

May 15, 2007

Tompkins County Legislature

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APPROVED 6-5-07

Call to Order

Mr. Joseph called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

Members and guests participated in the Pledge of Allegiance.

Present: 13 Legislators. Excused: 2 (Legislators Koplinka-Loehr and McBean-Clairborne).

Presentation of Proclamation(s)

Chair Joseph presented proclamations declaring the following:

Mental Health Awareness Month – May, 2007 -

Community Action Month – May, 2007 – Virginia Bryant of Tompkins Community Action accepted;

Tompkins County Public Works Week – May 20-26, 2007 – Public Works Division Heads accepted

Privilege of the Floor by the Public

Jeff Furman, Westfield Lane, spoke in favor of the resolution on the agenda entitled Contingent Fund Request for One-Time Funding for Catholic Charities' Security Deposit Assistance Program to Prevent Homelessness. He said this is an opportunity to provide direct services to approximately 50 families and will help the County address its affordable housing needs. This is one-time assistance to the working-poor and will help provide a safe and secure home to children as well as school continuity. Mr. Furman said since there already is an organizational structure in place the program is highly effective and all funds can be allocated for direct services.

Fay Gougakis, City of Ithaca resident, stated she spoke at the last meeting of this Legislature concerning an issue relating to the Library. She said a few days later, while at the Library, she approached two patrons and asked them to be quiet. Staff at the Library informed her it was their job to speak to patrons about this and asked her not to do this in the future. She described her response to Library staff as being deemed inappropriate and said she was told to leave the Library. She said she refused on the grounds she did not feel she did anything wrong and the police were called. She explained the details of her confrontation with police officers that escalated into an event that has caused her a great amount of stress. She said she thinks it is unfair that she has been treated this way by Library staff.

Shane Seger, Common Council Member, spoke in support of the resolution entitled Contingent Fund Request for One-Time Funding for Catholic Charities' Security Deposit Assistance Program to Prevent Homelessness. Mr. Seger said he is the City's liaison to the Rental Housing Advisory Commission. Mr. Seger said the Rental Housing Advisory Commission has held a number of forums and the main issue that comes up is affordable housing and this manifests itself in three ways as it pertains to rental housing: 1) high cost of rents in this community; 2) energy-efficiency of units; and 3) security deposits. Mr. Seger said the Catholic Charities' security deposit program has a funding history through the City's Community Development Block Grant funding stream. For a number of years the Program has been funded at \$25,000. Based on the usage, success of the program, and a feeling that this is a concrete

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way that obstacles to affordable rental housing can be addressed, the City has made an increased commitment to the program by increasing the funding to \$40,000. He said if that funding were to continue, which he expects, the request before the Legislature this evening would truly be a one-time request.

Kathy Schlather, Executive Director of the Human Services Coalition, spoke in support of the resolution entitled Contingent Fund Request for One-Time Funding for Catholic Charities' Security Deposit Assistance Program to Prevent Homelessness. Ms. Schlather said Catholic Charities is an agency that is reviewed by the Human Services Coalition Review Committee to receive funding from the County and the City. The Coalition thinks highly of this agency and likes the fact that funds go directly to low-income people who frequently do not qualify for any other programs. She said she looked into the possibility of using these monies as a revolving loan fund and said HUD requires the funds to be the property of the tenant and there are no administrative funds that can be taken from this. She urged Legislators to support the resolution this evening.

Chris Sanchirico, City of Ithaca resident and Executive Director of Catholic Charities of Tompkins and Tioga counties, spoke in support of the resolution entitled Contingent Fund Request for One-Time Funding for Catholic Charities' Security Deposit Assistance Program to Prevent Homelessness. She presented preliminary statistics on the people who use the funds and said there were 39 people who received funds between October, 2006, and April, 2007, more than half of the recipients were single-parent families. She said these funds help many minimum-wager earner who are unable to come up with a security deposit, in addition to first and last-month rent. She said landlords sign agreements to abide by HUD guidelines and 70 percent of the households had income levels equivalent to less than 30 percent of the HUD County median income.

Presentation of Distinguished Youth Award

Mr. Shinagawa, District No. 4 Legislator, presented the May, 2007, Distinguished Youth Award to twin sisters Roberte and Mical Exantus. Roberte and Mical are Ithaca High School seniors and co-presidents of the IHS African-Latino Club. They were nominated by club co-advisor Lynne Saulsbury, who praised them for their record of involvement since arriving at Ithaca High from their home country of Haiti and especially for the annual "backpack projects" they have undertaken to help those in their home country. Ms. Saulsbury called the recipients "prime examples of kind, caring, resourceful young people who do make a difference."

Privilege of the Floor by Legislators

Mr. Randall, District No. 9 Legislator, announced the annual TST B.O.C.E.S. car show fundraising event will take place on Sunday, May 14th, and encouraged everyone to attend.

Ms. Robertson, District No. 13 Legislator, reported the United States Department of Housing and Urban Development (HUD) is sponsoring a free webcast on Thursday, May 17, on energy-efficiency improvements for high-rise and multi-family housing units. The webcast will present information on how buildings are analyzed for the overall performance and will provide examples of successful retrofits and how they can be financed. Energy-efficiency improvements result in increased comfort, safety, and savings, as well as reducing emissions that contribute to global climate change.

Ms. Robertson also reported she and Chair Joseph attended an Accelerate 2007 program in Syracuse. The program included a range of workshops and speakers with a lot of focus on policies related to sustainability, energy efficiency, and research and innovation. There was also a presentation on wind energy as implemented by one town in Wyoming County. She also spoke of a program she learned of that recycles batteries.

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Ms. Mackesey, District No. 1 Legislator, spoke regarding garbage trucks that are coming through Tompkins County on their way north to Seneca Meadows. She said Seneca Meadows is trying to expand and will be holding a public hearing on May 21st in Seneca Falls at Vincent Park. She said anyone who has been affected by the substantial increase in the number of garbage trucks should attend and provide input on this issue.

Mr. Proto, District No. 7 Legislator, spoke of a news item that appeared in the Ithaca Journal in regard to the State sponsoring an act to encourage the use of the new energy-efficient light bulbs. He said he has written a letter to Steven Nicholson, Environmental Management Council, and Barbara Eckstrom, Solid Waste Manager, about Tompkins County's method of disposing of these bulbs because they are considered a hazardous waste item. Mr. Proto said he does not believe the public will hold onto these and will likely place them into the waste stream.

Mr. Proto said Memorial Day is quickly approaching and encouraged everyone to participate in recognizing individuals who have served this country's military.

