

June 5, 2007

**Tompkins County Legislature
June 5, 2007**

APPROVED 6-19-07

Call to Order

Mr. Joseph called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 15 Legislators. Ms. Kiefer arrived at 5:37 p.m.

Privilege of the Floor by the Public

Sheriff Peter Meskill spoke in support of the resolution on the agenda entitled Appropriation from Contingent Fund – Re-Entry Initiative Program – Offender Aid and Restoration. He encouraged all Legislators to support the resolution that will temporarily fund a position at OAR. This is part of a process to work to make a difference with the Re-Entry program and he stated OAR is the outside agency that can directly work with inside agencies. He stressed the importance of having an outside connection in the efforts of a core group of people working with inmates to make a difference. He suggested that this be treated as a pilot program for six to eight months.

Ms. Kiefer arrived during privilege of the floor for the public.

The following individuals spoke in support of the resolution entitled “To Call for a Comprehensive Review of Charges that may Warrant Impeachment of the President and Vice President of the United States”:

Greg Potter, Freeville
David Jacobus, City of Ithaca
Bob Nape, Town of Ithaca
Alexis Alexander, City of Ithaca
Marty Luster, Trumansburg
Doria Higgins, Town of Ithaca
Joel Harlin, Newfield
Fay Gougakis, City of Ithaca
William Meyer, City of Ithaca
Ed Lisbe, City of Ithaca
Alan Carstensen, Trumansburg
Aaron Pines, Town of Ithaca
Fred Matteo

The comments of speakers cited such things as: “If we don’t repudiate, we’ll be seen as supporting the Administration’s actions”; “started petitions March 17th, 2,600 signatures as of today, at bring of fervent grassroots-inspired movement”; “if you sit passively that makes you and accomplice”; “why haven’t we been able to stop the torture?”; “separation of church and state”.

In addition, Fay Gougakis reported the bush administration is now scaling back climate surveillance of global warming – the opposite of what is needed.

June 5, 2007

Member-filed Resolution

Mr. Joseph stated the Resolution on the agenda entitled: "To Call for a Comprehensive Review of Charges that may Warrant Impeachment of the President and Vice President of the United States" would be moved up on the agenda for the purpose of accommodating individuals in attendance.

Mr. Sigler challenged the ruling of the Chair as he believes the resolution should remain where it was placed on the agenda. Mr. Joseph stated his reason for moving the resolution up on the agenda is to accommodate individuals who attend the meeting to listen to a particular issue.

After stating the question "Shall the ruling of the Chair be overruled?" the Clerk, without debate, took a roll call vote as follows: Ayes – 4 (Legislators Hattery, Proto, Randall, and Sigler); Noes – 11. THE RULING OF THE CHAIR WAS NOT OVERRULED.

RESOLUTION NO. 88 - CALLING FOR A COMPREHENSIVE INVESTIGATION OF EVIDENCE THAT MAY WARRANT IMPEACHMENT OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

MOVED by Ms. Mackesey, seconded by Ms. Kiefer.

Mr. Booth stated: "I. In my opinion consideration of the possible impeachment of the President and the Vice President of the United States lies far, far beyond any responsible or remotely rational definition of the duties and responsibilities of the County Legislature. The apparent willingness of a majority of the current Legislature to consider such a resolution reflects a serious misunderstanding of the role and capacity of a County Legislature." (The second part of Mr. Booth's statement was read later in the meeting).

It was MOVED by Mr. Booth, seconded by Mr. Proto, to Table this resolution indefinitely. A roll call vote resulted as follows: Ayes – 6 (Legislators Booth, Hattery, Proto, Randall, Sigler, and Stevenson); Noes – 9 (Legislators Dennis, Herrera, Joseph, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Robertson, and Shinagawa). MOTION FAILED.

Ms. Kiefer read the following statement submitted for the record by Brian Eden of Ithaca and indicated she agreed with this statement:

"Since the events of September 11, 2001, President Bush has authorized the invasion of Iraq and Afghanistan, the warrantless interception of Americans electronic communications, the torture and inhumane treatment of prisoners, the establishment of a "law-free zone" at Guantanamo Bay, Cuba, the extraordinary rendition of detainees, the indefinite detention of American citizens without access to legal counsel, without charge, and the opportunity to appear before a civil judicial officer to challenge their detention, and the creation of offshore "ghost" detention facilities. The President has also signed numerous Executive Orders and National Security Directives which, although less well known, are of similar concern. Many have asserted that these policies and practices violate either, or both, domestic and international law. The President claims the legal authority to institute such policies in his role as the Commander in Chief or as derived from the Congressional enactment of the "use of force" resolution.

"The following are the sources of Presidential powers: (1) express provisions of the Constitution, (2) a grant from Congress, and, (3) that which has neither been authorized nor prohibited by the Constitution or by Congress. In those areas set forth by the Constitution of shared power, the President may not use his Commander in Chief authority to override limits expressly enacted by Congress.

"I will address two specific areas in which the President has exceeded his authority. In the absence of Congressional action on the treatment of captured enemy soldiers, the President as

June 5, 2007

Commander in Chief would have authority to issue orders governing their treatment. However, the Constitution clearly provides Congress the authority to constrain the President's war powers. In 1996, Congress enacted the "Federal Torture Act". Due to the revelations of Abu Ghraib and the publicity surrounding the use of techniques such as "waterboarding", Congress was compelled in 2005 to once again pass legislation to categorically prohibit the torture and cruel, inhumane, or degrading treatment of detainees by all U.S. personnel anywhere in the world. Although President Bush opposed this legislation, he signed it into law when it passed Congress by veto-proof majorities. However, in his signing statement, he indicated that he reserved the right to order the use of such interrogation techniques as they were within his prerogative as head of the "Unitary Executive Branch" and as Commander-in-Chief. However, since Congress had enacted this legislation within the scope of its authority, a failure by the President to adhere to this act would be an express violation of the Constitution.

