is set for other municipalities with constant referral to the "tax levy" and not the "tax rate". He said he has watched as towns and villages put together their budget with all of their attention focused on the tax rate and is very disappointed with that practice. He asked that when Legislators speak with their respective municipal boards they talk about the importance of referring to the tax levy when developing budgets.

Bethany Schroeder, Trumansburg Road, submitted the following statement for the record:

"Thank you for listening to me today. My name is Bethany Schroeder; I represent the Ithaca Health Alliance as well as the people we serve at the Ithaca Free Clinic.

"In my reports to you throughout this quarter, I shared that visits to the Free Clinic amounted to about 175 per month. Volunteers and staff have suspected that visits might increase as the national economic downturn brought changes to the communities of our region. In fact, during the month of March, we counted more than 220 Clinic visits, with an additional 50 visits from local veterans and their families whose services are not included in the Clinic census. We have been able to accommodate the increased visits because Clinic physicians have agreed to see more patients each shift and because we have successfully recruited additional clinicians in the complementary and ancillary fields, thereby offering more alternatives to conventional care. Volunteers work in cramped space, and patients continue to wait in every available hallway of the Health Alliance suite.

"The biggest concern many of us have is that between eight and ten people are routinely turned away without any service each session, because our capacity has been met and extended and met again. Our patients also tell us about their loss of work hours, jobs, insurance benefits, homes, and help in managing their families. Many more of our patients had medical care but can no longer get it because they cannot pay for it. These patients frequently have chronic conditions, have no current access to much-needed medication and equipment, and are all too aware that they will only cost the healthcare system more as a result of their unintended self neglect.

"In recent months, the Alliance was fortunate to receive a donation earmarked for subsidized Health Alliance memberships. We have put this windfall to good use with our Clinic visitors when testing, treatment, and even surgery at the hospital are required. You see, in specific situations, Alliance grants and loans pay for part of a member's care, so we know that these patients identified at the Clinic with no insurance or inadequate insurance can sometimes get care that our members help to support.

"Having spent more than a year reaching out to the human services professionals in the area, we now have many more resources about which to teach our patients. Nonetheless, these systems are also

increasingly strained, and we imperil the worker among us by relying too heavily on an already fragile network of support.

“In the next months, the Health Alliance will return to this body of leaders periodically to offer updates, news—whether good or bad, and more anecdotal information about Clinic visitors. In the meantime a visit from the County leadership, perhaps from among the members of the health committee, would be welcome. Then you can see for yourselves the reduced circumstances of a small but growing and important group of your constituents.”

Vonnie Dawson, Groton, spoke of her four year-old granddaughter, Rhiannon, who has been in foster care in the custody of the Department of Social Services for over one year. She distributed a file containing letters relating to this and explained in detail the battles she has experienced in this custody case.

Bruce Estes, Editor of the Ithaca Journal, spoke concerning the resolution on the agenda entitled Urge New York State Legislature to Clarify the Open Meetings Law in regard to political caucusing. He distributed information to the Legislature that he had sent to Legislator Shinagawa as Chair of the Government Performance and Workforce Relations Committee. There is already an Open Meetings Law in New York State that outlines a number of areas when a legislative body is going to meet in a closed session.

He said an unusual situation exists in Tompkins County because of the unusual balance of the Legislature with the current super-majority of Democrats. This super-majority could allow legislation to be discussed behind closed doors and then Legislators could return to session and take action without having additional conversations before the public. He said this “short-circuits” the public’s right to be involved with their local government. He said there are times when legislative bodies must meet in private to discuss matters and he outlined those areas acknowledged by New York State and most media outlets of being acceptable and necessary for closed discussion.

Distinguished Youth Award

Mr. Randall, District No. 6 Legislator, presented the April Distinguished Youth Award to Peter Jackson of Groton, an 18 year-old Groton high school senior. Groton School Superintendent Dr. Brenda Myers nominated Peter, calling him multi-talented – strong in academics, leadership, arts, athletics, and one who communicates a sense of hope and understanding and has “an enormous heart.” His many community activities include teaching middle school students about the adverse effects of peer pressure, producing a workout video for elementary school students, and volunteering regularly to distribute food to needy families in the Groton area. He is the recipient of a Hartwick College scholarship, which recognizes “students of character.”

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, announced Earth Day events will take place in Trumansburg at the High School and in the Village on April 23. Over 150 kids will be involved in cleaning up trash and debris and planting trees and flowers. The rain date is April 30th.

Ms. Chock, District No. 3 Legislator, spoke of the tourism grants program and thanked the staff and panelists for all their time and efforts in reviewing the information during the grant review process.

Mr. Proto, District No. 7 Legislator, brought a number of consumer alert issues to the Legislature's attention:

- Interest rates rising for credit cards (some over 27%);
- NYSEG bills – the time to pay without penalty has changed by at least one week to ten days;
- Frontier telephone company – a new procedure has been instituted to not include a list of the long distance telephone calls. He reminded the Legislature that the Universal Fund fee on telephone bills is a factor to the long distance calls made by an individual. He said he will be looking into this further at the Federal level and will keep the Legislature informed.

Mr. Shinagawa, District No. 4 Legislator, updated the Legislature on the activities of the Air Service Board and the funding announcement of \$416,000 (95% of the cost) by Senator Arcuri for a snowplow for the airport. He also reported there is the potential for the Airport to take advantage of the opportunities with the New York Jets Football training camp coming to Cortland County. Mr. Shinagawa announced that enplanements for the month March were up 20% from last year. He noted the fares are about the same or better than for almost all destinations as Syracuse.

The Greater Ithaca Activities Center (GIAC) and the Multicultural Resource Center is having their annual meeting on April 30th and the speaker will be Sean Eversley-Bradwell who will be giving a speech called the "Audacity of Work". As a follow-up to the discussion at the Public Safety Committee meeting in regard to a proposed text-messaging-while-driving ban, he said he will be pursuing it further with the County Attorney with the hope the Committee will take it up again at their next meeting.

Mr. Shinagawa provided an update on the truck regulations and said the Government Office of Regulatory Reforms sent their analysis of the regulations to the State Department of Transportation (DOT) on April 2. A request was made for DOT to improve the impact statement and cost-benefit analysis. However, it appears that to date there are no substantive changes. He believes this will be discussed in further detail at a meeting Legislator Mackesey will be attending on Thursday.

Ms. Robertson, District No. 13 Legislator, also commented on the increased enplanements report and said the Northwest Airline runs well. On behalf of the task force looking into indigent defense, she announced that several speakers from other counties have been coming to meetings and providing information. Jonathan Gradess, Executive Director of the New York State Public Defenders Association, will be attending the next task force meeting on May 12th.

