

**Tompkins County Legislature
June 1, 2010**

Approved 6-15-10

Public Hearing – Addition of Parcel to Agricultural District No. 2

Ms. Robertson called the public hearing to order at 5:32 p.m. concerning the Addition of Parcel to Agricultural District No. 2 (West side of Cayuga Lake), and asked if anyone wished to speak. No one wished to speak and the public hearing was closed at 5:33 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: 15 Legislators. (Legislators Chock, Kiefer, Lane, McBean-Clairborne, McKenna, and Pryor arrived at 5:36 p.m. following the Government Operations Committee meeting). Mr. Shinagawa was excused at 8:05 p.m.

Presentation of Proclamation

Ms. Robertson presented a proclamation to Legislator Robison recognizing 2010 as the 150th Anniversary of the Village of Groton.

Announcement

Ms. Robertson said if the meeting does not run too late she will request an executive session to discuss real estate negotiations.

Privilege of the Floor by the Public

Bill Hawley, Director of Lifelong, spoke about the agency and past County funding. He said Lifelong is grateful for the support it has received from the County and noted that County support is the Agency's single largest source of income. Mr. Hawley distributed copies of Lifelong's Annual Report. Included in the annual report are the geographical distributions of those served in the County by Lifelong; he noted the program only costs \$35 per senior.

Report from Municipal Officials

Joel Zumoff, City of Ithaca Common Council Member, spoke briefly in support of Lifelong and said the services provided are vital to the community. He asked that the Legislature do whatever it can to continue funding that organization.

Mr. Zumoff updated the Legislature on City activities, including barriers on the various bridges in Cornell's campus and the Collegetown Terrace Project, sweat-free apparel issue, and the dredging issue. He spoke of the recent announcement that the County is suspending roadwork until a State budget is adopted and said the City is not suspending its roadwork. Mr. Zumoff spoke of housing issues and said tomorrow night Common Council is scheduled to approve funding for Ithaca Neighborhood Housing Services to rehabilitate three properties that would otherwise be auctioned for delinquent taxes. He announced the Ithaca Festival will be held this weekend.

Mr. Dennis suggested the Board of Public Works and Common Council sponsor a design competition for the bridges and to hold talks with Cornell about funding alternatives.

Ms. Herrera asked, in the context of the sweat-free apparel decision, for an update on language under discussion with regard to the City's skilled trades apprentice policy. Mr. Zumoff said the City had a policy that required apprentices on City contracts over a certain limit. He said this led to the City awarding a contract to a company that was not the lowest bidder and this has now become controversial because in that particular case it cost the City more for that contract. Mr. Zumoff said a committee is looking into this policy that for the time-being has been suspended.

Herb Engman, Town of Ithaca Supervisor, commended the Legislature and staff for the superb leadership that has been shown with the Tompkins County Council of Governments. He said he has been a member of many municipal bodies and the Council of Governments is by far the most effective one he has served on. He commended the County on the successful outcome of the sale of the Biggs building to Cayuga Medical Center. Mr. Engman spoke of the remaining land at the Hospital site and said the Town would like to partner with the County in determining the best use for the land. He also spoke of a unique partnership between the Town, Ithaca College, and the Finger Lakes Land Trust with a combined interest to protect 100 acres of land that Ithaca College owns.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, thanked those who participated in the Memorial Day activities over the past weekend. He said at the last meeting he would be bringing a member-filed resolution with regard to the horse industry and the State's slowness with bringing forward and paying for support of that industry. He said there has been agreement to advance a \$25 million loan to the horse industry that could continue through August. The repayment of that loan is supposed to come from video-gaming machines so there will be little or no expense to the taxpayer. Mr. Proto thanked everyone who participated in the 25-Year Club dinner last week. He said it was a wonderful affair that was attended by several employees and retirees.

Mr. Burbank, District No. 12 Legislator, announced this week is the beginning of the Ithaca Festival. He urged everyone to purchase the official Ithaca Festival buttons. The theme this year is "Singing in the Rain".

Ms. Chock, District No. 3 Legislator, reported the Tompkins County Council of Governments (TCCOG) has established a task force on gas drilling. They are setting up a series of committees that will include community impacts, land values and assessment, land use, lobbying, public safety, road protection, water quality, air quality, and other areas. Elizabeth Thomas, Town of Ulysess representative to TCCOG, is the contact person. Ms. Chock said there was a documentary that won awards at the Sundance Film Festival and the documentary, along with the filmmaker, is coming to Ithaca on Saturday, June 12th. Ms. Chock said Clinton County recently released information on direct costs to the County from natural gas drilling activity. Costs have grown from \$7,000 in 2007 to \$334,000 in 2010. Most of this increase is attributable to work by the GIS (Geographical Information Systems) Department having to provide data and analytical services for both residents and gas companies. Their Assessment Department and Corrections Department have also experienced increased workloads.

Mr. Lane, District No. 14 Legislator, said he was pleased to participate in the 40th commencement ceremony at Tompkins Cortland Community College along with Legislator McKenna last week. He said over 600 students from counties, states, and countries graduated and stated what they accomplish at the institution is remarkable. Mr. Lane also stated today marks the 62nd day without a State budget and spoke of the harm that has been done to communities because of this. He announced Dairy Day will be held on June 12th in Dryden.

