

June 16, 2009

**Tompkins County Legislature
June 16, 2009**

APPROVED JULY 21, 2009

Public Hearing – 2009-2010 Operating budget request for Tompkins Cortland Community College

Chair Koplinka-Loehr called the public hearing to order at 5:32 p.m. concerning the 2009-2010 operating budget request for Tompkins Cortland Community College, and asked if anyone wished to speak. No one wished to speak and the public hearing was closed at 5:32 p.m.

Call to Order

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

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

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

Present: 14 Legislators. Excused: 1 (Legislator Dennis).

Privilege of the Floor by the Public

Herb Engman, Town of Ithaca Supervisor, spoke in support of the resolution on the agenda entitled Support of New York State Bill A.1867/S.2247, Establishing the Farmworkers Fair Labor Practices Act, to Grant Farmworkers Collective Bargaining Rights, Workers' Compensation, Unemployment Benefits, a Day of Rest, and other Labor Protections Provided to Other Workers in New York. Mr. Engman said he has worked for 35 years on farmworker issues and for 30 years with 4-H programs concurrently and has had the opportunity to look at the issue from a farmworker as well as the farmer perspective. He said there is a saying that fits this situation with the legislation at the State level -- "the only thing necessary for the triumph of evil is for good people to do nothing". He said this has happened to farmworkers for the last 75 years. He said although the New York State Constitution says that all workers have the right to collectively bargain, the labor laws are written in a way that says farmworkers are not workers. Mr. Engman distributed information on exclusions from New York State Labor Laws and the origins of exclusions of farmworkers for that equal protection.

Laurie Konwinski, City of Ithaca resident and representative of the New York State Catholic Conference, spoke in support of the resolution on the agenda entitled Support of New York State Bill A.1867/S.2247, Establishing the Farmworkers Fair Labor Practices Act, to Grant Farmworkers Collective Bargaining Rights, Workers' Compensation, Unemployment Benefits, a Day of Rest, and other Labor Protections Provided to Other Workers in New York. Ms. Konwinski said the Conference supports the resolution because they have a belief in the dignity of all human beings, the dignity of work, and the right to organize. She also spoke of her nine summers of experience working in a migrant camp health clinic as an interpreter. She also spoke of the dangers and health hazards farmworkers have endured because of their work and the Conference's belief they should be entitled to the same rights as other citizens.

Michael Lane, Dryden resident and former Legislator, spoke of the importance of events happening at the State level and expressed his disappointment in both political parties. He said county governments are an "arm" of the New York State legislature because of the large number of mandates that are passed down to counties and must be administered. He said there is a real need for reform at the State level, a constitutional convention, and redistricting.

Mary Loehr, City of Ithaca resident and farmer, spoke in support of the resolution on the agenda entitled "Support of New York State Bill A.1867/S.2247, Establishing the Farmworkers Fair Labor

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Practices Act, to Grant Farmworkers Collective Bargaining Rights, Workers' Compensation, Unemployment Benefits, a Day of Rest, and other Labor Protections Provided to Other Workers in New York". She said as a farmer, she very much supports the rights of farm workers. Ms. Loehr said farming and domestic workers are the only two industries that have this exclusion.

Bruce Babcock, Trumansburg resident, submitted a CD that he stated contained a conversation between him and an employee of the SPCA. He spoke of incidents in which he believes his human rights have been violated and questioned to whom he would submit a complaint about a local judge.

Albert Lercott, City of Ithaca, spoke of service dog laws and said they are not being followed. He said the laws are clear on what service dogs are and have been on the books since 2002. He said the public would need to be better educated as service dogs are often met with resistance.

Presentation of Distinguished Youth Award

Mr. Burbank, District No. 12 Legislator, presented thirteen-year-old Christian Schuepback and eight-year-old Jordon Lu with the June 2009 Distinguished Youth Award. Christian Schuepback was nominated by Officer Stephen Moracco and Lt. Vince Monticello of the Ithaca Police Department for his quick action and alerting of authorities, which were instrumental in saving the lives of a woman and her dog who had broken through the ice at the 30 Foot Dam in Six Mile Creek in March. Jordon Lu was nominated by Ithaca Firefighter Brian Pendell and Lt. Dave Burbank for quick action she took and assistance she provided to a classmate suffering a severe allergic reaction, and the assistance she provided firefighters at the incident.

Privilege of the Floor by Legislators

Ms. Robertson, District No. 13 Legislator, reported on Marcellus Gas Drilling and said correspondence was received from Assemblywoman Lifton. Ms. Lifton endorsed the County's request that the comment period for the SGEIS be extended from 30 to 90 days. Ms. Robertson also distributed information about a meeting that will be held this Saturday in Morrisville called "Proactive Municipal Response to Natural Gas Development in Upstate New York." Lastly, she highlighted a news article in the Ithaca Journal on June 13 entitled "Drilling could be culprit behind Texas earthquakes."

Mr. Proto, District No. 7 Legislator, said approximately one month ago he circulated a letter he sent to Tompkins County's State and Federal legislators asking that they support the extension of the comment period for the SDGEIS. He reported he has received a letter from Senator George Winner expressing his support of the extended comment period. In addition, last evening in Danby there was an opportunity to hear from a panel on gas drilling and efforts that are taking place in Tioga County to develop a Consortium and draw together landowners there. Mr. Whicher, former County Administrator, distributed a list that outlined specific tasks assigned to various departments of County government. Mr. Proto commended Ed Marx, Commissioner of Planning and Public Works, for his work on this. He spoke of water testing and said the Community Science Institute has come up with a plan to test wells; however, the average cost is \$500-\$700 per test per well. He stated it is unlikely the County could pay for the testing of every well in the County, but the Water Resources Council will be discussing working something into lease agreements with the hope of having the gas companies bearing the costs of these tests.

Mr. Proto invited everyone to attend the July 20 Water Resources Council meeting to hear a presentation from representatives of the Great Lakes Waterbodies and the Susquehanna River Basin Commission about the moving of water and hydrofracing liquid.

Mrs. McBean-Clairborne, District No. 2 Legislator, commended the Distinguished Youth Award recipients this evening and said the law enforcement and public safety agencies do a great job at

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educating youth in the school systems and hopes those efforts will continue. She congratulated Judy Saul who recently retired from the Community Dispute Resolution Center after 25 years of service. She said Ms. Saul set the standard in terms of professionalism, passion for work, and work ethics. A lot of the great work that is done by CDRC can be credited to Ms. Saul. Mrs. McBean-Clairborne wished her well in her retirement.