Ms. Chock continued her report and said she attended a recent Ithaca Town Board meeting. She commented that there were a number of high profile agenda items. She said reports from Municipal Officials is first on the Town's agenda and believes the County should review its Rules and consider reordering the agenda to grant the same privilege.

Mr. Sigler, District No. 6 Legislator, congratulated Cortland County for getting the New York Jets football training camp.

Report from Municipal Official(s)

Joel Zumoff, Member of Common Council, expressed his appreciation to attend Legislature meetings and give updates. He provided the following highlights on the projects and activities within the City of Ithaca:

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- Water supply – The decision is whether to rebuild the water plant or purchase water from Bolton Point. The Board of Public Works is working on the Environmental Impact Statement, which is one of seven things Common Council will consider and a decision should be made in September.
- Collegetown plan – A plan developed by consultants Goody Clancy is under review and should be voted on in a month or so. However, it appears the Plan was very controversial in areas such as density, parking, and the height of buildings.
- Ithaca Commons study – A contract has been awarded to Sasaki and a client committee will be appointed by the Mayor to work with the contractor to develop three different designs.
- Southwest Park – The City is considering putting in a large residential area. The environmental study of the area is currently being done.
- Comprehensive Plan – The plan is under review as it dates from the early 1970s.
- City/Town Consolidation and Shared Services Study – A document has been produced but not yet distributed to all Common Council members.
- Intermunicipal Health Benefits Consortium – There is a committee studying that and the process is going very well.
- Dredging in the inlet – The problem is where to put the dredged spoils; alternatives are being discussed; Stewart Park, Cass Park, and the golf course have been mentioned.
- Emergency Training Facility – The City approved funding to upgrade the facility. There are issues with the location and there needs to be a decision made as to whether it should be moved and can be relocated outside the City for other organizations to use as a training center.
- Hangar Theater – Working on renewing their lease for the building.
- Farmer's Market – A new lease was negotiated.
- Budget issues – Any request to fill a vacant position in the City now requires approval by a special committee. Any expenditure over \$500 requires approval by the City Controller.
- Sales Tax – The reports will continue to be monitored and the resources strong.
- Elections – The City has five of ten Council seats that will be up for election this year.

Ms. Herrera commented on two issues Mr. Zumoff referenced. The training tower is important to the constituents in her district and they have expressed concern over the expansion. The second issue is the golf course and her constituents have said it is the only local and affordable course in the area and would find it difficult to accept the dredging spoils being spread on it. In addition, Ms. Herrera asked if there was any information available about a cell tower that is being proposed by Verizon in the vicinity of the training tower. Mr. Zumoff said he did not have any information concerning a Verizon cell tower. He also commented that a decision has not been made in regard to dredge spoils.

Mr. Proto spoke about the training center and recommended Lee Shurtleff, Emergency Response Director, be contacted. He commented on construction of State Street and expressed concern that heading west there are “no standing” signs but there should be “no parking” signs and asked that it be looked into. He also asked about bike lanes on certain State routes within the City and asked if New York State was assuming the liability. Mr. Zumoff said the process for bike lanes went through the City's Department of Public Works and the Traffic Transportation Engineer, but was unable to answer his question in detail about the liability issue.

Mr. Burbank commented on the issue of cell towers and said his district is being considered for a Verizon cell tower. He recommended that the City and towns get together and discuss the issue and develop some technical understanding. He believes the issue is being discussed at the next Tompkins County Council of Governments meeting.

Ms. Chock encouraged the use of the County's cell towers. In addition, she requested additional information regarding the Hangar Theater lease.

Chair's Report and Appointments

Mr. Koplinka-Loehr said he did not have a report or appointments.

Report from the County Administrator

Mr. Mareane reported the Health Benefits Consortium is moving ahead and is on track to implement January 1, 2010. A series of meetings with towns and villages have been held with the consultant to explain the details of the plan. Follow-up meetings are being scheduled on a regional level for public officials to be updated on the status of the project. Meetings are scheduled for May 13th and 19th at 5:30 p.m. in the Borg Warner Room of the Tompkins County Public Library.

He reminded the Legislature that the Budget retreat would be held April 29th at 6:45 p.m. at the Transit Facility. He commented that 2010 is going to be a difficult year. The Legislature will be discussing how to proceed with this year's budget and setting a tax-levy target for next year.

Report from the County Attorney

Mr. Wood said he did not have a report.

Report from the Finance Director

Mr. Squires announced that he received a notice that the tobacco settlement payment for this year is larger than anticipated; it is \$92,000 over our budget estimate. He said that a representative from Moody's Investors Services is visiting Ithaca this week and that he and the County Administrator have scheduled a meeting with the individual.

Resolution(s) Added to and Withdrawn from the Agenda

It was MOVED by Ms. Mackesey, seconded by Ms. Kiefer, to add to the agenda the resolution entitled Declaring May 2, 2009, as Green Grand Prix Day in Tompkins County. A voice vote resulted as follows: Ayes – 13, Noes – 1 (Legislator Randall), Excused – 1 (Legislator McBean-Clairborne). MOTION CARRIED.

Appointment(s) Approved Under the Consent Agenda

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

Environmental Management Council

Kristine Shaw – Town of Ithaca representative; term expires December 31, 2010
Andrea Turner – At-large representative; term expires December 31, 2009
Spring Buck – At-large representative; term expires December 31, 2009

Hillview Road Landfill Citizens Advisory Committee

Dooley Kiefer - County Legislator representing appropriate program committee; term expires December 31, 2009

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Homeownership Oversight Committee – No set terms
Ed Marx - Commissioner of Planning representative

Strategic Tourism Planning Board
Deborah L. Teeter – Agriculture Representative; term expires December 31, 2011
Richard Adie – Hotels, Bed and Breakfast representative; term expires December 31, 2011

Mental Health Subcommittee
Leslie Anne Connors – Community Member representative; term expires December 31, 2012

Substance Abuse Subcommittee
Nancy Zahler - Community Member representative; term expires December 31, 2012

Criminal Justice Advisory/Alternatives-to-Incarceration
Nancy Zook – Youth Services Department representative; term expires December 31, 2011

Resolution(s) Approved Under the Consent Agenda

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

RESOLUTION NO. - BUDGET ADJUSTMENTS –VARIOUS DEPARTMENTS

MOVED by Mr. Burbank, seconded by Ms. Chock, and unanimously adopted by voice vote by members present to approve the following resolution 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 and Budget, Capital, and Finance Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Office for the Aging

| <u>Revenue Acct</u> | <u>Title</u> | <u>Amt</u> | <u>Approp Acct</u> | <u>Title(s)</u> |
|---------------------|---------------|------------|--------------------|-----------------|
| 6796.43803 | State Revenue | \$10,000 | 6796.54400 | Program Expense |

Explanation: Reappropriation of money to be used in 2009 in the WRAP Program.

