

May 20, 2008

**Tompkins County Legislature
May 20, 2008**

APPROVED

Public Hearing – Local Law No 1 of 2008

Mr. Koplinka-Loehr called the public hearing to order at 5:30 p.m. concerning proposed Local Law No. 1 of 2008 – A Local Law amending Chapter 32 by Adding a New Section 32—3(i), of the Tompkins County Code – Code of Ethics), and asked if anyone wished to speak. No one wished to speak and the public hearing was closed at 5:31 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 12 Legislators. (Legislator McBean-Clairborne arrived at 5:38 p.m.). Excused – 3 (Legislators Burbank, Herrera, Sigler).

Presentation of Proclamation(s)

Chair Koplinka-Loehr presented the following proclamation(s):

Older Americans Month in Tompkins County (May, 2008) to Danielle Conte of the Office for the Aging; and
Mental Health Awareness Month in Tompkins County (May, 2008) to David Bulkley, Mental Health Association of Tompkins County

Distinguished Youth Award

Mr. Dennis, District No. 15 Legislator, presented members of Ithaca High School’s 2008 Nosanchuk Committee with the month’s Tompkins County’s Distinguished Youth Award. Honored are students Timothy Cramton, Dhiki Drury, Amy Golinker, Kaspar Kuehn, Laura Komor, Zach Montague, Alexander Sahn, Miriam Tohill, Bjorn Whitmore, and Nathan Winans. Nominated by IHS English teacher Eileen Bach, the students are honored for their work in planning a lecture series, aimed at stimulating thoughtful discussion among students, in memory of David Nosanchuk, an IHS senior who died in a tragic swimming accident the week before his high school graduation 25 years ago.

Privilege of the Floor by the Public

Mary Perry, Freeville, read and submitted the following statement:

“My name is Mary Perry and in the past four years, my husband and I have helped to sponsor over 50 refugees to Ithaca, from the country of Burma, or Myanmar.

“I want to go on public record to say what a relief many of us feel knowing that the WIC program will remain in co-location with the Health Department.

“Helping our refugees navigate the Social Services system has been profoundly confusing to me. I can’t imagine how anyone can fill out the paperwork required without at least a high school or college education, and then to attend all of the appointments they need to go to without being able to read or ask for directions is mind boggling.

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“That is why WIC’s co-location within the Health Department has had such a positive impact on so many families. It is one location which mothers can access, find professional pre- and post- natal care and advice and where all of their children can receive immunizations.

“In this one location, mothers and children are served, and healthy families are strengthened. Thank you”.

Emily Jackson Levitt, City of Ithaca, read and submitted the following statement for the record:

“My name is Emily Jackson Levitt and I speak today as a Public Health Nutritionist with a M.S. degree from Cornell’s Community Nutrition Program. Because I have a passion for preventive medicine due to the cost savings and quality of life improvements it produces for households and nations, I am also near completion of my PhD in Cornell’s program for International Nutrition. My interest in public nutrition was borne out of a year spent in rural South America where I witnessed many households going deeper into poverty when they could no longer afford soaring health care costs. Many of those costs were preventable if only they knew of good nutrition. That is what motivates me to be here today, because the economic crisis facing low income people is not so different in Tompkins County.

“My perspectives are further based on experience working at the Bill and Melinda Gates Foundation in their Maternal and Child Health and Nutrition Office, UNICEF, and the UN Food and Agriculture Organization. During 2006-2007 I also worked closely with Afganistan’s Ministry of Public Health to assist in the development of national public nutrition policies and programs.

“It is great news to hear that Tompkins County has agreed to retain management of the WIC program within the Health Department rather than to transfer management to another organization. Given that nearly one of four families in our county meet the income eligibility cutoff for WIC and participate in this program, it is clear that there is a critical need for WIC in our County. One of the cornerstone features of food shortages is desperation resulting in social chaos. With the rising cost of living (food prices, gas prices, health care, low-income families are in a increasingly desperate situation and greater risk of cutting costs on food resulting in lower quality food and less nutritious diets.

“UNICEF has stated that prevention of malnutrition is a state responsibility, whether in developed or developing countries. Good nutrition for women and children is a public asset, akin to roads, that safeguards a society and provides long-term investment benefits the whole population. Well-nourished women are at less risk of having adverse pregnancy outcomes and well-nourished children grow and develop better and perform better in school. Children that are healthier result in fewer sick days for both students and parents (days off work to care for children). Children who perform better in school are less likely to drop out and become delinquent. Better educated children become more economically active in their teens and adult years, growing the tax base. The WIC program gives each child in our County a greater opportunity to achieve his or her academic and economic potential. Private organizations have no profit motive to maintain top caliber services and no commitment beyond a contract to continue providing services.

“For these reasons, I request that the County continue to retain the WIC program in the hands of the County Health Department because it will provide the best sustainability for the health and well-being of our County’s most vulnerable mothers and children. Everyone deserves a chance at a better life”.

