

June 19, 2007

**Tompkins County Legislature  
June 19, 2007**

*Approved 7-3-07*

**Public Hearing – Tompkins Cortland Community College 2007-2008 Operating Budget**

Chair Joseph called the public hearing to order at 5:30 p.m. concerning the Tompkins Cortland Community College 2007-2008 Operating Budget, and asked if anyone wished to speak.

No one wished to speak and the public hearing was closed at 5:31 p.m.

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

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

Present: 14 Legislators. Mrs. McBean-Clairborne arrived at 6:15 p.m.

Excused: 1 (Legislator Robertson)

**Privilege of the Floor by the Public**

Michael Lane, Town of Dryden Resident, spoke strongly in support of moving the Health Department to a central location, preferably within the County seat or along the Route 13 corridor near the County population center. He said that the number of reasons that decided where to build the Human Services Building apply for the Health Department as well. He asked that it be recognized that the cost of land is a small percentage of a project and that it should not be used to sway a decision. Mr. Lane asked that the Legislature consider best services and easiest access to those needing clinics.

John Spence, Director of Better Housing of Tompkins County, spoke in support of the resolution entitled Endorsing Housing Strategy for Tompkins County and he extended appreciation to Mr. Marx and others who developed it. He noted input from many individuals has helped it to become a document with a great potential for progress, creativity, and participation.

Fay Gougakis, City of Ithaca resident, expressed appreciation to members of the Legislature who voted in support of the Resolution No. 88 - Calling For a Comprehensive Investigation of Evidence That May Warrant Impeachment of the President and Vice President of the United States, stating she believes that had there been more time, more constituents would have supported it as well. She asked that those who did not support it, review the matter in more depth to have a better understanding of why it was valid.

Paul Mazarella, Ithaca Neighborhood Housing Services Executive Director, spoke in support of the resolution entitled Endorsing Housing Strategy for Tompkins County and urged members of the Legislature to adopt it. He stated it is the next step to be taken regarding affordable housing needs, it articulates the number of units by municipality to promote smart growth, and he thinks it will create the framework and actions that make the first important step to addressing the situation, acknowledging that it is a regional issue.

**Presentation of Resolution from the Budget and Capital Committee**

**RESOLUTION NO. 103 - ADOPTION OF 2007-2008 OPERATING BUDGET - TOMPKINS CORTLAND COMMUNITY COLLEGE**

It was MOVED by Mr. Koplinka-Loehr, seconded by Mr. Hattery.

June 19, 2007

Mr. Booth said the presentation by Dr. Haynes on what the funding will provide is very impressive and exciting.

Mr. Koplinka-Loehr indicated that while this budget allows for a five percent increase, a review of the last ten years shows a 2.9 percent annual increase in tuition, a 3.4 percent annual increase in State funding, and a 2.5 percent increase in local funding. He said that although tonight's increase is five percent, the overall average for the ten-year period is within the cost of living average. Ms. Kiefer expressed a desire to have been able to approve a six percent increase as originally and said she would like to see the long-term average from the Legislature continue to increase.

A voice vote on the motion resulted as follows: Ayes – 13; Noes – 0; Excused – 2 (Legislators McBean-Clairborne and Robertson). RESOLUTION ADOPTED.

WHEREAS, a proposed operating budget for Tompkins Cortland Community College for the fiscal year September 1, 2007, through August 31, 2008, has been presented to the Legislature of the County of Tompkins pursuant to County Law and Section 6306 of the Education Law, and

WHEREAS, the Legislature has conducted a public hearing on said proposed budget on the 19<sup>th</sup> of June 2007, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That said proposed 2007-2008 operating budget in the amount of \$30,000,979 of which the sponsoring community contribution is in the amount of \$3,934,271 (5 percent increase) be and the same hereby is approved,

RESOLVED, further, That the Legislature of Tompkins County includes in the 2008 Tompkins County Budget an amount to be determined pursuant to the approved plan for said College in effect as of September 1, 2007, and that the amount when determined be raised by taxation in the County of Tompkins in the fiscal year 2008,

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

---

### **Distinguished Youth Award**

Ms. Herrera presented the June, 2007, Distinguished Youth Award to the 2006-2007 Ithaca High School Link Crew Leaders, a nationally known program, assisting freshman transitioning by partnering with them to provide successful academic and social experiences when entering high school. The award was accepted by Co-Coordinator Judy Cogan, Whitney Elrod, and Kaiya Namaste-Bercow. Ms. Cogan and the students spoke as representatives of 83 upper-classmen participating in the program, sharing their experiences and the sense of accomplishment and reward resulting from program participation.

### **Privilege of the Floor for Legislators**

Ms. Kiefer, District No. 10 Legislator, spoke of a recent article in the *New Yorker*, authored by Seymour M. Hersh, discussing Army Major General Taguba's investigation into the events at Abu Ghraib prison and the unfortunate effect that had on ending his military career. Because of many factors used to soften prisoners for interrogation and subsequent investigation that are outlined in the article, she felt it was appropriate to call attention to the Amnesty International poster on her desk that calls for closure of the detention facility in Guantanamo. Ms. Kiefer is embarrassed and ashamed of what our country has done with regard to these behaviors. She hopes others will read the article.

Mr. Dennis, District No. 15 Legislator, called attention to a flyer placed on desks regarding the upcoming tenth anniversary of the Family Reading Partnership in October. The flyers ask individuals to share their experiences regarding the books provided through the Partnership or other books read. These shared stories will be utilized in October during the anniversary celebration.

June 19, 2007

Mr. Shinagawa, District No. 4 Legislator, provided a report from the Air Service Board; enplanements are up 17 percent from last year, with a total 7,799 passengers. In addition, the load factors (how full the plane is) for April and May were up eighty percent for Northwest Airline and increases of sixty-one percent in April and fifty-six in May percent for US Air. Overall load factors are approximately sixty percent compared to last year's forty-nine percent and the previous year's load factor of forty-four percent. He then reported on an area of concern for the Airport regarding the Transportation Security Administration (TSA) and Federal government-mandated law-enforcement presence at airports. When initially mandated following 9/11, the TSA would reimburse counties for the law enforcement officers; now the TSA has notified airports it proposes to have a cooperative agreement that would only provide for sixty-five percent reimbursement to the airports. For the local airport it would mean a \$100,000 annual shortfall. A resolution has been passed by the Air Service Board and will be reviewed by the Facilities and Infrastructure Committee asking the TSA to reconsider its proposal.

