

Approved 5-18-10

**Tompkins County Legislature
Regular Meeting**

Call to Order

Ms. Kiefer, Vice Chair, called the meeting to order at 5:32 p.m.

Pledge of Allegiance to the Flag and Roll Call of members

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

Present: 14 Legislators. Ms. Robertson arrived at 5:50 p.m. Excused: 1 (Legislators Robison).
Mr. Stein was excused at 8:03 p.m.

Privilege of the Floor by the Public

Deborah Dietrich, Director of OAR (Opportunities, Alternatives, and Resources), presented information on the agency. The agency began as a volunteer agency in 1976 for the purpose of providing friendship and transportation to people in the Jail for families to visit them. The agency has become a non-profit over the last couple of decades. She noted staffing, but not services, has declined from 4.3 FTE's last year to 3.6 this year. Services of the Agency include the Bail Fund and client services for individuals both in and out of jail. She invited Legislators to OAR's annual meeting on May 12 at the Ithaca Recovery Building.

Deborah Cowan, Hanshaw Road, submitted the following statement:

"I am a resident at 1022 Hanshaw Road and I am writing about the Hanshaw Road Reconstruction Project. I would like to try to explain how we feel as individual homeowners.

"It may seem to you that we have plenty of information. But from here, the information feels incomplete, contradictory, and confusing.

"It is important, when you are delivering information, to find out whether the intended recipient is getting what you are saying. I think the neighbors of Hanshaw Road are telling you that they don't get it.

"Many of us expressed concerns at the Eminent Domain hearing, and we have since submitted to you 47 letters – 35 from people on the acquisitions list, and 12 from people not on the list – all expressing concerns about the county's claimed right-of-way and the effect of the project on their property and the road as a whole. This is over half the neighborhood.

"What I continue to hear from my neighbors is that they don't know what is going on. They have trouble deciphering your maps; trouble understanding the easement language; trouble figuring out where the sidewalk will be on their property; and what it will look like over the course of the road and road speeds.

"I'm not sure if you have looked at the primary material, so I submitted an example of what we were given in our acquisition packets. I've copied my neighbor's map, because it is one of the more egregious examples – and I would challenge you to make sense of it, and have a level of comfort with it.

"As legislators you have probably been through this type of road design and construction many times before. Please remember that for the vast majority of us this is our first time. Our homes and our

neighborhood will be affected forever. We want to make sure that we understand what's happening and we want to make sure that you get it right.

“Please think about this as a homeowner: if you were to hire a contractor to build an addition to your home, or a landscaper to put in a walkway and plantings, you would not proceed with the work unless you had blueprints or diagrams telling you exactly what would be constructed; the dimensions and locations; and how it would affect your property as a whole. If you didn't have this information you would be foolish to sign a contract! And so would we be.

“Our last public informational hearing was almost three years ago in 2007. I am not counting the open house held for the Eminent Domain hearing, since the maps there were inaccurate and out of date.

“In these three years people have moved away, new people have moved in, people still here have forgotten what they once knew. We've come here to ask for your help. While here, we can comment but get no answers. We can write or e-mail, but are told our questions will be passed on to staff and answered in a report at some later date. There seems to be no opportunity for dialogue available to us and it feels as if we are being held at arms' length. We are not really happy with the thought that staff is the intermediary between us and our elected representatives. We would like access to and answers from you, the legislators, the decision-makers in this project.

“We are asking for a dialogue with you so that we can be clear on what's ahead. We are asking that you hold a public informational forum with legislative members present to answer our questions and address our concerns.”

Report from a Municipal Official

Susan Riha, Town of Ithaca, provided a brief report from the Town. She said the Town supports the County's sale of the Biggs property to Cayuga Medical Center and would like to be kept informed as to what plans are developed for the remaining 26 acres. Ms. Riha reported the Town is working on a number of issues with the County, including road preservation laws, cell tower issues, animal control, traffic calming in Forest Home, and the Health Insurance Consortium.