Privilege of the Floor by Legislators

Ms. Robertson, District No. 13 Legislator, spoke to the many advocates who spoke to Legislators with regard to the WIC program and said while a solution seems to have found the resources to carry out the program, those who expressed support should pay attention to the rest of the budget cycle this year. She stated the Legislature will be faced with some really difficult choices and hopes advocacy for services

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won't stop just because one program was saved. Ms. Robertson announced a celebration will take place on June 1st for Tim Joseph to honor him for his many years of service to Tompkins County. She also reminded the public that voting is taking place today in school board elections.

Ms. Mackesey, District No. 1 Legislator, reported today she took a trip to Syracuse and there were several representatives from Tompkins County in attendance to talk with the head of the Department of Transportation. They discussed the future plan to create a hierarchy of roads in New York State and trying to come up with a solution to all of the garbage trucks traveling through the towns. Ms. Mackesey said there was good attendance from municipal representatives from across the State. She thinks the meeting went well and is hopeful a preliminary piece will be in place by June.

Ms. Kiefer, District No. 11 Legislator, reported she attended a meeting today of the Ithaca-Tompkins County Transportation Council Policy Committee at which there was a motion to strongly support the process by which the Cornell Community Initiative on Transportation has been handled. Fernando deAragon convened a meeting of relevant municipal representatives and there is a list of about two dozen projects to be addressed over a ten-year period. Ms. Kiefer said those in attendance were impressed with how quickly things have come together. The last remaining step to make this happen is for Cornell's top administration to sign-off on this and then the first monies should be available by July of this year.

Mr. Randall, District No. 9 Legislator, reminded Groton residents that tomorrow is the assessment grievance day. It will take place between 3 p.m. and 6 p.m. at the Groton Town Hall. He also announced there will be a public meeting to talk about highway and bridge improvements tomorrow at the McLean Fire Station.

Mr. Proto, District No. 7 Legislator, announced the grievance day in Danby is from 3-6 p.m. tomorrow as well. He reported on the receipt of a letter yesterday with regard to the POW/MIA flags. Mr. Proto clarified that these flags are not particular to the Vietnam War. The purpose of these flags is to bring awareness and recognition to all those missing in action. He provided the following statistics: there are 80,000 WWII veterans that are still missing; 8,000 Korean War Veterans still missing, 1,761 Vietnam Veterans that are either POW/MIA, 1 Gulf War individual remains missing, and 3 Iraq War individuals who are missing. Mr. Proto said as one of the persons who was instrumental in getting those flags put up on County buildings he would not support their removal. He clarified the flags are not a political statement; they are a humanitarian issue and our government continues to work on returning the remains of those discovered back to this country. He reminded everyone Memorial Day is May 26th.

Mr. Shinagawa, District No. 4 Legislator, said he was reading the Albany Times Union today and there was a story about the Property Tax Commission that is being led by Nassau County Executive, Thomas Suozzi. Although the report is not due out until June 3rd, Mr. Shinagawa highlighted subjects contained in the report. He said they will be talking about three areas/priorities, including a property tax cap, the Circuit Breaker concept (provides for a maximum individual tax based on income), and reducing State mandates and having the State absorb those mandates that have been pushed onto counties.

Mr. Stevenson, District No. 8 Legislator, thanked the Assessment Department for being well prepared at the Newfield Assessment Review Board last evening. He said the Assessment Department prepared information in a very understandable manner, which he thinks is extremely important at this time of explaining the difference between annual and triennial assessment. Mr. Stevenson thanked Ms. Coggin and her staff for preparing the invaluable information.

Report from Municipal Officer

No municipal was present to speak.

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Report from the Chair

Mr. Koplinka-Loehr reported he has distributed confidential secure website information on the County Administrator search to all Legislators. He reminded Legislators that tomorrow is the Tompkins Cortland Community College budget information session at the College. Lastly, he said last Fall there was discussion of payment of court attendants salaries and the County's livable wage policy as it relates to the County's mandated role in having these payments made through the County's payroll system. He said one court attendant earning less than a livable wage is up for reappointment and a decision has been made to continue to pay court attendants based on the State's pay scale. When the Commissioner of Personnel has to certify that all employees of Tompkins County receive livable wage, she will qualify that by stating all employees with the exception of the one employee who is the pass through for the State.

Report from the Deputy County Administrator

Ms. Younger had no report.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires reported he has filed the County's annual financial statement with the Clerk of the Legislature. It will be filed with the County's Audit Report that will be available in July. He also reported Tompkins County has been awarded \$25,000 in funding from the Office of Real Property Tax Services to study the feasibility of a countywide database for tax collection. At the last meeting he expressed reservations over the State budget, and called attention to a new charge in that budget. The charge is for the use of the Office of General Services contracts. He said the State will now be charging one-half of a percent on purchases off of State contracts.

Addition of Resolution(s) and Appointment(s) to the Agenda

It was MOVED by Mr. Proto, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to add the appointment of Michael J. McLaughlin to the Board of Health to the agenda.