Ms. Herrera, District No. 5 Legislator, congratulated Tompkins County for participating in the Careers Day event that took place on May 1. She said there is a shortage of construction workers that is predicted to increase as the babyboomers retire. One of the things that the Skilled Trades Diversity Council has been trying to do is recruit people for construction jobs and how to tap into under-represented groups. She thanked the Public Works Department and its employees for taking part in this event and for the contribution they have made to the future of Tompkins County.

RESOLUTION NO. 75 – CONTINGENT FUND REQUEST FOR ONE-TIME FUNDING FOR CATHOLIC CHARITIES' SECURITY DEPOSIT ASSISTANCE PROGRAM TO PREVENT HOMELESSNESS

MOVED by Mr. Shinagawa, seconded by Mr. Dennis.

Ms. Herrera said this request was discussed at the May 1st Health and Human Services Committee meeting without a written resolution to consider. A vote was taken and the proposal failed. A meeting was later held with Mr. Whicher and other parties and this resolution is the result of that meeting and is supported by Mr. Whicher. Ms. Herrera said this was brought to the Budget and Capital Committee meeting with no paper copy prior to the meeting. She said there are improvements that are made during the committee process and is concerned that as we enter the budget process. This resolution has not gone through proper procedures. It is with great regret that she cannot support this resolutions but adamantly feels it needs to go through the proper procedure when using taxpayer dollars.

Mr. Shinagawa disagreed with Ms. Herrera and said this topic was brought to the Health and Human Services Committee as a discussion and evolved into a resolution during that meeting. It was felt there was a need to have a meeting with County Administration, Social Services, the Human Services Coalition, and Catholic Charities to answer questions that had arisen. Mr. Shinagawa said after that meeting the County Administrator thought this was a good course of action. He explained it missed the deadline for the Budget and Capital Committee agenda but was distributed electronically the following day and a paper copy was provided in Legislature agenda packets. He said there have been two committee meetings about this in addition to a meeting of all involved parties and the County Administrator and he believes this has received an adequate amount of discussion.

Mr. Shinagawa said there is a concern that this might set a precedent, but disagrees because this is a unique request that is cost-effective for the County. This also goes directly to individuals and does not support any administrative costs. He said there will be \$40,000 more funds in October so this is indeed a one-time request. Lastly, he said this program runs well and is audited by HUD, and Catholic Charities has a process where they do work with the tenants and landlords to make sure this program is not abused.

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Mr. Dennis said this is a perfect opportunity for County government to be nimble. He said he understands the concerns that have been expressed with regard to process but thinks it is the right thing to do for those people in the community who need help.

Ms. Robertson read the following letter into the record by Pete Myers, Director of the Tompkins County Worker's Center:

"I regret not being able to make it to tonight's meeting of the Legislature. I would have spoken about the proposed \$20K in proposed Contingency Funding to Catholic Charities to support people that need help with security deposits. Having worked at Catholic Charities for three years, and now as the Coordinator of the Workers' Center, I know many of these people intimately, and thus know that the need is very much there.

"While I very much respect the fact that this proposal has yet to make it through a Committee, I also think that for those who are looking for their own shelter, and not a homeless shelter, that this funding is vital. It would also be important for the County to look at how much money would be saved--by the County--by people having their own apartment, rather than having to stay in a homeless shelter, costing the County an estimated \$36 a night".

Ms. Robertson spoke to the comments that have been made about process, and stated this Legislature often takes action on member-filed resolutions and said this is a perfectly accepted and common process for many reasons. She also noted Chris Sanchirico attended the Health and Human Services Committee meeting more than a month ago but time ran out before this program could be discussed. She said the actual number of requests are not eight per month, but four to five times that number. Ms. Robertson said there is a crisis in affordable housing in this community and yet there are so few things the County can do to keep people in housing. This is something that can be done to fill a gap that exists today.

Ms. Kiefer noted that on the break-even analysis there is a statement that the request is for \$20,000 for five months (\$4,000 per month), and asked if Catholic Charities would be going back to allocating a certain amount each month. Ms. Sanchirico said they anticipate eight requests per month and will not be changing the way allocations were done back to the previous method with a cap each month. Ms. Kiefer said Ms. Herrera had mentioned that if there was more time there may be better uses of this money and asked for examples of what she meant. Ms. Herrera said there was nothing specific and that discussion had just begun in the Budget and Capital Committee meeting. She said it is her belief that with an accountability effort there are ways that could be discovered of how to leverage these funds.

Mr. Joseph said this may not seem like an emergency to some; however, it is an emergency to the approximately 40 families who will get a place to live over the next five months because of approving this resolution. He said while he is concerned about process and about the right way to route resolutions through the process, he agrees with Mr. Dennis that there are times when government should be nimble. Mr. Joseph said government has a reputation of not being able to be nimble but he thinks this is a rare opportunity to quickly take action that will have a dramatic impact on the lives of a relatively small number of people.

Mr. Sigler said he voted against this at the Health and Human Services Committee meeting because he didn't think it was ready for action at that point. He said his main concern is that this may set a precedent for other agencies and doesn't want others to make similar requests. He does, however, have faith in the agencies that that won't happen. He said after looking into this he has learned this is not a "revolving door" and is a one-time solution to these families in need. Mr. Sigler said from his point of view, this is putting people in a position where they can become self-sufficient and reduces the need for public services. He sees the role of government as trying to help people manage on their own and not to

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rely on public services and this proposal meets that criteria from his perspective. Mr. Sigler said he hopes this will put focus on the property tax as the \$500 people will receive from this will not cover an entire security deposit. He stated the reason rents are so expensive is because property taxes are so high.

Mr. Randall said after hearing all of the arguments in support and against this proposal he will support this resolution because he can personally relate to the situations many of the people who will be receiving this assistance are in and because statistics are showing that people do not repeatedly ask for this assistance. He also said there are many people in Tompkins County who make just enough income to be ineligible for many services.

Mr. Stevenson said this resolution creates a degree of hypocrisy for him in that it was not too long ago when this Legislature passed the real estate transfer tax and made it that much harder for people to own housing. He said he has reservations in supporting this because he thinks if supporting the acquisition of affordable housing is a good thing to do this Legislature needs to do that for more people.

Ms. Kiefer said she will support this because of an interview she overheard on public radio. The interview was with the director of a national homeless organization who talked about a handful of cities who had put a lot of money into subsidizing housing for people who are homeless (e.g. homes, apartments, etc.) and as a result those cities have saved substantially more money over a period of several years. She said this is a straightforward proposal and supports approving it on a one-time basis.