Mr. Koplinka-Loehr, District No. 11 Legislator, reported that Kristina Belanger, an employee of the Human Rights Commission, is the Chair of the New York State Affirmative Action Officers Conference being held June 20 to June 22; *Infusing Workplace Diversity Through Recruitment and Retention*. He expressed congratulations and appreciation to the Department and the City of Ithaca for sponsoring the statewide event.

Mr. Proto, District No. 7 Legislator, stated that although he believes Ms. Kiefer is entitled to her opinion, he opposes the displaying of a political poster in Chambers.

Ms. Herrera, District No. 5 Legislator, said she, too, believes that the Chambers should be free from political signs.

### **Chair's Report**

Mr. Joseph reported on materials received from the Public Service Commission regarding energy conservation. These materials and an order form are available for Legislators.

Mr. Joseph then reported that with regard to the Governor's request for Local Government Efficiency and Competitiveness initiatives, a set of three requests was submitted by Tompkins County: (1) consolidation of justice courts in the County into a single-district or multiple-district court; (2) the shared service grant received to create a healthcare consortium to provide health insurance for public employees throughout the County, indicating a desire to have the State assist to remove barriers by possible amendments to present laws; and, (3) a smart growth proposal to implement the comprehensive plan calling for nodal development and smart growth practices, and included requesting the State follow through on its previous work of dredging the inlet, relocation of the State Department of Transportation, and completion of the Black Diamond Trail.

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

Mr. Whicher thanked staff for their work on the submission reported by Mr. Joseph on Local Government Efficiency Initiatives. Mr. Whicher requested an executive session later in the meeting to discuss contract negotiations. Mr. Whicher spoke of the extraordinary effort by the State Senate to eliminate school financing from the property tax, noting that it is a monumental effort that is going to go a long way.

In response to Mr. Proto's request for an update on the Communications Capital Project, Mr. Whicher reported the towers are up, buildings at key sites are installed with much of the equipment in place, the antennae are installed, and a final billing has been received from Motorola which will be broken down for reimbursement from the Federal government. He said the project is going well and on

June 19, 2007

schedule thus far. Mr. Proto inquired about leasing on the towers; Mr. Whicher replied that although some tower space is presently leased, no further marketing is planned until all emergency responders are ready to utilize the system. Presently there is work being done in several areas to assure full operation of the system.

Mrs. McBean-Clairborne arrived at this time.

**Report from the County Attorney**

Mr. Wood spoke of the Wickes Law agreement, which indicated that any building under \$500,000 does not have to be let out for separate contract, therefore saving money on public buildings. Although the newspaper article said the Governor believes it would be approximately seventy percent of public projects, he does not believe this is so. Mr. Joseph agreed with Mr. Wood, noting he had requested information regarding the capital plan and history, which indicated no savings would have resulted to Tompkins County from the agreement.

**Report from the Finance Director**

Mr. Squires reported the real estate auction for properties obtained through foreclosure occurred on June 12<sup>th</sup>. At that time, all eight properties, including landlocked parcels, were sold, with a net gain of \$26,000. The total gross sales of \$72,000 exceeded his estimate of \$44,000.

Mr. Squires announced that as a result of State law, the County is required to seek proposals for deferred-compensation plans. Five proposals were received and his department is in the process of surveying participating employees to assist in the review of cost consideration, service, and satisfaction levels.

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

There were no resolution(s) added to the agenda.

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

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

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

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

**RESOLUTION NO. 104 - ACCEPTANCE OF NEW YORK STATE 2006-2007 SHARED MUNICIPAL SERVICES INCENTIVE (SMSI) GRANT-TOMPKINS COUNTY HEALTHCARE CONSORTIUM**

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

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

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

June 19, 2007

WHEREAS, employee fringe costs are a significant component of the local Real Property Tax burden, and

WHEREAS, the cost of healthcare is the fastest growing component of employee fringe costs, and

WHEREAS, the savings to the taxpayers of Tompkins County in the first five years of the consortium is expected to exceed \$5,000,000, and

WHEREAS, all municipalities in Tompkins County are members of TCCOG, and

WHEREAS, all members of TCCOG have submitted resolutions in support of the SMSI grant, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County hereby accepts SMSI funds in the amount of \$266,030,

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

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

Revenue	CD9089.43089	State Aid	\$266,030
Appropriation	CD9089.54442	Program Expense	\$266,030

**SEQR ACTION:** TYPE II-20

---

**RESOLUTION NO. 105 - AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS – PROPERTIES REDEEMED BEFORE COUNTY AUCTION**

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

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 Operations Committee, That the County Administrator is authorized to execute individual quitclaim deeds conveying property acquired by the County through 2006 tax foreclosures, back to the previous owners upon payment of all back taxes, penalties, interest, and fees as follows:

Town of Dryden	59-1-29.7	Dennis & Stacy Beebe
Town of Dryden	30-1-13.3	Estate of Leland Bower
Town of Dryden	22-1-12.22	Allen L. Little
Town of Dryden	22-1-12.23	Allen L. Little
Town of Dryden	61-1-9.1	Peter Kimmich
Town of Lansing	27-1-28.3	Regina & Kelly Robbins

**SEQR ACTION:** TYPE II-20

---

**RESOLUTION NO. 106 - BUDGET ADJUSTMENTS – VARIOUS DEPARTMENTS**

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

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

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

**Highway**

Revenue Acct	Title	Amt	Approp Acct	Title(s)
--------------	-------	-----	-------------	----------

June 19, 2007

D Fund Fund Balance \$100,000 5142.54424 Equipment Rental

Explanation: Increased weather-driven snow and ice operating expenses have resulted in a negative balance for equipment rental. 2006 rental rates were brought into line with New York State Department of Transportation's rates, resulting in an increase in overall equipment rentals.

**Planning**

Revenue Acct	Title	Amt	Approp Acct	Title(s)
A8027.43959	State Aid Planning	\$ 30,000	A8027.54400	Program Expense

Explanation. Mini grant from the New York State Soil and Water Conservation Committee and New York State Department of Environmental Conservation to implement a stormwater retrofit demonstration project (Resolution No. 100 of 2005).

