

**Tompkins County Legislature**  
**May 19, 2009**

**APPROVED 6-16-09**

**Call to Order**

Mr. Koplinka-Loehr called the meeting to order at 5:32 p.m.

**Pledge of the Allegiance to the Flag and Roll Call of Members**

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

Present: 14 Legislators (Legislator Herrera arrived at 5:36 p.m.). Excused: 1 (Legislator Randall).

**Presentation of Proclamation(s)**

Mr. Koplinka-Loehr presented the following proclamations:

Mental Health Awareness Month – May 2009, to David Buckley of the Mental Health Association; and  
Older Americans Month – May 2009, to Lisa Holmes, Director of the Office for the Aging

Ms. Herrera arrived at this time.

**Privilege of the Floor by the Public**

Michael Lane, Dryden resident and former Legislator, said Tompkins County has always been a leader in the environmental area. Recently the State Legislature passed a better bottle bill that will mean that there will be deposits on all bottles including water, juice, and other non-carbonated beverages and not just soda bottles. He hopes that these bottles will be returned and not recycled.

Vonnie Dawson, Groton resident, spoke concerning her granddaughter, Rhiannon, who remains in foster care. Ms. Dawson outlined several incidents surrounding the foster care placement that she is unhappy about.

Bruce Babcock, Trumansburg, said he left material for Legislators to review regarding issues faced by disabled individuals and his concern about how individuals within the public safety and judicial sectors relate to those with disabilities. Mr. Babcock believes these sectors should become more aware of current laws and follow them.

**Privilege of the Floor by Legislators**

Ms. Chock, District No. 3 Legislator, reported on First Lady Michelle Obama's speech yesterday in New York City about the arts. She said the arts define who we are as people. The arts need to be nurtured even in difficult economic times. She announced the Ithaca Festival is coming up and passed around a box of Ithaca Festival buttons if anyone was interested in purchasing one.

Mr. Proto, District No. 7 Legislator, said the first proclamation spoke of those suffering post-traumatic stress disorder and reminded him of the same situation that existed and still exists with individuals who have returned from Vietnam. He also reminded the Legislature that this October 12th the monument in Dewitt Park will be re-dedicated. Attempts are being made to locate family members of the individuals listed on the monuments.

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Mr. Proto prepared a letter to State Legislators regarding the gas-drilling meeting held recently at the Women's Community Building. A plea was made by a gentleman from Sullivan County to ask the New York State Department of Environmental Conservation to extend the date for review of the draft Generic Environmental Impact Statement for the hydro-fracking. The process only contains a 30-day review period and this needs to be at least sixty days. He will provide all Legislators with a copy of a letter to use as an example and encouraged others to write a similar letter. He also reported gas prices are rising again and he believes they will not go down until the public reacts.

Mr. Hattery, District No. 14 Legislators, said Memorial Day is a time to remember and honor those who have fallen to help maintain our freedom and to celebrate that holiday there will be a parade and ceremony in Dryden on Monday, May 25<sup>th</sup>.

### **Report from a Municipal Official**

J.R. Clairborne, City of Ithaca Common Council Member, reported on varied City activities:

- Earlier this month Council approved moving forward with phase 2 of the Cayuga Inlet Trail and to proceed with eminent domain proceedings if necessary.
- Neighborhood area around Collegetown – a valid petition was filed to create RC3, a buffer zone between Collegetown and neighborhoods; however, there was not a super majority vote at Common Council, so the change failed.
- The City received an increase in Community Development Block Grant money in the amount of \$220,000 as a result of Stimulus funding.
- Work continues to progress on the water supply choice and on May 27<sup>th</sup> there will be a special Common Council meeting at 5:0 p.m. presenting cost comparisons.
- Negotiations are underway in regard to the Hangar Theater lease. Information on the \$3 million capital project and a draft lease will be presented at the June Common Council meeting with a final vote expected in July.
- The following two public hearings will be held at tomorrow's meeting of the Planning and Development Committee: 2009 Collegetown Urban Plan and Conceptual Design Guidelines and the Cayuga Green Project – Change from Condo Development to Apartments; information on these two projects is located on the City's website.
- The Grand Opening for Cinemapolis is scheduled for June 2<sup>nd</sup>.
- The Youth Council that was recently formed is up and running. They had their first public meeting last month and passed a resolution to support Reality Check, which deals with cigarette smoking in movies.
- Lastly, he announced that today are school district elections and reminded everyone to vote.