Withdrawal of Resolution(s) from the Agenda

Chair Koplinka-Loehr gave the appropriate committee chairs permission to withdraw the following resolution(s) from the agenda:

- Recommendation to Discontinue Sponsorship of Women, Infants, and Children (WIC) Program
- Appropriation from Contingent Fund for Society for the Prevention of Cruelty to Animals (SPCA)

Approval of Resolution(s) Under the Consent Agenda

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

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RESOLUTION NO. 92 - BUDGET ADJUSTMENTS – OFFICE FOR THE AGING

MOVED by Mr. Randall, 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 Service Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Office for the Aging

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
6787.51000517	Salary	\$5,000	6787.52230	Computer Software
6778.41972	Changes – Program for Aging	\$ 85	6778-54414	Local Mileage
6778.41972	Changes – Program for Aging	\$9,915	6778-51000	Salary

Explanation: County money freed up in Personal Emergency Response System (PERS) program by revenue increase in Heating and Energy Assistance Program (HEAP) permits purchase of computer software needed for PERS program. Revenue Increase in HEAP Program will free up County money in other accounts.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 93 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 99 OF 2008 – AUTHORIZATION TO HOLD A CONSERVATION EASEMENT ON TAX PARCEL NO. 7.1-11.1 LOCATED ON BREED ROAD, TOWN OF LANSING

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

WHEREAS, in Resolution No. 99 of 2008, the Tompkins County Legislature would authorize the County Administrator to execute any documents necessary for the County to hold, maintain, and enforce, in perpetuity, a conservation easement on tax parcel no. 7-1-11.1 in the Town of Lansing for purposes of stream buffer protection, and

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

RESOLVED, on recommendation of the Governmental Operations Committee, That Resolution No. 99 of 2008 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 99 of 2008.

SEQR ACTION: Unlisted

(Negative Declaration and short Environmental Assessment form on file with the Clerk of the Legislature)

RESOLUTION NO. 94 - MAKING A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 102 OF 2008

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

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WHEREAS, in Resolution No. 102 of 2008 the County allocates funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection to the Finger Lakes Land Trust for the purchase of a portion of the Hanson property (Town of Danby tax parcel 1.-1-3) as part of the Lick Brook Corridor Initiative, and

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution No. 102 of 2008 is an unlisted action,

RESOLVED, further, That the Legislature hereby makes a negative determination of environmental significance in regard to Resolution No. 102 of 2008.

SEQR ACTION: Short Environmental Assessment Form on file with the Clerk of the Legislature

RESOLUTION NO. 95 – SCHEDULING A PUBLIC HEARING FOR ADDITIONS TO AGRICULTURAL DISTRICT NO. 1 (EAST SIDE OF CAYUGA LAKE)

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

WHEREAS, Resolution No. 25 of 2004 designated an annual review period when landowner proposals for inclusion of viable agricultural lands within existing certified agricultural districts will be accepted for review and action by the Tompkins County Legislature, and

WHEREAS, Resolution No. 201 of 2007 revised the schedule of the annual review period so it begins February 1, and

WHEREAS, one landowner has requested addition of parcels totaling 24.95 acres to Tompkins County Agricultural District 1 and no landowners have requested addition of parcels to Agricultural District 2, and

WHEREAS, the County Legislature is required to hold a public hearing and act on such proposals within 120 days under New York State Agriculture District Law, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the public hearing on additions to the Agriculture Districts of Tompkins County be held at the County Legislature meeting scheduled for June 3, 2008,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is authorized to place proper notice, including tax parcel numbers and street addresses, of this public hearing in the official newspaper of the County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 96 - AUTHORIZATION TO CONTINUE THE HOMEOWNERSHIP PROGRAM THROUGH USE OF PROGRAM INCOME FUNDS

MOVED by Mr. Randall, 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

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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 respent 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 use of Small Cities CDBG Program Income funds in the amount of \$600,000 for the home ownership program,

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

RESOLVED, further, That the Director of Finance is authorized to make the following budget adjustment:

Revenue	CD8695.42411	Program Income	\$600,000
Appropriation	CD8695.54400	Program Expense	\$600,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 97 – AMENDMENT OF RESOLUTION NO. 78 OF 2008 – FUNDING OF TOURISM MARKETING AND ADVERTISING GRANTS

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

WHEREAS, Resolution No. 78 of 2008 recommended grant funding in the amount of \$3,250 each for the Finger Lakes GrassRoots Festival and the 2008 Grapehound Wine Tour, and

WHEREAS, the dollar amounts stated in Resolution No. 78 were typographical errors, and the correct amounts should have been \$3,000 for the Finger Lakes GrassRoots Festival, and \$1,804 for the 2008 Grapehound Wine Tour, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution No. 78 is amended to reflect the following grant awards:

Finger Lakes GrassRoots Festival	2008 Finger Lakes GrassRoots Festival	\$3,000
Cayuga Wine Trail	2008 Grapehound Wine Tour	\$1,804

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

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Mental Retardation/Development Disabilities Subcommittee

Lisa Maurer – Community member representative; term expires December 31, 2010

Fire, Disaster, and EMS Advisory Board

David G. Putnam – Town of Dryden representative; term expires December 31, 2010

Library Board of Trustees

Christine Sanchirico - term expires December 31, 2010

Board of Health

Michael J. McLaughlin, Jr. – City of Ithaca representative; term expires December 31, 2013

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

Mr. Hattery, Chair, reported the Committee met on May 9th; in addition to the items on the agenda, the Committee discussed Committee goals and Legislature salaries. Discussion of Legislature salaries was deferred to August.