Presentation – Tompkins County Records Management Program

Maureen Reynolds, Deputy County Clerk, and Greg Potter, Director of Information Technology Services, made a presentation to the Legislature on the Tompkins County Records Management and EDMS (Electronic Document Management System) Program. Ms. Reynolds said approximately one and a half years ago the County Clerk's Office re-assumed the responsibility of the Records Management Program and are working towards turning all of the paper in the Records Center into digital images. The Power Point presentation included information on: the Records Vision, New York State Archives Grant Support, County Clerk EDMS Success, Enterprise Vision, Laserfische, pilot projects, partnership with Challenge Industries, Records Center, and Visions and Benefits. Mr. Potter explained the auditing and security process that occurs with digital records. Mr. Potter said that the Laserfische software that has been deployed by Tompkins County includes security technology and standards that meet the requirements established by the Federal Department of Defense. He said that now and in the future all County software Request for Proposals will include standard language requiring interface capability with Laserfische. Ms. Reynolds noted the Tompkins County Clerk's Office is the first County Clerk office in the State to become fully digitized.

Mr. Stein asked about resistance to electronic tampering and Mr. Potter noted there was no external access to the site.

Mr. Burbank asked if the County would retain hard copies and was informed by Ms. Reynolds noted certain original documents are kept and that birth and death certificates are in an old coal mine in Pennsylvania.

Mr. Lane noted that Department of Social Services is reputed to have the most records that need to be retained. Ms. Reynolds said they have not yet gotten to the Department of Social Services, the largest they have worked on so far is the District Attorney records. Although it is hoped that Tompkins County Clerk's office would be the first to become digitized it is not there yet.

Chair's Report

Ms. Robertson reported that along with other Legislators she attended the Convocation at Cornell and listened to House Speaker, Nancy Pelosi. She also attended a community meeting held prior to the Convocation during which everyone was given a brief opportunity to communicate with Ms. Pelosi. Mr. Mareane asked that local governments not be forgotten and Ms. Robertson provided her with a packet of information on natural gas drilling. Ms. Robertson said she will share that information with the full Legislature.

Ms. Robertson said tomorrow will begin a series of meetings with AES Cayuga, the IDA, representatives from the County, Lansing School District, and the Town of Lansing. She also said in the past there has been a periodic meeting of committee chairs to discuss common issues; she will hold a meeting for chairs at 4 p.m. prior to the next Legislature meeting (June 15) to discuss program inventories and preliminary budget implications.

Ms. Robertson announced the next Dragon Boat Festival will take place on Saturday, July 10. She invited County employees to participate in this event by paddling, sponsoring, or cheering on the County team. Anyone interested in participating should contact Sarah Reistetter at Human Rights Office or Karen Fuller in the Legislature Office.

Report from the County Administrator

Mr. Mareane reported on the State Budget and said although a budget has not been adopted there are signals coming out of Albany on items that relate to the County's Budget. He spoke of the FFFS (Flexible Funding for Family Services) block grant and said this is the largest source of revenue for the Department of Social Services other than mandated entitlement costs. He said the information coming out of Albany is that both sides of the State Legislature are looking at a \$100 million cut (10% of the block grant). For Tompkins County this represents a cut of \$300,000 to \$400,000 for services that the County must provide. Mr. Mareane said he has consulted with NYSAC and has sent a letter to the County's State representatives expressing opposition to this cut and outlining the consequences it would have on the County's budget. The State Department of Health is also proposing cuts in "optional service aid to counties", which includes services such as a Medical Examiner and laboratory services.

Mr. Mareane also spoke of increasing concern related to the federal jobs and stimulus bill that is currently being considered by the President. The proposal to extend the federal enhanced federal aid to Medicaid (representing \$1 million in the County's 2011 budget) has now been withdrawn.

Mr. Mareane reported on the Health Insurance Consortium and said one of the two outstanding issues has been resolved. After extensive conversation, the number of voting labor seats has been increased to two and if the number of member municipalities increases from 13 to 17 an additional labor seat will be added. He said there is still a \$2.2 million gap in the reserve funds. Mr. Barber is working on a couple of approaches, including buying a surety bond and also to look at cash payments by each of the participating municipalities to build up those reserves. Mr. Proto asked if unions would be willing to contribute to a reserve fund; Mr. Mareane said at least one union indicated a willingness to present the idea to their union.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires said the annual auction on foreclosed properties will be held on June 15. Included is one abandoned rental property.

Addition and Withdrawal of Resolution(s) from the agenda

It was MOVED by Mr. Lane, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to add the resolution to the agenda entitled Approving Settlement Agreement in Lakeside Nursing Home, Inc., Bankruptcy Proceeding.

There were no resolution(s) withdrawn from the Agenda

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 81 - APPROVING REVISIONS AND ABOLISHING POLICIES AND PROCEDURES OF THE TOMPKINS COUNTY GOVERNMENT ADMINISTRATIVE POLICY MANUAL -POLICY 01-13: FAITHFUL PERFORMANCE BONDS

MOVED by Mr. Lane, seconded by Mr. Proto, and unanimously adopted by voice vote under the

Consent Agenda.

WHEREAS, it is in the interest of Tompkins County government to have policies and procedures that are current, accurate, and consistent, and

WHEREAS, the following administrative policy requires revision to more accurately reflect current or desirable regulations and procedures, and

WHEREAS, Policy 01-13: Faithful Performance Bonds has been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government, and

WHEREAS, this policy also has been reviewed by the Government Operations Committee, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following revised Administrative Policy is hereby adopted: Policy 01-13: Faithful Performance Bonds.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 82 - AUTHORIZATION TO EXTEND BY FIVE YEARS A LEASE
AGREEMENT WITH THE FINGER LAKES LIBRARY SYSTEM**

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

WHEREAS, the Finger Lakes Library System currently occupies approximately 6,112 square feet of space within the County-owned and maintained Tompkins County Public Library building at 115 East Green Street under a ten year lease agreement with the County, and

WHEREAS, the current lease agreement expires December 31, 2010, and

WHEREAS, the Finger Lakes Library System is desirous of extending the period of the lease for an additional five years, and

WHEREAS, the terms of the lease extension shall include an annual adjustment in the portion of rent attributable to operating and maintenance based on the 3-year rolling average change in the Consumer Price Index and a provision allowing either party to terminate the agreement upon two years notice, and

WHEREAS, the request for lease extension is supported by the Tompkins County Public Library, and

WHEREAS, the co-location of the Finger Lakes Library System and the Tompkins County Public Library has been mutually beneficial, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator is hereby authorized to sign a lease agreement with the Finger Lakes Library System for the period January 1, 2011, through December 31, 2015, services.