Privilege of the Floor by the Public (continued)

Eric Banford, Town of Danby, read and submitted the following statement:

“My name is Eric Banford, and I live on E. Miller Road in Danby, New York. I'm a member of the Danby Gas Drilling Task Force, Shaleshock Citizens Action Alliance, and the Tompkins County Environmental Management Council, though I am not here representing any of those groups. I'm here as a concerned citizen of this community.

“I've been active in the past year helping to educate this community about the inherent risks that come with high volume horizontal hydraulic fracturing for gas in the Marcellus Shale that underlays our region. And in that effort I've felt an overwhelming need to find something positive to say “Yes!” to. We don't have the luxury or the right to say “not in my back yard”, when our energy has to come from somewhere. Right now our coal-fired electricity from Milliken Station is in part responsible for mountain top removal in the neighbor states south of New York. I find that whole-heartedly unacceptable. Our energy has to come from somewhere, it should come from our back yard.

“So if not hydro-fracking and not coal, what do we say yes to? To wind! As a life long birder I was initially skeptical of wind turbines and their threat to migrating and local bird populations. So I've studied their development closely. I did bird walks on Mount Pleasant when there was a wind farm

proposed there, to see if it was a good site. Good siting makes all the difference, and the Enfield Wind Farm is a good site. I asked John Rancich about birds and bats and everything I could think of about his plans, and I think this wind farm is something we should all be supporting. The 50 MW of power it will generate will be enough for all of the homes in Tompkins County. That is walking the walk. If we can do that, we can power all of Tompkins County on wind and solar, and then we can look at transforming our transportation to electricity. We could be leading by example.

“The reason I came here today was to encourage you to think about funding the Enfield Wind Farm so that it is a community-owned and operated resource. A study by the Institute for Local Self Reliance entitled “Energy Self Reliant States” found that NY State could generate 90% of its power from renewables, and that is a conservative estimate. They found that a locally owned 50 MW wind farm could generate \$6.5 million annually for a community, whereas an absentee owned farm would only generate \$2.5 million. For a \$115 million investment, that’s an incredible opportunity we should not pass up. And if we own the wind farm, we can keep future prices stable, whereas if we do not, we are the mercy of the market, which will inevitably go up as fossil fuels become harder and harder to extract.

“In January of this year, President Obama announced recipients of \$2.3 Billion for Advanced Energy Manufacturing Tax Credits program, some of that money is coming to New York. Through that money, through NYSERDA, through the stimulus money being made available, we should be able to find a way to finance this project. It means jobs, it means clean energy, and it means a more secure future for Tompkins County. Please consider this proposal. Thank you.”

Jessica Yoon, Intern at the Tompkins County Worker’s Center and a Cornell University student, spoke about a project the Worker’s Center is working on. She said last summer the Department of Labor conducted a sweep of restaurants in the downtown area and found several violations. Following that sweep, workers at the Center believed a lot of restaurant owners had been charged with violations because they weren’t aware of some of the laws. Ms. Yoon said the Center has been putting together a manual of all the laws and is currently trying to get it checked for legality and thinking of ways to distribute it. She said they believe the Tompkins County Legislature would be a good place to bring it forward to begin alerting the public that it is available. She said the intention is to provide businesses with the information they need to be law abiding employers.

Presentation of Distinguished Youth Award

Mr. McKenna, District No. 8 Legislator, presented the April Distinguished Youth Award to Newfield High School Senior Samantha Wood. In his nomination letter, school counselor Rick Pawlewicz praises Samatha as “poised, mature, with a quick, incisive mind...a young woman with an impressive range of interests and the drive to nurture them and enable her natural talents to take root.” He describes her as an “engaged and energetic thinker who can handle highly theoretical and abstract material,” who is able to “elicit and utilize critical feedback.” With a nearly 97% cumulative average throughout high school, and earning a score of 90% or more on every Regents exam and more than 27 concurrent credit hours through Tompkins Cortland Community College while in high school, Pawlewicz ranks Samantha among the top of the most capable students he has seen in 16 years as counselor. The counselor also praises the nominee as “a trusted and loyal friend,” a leader and involved in athletics and activities—“goal-oriented, task-focused and persistent—to be the best that she can be in everything she does.”