Ms. Chock suggested that Mr. Clairborne nominate students participating in Reality Check for the Distinguished Youth Award. Ms. Robertson requested additional information the Cayuga Green project.

### **Chair's Report and Appointments**

Mr. Koplinka-Loehr announced May 28<sup>th</sup> is the 25-year Club Dinner. He presented Legislator Kiefer with a Certificate of Appreciation for 15 years of service with the County and congratulated her. He also announced that at 7:30 p.m. this evening Cortland County Legislators have been invited to join Tompkins County to continue the discussion concerning the TC3 budget.

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### **Report from the County Administrator**

Mr. Mareane welcomed Kate Stout, a Cornell student, who will be helping Administration as a summer intern. He said the next step in the budget process is the establishment of fiscal targets for Departments. His Department is spending a lot of time briefing departmental managers and staff about the budget situation and said the same presentation that was given to the Legislature at the Retreat is also being provided so that there is a common understanding of the conditions as we enter the budget process. The electronic suggestion box has been implemented; 13 suggestions have been submitted to date and none of them are frivolous. They will be part of a package of things that will be considered in the budget process.

### **Report from the County Attorney**

Mr. Wood reported financial disclosure forms were due May 15; still one half dozen of the staff have not returned their forms. The Clerk of the Legislature has sent out a reminder and he expects them to be submitted by the next meeting.

### **Report from the Finance Director**

Mr. Squires distributed a brochure for the County auction of foreclosed properties that will take place on June 9 at the Human Services Building. A list of all properties can be viewed at [www.reynoldsauktion.com](http://www.reynoldsauktion.com). He also reported last week they had a Federal transit administration representative here to do a triennial review of the TCAT operation. They do a very comprehensive analysis going over maintenance schedules, procedures for procurement, etc. There were three findings; two were minor and one had to do with the early retirement of vehicles that were rusted out. He said it was interesting that when a Federal grant is provided for a bus that it is assumed to last for 12 years or 500,000 miles. These busses rusted out before this time.

### **Annual Report from the Department of Probation and Community Justice**

Ms. Buechel, Director, provided an overview of the Department's 2008 Annual Report. She believes there are changes in the types of crimes or level as a result of the economic times; numbers are steady but she believes there is a lag in seeing things from the economy downturn and it could be months before they see some things. She said she is seeing more gun involvement and weapons offense cases.

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

There were no resolutions added to the agenda.

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

There were no resolutions withdrawn from the agenda.

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

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

#### **Mental Health Subcommittee**

Liz Norton – Community Member; term to expire December 31, 2012

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Strategic Tourism Planning Board

Susan Monagan – Culture representative; term expires December 31, 2011

Environmental Management Council

Katie Kelly – At-large (#13) representative; term expires December 31, 2010

Housing Fund Oversight Committee – No set terms

Heather Filiberto  
Martha Robertson, Legislator  
Pamela Mackesey, Legislator  
Edward Marx, Ex-Officio

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

It was MOVED by Ms. Chock, 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. 77 - BUDGET ADJUSTMENTS –VARIOUS DEPARTMENTS**

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

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 require Legislative approval, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Planning, Development, and Environmental Quality Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

***Youth Services***

Revenue Acct	Title	Amt	Approp Acct	Title(s)
7020.42797	Other Local Government Contributions	\$ 5,500	7020.51000711	Coordinator of Community Youth Services
7020.42797	Other Local Government Contributions	\$ 15	7020.54330	Printing
7020.42797	Other Local Government Contributions	\$ 165	7020.54414	Local Mileage

Explanation: The County Youth Services Department has entered into an agreement with the Workforce Investment Board (WIB) to provide staff time of Nancy Zook to assist Julia Mattick with technical assistance, coordination and monitoring of their three summer job providers. Nancy Zook’s hours have been authorized to increase to 40 hours/week during this period. Related printing/copying to the above services. Local mileage for weekly site visits during this period.