RESOLUTION NO. 98 - DIRECTING TOMPKINS COUNTY DEPARTMENT OF ASSESSMENT TO VALUE REAL PROPERTY IN THE COUNTY IN ONE-YEAR INTERVALS – SUPERSEDES RESOLUTION NO. 271 OF 2006

MOVED by Mr. Hattery, seconded by Mr. Proto.

Mr. Hattery said the Committee worked closely with the Assessment Department on this issue. He said if the County were to stay in a three-year cycle there would be a loss of over \$300,000 during that three-year period based on actions at the State level. Mr. Hattery said that he has found that the three-year cycle has left a lot of people confused and this will help residents understand their full value. Statements were made by several Legislators who voted in support of triennial assessment that they did so based on information they had at that time. Many Legislators also expressed support of the good work done to educate the community by the Assessment Department and the Public Information Program. Legislators who voted against triennial assessment were pleased to see it return to an annual assessment process.

A voice vote resulted as follows: Ayes – 12, Noes – 0, Excused – 3 (Legislators Burbank, Herrera, and Sigler). RESOLUTION ADOPTED.

WHEREAS, by Resolution No. 270 of 2005, the Tompkins County Legislature adopted a local law providing that real property in the County shall be valued at a uniform percentage of fair market value and reviewed by the professional appraiser staff of the Department of Assessment at time periods determined by resolution of the County Legislature, and

WHEREAS, by Resolution No. 271 of 2006, the County Legislature adopted a time period of three years, and

WHEREAS, the County has lost and will continue to lose significant State funding if it does not value properties at one-year time intervals, and

WHEREAS, annual, uniform, and full-value assessment is the most equitable, transparent, and easily understood form of assessment available to us, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That all property in the County of Tompkins shall be valued at a uniform percentage of fair market value and reviewed by the professional appraisers staff of the Department of Assessment at one-year time intervals,

RESOLVED, further, That Resolution No. 271 of 2006 is no longer in effect and is superseded by this resolution.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 99 - AUTHORIZATION TO HOLD A CONSERVATION EASEMENT ON TAX PARCEL NO. 7-1-11.1 LOCATED ON BREED ROAD, TOWN OF LANSING

MOVED by Mr. Hattery, seconded by Ms. Kiefer. Mr. Proto said the Planning, Development, and Environmental Quality Committee was made aware that the Finger Lakes Land Trust has two accounts with holdings approaching \$1 million. He asked that in the future when there is County tax money going into the purchase of property that a second look be taken because he thinks organizations with those kinds of funds can afford to purchase property without the County's assistance.

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Ms. Kiefer said the Land Trust generally doesn't deal with a parcel this small and the very low cost to the County is just for an annual monitoring expense by a staff person.

A voice vote resulted as follows: Ayes – 12, Noes – 0; Excused – 3 (Legislators Burbank, Herrera, and Sigler). **RESOLUTION ADOPTED.**

WHEREAS, in 2007, the Tompkins County Planning Department was awarded grant funds through the New York State Department of Environmental Conservation's Water Quality Improvement Projects to develop stream buffer protection measures, and

WHEREAS, in 2007, the Government Operations Committee determined that Town of Lansing Tax Parcel No. 7-1-11.1, a 7.7 acre (3.08 hectares) parcel located on Breed Road in the Town of Lansing and bisected by Locke Creek, should be withheld from the 2007 auction to evaluate the natural features on this parcel, including a 17.4 acre (6.96 hectares) National Wetlands Inventory wetland of which 3 acres (1.2 hectares) is located on the parcel, and how they may fit into a broader stream buffer protection program in the County, and

WHEREAS, the County Planning Department, after thorough consideration of the various aspects of the property and analysis of available data, has determined that protection of the portion of this parcel that buffers the stream will enhance water quality and conserve important riparian functions that are in the best interest of the public, and

WHEREAS, a conservation area and a development area have been surveyed on the parcel and a conservation easement has been developed, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator is authorized to execute any necessary documents for the County to hold, maintain, and enforce, in perpetuity, a conservation easement on Town of Lansing Tax Parcel No. 7-1-11.1,

RESOLVED, further, That said tax parcel will be offered for sale, encumbered by a conservation easement, in the 2008 auction of foreclosed properties,

RESOLVED, further, That proceeds of the foreclosure auction of this parcel in excess of payment of local taxes, will be used to reimburse fees associated with the development of this protection measure including survey costs initially paid for using Water Quality Improvement Project Grant funds if there are net proceeds from the auction,

RESOLVED, further, That maintain and enforce means the County will monitor the conservation easement on an annual basis and will follow the procedural enforcement as defined in the easement.