Ms. Robertson arrived and assumed the Chair at this time.

Privilege of the floor by Legislators

Ms. Chock, District No. 3 Legislator, thanked Ms. Yoon for speaking this evening and to the Worker's Center for trying to produce a constructive solution to a problem. Ms. Chock spoke of her personal experience opening a small business and said it was very difficult to figure out what she had to comply with. Ms. Chock reported she attended a meeting on a new aspect of Marcellus Shale relating to disposal wells. She said there are federal, state, and possible local regulations that govern these wells; however, they were designed in the 1970's. She also spoke of a report by Chemura Economics and Analytics that was done to develop a profile of visitors to Tompkins County. The report is available on the County Administration website.

Mr. Lane, District No. 14 Legislator, stated today marks the 35th day at the State level without a budget. He said when the budget is being talked about and so late there is other legislation that doesn't happen and there is Home Rule Legislation that is held back. He said what does go through are kinds of bills that come back to counties in the form of a mandate. One piece of legislation that is being proposed is a change in the Open Meetings Law that would require Clerks to publish all meeting records on the website at least 24 hours prior to a meeting. This could be very time-consuming and difficult for staff to comply with; Mr. Lane suggested the Government Operations should review. He said the implementation of Leandra's Law is another piece of legislation that will be difficult for counties to deal with.

Mr. Proto, District No. 7 Legislator, said one item he asked Ms. Robertson to discuss today in Albany was with regard to the video-gaming (VLT's) at Aqueduct. He said it is costing the State over the last several years \$2.4-\$2.6 billion in lost revenue because people are going to Pennsylvania, New Jersey, and Canada. He said the impact of the 43,000 acres and potential of losing 400 equine related farms Statewide is devastating; there are 35,000 people employed in the industry. He said its not just horse racing, it has a lot to do with horse breeding and support services.

He reminded Legislators Veteran's day is approaching and asked they pay attention to who needs flags in the cemeteries; organizations should contact the VFW if any are needed. Mr. Proto provided an update on the NYSEG rate increase proposal and said a few weeks ago comments were submitted to the Public Service Commission in Binghamton. He called attention to a recent article in the Ithaca Journal and said if the rate increases go through, the average utility cost increase according to Iberdola, is \$230 per year. He said there is concern that NYSEG has still not produced an electric facilities and lines maintenance report that it had promised at the time they purchased the company. Mr. Proto noted Iberdola reported a profit increase of 16%, which equates to \$1.22 billion.

Mr. Burbank, District No. 12 Legislator, spoke of a tragic fire in the Town of Caroline Sunday evening that took the life of Tom Fox. Tom was a former Mental Health employee who had retired several years ago but is definitely remembered by the Department for his concern for his clients without regard to diagnosis or label and his desire to figure out a way to help people navigate the system to get what they need. Mr. Burbank said he knew Tom and was always struck by his wonderful sense of humor and ability to engage with all sorts of people regardless of their place in life. He was an amazing person and will be missed. He invited everyone to go to the Ithaca Journal's obituary site and leave a message of concern for the family. Mr. Burbank announced a celebration in recognition of the community of care that serves the people of Tompkins County on May 25th at 5 p.m. and encouraged all to attend.

Ms. Mackesey, District No. 1 Legislator, reported on the garbage truck transportation issue and said the Upstate Task Force will meet tomorrow in Ithaca. She said she expects they will find out at that meeting whether the proposed regulations are still being considered.

Presentation - Enfield Energy

Black Oak Wind Farm – Enfield, New York Introduction to Wind Energy

Marguerite Wells, Project Manager, presented the Legislature with the following Power Point presentation and this was followed by an opportunity for Legislators to ask questions.