**SEQR ACTION: TYPE II-20**

**RESOLUTION NO. 107 - ACCEPTANCE OF GRANT INCREASING PROGRAMMATIC ACCESS TO THE ONE-STOP SYSTEM FOR INDIVIDUALS WITH DISABILITIES GRANT - TOMPKINS COUNTY WORKFORCE INVESTMENT BOARD**

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

WHEREAS, the Tompkins County Workforce Investment Board was recently awarded a \$754 grant from the Rotary Club of Ithaca, and

WHEREAS, the grant is to be used to provide software programs that increase accessibility to the One-Stop System for individuals with disabilities, and

WHEREAS, no local funding is requested for this initiative, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby accepts the grant in the amount of \$754,

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

REVENUE:	CD6290.42770	Other Miscellaneous Revenues	\$754
APPROPRIATION:	CD6290.52230	Computer Software	\$754

**SEQR ACTION: TYPE II-20**

**RESOLUTION NO. 108 -- ACCEPTANCE OF GRANT FROM THE QUALITY COMMUNITIES GRANT PROGRAM FOR THE FINGER LAKES TRAIL CORRIDOR PROTECTION PLANNING AND ENHANCEMENT PROJECT**

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

WHEREAS, the Tompkins County Legislature, on December 5, 2006, supported the application for 2006 Quality Communities Program Grant funds to prepare a detailed plan for the Finger Lakes Trail section located in the "Emerald Necklace," and

WHEREAS, the County has been awarded grant funds from the New York State Department of State for this purpose, and

WHEREAS, the Department of Planning is prepared to work jointly with the Finger Lakes Land Trust to manage this program, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby accepts Quality Communities Program Grant funds in the amount of

June 19, 2007

\$36,500,

RESOLVED, further, That the following adjustments be made to the 2007 Budget,

Revenues

8027.43959	State Aid Planning	\$36,500
------------	--------------------	----------

Expenditures

8027.54400	Program Expenses	\$36,500
------------	------------------	----------

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

**SEQR ACTION:** TYPE II - 21

---

**RESOLUTION NO. 109 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO ABANDONING BUNDY ROAD TO THE TOWN OF ITHACA**

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

WHEREAS, the Town of Ithaca has been notified of and concurs with amending the County Road System by abandoning Bundy Road, County Road 138, to the Town of Ithaca ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION:** Unlisted

(Short EAF on file with Clerk of the Legislature)

---

**RESOLUTION NO. 110 - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ABANDONING BUNDY ROAD TO THE TOWN OF ITHACA**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that Bundy Road (County Road 138, approximately 2.19 miles), in the Town of Ithaca, as set forth below, be removed from the map of the Tompkins County road system (the "Action"), and

WHEREAS, this abandonment is part of an agreed-upon "road swap" involving Bundy Road, Burns Road, and a section of Game Farm Road, as described in the accompanying Environmental Assessment Form for Resolution No. 109 of 2007.

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Ithaca has been notified of and concurs with the recommendation of the County Highway Manager to abandon Bundy Road to the Town of Ithaca, now therefore be it

June 19, 2007

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, and pursuant to Article 6, Section 115 of the Highway Law, That Bundy Road be removed from the map of the Tompkins County road system to revert to and be maintained by the Town of Ithaca,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ithaca reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the time specified in said agreement.

**SEQR ACTION: UNLISTED**

(Short EAF on file with Clerk of the Legislature)

---

**RESOLUTION NO. 111 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO AMENDING THE COUNTY ROAD SYSTEM BY ADDING BURNS ROAD AND A SECTION OF GAME FARM ROAD IN THE TOWN OF ITHACA**

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

WHEREAS, the Town of Ithaca has been notified of and concurs with amending the County Road System by adding Burns Road and a section of Game Farm Road in the Town of Ithaca (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action,

**SEQR ACTION: Unlisted**

(Short EAF on file with Clerk of the Legislature)

---

**RESOLUTION NO. 112 - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ADDING BURNS ROAD AND A SECTION OF GAME FARM ROAD IN THE TOWN OF ITHACA**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that Burns Road and a section of Game Farm Road, both in the Town of Ithaca, as set forth below, be added to the map of the Tompkins County road system (the “Action”), and

WHEREAS, this addition is part of an agreed-upon “road swap” including Bundy Road, Burns Road, and a section of Game Farm Road, as described in the accompanying Environmental Assessment Form for Resolution No. 111 of 2007.

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

June 19, 2007

WHEREAS, the Town of Ithaca has been notified of and concurs with the recommendation of the County Highway Manager to add said roads to the map of the Tompkins County road system, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, and pursuant to Article 6, Section 115 of the Highway Law, That the section of Game Farm Road from the Town of Ithaca-Dryden Town Maintenance Jurisdictional Boundary to Ellis Hollow Road, being a distance of 0.4 miles, shall become a part of County Road 173, and Burns Road, being a distance of 1.14 miles, shall become County Road 116, and be added to the map of the Tompkins County road system to be maintained by Tompkins County,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ithaca reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the specified time in said agreement.

**SEQR ACTION: UNLISTED**

(Short EAF on file with Clerk of the Legislature)

---

**RESOLUTION NO. 113 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO AMENDING THE COUNTY ROAD SYSTEM BY ADDING IRADELL ROAD EXTENSION AND A SECTION OF KRUMS CORNERS ROAD IN THE TOWN OF ULYSSES**

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

WHEREAS, the Town of Ulysses has been notified of and concurs with amending the County Road System by adding Iradell Road Extension and a section of Krums Corners Road in the Town of Ulysses ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action,

**SEQR ACTION: Unlisted**

(Short EAF on file with Clerk of the Legislature)

---

**RESOLUTION NO. 114 - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ADDING IRADELL ROAD EXTENSION AND A SECTION OF KRUMS CORNERS ROAD IN THE TOWN OF ULYSSES**

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

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115 of the Highway Law, that Iradell Road Extension and a section of Krums Corners Road, in the Town of Ulysses, as set forth below, be added to the map of the Tompkins County road system (the "Action"), and

WHEREAS, this addition is part of an agreed-upon "road swap" including Iradell Road, a section of Krums Corners Road, Falls Road, and Agard Road, as described in the accompanying Environmental Assessment Form for Resolution No. 113 of 2007.

June 19, 2007

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Ulysses has been notified of and concurs with the recommendation of the County Highway Manager to add said roads to the map of the Tompkins County road system, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, and pursuant to Article 6, Section 115 of the Highway Law, That Krums Corners Road, from the intersection of Trumansburg Road (NYS Route 96) to Iradell Road (County Road 177), being a distance of 0.44 miles, shall become a part of County Road 172, and Iradell Road Extension, being a distance of 0.2 miles, shall become County Road 177A, and be added to the map of the Tompkins County road system to be maintained by Tompkins County,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ulysses reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the specified time in said agreement.