Department of Social Services

| <u>Revenue Acct</u> | <u>Title</u> | <u>Amt</u> | <u>Approp Acct</u> | <u>Title(s)</u> |
|---------------------|--|------------|--------------------|-----------------|
| 6305.54400 | Basic Substance AFCU Tax Assistance Program | \$10,000 | 6010.54400 | Program Expense |
| 6010.344389 | Federal: Other Public Safety | \$33,624 | 6010.351000087 | Salary |
| 6010.344389 | Federal: Other Public Safety | \$12,105 | 9101.58800 | Fringes |
| 6010.344389 | Federal: Other Public Safety | \$18,120 | 6010.54412 | Travel/Training |

Explanation: Resolution No. 12 of 2009 provides \$10,000 for AFCU VITA Program; Transferring funds to the Department of Social Services may allow for state aid on program. Resolution No. 263 of 2008 authorized the Department of Social Services to accept a two-year Federal Violence Against Women Act (VAWA) planning grant for a program called “Safe Havens”. These budget adjustments will cover the

2009 personnel costs for the recently-hired Supervised Visitation Program Coordinator and for the travel and training costs which the Department will incur for that person, the Commissioner, and our partner agencies for the mandated training/conference sessions. All associated costs are funded one-hundred percent through this grant.

Workforce Investment Board

| <u>Revenue Acct</u> | <u>Title</u> | <u>Amt</u> | <u>Approp Acct</u> | <u>Title(s)</u> |
|---------------------|-----------------------------|------------|--------------------|-----------------|
| 6290.44783 | Federal Aid, Youth Stimulus | \$145,330 | 6290.54491 | Subcontracts |
| 6290.44783 | Federal Aid, Youth Stimulus | \$ 11,840 | 6290.54432 | Rent |

Explanation: Contracts for Summer Youth Employment and Year Round Services. Summer Space for Office of Employment and Training and Ithaca Youth Bureau.

Tompkins County Office of Employment and Training

| <u>Revenue Acct</u> | <u>Title</u> | <u>Amt</u> | <u>Approp Acct</u> | <u>Title(s)</u> |
|---------------------|---|------------|--------------------|-----------------|
| 6292.44783 | Federal Aid, Youth Stimulus | \$146,124 | 6292.54400 | Program Expense |
| 6292.44784 | Federal Aid, Dislocated Worker Stimulus | \$ 77,395 | 6292.54400 | Program Expense |
| 6292.44782 | Federal Aid, Adult Stimulus | \$ 19,200 | 6292.54400 | Program Expense |

Explanation: Includes \$128,981 for OET SYEP, and \$17,143 for year round program. Dislocated Worker Training Expenses. Adult Training Expenses.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 62 – REPLACING ONE APPOINTMENT OF TEMPORARY BOARD OF ASSESSMENT REVIEW HEARING MEMBERS TO SERVE ON ADMINISTRATIVE HEARING PANELS

MOVED by Mr. Burbank, seconded by Ms. Chock, and unanimously adopted by voice vote by members present to approve the following resolution under the Consent Agenda.

WHEREAS, Real Property Tax Law 523-a permits the compensation of Temporary Board of Assessment Review Members, and

WHEREAS, by Resolution No. 23 of 2009, six Temporary Board of Assessment Review members were appointed by the County Legislature pursuant to Real Property Tax Law 523-a to serve on Administrative Review Panels, and

WHEREAS, Robert Walpole, one of the six members, is unable to serve in this capacity, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That George Gesslein be appointed as a Temporary Board of Assessment Review Member, to replace Robert Walpole on the Administrative Review Panels.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 63 – FUNDING OF TOURISM PROJECT GRANTS

MOVED by Mr. Burbank, seconded by Ms. Chock, and unanimously adopted by voice vote by members present to approve the following resolution 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 grants are approved:

| | | |
|--------------------------|---|-----------------------------|
| Light in Winter Festival | 2010 Light in Winter Festival | \$9,000 |
| PRI- Museum of the Earth | 2009 Forest Journey Exhibit | \$9,000 |
| Cornell Coop. Extension | 2009 Green Buildings Open House | \$1,625 |
| Downtown Ithaca Alliance | 2009 Downtown Ithaca Holiday Festival | \$7,500 |
| Cayuga Wine Trail | 2009 Greyhound Wine Tour | \$3,000 |
| Social Venture | 4 th Annual Finger Lakes International Dragon Boat Festival | <u>\$15,000</u> \$45,125 |

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

Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee

RESOLUTION NO. 64 – SPONSORSHIP OF THE 2009 DIVERSITY CONSORTIUM COMMUNITY ROUNDTABLE EVENT

MOVED by Mr. Shinagawa, seconded by Mr. Dennis. Mr. Proto expressed concern that other departments would appreciate having funds to sponsor consortiums or annual dinners and believes it is inappropriate at this time to spend money on a new program that was added to the budget this year. He does not oppose the event; he disagrees with spending public monies for it. Ms. Shinagawa stated this event in years past has been sponsored by Cornell University, Ithaca College, and the City of Ithaca and believes it is now the County's turn.

Ms. Herrera said Cornell has sent paid employees to this event to build networks and community relationships.

Ms. Kiefer said she had hoped to include in the resolution the history of this event, but was unable to pull the information together in a sufficient manner as she would find that to be useful and hoped that could be done at a later date.

Mr. Estes said the Diversity Consortium was established in 1999 as a group effort with Cornell University, City of Ithaca, and Tompkins County. The mission is to provide education and community outreach around diversity and inclusion issues. The total budget for the event is \$11,500. He said in past years there have been other sponsors and in-kind services provided by Cornell University, Ithaca College, City of Ithaca and Tompkins County.

A voice vote resulted as follows: Ayes – 10; Noes – 4 (Legislators Hattery, Proto, Randall, and Sigler); Excused – 1 (Legislator McBean-Clairborne). RESOLUTION CARRIED.