Wind generated electricity powers millions of American buildings, becoming the fastest-growing source of energy. Total of 10,000 MW were installed in the United States by the end of 2009.

Wind energy helps meet growing energy demands while improving the energy security and protecting the environment.

- Eliminate fuel price risk
- Produce no carbon dioxide or air pollutant emissions
- Do not require water, mining, drilling, or transportation of fuel
- Do not generate radioactive or other hazardous or polluting waste
- Economic development jobs, income

For seven years Enfield Energy, LLC has been in pre-development of the 20-turbine 50 MW Black Oak Wind Farm to be located on a series of hilltops in Enfield, NY. 50 MW will provide power to nearly 56,000 homes over the course of a single year.

Proposed Wind Farm Location:

Black Oak Road in SW Enfield, just north of the Connecticut Hill WMA
Windiest place in the County
High-voltage transmission line crossing the site

Existing Development

- 3.5 years wind data;
- Enfield Energy worked cooperatively with the Town of Enfield to create a local law specific to wind energy projects;
- The development site is a combination of direct ownership and long-term land leases;
- Construction of some access roads developed;
- Started the SEQR process in April 2010;
- Tompkins County Fire and EMS approved;
- Tompkins County Environmental Management Council support;
- NYISO queue position #336

Future Developments

- EIS process begins this summer
- Customers needed for buying power-Letters of Intent or Power Purchase Agreements;
- Financial partner sought
- Construction of wind farm

The Development Team

John Rancich – President
Marguerite Wells – Project Manager
Alexia Cable Hain – Energy Analyst
Kay Callahan – Land Lease Specialist
Mary Russell – Counsel

Report from the Chair

Ms. Robertson presented Legislator Shinagawa with a certificate for five years of service.

She reported she was in Albany today to discuss gas drilling with Assembly Speaker Sheldon Silver and with Peter Grannis, Director of the Department of Environmental Conservation. She said although Mr. Grannis appears to support moving forward, she thinks trips should continue to be made to Albany to voice concerns over the dSGEIS and the entire issue of gas drilling.

Report from the County Administrator

Mr. Mareane reported since the last meeting much of the work of his office has been preparing for the kick-off of the budget process. He recognized Norma Jayne, Executive Assistant, for her work on the budget. He said there was a group that came together after the Legislature/Department Head Retreat to talk about a programmatic approach and said he will be setting up a final meeting of that group. Mr. Mareane updated the Legislature on the Health Insurance Consortium and said unions met yesterday to talk about their concerns relative to representation on the Board. They have communicated with TCCOG (Tompkins County Council of Governments) Chair, Don Barber, and requested some clarification of issues but are beginning to discuss numbers of members on the board. Mr. Mareane said the discussion on reserves is continuing and he and Mr. Squires continue to work on this. He reported on the sale of the Biggs B building and said it is moving through the committee process. Sheriff Meskill spoke to the Public Safety Committee yesterday about the COPS (Community Oriented Policing Services). The Committee expressed support for the application being considered in the second round as it was not approved during the first funding round.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires was not in attendance.

Addition of Resolution(s) to the Agenda

It was MOVED by Mr. Dennis, seconded by Mr. Lane, to add the resolution to the agenda entitled Establishment of 2011 County Financial Goals.

A voice vote on the motion resulted as follows: Ayes – 13, Noes – 1 (Legislator Pryor), Excused –1 (Legislator Robison). MOTION CARRIED.

Withdrawal of Resolution(s) from the Agenda

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

Approval of Resolution(s) and Appointment(s) Under the Consent Agenda

There was no business approved under the Consent Agenda.