**SEQR ACTION: UNLISTED**

(Short EAF on file with Clerk of the Legislature)

---

**Approval of Appointment Under the Consent Agenda**

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

**Water Resources Council**

Elizabeth Cameron – Representative of Environmental Health; term expires 12/31/08

**Report from the Personnel Committee**

Mr. Dennis, Chair, did not have a report. Mr. Proto inquired if any information is available regarding the health insurance package. Mr. Dennis said meetings are ongoing, with retirees providing comments. He stated it is a work in progress with additional meetings to take place. He will provide information to the Legislature when the work is further along.

**Report from the Government Operations Committee**

Mr. Stevenson, Chair, reported the Committee met on June 8<sup>th</sup> and discussed the availability of assessment data on the internet and reviewed some public comment; no action has taken place at this time. In addition, the Assessment Department provided information regarding the 2008 reevaluation of assessments and staffing requirements. The next meeting will occur on July 13<sup>th</sup>.

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

Ms. Mackesey, Vice Chair, reported the Committee met on June 11<sup>th</sup>, and heard a status report on lake monitoring by the Water Resources Council and Cornell University. As there is disagreement on how to proceed this item will come back for further discussion. In addition, a report was provided on the Flood Hazard Mitigation Program, and the Committee reviewed the budget for the Strategic Tourism Planning Board (STPB). Additional review of STPB budget will occur at the next meeting.

June 19, 2007

**RESOLUTION NO. 115 - AUTHORIZING TRANSFER OF THE TOMPKINS COUNTY ECONOMIC DEVELOPMENT REVOLVING LOAN FUND TO TOMPKINS COUNTY AREA DEVELOPMENT, INC.**

MOVED by Ms. Mackesey, seconded by Mr. Shinagawa. Ms. Mackesey stated the fund is the result of the repayment of loans provided through the Community Development Block Grant, thus allowing the monies to be utilized to assist businesses. Since Tompkins County Area Development (TCAD) already works with businesses with a similar loan fund, it seems a logical step to move the administration of this fund to them. In return, TCAD will receive \$18,000, which originates from Housing and Urban Development (HUD), to cover administrative costs of the fund; no local funding is involved.

Mr. Proto said he did not support the resolution at Committee, and will not now, for several reasons, including: (1) the amount for administration costs versus the administrative cost when within the Planning Department of only \$4,000 to \$6,000; (2) The Economic Development and Loan Oversight Committee is in existence to determine how the fund is spent, he does not believe the Planning, Development, and Environmental Quality Committee can dissolve it; and, (3) as this is a Federal program he would want to have assurance that it remains in compliance. Mr. Proto said one possible positive if shifted to TCAD is that Ms. Filiberto, formerly of the Planning Department, has been responsible to oversee the fund in the past.

Ms. Herrera expressed concern in shifting the program administration and believes County dollars are better spent through the County's administration; however, she understands that this is a way to assist in providing administrative revenue to TCAD.

Ms. Kiefer said many of her concerns had been voiced; however, she would like to see the resolution amended to include a "whereas" that reflects the loss of revenue within the Planning Department. Although she recognizes the resolution will be adopted, she believes it is important to indicate this fact. In addition, Ms. Kiefer stated that while TCAD is the principle economic development agency for the County, it deals primarily with high-tech jobs and increased employment, etc. However, they have not undertaken economic development in other areas, for example agriculture, which is done by Cornell Cooperative Extension and the Agricultural and Farmland Protection Board, and to some extent the Planning Department.

Mr. Marx clarified the \$4,000 to \$6,000 range is an estimate including other funds which the department is the administrator, therefore it may actually be a smaller amount.

Mr. Hattery said he is pleased to see the fund administration being transferred to TCAD.

A voice vote on the motion resulted as follows: Ayes – 12; Noes – 2 (Legislators Herrera and Proto); Excused – 1 (Legislator Robertson). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Economic Development Revolving Loan Fund was established in 1998 and has been continuously and successfully implemented since that time, and

WHEREAS, the Tompkins County Economic Development Revolving Loan Fund has been capitalized through grants by from the United States Department of Housing and Urban Development and from the New York State Governor's Office for Small Cities, and

WHEREAS, the Tompkins County Economic Development Revolving Loan Fund has been managed by the Tompkins County Planning Department since its inception, and

WHEREAS, Tompkins County Area Development, Inc., is the County's principal economic development agency, and

WHEREAS, Tompkins County Area Development, Inc., has successfully managed and operated its own Economic Development Loan Program, and

June 19, 2007

WHEREAS, many borrowers making use of the Tompkins County Economic Development Revolving Loan Fund also make use of programs managed by Tompkins County Area Development, Inc., and

WHEREAS, with this transfer the Tompkins County Planning Department will lose its annual administrative revenue of \$4,000 to \$6,000, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Economic Development Revolving Loan Fund program be transferred to Tompkins County Area Development, Inc.,

RESOLVED, further, That this transfer of the Economic Development Revolving Loan Fund will require the County to

- Capitalize the transferred economic development loan program, in an amount of \$100,000,
- Provide funding to cover administrative costs for one year, in an amount not to exceed \$18,000, and
- Transfer notes receivable by the Tompkins County Economic Development Revolving Loan Fund to Tompkins County Area Development, Inc.,

RESOLVED, further, That this transfer of the Economic Development Revolving Loan Fund will require Tompkins County Area Development, Inc., to

- Provide oversight and approval of loans through the Tompkins County Area Development, Inc., Finance Committee or its successors,
- Comply with all rules, regulations, and policies of the United States Department of Housing and Urban Development and the Governor's Office for Small Cities,
- Perform all administrative activities required pursuant to the use of funds from the United States Department of Housing and Urban Development and the Governor's Office for Small Cities, and
- Provide annual reports to the County on loan activity and performance,

RESOLVED, further, That the County Administrator or his designee be authorized to execute and agreements in order to effect the transfer of this program consistent with this resolution.

**SEQR ACTION:** TYPE II - 20

---

## **RESOLUTION NO. 116 - ENDORSING HOUSING STRATEGY FOR TOMPKINS COUNTY**

MOVED by Ms. Mackesey, seconded by Mr. Dennis.