“Likewise, soon after 9/11, the President secretly authorized the National Security Agency to vacuum up the contents of all international communications of individuals and businesses. No warrants were obtained from the Foreign Intelligence Surveillance Court and no probable cause was required for the interception. The FISA act was passed in 1978 after extensive Congressional fact finding and debate. FISA has been modernized and amended dozens of times subsequently. There have been six major amendments since 9/11 including those incorporated into the Patriot Act. The provisions of the Act were well established and flexible, yet the President chose not to comply with them. He claimed that Congress lacked the authority to constrain his actions in wartime espionage. Since the NSA was created by Congress, it has the subsidiary power to write rules governing the Agency's operations. Although the president as Commander-in-Chief may have the power to order warrantless surveillance of Americans, such power may be, and has been limited by Congress. It is a default power, not an exclusive power. Despite subsequent attempts at oversight by Congress, the evolution of the warrantless surveillance program, what types of surveillance the NSA is currently conducting, and what the FISA Court has authorized have yet to be determined. The ever-shrinking Fourth Amendment has been completely eviscerated by current practice. Individualized suspicion and probable cause have given way to the data mining of electronic communications collected en masse. How do we now define "unreasonable" search and seizure?

“We are requesting today that you support us in bringing these allegations of the President's violation of the Constitution and the laws of the United States before the House of Representatives. Following an investigation and debate, those allegations receiving support from a majority of the members of the House will be incorporated into the Articles of Impeachment. Your support of this resolution indicates that you believe sufficient information has been developed to warrant further investigation by the House Judiciary Committee. President Clinton was impeached in 1998 for perjury and obstruction of justice in the Monica Lewinsky scandal. The allegations here, if substantiated, arguably present a much greater threat to our constitutional form of government than those committed by President Clinton. Therefore advocating for a full and fair evaluation of these allegations is neither frivolous nor a partisan stunt.

“President Bush has failed to ensure that the laws are faithfully executed. He has either ordered, or failed to supervise, Executive Department officials who have operated outside the lawful scope of their authority. President Bush is sworn by oath to preserve, protect, and defend the Constitution. As the chief executive officer, he has the greatest responsibility to adhere to the rule of law. However, he has selectively chosen to ignore those laws with which he disagrees. Holding a public office of trust is not a right, but a privilege, and removal from office is not necessarily a punishment. If we are to continue to be a nation ruled by law and not 'men', President Bush must be held accountable for his civil disobedience.”

Ms. Mackesey stated this is not an impeachment resolution. The purpose of the resolution is to call upon the House of Representatives to begin an investigation of possible charges against the President and Vice President. She responded to questions raised about the appropriateness of the Tompkins County Legislature acting on this resolution and stated the Legislature is in receipt of a petition containing over

June 5, 2007

2,600 signatures from every municipality in the County, accounting for five percent of the County's voter registration list. She said this Legislature has the responsibility to respond to constituents and to also uphold the United States Constitution. Ms. Mackesey said she does not think the County should respond only when the Constitution is being violated only in Tompkins County.

Mr. Dennis said while he will support this resolution, he does not think it will be taken up in Washington regardless of what the New York State Senate does. He addressed the question of whether Tompkins County has the right to talk about national and international issues and said the majority of the County's budget comes from the state and federal government. He thinks this is a lobbying effort and thinks lobbying at the state and federal level is one of the most important things a county government can do.

Ms. Robertson read the following statement:

"I've been on the fence about this resolution for a long time. I've really been very torn. However, I've been moved by hearing from my neighbors and my constituents, and many members of the public.

"I have been persuaded to support this resolution. I believe it is absolutely our job to listen to our constituents, as long as it takes for you to speak to us. That will never be a waste of our time. As for the time we legislators will take to discuss this, it will probably take less than an hour and I'm not concerned about that.

"I have no doubt that there is ample reason, already in the public record, to believe that the President and Vice President have committed "high crimes and misdemeanors." Bush and Cheney lied to get us to invade Iraq, and everything that follows is a consequence of those lies.

"So far, more than \$500 billion has been approved for Iraq. Residents of Tompkins County have paid \$169 million of that total out of our own pockets, not even counting all that's been appropriated but not spent.

"This is a local issue because the President and Vice President use the costs of war to justify slashing domestic spending. For example:

- Housing – Section 8 housing program has been cut almost 80% since the war began.
- Home Energy Assistance Program was cut \$80 million from last year, and Bush wants another \$400 million cut in 2008.
- In addition, Bush wants a 40 percent cut to the Weatherization Assistance Program. This program helps low-income households around the country permanently lower their energy, so this program also directly cuts the greenhouse emissions from power plants that cause global warming.
- The Even Start Family Literacy Program has been decimated by federal cuts, more than 65% in the last two years. In 2003, there were more than 80 Even Start Programs in NY. This year, only 29 programs left in the whole State. These programs work, and they can have lifelong effects. What happens without such programs? Several states predict their prison population and therefore how many prison cells they'll need in 15 years, by looking at the reading scores of 3rd graders.
- During the 1990's there was a lot of federal support for local policing, but that funding has been slashed. The FBI has just released new crime statistics, and the figures are way up for the 2nd year in a row. These results are at least partially because of cuts in federal aid to local police forces.