WHEREAS, the members of the Tompkins County Workforce Diversity and Inclusion Committee understand the importance of, and are committed to providing education and promoting best practices in the field of diversity and inclusion throughout the County, and

WHEREAS, the members of the Tompkins County Workforce Diversity and Inclusion Committee have an interest in maintaining and expanding efforts that advance equal opportunities for all community members in both securing employment and in promotion opportunities at all levels and in all occupational categories, and

WHEREAS, the Diversity Consortium of Tompkins County, Inc., exists to promote the benefits of diversity and inclusion through education, enhancing awareness of, providing a supportive network for, and sharing best practices in the field of diversity and inclusion throughout the Tompkins County community, and

WHEREAS, the Diversity Consortium Community Roundtable Event, first held in 2006, and again in 2007, and thereafter to be held every two years, plays a significant role in forwarding the vision of the Tompkins County Legislature and the Workforce Diversity and Inclusion Committee, now therefore be it

RESOLVED, on recommendation of the Workforce Diversity and Inclusion and Government Performance and Workforce Relations Committees, That the Director of Finance is authorized to disburse \$2,800 from Account No. 1010.54486 to the Diversity Consortium of Tompkins County in support of the Diversity Consortium's 2009 Community Roundtable Event, to be held on May 7th.

SEQR ACTION: TYPE II-20

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

RESOLUTION NO. 65 – ADOPTION OF CLIMATE-SMART COMMUNITIES PLEDGE

MOVED by Ms. Mackesey, seconded by Ms. Robertson. Ms. Mackesey briefly explained the resolution and said the New York State Department of Environmental Conservation is requesting that all municipalities around New York State adopt this resolution.

Mr. Proto spoke in opposition to the resolution and stated one reason for his concern is the lack of time to review the back-up data pertaining to the statement about health threats and exotic diseases referenced in the fourth Whereas. He also addressed his concern this will have on municipalities and referred to item #6 pertaining to land-use planning also item #10 and the lack of acknowledgment for “failed efforts” noting that not all things work.

Mr. Sigler also spoke in opposition to the resolution. This County should be proud because most of the items addressed in the resolution have been done. The problem he has with the resolution is item #4 – Encourage Renewable Energy for Local Government Operations. He believes it is committing the County to buying as much of the local government’s power, heat, hot water from the sources outlined.

Mr. Dennis said all localities need to make the effort and take responsibility to change the climate.

Ms. Herrera supports the intent of the resolution and offered a couple suggestions that were accepted as friendly and are reflected in the resolution below.

Mr. Hattery said he does not agree with the third Whereas in the resolution and quoted a poll that was released last week in which it was stated “one out of three voters (34%) now believe that global warming is caused by human activity; however, a plurality (48%) of the political class believe humans are to blame”. He spoke of novel laureate in physics who said “I’m a skeptic, global warming has become a new religion”. Mr. Hattery said it is not his.

A voice vote resulted as follows: Ayes – 10; Noes – 4 (Legislators Hattery, Proto, Randall, and Sigler); Excused – 1 (Legislator McBean-Clairborne). RESOLUTION CARRIED.

WHEREAS, the New York State Department of Environmental Conservation is encouraging the State’s municipalities to sign on to a “climate-smart communities” pledge by Earth Day (April 22, 2009), and

WHEREAS, Tompkins County has already undertaken many of the recommended climate-smart activities, including joining ICLEI (the International Council for Local Environmental Initiatives) in 2001, and

WHEREAS, Tompkins County Legislature believes that climate change poses a real and increasing threat to our local and global environments, and controlling greenhouse-gas emissions, which are primarily due to the burning of fossil fuels, is of paramount importance, and

WHEREAS, the effects of climate change will endanger infrastructure, economy, and livelihoods; harm farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to citizens, and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovative economies, healthy and safe schools, and resilient infrastructures, and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts, and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change and peak oil for decades to come, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County, in order to reduce greenhouse gas emissions and adapt to a changing climate has and will:

1. Pledge to Combat Climate Change by Becoming a Climate Smart Community

Tompkins County has conducted a community-wide planning process to develop and adopt an amendment to the County Comprehensive Plan addressing Energy and Greenhouse Gas Emissions (EGGE). The plan element, adopted in December 2008, sets at least an 80% reduction goal by 2050 and 10% reduction goal within five years. Tompkins County stands ready to work cooperatively with task forces in neighboring communities to ensure that efforts complement and reinforce one another. As an official signal of commitment and for access to technical resources, Tompkins County has been a member of ICLEI Local Governments for Sustainability - Climate Protection campaign since 2001.

2. Set Goals, Inventory Emissions, Move to Action

Tompkins County has gathered data, inventoried GHG gas emissions, and established baselines for local government operations and community sectors. We have developed quantifiable interim GHG emission targets consistent with emission reduction goals and are in the process of proposing a schedule and financing strategy to meet them. Stakeholder and

public input has been encouraged in the development of an action plan. Tompkins County will report emissions to The Climate Registry (TCR), which has developed a standardized method for reporting emissions inventories; and use ICLEI and TCR's tools to track and evaluate progress. A priority action of the EGGE element is to work with local municipalities, school districts, businesses, institutions of higher education, and non-profits to develop a 5-year strategy to reduce community greenhouse gas emissions by at least 10% of 2008 emissions levels, including a detailed plan for County government to achieve that same target.

3. Decrease Energy Demand for Local Government Operations

In 2002 Tompkins County government, as part of our ICLEI commitment, adopted a 2008 goal of a 20% reduction of Greenhouse Gas Emissions from 1998 levels and in 2008, with the adoption of the Energy Element of our Comprehensive Plan, established a goal of a 10% reduction from 2008 levels within five years and at least an 80% reduction by 2050.

- A. **Existing Public Facilities.** Tompkins County has inventoried current government building electricity usage and identified opportunities for conservation and efficiency retrofits. We obtained energy assessments from Johnson Controls pursuant to an Energy Efficiency Performance Contract. We have implemented phase one and are actively considering additional actions such as purchasing energy-efficient equipment and appliances, such as Energy Star®; improving lighting, heating, and cooling efficiency; setting thermostats for maximum energy conservation; and decreasing plug load from office equipment.
- B. **New Public Buildings.** The Energy and Greenhouse Gas Emissions element of the County Comprehensive Plan calls for adopting formal County government policies for achieving at least minimum U.S. Green Building Council Leadership in Energy and Environmental Design standards (LEED Silver) for all new County government buildings.
- C. **Infrastructure.** Tompkins County will incorporate energy efficient technologies and operations and maintenance practices into - its outdoor lighting and traffic signals, and road maintenance operations, and will encourage its constituent municipalities to act similarly, including in their water and wastewater treatment facilities.
- D. **Vehicle Fleet and Commuting.** Tompkins County will improve the average fuel efficiency of local government fleet vehicles; discourage vehicle idling and encourage bicycling, car-pooling and public transit for employees; consider reducing the number of vehicles, converting fleet vehicles to sustainable alternative fuels, and using electric vehicles where possible. To date Tompkins County has purchased B20 bio-diesel for Highway Division vehicles, is evaluating the use of CNG or propane in other vehicles, provides bus passes for commuting to county employees, and is developing a "green fleet" policy for all county vehicles.