Presentation of Resolution(s) from the Government Operations Committee

RESOLUTION NO. 64 - REFUND OF TAXES - VILLAGE OF LANSING (45.1-1-55.14)

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

WHEREAS, the Legislature is informed that an error has been made in the 2009 Lansing School

Tax roll, namely parcel 45.1-1-55.14 located in the Village of Lansing, assessed to County of Tompkins, was erroneously charged for school taxes, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the entry on the school tax roll of \$56,698.37 be corrected to reflect a total of \$0.00,

RESOLVED, further, That the Lansing School Tax Collector is directed to correct the 2009 school tax roll,

RESOLVED, further, That the amount of \$56,317.10 be charged back to the Lansing School District and that the amount of \$381.27 be charged back to the Lansing Library.

SEQR ACTION: TYPE II-20

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

Mr. Dennis, Chair, reported the Committee will meet on May 10th.

RESOLUTION NO. 65 - ESTABLISHMENT OF 2011 COUNTY FINANCIAL GOAL

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

It was MOVED by Mr. Stein, seconded by Ms. Pryor, to amend the target to a zero-percent increase goal.

Mr. Stein said these are hard times for everyone in the County and it is hard to put numbers on what is a reasonable tax increase. He thinks the Legislature should look at a target increase that is no more than a cost-of-living increase. He said in preparing for the Retreat he looked back to see what the cost-of-living and tax increases were over the last three years; over the last three years the cost of living has increased by 7%, last year the levy increase was 3% and 4% the year before. He said if this body does not increase the levy at all, then over the last three years it would mean the levy had been increased at the same level as the cost of living. He believes that equality should govern the goal set by the County Legislature.

Ms. Pryor agreed with Mr. Stein's comments. She said this is a guideline; however, once this is set she believes it is unlikely that there will be any real pressure to go any lower than 5%. She believes there can be pressure to go higher but it is unlikely there would be any real look at what it would take to make the increase less than 5%.

Mr. Shinagawa said in 2009 the goal was set at 2.99% and in 2010 the goal was 3% and this body adopted 4%. He said in looking at those budgets he believes this Legislature was very disciplined but noted in those budgets over \$2 million of Fund Balance was used to cushion the levy; that lowered the levy and brought us to the position where we are at right now. He stated although having a 5% goal seems like a lot, this Legislature does not have the cash to work with in the 2011 budget and believes this 5% goal is incredibly ambitious and will require very tough choices to be made.

Mr. Proto asked Mr. Mareane to describe what a 0% goal would equate to. Mr. Mareane said a 0% goal equates to a cut of \$3.99 million and a goal of 5% equates to a \$2 million cut in local spending. Mr. Proto noted this is setting a goal of where to begin the budget process and would not prevent anyone from examining any further cuts.

Mr. Lane said he cannot support a five percent goal because of the pain people are experiencing in the Real Property Tax. He said there has been zero-percent goals before and although it would be painful to departments and residents, he supports the zero-percent figure as a goal.

Ms. Mackesey said she cannot support a zero-percent goal; however, she does not think the Legislature has ever adopted a budget that was at a level lower than the goal established. She has constituents who are selling their homes because they cannot afford the cumulative impact of property taxes and she believes the goal needs to be set at a level somewhere between zero and five; the State is lowering the standard of living for residents by continuing to pass down unfunded mandates.

Mr. Burbank, agrees with much of what Ms. Mackesey said but believes the services the County provides to the citizens are vital. He said he would be in favor of a maintenance-of-effort budget because he knows how important the services are to his constituent⁰. Mr. Burbank said the pain that would be endured by constituents is unfathomable at zero percent.

Mr. Dennis said the County tax bill represents 20% of the overall property tax burden, but noted the County has the majority of the mandated responsibility. This year the County spent less money than was spent in the prior year. Mr. Dennis said setting the goal at 0% would be devastating to the most needy residents of the County.

Ms. Robertson spoke of the background information that was presented at the budget retreat and noted Pension costs are going to rise substantially over the next three to four years and the County has no control over it.