SEQR ACTION: TYPE II-20

Appointment(s) Approved Under the Consent Agenda

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

Tompkins Cortland Community College Board of Trustees

Roxann Buck – Tompkins County representative; term expires December 31, 2017

Workforce Diversity and Inclusion Committee

Tompkins County Legislature
June 1, 2010

Marcia Lynch – County staff representative; term expires December 31, 2012

Tompkins County Public Library Board of Trustees
Peter McCracken - term expires December 31, 2012
Aloja Airewele - term expires December 31, 2011

Presentation of Resolution(s) from the Government Operations Committee

**RESOLUTION NO. 83 - RESOLUTION IN OPPOSITION TO ASSEMBLY BILL NO. A.9911,
AMENDING THE PUBLIC OFFICERS LAW, IN RELATION TO
REQUIRING CERTAIN RECORDS WHICH ARE THE SUBJECT OF
A DISCUSSION CONDUCTED AT AN OPEN MEETING BE MADE
AVAILABLE TO THE PUBLIC**

MOVED by Mr. Lane, seconded by Ms. Kiefer.

Ms. Herrera said this resolution, like the intent of the proposed law, is in good faith but she believes it does the opposite of what it is about. She thinks it would be contradictory for the County to express opposition to posting information on a website prior to a meeting. Ms. Herrera said she thinks it would be better, in the spirit of transparency and democracy, to advise the State of potential costs and to ask for reimbursement and compensation.

Mr. Lane said Tompkins County is more open than most governments and the public is often provided information upon request without having to go through FOIL (Freedom of Information). He said he doesn't disagree with the purpose of the legislation but opposes the additional work that would be placed on staff. He also spoke of the ambiguousness of the law and said it may expose the County to lawsuits. Mr. Lane said if the State believes this should be done at the local level there needs to be funds provided; the issues with compliance also need to be addressed.

Ms. Chock said she agrees with Ms. Herrera and said she does not think it would result in a significant amount of extra work for staff. She believes advisory boards now provide electronic copies of meeting information in advance of meetings and the posting to a website would not be difficult.

Mr. Potter said the Legislature Office provides meeting information to the public on the Legislature and all of its committees. He said extending that work to all advisory boards that are not currently managed by the Legislature Office becomes problematic for the ITS Department as access is not provided to the web server by outside sources. He said management by non-County employees would be extremely difficult for the ITS Department.

Ms. Kiefer said at first she did not want to support this resolution and voted against it at committee. After thoroughly reading the Legislation and speaking with Legislature Office staff, she was assured that the Legislature and its committees are all in compliance with this. However, after speaking with staff she learned that although the advisory boards she is familiar with are handled in an electronic manner by the Planning Department, not all are handled electronically. There are a wide range of methods by which agendas are prepared and minutes are taken, some by staff and others by volunteers. Ms. Kiefer said while she likes the concept of making all of these public documents available to the public she does not think it would be practical to do it at this time and in the manner proposed.

Mr. Stein said he agrees with Ms. Herrera and said public bodies often underestimate the importance of communicating with people that they represent and over-estimates the danger of a lawsuit in situations where the language "wherever practical" comes up. The public the information from which decisions are made is admirable and the County should take on that cost.

Mr. Proto said while he agrees with Mr. Stein's comments about the importance of transparency, not all residents in the County have access to the Internet. He also said he doesn't think this has been fully thought through, including what it would cost.

Mrs. McBean-Clairborne said the Legislature appoints individuals to advisory boards and believes the information being reviewed by those groups should be available to the public. She said the general concept of the resolution is good and thinks a way should be figured out to pay for the expense rather than to oppose the legislation.

Mr. Dennis said this is an election year and the State Legislature is under a lot of pressure to be transparent. He said Tompkins County does a good job in being open and transparent and thinks it would be difficult for municipalities to abide by this law.

Ms. Pryor spoke of the County's commitment to open government and providing information to County residents. From what she has read and experienced with other jurisdictions she thinks there are a lot of municipalities across the State that are not meeting the requirements of the current law. She agrees with Mr. Dennis' comments and sees this an attempt for the State Legislature to appear as if they are committed to open government. Ms. Pryor said she wishes she could support this but thinks it will be an extremely difficult year to take on additional costs. She also believes it will open municipalities up to lawsuits. She said there may be ways in the future for the County to work towards this on its own.

Mr. Robison questioned what the mandate is to advisory boards with regard to sharing information and noted they are made up of volunteers. He expressed concern that by adopting this resolution as written it appears the Legislature opposes transparency in government rather than the real issue of the way the State has gone about this. Ms. Robertson said another response is that the County opposes unfunded mandates.