SEQR ACTION: Unlisted

(Negative Declaration and short Environmental Assessment form on file with the Clerk of the Legislature)

RESOLUTION NO. 100 - AUTHORIZING AGREEMENT FOR LEGAL COUNSEL FOR HEALTH BENEFITS CONSORTIUM

MOVED by Mr. Hattery, seconded by Ms. Robertson. At the request of Mr. Proto, it was agreed that the rate per hour would be added by the Clerk to the resolution. A voice vote resulted as follows: Ayes – 12, Noes – 0, Excused – 3 (Legislators Burbank, Herrera, and Sigler). **RESOLUTION ADOPTED.**

WHEREAS, the County, on behalf of the Tompkins County Council of Governments (TCCOG) has been awarded a Shared Municipal Services Incentive (SMSI) Grant from the New York State Department of State, and

WHEREAS, the total grant amount to Tompkins County is \$266,030 to design and establish a Health Benefits Consortium for the employees of all municipalities within Tompkins County, and

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WHEREAS, once the Health Benefits Plan is designed, each participating municipality will be expected to sign an intermunicipal health-benefits consortium agreement that defines the consortium structure, and

WHEREAS, the legal matters concerning an inter-municipal health benefits consortium are complex and require expert counsel experienced with health care, municipal, and consortium laws, and

WHEREAS, it makes sense to have a single expert law firm to represent the interests of the future consortium, now therefore be it

RESOLVED, on recommendation of the Tompkins County Council of Governments (TCCOG) and the Government Operations Committee, That the County enter into an agreement with Hancock & Estabrook of Syracuse, New York, to provide legal representation to TCCOG's future health-benefits consortium, at a rate not to exceed the current rate of \$220 per hour, and

RESOLVED, further, That the funds to pay for legal representation be paid from the SMSI Grant.
SEQR ACTION: TYPE II-20

RESOLUTION NO. 101 - ADOPTION OF LOCAL LAW NO. 1 OF 2008 - - A LOCAL LAW AMENDING CHAPTER 32, BY ADDING A NEW SECTION 32-3(i), OF THE TOMPKINS COUNTY CODE – CODE OF ETHICS

MOVED by Mr. Hattery, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present.

WHEREAS, a public hearing was held before the Tompkins County Legislature on May 20, 2008, to hear all persons interested in proposed Local Law No. 1 of 2008 - A Local Law Amending Chapter 32, Section 32-3(i), of the Tompkins County Code - Code of Ethics, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That proposed Local Law No. 1 of 2008 - A Local Law Amending Chapter 32, by Adding a New Section 32-3(i), of the Tompkins County Code - Code of Ethics, is hereby adopted,

RESOLVED, further, That the Clerk of the Legislature shall publish in the official newspaper of the County a notice of adoption containing a synopsis of said local law and shall within twenty days file one certified copy in the Office of the County Clerk, and one copy with the Secretary of State.

SEQR ACTION: TYPE II-20

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

Ms. Robertson, Chair, reported the Committee met on May 8th and discussed the transportation initiative in cooperation with Cornell. There was also discussion of the housing initiative and the housing trust and affordability fund; she expects the Committee will be voting informally on that program next month.

RESOLUTION NO. 102 - APPROPRIATING FUNDS FROM THE CAPITAL RESERVE FUND FOR NATURAL, SCENIC, AND RECREATIONAL RESOURCE PROTECTION FOR A PORTION OF THE HANSON PROPERTY IN THE LICK BROOK CORRIDOR INITIATIVE

MOVED by Ms. Robertson, seconded by Ms. Mackesey. Mr. Proto referred to the 5th Whereas and said Mr. Marx assured the Committee that this was the last piece that the County would financially participate in with regard to Lick Brook. He also reiterated comments made during a previous resolution that the Planning, Development, and Environmental Quality Committee was made aware that the Finger Lakes Land Trust has two accounts with holdings approaching \$1 million. He asked that in the future when there is County tax money going into the purchase of property that a second look be taken because

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he thinks organizations with those kinds of funds can afford to purchase property without the County's assistance.

A voice vote resulted as follows: Ayes – 12, Noes – 0; Excused – 3 (Legislators Burbank, Herrera, and Sigler). **RESOLUTION ADOPTED.**

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

WHEREAS, the current balance in the Capital Reserve Fund is \$56,323, and

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

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

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

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

WHEREAS, the Finger Lakes Land Trust has requested financial support from the Capital Reserve Fund for the purpose of protecting a portion of the Hanson property (tax parcel 1.-1-3) in the Lick Brook Corridor Initiative and providing public access to the tract, and

WHEREAS, the Finger Lakes Land Trust has agreed to purchase the Hanson property for \$40,620, which is fair market value, and

WHEREAS, the Hanson property

- is identified as a Priority Protection Area in the Tompkins County Conservation Plan (Part 1, 2007);
- is adjacent to, and protects scenic views from the Finger Lakes Trail;
- borders protected land;
- protects a portion of the buffer along Lick Brook; and
- provides wildlife habitat and enhances outdoor recreation opportunities in close proximity to Ithaca, and

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget and Capital Committees, That a total of ten thousand dollars (\$10,000) in funding from the Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection be appropriated for the purpose of securing the Hanson property in collaboration with the Finger Lakes Land Trust and others, and of providing public access to the tract,

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

SEQR ACTION: Unlisted

(Short Environmental Assessment Form on file with the Clerk of the Legislature)

RESOLUTION NO. 103 – DELEGATING APPROVAL AUTHORITY FOR CERTAIN TOURISM PROGRAM CONTRACTS

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MOVED by Ms. Robertson, seconded by Ms. Chock. Mr. Proto was assured by Ms. Robertson that the Chamber of Commerce and Convention and Visitors' Bureau contracts are not part of this resolution. Ms. Robertson said this resolution deals specifically with grant applications submitted by community groups.