Mrs. McBean-Clairborne announced June 19th marks the celebration of Juneteenth, the official celebration of the end of slavery; events will take place throughout Friday and Saturday. She also announced the beginning of the Congo Market on Fridays from 4 to 8 p.m.

Mr. Stevenson thanked Mr. Burbank for his Distinguished Youth Award presentation. He reminded Legislators that the emergency communications professionals play an important role in the incidents such as those that were spoken of this evening.

Ms. Mackesey thanked Ms. Robertson and Mr. Proto for raising the issue of gas drilling. She also said Mr. Marx has done a tremendous job in organizing agencies throughout the County to look at this issue. She also complimented the Tompkins County Council of Governments and the subcommittee chaired by Don Barber that is looking at specific plans that can be adopted by municipalities that will help protect local roads and property. Ms. Mackesey said the Council of Governments is an important link in this process because if all municipalities in the County are educated about what they can do everyone will be in a better position.

Mr. Burbank, District No. 12 Legislator, announced the West Hill Civic Association and the Ithaca West Hill Community have called a meeting on June 23rd at the Ithaca Town Hall to try to bring residents and town leaders to talk about the development that has been happening on West Hill. Mr. Burbank said he is the County's liaison to Cooperative Extension and has become amazed at how diverse they are in terms of their activities and interests. He announced there would be a "potting container swap" of plastic gardening pots, June 26th to June 29th at Cooperative Extension.

Ms. Chock, District No. 3 Legislator, thanked the individuals who came this evening to speak about the resolution on the agenda. She briefly explained that the County learned only a week ago of the Farm Bureau's organizing opposition to this State legislation, and she requests that the County pass the resolution on the agenda. She said she contacted an individual working on this issue and had the opportunity to learn of the unusual circumstances that has presented Tompkins County with a unique opportunity to weigh in on the issue now, as there may not be another opportunity prior to the State Legislature reconvening. She spoke of the conversation she had with former Assemblyman Marty Luster and he informed her that most small farms in Tompkins County already comply with the types of things in the legislation. He also said in all of the years he has worked on this act, he has not had a lot of opposition from farm owners in Tompkins County.

Ms. Kiefer, District No. 10 Legislator, recalled there was an earlier round of concerns about gas leases five to six years ago and at that time the Environmental Management Council developed a model lease for residents and Cooperative Extension worked on another version. With respect to the farmworkers bill of rights, she said the current effort on this issue is impressive but wanted to make note of the past efforts that have taken place. She said one of the first speakers said it was both farm workers and domestic workers that are excluded from the fair labor practices act and today there are 200,000 workplaces in New York State where these standards do not apply. She said there are housekeepers, nannies, and caregivers who have no protections. She hopes the County's enthusiasm might next extend to the domestic workers bill of rights that is also in Albany.

Mr. Randall, District No. 9 Legislator, expressed his disapproval over the lengthy explanation given by Ms. Chock on the farm worker resolution. He believes the appropriate time for the discussion would be during discussion of the resolution.

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

RESOLUTION NO. 94 – ADOPTION OF 2009-2010 BUDGET – TOMPKINS CORTLAND COMMUNITY COLLEGE

MOVED by Ms. Mackesey, seconded by Mr. Proto. Ms. Kiefer said she will support this resolution but wishes the County could do more for TC3.

Ms. Robertson said she is also a supporter of TC3 and attended the budget presentation at the College along with Cortland County legislators. She said the County is looking at imposing a -6.25% budget reduction on all County departments in addition to the increased fringe costs; this totals a cut of approximately 11%. Although she has always been a supporter of education, she cannot support TC3's funding request in the current fiscal situation.

Mrs. McBean-Clairborne said the TC3 budget request comes before the County's budget process begins and that makes this request even more difficult. She spoke of the value of the quality education offered by TC3 and the awards ceremony she attended this past week of the African-Latino Society of Ithaca High School that recognizes graduating seniors of color. In previous years 9 out of the 10 are going to TC3. She, like Legislator Kiefer, would like to give more but will support the increase at this level given the current economic situation.

Ms. Herrera said she sees this as a race and class issue, particularly in times of an economic downturn because during these times people with less means and with who historically have been under-represented end up suffering more. She also spoke of the quality of instruction provided at TC3 and said although these are difficult economic times she sees this as an investment.

Mr. Proto said he taught at TC3 as an adjunct for nine years. He applauded the work President Haynes has done at the College and said he sees this increase as a compromise with Cortland County. He said this is the first of a series of prioritizations that will need to be done with the County's budget.

Ms. Kiefer noted TC3 has a different fiscal year than the County. She said the comments being made this evening seem to make the assumption that this Legislature will support all of the cuts that the County Administrator has asked departments to make.

Ms. Chock said she would support this resolution because this is a County that places an emphasis on higher education. This is a year when there are not a lot of jobs and this investment will help students avoid utilizing other public services. She quoted national statistics, saying only 20% of college graduates have jobs for the next year and 70% of TC3's graduates have jobs or further education plans.

A voice vote resulted as follows: Ayes – 11, Noes – 3 (Legislators Hattery, Robertson, and Sigler), Excused - 1 (Legislator Dennis). **RESOLUTION ADOPTED.**

WHEREAS, a proposed operating budget for Tompkins Cortland Community College for the fiscal year September 1, 2009 through August 31, 2010, has been presented to the Legislature of the County of Tompkins pursuant to County Law and Section 6406 of the Education Law, and

WHEREAS, the Legislature has conducted a public hearing on said proposed budget on the 16th of June, 2009, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That said proposed 2009-2010 operating budget in the amount of \$34,629,180 of which the total sponsoring community contribution is in the amount of \$4,254,915 (a 3 percent increase) be and the same hereby is approved,

RESOLVED, further, That the Legislature of Tompkins County includes in the 2009 Tompkins County Budget an amount to be determined pursuant to the approved plan for said College in effect as of

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September 1, 2000, and that the amount when determined be raised by taxation in the County of Tompkins in the fiscal year 2010,

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

SEQR ACTION: TYPE II-20

Report from a Municipal Official

There was no municipal official in attendance.

Chair's Report

Mr. Koplinka-Loehr said the Tompkins County Health Department has been heroic in the handling of the H1N1 virus and also in disseminating information to the public. Mr. Koplinka-Loehr reminded Legislators that information concerning Legislature Direct Reports is due next week. He announced the Public Library's budget presentation will be tomorrow at 4 p.m. and the Department Head/Legislature retreat will be held on Monday, June 22 at the Ithaca Town Hall. The next Community Advisory Panel meeting will be June 29th.