Ms. Kiefer indicated she had requested specific financial information such as the actual dollar amount of fifty percent of median income, etc. be included within the document as well as on page three to have the following statement added at the end of the first sentence of the first full paragraph: "And of course construction should maximize energy efficiency to ensure long-term affordability."

Ms. Kiefer moved to amend the strategy as requested. A brief discussion occurred regarding whether the plan could be amended at this time. Mr. Marx did not have a substantive concern with the amendments; although other municipalities have received the present revision they could be provided with an amended version. As a result of the discussion, Mr. Joseph ruled that it is the County's Housing Strategy, and therefore motions to change the plan are in order.

It was MOVED by Ms. Kiefer, seconded by Mr. Koplinka-Loehr, to add the following statement to the end of the first sentence of the first full paragraph of page three of the strategy plan: "And of course construction should maximize energy efficiency to ensure long-term affordability," with corresponding amendment to the Resolution to note the date change to June 19, 2007.

Mr. Joseph will not support the amendment, believing it is an inappropriate time to make changes to a strategy that has been reviewed for a lengthy period of time.

June 19, 2007

It was MOVED by Mr. Dennis, seconded by Mr. Sigler, to refer the resolution back to Committee for further discussion and revision.

Mr. Marx requested not to do so, that several municipalities are on the verge of adopting and endorsing the strategy following the County Legislature. He is concerned the delay will reduce support and it is important to move forward.

Mr. Dennis stated his motion was made due to a concern the resolution would not receive enough votes at this time.

Ms. Herrera said that although she does not agree with amending a document that has gone before many others, she recognizes the Chair's ruling and will be flexible and support the amendment.

Mr. Proto spoke of his concern that additional input may be warranted and agrees that the resolution should be sent back to the Committee. He has questions regarding potential amendments to poverty levels in future years, concern over additional properties being removed from tax rolls, and providing an additional benefit to not-for-profits that was unavailable to for-profit individuals. He agrees that the resolution should go back to Committee.

Mrs. McBean-Clairborne appreciated the amendment, noting that affordable housing does not always mean affordable through the long term; this amendment provides an added layer of protection. She does not believe it is necessary to send the matter back to Committee.

Ms. Kiefer noted it was not her intent to delay action and she would be disappointed to see the matter returned to Committee and hopes that it passes.

Mr. Booth asked if the document is neutral on the question of whether housing units will or will not be taxable; he views it as neutral. Mr. Marx said most of the housing units would be taxable and that the document does not make any judgment on this question.

Ms. Herrera clarified that she does not believe the matter should go back to Committee.

A voice vote on the motion to refer the resolution and accompanying strategy to Committee resulted as follows: Ayes – 6 (Legislators Dennis, Hattery, Randall, Sigler, Stevenson, and Proto); Noes – 8 (Legislators Booth, Herrera, Joseph, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, and Shinagawa); Excused – 1 (Legislator Robertson). MOTION FAILED.

A voice vote on the proposed amendment to the Housing Strategy resulted as follows: Ayes – 11 (Legislators Booth, Dennis, Hattery, Herrera, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Randall, Sigler, and Shinagawa); Noes – 3 (Legislators Joseph, Proto, and Stevenson). MOTION APPROVED.

Mr. Sigler said he cannot support the resolution for various reasons, including the indication that the State and Federal housing funds have not kept pace, and in setting up the fund it is unclear where the money will come from or how large it will be. It appears that the County would be setting up a fund to compensate the State and Federal governments for their lack of responsibility. Mr. Sigler is also concerned that the number of housing units may be too high; for his particular district he feels it would not be possible without water and sewer districts, which is cost prohibitive. Additionally, he believes that the private market would also continue to build housing units.

Mr. Hattery asked if the strategy would have an effect on County subdivision review within municipalities. Mr. Marx stressed it is a Strategy, not a law or specific plan, stressing it shows what

June 19, 2007

future planning needs are. He indicated that for the Strategy to be effective the municipalities also have to be supportive of the strategy. There would be no impact on a Section 239 review.

Mr. Booth will support the resolution, indicating the strategy has come a long way. He would have liked to see specifically addressed the issue of in and around the City of Ithaca noting the need that Cornell University should provide housing for a larger percentage of students; at least this was including regarding additional students. To change the housing marking in and around Cornell the present student housing would need to change.

Mr. Proto spoke of his concerns for landlords within the City of Ithaca, noting that they do not have tax incentives and reported that forty percent of their rental income is required to pay property taxes. He expressed concern that removal of some property from tax rolls through abatements will create a shrinking pool of those paying tax.

Mr. Randall said he voted for the resolution at Committee to provide the opportunity for further discussion. He said he is unsure if passage of the Strategy will take local decision-making away from municipalities.

Mr. Joseph spoke of repeatedly hearing that the County is too expensive to live in due to the cost of taxes. He believes the real cost is the ability to afford housing. Mr. Joseph noted that the economic development plan recognized the lack of housing as the biggest issue restraining the economy. He feels it is important to take some action to do something; the Planning Department has presented a Strategy to do this in consultation and cooperation with others in the community and he believes there is a need to agree to do so.

Mr. Hattery noted he has had problems with information provided following the consultant report in regard to accuracy and whether the figures presented will hold up with time; this is a plan for the City and Town of Ithaca, not his district. In addition he believes there was a lack of involvement from the private-sector groups such as the Builders Association and Landlords Association.

Ms. Herrera said the document may not be as specific as individuals would like, which gives strength. She recognizes that everyone would like a say in specifics, however, it is a strategy and although individuals may not agree with the end conclusion it is simply a tool to work with and will not restrict municipalities.

Mr. Dennis will support the resolution, and said the Strategy provides a direction and is not necessarily the final way to move forward; he anticipates it will be modified as needed.

Mrs. McBean-Clairborne said she believes the municipalities will use the Strategy as a guide to produce or create a plan for housing in their areas. Mr. Marx noted it is a guidance document for each municipality to do what is appropriate for their community.

Mr. Proto asked for clarification if the strategy was applicable to only the communities listed in the document. Mr. Marx noted that the strategy does not offer incentives to any municipality, it describes what communities may or may not be able to support housing in their community. Mr. Marx said the numbers might be higher than listed.

Mr. Booth said he will support the resolution and noted that the document does not commit any County funding towards any goal.

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to call the question.