Mr. Stein Called the Question, seconded by Mr. Lane. A voice vote on calling the question resulted as follows: Ayes – 10, Noes – 5 (Legislators Burbank, Chock, Herrera, McBean-Clairborne, and Pryor). **THE QUESTION WAS CALLED.**

A voice vote on the resolution resulted as follows: Ayes – 8 (Legislators Burbank, Dennis, Kiefer, Lane, McKenna, Proto, Pryor, and Robertson); Noes - 7 (Legislators Chock, Herrera, Mackesey, McBean-Clairborne, Robison, Shinagawa, and Stein). **RESOLUTION CARRIED.**

WHEREAS, the New York State Assembly has introduced Assembly Bill No. A.9911 requiring certain Agency records available to the public pursuant to article six, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that are scheduled to be the subject of discussion by a public body during an open meeting shall be made available, to the extent practicable, prior to or at the meeting during which such records will be discussed, and

WHEREAS, Assembly Bill No. A.9911 further provides that such records shall be posted on the website of the agency with which the public body is affiliated, as soon as practicable, but not less than twenty-four hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to the extent practicable, at or prior to the meeting, and

WHEREAS, said legislation would be a significant burden on staff and resources at the local government level, let alone could cost counties more money to make additional copies and to expand its technology to accommodate such requirement, and

WHEREAS, said legislation would require all agency boards to make their records available to the public, in which Tompkins County has approximately fifty advisory boards, councils, and committees that this may affect, along with the eight legislative standing and special committees and the Legislature, and

WHEREAS, Tompkins County also consists of some municipalities that do not have internet

capability, therefore requiring them to make paper copies available and causing additional expenses for that municipality, and

WHEREAS, the impetus to assure timely public availability of public documents is admirable, and reflects what Tompkins County already does for its Legislature and Legislative Committees, the proposed legislation may impose significant costs for staff to post and for server space to house minutes and agendas of all advisory and agency boards, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature hereby opposes Assembly Bill A.9911 and urges the New York State Senate to also oppose such a bill unless and until the proposed legislation is amended to provide state monies to municipalities to cover this unfunded mandate,

RESOLVED, further, That a certified copy of this Resolution be sent to New York State Senators George H. Winner, Jr., James L. Seward, and Michael F. Nozzolio, Assemblywoman Barbara S. Lifton, and the New York State Association of Counties, and any others deemed necessary.

SEQR ACTION: TYPE II-20

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

**RESOLUTION NO. 84 - ENDORSEMENT OF LEGISLATIVE BILL S07652 AND A10127
AUTHORIZING A \$0.25 PER \$100 MORTGAGE RECORDING TAX
ON OBLIGATIONS SECURED BY A MORTGAGE ON REAL
PROPERTY**

MOVED by Mr. Dennis, seconded by Mr. Stein.

Ms. Herrera said in the past she has not voted in favor of additional mortgage taxes but thinks this revenue is greatly needed in the upcoming budget year. She said this also contains a sunset provision and will end in three years if not renewed. Mr. Lane said he will not support this resolution because of the imposition of the Transfer Tax that the County adopted years ago. Mr. Mareane said there are 46 counties in New York State outside of New York City that have a Mortgage Recording Tax rate of \$1 or more. This would bring Tompkins County to the \$1 level. There are six other counties that have the transfer tax in that bracket.

A voice vote resulted as follows: Ayes – 12, Noes - 3 (Legislators Lane, McKenna, and Proto).
RESOLUTION ADOPTED.

WHEREAS, Resolution No. 185 of 2009 requested the New York State Legislature to introduce legislation to impose authorizing a \$0.25 per \$100 Mortgage Recording Tax on obligations secured by a mortgage on real property, and

WHEREAS, the New York State Legislature introduced S07652 and A10127 “An Act to amend the tax law, in relation to authorizing the County of Tompkins to impose a county recording tax on obligation secured by a mortgage on real property”, and

WHEREAS, the legislation proposed is consistent with the County’s request, and

WHEREAS, the proposed State legislation requires that each enactment of a local law by the County to impose the Tax be for a period of time no longer than three years from the date of its enactment, while allowing for the subsequent adoption and enactment of local laws to continue the Tax following the expiration of prior local laws, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Tompkins County Legislature endorses and requests State approval of legislation known as S07652 and A10127 authorizing the County to adopt a local law imposing a twenty-five cent per each one hundred dollars mortgage recording tax on obligations secured by a mortgage on real property.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 85 - ESTABLISHMENT OF GUIDELINES AND FISCAL TARGETS FOR ALL COUNTY BUDGETING UNITS FOR THE PREPARATION OF THE 2011 BUDGET

MOVED by Mr. Dennis, seconded by Mr. Shinagawa, and unanimously adopted by voice vote.

WHEREAS, the Tompkins County Fiscal Policy specifies that a fiscal target is the maximum amount of general revenue spending authority that a department head or program director may request without initiating an Over-Target Request, and changes in fiscal targets should be communicated to department heads and program directors as timely as possible in order for them to submit their budget requests by July 26, 2010, and

WHEREAS, the Tompkins County Legislature wishes to establish targets in order for departments and agencies to submit their 2011 budget requests, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That fiscal targets for all budgeting units for preparation of the 2011 budget are hereby established as follows:

1. For not-for-profit agency grants, fiscal targets in the 2010 adopted budget shall be decreased by 6.9% and shall not include one-time funding nor any funds re-appropriated from previous years.
2. For Towns and Villages applying for reimbursement for County-wide services, and for Human Service and Criminal Justice agencies receiving reimbursement pursuant to the Sales Tax Agreement between the County and City of Ithaca, fiscal targets in the 2010 adopted budget shall be decreased by 6.9% and shall not include one-time funding nor adjustments for prior years.
3. For all County departments' fiscal targets in the 2010 adopted budget shall be increased to include funding for the required fringe rate increase and then these modified fiscal targets will be decreased by 6.9% and shall not include one-time funding nor any funds re-appropriated from previous years.