Mr. Proto said he reluctantly will not support this. He said like many others, he periodically makes a personal donation to Catholic Charities as he does with other agencies in town. He said his primary concern with this proposal is because when the former director allocated these funds they were divided by twelve months in a year and a set amount was distributed on a monthly basis. When that amount ran out there were no more disbursements the remainder of the month. He recalled being told at the Health and Human Services Committee meeting that this was not the current practice and that the money was spent down by April on a first-come, first-serve basis. Mr. Proto also said this sets a relatively dangerous precedent because it shows other agencies that they can spend their allocations and the County will then make them whole.

Mr. Booth said he voted for this at the Budget and Capital Committee meeting and will support it this evening because of the population that is served. He said he doesn't believe there will be a surge in these types of resolutions but believes Ms. Herrera raised an interesting point. Current rules of this Legislature allow this type of resolution and he is unsure that the existing procedure is the correct one when taxpayer funds are being spent. He said if a resolution has failed (as this one did), in two committees this Legislature should give careful consideration to allowing those types of proposals to move forward to the full Legislature.

Ms. Robertson said she would oppose a change to the current rules that allow Legislators to bring forward member-items. She said she was informed by the Director of this agency that there are two types of people who are typically in this program – those who are chronically impoverished and others who just need one-time assistance to get them back on their feet. She said according to the Housing and Urban Development guidelines, it is not permissible to make this program a revolving loan fund, but she would support looking into other options for the future. She asked that Legislators support these individuals and the agencies operating these programs.

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

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Further discussion followed and a roll call vote on the resolution resulted as follows: Ayes – 9;Noes – 4 (Legislators Hattery, Herrera, Proto, Stevenson); Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, Catholic Charities of Tompkins/Tioga County has operated a Security Deposit Assistance Program in Tompkins County since October 2004, funded by Community Development Block Grant (CDGB) funds, and

WHEREAS, this program fills a critical gap by helping the working poor who earn too much to qualify for Department of Social Services assistance programs, but who earn too little to pay a security deposit in addition to monthly rent for an apartment in Tompkins County, and

WHEREAS, Community Development Block Grant (CDBG) funds of \$25,000 allocated in October 2006, were completely granted to the landlords of income-qualified clients by April 2007, and

WHEREAS, CDBG funds (\$40,000) have been committed in the next round but the money will not be available until October 2007, and

WHEREAS, most of the clients in this program are families and if they do not receive aid for security deposits they often end up in the homeless shelter, and these are the most difficult people to “re-house” once they enter the shelter, and

WHEREAS, Tompkins County pays an average cost, over the year, of \$36.44 per person per night throughout our homeless shelter system, costing a total of almost \$590,000 of local spending in 2006, and

WHEREAS, there are additional long-term costs of homelessness to the clients’ health and mental health, and to children’s development and success in school, and

WHEREAS, the Catholic Charities Security Deposit Assistance Program prevents people from becoming homeless, and there is no other program in Tompkins County that provides this assistance, and

WHEREAS, this program has been audited by Housing and Urban Development and has been found to be in compliance with federal guidelines, now therefore be it

RESOLVED, That Catholic Charities shall receive a one-time allocation of \$20,000 from the Contingent Fund to enable the agency to continue the program until CDBG funds become available in October 2007,

RESOLVED, further, That the Director of Finance be authorized and directed to make the following appropriation:

FROM:	A1990	Contingent Fund	\$20,000
TO:	6305.54400	Human Services Coalition	\$20,000

RESOLVED, further, That County Administration and relevant departments will work with Catholic Charities and other entities to explore the creation of a revolving loan fund to supplement the existing security deposit program.

SEQR ACTION: TYPE II-20

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 76 - TO EXECUTE FOUR TEN-YEAR CONTRACTS WITH FOODNET MEALS ON WHEELS TO PROVIDE NUTRITION SERVICES TO COUNTY RESIDENTS 60 YEARS OF AGE AND OLDER

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

WHEREAS, the Office for the Aging wishes to renew its contracts with Foodnet Meals on Wheels, and

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WHEREAS, the ability of Foodnet Meals on Wheels to plan to meet future demands would be enhanced by four ten-year contracts to provide home-delivered meals, congregate meals, nutrition education, and nutrition counseling, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Legislature approve contracts for:

<u>Contract</u>	<u>Term of Contract</u>
SNAP & CSE (Supplemental Nutrition Assistance Program & Community Services for the Elderly—NYS funding)	April 1, 2008-March 31, 2018
Title III-C-1 & Title III-C-2 (Older Americans Act—Federal funding)	January 1, 2008-December 31, 2017
Foodnet Select (Private pay program of Foodnet)	January 1, 2008-December 31, 2017
NSIP (Nutrition Services Incentive Program—Federal funding)	October 1, 2008-September 30, 2018

RESOLVED, further, That the County Administrator or his designee is authorized to sign these agreements and any amendments related to the agreements,

RESOLVED, further, That these contracts are contingent on availability of Federal, State, and County funding.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 77 - ESTABLISHING SALARIES AND BENEFITS FOR POSITIONS DESIGNATED AS CONFIDENTIAL

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

WHEREAS, the Confidential employees are a core group of administrative professionals responsible for supporting central administrative functions and by law cannot be part of a collective bargaining unit, and

WHEREAS, in the past, benefits for Confidential employees have been established by Administrative Policy 03-01, and salaries established on an annual basis by resolution of the Legislature, and

WHEREAS, for purposes of parity, it would be practical to adopt a policy that would reflect the current practice of having salaries for Confidential employees parallel to White Collar employees, now therefore be it

RESOLVED, on recommendation of the Personnel Committee, That salaries for Confidential employees shall continue to parallel White Collar salaries, and that annual salary increases and benefits for employees designated as Confidential shall be imposed at the same level in all aspects, as those negotiated by the White Collar bargaining unit,

RESOLVED, further, That this resolution takes effect on January 1, 2008.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 78 – AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS – SALE OF FORECLOSURE PROPERTIES AT PUBLIC AUCTION

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

WHEREAS, by tax foreclosure proceedings, the County acquired certain parcels in the County, and

WHEREAS, said properties will be sold, contingent upon Legislature approval, at public auction on June 12, 2007, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That upon payment in full of the bid price, plus current taxes and filing fees, that the County Administrator be and hereby is authorized to execute quitclaim deeds for all parcels sold at the public auction.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 79 - AUTHORIZING AN INTER-MUNICIPAL AGREEMENT BETWEEN TOMPKINS COUNTY AND CORTLAND COUNTY – PUBLIC TRANSPORTATION SERVICE