June 19, 2007

A voice vote on the original motion resulted as follows: Ayes – 10 (Legislators Booth, Dennis, Herrera, Joseph, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Shinagawa, and Stevenson); Noes – 4 (Legislators Hattery, Proto, Randall, and Sigler); Excused – 1 (Legislator Robertson).  
RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Comprehensive Plan, adopted by the Legislature in December 2004, established the principle that “Housing in Tompkins County should be affordable and appealing to all residents, regardless of their incomes or whether they rent or own their homes,” and

WHEREAS, according to the 2000 Census 40 percent of households in Tompkins County were financially stressed by paying more than 30 percent of income for housing, and

WHEREAS, the Affordable Housing Needs Assessment for Tompkins County completed in August 2006 identifies the need for almost 4000 new non-student housing units over the next ten years, over half of which need to be affordable to households making 80 percent or less of median household income, and

WHEREAS, the 2006 Tompkins County Economic Development Strategy, adopted by the Legislature in October, 2006, identifies the need to “Increase and diversify housing supply” as one of three top economic development goals, and

WHEREAS, the County Planning Advisory Board reviewed a draft strategy to meet this housing need which has been amended to reflect further input from municipalities and community organizations, and

WHEREAS, the Housing Strategy for Tompkins County is a starting point for addressing this critical community need and will evolve and be refined over time, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Tompkins County Legislature, endorses and supports the Housing Strategy for Tompkins County, dated June 19, 2007.

**SEQR ACTION:** TYPE II-20

---

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

#### **RESOLUTION NO. 117 - ESTABLISHMENT OF GUIDELINES AND FISCAL TARGETS FOR ALL COUNTY BUDGETING UNITS FOR THE PREPARATION OF THE 2008 BUDGET**

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Hattery.

Mr. Shinagawa said he would not support the resolution as he did not support the two percent target vote.

A voice vote on the resolution resulted as follows: Ayes – 9 (Legislators Booth, Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, Stevenson) ; Noes – 5 (Legislators Dennis, Joseph, Kiefer, Mackesey, and Shinagawa) ; Excused – 1 (Legislator Robertson). RESOLUTION ADOPTED.

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 August 2, 2007, and

WHEREAS, already-negotiated salary increases will require more than a three percent increase in department salary and fringe expenses, and

June 19, 2007

WHEREAS, the Tompkins County Legislature set a two percent tax levy goal on June 5, 2007, and wishes to establish targets in order for departments and agencies to submit their 2008 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 2008 budget are hereby established as follows:

1. For not-for-profit agency grants, fiscal targets shall be equal to the amount approved in the 2007 adopted budget –not including 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 shall be equal to the current year appropriation – not including one-time funding nor adjustments for prior years.
3. For all County departments, fiscal targets shall be equal to the fiscal target approved in the 2007 adopted budget, plus the 2008 negotiated salary increase and the associated fringe costs for the department’s bargaining units.
4. In addition, department fiscal targets shall not include one-time funding nor any funds re-appropriated from previous years.

RESOLVED, further, That the Tompkins County Legislature directs the County Administrator to work with departments and agencies to develop a budget to achieve a two percent tax levy goal.

**SEQR ACTION:** TYPE II-20

---

**Presentation of Resolution from the Health and Human Services Committee**

**RESOLUTION NO. 118 - URGING NEW YORK STATE SUPPORT TO ADDRESS THE SHORTAGE OF HOME HEALTH CARE WORKERS**

MOVED by Mr. Shinagawa, seconded by Ms. Mackesey.

Mr. Sigler said he believes that the Governor is already attempting to resolve the issue of the shortage of home health care workers and questions the need for the resolution.

Mr. Shinagawa noted he did revise the resolution to attempt to address Mr. Sigler’s concerns. He then reported he will be attending the *People First Coordinated Listening Forum* will be held in Syracuse on June 20<sup>th</sup> and he will be reading the resolution to Commissioner Daines at that time. This forum will be broadcast live over webcast. This will speak of the entire New York State system of care.

Chair Joseph suspended action on the resolution until completion of the presentation on the Health Department Building. RESOLUTION SUSPENDED.

**Presentation from the Health Department Building Committee**

Mr. Proto provided a brief update of the work completed by the Committee. He reported the Planning Department and Facilities staff, particularly Mr. Marx, Commissioner of Planning and Public Works, and Mr. LeMaro, Facilities Director, were outstanding in obtaining the information needed to meet the charge of the Committee, namely to bring forward several sites addressing the needs of the Health Department. He spoke of the Health Department just celebrating the sixtieth anniversary and received a proclamation from Assemblywoman Lifton. Mr. Proto noted the Health Department has been in their present location for forty years.

Mr. Proto said the former Space Needs and Location Committee provided the preliminary review of space needs within the County, and the final report indicated the need to provide a new building for the Health Department at the Biggs location as it was the most cost-effective recommendation at the time. Subsequently, Mr. Joseph created the Health Department Building Committee following the capital

June 19, 2007

review, which has reviewed the previous information from the Space Needs and Location Committee as well as new site locations. He said that this evening two sites will be discussed, the New York State Electric and Gas building on New York State Route 13/366, and the Biggs complex site. He noted that Mr. Marx and Kevin Marren of LaBella Associates would review the financial material in executive session. Mr. Proto said the purpose of the presentation is to provide information on sites reviewed and how the conclusion was made to proceed with these two sites. He said that he would like any questions individuals may have to be provided as soon as possible; it is hoped to bring this forward to the Health Department Building Committee on July 12<sup>th</sup> for further deliberation and bring to the Legislature at the July 19<sup>th</sup> meeting. At this time Mr. Proto introduced Mr. Marx, Commissioner of Planning and Public Works.

Mr. Marx said that the presentation will provide a history of the process that has taken place over several years, followed by detailed information on the alternatives being presented this evening. The information will be presented in executive session due to the potential real estate acquisition and negotiation. Mr. Marx reported that Mr. Marren has been associated with the Space Needs and Location and Health Department Building Committees, providing assistance on the evaluation and cost analysis for the possible products. Mr. Marx and Mr. LeMaro will address the detailed cost comparison over a twenty-year period at the appropriate time.

Chair Joseph declared a recess from 7:27 p.m. to 7:32 p.m.

It was MOVED by Mr. Proto, seconded by Mr. Dennis to enter into executive session at 7:32 p.m. to Health Department Building Committee and deliberations. A voice vote resulted as follows: Ayes – 13; Noes – 1 (Legislator Koplinka-Loehr); Excused – 1 (Legislator Robertson). MOTION APPROVED.