RESOLVED further, That the County Administrator, for the purpose of constructing the recommended budget, shall have the full authority to reduce department targets as needed to achieve the Tax Levy goal set by the Legislature, and will consult with Department Heads and Division Managers prior to reducing targets.

SEQR ACTION: TYPE II-20

Individual Member-Filed Resolution(s)

RESOLUTION NO. - RESOLUTION NO. - ESTABLISHING ANNUAL SALARY FOR THE POSITION OF COUNTY CLERK FOR THE YEARS 2011, 2012, 2013, AND 2014

The following resolution was MOVED by Mr. Dennis, seconded by Mr. Robison. Mr. Dennis said he believes this salary should at least be equal to the salary of the Clerk of the Legislature. He said this Department Head is an elected official but does not have the same benefits as other department heads but does have the same responsibilities.

“WHEREAS, State law requires this Legislature to establish the salary for the position of County Clerk, and County Administrative Manual Policy 04-06 states that this action occur prior to the time when candidate petitions may lawfully be passed, and the County Attorney has advised that it is sufficient to establish such salary prior to the start of the term of office, consistent with State Law, and

WHEREAS, during 2007- 2010 the County Clerk's salary increased 3.3% percent annually, resulting in 2010 salary as follows:

County Clerk - \$ 69,691,

RESOLVED, on recommendation of the Budget and Capital Committee, That the salary for the position of County Clerk for the years 2011-2014 shall be \$71,265 (Labor Grade Q) and shall be tied to the schedule of increases for the management group during this four-year period.”

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It was MOVED by Mr. Stein, seconded by Ms. Kiefer, to offer the following SUBSTITUTE resolution.

RESOLUTION NO. - ESTABLISHING ANNUAL SALARY FOR THE POSITIONS OF SHERIFF AND COUNTY CLERK FOR THE YEARS 2011, 2012, 2013, AND 2014

WHEREAS, State law requires this Board to establish salaries for the positions of County Clerk and County Sheriff, and County Administrative Manual Policy 04-06 states that this action occur prior to the time when candidate petitions may lawfully be passed, and the County Attorney has advised that it is sufficient to establish such salaries prior to the start of the term of office, consistent with State Law, and

RESOLVED, that for 2011 the Sheriff’s salary shall remain at its 2010 value of \$85,823 and the salary for County Clerk shall remain at its 2010 value of \$69,691,

RESOLVED, further, that for 2012, 2013, and 2014 the percentage salary increases for Sheriff and County Clerk shall be the same as the percentage increases (if any) for the Management group.

SEQR ACTION: TYPE II-20

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Ms. Kiefer said she was prepared to offer a different substitute resolution. She thinks what Mr. Stein has proposed (leaving the salary at the 2010 level) is absolutely appropriate in the current economy. She said she would like to see language added to the resolution that states this Legislature recognizes the economic situation and would like there to be no salary increases in 2011. She agrees with tying increases for the positions of Sheriff and County Clerk in subsequent years to increases given to Management employees is appropriate.

It was MOVED by Ms. Kiefer, seconded by Ms. Pryor, to amend the substitute resolution by adding the following Whereas:

“WHEREAS, it is the intention of this Legislature, recognizing the economic problems that continue to affect State and local governments, to have no increase in salary for 2011, and thereafter for the balance of the elected term 2012-2014 to tie any increases in salaries for these two department heads to whatever change in salary is provided to the Management employees group, now therefore be it”.

Ms. Herrera said she cannot support the amendment and would like to separate the two positions. She said the job duties of each of these positions are very different. She said in the past this Legislature has been reluctant to tie changes in salaries of Management employees to these elected officials. With regard to the Sheriff position, Ms. Herrera said she thinks it is inappropriate to tie wage increases to negotiated increases when the Sheriff participates in the negotiation process.

Mr. Dennis clarified that the increase he proposed for the Sheriff was \$1,406 and \$1,474 for the Clerk.

Ms. Mackesey spoke of the phrase in the resolution that the County has no intention to increase salaries in 2011 and stated that is a negotiated item. Ms. Kiefer said the language she is proposing pertains only to the Sheriff and County Clerk positions.

Ms. Pryor said she supports the amendment. She said she cannot support an increase to two positions in a year when no salary increases are being proposed for any County employee.

Mr. Dennis clarified that there has been no decision made at this time with regard to 2011 salary increases.

Mrs. McBean-Clairborne said she believes these positions, like all positions, deserve a salary increase. She said she cannot support this change because she has never expressed any intention of a zero percent salary increase in 2011 and noted those discussions have not yet taken place. She also does not support tying these positions to the Management group.

Mr. Stein and Mr. Robison said they do not think the additional Whereas is necessary and raises more questions than it answers.

Ms. Chock said although many employees deserve an increase in salary the County cannot afford it in the current economic climate. She said she does not mind combining the two positions into one but does not think the proposed amendment is accurate.

A voice vote on the amendment resulted as follows: Ayes – 2 (Legislators Kiefer and Pryor); Noes – 13. AMENDMENT FAILED.

Discussion continued on the substitute resolution proposed by Mr. Stein.

It was MOVED by Ms. Herrera, seconded by Mrs. McBean-Clairborne, to amend the amendment by separating the resolution (Clerk and Sheriff salaries):

Mr. Shinagawa was excused at 8:05 p.m.

Recess

Ms. Robertson declared recess from 8:08 p.m. to 8:16 p.m.