"On the Tompkins County Legislature, we talk often about the effects of State budget cuts and unfunded mandates, and we understand those pretty well. I think we also have to recognize how the money going to Iraq is being taken out of the hands of our children, our seniors, and the working people in Tompkins County. And we absolutely have a right to speak out about that.

June 5, 2007

“I support the many investigations that are now going on in Congress; it’s high time we had some truth about this administration. However, we need a special prosecutor to connect the dots, to carry out a coordinated, comprehensive inquiry. There are so many unanswered questions. For example:

- I would hope a special prosecutor would find out who put the claim back in the State of the Union speech that Saddam Hussein was trying to get yellowcake uranium from Niger? The CIA had taken it out of the speech in Cincinnati in October; who pushed to get it back into the President’s speech three months later?
- I’d like someone to follow up on Bush’s signing statements. The *Boston Globe* cited more than 750 laws that Bush signed, but added signing statements saying he would not enforce certain parts of those laws. What has he done with those? Has he really not enforced the laws that Congress passed?
- I’d like someone to tell us who the NSA has been spying on, in contravention of the FISA law. We know that was illegal but we don’t know who the targets have been.

“This President loves to say we need to hold people to account. It’s time we did just that. As the judge said today in sentencing Scooter Libby in the CIA leak case, “Truth matters. One’s station in life does not.”

“We cannot allow it to be true that, as Nixon believed, if the President does it, it is legal”.

Mr. Booth read the following statement:

“II. I opposed (and continue to oppose) the Legislature's consideration of this resolution. My constituents did not elect me to the County Legislature to make determinations regarding the potential impeachment of the President and the Vice President of the United States. I do not speak for them regarding this matter.

This resolution is now before us, and I will vote against it. I wish to make a number of points.

- A) I am a Democrat, and I voted against President Bush in both of the presidential elections in which he sought office.
- B) If individual members of this Legislature, as well as all other individuals, wish to recommend action by Congress regarding impeachment of the President and/or the Vice President, I urge that they make their views known to members of Congress.
- C) This resolution should be defeated because the Legislature does not possess the institutional capacity to assess the validity of the matters this resolution addresses. None of the offices of the County Government has any expertise to assess those matters. Equally important, the Legislature has done no assessment or review of the matters covered by the resolution.
- D) This resolution should be defeated because Congressional action to undertake Impeachment proceedings would remove any possibility that Congress and the President will take any action prior to January 2009 (i.e., when the President will leave office) regarding any number of important issues facing the American people -- e.g., health care, energy use and conservation, education, and immigration reform. If Congress were to follow the course this resolution urges, impeachment proceedings would become a Black Hole in Washington that would swallow all political effort of note and negate any chance for advancement on any number of important fronts.
- E) This resolution should be defeated because it purports to speak for the people of Tompkins County when in fact it speaks only for those individuals who have signed a particular petition. The Legislature has no information before it to support the conclusion that a majority of the people in this county favor

June 5, 2007

the initiation of impeachment proceedings. Petition signatures representing a tiny fraction of the County's population do not provide the necessary base of information.

F) This resolution should be defeated because it states in the baldest, most simplistic terms conclusions about complex matters regarding which numerous factors need to be carefully assessed and weighed before responsible decisions can be made. For example, whether reasonable, defensible conclusions were drawn by the government on the basis of then available information regarding the possibilities that there were weapons of mass destruction in Iraq and whether the federal government dealt responsibly with those possibilities require detailed review, as do all the bulleted items in the second Whereas clause. Consider the language in that Whereas clause regarding unlawful spying and invasion of privacy --- presumably connected in part to protections afforded by the Fourth Amendment of the US Constitution against unreasonable searches and seizures. The boundaries of those protections are immensely complex. I estimate that thousands of judicial decisions have wrestled with defining governmental authority in this area. Claims that government is violating the Fourth Amendment's protections are common, but whether that is true given the actual facts in particular cases requires deliberate, careful, balanced assessment. Neither the tone of this resolution nor the claims it makes suggest any awareness that such assessment is both desirable and necessary.

“I will vote against this resolution for the above-stated reasons but also for two additional, more important reasons.

G) This resolution does not square with the tests applied to Presidents by the American people in times of war and at other times when the nation's safety was in jeopardy. A great deal of history strongly suggests Presidents, in moments of danger, must be allowed considerable leeway in their efforts to protect this country and its citizens. There have been numerous instances in which American Presidents, in trying to protect the country, have done things or said things that at the time, and/or later, appeared to some and/or many to be highly manipulative, deceptive, misleading, dishonest, immoral, in violation of statutory law, and/or in violation of the federal Constitution. In none of those instances was a President impeached, and all of us here tonight have benefited from that fact.

“Nothing that I know of the actions of the President and Vice President regarding the current war in Iraq fall outside of, or come close to the limits of, the broad parameters of authority the American people as a whole have assumed their Presidents have, and been willing to have them exercise, in moments of great national danger. I offer several relevant examples:

“President Lincoln made clear during the Civil War that he was willing to interpret the Constitution broadly in doing what he saw as necessary to permit the nation to survive and that he was unwilling to allow a close reading of the law to prevent him from undertaking those necessary actions. Among other things, he suspended the Writ of Habeas Corpus in much of the country and allowed the imprisonment of thousands of persons thought to be dangerous to the country's well-being. He also permitted some of his assistants and political allies to do whatever they thought necessary, apparently including paying bribes, to acquire the necessary votes in Congress to begin the process of adopting the Thirteenth Amendment to the Constitution (i.e., the amendment that abolished slavery).