4. Encourage Renewable Energy for Local Government Operations

Tompkins County will supply as much of the local government's power, heat and hot water needs as possible from solar, wind, geothermal and small hydro through purchase or direct generation. Tompkins County's installation of photovoltaics on the Public Library in 2001 was one of the first such installations by a municipality in New York State and Tompkins County has purchased a portion of its electrical energy from wind since 2007.

5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices

Tompkins County has expanded the “reduce, reuse and recycle” approach to waste management in local government operations and in the whole community. We are reducing the amount of solid waste generated by: promoting backyard, municipal, school, institutional and commercial composting, implementing volume-based pricing and educating residents on how to prevent waste. We have promoted reuse by assisting in the establishment of the not-for-profit Tompkins County Reuse Center, organizing community-wide yard sales, and providing opportunities for drop-off or trade of reusable goods. We provide recycling receptacles in local government buildings and outdoor spaces, encourage duplex printing in government offices and composting food scraps and green waste, and have adopted a comprehensive green purchasing program. The County is developing a strategy to divert 75% of the community waste stream from landfills by 2015 as provided for in the EGGE element.

6. Promote Climate Protection through Community Land-Use Planning

Tompkins County is combating climate change by encouraging low-emissions development that is resilient to climatic changes. The Tompkins County Comprehensive Plan includes provisions to combat climate change; reduce sprawl; preserve and protect open space, biodiversity, and water supplies; promote compact, transit-oriented, bikeable and walkable communities; promote infill development; minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways, to increase shading, to hold soil, and to absorb carbon dioxide.

7. Plan for Adaptation to Unavoidable Climate Change

Tompkins County will evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation including: identifying climate change impacts (such as flooding, drought, more powerful storms, changed growing seasons, and extreme temperatures) that could affect the community; identifying areas such as water supply and sewer infrastructure that may be at risk due to future changes in climate; factor environmental risks into long-term investments and decision-making; and, execute climate change adaptation and preparedness measures through local government planning, development and operations, giving priority to the highest risk areas. A priority action of the EGGE element is to develop an adaptation plan to help prepare the community for impacts of global climate change and peak oil.

8. Support a Green-Innovation Economy

Tompkins County will identify opportunities to incorporate climate protection, sustainability, import substitution, and environmental goods and service industries into economic development plans; encourage workforce development training and school curricula that support good jobs in the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate-smart solid waste management practices; procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids. A priority action of the EGGE element is to promote green business development and create green job training opportunities for the unemployed and employed workers, high-school students, and college students.

9. Inform and Inspire the Public

Tompkins County has led and will continue to lead by example including highlighting local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions; demonstrating the benefits of energy savings, energy efficiency, and renewable energy projects; working with school districts, colleges, and universities to develop climate

change curricula and programs; engaging faith-based communities in climate protection; and regularly communicating community climate-protection goals and progress to constituents. A priority action of the EGGE element is to incorporate into the *Tompkins County Comprehensive Plan Indicators of Success Report* metrics of change in energy use and greenhouse gas emissions, energy efficiency improvements, and renewable energy systems installations in the community.

10. Commit to an Evolving Process

Tompkins County acknowledges that research and policy on climate protection are constantly improving and evolving and is willing to consider new ideas, commit to update plans and policies as needed, as well as compare successes, cooperate, and collaborate with neighboring communities to redirect less-effective actions and amplify positive results.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 66 - APPROVAL OF CONTRACT FOR ARTS AND CULTURE DEVELOPMENT - COMMUNITY ARTS PARTNERSHIP

MOVED by Ms. Mackesey, seconded by Ms. Chock. Mr. Proto spoke about the total amount of approximately \$1 million that has been approved since 2004. He questioned how the program was doing since the organization that is responsible for the oversight collects the 10% for administering the programs and was assured that reports would be provided by each entity in the future at the Committee level.

A voice vote resulted as follows on the resolution: Ayes – 14, Noes – 0, Excused – 1 (Legislator McBean-Clairborne). RESOLUTION CARRIED.

WHEREAS, Community Arts Partnership (CAP) recognizes that the local arts and cultural community is a valuable and unique asset, and that a need exists to harness the power of the arts to develop tourism growth, and if strategically managed, that would stabilize and develop these assets to better serve tourists through well-planned marketing efforts, and

WHEREAS, CAP was appointed to create a comprehensive arts-marketing plan and develop and implement a plan for financial and operational development and capacity building of arts and cultural entities, and

WHEREAS, the arts and cultural community could better position itself in the marketplace to attract more visitors to and enhance visitors’ stay in Tompkins County, thus generating more dollars into the local economy, and

WHEREAS, funding exists within the Room Tax Occupancy budget for the Arts and Cultural Stabilization Plan program, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That, with the advice of the Strategic Tourism Planning Board, the following Arts and Cultural Organization Stabilization Grants be awarded in 2009:

| | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> | <u>2008</u> | <u>2009</u> |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Hangar Theatre..... | \$30,000 | \$30,000 | \$30,000 | \$32,500 | \$37,500 | \$24,000 |
| Cayuga Chamber Orchestra..... | \$20,000 | \$25,000 | \$20,000 | \$22,000 | \$23,275 | \$18,700 |
| Kitchen Theatre..... | \$25,000 | \$25,000 | \$35,000 | \$39,680 | \$34,000 | \$22,400 |
| The History Center..... | \$20,000 | \$30,000 | \$23,000 | \$30,000 | \$30,000 | \$23,200 |
| PRI/Museum of the Earth..... | | | \$20,000 | \$25,000 | \$30,000 | \$18,000 |
| (State Theatre)..... | \$30,000 | \$30,000 | \$30,000 | \$30,000 | \$37,000 | \$16,000 |
| Light in Winter..... | | | | | | \$22,000 |

| | | | | | | |
|---------------------------|-----------|-----------|-----------|-----------|-----------|-----------------|
| Cayuga Nature Center..... | | | | | | \$28,000 |
| Sciencenter..... | | | | | | <u>\$10,000</u> |
| Grants Total | \$125,000 | \$140,000 | \$158,000 | \$179,180 | \$213,775 | \$160,300 |

RESOLVED, further, That Community Arts Partnership is paid an amount up to \$18,000 (10 percent of program) for administrative evaluation and oversight services,

RESOLVED, further, That the County Administrator or his designee is authorized to sign any agreements with the recipients and Community Arts Partnership pertaining to this program.