Ms. Chock said she is in favor of this resolution for several reasons. The County is fortunate to have the extensive participation of a large and active panel of people on these grant committees. It is a time-consuming and thoughtful process that grant reviewers must engage in while responding to very specific guidelines for each of the separate programs. Ms. Chock also said she is confident that the process that has been designed by the STPB (Strategic Tourism Planning Board) in creating each of these grants programs and guidelines is thoughtful, detailed, clear, and equitable to those who are applying and that there is also a process of evaluation of oversight and review in place that is very good. The process now calls for three layers – review by the STPB, the PDEQ (Planning, Development, and Environmental Quality) Committee, and then to the full Legislature. Ms. Chock said unless there is a very good reason she thinks the work of those who have put in so much time review the grants should be upheld. She would like to see the PDEQ Committee and the full Legislature take a similar amount of time to examine policy, trends, and impacts of the programs themselves.

It was MOVED by Ms. Kiefer, seconded by Mr. Dennis, to amend the second Resolved as follows: “RESOLVED, further, That any contracts and grants from the Program's Tourism Capital line item must have both program committee and Legislature approval, and grants from the Community Celebrations line must have full Legislature approval”.

Ms. Mackesey said the intention of the original resolution was to streamline the process in order to have only capital lines go through the program committee and full Legislature. Ms. Kiefer understood the purpose of this and while she sympathizes with the amount of time taken on these grants she thinks community celebrations are different in nature from all of the others and would like to see them approved as they were previously. Ms. Robertson spoke of the length of time it takes for organizations to receive the funds because of the length of time added to the process by program committee and full Legislature review. She said she would like to see the committee step back and be proactive with the entire tourism program, including examining policy and trends as suggested by Ms. Chock.

Ms. Kiefer, in response, suggested eliminating only the program committee process and having celebrations grants come directly to the Legislature.

A voice vote on the amendment resulted as follows: Ayes – 5 (Legislators Hattery, Kiefer, Koplinka-Loehr, Proto, and Randall); Noes – 7 (Legislators Chock, Dennis, Mackesey, McBean-Claiborne, Robertson, Shinagawa, and Stevenson); Excused – 3 (Legislators Burbank, Herrera, and Sigler). MOTION FAILED.

Ms. Kiefer said she recalled every grant voted upon at the previous Legislature meeting was less than \$15,000. It was MOVED by Ms. Kiefer, seconded by Mr. Proto, to amend \$30,000 to \$15,000 in the first and third Resolved.

Ms. Chock said she spoke with Jackie Kippola, staff for the STPB, who stated anything below \$25,000 divide grant programs into two groups – one that would need to be decided upon by the Legislature and those that would not be. Ms. Kippola communicated to Ms. Chock that this would present administrative problems.

It was MOVED by Ms. Chock, seconded by Ms. Mackesey to amend the amendment to change \$30,000 to more than \$25,000.

Mr. Stevenson said he will not support any of the amendments because he thinks there needs to be a further review of this resolution by the Committee.

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Mr. Koplinka-Loehr said he thinks it is the County's responsibility to have fiscal oversight and would like to keep that at the Legislative level. He also stated in the event this program eventually moves to another agency for administration the County would lose oversight. For these reasons he said he cannot support the resolution or amendments.

A voice vote on the amendment to the amendment resulted as follows: Ayes – 3 (Legislators Kiefer, Mackesey, and Robertson); Noes – 9; Excused – 3 (Legislators Burbank, Herrera, and Sigler). MOTION FAILED.

A voice vote on the amendment to the amendment resulted as follows: Ayes – 2 (Legislators Kiefer and Proto); Noes – 10; Excused – 3 (Legislators Burbank, Herrera, and Sigler). MOTION FAILED.

Mr. Hattery said while he understands what spending authority would be delegated, he needs to have a better sense of what the role of the Legislature will be and what information will be presented. He also suggested that staffing and support should be considered as a phased-in process rather than done all at once, since this is a large amount of money. Mr. Proto asked Mr. Koplinka-Loehr to what other agency this might go; Mr. Koplinka-Loehr said maybe to TCAD (Tompkins County Area Development).

Ms. Robertson spoke of the tremendous amount of time spent by the Committee reviewing grant requests. She said there is a review by the program committee and the Legislature of the full budget and does not see this action as abdicating responsibility of tourism monies.

Ms. Mackesey said she was not aware that there was a plan to turn this over to Tompkins County Area Development and said she would not support that.

Mr. Koplinka-Loehr acknowledged that he may have shared incorrect information earlier in the discussion and that has led to some confusion. Ms. Chock said there has been no discussion of moving any of this program to TCAD. Ms. Robertson said this came up in general conversation in a discussion she had with Jean McPheeters, Chamber of Commerce President. She said there has been no formal plans discussed or developed.

Mr. Proto said given the comments made this evening he does not believe it is ready for consideration by the Legislature and asked for direction from the Chair. Mr. Koplinka-Loehr advised Mr. Proto to make a motion if he would like to table the resolution.