Report from the County Administrator

Mr. Mareane said spending targets were approved for departments at a 6.25% reduction level at the last meeting and he has e-mailed the reaction of Department Heads to all Legislators. Mr. Mareane spoke of the importance of there being a common understanding of the impacts of those cuts. He said in order to balance the budget and increase property taxes by three percent; the Legislature needs to reduce expenditures by \$2.4 million. This takes into account assumptions concerning wage growth and revenues. That reduction will need to be made over a limited base of expenditures of \$38.4 million that the County has some discretion over. Mr. Mareane clarified that \$2.4 million in cuts spread over a base of \$38.4 million results in a reduction of 6.25%. He said an important point that needs to be made is that in that base are fringe benefits. When those spending targets are allocated to departments we have to look at not only the departments net spending, exclusive of fringe benefits, but also at reductions in the fringe benefits associated with those budgets. He said a couple of years ago the fringe benefits were removed from departmental budgets.

Ms. Kiefer asked if, looking ahead, is it conceivable that health insurance savings from the Health Care Consortium could cancel out the expected increase in pension contributions; Mr. Mareane said he hopes so, noting the health care savings have been factored in.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires had no report.

Mr. Proto referred to a news article that showed a slight increase in County spending in the economic index, and asked what positive impact home sales may have had on tax distributions. Mr. Squires said although the decline has narrowed somewhat tax distributions are still below last year. Mr. Squires reported the foreclosure auction was held. Four properties were sold and total receipts were \$65,000; this resulted in a net gain of \$29,000 for the County.

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Addition of Resolution(s) to the Agenda

It was MOVED by Mr. Shinagawa, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to add the resolution to the agenda entitled Award of Contract – Telecommunications Services.

It was MOVED by Ms. Chock, seconded by Ms. Herrera, to add the resolution to the agenda entitled Support of New York State Bill A.1867/S.2247, Establishing the Farmworkers Fair Labor Practices Act, to Grant Farmworkers Collective Bargaining Rights Workers' Compensation, Unemployment Benefits, a Day of Rest and other Labor Protections Provided to Other Workers in New York.

Ms. Chock apologized to Mr. Randall for her lengthy comments earlier in the meeting, but wanted to make her comments while the public was in attendance. She explained why it is important to act on the resolution this evening. She said if the New York State Senate had met on schedule they would have taken this up on the agenda on June 1 and it would not be an issue at this time. They may now meet in another three weeks and this Legislature would not have another opportunity to vote before then.

Mr. Stevenson said he believes this resolution needs to be considered by a Legislature Committee because of the amount of information that needs to be considered. He said agriculture is a big part of his district and he hasn't had time to discuss this with his constituents.

Mr. Proto shared Mr. Stevenson's concerns and said he, too, has not had an opportunity to meet with his constituents. He also suggested a review by the Agricultural and Farmland Protection Board meeting later this month.

Ms. Robertson thanked Ms. Chock for the hard work she has done bringing this resolution forward. She said she believes action on this resolution is timely and supports the motion to add to the agenda.

Mr. Burbank agreed with Ms. Robertson's comments and expressed disapproval of the current political situation in Albany.

Mr. Sigler said he had not had an opportunity to talk to farmers in his district. He said the Farm Bureau has been against this and he would like an opportunity to sit down with them and find out what their opposition is.

Ms. Herrera said while she doesn't support the practice of adding items to the agenda, she believes this circumstance is justified and will support the motion.

Mr. Koplinka-Loehr said he will support the motion, however, cautioned the Legislature that this is not a precedent he would like to be setting. One of the assets of public bodies is the deliberateness and processing of items going through committee. He said the issue itself deserves a methodical process to be given.

A voice vote on the motion to add to the agenda resulted as follows: Ayes – 10, Noes – 4 (Legislators Hattery, Proto, Sigler, and Stevenson), Excused – 1 (Legislator Dennis). MOTION CARRIED.

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It was MOVED by Mr. Shinagawa, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to add the following resolution(s) to the agenda:

Authorization to Execute Quitclaim Deed – Properties Redeemed Before County Auction
Authorization to Execute Quitclaim Deeds – Sale of Foreclosure Properties at Public Auction

Withdrawal of Resolution(s) from the Agenda

There were no resolutions withdrawn from the agenda.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 95 - AUTHORIZING 2009 FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT APPLICATION FOR TOMPKINS CONSOLIDATED AREA TRANSIT, INC. (TCAT), GADABOUT, AND TOMPKINS COUNTY

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

WHEREAS, the Secretary of the United States Department of Transportation is authorized to make grants for mass transportation projects pursuant to Section 5307 of Chapter 53, Title 49, of the United States Code, and

WHEREAS, the County of Tompkins is the Designated Recipient by the Governor of New York State for the Federal Transit Administration (FTA) Section 5307 Urban Formula program, with responsibilities to propose FTA-funded projects to the Ithaca-Tompkins Transportation Council (I-TCTC) (after coordinating with public transportation providers) and to select projects from the I-TCTC Transportation Improvement Program for inclusion in FTA grants, and

WHEREAS, on May 19, 2009, the County obtained approval from the I-TCTC for the transfer of Federal Highway funding to the FTA Section 5307 Program to purchase seven replacement transit buses for Tompkins Consolidated Area Transit, Inc., (TCAT) and ten replacement paratransit buses for GADABOUT Transportation Services, Inc., (GADABOUT), and

WHEREAS, the FTA fund sources for the 2009 Section 5307 Grant are as follows:

2009 Sec 5307 Urban Formula Allocation	\$1,443,676
Federal Highway STP Flex Transfer PIN 382234	\$2,614,400
Total Federal Transit Funds	\$4,058,076

, and

WHEREAS, the County, TCAT and GADABOUT agreed to the projects selected for inclusion in the 2009 grant from the I-TCTC's 2007-2012 Transportation Improvement Program, as amended on May 19, 2009, and

WHEREAS, the County desires to submit a request for a grant of funds to FTA, in the amount of \$3,928,421, to be used for operating assistance, capital, and planning projects for 2009, and

WHEREAS, the County will use the balance of Sec 5307 Formula funds (\$129,655) to compensate FTA for the value of five transit buses retired early in 2006 and 2007, as agreed to by FTA, TCAT and the County, and

WHEREAS, Tompkins County, as well as the Federal government, place a high priority on reducing greenhouse gas emissions, for which the purchase of hybrid buses is appropriate, and

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WHEREAS, the County, (FTA grant recipient), will apply on behalf of TCAT, (sub-recipient); GADABOUT, (third party contractor); and the County to receive and use said FTA funds as follows:

Project Descriptions	<i>Federal</i>	<i>NYS DOT</i>	<i>TCAT</i>	<i>County</i>	<i>GADABOUT</i>	<i>TOTAL</i>
Preventive Maintenance	\$1,217,176	152,147	152,147	-	-	\$1,521,470
Mobility Management - County	32,640	4,000	-	4,000	-	40,800
Project Administration - County	48,000	6,000	-	6,000	-	60,000
ADP Hardware & Software	38,065	4,758	4,758	-	-	47,581
Security Equipment	8,000	1,000	1,000	-	-	10,000
Clean Diesel Conversion	45,740	5,717	5,717	-	-	57,175
Short Term Transit Planning	56,000	7,000	7,000	-	-	70,000
Support Vehicles (2)	12,800	1,600	1,600	-	-	16,000
Replacements for 40 ft Diesel Transit Buses (7) – TCAT	1,960,000	245,000	245,000	-	-	2,450,000
Replacement Paratransit Buses (10) - GADABOUT	480,000	60,000	-	-	60,000	600,000
SUBTOTAL CAPITAL & PLANNING PROJECTS	\$3,898,421	\$487,222	\$417,222	\$10,000	\$60,000	4,873,026
Operating Assistance	30,000	3,897,977	6,803,997	-	-	10,701,974
TOTAL	\$3,928,421	\$4,385,199	\$7,221,219	\$10,000	\$60,000	\$15,575,000

, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes the County Contracts Coordinator to execute and file applications on behalf of the County of Tompkins with the Federal Transit Administration for the 2009 Section 5307 Grant, in the amounts of \$3,928,421 for projects and \$129,655 for remittance to Federal Transit Administration,

RESOLVED, further, That the grant budget total is \$15,575,000 including Federal, New York State, Tompkins Consolidated Area Transit, GADABOUT, and County sources,

RESOLVED, further, That before executing any contract the Tompkins County Legislature requests TCAT staff, together with ITCTC and with assistance of congressional offices, to investigate further the possibility of acquiring new hybrid buses, preferably those manufactured in New York State, before submitting this application,

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RESOLVED, further, That the County Contracts Coordinator is authorized to sign:

1. Any and all agreements between Tompkins County and the Federal Transit Administration for the Project.
2. Any and all agreements between Tompkins County and the State of New York for the Project.
3. Any and all agreements between Tompkins County and TCAT, Tompkins County and GADABOUT, and any third-party subcontractors necessary to complete the project, if applicable.

SEQR ACTION: TYPE 11-20

RESOLUTION NO. 96 - FUNDING OF TOURISM PROJECT GRANT

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

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

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

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

Finger Lakes Finns	2009 Finn Funn Weekend	\$2,000
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RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 97 – FUNDING OF TOURISM MARKETING AND ADVERTISING GRANT

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

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

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

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

Finger Lakes Finns	2009 Finn Funn Weekend	\$1,500
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RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

Report and Presentation of Resolution(s) from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on June 9th and highlighted two items on that agenda. Legislators should have received copies of the 2008 Municipal Youth Services Report and Recreation Partnership. Ms. Zahler and Ms. Johnson provided the Committee with a detailed overview of

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the number of Tompkins County youth that are covered by these programs. Mr. Proto noted 8,436 youths in the County are taking advantage of a youth program and said this is an unduplicated count. At the meeting the Human Rights Watch report was distributed and Bob Deluca, Mental Health Commissioner, provided an update on the work that is being done in the Jail. The next meeting will be July 14th

RESOLUTION NO. 98 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – HEALTH DEPARTMENT

MOVED by Mr. Proto, seconded by Mr. Burbank. A short roll call vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Dennis). RESOLUTION ADOPTED.

WHEREAS, the Health Department had a Community Health Nurse resign effective April 13, 2009, and

WHEREAS, the Health Department had a Sr. Account Clerk Typist resign effective May 8, 2009, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and Budget, Capital and Finance Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$3,909
TO:	A4016.51000580	Community Health Nurse	\$ 972
	A4016.51000529	Sr. Account Clerk Typist	\$1,902
	A4016.58800	Fringes	\$1,035

SEQR ACTION: TYPE II-20

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, did not have a report. The Committee will meet next on June 18th.

Report and Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee

Mr. Shinagawa, Chair, reported the Committee met last Friday and had a discussion on a number of items reflected in resolutions on the agenda. Mr. Mareane also updated the Committee on the “Dashboard” (Quarterly Indicator Report); this will be distributed to all Legislators and posted on the website. Mr. Shinagawa said there was discussion of assessments and a resolution Nancy Schuler, Common Council member, brought forward regarding not increasing assessments on properties for cases of regular maintenance. Mr. Shinagawa said a change in the Real Property Law would have to take place at the State level; the County cannot grant exemptions unless authorized to do so by the State.

RESOLUTION NO. 99 – AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE GREATER TOMPKINS COUNTY HEALTH CARE CONSORTIUM FOR NEW YORK STATE SHARED MUNICIPAL SERVICES PROGRAM

MOVED by Mr. Shinagawa, seconded by Mr. Hattery.

Ms. Herrera said she would not support this resolution because she believes there will be unintended consequences. She also said that because of the current structure Tompkins County would be assuming the majority of risks.

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Mr. Stevenson said he will not support this resolution at this time and said he does not believe enough firm answers have been provided to enter into this type of agreement. In particular, he is concerned with the requirement of having 2,000 contracts to comply with Article 47 of the State Insurance Law. He also doesn't think it can be assumed that all of the potential Consortium members will join. Mr. Stevenson said there are bargaining units that have outstanding concerns with this and potential legal challenges. Although he agrees the Consortium has a potential to save money, he has not seen enough evidence to show that it will.

Ms. Robertson said a couple of years ago Mr. Whicher, former County Administrator, worked with others to have a group like the Council of Governments take a look at service delivery and ways to save money. Many municipal officials and County officials met for two years to examine areas such as court consolidation, road patrol, highway issues, and health insurance. She said this was looked at holistically, and although there may not be a large savings at the County level, the overall savings at the local level will result in an overall savings and less of a burden on the taxpayer. She noted the estimated increase for the County is six percent and it is estimated that the County would see an increase of nine percent without the Consortium.

Mr. Shinagawa commended everyone who has worked on this. He spoke of the numerous meetings that have taken place with representatives from municipalities, Cayuga Medical Center, health providers, health advocacy representatives, school districts, and others. He spoke of school district consortiums and stated there is evidence that health insurance consortium's to work. Mr. Shinagawa said he sees a vote against this as a vote against efficiency, common sense, and saving taxpayer dollars.