SEQR TYPE: TYPE II-20

RESOLUTION NO. 67 - FUNDING OF NEW TOURISM INITIATIVE GRANTS

MOVED by Ms. Mackesey, seconded by Ms. Chock, and unanimously adopted by voice vote by members present.

WHEREAS, Tompkins County has a grant program for New Tourism Initiatives 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 grant is approved:

| | | |
|--------------------------|--------------------------|----------|
| Finger Lakes Wine Center | Start-Up Cost Assistance | \$10,000 |
|--------------------------|--------------------------|----------|

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. 68 - FUNDING OF COMMUNITY CELEBRATIONS GRANTS

MOVED by Ms. Mackesey, seconded by Ms. Chock. Mr. Proto expressed concern that the funding was not approved for project to restore the monument in DeWitt Park. He spoke of the collaboration efforts and said it is very close to being completed and the celebration will take place this fall.

It was MOVED by Mr. Proto, seconded by Ms. Kiefer, to restore the \$2,000 funding request for the Rededication of Memorials in DeWitt Park. Ms. Herrera commented that this County needs assistance in maintaining its parks and believes this should be explored further.

Ms. Chock noted that there was a total of \$28,000 to spend and that amount was to be divided into two rounds; the second round will take place in the fall. In response to a question by Mr. Dennis, Ms. Chock said the money for the \$2,000 would come out of the funds for the fall round.

Mr. Sigler commented that having served on this committee in the past he understands why the funding was not approved. However, the design of this project is to bring people in and celebrate the community.

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It was MOVED by Mr. Dennis, seconded by Mr. Stevenson, to call the question. A voice vote resulted as follows: Ayes – 12, Noes – 2 (Legislators Kiefer and Robertson), Excused – 1 (Legislator McBean-Clairborne). QUESTION WAS CALLED.

Ms. Chock acknowledged she served on the grant review panel and asked if it was a conflict of interest for her to vote. Mr. Wood did not believe it was a conflict of interest.

A voice vote on the amendment resulted as follows: Ayes – 12, Noes – 2 (Legislators Chock and Burbank), Excused – 1 (Legislator McBean-Clairborne). AMENDMENT CARRIED.

Ms. Kiefer expressed concern that the funding for the Clock Museum event A Tribute to Time in Ithaca was not granted and believes it should have been funded. It was MOVED by Ms. Kiefer to award \$1,500 for this event. MOTION FAILED FOR LACK OF A SECOND.

A voice vote resulted as follows on the resolution as amended: Ayes – 14, Noes – 0, Excused – 1 (Legislator McBean-Clairborne). RESOLUTION ADOPTED.

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 grants are approved:

| | | |
|-----------------------------------|--|--------------|
| Town of Danby | 2009 Danby Fun Day & Parade | \$ 900 |
| City of Ithaca | 2009 GIAC Community Festival | 1,000 |
| City of Ithaca | 2009 Pumpkin Jam & Scarecrow Jubilee | 400 |
| City of Ithaca and Town of Dryden | 2009 Greater Ithaca Area Quilt Show | 500 |
| City of Ithaca | Juneteenth 2009 | 1,000 |
| Town of Lansing | 2009 Lansing Youth Fishing Derby | 400 |
| Village of Trumansburg | 2009 Main Streetscape Completion and Street Dance | 1,000 |
| Town of Newfield | 2009 Newfield Old Home Days | 1,400 |
| Town of Lansing | 2009 Harbor Festival | 1,400 |
| Town of Groton | 2009 Annual Halloween Celebration | 200 |
| City of Ithaca | Latino Heritage Month Celebration 2009 | 1,200 |
| Town of Enfield | 2009 Enfield Harvest Festival | 1,400 |
| Town of Dryden | Marking Bethel Grove | 400 |
| City of Ithaca | 2009 West End Festival | 1,400 |
| Town of Groton | 2009 Happenin' in the Hamlet | 700 |
| Town of Ithaca | 2009 Ithaca Celebrate Agriculture | 1,400 |
| Village of Groton | 2009 Groton Olde Home Days | 1,200 |
| Town & Village of Dryden | 2009 Dryden's Old Home Days | 1,400 |
| City of Ithaca | Rededication of Memorials in DeWitt Park | <u>2,000</u> |
| | | \$17,940 |

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

Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee

RESOLUTION NO. 69 – URGE NEW YORK STATE LEGISLATURE TO CLARIFY THE OPEN MEETINGS LAW IN REGARD TO POLITICAL CAUCUSING

MOVED by Mr. Shinagawa, seconded by Mr. Dennis. Ms. Kiefer commended Bruce Estes who spoke under privilege of the floor for his dedication to this topic, but commented that the Legislature is well aware of topics appropriate for executive sessions and noted caucus serves a different purpose and she will support the resolution. Mr. Sigler thank Mr. Shinagawa for finding a middle ground on this issue and said he could support the resolution. Mr. Randall believes the rules are clear and that justification is not necessary. He stated he has had reservations with having caucus meetings and will not support the resolution. Ms. Robertson referenced earlier comments about our budget process compared to the State's, and said she was proud of the open manner in which the County conducts its business. Mr. Dennis spoke in support of the resolution and caucuses. Ms. Herrera also stated that she opposes the current practice of decision-making in caucuses and disagrees with how they are conducted.

A voice vote resulted as follows on the resolution: Ayes – 12, Noes – 2 (Legislators Herrera and Randall), Excused – 1 (Legislator McBean-Clairborne). RESOLUTION CARRIED.

WHEREAS, in 1985 the New York State Open Meetings Law was amended to exclude political caucuses, and

WHEREAS, political caucuses are an important and appropriate tool to deal with policies and priorities of political parties, but should not be used to make decisions on public issues, and

WHEREAS, the Tompkins County Legislature firmly believes that public business should be considered and debated in public, now therefore be it

RESOLVED, That the Tompkins County Legislature urges the New York State Legislature to clarify the Open Meetings Law with regard to political caucusing to better differentiate between political matters and public matters.

SEQR ACTION: TYPE II-20

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

Mr. Dennis, Chair, said the next Committee meeting is April 27th at 3:30 p.m.