It was MOVED by Mr. Proto, seconded by Mr. Shinagawa, to Postpone action on this resolution to the second Legislature meeting in June to allow for an opportunity to have questions answered. A voice vote on the motion to Postpone resulted as follows: Ayes – 7 (Legislators Chock, Dennis, Kiefer, McBean-Clairborne, Proto, Shinagawa, and Stevenson); Noes – 5 (Legislators Hattery, Koplinka-Loehr, Mackesey, Randall, and Robertson); Excused – 3 (Legislators Burbank, Herrera, and Sigler). MOTION FAILED.

A voice vote on the original resolution resulted as follows: Ayes – 5 (Legislators Chock, Dennis, Shinagawa, Robertson, and Stevenson); Noes – 7 (Legislators Hattery, Kiefer, Koplinka-Loehr, Mackesey, Proto, McBean-Clairborne, and Randall); Excused – 3 (Legislators Burbank, Herrera, and Sigler). RESOLUTION FAILED.

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**RESOLUTION NO. 104 – APPROPRIATION FROM CONTINGENT FUND --
INTERNATIONAL COUNCIL ON LOCAL
ENVIRONMENTAL INITIATIVES (ICLEI) MEMBERSHIP**

MOVED by Ms. Robertson, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present. Mr. Hattery requested that the towns and villages be notified of this in writing. Ms. Robertson said Debbie Teeter of Cooperative Extension would be doing that.

WHEREAS, in 2001 Tompkins County joined the Cities/Counties for Climate Protection (CCP) project of the International Council on Local Environmental Initiatives (ICLEI) a program for municipal governments to identify sources of greenhouse gas emissions (GHG) within their jurisdictions and take actions to reduce such emissions, and

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

WHEREAS, the Tompkins County's Local Action Plan to Reduce GHG Emissions for County Government Operations established a 2008 goal of reducing by twenty percent the amount of GHG emissions from the operation of County government compared to its 1998 baseline, and

WHEREAS, Tompkins County completed an update to its GHG emission inventory in Summer 2007 to assess how County government is progressing toward its reduction goal using the ICLEI software and technical assistance, which expresses all GHG emissions containing CO₂ equivalents (eCO₂), and

WHEREAS, Tompkins County is currently developing a new Energy and Greenhouse Gas Emissions Element to the County Comprehensive Plan that will incorporate the findings from the carbon emissions inventory, and

WHEREAS, membership in ICLEI will provide resources to assist Tompkins County in its GHG emissions reduction efforts and continue Tompkins County's commitment to this effort, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee and the Budget and Capital Committee, That Tompkins County renew its membership with 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	\$800
To: Dues & Memberships	1920.54400	\$800

SEQR ACTION: TYPE II-18

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on April 17 and reported everyone received information about rescinding of federal highway funds for various ongoing projects. She said there are still attempts being made to restore those funds so that the projects can be finished. Mr. Marx informed the Committee that the County is not fully satisfied with the snow and ice contract with the reimbursement rate from the State of New York. A request has been made to the State that the County be fully reimbursed for expenses or the contract may be terminated.

**RESOLUTION NO. 105 – AUTHORIZATION TO SUBMIT CERTIFICATE OF NEED
APPLICATION FOR 55 BROWN ROAD – HEALTH
DEPARTMENT**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Randall, and unanimously adopted by voice vote by members present.

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WHEREAS, the Tompkins County Health Department currently operates an Article 36 facility (certified home health agency) and an Article 28 facility (diagnostic and treatment center), and

WHEREAS, New York State Department of Health regulations require the submission of a Certificate of Need application for review and approval prior to construction, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and Facilities and Infrastructure Committees, That the Health Department is authorized to submit a certificate of need application for approval from the New York State Department of Health for the construction and renovations at 55 Brown Road, Ithaca, New York.

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet next week. She thanked the public for voting at school board elections and said a lot of the discussions at school board forums centered around the issues of equity, inclusion, and diversity. Mrs. McBean-Clairborne thanked emergency responders and the number of people who came out yesterday at the very tragic fire in her West Clinton Street neighborhood that ended in the loss of a life. She extended her condolences to the family of the young lady who lost her life and thanked the community for being inclusive and supportive of one another during this difficult time.

Individual Member-Filed Resolution

RESOLUTION NO. 106 – RECOMMENDATION TO CONTINUE SPONSORSHIP OF THE WOMEN, INFANTS, AND CHILDREN (WIC) PROGRAM

MOVED by Mr. Randall, seconded by Mrs. McBean-Clairborne. Mr. Shinagawa said he will make a motion at the appropriate time to table this resolution. He said the Legislature heard some good news this evening but nothing has been received in writing and thinks it would be abrupt to adopt this resolution at this time. He also does not believe the Legislature should be making a decision this evening about next year's budget.

Mr. Proto said he spoke with the Director of Public Health yesterday and they are awaiting information from the State to provide written clarification of what has been stated verbally. Mr. Proto clarified that Tompkins County was not the only county to receive an extension and that this was a Statewide decision and all of the issues that were a concern before would likely continue to be an issue. He also said the design of the new Health Department building has already been set up to accommodate this program if it continues to exist while the County occupies the building.

Ms. Chock said regardless of what happens with this resolution now or in the future, that nothing she has seen has indicated anything other than total pleasure with this program, the current directorship of the program, and the service it provides to the residents of this community.