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

WHEREAS, Tompkins County encourages public transportation service with neighboring counties to provide safe and affordable commuter bus service to the regional labor force employed in the County, to reduce traffic on highways and roads, and to realize environmental and energy conservation benefits of the service, and

WHEREAS, Tompkins County Resolution No. CA061-93, of June 15, 1993, authorizes an inter-municipal agreement with Cortland County to permit Cortland County to operate public transportation service between Cortland and Tompkins Counties, pursuant to Section 119-O of the General Municipal Law of the State of New York, and

WHEREAS, Cortland County desires to operate commuter service, to Cornell University and the City of Ithaca to carry people employed in Tompkins County, under contract with First Transit, Inc., and

WHEREAS, Tompkins County desires to revise the terms of its June 1993 resolution, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes an intermunicipal agreement with Cortland County subject to these terms:

1. In order to avoid duplication of service, Cortland County or authorized carrier shall furnish details of its schedule, fares, and stops to Tompkins Consolidated Area Transit, Inc. (TCAT). The proposed and all future bus service must be approved in writing by TCAT, prior to the commencement of service by Cortland County or authorized carrier. The operation of said bus service must be coordinated and remain in good standing with TCAT and Tompkins County.
2. Cortland County shall hold harmless and defend Tompkins County and TCAT from and against any and all claims and actions brought against Tompkins County and/or TCAT for damages or injuries arising from this agreement.
3. Tompkins County retains the right to terminate this agreement upon thirty (30) days written notice to Cortland County and the New York State Department of Transportation.

RESOLVED, further, That the County Administrator is authorized to finalize and execute an inter-municipal agreement with Cortland County to operate said bus service in Tompkins County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 80 - ADOPTION OF AMENDED BYLAWS – TOMPKINS COUNTY WORKFORCE INVESTMENT BOARD

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MOVED by Mr. Booth, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda. Later in the meeting Ms. Herrera expressed concern that she had not communicated earlier in the meeting with regard to this resolution. She said she does not support changes to advisory board bylaws to allow membership by out-of-County residents.

WHEREAS, it is the policy of Tompkins County that individuals serving on advisory boards under Tompkins County's jurisdiction must be residents of Tompkins County, and

WHEREAS, the Workforce Investment Act of 1998 requires Workforce Investment Boards to have a 51 percent employer majority on the Board and those individuals appointed to serve must be in optimum policy-making authority within their organizations, and

WHEREAS, one-third of the people who work in Tompkins County live outside Tompkins County, and

WHEREAS, representation of the regional labor market is important to the Workforce Investment Board, and

WHEREAS, the Tompkins County Workforce Investment Board has voted, by majority vote of the entire Board, to amend its bylaws to reflect this present reality, and out of a total of 35 Workforce Investment Board members, to allow up to five of the employer appointments to be made without regard to the place of residence of the individuals named to represent those employers, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the proposed amended bylaws of the Tompkins County Workforce Investment Board be and hereby are adopted, said bylaws are on file with the Clerk of the Legislature.

SEQR ACTION: TYPE II-20

Approval of Appointment Under the Consent Agenda

It was MOVED by Mr. Booth, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the appointment of Amy Chaffee as a Community Member representative to the Substance Abuse Subcommittee for a term expiring December 31, 2010.

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

RESOLUTION NO. 81 - CREATION OF PROJECT ASSISTANT POSITIONS IN THE OFFICE OF EMPLOYMENT AND TRAINING - TOMPKINS WORKFORCE NEW YORK

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

WHEREAS, Tompkins Workforce New York is in possession of the Temporary Assistance for Needy Family (TANF) Youth Program grant monies to promote and operate an employment, academic-enrichment, and training program for youth, and

WHEREAS, in order to hire a sufficient number of staff to carry out the mission of the grant, it is necessary to create six additional positions in the Office of Employment and Training, Tompkins Workforce New York, and

WHEREAS, due to the recurring nature of this grant funding, these six 40 hour per week positions need to carry over from year to year, and

WHEREAS, the appointments are typically under 90 days but in any case will only be filled as long as grant money exists to fill them, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality and the Budget and Capital Committees, That six positions of Project Assistant (76-049) are hereby created effective immediately,

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RESOLVED, further, That sufficient grant monies exist in account number A6292.42797 to fund these positions for 2007 and will only be filled in the future if there is sufficient grant money,

RESOLVED, further, That no further funding is required.

SEQR ACTION: TYPE II-20

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

RESOLUTION NO. 82 - APPROVAL OF TOMPKINS CORTLAND COMMUNITY COLLEGE CAMPUS MASTER PLAN AMENDMENT

MOVED by Mr. Booth, seconded by Mr. Proto. Ms. Kiefer asked what equipment had to be deferred. Mr. Booth said it is his understanding that the significant changes in the project relate to renovation of the Board Room. Mr. Ross said the area that has been deleted from the plan is renovation of the forum to create a conference center concept. The equipment that was delayed was academic equipment that was related to phase IIb of the project, the digital lab. After further review of the total package of the Master Plan and the last round of bids that included a student center that came in significantly over-budget, the project was revised and put back out to bid. He said by approving these additional funds the College will be able to move forward to build the student center and also provides funds that were going to be cut out of the Master Plan for some of the essential academic equipment.

A voice vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, via Resolution No. 234 adopted on December 7, 2005, the Tompkins County Legislature approved Tompkins Cortland Community College’s campus master plan in the amount of \$33,053,262, and

WHEREAS, the costs for construction of a student center are being significantly impacted by the higher cost of materials, and

WHEREAS, equipment and alternates on other master plan projects have been deferred and should be completed with capital funds rather than future operating dollars, and

WHEREAS, these changes have resulted in a revised master plan as outlined below totaling \$34,253,262, and

State Share	\$16,526,631
Local Share	
Fundraising	\$ 3,000,000
Capital Chargebacks	\$ 9,826,631
Sponsor Contribution	<u>\$ 4,900,000</u>
Total Local Share	<u>\$17,726,631</u>
Total Campus Master Plan	<u>\$34,253,262</u>

, and

WHEREAS, State funds available to support the campus master plan project will remain at \$16,526,631 and the County sponsor contribution will remain at \$4,900,000, and

WHEREAS, capital chargeback revenues have increased in part due to additional on-campus housing that attracts out-of-county students and growth in international programs with associated capital chargebacks, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Tompkins County Legislature approves the allocation of an additional \$1,200,000 of capital chargeback funds to the campus master plan project bringing the total capital chargeback funds used to \$9,826,631,

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RESOLVED, further, That this resolution shall become effective upon adoption of a concurrent resolution by the Cortland County Legislature.