Ms. Herrera said she will not support the amendment. It's not that she thinks it would be impossible to achieve or not because it would be terribly unpopular with the public. She stated she can support a goal at a level of between a 2-3% increase because it will make the Legislature look hard, keep the long-term goals that have been set, and is consistent with the fiscal rigor that has been displayed in past years.

Mrs. McBean-Clairborne said she cannot support a 0% goal as she believes it is unreasonable. She spoke of lost jobs and the correlating demand for services. She said we are looking at the very people who need those County services that are not mandated, therefore, she cannot just look at mandated services. Mrs. McBean-Clairborne said she will support a 5% increase but no more. Although she said she appreciates Mr. Stein's motion, she does not think it is fair to County employees or the residents who desperately need services.

Mr. Stein spoke of his campaign and said the one message he heard repeatedly was about the pain caused to residents because of the property tax. He said he needs to know exactly what the pain would be to incur a 0% budget.

Ms. Kiefer commented to Mr. Stein that as a new legislator he has the luxury of simply taking a theoretical approach. She pointed out that program committees will see what the impact of a 0% budget will be during program committee meetings during the summer months. She agreed the Legislature needs to work to keep taxes low but that does not mean it should take away needed services during hard financial times since that is when our safety-net services are most in demand. She thinks providing information can be done by paper instead of making the County Administrator and departments go through an exercise. She also noted that past legislatures sometimes lowered the County Administrator's recommended budget and the establishment of a tax-levy guideline for the County Administrator's use is relatively recent. She also noted it is too early in the year to have any certainty of what the situation will be in September, when the Legislature begins its work on the 2011 budget.

Ms. Chock said a 5% budget represents over a 5% cut in what is currently being done. Residents need to know that we are still here to keep them safe and have services available such as overseeing water supplies, mental health services, and others.

Ms. Pryor said she is greatly appreciative of the assistance she has received from her colleagues during her orientation to the Legislature. She said this is not the first time that she has had to make very difficult decisions. She echoed Mr. Stein's comments and said if she has to go back to her constituents in Lansing who are already facing very difficult fiscal situations she needs to be able to say exactly why this Legislature found it necessary to raise taxes. She said even if the goal is set at a 0% she doesn't believe the final budget would end up there, but she would rather begin at a level of 2 or 3%. Ms. Pryor said she does not believe it will ever end up there if it begins at 5%.

Mr. McKenna said he is not in favor of a 5% goal and would like to see it set somewhere between 3 and 5%.

A voice vote on the amendment resulted as follows: 3 (Legislators Lane, Pryor, and Stein); Noes – 11; Excused – 1 (Legislator Robison). MOTION TO AMEND FAILED.

It was MOVED by Mr. Lane, seconded by Mr. Stein to amend the motion to a 2.5% goal.

It was MOVED by Mr. Stein, seconded by Mr. Dennis, to Call the Question. A voice vote on calling the question resulted as follows: Ayes – 13, Noes – 1 (Legislator Chock); Excused – 1 (Legislator Robison). THE QUESTION WAS CALLED.

A voice vote on the amendment resulted as follows: Ayes – 5 (Legislators Lane, Herrera, McKenna, Pryor, and Stein); Noes – 9 (Legislators Burbank, Chock, Dennis, Kiefer, Mackesey, McBean-Clairborne, Proto, Robertson, and Shinagawa); Excused – 1 (Legislator Robison). MOTION TO AMEND FAILED.

It was MOVED by Ms. Herrera, seconded by Ms. Mackesey, to amend the motion to a 3% goal.

Ms. Herrera said at today's Budget and Capital Committee she supported the five percent figure only in order to move the resolution to the full Legislature for discussion.

Ms. Robertson noted that among Mr. Mareane's assumptions in the maintenance-of- effort budget was that there would be no additional cuts in State or federal funding that the County receives and said that is a huge assumption.