Mr. Proto said he does not have a sufficient amount of information to support this. He said if this is efficient and there will be savings, but all of the municipalities that are eligible to participate do not, their residents would not enjoy the savings that have been outlined. He said he would like to support this resolution but he also needs additional information, including clarification of where the savings are going to be.

Mr. Locey, Consultant, said currently the County is now paying over \$60 per contract per month to administer the program through Blue Cross/Blue Shield. The City is paying almost \$45 per contract per month. The quotes that have been received by the Consortium for the Administrator are around \$30 per contract per month for the consortium. This shows an immediate savings on the administrative side. Mr. Locey said he is not expecting a lot of savings on the benefits side because the Consortium will be providing the same level of benefits. He said this is the first Consortium of this type that has been established since Article 47 became law in 1993. He said the State Insurance Department would not meet with the Consortium to go over issues until an application is submitted. An application cannot be submitted until the Consortium is created, which will happen once all parties sign on to the process. He also noted that if after all parties sign on and it doesn't appear later in the year that the desired outcome can be accomplished, everyone would go back to doing what they were doing previously. It was clarified that municipalities are only being asked to "buy into" the concept of coming together as a much larger group, sharing risk, and pooling resources to run a more efficient health plan. He referred to the school consortium in Tompkins County that has operated for over 20 years and said their average increase over the last six years has been six percent.

Mr. Sigler spoke of how important health insurance is to people, particularly in difficult economic times. He said he would support tabling this resolution for the purpose of receiving additional information. He asked who would authorize changes to coverage. Mr. Locey said the Consortium could do nothing to violate the collective bargaining unit agreements that are currently in place.

Mr. Hattery asked for confirmation that if the Consortium comes into existence, the employees will continue to negotiate what their benefit package will look like with their municipalities and not the Consortium.

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Mr. Stevenson said he disagrees with Mr. Shinagawa that a vote against this is a vote to not save money. He said he believes there are legitimate legal concerns that need to be addressed. Specifically, he asked what would happen if the Consortium were established but later fell apart. He asked if Tompkins County has any collective bargaining units that provide for health insurance, and if there were, whether that would make this a subject of collective bargaining. Mr. Locey said the agreement spells out clearly what the process would be for dissolution of the Consortium. He also noted municipalities would have the option to withdraw annually.

Ms. Herrera disagreed with Mr. Shinagawa's statement that a vote against this would be a vote to waste money. She also said that while this could result in an overall savings, there has been a lack of transparency in the process to date.

Mr. Proto asked which towns have agreed to join. Mr. Locey said there are approximately five municipalities that have joined at this time.

Mr. Sigler asked how Tompkins County ended up with its current insurer and if that went out to bid. Secondly, he asked which collective bargaining agreement will take precedence, assuming all agreement would be the same under one program. Mr. Mareane spoke of the process and said it has been a very good and transparent process with all information posted on the website.

Mr. Mareane spoke of some of the questions he has had and the answers to them:

- Will this cost the County more? He said the answer is that it will cost the County less and it will cost others much less.
- Do we exchange risk for cost (if costs are going down are risks going up)? The County's risks do not increase.
- Will there be a reduction in benefits? No; care has been taken to make sure there is no reduction of benefits.
- Will the County and unions still have the ability to negotiate who pays what price for benefit packages. Both will retain right to negotiate.

Mr. Koplinka-Loehr said every single benefit of every town, village, City, and County has been cost out and will be available.

Mr. Squires said the County has had a unique plan that has been renewed every year and it to the County's advantage because it was a form of insurance that protected the County against catastrophic losses without recoupment. He said it is the only plan of its type that Excellus offers and over the last few years the County was trying to negotiate and incentive to change the plan but has not happened. He said there is a very expensive administrative cost associated with the product the County currently has. Mr. Squires said this hasn't been put out to bid because the County receives a refund on any overpayment of premiums. He also said once the County leaves this program it cannot get it back.

It was MOVED by Mr. Proto, seconded by Mr. Sigler, to postpone action on this resolution to the July 2 Legislature meeting for the purpose of gathering additional information.

Mr. Shinagawa apologized for his earlier comment and clarified that his intent was to state that savings could be lost if this resolution is not supported. He spoke against the motion to postpone, stating many towns and villages are waiting to see the direction the County goes. He believes most answers have already been provided and once adopted, the Consortium can begin working with the State Insurance Department.

A voice vote on the motion to postpone resulted as follows: Ayes – 4 (Legislators Herrera, Koplinka-Loehr, Proto, and Sigler); Noes – 10; Excused – 1 (Legislator Dennis). MOTION FAILED.

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A roll call vote resulted as follows: Ayes – 12 (Legislators Burbank, Chock, Hattery, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Proto, Randall, Robertson, Shinagawa, and Sigler); Noes – 2 (Legislator Herrera and Stevenson); Excused – 1 (Legislator Dennis). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Council of Governments (TCCOG) is comprised of all the municipalities in Tompkins County, and

WHEREAS, Tompkins County is a member of the Tompkins County Council of Governments (TCCOG), and

WHEREAS, health care costs for Tompkins County and other local governments have been increasing each year at rates much higher than inflation, which can be addressed by pooling our buying power,

WHEREAS, in 2007, the County, on behalf of TCCOG, accepted an incentive grant award under the New York State Shared Municipal Services Program to assist the municipalities in Tompkins County to create a local municipal health care consortium, and

WHEREAS, the Health Care Consortium is developing health benefits coverage for all participating municipalities with the intent of providing a net savings to the taxpayers of Tompkins County, a goal the Tompkins County Legislature supports, and

WHEREAS, TCCOG encourages the signature of an inter-municipal agreement by TCCOG members, and

WHEREAS, the information as well as the opportunity for clarification was presented to the Government Performance and Workforce Relations Committee on February 13, 2009, and the Tompkins County Legislature on May 5, 2009, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That by the Tompkins County Legislature, the Chief Elected Official is hereby authorized to execute an inter-municipal agreement effective January 1, 2010, with the Greater Tompkins County Health Care Consortium for the New York State Shared Municipal Services Program.

SEQR ACTION: TYPE II-20

Recess

Mr. Koplinka-Loehr declared recess from 8:05 p.m. The meeting reconvened at 8:10 p.m.