“After World War I began in 1914 without participation by this country, President Wilson took various steps to encourage the warring nations to settle their differences, but he also took a variety of steps to help the United States prepare itself militarily because he recognized this country might eventually be drawn into that war. Wilson ran for re-election in 1916 largely on the basis of the slogan "He kept us out of war." However, shortly after that election returned him to the White House and after certain actions by the German government, he aggressively led the nation into that war.

“After World War II began in 1939 without this country's participation, Franklin Roosevelt understood that if Britain fell to the Nazi onslaught this country would be gravely threatened. American

June 5, 2007

law at that time did not permit the US to directly provide military aid to Britain. Nevertheless, for more than two years FDR skirted the nation's legal mandates in order to provide as much military assistance as he could to Churchill's British government.

“FDR understood that eventually the US would be drawn into WWII. Facing enormous public opposition to this country's entering that war, he ran for an unprecedented third term in 1940, in large part on the basis that he had kept this country out of that war. Famously, during the 1940 campaign he stated: "I have said this before, but I shall say it again and again. Your boys are not going to be sent into any foreign wars." He understood that this nation's involvement in that war was necessary if the world as we know were to survive.

“In an egregiously unconstitutional action, FDR authorized the internment of more than 100,000 Japanese Americans for most of the Second World War.

“Without informing the American people in any way and without informing Congress at least as a body, FDR committed immense national resources to the development of nuclear weapons; and President Truman, again with no effort to inform this country's citizens, decided to drop two atomic bombs on Japan.

“Lyndon Johnson misled the American people on numerous levels regarding the issues faced in the Vietnam War and the manner in which the United States pursued a military resolution of that conflict.

“For those who may be keeping count, I should point out that with the exception of President Lincoln all of the Presidents mentioned above were Democrats.

“I am not arguing that all of these statements/actions by American Presidents in time of danger were correct or defensible or necessary or honest or anything else. I am arguing that the resolution suggests conclusions that seriously conflict with the manner in which this country has dealt with the exercise of Presidential power in time of war or other grave national danger. For this reason I will vote against it.

“H. Finally, impeachment is not the proper means for dealing with alleged Presidential misconduct during times of war or other national emergency (or I should say it is not the proper means to deal with conduct similar to that taken by this or past Presidents during dangerous circumstances). If the American people do not agree with the manner in which a President has dealt with a national emergency, then he should be voted out of office, and/or his party's Presidential candidate should be defeated in the next Presidential election, and/or Congress should not continue to provide funding for whatever course of action the President has chosen.

“I state this point in light of the historical record to which I have referred. Far more importantly, I state it because of the exceptionally difficult, and often horrendous, choices Presidents make, and in many cases must make in time of national danger. At those times the American people expect their Presidents to do what they and their advisors determine is necessary to keep the country safe. When the nation's safety is assured, there will be sufficient time, in hindsight, to wrestle out the rights and wrongs of what should or should not have been done, and then to take whatever corrective actions are deemed necessary. No President trying to determine how to protect this nation from serious threats and acting within the broad parameters in which past Presidents have acted, and been permitted to act, should have to worry about the possibility impeachment.

“I will vote against this resolution. Thank you.”

Ms. Herrera said she will support the resolution.

June 5, 2007

Mr. Stevenson spoke of the local impact of this resolution. He said during his election campaign one of the issues of concern he heard was debating national issues at the local level. At that time he told his constituents that he did not support debating issues of national focus at the County level and he has been reminded of what was discussed at that time; therefore, he will not support the resolution.

Mr. Sigler recommended that if those who spoke this evening feel strongly in the content of the resolution they should contact their representatives in the United States Congress. In addition to agreeing with comments made by Legislator Booth, he said he views this resolution as an effort to throw out the results of the last Presidential election and does not think that is democratic.

Mr. Randall stated that while he appreciates the passion and convictions of the persons speaking this evening, he too, is passionate about his convictions. While he agrees that war is a bad thing and everyone loses, he does not think voting on this resolution is within this Legislature's purview. He stated he did not receive one phone call or communication from his constituents in support of this resolution and the time spent debating this could have been better spent on County business.

Mr. Hattery stated he does not think this type of resolution belongs under debate by the County Legislature. Secondly, he sees a call for impeachment as a method by which to try to stop the war and thinks it would have been more genuine to bring a resolution asking for the war to end rather than calling for impeachment. Mr. Hattery said it is becoming a popular strategy to criminalize the policies and actions of those who are in power and disagreed with. While it may be easy to make these claims, he thinks its destructive and disengenuious. In contrast to the speakers this evening, Mr. Hattery said he thinks the American people are the greatest repository of maintaining our constitutional liberty and at this particular point in time, an Administration that is willing to pursue the war on terror is also a very important element in maintaining our constitutional liberties.

Mr. Shinagawa said regardless of the number of people who came to him with an issue of concern he believes it is his responsibility as a public servant to listen. With regard to the resolution under consideration, he has examined the issue and is supportive for many reasons. He thinks it's an important matter of historical record that this County Legislature was willing to look into this. He noted this resolution calls only for a subcommittee to be created to investigate.