SEQR ACTION: TYPE II-20

Presentation of Resolution(s) from the Public Safety Committee

RESOLUTION NO. 83 - ADOPTING PLAN FOR DISTRIBUTION ON INITIAL SUBSCRIBER RADIO EQUIPMENT FOR PUBLIC SAFETY COMMUNICATIONS SYSTEM – DEPARTMENT OF EMERGENCY RESPONSE

MOVED by Mr. Booth, seconded by Mr. Proto. Mr. Dennis said this resolution is very important to the volunteer fire department and police department that he represents and he will happily support it. He commended Mr. Shurtleff for all of the hard work he put into this proposal.

Mr. Proto asked what the status of town highway departments will be in the overall picture as they are not included in this resolution. Mr. Shurtleff said from a system perspective they have designed and are building a system that will provide coverage across the County and also has the capacity to add on additional agencies other than those covered by this resolution. He said it his intent and expectation to pursue involvement of additional subscriber units that include those highway departments, other local government agencies, TCAT, Gadabout, and any other entity that may comprise a part of the emergency response network. He said the local governments have not been provided for as far as the highway departments to join within this but they will be able to extend to them the pricing that was arrived at in the Motorola contracts to allow them to buy a certain number of units to communicate within the system. Mr. Shurtleff said through this resolution he thinks some of the burden local governments were feeling will be alleviated with their own emergency response agencies that was related to having an adequate allotment of equipment.

Mr. Randall commended Mr. Shurtleff for his diligence and hard work on this project that means a lot of rural communities.

Ms. Robertson thanked everyone for their involvement in this project and particularly thanked former Legislator Barbara Blanchard for her work on it.

Mr. Stevenson said he thinks some of the concerns he had, particularly those related to the for-profit entities, have been answered. He said he is impressed with what he thinks is a really good package and noted everyone who is a party to it agrees it's a good package. Mr. Stevenson said he appreciates all of the work that has gone into this and will support this.

Mr. Proto disclosed his personal business handles some accounts with Motorola but is not participating in any financial way that is related to this resolution.

Mr. Shurtleff thanked the Legislature for extending its appreciation to him but noted the hard work the public safety and EMS providers have contributed to this. He said without their cooperation this could not have been possible.

A voice vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Koplinka-Loehr and Mc Bean-Clairborne). RESOLUTION ADOPTED.

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WHEREAS, a Capital Project was established in 1998 to replace and upgrade County public safety radio communications systems, and the Communications Capital Project Committee (COMPCAP) was subsequently appointed to define and move forward the project, and

WHEREAS, Resolution No. 57 of 2001 identified, in part, the project goals as: (1) maximize coverage and balance the level of service to meet the communication needs of the County's public safety community, (2) minimize the economic cost to the County through public/private partnerships and the effective use of funding opportunities, and

WHEREAS, the County's Emergency Management Plan, adopted in 2003, identified the current communication system as the largest vulnerability and greatest impediment to an effective response effort in the event of an emergency due to its age and lack of interoperability, and

WHEREAS, by Resolution No. 61 of 2004, the County Legislature directed that interoperability, defined as the ability of public safety personnel in different agencies or jurisdictions to communicate with each other by radio, as a fundamental requirement of the Public Safety Communications System, be incorporated into the design and implementation of the system, and

WHEREAS, basic interoperability extends to the end-user radio equipment utilized by emergency responders in the form of mobile radios, portable, hand-held radios, and remote control units, and

WHEREAS, on December 20, 2005, the County entered into contract with Motorola for the construction of an 800 MHz trunked digital emergency communications system and acquisition of related end-user equipment in the amount of \$1,977,604, and the system is now nearing completion, and

WHEREAS, the Department of Emergency Response, through extensive collaboration with the public safety providers, has proposed a plan, as summarized in the May 15, 2007, attachment to this resolution, to allocate a basic and standardized inventory of end-user/subscriber equipment, including mobile and portable radios and control stations, to the agencies that constitute the County's first responders, and

WHEREAS, in addition to law enforcement, fire, and EMS personnel, at least two other County departments, Public Works and Public Health, are integral to our Emergency Management Plan and Public Works and Public Health command management personnel will be supplied with similar equipment, and

WHEREAS, County departments have identified and secured funding opportunities through two federal grants of \$500,000 each; a State grant of \$80,000; reimbursed emergency response equipment totaling \$240,000; accrued interest of \$300,000 (total estimate \$2,000,000) to provide for interoperable subscriber equipment and funds exist in the capital project accounts to support this plan, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature finds the plan effectuates the goals of the capital project and will establish interoperability among the County's first response organizations, and does hereby authorize the Department of Emergency Response, in consultation with County Administration and the Emergency Communications Review and Oversight Committee (ECROC), to finalize and implement a plan to establish subscriber interoperability,

RESOLVED, further, That the County Attorney shall review the plan and develop appropriate agreements and/or memorandums of understanding with any non-local government agency or fire department included in the plan for purposes of establishing interoperability.

SEQR ACTION: TYPE II-20

Attachment:
Plan for Distribution of Initial Subscriber Radio Equipment
Public Safety Communications System

To achieve communications interoperability among first responder public safety agencies, the Department of Emergency Response will acquire and distribute an assortment of radios under the following terms and conditions:

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- Those agencies that have primary fire, emergency medical services and law enforcement responsibilities, as designated by municipal jurisdiction and as certified or licensed by the appropriate state agencies to perform as such, shall be included.
- The equipment will effectuate the purposes of the Tompkins County Fire & Emergency Medical Services Mutual Aid Plan and the “Closest Car Agreement” for Law Enforcement, as adopted by the participating agencies.
- The Emergency Communications Review and Oversight Committee (ECROC) shall develop radio system operating guidelines and protocols, and the Department of Emergency Response shall continue to implement said protocols.
- Mobile radios, as prescribed by the Department of Emergency Response (DOER), shall be installed in agency or department-owned vehicles designated or assigned for routine emergency response functions.
- A basic number of portable, handheld radios will be distributed to these same agencies. The individual agencies may acquire at their own expense additional handheld units. Future replacement of portable radio units will be assumed by the individual agencies.
- Pagers, mobile radios for non-agency owned vehicles (responders’ private vehicles), accessories, and enhancements shall be the responsibility of the individual agencies.
- A fixed radio control station will be installed and maintained by the DOER at designated fire and police stations for direct station - to- station communication, as recommended by the County Comprehensive Emergency Management Plan.
- Future replacement and maintenance, beyond the first year warranty, of all portable radios will be an agency/departamental responsibility. The County, through the DOER will maintain ownership and responsibility for mobile radios in primary fire and EMS response apparatus, as first established in 1959, while future replacement and maintenance of mobile radios in law enforcement and private agencies will be the financial responsibility of those LEO & private agencies.