The meeting returned to open session at 8:40 p.m.

Ms. Kiefer, Ms. Mackesey, and Mr. Stevenson were excused at 8:40 p.m.

Mr. Whicher stated the Legislature did not discuss collective bargaining in executive session and withdrew his request for this item, due to the length of this meeting.

Chair Joseph declared a recess from 8:40 p.m. to 8:49 p.m.

Mr. Joseph reported the next discussion by the full Legislature regarding the Health Department Building Committee will be in open session as all financial figures will be confirmed.

### **Resumption of Health and Human Services Report and Presentation of Resolution(s)**

#### **RESOLUTION NO. 118 - URGING NEW YORK STATE SUPPORT TO ADDRESS THE SHORTAGE OF HOME HEALTH CARE WORKERS**

Mr. Shinagawa called attention to the revisions to the resolution, and in particular the portion referring to the previously adopted resolution opposing the Berger Commission's recommendations due to the shortage of home health aide workers and the well-documented shortage of skilled nursing home beds that will occur if the recommendations are implemented.

Mr. Proto spoke of his attendance at annual luncheon meetings and hearing repeated concerns that individuals working as home health aides were grossly underpaid. He asked if Mr. Shinagawa would emphasize this fact when presenting the resolution at the forum he will be attending, noting one reason for the shortage is the lack of adequate pay for the position.

June 19, 2007

A voice vote on the motion resulted as follows: Ayes – 11 (Legislators Booth, Dennis, Hattery, Herrera, Joseph, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, and Shinagawa); Noes – 0; Excused – 4 (Legislators Kiefer, Mackesey, Robertson, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the residents of Tompkins County have expressed a strong preference for long term care services in the home, and

WHEREAS, the demand for home care services in Tompkins County has risen substantially in recent years, and

WHEREAS, personal care aide services (one component of home health care) in Tompkins County rose from 99,524 hours in 2000 to more than 300,000 hours in 2006, and

WHEREAS, home care providers have reported a shortage of home health care workers with longer waiting lists and some patients only being able to receive fewer than optimal hours of service, and

WHEREAS, productivity of adult children is significantly compromised when their parents are receiving less-than-optimal care, and

WHEREAS, the older population of Tompkins County is steadily increasing, and by 2025, there will be a 14.3 percent increase in residents over age 85, the age group most likely to require long term care services, and

WHEREAS, the adopted findings of the Berger Commission's Plan to Stabilize and Strengthen New York's Health Care System call for additional services in the home, and

WHEREAS, the Tompkins County Legislature has passed Resolution No. 238 of 2007 urging rejection of the Berger Commission's recommendations because we opposed the closure of Lakeside Nursing Home in Tompkins County; and, further, we have come to understand the existing shortage of home health care workers will be exacerbated by the recommendations while still leaving a significant need for skilled nursing home beds should the recommendations be implemented,

WHEREAS, Governor Spitzer's "Patients First" Agenda to Fundamentally Reform New York's Health Care System recognizes that with Long Term Care needs "The vast majority – our grandparents, parents, children or neighbors – want to live in their community and in their home. Yet this is another example where the demand for health care services has changed, yet the supply has remained the same", and

WHEREAS, the United States Supreme Court's Olmstead decision of 1999 mandates providing long term care services in the least restrictive setting possible, and

WHEREAS, although overall costs of home care are often less than institutional care, home care requires more staff than providing care in a residential facility because people are dispersed in multiple settings at distances from one another, and

WHEREAS, the shortage of health care workers in all settings is projected to become exacerbated as the current workforce ages into retirement, and creating a sufficient qualified workforce requires years of coordinated effort and initiative, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Tompkins County Legislature urges the New York State Department of Health and the New York State Legislature to increase efforts and support for increasing the supply of home health care workers,

RESOLVED, further, That copies of this resolution be sent to Governor Eliott Spitzer, Senators Seward, Nozzolio, and Winner, and Assemblyperson Lifton, Health Committee Chairs Senator Kemp Hannon and Assemblyman Richard Gottfried, and the New York State Association of Counties.

**SEQR ACTION:** TYPE II-20

---

Mr. Shinagawa reported the Committee discussed the position of Health and Safety Coordinator in order to have options to determine how to deal with a decrease in revenue funding the position; this will be discussed further at a future meeting. In addition, the Committee discussed the financial situation of the Children's Drop-In Center, which is presently experiencing difficulty; passed the resolution the Legislature just took action upon; and received an update on the status of the Recreation Partnership agreement that will be acted upon at the July 19 meeting. The Committee also heard about the Tompkins

June 19, 2007

County Health Youth program and various strategies undertaken to assist in reduction of substance abuse among young people.

#### **Report from the Public Safety Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee met June 15, 2007, and received an overview from the District Attorney about the present staff configuration, caseloads, as well as the STOP-DWI program that was recently transferred to that office. The Committee was informed that there has been a significant increase in the child sexual abuse cases and that the Sheriff's Department has assisted in investigating these cases, which is very time consuming. Ms. Barber, who is in charge of the STOP-DWI program, reported that Tompkins County is rated seventh in the State for prosecution of DWI convictions. The Committee was provided the jail statistics, which appear to be stable. With regard to the Assigned Counsel, Ms. Hughes reported that although the number of cases is reduced, the cases being assigned to attorneys are more severe and require more time. Several high-profile cases they are working on will collectively cost hundreds of thousands of dollars in 2008 if they proceed to trial.

The Committee discussed the Assigned Counsel program and how it might be affected with regard to Judge Judith Kaye's proposal and State Legislation to amend the vision of representation statewide. Ms. Martel-Moore said Tompkins County's Assigned Counsel program is one of the top ten in the State and is viewed as a model. Ms. Leinthall, Director of Probation, discussed safety concerns within their building to ensure employee safety and will continue to discuss this with County Administration and other departments.

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

Mrs. McBean-Clairborne, Chair, reported on the Tompkins County Diversity Statement kickoff event held on June 14<sup>th</sup>. She expressed pride in the fact that almost every department was represented in this event that brought attention to the County's effort. She believes people are behind this effort and will work on bringing it forward. The Committee meets next on June 27<sup>th</sup>.

Mrs. McBean-Clairborne spoke of the Highway Division's representation at the Diversity Statement kickoff event and wanted to express her appreciation for their support.