Mr. Proto said one of the reasons he wanted this resolution to remain at the end of the agenda was to allow an opportunity for the public in attendance to observe the business this Legislature conducts at these meetings. Mr. Proto said he views the "seed" of this resolution to be the Iraq war. He also said he has a nephew who is a Marine Captain and is on his second tour in Iraq and the information his nephew has been permitted to share shows the support the Iraqi people have for what the United States is doing. Mr. Proto said there is no one who hates war worse than a soldier. He said while his constituents are concerned about what is going on in Iraq, the concern is about whether or not U.S. troops should be there. He said he will not support this resolution because it is an inappropriate way to resolve the problem. He urged everyone who signed the petition that was submitted on this matter to personally write a letter to their United States representatives.

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, to CALL THE QUESTION.

A voice vote on calling the question resulted as follows: Ayes – 13, Noes – 2 (Legislators Robertson and Sigler). THE QUESTION WAS CALLED.

A roll call vote on the resolution resulted as follows: Ayes – 9 (Legislators Dennis, Herrera, Joseph, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Robertson, and Shinagawa); Noes – 6 (Legislators Booth, Hattery, Proto, Randall, Sigler, and Stevenson). RESOLUTION ADOPTED.

June 5, 2007

WHEREAS, substantial evidence has been gathered that indicates that President George W. Bush and Vice President Richard Cheney have committed high crimes and misdemeanors, and

WHEREAS, said high crimes and misdemeanors may include, but are not limited to the President and Vice President:

- Misleading Congress and the American people regarding Iraq's weapons of mass destruction
- Misleading Congress and the nation about ties between Iraq and al Qaeda
- Using these falsehoods to lead our nation into a war in contravention of United States and international law
- Authorizing the unlawful use of torture and extraordinary rendition
- Engaging in unlawful spying on American citizens and otherwise violating citizens' right to privacy
- Declaring their intention to disregard their constitutional duty to faithfully execute the laws of the United States, and

WHEREAS, the results of some of the above-listed actions include severe damage to the international reputation of the United States as an upholder of civil liberties, democracy, treaties, and our Constitution, as well as a ballooning of United States debt and concomitant loss to local governments of Federal financial support for local and national human services, education, and infrastructure programs, shifting costs to local property tax payers, and

WHEREAS, Congress has begun the process of holding hearings to examine several of these charges, and

WHEREAS, the Rules of the House of Representatives call for the referral of possible articles of impeachment to the Judiciary Committee for investigation, and

WHEREAS, in excess of 2,600 residents of Tompkins County, New York, desire a full and comprehensive review of these charges in an orderly fashion, now therefore be it

RESOLVED, That the Tompkins County Legislature strongly urges Members of the New York State Legislature who represent Tompkins County to work to have the New York State Assembly and/or New York State Senate similarly request on our behalf that Congress appropriately and formally investigate such charges as to whether they warrant impeachment,

RESOLVED, further, That the Tompkins County Legislature strongly urges Members of Congress who represent Tompkins County be strongly urged to support the formation of an appropriate sub-committee to investigate and review said charges and that such support be evidenced by a written request to that effect addressed to the Speaker of the House,

RESOLVED, further, That copies of this resolution be delivered to Congresspersons Maurice Hinchey, Michael Arcuri, and Randall Kuhl; Senators Charles E. Schumer and Hillary Rodham Clinton; Senator Joseph Bruno, Senator Malcolm Smith; Assemblyman Sheldon Silver, Assemblyman James Tedisco; Senator James Seward; Senator Michael Nozzolio, Senator George Winner; Assemblywoman Barbara Lifton, and the media.

SEQR ACTION: TYPE II-20

* * * * *

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, commended Senator Nozzolio and Assmblywoman Lifton because they have become involved in the issue of trucks going through Tompkins County and other counties around Cayuga Lake en route to the Seneca Meadows Landfill. Mr. Dennis said these State representatives are looking at ways to make it easier for these trucks to get onto the Interstate.

Mr. Shinagawa, District No. 4 Legislator, reported the New York City Comptroller wrote an analysis entitled "Love Counts – The Economic Benefits of Marriage Equality for New York", in which he states that he estimates 56,000 people would travel from out-of-State to marry in New York State if there was marriage equality in New York State. Since the State requires a minimum of 24 hours between

June 5, 2007

the issuance of a marriage license and a ceremony most of the couples would stay over night or make two day trips. Mr. Shinagawa also highlighted the positive economic impact this could have on the State.

Mr. Shinagawa also reported Governor Spitzer and lawmakers have been negotiating for several weeks about reviving a law that speeds approval for power plants by overriding local ordinances. This is known as Article X and expired in January, 2003.

Mr. Shinagawa also announced he has launched a web page: www.nathanshinagawa.org.

Mr. Hattery, District No. 14 Legislator, announced Dryden Dairy Day will be held on Saturday, June 9th. The theme this year is "Hey, Hey, it's Dairy Day".

Mrs. McBean-Clairborne, District No. 2 Legislator, announced the annual GIAC Festival will take place on Saturday, June 9th. The theme for this event is "35 and still alive". She stated GIAC tries to support small, cottage industry-type businesses. If anyone knows someone who works out of their home and cannot afford to have a vending booth at the Festival have them contact GIAC. Mrs. McBean-Clairborne also announced the Juneteenth celebration will not be taking place in Tompkins County until June 23rd, it will be happening in several other areas the weekend of June 16th. She said this celebration is the oldest known celebration of the final emancipation of slaves.