A voice vote on the motion to separate resulted as follows: Ayes – 8 (Legislators Herrera, Kiefer, Lane, Mackesey, McBean-Clairborne, McKenna, Robertson, and Robison); Noes – 3 (Legislators Burbank, Pryor, and Stein); Temporarily out of Room – 3 (Legislators Chock, Dennis, and Proto); Excused – 1 (Legislator Shinagawa). MOTION TO SUBSTITUTE CARRIED.

Discussion continued on each of the resolutions as separated.

RESOLUTION NO. - ESTABLISHING ANNUAL SALARY FOR THE POSITION OF COUNTY CLERK FOR THE YEARS 2011, 2012, 2013, AND 2014

WHEREAS, State law requires this Board to establish salaries for the positions of County Clerk and County Sheriff, and County Administrative Manual Policy 04-06 states that this action occur prior to the time when candidate petitions may lawfully be passed, and the County Attorney has advised that it is sufficient to establish such salaries prior to the start of the term of office, consistent with State Law, and

RESOLVED, That for 2011 the salary for County Clerk shall remain at its 2010 level of \$69,691,

RESOLVED, further, That for 2012, 2013, and 2014 the percentage salary increase for County Clerk shall be the same as the percentage increase (if any) for the Management group.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. - ESTABLISHING ANNUAL SALARY FOR THE POSITION OF SHERIFF FOR THE YEARS 2011, 2012, 2013, AND 2014

WHEREAS, State law requires this Board to establish salaries for the positions of County Clerk and County Sheriff, and County Administrative Manual Policy 04-06 states that this action occur prior to the time when candidate petitions may lawfully be passed, and the County Attorney has advised that it is sufficient to establish such salaries prior to the start of the term of office, consistent with State Law, and

RESOLVED, That for 2011 the Sheriff's salary shall remain at its 2010 level of \$85,823,

RESOLVED, further, That for 2012, 2013, and 2014 the percentage salary increases for Sheriff shall be the same as the percentage increases (if any) for the Management group.

SEQR ACTION: TYPE II-20

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Ms. Herrera said she does not support directly tying these salaries to management salaries and would like to remove that language from the resolution.

Ms. Mackesey said under the present fiscal conditions she cannot support granting any salary increase to these positions.

A voice vote on the amendment County Clerk's resolution) resulted as follows: Ayes – 12, Noes – 2 (Legislators Dennis and McBean-Clairborne); Excused – 1 (Legislator Shinagawa). AMENDMENT CARRIED; RESOLUTION IS NOW MAIN MOTION.

It was MOVED by Mr. Lane, seconded by Mr. Dennis, to amend the motion as follows:

RESOLVED, on recommendation of the Budget and Capital Committee, That the salary for the position of County Clerk shall be tied to the schedule of increases for the management group, except that in 2012 the base shall be brought to the level of Labor Grade Q at the time. The schedule will be as follows during this four-year period:

2012: \$71,265 (or the same as Labor Grade Q at the time, whichever is more);

2013: whatever increase the management group has received;

2014: whatever increase the management group has received.

~~for the years 2011-2014 shall be \$71,265 (Labor Grade Q) and shall be tied to the schedule of increases for the management group during this four-year period.~~

Ms. Herrera said she disagrees with tying either of these positions to a labor grade and with the Management salary schedule.

Ms. Pryor said she finds it difficult to believe that the County's financial situation will improve by 2012; therefore, she doesn't support voting to increase the salary for 2012 at this time.

Ms. Robertson said she prepared this amendment with the intention of offering a compromise of bringing the salary to the level of Labor Grade Q.

Ms. Kiefer said there are no formal job descriptions for either the Sheriff or County Clerk position. She stated the only qualification is that an individual is elected and she opposes applying any labor grade to either position at this time. She said if they become recognized in the future as the professional positions that they can and should be, job descriptions will be developed and a labor grade analysis will be applied to each. She said she looked at the salaries of these positions in contiguous counties and the average salary is less than presently earned by Tompkins County's Sheriff or County Clerk. In a comparison of similar size counties by population the Sheriff earns slightly more and the Clerk being paid slightly less. Ms. Kiefer will oppose any increase in salary at this time for these reasons and because of the current fiscal climate.

Mr. Dennis spoke of the Sheriff's salary and said he is troubled in situations where a subordinate is earning more than the department head. He also spoke of the benefits these positions do not have that other management positions are provided.

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

A roll call vote on the following resolution resulted as follows: Ayes – 12, Noes – 2 (Legislators Dennis and McBean-Clairborne); Excused – 1 (Legislator Shinagawa). RESOLUTION ADOPTED.

RESOLUTION NO. 86 - ESTABLISHING ANNUAL SALARY FOR THE POSITION OF COUNTY CLERK FOR THE YEARS 2011, 2012, 2013, AND 2014

WHEREAS, State law requires this Board to establish salaries for the positions of County Clerk and County Sheriff, and County Administrative Manual Policy 04-06 states that this action occur prior to the time when candidate petitions may lawfully be passed, and the County Attorney has advised that it is sufficient to establish such salaries prior to the start of the term of office, consistent with State Law, and

RESOLVED, That for 2011 the salary for County Clerk shall remain at its 2010 level of \$69,691,

RESOLVED, further, That for 2012, 2013, and 2014 the percentage salary increase for County Clerk shall be the same as the percentage increase (if any) for the Management group.

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RESOLUTION NO. 87 - ESTABLISHING ANNUAL SALARY FOR THE POSITION OF SHERIFF FOR THE YEARS 2011, 2012, 2013, AND 2014

Ms. Herrera and Mr. Dennis spoke against tying percentage increases in salary for the Sheriff's salary to any increases given the Management group; Mr. Dennis noted that the Sheriff is at the table during negotiations for the Sheriff's Department employees. Mrs. McBean-Clairborne noted that her vote in opposition to these resolutions are because she also disagrees with tying salary increases for the County Clerk or Sheriff to increases received by Management.