It was MOVED by Mr. Dennis, seconded by Mr. Burbank, to Call the Question. A voice vote on calling the question resulted as follows: Ayes – 10 (Legislators Burbank, Dennis, Kiefer, Lane, Mackesey, McBean-Clairborne, Pryor, Robertson, Shinagawa, and Stein); Noes - 4 (Legislators Chock, Herrera, McKenna, and Proto); Excused – 1 (Legislator Robison). THE QUESTION WAS CALLED.

A voice vote on the amendment resulted as follows: Ayes - 6 (Legislators Herrera, Lane, Mackesey, McKenna, Pryor, and Stein); Noes – 8 (Legislators Burbank, Chock, Dennis, Kiefer, McBean-Clairborne, Proto, Robertson, and Shinagawa); Excused – 1 (Legislator Robison). MOTION TO AMEND FAILED.

It was MOVED by Ms. Chock, seconded by Mr. Burbank, to Call the Question on the main motion. Ayes - 8 (Legislators Burbank, Chock, Dennis, Kiefer, McBean-Clairborne, Robertson, Shinagawa, and Stein); Noes - 6 (Legislators Herrera, Lane, Mackesey, McKenna, Proto, and Pryor); Excused – 1 (Legislator Robison). THE QUESTION WAS CALLED.

A voice vote on the original motion resulted as follows: Ayes - 8 (Legislators Burbank, Chock, Dennis, Kiefer, McBean-Clairborne, Proto, Robertson, and Shinagawa); Noes - 6 (Legislators Herrera,

Lane, Mackesey, McKenna, Pryor, and Stein); Excused – 1 (Legislator Robison). RESOLUTION ADOPTED.

WHEREAS, the County Administrator has requested the Legislature establish a tax-levy guideline for him to use in working with departments and preparing his recommended budget for 2011, and

WHEREAS, as of April 27, 2010, the County Administrator estimates that a maintenance-of-effort budget would require a 10.2 percent tax-levy increase, and

WHEREAS, it is too early in the year to have any certainty about what conditions in New York State will be this fall, and

WHEREAS, the Legislature recognizes that whatever tax-levy percentage is adopted today is a tool for the County Administrator to use, and not necessarily the Legislature's goal in the fall, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Legislature directs the County Administrator to prepare his recommended 2011 budget using a maximum tax-levy increase of 5 % as a guideline.

SEQR ACTION: TYPE II-20

Recess

Ms. Robertson declared recess at 7:56 p.m. The meeting reconvened at 8:02 p.m. Mr. Stein was excused at this time.

Report from the Planning, Development and Environmental Quality Committee

Ms. Mackesey, Chair, reported the Committee will meet tomorrow.

Report from the 2010 Complete Count Census Committee

Ms. Mackesey, Chair, reported general population enumeration started at the beginning of the month and the college enumeration is continuing. She said with help from President Haynes there was great success in increasing the count at Tompkins Cortland Community College. She announced the May 11 meeting has been canceled.

Report and Presentation of Appointment(s) from Public Safety Committee

Mr. Shinagawa, Chair, reported the Committee met yesterday and had an update on the COPS (Community Oriented Policing Services) grant. There was also a report on short- and long-term needs of the Public Safety Building. The Committee approved a resolution to increase rates on inmate phone calls at the Jail; that resolution will come before the Legislature at its next meeting. Mr. Shinagawa reported the Committee discussed Ms. Bodnar's Alternatives-to-Incarceration report and recidivism data. Ms. Bodnar is working with Pat Buechel, Director of Probation, on pulling together information on recidivism and will present it to the Committee at a future meeting. He noted there is an approximately \$4,000 cost to gather the information and they are looking for a State sponsor for that work. A report was also given to the Committee by Susan Cook, Chair of the Criminal Justice Advisory/Alternatives-to-Incarceration Board, on juvenile justice.