***Workforce Investment Board***

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6290.43790	Federal Job Training	\$11,456	6290.52206	Computer Equipment
6290.43790	Federal Job Training	\$22,059	6290.52230	Software
6290.43790	Federal Job Training	\$ 1,500	6290.52214	Office Furnishings
6290.43790	Federal Job Training	\$ 2,335	6290.52222	Communications Equipment
6290.43790	Federal Job Training	\$ 3,200	6290.54618	Interdepartmental Charge

Explanation: New York State Department of Labor is making one-time funding available for technology related purchases for use within the One-Stop Center. The funding must be fully expended by June 30, 2009.

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**RESOLUTION NO. 78 - DEDICATION OF THE CONFERENCE ROOMS AT 55 BROWN ROAD – TOMPKINS COUNTY HEALTH DEPARTMENT**

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

WHEREAS, James Rice was a Charter and fifty (50) year member of the Tompkins County Board of Health, and

WHEREAS, Clara Goodman was a Supervising Public Health Nurse for greater than forty (40) years and organized the Certified Home Health Agency still in operation today, and

WHEREAS, Joanne Brazo was a clerical employee with greater than forty (40) years of service and an expert in the Physically Handicapped Children's Program, and

WHEREAS, John Andersson was the former Director of Environmental Health and a consummate Civil Engineer with greater than thirty (30) years of service in Public Health, and

WHEREAS, Mr. Rice, Ms. Goodman and Ms. Brazo are deceased and Mr. Andersson retired as of May 4, 2007, now therefore be it

RESOLVED, on recommendation of the Tompkins County Board of Health, the Health and Human Services Committee and the Government Performance and Workforce Relations Committee, That in recognition of his service to Tompkins County, and as a lasting tribute to him, we hereby dedicate the main conference room to James Rice, and name it the James Rice Conference Room,

RESOLVED, further, That in recognition of her service to Tompkins County, and as a lasting tribute to her, we hereby dedicate the small side of the main conference room to Clara Goodman, and name it the Clara Goodman Conference Room,

RESOLVED, further, That in recognition of her service to Tompkins County, and as a lasting tribute to her, we hereby dedicate the Children With Special Care Needs and Planning and Coordination conference room to Joanne Brazo and name it the Joanne Brazo Conference Room,

RESOLVED, further, That in recognition of his service to Tompkins County, and as a lasting tribute to him, we hereby dedicate the Environmental Health area conference room to John Andersson and name it the John Andersson Conference Room.

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**RESOLUTION NO. 79 - REFUND OF SCHOOL TAXES – TOWN OF NEWFIELD (28.-1-4.31)**

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

WHEREAS, an error has been made in the 2009 Town and County tax roll of the Town of Newfield, namely, parcel 28.-1-4.31 assessed to James R Haustein was erroneously charged \$3,758.67 for the relieved Newfield Central School taxes that were actually paid before the school warrant expired, yet were processed incorrectly by Newfield Central School, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the entry on the Town and County tax roll be changed to reflect a total of \$2,078.95 for 2009, for parcel 28.-1-4.31,

RESOLVED, further, That the Tompkins County Finance Department is directed to correct the 2009 Town and County tax rolls.

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**RESOLUTION NO. 80 - AUTHORIZATION TO CONTINUE THE HOMEOWNERSHIP PROGRAM THROUGH USE OF PROGRAM INCOME FUNDS**

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

WHEREAS, the County received Small Cities Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) administered by New York State in 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2002, 2005, and 2007 for the purpose of continuing its successful existing home mortgage program for first-time homeowners, and

WHEREAS, the County operates a homeownership program that serves low-to-moderate first-time homebuyers, and

WHEREAS, the County operates through the provision of financing on which payment is deferred for five years, and

WHEREAS, the County repayment on these monies began in September 1995 and, under the rules of HUD Small Cities Program, these program income funds must be re-spent for like purposes as the original grants, and