It was MOVED by Mr. Proto, seconded by Ms. Chock, to amend the last Resolved as follows: "RESOLVED, further, That for 2012, 2013, and 2014 the percentage salary increases for Sheriff shall be tied to the percentage increases (if any) for the Management group". Following discussion, Mr. Proto withdrew his amendment.

County Administrator Mareane offered to clarify the Sheriff's role in negotiations; the Sheriff participates in negotiations for Corrections and Road Patrol. They are represented by different unions than are Management employees, who are CSEA members so there is no conflict.

A voice vote on the amendment resulted as follows: Ayes – 11, Noes – 3 (Legislators Dennis, Herrera, and McBean-Clairborne); Excused – 1 (Legislator Shinagawa). AMENDMENT CARRIED.

A roll call vote on the resolution resulted as follows: Ayes – 11, Noes – 3 (Legislators Dennis, Herrera, and McBean-Clairborne); Excused – 1 (Legislator Shinagawa). RESOLUTION ADOPTED.

WHEREAS, State law requires this Board to establish salaries for the positions of County Clerk and County Sheriff, and County Administrative Manual Policy 04-06 states that this action occur prior to the time when candidate petitions may lawfully be passed, and the County Attorney has advised that it is sufficient to establish such salaries prior to the start of the term of office, consistent with State Law, and

RESOLVED, that for 2011 the Sheriff's salary shall remain at its 2010 level of \$85,823,

RESOLVED, further, that for 2012, 2013, and 2014 the percentage salary increases for Sheriff shall be the same as the percentage increases (if any) for the Management group.

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Report from the Public Safety Committee

Mrs. McBean-Clairborne, Vice Chair, had no report.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on May 26th and spent most of the meeting discussing a proposal for a strength in diversity award. She is hoping the Climate Survey will be ready to be distributed soon.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be June 9th. He provided an update on the search process to fill the positions of Public Health Director and Youth Services Director.

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, reported the Committee will meet on June 4th and will review the Findings Statement from the Eminent Domain public hearing on Hanshaw Road. There will also be an update on the Solid Waste and Recycling Center proposals.

Report from the Capital Plan Review Committee

Ms. Robertson, Chair, reported the Committee has not met since the last Legislature meeting.

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

Mr. Lane, Chair, reported the Committee met on May 20th and again prior to this meeting. He said a meeting of the broadband investigation group was held and they will be circulating a two-page document with recommendations and also reviewing it at the next meeting.

**RESOLUTION NO. 88 - APPROPRIATION FROM CONTINGENT FUND - DEVELOP A
“SMART WORK” TRAINING PROGRAM FOR TOMPKINS
COUNTY DEPARTMENTS**

MOVED by Mr. Lane, seconded by Mr. McKenna. A short roll call vote on the resolution resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Shinagawa). RESOLUTION ADOPTED.

WHEREAS, the adopted 2010 Tompkins County Budget earmarked contingent funding in the amount of \$50,000 for “lean office training,” recognizing its potential for long-term efficiencies, and

WHEREAS, this training is a results-based process that uses expert facilitators working with County employees within specific work units or program areas to identify process improvements that can enhance efficiency and effectiveness, provide relief to employees, and maintain or improve services to citizens, and

WHEREAS, it is believed that the spirit and intent of the training is best captured by naming the training approach “Smart Work” training, and

WHEREAS, the Smart Work initiative parallels Tompkins-Cortland Community College’s ongoing “lean office training” projects that have been described as effective and highly beneficial by TC3 employees, administrators, and students, and

WHEREAS, working with a group of Departments the County Administrator has developed a plan for the first phase of this initiative that will include:

- Health Department - WIC Program
- Office for the Aging - PERS Program
- Personnel Department - Human Resource and Payroll System Processing
- Tompkins Workforce New York/One Stop Career Center - General workflow processing

and is expected to cost approximately \$22,000, and

WHEREAS, at the completion of these initial training projects, the County Administrator will, in conjunction with the Personnel Department and the involved departments, conduct an evaluation of the initiative and report their findings to the Legislature, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the Director of Finance is authorized to make the following appropriation from the Contingent Fund to reflect the additional spending authority:

From: 1990.54400	Contingent Fund - Program Expense	\$22,000
To: 1987.54442	In-service Training - Professional Services	\$22,000

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**RESOLUTION NO. 89 - APPROVING SETTLEMENT AGREEMENT IN LAKESIDE
NURSING HOME, INC., BANKRUPTCY PROCEEDING**

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

WHEREAS, the County is owed real property taxes for the period of January 1, 2000, through May 2003 in the amount of \$769,812.11 by Lakeside Nursing Home, Inc., (hereinafter "Lakeside") in addition to interest and penalties, and

WHEREAS, Lakeside filed for bankruptcy protection under the United States bankruptcy laws, and

WHEREAS, there are not sufficient funds that can be paid from the bankruptcy estate to pay the entire claims of the County and there are other creditors, and

WHEREAS, the Legislature authorized the County Attorney to negotiate a settlement, and

WHEREAS, the settlement has been presented to the Bankruptcy Court and has been approved by the Bankruptcy Court Judge, and

WHEREAS, the settlement provides that the County will receive \$710,781.20 including proceeds from a HEAL NY grant in the sum of \$372,224 (already received) and \$338,557.20 from proceeds from the sale of Lakeside real estate, and

WHEREAS, the settlement agreement provides that the agreement is conditioned upon approval by the Tompkins County Legislature, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature approves the Settlement Agreement submitted for, Case No. 06-30071 Lakeside Nursing Home, Inc., Bankruptcy, US Bankruptcy Court Northern District, and authorizes the County Attorney to execute any necessary documents required by the Court to bring this matter to a conclusion.