The County Attorney, in consultation with the Department of Emergency Response, will develop and execute, as necessary, agreements, contracts, and/or memorandums of understanding with any non-local government agency included in this equipment distributions for the purposes of ensuring, to the County’s benefit, participation in mutual aid, closest car and emergency management/disaster response plans and other appropriate services.

Chair’s Report and Appointment(s)

Mr. Joseph presented a certificate recognizing David Squires for 15 years of service to Tompkins County.

Mr. Joseph reported on the contents of the NYSAC Weekly Wire last week regarding a decision that the Supreme Court had made on Flow Control. He explained Flow Control is when a community passes a local law saying that all trash collected within its borders must be delivered to its own landfill or waste processing facility. The reason this is done is “so that a municipality can overcharge” for it and that is what Tompkins County used to do. In the past Tompkins County had a rule that all solid waste had to come through the Recycling and Solid Waste Center and then charged a per ton tipping fee that covered not only all of the trash but also the recycling program. Mr. Joseph said at one point the Supreme Court ruled Flow Control to be unconstitutional and Tompkins County had to drop that regulation and enacted the Solid Waste Fee. Recently, the Supreme Court decided that the earlier decision was based on a case where the County was requiring that trash be taken to a private center and two New York counties sued on the grounds they were requiring it to be taken to a public center and the Supreme Court upheld them this time. Mr. Joseph said Tompkins County now has the option of re-instituting flow control and putting the cost of recycling and other solid waste programs back onto trash instead of the annual fee. He

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asked the Facilities and Infrastructure Committee to examine this to see if this is a direction Tompkins County would like to move toward. He said there are a lot of questions relating to fairness and equity, particularly with regard to the colleges and what is the most desirable way to fund the County's recycling program and asked the Committee to look into all of the issues surrounding this.

Chair's Appointment(s)

Mr. Joseph made the following appointments to the Workforce Investment Board:

Susan B. Sammis - Business representative ; term expires 12/31/09

Robert B. Bantle - Business representative ; term expires 12/31/08

Leslie Marie Leonard – Business representative ; term expires 12/31/09

Debbie M. Chadwick, Business representative; term expires 12/31/08

David P. Marsh – Labor organization representative; term expires 12/31/09

Dr. Brenda W. Myers – Local education representative; term expires 12/31/09

Report from the County Administrator

Mr. Whicher announced the Tompkins County Council of Governments (TCCOG) has been awarded a \$266,030 grant, under the Department of State's Shared Municipal Services Incentive (SMSI) program for studying intermunicipal cooperation with health insurance.

Mr. Whicher also reported there have been communications with Statewide Wireless Network and they are anticipating having further dialogue about how they are going to interface with Tompkins County.

Lastly, Mr. Whicher announced his intention to retire between March and June of next year. He said he is providing the Legislature with advance knowledge to ensure that an inclusive process can be put into place that will allow for a smooth transition.

Report from the County Attorney

Mr. Wood had no report. He commented on Mr. Joseph's report concerning Flow Control. He said whether a County can impose Flow Control and how much can be charged are two separate legal issues.

Report from the Finance Director

Mr. Squires said he has distributed the annual property auction pamphlet that will be held on June 12th at the Human Services Building. He said there are a very small number of properties that will be auctioned. Mr. Squires spoke of the County's annual report that was filed on May 1st and said he will be providing information on a later date following the County's audit. He noted a milestone that occurred last week and said the County received an invoice in the amount of \$8.4 million for equipment related to the County's radio communications system.

Ms. Kiefer asked if the City was included in the auction and was told it is not.

Addition of Resolution(s) to the Agenda

It was MOVED by Mr. Booth, seconded by Ms. Kiefer, to add a resolution to the agenda entitled Endorsing State Legislation S1714 and A7938 – Extending Existing Sales and Use Tax Authority of the County of Tompkins. A voice vote resulted as follows: Ayes – 12, Noes – 1 (Legislator Proto); Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). MOTION CARRIED.

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It was MOVED by Ms. Mackesey, seconded by Mr. Proto, to add a resolution to the agenda entitled Urging Designated Routes for Solid Waste Vehicles Going to Seneca Meadows. A voice vote resulted as follows: Ayes – 12, Noes – 1 (Legislator Hattery); Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). MOTION CARRIED.

Withdrawal of Resolution(s) from the Agenda

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

Report from the Health Department Building Committee

Mr. Proto, Chairman, reported the Committee will meet May 17th to reviews sites and additional information that has been put together by staff. The Committee will also be discussing the timetable and is planning to make a presentation to the full Legislature in late June or early July.

Mr. Whicher said he will be requesting an executive session at the June 19 Legislature meeting to discuss contract negotiations.

Report from the Facilities and Infrastructure Committee

Ms. Herrera, Chair, reported the Committee did not meet on May 8th, but will meet on May 22nd.

Report and Presentation of Resolution(s) from the Personnel Committee

Mr. Dennis, Chairman, reported the Committee met on May 9th and discussed the County's training program and the Committee's goals.

RESOLUTION NO. 84 - AUTHORIZING EQUAL BENEFITS AND SALARY ADJUSTMENTS FOR MANAGEMENT POSITIONS WITH SALARIES SPECIFICALLY AUTHORIZED BY THE LEGISLATURE TO BE ABOVE THE ASSIGNED GRADE

MOVED by Mr. Dennis, seconded by Mr. Shinagawa. Ms. Kiefer said she will vote against this resolution primarily because she feels the Legislature should vote annually on salaries for positions above the assigned grade.

Ms. Herrera said she would like to see this issue resolved but does not believe this accomplishes an end result she can support.