RESOLUTION NO. 70 - APPROPRIATION FROM CONTINGENT FUND – CITY OF ITHACA – MUNICIPAL SALES TAX AGREEMENT

MOVED by Mr. Dennis, seconded by Mr. Hattery. A short roll call vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator McBean-Clairborne). RESOLUTION CARRIED.

WHEREAS, Resolution No. 87 of 1993, gave authorization for the County to enter into an agreement with the City of Ithaca for the distribution of sales tax proceeds, and

WHEREAS, the County pays for selected services provided by the City in an amount that increases or decreases yearly based on the percentage change in actual sales tax collected in the City of Ithaca, and

WHEREAS, actual collections within the City of Ithaca increased by 6.9 percent in 2008, and

WHEREAS, adjustments necessary to pay the various agencies requires an appropriation from the Contingent Fund, now therefore be it

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

BUDGET APPROPRIATION:

| From: | Unallocated Revenues | A9999.41110 | | | \$65,227 |
|-------|--|-------------|---------------|-----------------|---------------|
| | | | Budget | 2009 Due | Change |
| To: | Opportunities, Alternatives, and Resources | A6315.54400 | \$6,952 | \$7,433 | \$481 |
| | Opportunities, Alternatives, and Resources | A6315.41110 | \$6,952 | \$7,433 | \$481 |
| | Human Services Coalition Agencies | A6305.54400 | \$295,302 | \$315,749 | \$20,447 |
| | Human Services Coalition Agencies | A6305.41110 | \$295,302 | \$315,749 | \$20,477 |
| | County/City Program | A6901.54666 | \$460,086 | \$504,385 | \$44,299 |
| | County/City Program | A6901.54666 | \$460,086 | \$504,385 | \$44,299 |
| | Total Change | | | | \$65,227 |

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Ms. Robertson, Chair, said the Committee met yesterday and discussed several items. The Sheriff's Department is working with the Highway Division on a work release initiative where two inmates will work with highway crews this summer. The Committee has been discussing the evaluation of criminal justice data and several key staff have pulled together an inventory of applications (data collection software) used by criminal justice departments. Judge Rossiter attended a Criminal Justice Advisory/Alternatives to Incarceration Board meeting recently and reported that there are between 30-40 active participants at any one time (up from 18) in the City Drug Court. The Committee discussed the Rockefeller Drug Laws. The State calculated going back to 2005 how many people would be eligible for re-sentencing under the reformed laws and it appears there are approximately ten people from Tompkins County. In the future, there could be increased costs in the Probation area related to the reformed laws. A proposal for banning text messaging while driving was considered by the Committee; however, there were serious concerns about enforcement. Ms. Carey, Social Services Commissioner, suggested more public education was needed and Ms. Cole may seek a traffic safety grant for this purpose. The next Committee meeting is May 18th.

Mr. Shinagawa agrees with doing a public education campaign for text messaging while driving. There is an awareness of the distraction it causes but the problem is the social acceptance of it.

Report from the Workforce Diversity and Inclusion Committee

This report was deferred to the next meeting.

Report from the Legislative Rules and Procedures Committee

Ms. Kiefer, Chair, reported the Committee met yesterday and discussed Rule XVII – Acquiring and Disclosing Information of the Rules of the Legislature. Ms. Younger reported to the Committee that Department Heads at their last meeting expressed interest in submitting comments on that Rule. Ms. Kiefer again encouraged Legislators to submit any suggestions they may have on the Rules. In particular, she said the Committee discussed the attendance rule of Legislators as addressed in Rule II – Quorum noting there is authority to compel attendance at Legislature and committee meetings and to levy fines, and she asked for feedback. Over the years, this rule has not been followed and the Committee discussed various options.

Mr. Proto said another issue the Committee will be discussing at a future meeting is the use of cell phones and text messaging at meetings.

Report from the Health and Human Services Committee

Mr. Proto, Chair, said the Committee met on April 14th and highlighted the discussions held. Departments updated the Committee on the impacts in regard to the State Budget. The Human Services Coalition reported that most agencies will be funded at the same level as 2007 with slight adjustments. The 2-1-1 program lost approximately \$80,000 in funding. Office for the Aging lost funding in the amount of \$50,000 for the long-term care education outreach program. The Health Department is asking for the conference room at the new Health Department Building be renamed and that request is going through the appropriate committee process at this time. The Office for the Aging annual luncheon is scheduled for May 13th.

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

Ms. Herrera, Vice Chair, said the Committee met April 16th and highlighted the items on the agenda. She reported the alternative fuels consortium has been launched with 17 municipalities, Cornell University, Ithaca College, TCAT (Tompkins Consolidated Area Transit), school districts and fire departments agreeing to join. Two projects were confirmed for the Federal Stimulus Plan: Warren Road and Pine Tree Road enhancement. A letter from the State Court System was received concerning the need for additional space in the Courthouse. A response is being prepared. Congressman Arcuri has also asked for a list of transportation projects that may qualify for funding he has available within his district. The Committee reviewed various design options including landscaping, outdoor lighting, parking lot, etc. for the new Health Department Building. In addition the Committee reviewed the Hanshaw Road project. The next meeting is May 21st.

RESOLUTION NO. 71 - AUTHORIZING A REIMBURSABLE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) TO ALLOW FOR THE RELOCATION OF RUNWAY 32 LOCALIZER ARRAY – ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Mr. Randall. Ms. Chock asked what a localizer array was and why it is necessary to relocate it. Ms. Herrera said a localizer array assists aircraft into the airport for a safe landing and the relocation of the instrument is a requirement of the FAA. She believes there is no local impact to the area or a concern for the residents.

A voice vote resulted as follows on the resolution: Ayes – 14, Noes – 0, Excused – 1 (Legislator McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, through Resolution No. 25 on March 3, 2009, the Legislature approved the award of a contract to C&S Engineers, Inc., to design the relocation of runway 32 localizer array project, and

WHEREAS, the Federal Aviation Administration requires that their facilities division become involved in reviewing the design, supplying a refurbished localizer array, installing said localizer array, and doing a flight check to verify its accuracy, and

WHEREAS, the Federal Aviation Administration requires payment of \$140,668 in advance to cover the costs associated with their involvement in said project, and

WHEREAS, the \$140,668 will form part of the Airport Improvement Program (AIP) grant of \$8,475,000, already received, for construction of the runway safety area improvements and obstruction clearance, as follows:

| | | |
|---|---------------------------|-----------|
| Federal Aviation Administration | (95%) | \$133,634 |
| New York State Department of Transportation | (2.5%) | \$ 3,517 |
| Local | (Airline Rates & Charges) | \$ 3,517 |
| Total | | \$140,668 |

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Reimbursable Agreement with the Federal Aviation Administration be approved and the Finance Director be authorized to make payment to the Federal Aviation Administration until it is reimbursed under the runway safety area improvements and obstruction clearance construction project.