#### **Report from the Health Department Building Committee**

Mr. Proto, Chair, reported the Committee's work was reflected by the presentation previously in the meeting.

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

Ms. Herrera, Chair, reported the Committee met on June 12<sup>th</sup>, with many items appearing on the consent agenda. She spoke of New York State Court System's request for additional space within the courthouse and the discussion that followed. Ms. Herrera noted that Judge Mulvey and State court representatives spoke of the need to act quickly regarding making additional space available, stating that a wait of 18-24 months was not sufficient. They specifically asked that a request for proposals be undertaken to assist in this effort. They presented a letter that had been sent to Mr. Joseph regarding this matter, who responded to the letter by stating that the County is actively pursuing the matter. The letter contained an updated space needs analysis and Ms. Herrera anticipates further discussions will be occurring. At that meeting, Ms. Kiefer had mentioned her connection with the Ernest J. Warren Law Library advisory board and the discussions regarding security and order within the building. At this time it was reiterated that the County staff is doing a fine job and the Committee will soon be hearing an update of steps taken to make space available, and recognizes the State's concern.

Ms. Kiefer returned to the meeting at 9:05 p.m.

June 19, 2007

Ms. Herrera reported the Committee was provided accurate information regarding compact fluorescent bulbs, specifically the proper disposal of them. She noted that the County does have the appropriate means of disposal of the bulbs and read the following:

“Households are exempt from Hazardous Waste Regulations in NYS but are strongly encouraged to properly manage all materials containing hazardous materials including fluorescent bulbs.”

Ms. Herrera provided information on the requirements for businesses, followed by information on how to dispose of the bulbs. This information will be provided to the Legislators to enable them to inform constituents.

Ms. Herrera spoke of her request of the County Attorney, County Administrator, and Solid Waste Manager, to provide information regarding the recent decision effecting flow control of solid waste, stating that the memorandum that was provided by them will be made available to Legislators. She spoke of the history of flow control and subsequent decisions to change the method to a user fee. Subsequent to the recent court decision, a discussion occurred based upon the historical information and review by the above-noted parties, with the final decision that the County should not amend flow control at this time, but perhaps upon elimination of debt service it could be reviewed.

The next meeting will take place on June 26<sup>th</sup>.

Mr. Proto stated the Space Needs report has a break down with regard to the Court system and might be useful to the Committee. He then spoke of the information regarding the compact fluorescent bulbs being a potential op ed piece for *The Ithaca Journal*, indicating it would be useful to have more public awareness.

Ms. Herrera spoke of how the County is proceeding in a methodical fashion with regard to sustainability and that we are realizing the benefits.

Mr. Joseph asked if the information on compact fluorescent bulbs is the same for regular fluorescent bulbs and was informed that it is. He then reported he has written a reply to Judge O’Shea regarding the Court space needs and has forwarded it to various interested individuals. A copy of this correspondence will be provided to all Legislators.

**RESOLUTION NO. 119 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO ABANDONING FALLS ROAD AND AGARD ROAD TO THE TOWN OF ULYSSES**

MOVED by Ms. Herrera, seconded by Mrs. McBean-Clairborne. A voice vote on the motion resulted as follows: Ayes – 12 (Legislators Booth, Dennis, Hattery, Herrera, Joseph, Kiefer, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, and Shinagawa); Noes – 0; Excused – 3 (Legislators Mackesey, Robertson, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the Town of Ulysses has been notified of and concurs with amending the County Road System by abandoning Falls Road and Agard Road, County Roads 143 and 144, respectively, to the Town of Ulysses (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

June 19, 2007

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action,

**SEQR ACTION:** Unlisted

(Short EAF on file with Clerk of the Legislature)

---

**RESOLUTION NO. 120 - AUTHORIZATION TO AMEND THE COUNTY ROAD SYSTEM BY ABANDONING AGARD ROAD AND FALLS ROAD TO TOWN OF ULYSSES**

MOVED by Ms. Herrera, seconded by Mr. Randall. Ms. Kiefer said she does not support the resolution as she believes Falls Road to be scenic and a tourist attraction and as such should remain a County road. Mr. Proto spoke of how the Town of Ulysses, who has the highest number of miles of County Roads, has therefore had the majority of its roads maintained by the County; he asked if there is any significance in abandoning the roads. Mr. Marx noted it results in a net decrease of the number of miles of County-owned roads in the Town of Ulysses. Mr. Proto then inquired if Ms. Kiefer's comments regarding the scenic and tourist attraction had been factored in, Mr. Marx said it had not as the amendments to the County Road System was based upon efficiencies and road classifications. Mr. Dennis said the Town of Ulysses Highway Manager, Mr. Meeker, does a good job in maintaining the Town roads.

A voice vote on the motion resulted as follows: Ayes – 11 (Legislators Booth, Dennis, Hattery, Herrera, Joseph, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, and Shinagawa); Noes – 1 (Legislator Kiefer); Excused – 3 (Legislators Mackesey, Robertson, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the County Highway Manager has recommended pursuant to Article 6, Section 115-b of the Highway Law, that Agard Road (County Road 144, approximately 1.41 miles), and Falls Road (County Road 143, approximately 1.58 miles), in the Town of Ulysses, as set forth below, be removed from the map of the Tompkins County road system (the "Action"), and

WHEREAS, this abandonment is part of an agreed-upon "road swap" including Iradell Road, a section of Krums Corners Road, Falls Road, and Agard Road, as described in the accompanying Environmental Assessment Form for Resolution No. 119 of 2007.

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Town of Ulysses has been notified of and concurs with the recommendation of the County Highway Manager to abandon Agard Road and Falls Road to the Town of Ulysses, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, and pursuant to Article 6, Section 115 of the Highway Law, That Agard Road and Falls Road be hereby removed from the map of the Tompkins County road system to revert to and be maintained by the Town of Ulysses,

RESOLVED, further, That the County Highway Manager is authorized to enter into an agreement with the Town of Ulysses reflecting this change and the amendment to the map of Tompkins County road system described above shall become effective at the time specified in said agreement.

**SEQR ACTION:** UNLISTED

(Short EAF on file with Clerk of the Legislature)

June 19, 2007

**Approval of Minutes of June 5, 2007**

It was MOVED by Mrs. McBean-Clairborne, by Mr. Dennis, and unanimously adopted by voice vote to approve the minutes of June 5, 2007, as corrected.

**Adjournment**

On motion, the meeting adjourned at 9:22 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office