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

WHEREAS, the "Point-Factor Rating System" that is applied to all job descriptions and utilized by Tompkins County to assign labor grades and corresponding salaries to all titles is unable to reflect the market-rate salaries of certain highly specialized professional positions, and

WHEREAS, by prior resolution of the Legislature, incumbents in the titles of Psychiatrist, Medical Director – Mental Health, and Deputy County Attorney have been assigned salaries at a rate above that provided in the Management salary schedule, and

WHEREAS, salary increases for all management titles, except those mentioned above, are included in, and authorized by, one annual resolution of the Legislature, and

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WHEREAS, the fringe benefits and annual salary increase for incumbents in the three titles mentioned above should be equivalent to the increases and benefits provided to all other management staff, now therefore be it

RESOLVED, on recommendation of the Personnel Committee, That effective January 1, 2008, incumbents in the titles of Psychiatrist, Medical Director – Mental Health, and Deputy County Attorney, will be eligible to receive the same fringe benefits and will receive the same annual salary adjustments as those provided to other management staff without requiring a separate resolution of the Legislature,

RESOLVED, further, That currently there is stability with the individuals in these positions, however, should a vacancy occur and recruitment is necessary the appropriate program committee will look at CPI and market analysis,

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

SEQR ACTION: TYPE II-20

Report from the Government Operations Committee

Mr. Stevenson, Chair, reported the Committee met on May 11th and discussed the potential changes in the way assessment data are disbursed on the internet. The Committee decided this is something that should receive public input and will be working with the Public Information officer to move in that direction. The Committee was also asked to approve withholding one parcel from the foreclosure auction for a period of one year to allow for a determination of that parcel's role and value in stream buffer protection efforts. He also reported the Committee approved its goals for 2007.

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

Ms. Robertson, Chair, reported the Committee met yesterday and heard a presentation by Chris Scimpidis from Bevan Forestry with regard to assessing its forestry resources. She stated the County owns forestry land in the Towns of Newfield and Caroline. A copy of the presentation is available for anyone who is interested. There are two public meetings on this topic that will take place on June 5th at the Newfield Town Hall and June 6th at the Speedsville Community Center in Caroline. The revised plan will later be forwarded to the full Legislature. The Committee also received an update on the Empire Zone from Heather Filiberto. To date, there have been nine businesses that have been fully certified and four others have been certified locally and are awaiting State approval. Ms. Robertson said the Planning Department continues to collect comments on the Housing Strategy and will be bringing that forward to the Legislature in June or July. The Committee also received a report from Fred Bonn of the Convention and Visitors' Bureau on a winter events that promoted teachers to come to Tompkins County. There were hundreds of attendees and this event injected an approximate \$75,000 into the local economy. There was also a record-breaking room occupancy during the month of February that is attributed to this event. The next PDEQ meeting will be June 11th.

RESOLUTION NO. 85 – APPROPRIATION FROM CONTINGENT FUND -- INTERNATIONAL COUNCIL ON LOCAL ENVIRONMENTAL INITIATIVES (ICLEI) LOCAL GOVERNMENTS FOR SUSTAINABILITY MEMBERSHIP

MOVED by Ms. Robertson, seconded by Mr. Dennis. Mr. Proto spoke of the high cost of this membership and requested a periodic update from the Planning Department on how this is going. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). RESOLUTION ADOPTED.

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WHEREAS, Tompkins County joined the International Council on Local Environmental Initiatives (ICLEI) in 2001, which is a program for municipal governments to identify sources of greenhouse-gas emissions within their jurisdictions and take actions to reduce such emissions, and

WHEREAS, Tompkins County completed an inventory of the greenhouse-gas emissions from County government operations in 2001 and a Local Action Plan to Reduce Carbon Emissions for County Government Operations in 2003, and

WHEREAS, the Tompkins County's Local Action Plan to Reduce Carbon Emissions for County Government Operations established a goal to reduce the amount of carbon emissions from the 1998 operation of County government by twenty percent by 2008, and

WHEREAS, the County now wishes to update its carbon-emission inventory and assess its progress towards reaching this goal, and

WHEREAS, the International Council on Local Environmental Initiatives (ICLEI) will provide the software and technical assistance needed to complete the carbon emission inventory update, and

WHEREAS, a goal of the Tompkins County Sustainability Program is the "[R]eduction of greenhouse gases and environmental toxins through energy reduction and conservation in County facilities and fleets..." by, in part, "[D]evelop(ing) a report that measures eCO₂ emissions from 1998 to the present ", now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee and the Budget and Capital Committee, That Tompkins County rejoin the International Council for Local Environmental Initiatives,

RESOLVED, further, That the Director of Finance is authorized and directed to make the following appropriation:

From:	Contingent Fund	1990.54400	\$1,200
To:	Dues and Memberships	1920.54400	\$1,200

SEQR ACTION: TYPE II-18

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

Mr. Booth, Vice Chair, reported the Committee met yesterday and heard a report from the Finance Director on the Fund Balance. Mr. Squires had anticipated a decline in the Fund Balance by approximately \$2 million; however, due to some chargebacks he was able to make the decline closer to \$1 million. The Committee also approved a resolution authorizing Contingency funding that will come from the Jail boardout funds for the Re-entry Program; that resolution will come before the Legislature at the next meeting. Mr. Booth reported the Committee also discussed the fringe rate and directed Administration to produce additional information relating to taking fringe monies out of departmental budgets and keeping it under the control of County Administration. This item will continue to be discussed. The Committee also discussed the Room Occupancy Tax but did not take any action.

RESOLUTION NO. 86 - ENDORSING STATE LEGISLATION S1714 AND A7938 EXTENDING EXISTING SALES AND USE TAX AUTHORITY OF THE COUNTY OF TOMPKINS

MOVED by Mr. Booth, seconded by Ms. Kiefer. Ms. Herrera said she voted against this in the Budget and Capital Committee meeting and will oppose it now. Mr. Proto said it is his recollection that this was supposed to be a one-time addition to the County's budget to restore the Fund Balance. Mr. Booth said he does not see any way the County's budget would be able to be managed without this. A voice vote resulted as follows: Ayes – 10; Noes – 3 (Legislators Herrera, Proto, and Randall); Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the County of Tompkins has had the authority to enact an additional one cent of sales and use taxation since December 1, 1992, and has enacted such taxation, and

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WHEREAS, this authority has been exercised since that date and expires November 30, 2007, and

WHEREAS, this Legislature by Resolution No. 206 of 2006 requested the members of the New York State Senate and Assembly who represent Tompkins County to sponsor and support legislation extending this authority beyond November 30, 2007, and they have done so and have introduced S1714/A7938 "AN ACT to amend the tax law, in relation to authorizing the county of Tompkins to continue imposing an additional one percent sales tax" that extends this authority to November 30, 2009, now therefore be it

RESOLVED, on recommendation of Budget and Capital Committee, That this Legislature endorses and requests State approval of legislation known as S1714 and A7938, and urges its elected representatives in the Senate and the Assembly to support this legislation.