Mr. Koplinka-Loehr, District No. 11 Legislator, reported that last week the Tompkins County Diversity Consortium sponsored a roundtable at the Clarion. He said over 120 people were in attendance at the event and he has copies of information if anyone is interested.

Presentation – Aquifer Study Program

At this time Kate Hackett of the Planning Department and Todd Miller of the United States Geological Survey presented the Legislature with a presentation on the Aquifer Study Program. During the presentation it was explained that the purpose of the program is to:

- Gain better understanding of groundwater resources
- Develop more comprehensive approach to water resources management
- Protect current and future drinking water supplies
- Ensure adequate water supplies to support development
- Develop appropriate protection measures

Current efforts include:

- Upper Six Mile Creek/Willseyville Creek
 - 8-year program (County participation started in 2002)
 - Partners: Town of Caroline, City of Ithaca, Tompkins County, USGS
 - \$420,000 total program cost
 - County contribution=\$137,855
- Virgil Creek
 - 5-year program (County participation started in 2002)
 - Partners: Town of Dryden, Tompkins County, USGS
 - \$432,000 total program cost
 - County contribution=\$139,454
- Upper Buttermilk Creek
 - 4-year program (initiated in 2006)
 - Partners: Town of Danby, Tompkins County, USGS, Senator Seward
 - \$265,000 total program cost
 - County contribution=\$99,127

June 5, 2007

The next steps are to:

- Initiate new study in late 2007/early 2008
- Work with municipalities to integrate results into local decision-making processes
- Develop list of potential funding sources

Presentation of Resolution from the Public Safety Committee

RESOLUTION NO. 89 – APPROPRIATION FROM CONTINGENT FUND – REENTRY INITIATIVE PROGRAM – OFFENDER AID AND RESTORATION

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Robertson.

Mr. Proto asked who would serve on the Re-Entry Advisory Committee. Ms. Dietrich, Director of OAR, responded the Committee has already begun meeting, and it will include representatives of the Departments of Probation and Community Justice, Social Services, Sheriff, Mental Health, Community Dispute Resolution Center, and the faith-based community. Mr. Sigler raised the question of whether this is a pilot program and was told that this will be operated on a pilot-program basis with statistics being gathered. A request may or may not come at a later point in time for permanent funding. He also asked how this is different from the work currently performed by the Department of Probation and Community Justice. Ms. Dietrich explained that the individuals involved in this program have completed their sentences and are not under any jurisdiction of the Probation Department (i.e., they are not on Probation).

Mr. Hattery said he supports the Re-Entry Program but would have preferred this funding request come from a County department rather than directly from an outside agency.

A short roll call vote resulted as follows: Ayes – 14, Noes – 1 (Legislator Hattery).
RESOLUTION ADOPTED.

WHEREAS, Offender Aid and Restoration (OAR), in conjunction with the Department of Social Services and the Sheriff's Office, as part of the "Criminal Justice/Alternatives to Incarceration 2007 Strategic Action Plan", has developed a pilot program known as the Reentry Initiative, where OAR staff will work in conjunction with the Jail Coordinator and individual inmates at the Tompkins County Jail to develop an "action plan" comprised of pre-release planning modules and enrollment in post-release, community-based programs, and

WHEREAS, inmate participation, which is voluntary, has exceeded initial projections, and

WHEREAS, this program is expected to grow over the next year and result in both successful reentry and reduced recidivism, thus saving the county tax dollars, and

WHEREAS, an additional \$28,715 would result in the following:

- Hiring a Client Service Worker with more case coordination experience to support this initiative.
- Providing necessary training to meet this initiative's needs.
- Developing an Emergency Client Flex Fund, because in past experience, OAR has found that relatively small expenditures on vital necessities have profound impacts on a successful transition back to the community. Expenditures such as recognized forms of identification (birth certificates, Sheriff's Ids), bedding and clothing, and emergency transportation can optimize a client's chance to successfully reenter the community.

WHEREAS, OAR will provide a thorough evaluation tied to initial performance measures of this initial stage of the re-entry initiative prior to the 2008 County budget cycle,

June 5, 2007

WHEREAS, the Public Safety Committee has charged the Criminal Justice Advisory/Alternatives to Incarceration Board with review of the OAR proposal to ensure its consistent with the overall CJA/ATI Strategic Action Plan, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance be authorized to make the following budget appropriation:

FROM: A1990.54400 Contingent Fund (targeted for Jail Overcrowding)	\$28,715
TO: A6316.54400 Program Expense	\$28,715

SEQR ACTION: TYPE II-20

Recess

Mr. Joseph declared recess from 7:39 p.m. to 7:50 pm.

Chair's Report

Mr. Joseph said the Dragon Boat Race will take place in July and he has issued a challenge from the County to the City of Ithaca to see if they would like to accept the challenge and try to reclaim the Dragon.

Mr. Joseph reported he has received an invitation from the Governor's Office of Intergovernmental Affairs to attend a meeting in Albany on July 11th of local government leaders to talk about what concerns there are. Mr. Joseph said Legislators should let him know if there are any issues they wish for him to raise at that meeting.

Appointment of Search Committee

Mr. Joseph appointed Legislator Dennis to lead a search committee for the position of County Administrator, and has directed Mr. Dennis to appoint members. A charge that sets parameters has been included in Legislators' folders this evening.