WHEREAS, these funds will assist up to twenty families in Tompkins County to become first-time homeowners, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby authorizes the continuation of the Homeownership Program through use of Small Cities Community Development Block Grant income funds,

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

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**RESOLUTION NO. 81 - FUNDING OF TOURISM MARKETING AND ADVERTISING GRANTS**

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

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

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

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

Cayuga Wine Trail	2009 Grapehound Wine Tour	\$ 4,000
PRI- Museum of the Earth	2009 Forest Journey Exhibit	\$ 5,000
Ithaca Triathlon Club	2010 Cayuga Lake Triathlon	\$ 5,000
Tompkins County Quilter's Guild	Traditions and Beyond 2009 Quilt Show	\$ 1,500
Finger Lakes Wine Center	Finger Lakes Wine Center 2009	\$ 5,000
Light in Winter	2010 Light in Winter Festival	<u>\$ 5,000</u>
		\$25,500

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

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**RESOLUTION NO. 82 - AWARD OF TOURISM CAPITAL GRANT – ITHACA CHILDREN’S GARDEN**

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

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

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

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

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

Entity	Project	Distribution	Amount
Ithaca Children’s Garden	Phase I Completion	2009	\$14,800

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

Ms. McBean-Clairborne, Chair, had no report. The next meeting will be May 27<sup>th</sup>.

**Report from the Legislative Rules and Procedures Committee**

Ms. Kiefer, Chair, said the Committee met yesterday and is slowly making its way through the Rules. She noted that she is still awaiting comments from Legislators on suggestions pertaining to the Rules.

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

Mr. Proto, Chair, reported the Committee met last week and received an update on the Catholic Charities immigrant program. One of the indicators is that they are placing individuals in jobs and being quite successful. It was well-noticed that RPM Eco Systems, the new tree-growing installation on Dryden Road, has met with a lot of success and has hired several individuals. It was suggested that there could be other opportunities at Cooperative Extension. Lisa Holmes, Office for the Aging Director, reported on State budget cuts to her department. Mental Health Commissioner, Bob DeLuca, also reported on a major mental health change in clinical restructuring. Mr. Deluca believes the department will be able to handle it, however. Ms. Cole reported as of last week there were no reported cases of the H1N1 (Swine) flu in Tompkins County. The next Committee meeting will be June 9.

Ms. Mackesey expressed a concern and said South Hill residents have been dealing with pollution for the last ten years; The Department of Environmental Conservation released figures on TCE in the

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neighborhood of 2200 parts per million. The amount that is acceptable is between 50-100 parts per million. She expressed concern for an infant who lives near that sewer line. This is clearly a public health hazard and is something that the Health Department may want to be involved in because it can clearly have an impact on the health and welfare on the people who live on South Hill. Mr. Proto agreed that the issue needs to be discussed further.

### **Report from the Facilities and Infrastructure Committee**

Mrs. McBean-Clairborne, Chair, said she did not have a report. The Committee will meet next on May 21<sup>st</sup>.

### **Report from the Government Performance and Workforce Relations Committee**

Mr. Shinagawa, Chair, reported the Committee met last Friday and had a very long discussion of foreclosures. There was also discussion on pay equity legislation and after a long discussion it was decided that not enough was known and tabled the action indefinitely because there are several pieces of legislation that exist at the State level and should be reviewed.

### **RESOLUTION NO. 83 - APPROVING REVISIONS AND ABOLISHING POLICIES AND PROCEDURES OF THE TOMPKINS COUNTY GOVERNMENT ADMINISTRATIVE POLICY MANUAL**

MOVED by Mr. Shinagawa, seconded by Mr. Dennis. Mr. Stevenson stated the removal of Policy 01-31 – Tompkins Employees Federal Credit Union from the Administrative Manual is in no way a negative reflection on the Credit Union. It is an excellent asset to the County. It was also noted that information about the credit union is provided to employees at the time of their orientation.

Ms. Chock referenced the policy concerning the retention of records and said in accessing non-confidential records if requests have come to more than one department and becomes burdensome to employees, the policy should be revisited. Ms. Kiefer said she had the same concern.