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Mr. Booth, Vice Chair, had no report.

Report from the Health and Human Services Committee

Mr. Shinagawa, Chair, reported the Committee met on May 2nd and received a presentation from Lee Dillon of Tompkins Community Action relating to a proposal for a potential Chartwell House for women. The Committee discussed a plan for disposition of computers in the Department of Social Services since the State recently replaced the majority of computers in that Department. Greg Potter, Director of Information Technology Services, is making an assessment of the condition of those computers. Once that assessment is complete a determination will be made on where to place them. Mr. Shinagawa said the Committee also discussed the Recreation Partnership and the resolution presented earlier in the meeting relating security deposits. He said he is working with Betty Falcao of the Health Planning Council on a resolution concerning home health aides and other potential problems or setbacks that might happen if Lakeside Nursing Home did close or if the Governor's Patient First Plan were enacted in Tompkins County. The next meeting will be tomorrow at 3:30 p.m.

Member-filed resolution

RESOLUTION NO. 87 – URGING DESIGNATED ROUTES FOR SOLID WASTE VEHICLES GOING TO SENECA MEADOWS LANDFILL

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

Mr. Booth stated it is not possible to get to the landfill from Tompkins County driving on an interstate. To do so would require going to Cortland and Syracuse and then travel west. He thinks this needs a greater discussion at the Committee level. It was MOVED by Mr. Booth, seconded by Mr. Hattery, to Refer to Committee.

Mr. Proto said he understands Mr. Booth's concerns; however, a hearing is being held next Monday and referring to Committee would not allow time for action by this Legislature.

Ms. Robertson said there is a SEQR process that is underway for Seneca Meadows and the State only allowed for a public hearing at the very last minute.

Ms. Mackesey explained the reasons behind this resolution. She said most County residents have become aware that there are an increasing large number of tractor-trailer truckloads of garbage coming into Tompkins County. These trucks are a nuisance because of noise and huge impact they have

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on the traffic in the city. She said it is now very clear that residents who live on routes 89, 96, 34, 34B, and 79, are all being affected by the substantial increase in the number of trucks. She said these roads are not built for this kind of regular heavy traffic. Seneca Meadows has applied to expand its landfill operations that would increase the life of their landfill by 14 years. She said it is being viewed by representatives of Seneca Meadows representatives that trucks are using Route 81 and crossing over to route 90, which is not happening. She said there are no weighing stations, no inspection stations, and they are not paying any tolls.

A voice vote on the motion to Refer to Committee resulted as follows: Ayes – 3 (Legislators Booth, Hattery, and Stevenson); Noes – 10; Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). MOTION FAILED.

Ms. Herrera said this is a very good and proper use of a member-filed resolution.

Mr. Stevenson said noise is a separate issue than the safety hazard of the trucks and would be more comfortable if that Whereas was removed.

Mr. Booth said Tompkins County's garbage trucks travel through other counties. He said he doubts anyone is detouring to Tompkins County for any reason other than taking the shortest route.

Ms. Mackesey disagreed that trucks are coming into Ithaca because it is the fastest route. She said there are a substantial number of trucks coming into Ithaca from outside New York State.

Mr. Joseph noted this Legislature is not writing legislation, but is asking the New York State Department of Transportation to do something.

Mr. Hattery said he sees this resolution as a request to consider the broader regional traffic impacts involved in allowing Seneca Meadows to expand its facility rather than a request to keep trucks out of a specific county.

A voice vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Koplinka-Loehr and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature is charged with the safety and well-being of its residents and with the safety and maintenance of its highways, and

WHEREAS, Tompkins County Legislators have received increasing numbers of complaints from residents concerning the growing number of solid waste trucks from outside the area that are driving through Tompkins County day and night on their way to Seneca Meadows and other landfills to the north, and

WHEREAS, the number, size and speed of the solid waste trucks with their noisy jake- brakes disturb the peace and raise fear and consternation among Tompkins County residents in addition to increasing the wear and tear on our highway system, and

WHEREAS, these trucks travel through residential areas in densely populated communities - - areas that the interstates are designed to avoid, and

WHEREAS, Seneca Meadows—the destination of many of the out of area garbage trucks—has applied for an 18 acre landfill expansion, and

WHEREAS, the negative local impacts of these solid-waste trucks can be mitigated by having them travel on interstate-level roads to the point closest to their landfill destination, and

WHEREAS, the “Supplemental Traffic Impact Assessment (STIA) for the proposed Seneca Meadows expansion appears inadequate on its face, as it only looked at State Route 414 between Interstate 90 and the landfill and concluded there would be no significant change in landfill-related traffic patterns”. This STIA apparently assumed that these trucks only traveled via Interstate 90, whereas our

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local experience is otherwise, possibly because some solid waste haulers can avoid tolls and weigh stations by using non-interstate routes. The area of impact for this STIA should have a larger radius to include e.g. State Routes 34, 34B, 79, 89, and 96 in Tompkins County, and

WHEREAS, although the New York State Department of Transportation (NYSDOT) cannot forbid such trucks to use state highways, the NYSDEC has an opportunity, through the permitting process for the Seneca Meadows landfill proposed expansion, to address these issues in a constructive way, now therefore be it

RESOLVED, That the Tompkins County Legislature strongly requests that the New York State Department of Environmental Conservation require that when practical solid waste trucks headed to and from Seneca Meadows travel on interstate level highways as a condition of approval of the permits and Draft Supplemental Environmental Impact Statement for expansion of the Seneca Meadows Landfill,

RESOLVED, further, [That copies of this resolution be sent to](#) Senator Charles Schumer, Senator Hillary Rodham Clinton, Congressman Maurice Hinchey, Congressman Michael A. Arcuri, [Governor Elliott Spitzer, Senators Seward, Nozzolio, and Winner, and Assemblyperson Lifton](#), New York State Department of Environmental Conservation Division of Environmental Permits Director, New York State Department of Environmental Conservation Bureau of Solid Waste, Reduction & Recycling, and New York State Association of Counties.

SEQR ACTION: TYPE II-20

Approval of Minutes of May 1, 2007

It was MOVED by Mr. Stevenson, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the minutes of May 15, 2007 as corrected.

Adjournment

On motion, the meeting adjourned at 8:22 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office