Report from the County Administrator

Mr. Whicher reported he spoke in Batavia on behalf of the Tompkins County Council of Governments on the shared-services program and also the health insurance program. He said he was proud of what Tompkins County had to share with everyone at that meeting and once again the County was in a leadership position.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires reported tomorrow evening there will be an auction preview of a small inventory of properties that will be included in the June 12 foreclosure auction.

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.

June 5, 2007

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote, to approve the following resolution(s) under the Consent Agenda:

RESOLUTION NO. 90 - AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., FOR DESIGN OF RUNWAY SAFETY AREA IMPROVEMENTS – ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the Federal Aviation Administration (FAA) has determined that the Runway Safety Area (RSA) at the departure end of Runway 14 does not meet safety standards requiring a minimum RSA length of one-thousand feet, and must be modified accordingly, and

WHEREAS, in order to avoid a loss of operational runway, a section of pavement measuring three-hundred and ninety-two feet must be added to the arrival end of Runway 14, and

WHEREAS, the airport's engineering consultant, C&S Engineers, Inc., of Syracuse, New York, has proposed designing the RSA improvements for a fee not to exceed \$249,955, and

WHEREAS, the budget for said runway safety improvement construction project, scheduled for 2008, is expected to be approximately \$3,000,000, and

WHEREAS, the budget for the RSA design project is as follows:

FAA Share (95.0%)	\$237,457
New York State Department of Transportation (NYSDOT) Share (2.5%)	\$ 6,249
Local Share (2.5%)	<u>\$ 6,249</u>
Total	\$249,955

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the agreement with C&S Engineers, Inc., for \$249,955 be and hereby is approved, subject to FAA and NYSDOT grants being approved, and subject to an Independent Fee Estimate (IFE) confirming the fee is fair,

RESOLVED, further, That the local share of \$6,249 will come from the airport's operational budget,

RESOLVED, further, That the County Administrator is authorized to execute the required documents and the Finance Director is authorized to advance payment for these services until reimbursement is received from the FAA and NYSDOT.

SEQR ACTION: TYPE II - 7

RESOLUTION NO. 91 - AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., FOR DESIGN OF SECURITY IMPROVEMENTS - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the airport's identification (ID) access control card system needs to be upgraded to bring it in line with today's security needs, and

WHEREAS, there is also a need for a series of closed-circuit television (CCTV) cameras to improve airport surveillance, and

WHEREAS, there is a desire to include all security equipment on a standby generator system in the event of a power failure, and

June 5, 2007

WHEREAS, the cost of the Security Improvement project, including the standby generator is expected to be approximately \$ 550,000, and

WHEREAS, the airport's engineering consultant, C&S Engineers, Inc., of Syracuse, New York, has proposed designing the replacement security system for a fee not to exceed \$54,345, with the funding for said design project being as follows:

FAA Share (95.0%)	\$51,627
New York State Department of Transportation (NYSDOT) Share (2.5%)	\$ 1,359
Local Share (2.5%)	<u>\$ 1,359</u>
Total	\$54,345

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the agreement with C&S Engineers, Inc., for \$54,345 be and hereby is approved, subject to FAA and NYSDOT grants being approved,

RESOLVED, further, That the local share of \$1,359 will come from the airport's operational budget,

RESOLVED, further, That the County Administrator is authorized to execute the required documents and the Finance Director is authorized to advance payment for these services until reimbursement is received from the FAA and NYSDOT.

SEQR ACTION: TYPE II - 2

RESOLUTION NO. 92 - AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., FOR DESIGN OF THE TERMINAL ROAD SYSTEM REHABILITATION - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the airport's terminal road system with five concrete walkways is thirteen years old and is in need of significant rehabilitation, and

WHEREAS, the airport's engineering consultants, C&S Engineers of Syracuse, New York. have proposed designing said rehabilitation project for an amount not to exceed \$49,220.00, and

WHEREAS, the budget for the terminal road rehabilitation is as follows:

Federal Aviation Administration (FAA)	(95.0%)	\$475,000
New York Department of Transportation (NYSDOT)	(2.5%)	\$ 12,500
Local	(2.5%)	<u>\$ 12,500</u>
Total		\$500,000

, and

WHEREAS, the local share of \$12,500 will come from the airport's operational budget, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That C&S Engineers, Inc., be awarded the contract to design the terminal roadway rehabilitation project, subject to the FAA and NYSDOT grants being approved,

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required contract documents.

SEQR ACTION: TYPE II - 2

RESOLUTION NO. 93 - AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., FOR DESIGN AND CONSTRUCTION

June 5, 2007

ADMINISTRATION TO REPLACE THE TERMINAL FIRE ALARM SYSTEM AT THE ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the Fire Alarm System in the airport terminal building has become increasingly difficult to maintain due to a scarcity of spare parts, and

WHEREAS, the airport's engineering consultants, C&S Engineers of Syracuse, New York, have proposed designing and overseeing construction of said replacement system for an amount not to exceed \$9,684.00, and

WHEREAS, the airport has secured a grant from the New York State Department of Transportation (NYSDOT) through the "AIR 99" program to help pay for the replacement fire alarm system, and

WHEREAS, the budget for said replacement system is as follows:

NYSDOT (80.0%)	\$ 80,000
Local Share (20.0%)	<u>\$ 20,000</u>
Total	\$100,000

, and

WHEREAS, the local share of \$20,000 will come from the airport's operational budget, and

WHEREAS, on December 19, 2006, through Resolution No. 226, the Legislature did accept the NYSDOT "AIR 99" grant for \$80,000, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That C&S Engineers, Inc., be awarded the contract to design and oversee the construction of the replacement fire alarm system for an amount not to exceed \$9,684.00,

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required contract documents.