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Continuation of Report from Government Operations Committee

Mr. Lane said at the meeting on May 20th the Committee reviewed the parcels scheduled to be sold in the property foreclosure auction. At a special Committee meeting this afternoon there was discussion and it was decided the parcels would be sold at auction. Mr. Lane said there were members of the public in attendance who were concerned about the Hurd Road parcel in the Town of Dryden because

it had been an area that was supposed to be set aside for recreation purposes in a private development area. He said it was owned by a not-for-profit organization that did not make the tax payments. There was a request by some in attendance at today's meeting that the County delay the sale of this property for one year; however, the recommendation from County Administration and the Planning Department was that this property not be removed from the foreclosure sale.

Ms. Chock said she believes that the County's process of notification to adjacent property owners was changed this year. She said they used to receive a notice with the address of an adjacent property that was going to be foreclosed upon. This year they only received a postcard notification that there would be an auction of foreclosed properties but addresses were not included on the postcard.

Ms. Kiefer said she asked that the two properties be looked at again by the Planning Department to see if the two wetlands could be protected. The Planning Department responded they would not change their recommendation because it is difficult to enforce conservation easements. She said she asked the Town of Dryden's Environmental Planner if the Town had any environmental concerns about these parcels. She was told that the residents on Hurd Road had expressed concern about the disposition of the property and that it appears all of the lots from the included subdivision have some rights to access the lot. The Town of Dryden Environmental Planner said if the County were to auction the property without resolving existing issues it could create a very difficult situation for the Town and neighboring residents.

Ms. Kiefer said although it costs the County money to withhold properties from auction because it has to make the Town and the school district whole for taxes, the residents assured the County they would cover the taxes if the property were withheld pending clarification of their rights and the sale. It was unclear whether they would cover all taxes.

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank, to add a resolution to the agenda to withhold the Houser property on Hurd Road from the foreclosure auction. It was noted the Committee voted 2:3 against withholding this from auction.

Mr. Squires strongly urged the Legislature not to remove this property from the foreclosure auction. He also said he will send every parcel owner a copy of the tax map and tell them the scheduled sale date. He said the Legislature would be setting a terrible precedent by deferring action on this.

Ms. Pryor said the Committee very carefully considered this at today's meeting and said there are other options available to the residents to take ownership of this property.

The Question was Called by Mr. Dennis, seconded by Mr. Burbank. A voice vote on Calling the Question resulted as follows: Ayes – 11, Noes – 3 (Legislators Chock, Kiefer, and Robertson); Excused – 1 (Legislator Shinagawa). THE QUESTION WAS CALLED.

A voice vote on adding the resolution to the agenda resulted as follows: Ayes – 4 (Legislators Chock, Kiefer, McBean-Clairborne, and Robertson); Noes – 10; Excused – 1 (Legislator Shinagawa). MOTION FAILED.

Ms. Robertson said this property is in her district. She said the residents believed this property would remain forever wild and there was no reason to look at advertisements for public auctions. She complimented Mr. Squires for his past work with landowners and said she hopes there is some way for them to find a solution.

Report from the 2010 Complete Count Census Committee

Ms. Mackesey, Chair, read an article from Caldwell, New Jersey, concerning the 1910 census.

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

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

RESOLUTION NO. 90 - ADDING PARCEL TO AGRICULTURAL DISTRICT NO. 2 (WEST SIDE OF CAYUGA LAKE)

MOVED by Ms. Mackesey, seconded by Mr. Proto. Ms. Kiefer said the landowner plans to move to Tompkins County and to turn this land into a vineyard in a year and a half. She said she believes at this time this action is premature and will vote against the resolution for that reason. Mr. Proto said while the individual is not here all of the time there is development taking place. A voice vote resulted as follows: Ayes – 13, Noes – 1 (Legislator Kiefer), Excused – 1 (Legislator Shinagawa). RESOLUTION ADOPTED.

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 that it begins February 1, and

WHEREAS, one landowner has requested addition of parcels totaling 10.76 acres to Tompkins County Agricultural District 2 and no landowners have requested addition of parcels to Tompkins County Agricultural District 1, and

WHEREAS, this request has been reviewed and recommended for approval by the Agricultural and Farmland Protection Board, and

WHEREAS, this request has been reviewed and recommended for approval by the Planning Advisory Board, and

WHEREAS, the County Legislature held the required public hearing on such proposal on June 1, 2010, and

WHEREAS, the County Legislature is required to 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 approval is granted for the requested addition to Agricultural District 2 of Tompkins County, as specified in the Explanatory Note below.

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Explanatory Note: Addition of this parcel would result in new total acreage of District 2: 65,230 acres
Owner of this parcel has requested it be added to the Agricultural Districts:

Town of Ulysses (Agricultural District #2)

SWSS: 503689 Parcel: 14.-3-14.61 10.76 acres 1588 Taughannock Blvd.

Ms. Herrera requested that she be provided with information distributed to committee chairs prior to the June 15 meeting.

Approval of Minutes of May 7, 2010

It was MOVED by Ms. Pryor, seconded by Mr. Proto, to approve the minutes of May 4, 2010 as submitted. A voice vote resulted as follows: Ayes – 13; Noes – 1 (Legislator Dennis); Temporarily Out of Room – 1 (Legislator Herrera). MINUTES APPROVED.

Tompkins County Legislature
June 1, 2010

Adjournment

On motion the meeting adjourned at 9:35 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office