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

WHEREAS, a 2007 goal of the Government Performance and Workforce Relations Committee (formerly Government Operations) charged County Administration with developing a plan for routine review and/or updates to the County Administrative Manual and improving manual currency by fifty percent by the end of 2009, and

WHEREAS, as part of that process, the following administrative policies and procedures have been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

Policy 01-35: Submission of Plans for Approval by the United States Government and/or the Government of New York State;

Policy 01-31: Tompkins Employees Federal Credit Union;

Policy 01-05: Disposition of Records;

Policy 02-11: Positions Eligible for State and/or Federal Reimbursement; and

Policy 04-11: Payment of Substitute Employees, and

WHEREAS, these policies also have been reviewed by the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That revised Administrative Policy 01-05: Disposition of Records is hereby adopted,

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RESOLVED, further, That revised procedures for Administrative Policy 01-35: Submission of Plans for Approval by the United States Government and/or the Government of New York State is hereby accepted,

RESOLVED, further, That the following Administrative Policies are hereby abolished:

Policy 01-31: Tompkins Employees Federal Credit Union,

Policy 02-11: Positions Eligible for State and/or Federal Reimbursement, and

Policy 04-11: Payment of Substitute Employees.

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Ms Robertson asked for an update on the discussion relating to the “integrity” category on direct report evaluations. Mr. Shinagawa said the Government Performance and Workforce Relations Committee decided not to add a separate category because much of the language is included in the “accountability” section. Also, most Committee members believed integrity was incorporated into the different categories of the evaluation. The panel composition was also discussed and the Committee supported having two people on the panel with the hope they would alternate.

Ms. Herrera expressed concern and reminded the Legislature that at the last meeting, the Legislature came to a different decision than what the Government Performance and Workforce Relations Committee is reporting. The decision was to have the members of the panel serve for all four evaluations.

Mr. Hattery said it was supposed to be the Chair of the Committee or his designee to serve on all four of the panels. When this was discussed at the Committee, the sense was that no one could do all four. Mrs. McBean-Clairborne said that as a member of the Committee she could serve on all four and thought that message had been conveyed, as she was not present for the discussion. In light of the new information, Mr. Shinagawa agreed to take this back to Committee.

Ms. Mackesey asked what the status is of doing performance evaluations for all employees. She also recalled discussions concerning employee training and asked what the County is getting for the money being expended and whether the trainings are effective.

Mr. Koplinka-Loehr said a goal of the former Human Resources Committee was to look at a countywide employee evaluation process and the consistency of them.

Mr. Shinagawa said the Government Performance and Workforce Relations Committee could take a look at the training program this year and in response to a countywide evaluation process, he believes the performance evaluation for the four direct reports was the first step in that process.

Mr. Dennis said the Personnel Committee took these items up and asked what department heads are currently doing. It was never his impression that both evaluations processes were going to move forward on parallel tracks.

Discussion continued with regard to the panel and who is able to sit it for all four direct reviews. The following Legislators said they were able to attend all reviews: Mr. Koplinka-Loehr, Mrs. McBean-Clairborne, Mr. Dennis, Mr. Proto, and Ms. Herrera. Ms. Robertson asked if the panel meetings would be open to all Legislators. Mr. Koplinka-Loehr said yes, and all Legislators will be notified of the meetings.

Mr. Shinagawa said he would e-mail the Government Performance and Workforce Relations Committee as to the decision with who he will be designating as the Committee’s representative to serve on the panels.

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

Ms. Mackesey, Chair, provided Ms. Kiefer an opportunity to report to the Legislature on the activities of the MPO Policy Committee. Ms. Kiefer said they met this afternoon and discussed all of the possible projects that were on the list to determine which could be advanced because \$3.5 million for the Warren Road project had been freed up. The projects that were approved include: Cayuga Water Trail construction, Forest Home traffic calming phase I, West Seneca Road bridge construction, Black Diamond trail bridges, and replacement buses. She characterized this last one as both good and bad news – good because it would give Gadabout several more vehicles and TCAT several more busses, and bad because the busses will all be diesel and not hybrids since the ones TCAT already has haven't lived up to expectations, in terms of mileage and maintenance. During discussion it was noted that TCAT's preference is based on cost, and did not consider GHG (Greenhouse Gas) emissions.