Mr. Stevenson commended Mr. Randall for filing this resolution. He said he hasn't heard anything negative about the WIC program. He has a lot of questions with the wording of this resolution and while he thinks the program will be around for some time he does not support the language contained in the resolution.

Mr. Randall said this is going to come back and the employees still have to rest with an unknown as they have over the last several weeks. He agrees that some of the wording needs to be reviewed but finds the amazing part of this to be why he got into politics and public service. The effects of this program on the residents of Groton are enormous, and doesn't disagree that another human service agency couldn't pick this up but believes this belongs in the Health Department. Mr. Randall said his

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strength is compassion and having been there and experienced similar circumstances to those who have utilized this program. He said sometimes it isn't about the numbers, its about those who are underrepresented. He spoke of his personal experiences and said there were weeks that his entire family was fed by what WIC provided them.

Mr. Shinagawa thanked Mr. Randall for his open and forthright words. He also thanked the Health and Human Services and Budget and Capital Committees, Health Department, and WIC staff for their work on this difficult issue.

It was MOVED by Mr. Shinagawa, seconded by Mr. Dennis, to Table the resolution. A voice vote on the motion to Table resulted as follows: Ayes – 10; Noes – 2 (Legislators Koplinka-Loehr and Mackesey); Excused – 3 (Legislators Burbank, Herrera, and Sigler). MOTION TO TABLE CARRIED.

WHEREAS, the Tompkins County Women, Infants, and Children (WIC) Program has been sponsored by the Tompkins County Health Department (TCHD) since 1980, and

WHEREAS, the WIC Program serves a yearly average of 1,500 low-income and post-partum women and their children under the age of five with much needed nutritious foods, education, and referrals to community health services, and

WHEREAS, WIC is currently co-located with the Tompkins County Health Department's Medicaid Obstetrical and Maternal Services (MOMS) Program under the oversight of the Division for Community Health (DCH) of TCHD where it obtains 300-500 participants annually from their referrals, and

WHEREAS, the current WIC contract expires on September 30, 2008, and the loss of sponsorship by TCHD would most likely result in the loss of clients, quality of program delivery, and the daily collaborations with other programs within TCHD, now therefore be it

RESOLVED, That the Health Department reapply for the sponsorship of the WIC Program from the New York State Department of Health and continue oversight of the Program.

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Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on May 7th and discussed the WIC Program at length. The Committee received an update on the co-location with Lifelong and the Office for the Aging; the Memorandum of Understanding should be made available soon. Mr. Proto announced that Sylvia Allinger and Robert DeLuca's presentation on autism was postponed but should be coming to the Committee in June. Mr. Proto also reported the Lakeside situation is positively moving forward; although it is not over, they are advertising to fill vacant positions. The next meeting will be June 4.

Report from the Human Resources Committee

Mr. Dennis, Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be June 5th. Mr. Dennis requested an executive session to discuss Tompkins Cortland Community College salary negotiations.

Report from the Budget and Capital Committee

Mr. Shinagawa, Chair, reported the Committee met on May 12th. There was discussion of the WIC Program and the possibility of creating a position-review committee that would review vacant positions. There was also discussion of the creation of a citizens review panel to relate directly to the budget. This panel would strategize directions and where to go in terms of looking at reductions in spending. He asked that all Legislators provide him with names for potential membership. A special committee meeting will be held on May 29th. At this meeting they will be looking at strategic directions

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in which the Legislature could reduce spending. All Legislators and department heads are invited to attend.

Report from the Public Safety Committee

Mr. Stevenson, Chair, reported the Committee met on May 16th. Sheriff Meskill introduced Rick Tubbs, Undersheriff; and Derek Osborne, Senior Investigator, who have recently been promoted within the Department. Ms. Martel-Moore presented the Committee with an executive summary of information relating to public-access defibrillation. Lee Shurtleff, Director of Emergency Response, attended the meeting with Tom Parsons, Deputy Chief of the City of Ithaca fire Department. Mr. Shurtleff and Mr. Parsons discussed alarm system upgrades and explained how the Department of Emergency Response currently receives alarms. The City's fee structure for alarms was explained to the Committee in addition to benefits that would exist if the City and County were to act in a coordinated manner. Mr. Stevenson said the Committee expressed interest in the concept and directed Mr. Shurtleff to further refine these concepts.

Mr. Stevenson reported yesterday he attended the Criminal Justice Data Sharing Technical Assistance Workshop. He found it very enlightening and thanked Administration staff and Greg Potter, Information and Technology Director, for putting this together. It was very well attended by police agencies, the District Attorney's Office, and representatives of various courts at the local, County, and State levels.

Approval of Minutes

It was MOVED by Mr. Proto, seconded by Mr. Randall, and unanimously adopted by voice vote by members present, to approve the minutes of May 6, 2008 as corrected. MINUTES APPROVED.

Recess

Chair Koplinka-Loehr declared recess from 7:45 p.m. to 7:47 p.m.

Executive Session

It was MOVED by Mr. Dennis, seconded by Mr. Randall, to enter into executive session at 7:47 p.m. to discuss TC3 negotiations. The meeting returned to open session at 8:12 p.m.

Adjournment

On motion the meeting adjourned at 8:12 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office