Appointment

It was MOVED by Mr. Shinagawa, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to appoint Brian Wilbur to the Emergency Communications Review and Oversight Committee as a Countywide EMS representative for a term expiring December 31, 2010.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met last week and is close to completing a workplace climate survey. Ms. Herrera reported today the 6th Annual Careers and Construction Day was held at B.O.C.E.S. and noted employees from the County's Highway Division contributed to this very important event.

Report from the Health and Human Services Committee

Mr. Proto, Chair, announced the Office for the Aging annual luncheon on May 11th. He provided a brief update on the status of the search for Public Health Director and announced the Environmental Health Division's annual report came out last week. The report is very extensive and he encouraged members to read. Mr. Proto announced next Thursday is the Women's Expo at TC3 and Mrs. McBean-Clairborne and Diane Bradac of Workforce Development will be recognized. The next meeting will be May 12.

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, reported the Committee held a special meeting last Friday to discuss Solid Waste proposals. The Committee will meet on May 7th at the Public Works building on Bostwick Road and will hear more from Solid Waste on the proposals.

Ms. Kiefer spoke of the Hanshaw Road construction project and in response to Ms. Cowan who spoke under privilege of the floor. She said it is her understanding that it is correct that the maps that were available to people at the Eminent Domain hearing were out-of-date. There were two reasons. She said there is limited Staff and time and updating the maps costs money, in addition, staff were waiting for comments from the State Department of Transportation on the project so that they could use those comments to help in adjusting the maps. Those comments have still not been received. She assured everyone that when representatives of the Eminent Domain consultants go to talk with individual property owners they will have easy-to-understand maps that will be updated and will reflect the Coddington Road decision. Ms. Kiefer said she and Mr. Stein are responding to individuals as they contact them and she hopes that within a few months they will be assured that every property owner has been treated fairly and equitably and are satisfied.

Report from the Capital Review Committee

Ms. Robertson, Chair, reported the Committee has not met since last the Legislature meeting. The next meeting will be May 13th.

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

Mr. Lane, Chair, reported the Committee met prior to this meeting to approve two resolutions, one of which was acted upon earlier.

RESOLUTION NO. 66 – IN SUPPORT OF ASSEMBLY BILL A.10633 - AMENDING STATE ENVIRONMENTAL CONSERVATION LAW TO ALLOW LOCAL GOVERNMENTS TO ENACT OR ENFORCE CERTAIN LAWS AND ORDINANCES

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

WHEREAS, the slickwater hydrofracturing process used for accessing and utilizing Marcellus shale gas reserves requires/includes use of heavy trucks to transport water, chemicals, and other materials to extraction and processing sites, thereby posing potential damage to local roads that are not designed for heavy-duty truck usage, and

WHEREAS, not all locations are equally appropriate for industrial development, and

WHEREAS, New York State reserves to itself the regulation of oil, gas, and solution mining activities, and

WHEREAS, in New York State land-use authority, such as adoption of zoning ordinances, is in the hands of towns, cities, and villages, and

WHEREAS, clarifying the relationship between these two regulatory authorities, especially with respect to Marcellus shale drilling, is in the best interests of all residents and communities in New York State, and

WHEREAS, on April 13, 2010, A.10633, which clarifies the role of municipalities in governing oil, gas, and solution mining development within their local jurisdictions, was introduced by Member of Assembly Barbara Lifton, (and as of April 14 had 17 co-sponsors), and

WHEREAS, A.10633 makes clear that local governments can enact and enforce certain laws and ordinances that regulate the location, construction, and use of buildings and land within municipalities, as delegated to local governments by Article IX of the New York State Constitution, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature, on behalf of its residents and constituent municipalities, endorses and supports A.10633, urges our three State Senators to sponsor similar legislation in the New York State Senate, and urges the New York State Association of Counties to champion passage of this important and timely legislation.

SEQR ACTION: TYPE II-20

Approval of Minutes of April 20, 2010

It was MOVED by Ms. Kiefer, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the minutes of April 20, 2010. MINUTES APPROVED.

Adjournment

On motion, the meeting adjourned at 8:30 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office