Ms. Mackesey deferred her Committee report to the next meeting.

**RESOLUTION NO. 84 - TOMPKINS COUNTY COMMENT ON ITEMS NOT ADDRESSED IN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION *FINAL SCOPE FOR DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (dSGEIS) ON THE OIL, GAS, AND SOLUTION MINING REGULATORY PROGRAM FOR THE MARCELLUS SHALE***

MOVED by Ms. Mackesey, seconded by Mr. Hattery. Ms. Mackesey stated the purpose of the resolution is urge New York State to delay any gas drilling until the number of inspectors and staff needed is determined, a severance tax and adequate permit fees on gas drilling companies are enacted, and the substances being pumped into the ground are identified. Mr. Proto also highlighted the fact that additional time is needed for further review. A voice vote resulted as follows on the resolution: Ayes – 14, Noes – 0, Excused – 1 (Randall). RESOLUTION ADOPTED.

WHEREAS, compared to other fossil fuels, natural gas is a relatively clean, relatively low-impact source of energy that is being used to replace the use of coal and other fuels that emit more greenhouse gases during a transition to a more sustainable energy future, and

WHEREAS, full development of New York State natural gas resources may only meet energy needs for a limited period of time that will be measured in years or decades, yet environmental damage could be permanent, and

WHEREAS, ultimately we need to develop capacity to deliver safer, cleaner, and fully renewable energy sources, and

WHEREAS, there has been gas drilling in New York State for more than 100 years in deposits that can be recovered by conventional means, but recent advancements in technology and increases in the price of energy have now made the extensive natural gas reserve in the Marcellus Shale potentially recoverable, and

WHEREAS, gas production from the Marcellus Shale is expected to be done using horizontal hydraulic fracturing (“fracking”), a technique that requires pressurized injection of millions of gallons of water containing certain proprietary chemicals into the underground shale to release the gas, but the sweeping 2005 Energy Policy Act exempted hydro-fracking from monitoring and regulation under the Safe Drinking Water Act, and

WHEREAS, if done in an environmentally responsible manner, development of the gas resources of Upstate New York could be of great economic benefit to landowners, municipalities, and New York State, and

WHEREAS, during the summer of 2008, Governor Paterson directed the New York State Department of Environmental Conservation (NYSDEC) to supplement the existing 1992 Generic

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Environmental Impact Statement governing drilling to specifically address the specific techniques used to tap the natural gas in the Marcellus Shale, and

WHEREAS, on February 6, 2009, the NYSDEC Division of Mineral Resources, Bureau of Oil and Gas Regulation, released the *Final Scope for Draft Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, and

WHEREAS, the Final Scope for the dSGEIS notes inspection and enforcement staffing concerns related to fracking as well as public disclosure of fracking fluids as topics not included in the Final Scope (Section 8.0), and

WHEREAS, adequate staffing and enforcement are essential to ensure each aspect of fracking regulation is adhered to, and

WHEREAS, the current State budget crisis may inhibit NYSDEC's inspection and enforcement ability, and

WHEREAS, Tompkins County and its municipalities have a responsibility to preserve and protect our natural resources, water resources, highway infrastructure, and quality of life for our residents, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature urges New York State to calculate how many inspectors and staff will be needed to adequately oversee all subject operations related to the fracking process,

RESOLVED, further, That permitting for gas drilling be delayed until New York State has in place an adequately funded as well as staffed inspection and enforcement program,

RESOLVED, further, That the comment period following promulgation of the dSGEIS be extended to at least sixty (60) days,

RESOLVED, further, That, since adequate regulation and oversight by the New York State Department of Conservation will cost significant State funds, New York State should enact a severance tax and adequate permit fees on gas drilling companies to pay the costs of such regulation and oversight,

RESOLVED, further, That New York State require that all substances intended to be introduced into wells be identified and the information be made public, with special notification to local emergency response personnel and health care providers, before use of such chemicals is permitted,

RESOLVED, further, That a copy of this resolution shall be sent to Governor Paterson, Senators Skelos, Malcolm Smith, Winner, Seward, and Nozzolio, Speaker Silver, Assemblywoman Lifton, Chair of Senate Committee on Environmental Conservation Marcellino, Chair of Assembly Committee on Environmental Conservation Sweeney, Attorney General Cuomo, Representatives DeGette, Salazar, and Hinchey, Senators Schumer and Gillibrand, Congressman Arcuri, New York State Association of Counties, and Municipal Officials and Clerks.