RESOLUTION NO. 100 - AWARD OF CONTRACT – TELECOMMUNICATIONS SERVICES

MOVED by Mr. Shinagawa, seconded by Mr. Proto. Mr. Potter explained this is a time-sensitive matter because existing contracts for the County's Internet provider expires on July 31st and telecommunications in mid-August. He said a lot of planning is taking place with regard to the 55 Brown Road project and there are a lot of details that need to be worked out in advance and as part of the contract negotiations resulting from this RFP (Request for Proposals) process. Existing services for all of the four components of the RFP are estimated to be \$69,000; this excludes the per minute usage fees. The proposal that we are pursuing with the vendor would amount to an annual cost of \$74,364. In addition, there are some one-time installation fees in the amount of \$4,000.

Ms. Kiefer said Tompkins County has had Internet service provided by Clarity Connect, a local provider, and they have served the County very well. She said she does not like to see the County lose a local vendor and so she contacted Mr. Potter about splitting this between two vendors. She said she understands the difference would result in an additional cost of \$5,000 over a three-year contract period. She said because this penalty is so small, she would support staying with Clarity Connect.

A voice vote on the resolution resulted as follows: Ayes – 12; Noes – 2 (Legislators Chock and Kiefer); Excused – 1 (Legislator Dennis). RESOLUTION ADOPTED.

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WHEREAS, existing Tompkins County telecommunication contracts that define the terms for Internet access, telephone voice line access, local and long distance per minute usage rates, and data circuits for County facility Wide Area Network connectivity are scheduled to expire on July 31, 2009 (Clarity Connect), and August 16, 2009 (Paetec), and

WHEREAS, the Tompkins County Information Technology Services Department has distributed a Request for Proposals in accordance with established Tompkins County and New York State purchasing procedures, and

WHEREAS, three (3) proposals were received, reviewed, and evaluated by the Information Technology Services Department based on criteria documented in Section 3 of the Request for Proposals, Telecommunications Services Project, dated May 29, 2009, and

WHEREAS, the Information Technology Services Department recommended that various levels of telecommunications services be awarded to Finger Lakes Technology Group, Inc., now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the County Administrator, or his designee, be authorized to execute a contract for the services with Finger Lakes Technology Group, Inc., of Victor, New York, for an annual amount not to exceed \$90,000 for Internet access, telephone voice line access, Wide Area Network data connectivity for County facilities; and additional costs necessary for the monthly payment of per minute usage rates for local and long distance telephone service,

RESOLVED, further, That the County Administrator, or his designee, is hereby authorized to execute future change orders totaling up to ten percent (10%) of the contract amounts during the terms of the agreement,

RESOLVED, further, That the Information Technology Services Department be authorized to implement services defined by the terms of these contracts on behalf of the County,

RESOLVED, further, That the Information Technology Services Department be authorized to distribute the costs directly associated with services provided by this contract based on established practices, or those determined by the County Administrator, to County Departments with funds being available within the annual departmental operational budgets.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 101 - REQUESTING THE NEW YORK STATE LEGISLATURE TO
DESIGNATE STATE ROUTE 38 AS THE NEW YORK STATE
VIETNAM VETERANS' MEMORIAL HIGHWAY**

MOVED by Mr. Shinagawa, seconded by Mr. Proto.

Mr. Proto questioned why a Whereas was removed from the resolution that referenced a particular individual. It was stated that the individual referenced was not a Tompkins County resident. Mr. Burbank said he did research on the individual, Robert Stryker, and said by all conventional military terms he was an extraordinarily brave person who gave his life to protect his fellow soldiers. Mr. Burbank said his conflict with this resolution has to do with naming highways and remembering a war in term of what society believes about that war and future wars. He remembered Peter Demotte who the community recently lost. Mr. Demotte spent six years in the military and when he returned, devoted his life to peaceful efforts.

Mr. Sigler asked that the original Whereas be added back in; this was agreed to as friendly.

Mr. Proto said this resolution is not an effort to honor the Vietnam War but to honor the individuals who were in it.

Mrs. McBean-Clairborne said she cannot support the resolution because of the specific reference to one individual because she believes there are many others who could be included.

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Ms. Herrera said in the spirit of inclusion she would like the resolution to not include the Whereas. She said the resolution without a name allows all of the heroes to be included.

In the spirit of the discussion it was agreed to as friendly to remove the Whereas.

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

WHEREAS, over eight million men and women bravely served our country during the Vietnam War era, over 400,000 of these coming from New York State, and

WHEREAS, New York State Route 38 bisects the state, beginning in Sterling, New York, running through the Northeastern portion of Tompkins County, South to the Village of Owego, New York, and

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Tompkins County Legislature hereby requests the State of New York designate State Route 38 as the New York State Vietnam Veterans’ Memorial Highway,

RESOLVED, further, That certified copies of this resolution be forwarded to the New York State Association of Counties, Governor David Paterson, Senators James L. Seward, Michael Nozzolio, George Winner and Assemblywoman Barbara Lifton.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 102 – AUTHORIZATION TO EXECUTE QUITCLAIM DEED – PROPERTIES REDEEMED BEFORE COUNTY AUCTION

MOVED by Mr. Shinagawa, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present.

WHEREAS, Tompkins County works with property owners to allow them to redeem their homes prior to auction, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the County Administrator is authorized to execute a Quitclaim Deed conveying property acquired by the County through 2009 tax foreclosures, back to the previous owners upon payment of all back taxes, penalties, interest, and fees as follows:

Town of Caroline	25-1-8.2	Beverley E. Barnes
City of Ithaca	63-10-1	Michael A. St. Denis
Village of Dryden	16-2-4.2	Empress Development Corporation
Town of Dryden	42-1-39.4	David T. Williams
Town of Dryden	31-1-16.23	Richard R. and Sandy Lundy
Town of Newfield	24-1-3.2	Mazourek Farms, Inc
Town of Enfield	16-1-18	Beatrice Bald

SEQR ACTION: TYPE II-20

RESOLUTION NO. 103 – AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS – SALE OF FORECLOSURE PROPERTIES AT PUBLIC AUCTION

MOVED by Mr. Shinagawa, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present. Mr. Proto asked if any of the properties being sold or passed on are subject to any easements. Mr. Shinagawa said they are not and were all redeemed. Mr. Proto asked that in the future a phrase be added to these resolutions that identifies that there are or are not any easements.

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WHEREAS, by tax foreclosure proceedings, the County acquired four parcels in the County, and WHEREAS, said properties were sold, contingent upon Legislature approval, at public auction on June 9, 2009, now therefore be it

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

SEQR ACTION: TYPE II-20

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

Ms. Mackesey, Chair, reported the Committee met last week and was presented with the Planning Department's Annual Report.