SEQR ACTION: TYPE II-2

Report from the Government Performance and Workforce Relations Committee

Mr. Shinagawa, Chair, said the Committee met April 10th and had an update and report by the Board of Elections on the 2008 elections and voting machines. The Committee also discussed proposed legislation concerning equal pay and said the Committee will discuss it further at the next meeting. County Administrator Joe Mareane presented the Quarterly Social and Economic Indicators report. A brief report on the process for updating Administrative Manual policies was also provided.

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

Ms. Mackesey, Chair, said the Committee met April 8th and received an annual report from the Agricultural and Farmland Protection Board. It was noted that one of the largest organic farms in New York State is located in Tompkins County. On May 7th there will be a training session for municipal officials on planning for agriculture. Mr. Marx, Planning and Public Works Commissioner, reported a contract has been awarded for an appraiser for the Biggs Building. The appraisal will occur in the next two months and discussions with the Town of Ithaca will follow. A report from Fred Bonn of the Convention and Visitor's Bureau was given. There was a 19.7% decrease in January over last year in tourism in Tompkins County.

RESOLUTION NO. 72 – DECLARING MAY 2, 2009 AS GREEN GRAND PRIX DAY IN TOMPKINS COUNTY

MOVED by Ms. Mackesey, seconded by Ms. Kiefer. A voice vote resulted as follows: Ayes – 12, Noes – 2 (Legislators Hattery and Randall); Excused – 1 (Legislator McBean-Clairborne).
RESOLUTION ADOPTED.

WHEREAS, the Green Grand Prix will be held in Watkins Glen on May 2, 2009, and

WHEREAS, this event continues to be unique and is currently the only Sports Car Club of America-sanctioned event of its kind within the United States, and

WHEREAS, the Green Grand Prix event is now in its fifth year with its stated goal being “to promote awareness of environmentally friendly transportation and fuels through educational activities and motoring events”, and

WHEREAS, the Tompkins County Legislature recognizes this event’s goal is in accord with our support of environmentally friendly transportation, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature declares May 2, 2009, as Green Grand Prix Day in Tompkins County and encourages its residents to participate and enjoy the event.

SEQR ACTION: TYPE II-20

Approval of Minutes

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of the April 7, 2009, meeting as submitted. MINUTES APPROVED.

Unfinished Business

Performance Evaluation of Four Direct Reports (County Administrator, County Attorney, Finance Director, and Clerk of the Legislature)

Mr. Koplinka-Loehr referenced the questions as outlined below that had been distributed to Legislators under separate cover concerning the performance evaluation process for the four directs reporting to the Legislature. The responses received were distributed to the Legislature at this time and reviewed.

- 1) What review tool to use? (OK to go forward with the draft instrument?)
- 2) Who wants to be on a team and how many teams? (will need feedback from all Legislators on all Direct Reports in any event)

Should all Legislators be involved in the reviews as a first time go around then implement a single review panel for next time?

- 3) What time frame do we want to use to begin and end the Performance Review process, Nov - January, Dec - March, January –April, June - August, as examples? (We owe Joe one at his 6-month mark.)
- 4) When will/should Direct Reports get the orientation training similar to Legislators?

There are two areas that need further discussion: (1) Adding other values or categories to the process; and (2) How many panels or teams.

Other Values or Categories

Ms. Herrera asked what the process is for adding other values as she believes values are very difficult to measure. She does not believe at this time it is appropriate to add ethics to the process until there is consensus.

Mr. Koplinka-Loehr commented that one option is to begin with the proposed instrument and that during the process there could be other categories the Legislature would be interested in measuring.

In response to a question by Ms. Chock, Mr. Koplinka-Loehr said he is asking for a consensus by the Legislature to begin the process with the initial instrument as presented.

Ms. Chock believed there was unanimous support during the working sessions for adding integrity or ethics as a category.

Ms. Kiefer agreed with Ms. Chock's comments that there was support to have integrity reflected within the proposed instrument. She also agrees with Ms. Herrera that it is very difficult to measure, but the importance of conveying it as a quality the Legislature wants in staff is just as important. In addition, she believes that it is important that the reviews are done sooner rather than later.

Ms. Robertson also agreed that integrity and honesty should be included as a category, but the process could move forward while an "integrity" section is written and approved.

Following further discussion, it was MOVED by Ms. Chock, seconded by Ms. Robertson, amend the instrument that an element be added regarding integrity and ethics. Ms. Robertson noted that this information was in the original proposal.

Ms. Younger clarified that the integrity category was discussed, but that it was suggested to allow this pilot process to take place and that discussions around integrity and ethics would evolve and go back to make revisions to the process accordingly.

A voice vote resulted as follows on the above amendment: Ayes – 4 (Legislators Chock, Herrera, Robertson, and Shinagawa); Noes – 10; Excused – 1 (Legislator McBean-Clairborne). AMENDMENT FAILED.

Ms. Robertson asked the committee responsible for this to work on language and bring back a proposal to the Legislature for consideration.

A voice vote on the acceptance of the instrument for the process to evaluate the four direct reports resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator McBean-Clairborne). MOTION CARRIED.

Initial Review Panel

It was MOVED by Ms. Herrera, seconded by Mr. Hattery, to begin with one panel for all four direct reports. Following a brief discussion, a voice vote resulted as follows: Ayes – 9; Noes – 5 (Legislators Burbank, Chock, Kiefer, Mackesey, and Robertson); Excused – 1 (Legislator McBean-Clairborne). MOTION CARRIED.

It was MOVED by Mr. Hattery, seconded by Mr. Sigler, to suggest that five Legislators serve on the panel representing the following: Chair of the Legislature, Chair of the Budget, Capital, and Finance Committee or designee, Chair of the Government Performance and Workforce Relations Committee or designee, minority perspective (political party); at-large representative.

A voice vote resulted as follows: Ayes – 13, Noes – 1 (Legislator Kiefer), Excused – 1 (Legislator McBean-Clairborne). MOTION CARRIED.

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Executive Session

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to hold an executive session to discuss negotiations. An executive session was held at 9:05 p.m. and returned to open session at 9:20 p.m.

Legislators Sigler and Stevenson were excused at 9:05 p.m.

Adjournment

The meeting adjourned at 9:20 p.m.