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## **RESOLUTION NO. 85 - AWARD OF TOURISM CAPITAL GRANT – CAYUGA NATURE CENTER**

MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne. Mr. Proto stated he voted against this at committee because the synopsis given was inadequate for this size of grant. Part of the criteria requires there be a tourism component and marketing plan.

Mr. Dennis said he heard a radio report today on the reduced room rates that are happening in an attempt to recoup tourism funds. He asked where the County is with the Cornell application for the Johnson Art Museum. Ms. Mackesey said it has been tabled by the Strategic Tourism Planning Board and will come to the Planning, Development, and Environmental Quality Committee if they pass it.

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Ms. Robertson said Ms. Armstrong of Tompkins County Area Development oversees this program and watches the numbers. This project will improve the visibility of the entrance because it is right on the Cayuga Lake Scenic Byway.

Ms. Chock said there was a lengthy discussion by the Strategic Tourism Planning Board and several questions relating to the recommendations of those retained to give advise on the capital grants, the amount to keep in the capital grants fund for future projects, the suitability of the project, and the advisability of tying up the money for four years.

A voice vote on the resolution resulted as follows: Ayes – 11; Noes – 3 (Legislators Dennis, Proto, and Stevenson); Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

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

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

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

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

<b>Entity</b>	<b>Project</b>	<b>Distribution</b>	<b>Amount</b>
Cayuga Nature Center	New Entrance and Attractions	2009-2012 (\$25,000 per year over a four-year period, subject to annual approval)	\$100,000

**SEQR ACTION:** TYPE II-20

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Mr. Hattery asked in reference to Ms. Kiefer's report on the MPO Policy Committee if the Red Mill Bridge was included. Ms. Kiefer said the list she provided earlier in the meeting were the only projects approved for funding.

**Report from the Budget and Finance Committee**

Mr. Dennis, Chair, said the May 25 meeting was rescheduled to May 29<sup>th</sup>. Fiscal Targets for Departments will be set at that meeting.

**Report from the Public Safety Committee**

Mr. Sigler, Vice Chair, reported the Committee met yesterday and heard a report from the Sheriff's Office. Sheriff Meskill reported his office is working on a new sex offender watch, registration, and management program that should be operational in sixty days. The benefits of the program are: more efficient program for staff to use, and it allows the public or vulnerable populations to register on a website and receive automatic notification of a sex offender in their area. It is all done based on the New

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York State requirements for disclosure and several neighboring counties have this standardized program. This will be one collection point for the public as every law enforcement agency will enter information. Mr. Sigler also reported the State is not reimbursing counties for State readies in the Jail, but the parole hearings are moving up on schedules.

Ms. Buechel, Director of Probation and Community Justice, provided the Committee with an overview of the Intensive Supervision Program, Electronic Monitoring, Service Work Alternatives Program, and the Juvenile Accountability Community Service (JACS). The Committee also received updates on the LETSS (Law Enforcement Technology and Shared Services) group, a new digital fingerprint system, the PAD (Public Access Defibrillator) Program, and OAR (Opportunities, Alternatives and Resources).

A resolution was defeated 2-2 following a lengthy discussion on a proposed resolution to urge the State to enact a ban on text messaging while driving. This resolution will likely be presented at the next Committee meeting or filed as an individual member-filed resolution at the next Legislature meeting.

#### **Approval of Minutes of May 5, 2009**

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to approve the minutes of May 5, 2009. MINUTES APPROVED.

#### **Adjournment**

On motion the meeting adjourned at 7:30 p.m.