RESOLUTION NO. 104 – AWARD OF TOURISM CAPITAL GRANTS

MOVED by Ms. Mackesey, seconded by Mr. Proto. Ms. Herrera asked for an explanation of the Ithaca Motion Picture Feasibility grant. Ms. Mackesey explained a building at Stewart Park is where motion pictures were made in the early 1900's. It has been a storage facility for the City of Ithaca for a number of years. A group is now working to restore this building and have been working to recreate the space so that it will have some historical and possible tourism interest and this is the first step in that process. Ms. Herrera said she will support this because it's a small request but will need much more information before committing any further money to the project. A voice vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Dennis). RESOLUTION ADOPTED.

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

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

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

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

Entity	Project	2009	2010	2011	2012	2013
Hangar Theatre	A Hangar for All Seasons Renovation		\$25,000	\$25,000	\$25,000	\$25,000
Ithaca Motion Picture	Feasibility/Business Plan	\$5,000				
Kitchen Theatre	Bold New Space Renovation		\$25,000	\$25,000	\$25,000	\$25,000

SEQR ACTION: TYPE II-20

June 16, 2009

RESOLUTION NO. 105 - AFFIRMING ITHACA-TOMPKINS COUNTY TRANSPORTATION COUNCIL (ITCTC) RECOMMENDATION TO INCREASE THE ITCTC STAFF DIRECTOR'S SALARY

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

WHEREAS, Tompkins County entered into a Memorandum of Understanding with the Ithaca-Tompkins County Transportation Council (ITCTC) on September 30, 1992 agreeing that “.....staff will be hosted by Tompkins County as an administrative rather than a reporting arrangement..... staff is selected by the Council [with] staffing plan, staff qualifications and salary schedule established by the Council”, and

WHEREAS, Board Resolution No. 99 of 1993, “Clarification of Employment Status – Position of Ithaca-Tompkins County Transportation Council Planning Director”, stated the following:

“...the position of Ithaca-Tompkins County Transportation Council Planning Director shall be entitled to the terms and conditions of employment established by this [County] Board for management employees unless otherwise recommended by the Council and established by this [County] Board of Representatives”, and

WHEREAS, on March 14, 2000, the Director’s salary was modified by ITCTC resolution 00-1 above the management salary range with the stipulation that the Host Agency, Tompkins County, execute the necessary administrative procedures to implement this modification, and

WHEREAS, on February 5, 2002, the Tompkins County Board of Representatives passed Resolution No. 6 Affirming Ithaca-Tompkins County Transportation Council (ITCTC) recommendation to establish the ITCTC Planning Director's salary above the salary range, and

WHEREAS, on May 19, 2009, the ITCTC passed Resolution 09-04 to adjust the salary of the Staff Director, retroactive to January 1, 2009, based on the Tompkins County proposed 2009 adjustments for management employees of 2.25 percent, and

WHEREAS, in keeping with the County’s requirement that salaries established above the salary range be authorized exclusively by resolution, and to establish or affirm recommendations made by ITCTC that are contrary to the terms and conditions of employment for management staff, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature affirm the 2.25 percent increase of the salary for the Ithaca-Tompkins County Transportation Council Planning Director to a total of \$ 77,620, effective retroactively to January 1, 2009, as approved by the Ithaca-Tompkins County Transportation Council.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 106 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 107 OF 2009: AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS

MOVED by Ms. Mackesey, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present.

WHEREAS, in Resolution No. 107 of 2009, the Tompkins County Legislature would authorize the County Administrator or his designee to execute a contract with the Tompkins County Soil and Water District to implement projects identified through the Flood Hazard Mitigation Program, and would also be authorized to execute other agreements necessary for the County to implement, monitor, and protect the projects funded through this program, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate Environmental Assessment Forms, with respect to each of the projects action, now therefore be it

June 16, 2009

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution No. 107 of 2009 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 107 of 2009.

SEQR ACTION: Unlisted

(Short EAFs on file in the office of the Clerk of the Legislature)

RESOLUTION NO. 107 – AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS

MOVED by Ms. Mackesey, seconded by Mr. Proto. Mr. Proto said he voted against this in Committee but intends to support it this evening. He said there is three projects involved and two of those raised questions with him about who they are being done for. He said one was a minor project across from the Ithaca High School, which he would like to see more help given to by the City. He said the project in Freeville that is through the Cornell experimental park causes him concern. A number of projects were reviewed by the technical committee that never made it to this list and he is unsure whether the Freeville project was reviewed by the technical committee. He referred to a plan produced by Kate Hackett of the Planning Department and also said there may be other projects that might have risen higher on the review list.

Mr. Randall said he had some of the same concerns Mr. Proto spoke of. He said there are some concerns in McLean and requested a list of the projects that were submitted.

Ms. Robertson said the Planning Department would be bringing a report of the three-year plan to the Legislature in the near future.

A voice vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Dennis).
RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature re-established the Flood Hazard Mitigation Program in 2006, and

WHEREAS, the Tompkins County Legislature provided funding for the Flood Hazard Mitigation Program in the amount of \$25,000 in 2009, and

WHEREAS, the Technical Committee for the Flood Hazard Mitigation Program has identified several projects to be funded through the Flood Hazard Mitigation Program, and

WHEREAS, the Tompkins County Soil and Water Conservation District is prepared to undertake the projects identified by the Technical Committee, and

WHEREAS, the projects identified for implementation will be protected through the use of a Riparian Buffer Protection Agreement, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate Environmental Assessment Forms with respect to each of these projects, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee be authorized to execute a contract with the Tompkins County Soil and Water District, in an amount not to exceed \$25,000,

RESOLVED, further, That the County Administrator or his designee is also authorized to execute other agreements necessary for the County to implement, monitor, and protect the projects funded by the Flood Hazard Mitigation Program.

SEQR ACTION: Unlisted

(Short EAFs on file in the office of the Clerk of the Legislature)

Individual Member-Filed Resolution

June 16, 2009

RESOLUTION NO. 108 - SUPPORT OF NEW YORK STATE BILL A.1867/S.2247, ESTABLISHING THE FARMWORKERS FAIR LABOR PRACTICES ACT, TO GRANT FARMWORKERS COLLECTIVE BARGAINING RIGHTS, WORKERS' COMPENSATION, UNEMPLOYMENT BENEFITS, A DAY OF REST, AND OTHER LABOR PROTECTIONS PROVIDED TO OTHER WORKERS IN NEW YORK

MOVED by Ms. Chock, seconded by Ms. Robertson.

Ms. Chock said the more she learns about this issue the more appalled she is at the history so rooted in slavery. The Deal – the Federal Labor Standards Act that was worked out during the 1930's – addressed protections in hours and working conditions but those who were black, who were farmworkers or domestic workers, were excluded because it shouldn't matter as much to them. She referred to quotes that explained the basis for excluding those workers and said she is appalled at the conditions that continue to exist in New York State today. She said this Act is designed to provide basic rights, including one day off a week to be determined by the farmowner according to weather or crop conditions, public health standards that everyone else adheres to, and Worker's Compensation that everyone else is entitled to. She noted that family farms are exempted from this and said this is an important industry in Tompkins County.

Mr. Randall said this legislation is long overdue. He spoke of his personal experience as a youth working on a farm and said farms are dangerous places for kids to work.

Mr. Stevenson said although he supports many of the aspects of this resolution he has not had the opportunity to discuss this with his constituents. He said he does not disagree with the content of the resolution, but the timing and process.

Mr. Sigler said he sees farming being like any other job and workers deserve to have adequate working conditions. However, he said farm work is unlike any other job, and he does not believe enough thought has gone into this resolution and there are many questions that still need to be answered. He would also like to see more input from farmers in both the Senate and Assembly bills.

Mr. Proto spoke of his personal experience working on various types of farms. He agrees with Mr. Sigler and said there are a lot of provisions that should be addressed; he would also like an opportunity to run this by the Agricultural and Farmland Protection Board.

Mrs. McBean-Clairborne said all employees should have the right to strike and employers should be providing adequate work environments. She fully supports this resolution and said basic rights should not be denied.

Mr. Hattery said there are some things in the resolution that he doesn't believe any worker should be denied; however, the legislation outlines a tremendous list of rights and benefits that he believes needs further discussion and review before he can support the resolution.

Ms. Herrera spoke in support of the resolution and said she can understand why small farms may be concerned about this because the legislation is fairly extensive. However, it is clear that many of the concerns for the small farmer have already been addressed. Ms. Herrera said she supports moving this to the State level so that problems can be discussed and addressed.

It was MOVED by Mr. Proto, seconded by Mr. Sigler, to Postpone the resolution to the July 7 Legislature meeting until a response is received from the Agricultural and Farmland Protection Board.

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Ms. Kiefer said she often supports waiting for advisement from an advisory board, however, this legislation has been around for years and if that Board hasn't been interested up to this point she would support this moving forward.

A voice vote on the motion to Postpone resulted as follows: Ayes – 5 (Legislators Hattery, Koplinka-Loehr, Proto, Sigler, and Stevenson); Noes – 9; Excused – 1 (Legislator Dennis). RESOLUTION ADOPTED.

A voice vote on the resolution resulted as follows: Ayes – 10, Noes – 4 (Legislators Hattery, Koplinka-Loehr, Proto, and Stevenson), Excused – 1 (Legislator Dennis). RESOLUTION ADOPTED.

WHEREAS, Agriculture is a vital economic activity in New York State requiring active participation by both farm owners and by workers, and

WHEREAS, A.1867/S.2247, the Farmworkers Fair Labor Practices Act, contains provisions to address needs of both farmworkers and small farm owners, and

WHEREAS, there are farmworkers in almost every county in New York who perform essential services for New York's \$5 billion agricultural industry, and

WHEREAS, the work of farmworkers is labor intensive involving arduous tasks, exposure to pesticides, and long hours during which they can suffer injuries and illnesses in the course of their employment, and

WHEREAS, the New York State Constitution recognizes the need to treat human beings with dignity and affords labor protections to many other employees in the state but has legislative exclusions that deny farmworkers the right to such basic fair labor practices as the right to collective bargaining, a day of rest, overtime pay, disability, sanitary conditions, and unemployment insurance, and

WHEREAS, Article 1, Section 17 of the New York State Constitution states, "...Employees shall have the right to organize and to bargain collectively through representatives of their own choosing," and

WHEREAS, this act will:

- provide farmworkers with the right to collective bargaining, which is a basic right that has long existed for many other public and private employees in New York,
- allow farm workers the choice to take one day of rest each week,
- include farm laborers within provisions pertaining to overtime compensation,
- apply the same unemployment insurance payroll threshold to agricultural businesses that applies to other businesses,
- make farmworkers eligible for workers' compensation benefits and provide claim forms to those injured in the course of employment,
- expand the application of the sanitary code to farms occupied by migrant labor, and

WHEREAS, this act takes into consideration the needs of farm owners by measures such as allowing owners to determine the permitted day off per week according to weather or considerations of agricultural timing, and

WHEREAS, this act makes provision to exempt small farms by measures such as excluding labor by family members, and

WHEREAS, this act will help to close loopholes that have allowed larger operations to undersell small farmers and farms that already treat their employees well, and

WHEREAS, A.1867 has again passed in the New York State Assembly and S.2247 is pending in the New York State Senate with bi-partisan support, now therefore be it

RESOLVED, That the Tompkins County Legislature urges passage of S.2247, the Farmworker Fair Labor Practices Act, which will ensure that farmworkers are provided the rights, protections, and benefits afforded to other workers throughout New York State,

RESOLVED, further, That the Tompkins County Legislature asks the Clerk of the Legislature to distribute this resolution to appropriate State Officials.

SEQR ACTION: TYPE II-20

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Report from the Budget and Finance Committee

Mr. Hattery, Vice Chair, had no report. The next meeting will be June 22nd.

Report from the Public Safety Committee

Ms. Robertson, Chair, reported the Committee met yesterday at the Community Justice Center. The Committee passed a resolution asking the State to ban text-messaging Statewide. The Committee also approved in concept the agreement and bylaws for the LETS (Law Enforcement Technology Shared Services) group, and received an overview of drug court programs at the Community Justice Center. Ms. Robertson said the Committee heard from a participant in the drug court who credited the program for turning his life around. The Committee discussed the 2003 alternatives-to-incarceration evaluation that was done by Kathy Schlather and decided to ask that the report be updated with current information. A subcommittee will be created to determine how this work will be done. The next meeting will be July 20th at 2:30 p.m.

Report from the Workforce Diversity and Inclusion Committee

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

Report from the Legislative Rules and Procedures Committee

Ms. Kiefer, Chair, reported the Committee met yesterday and received a list of anonymous comments and suggestions from department heads. There was also discussion of the advisory board appointment policy.

Approval of Minutes of May 19 and June 2, 2009

It was MOVED by Mr. Proto, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the minutes of May 19 and June 2, 2009. MINUTES APPROVED.

Adjournment

On motion the meeting adjourned at 9:14 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office