SEQR ACTION: TYPE II - 2

RESOLUTION NO. 94 - AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., TO DESIGN THE REHABILITATION OF THE TERMINAL PARKING LOTS AND ENTRANCE/EXIT ROADWAYS – ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the entrances and exit of the airport's public parking lots, are in need of rehabilitation, and

WHEREAS, the parking lots themselves also have areas that need rehabilitation, including crack filling and sealing, and

WHEREAS, the airport's engineering consultants, C&S Engineers of Syracuse, New York, have proposed designing said rehabilitation project for an amount not to exceed \$39,761, and

WHEREAS, the airport has secured a grant from the New York State Department of Transportation (NYSDOT) through the "AIR 99" program to help pay for the rehabilitation project, and

WHEREAS, the budget for said rehabilitation project is as follows:

NYSDOT (80.0%)	\$300,000
Local Share (20.0%)	<u>\$ 75,000</u>
Total	\$375,000

, and

WHEREAS, the local share of \$75,000 will come from the airport's operational budget, and

June 5, 2007

WHEREAS, on April 17, 2007, through Resolution No. 61, the Legislature did accept the NYSDOT "AIR 99" grant for \$ 300,000, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That C&S Engineers, Inc., be awarded the contract to design the rehabilitation project for an amount not to exceed \$39,761.00,

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required contract documents.

SEQR ACTION: TYPE II - 2

RESOLUTION NO. 95 - AUTHORIZATION TO ACCEPT 2006-2007 SNOWMOBILE TRAILS GRANT-IN-AID

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the New York State Office of Parks, Recreation, and Historic Preservation administers a grant program to encourage local snowmobile club stewardship and development of snowmobile trails in the state, and

WHEREAS, in order to be eligible for this grant program, a local municipality must agree to sponsor the application and administer the program, which the Tompkins County Planning Department has done for local snowmobile clubs since 1998, and

WHEREAS, five snowmobile clubs are proposing to maintain 106 miles of trails that have previously been funded by this program for snowmobile use in Tompkins County, and as part of the grant application, each club prepared a three-year maintenance and capital project plan which has been compiled for a master application, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County hereby accepts the 2006-2007 Snowmobile Trails Grant-In-Aid funds in the amount of \$15,300,

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

SEQR ACTION: TYPE II-1

RESOLUTION NO. 96 - ACCEPTANCE OF A SCENIC BYWAYS GRANT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT THE CAYUGA LAKE SCENIC BYWAY CORRIDOR MANAGEMENT PLAN - 2006

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the New York State Department of Transportation (NYSDOT) has awarded grant funds to implement the Cayuga Lake Scenic Byway Corridor Management Plan, and

WHEREAS, the grant funds will be used to develop educational information for visitors about the water resources of Cayuga Lake, and

WHEREAS, the grant requires a local sponsor for the grant, and

WHEREAS, Cayuga Lake Scenic Byway, Inc., a not-for-profit corporation of New York State, has requested Tompkins County to act as local sponsor of the grant, and

WHEREAS, the Cayuga Lake Watershed Network is prepared to undertake the work required to develop the educational information, and

WHEREAS, the Department of Planning is prepared to work with Cayuga Lake Scenic Byway, Inc., and the Cayuga Lake Watershed Network to manage this program, and

June 5, 2007

WHEREAS, Cayuga Lake Scenic Byway, Inc., and the Cayuga Lake Watershed Network are prepared to provide the required match for the grant, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby agrees to act as local sponsor for the grant,

RESOLVED, further, That the County hereby accepts the NYSDOT Scenic Byway grant in the amount of \$21,700,

RESOLVED, further, That the Director of Finance is authorized to make the following adjustments to the 2007 Budget:

Revenue:

8027.43959	State Aid Planning	<u>\$21,700</u>
	TOTAL REVENUES	\$21,700

Appropriation:

8027.54400	Program Expense	<u>\$21,700</u>
	TOTAL EXPENDITURES	\$21,700

RESOLVED, further, That the County Administrator or his designee be authorized to execute multi-year contracts with Cayuga Lake Scenic Byway, Inc., and the Cayuga Lake Watershed Network for the purposes of managing the grant project,

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

SEQR ACTION: TYPE II – 18

RESOLUTION NO. 97 - AUTHORIZATION TO CONTINUE THE HOMEOWNERSHIP PROGRAM THROUGH USE OF PROGRAM INCOME FUNDS

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the County received Small Cities Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) administered by New York State in 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2002 and 2005 for the purpose of continuing its successful existing home mortgage program for first-time homeowners, and

WHEREAS, the County operates a homeownership program that serves low-to-moderate first-time homebuyers, and

WHEREAS, the County operates through the provision of financing on which payment is deferred for five years, and

WHEREAS, the County repayment on these monies began in September 1995 and, under the rules of HUD Small Cities Program, these program income funds must be respent for like purposes as the original grants, and

WHEREAS, these funds will assist up to twenty families in Tompkins County to become first-time homeowners, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County hereby authorizes the use of Small Cities CDBG Program Income funds in the amount of \$600,000,

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	CD8688.44959	Federal Aid	\$150,000
Appropriation	CD8688.54400	Program Expense	\$150,000

June 5, 2007

Revenue	CD8695.44959	Federal Aid	\$450,000
Appropriation	CD8695.54400	Program Expense	\$450,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 98 - IN RECOGNITION OF TOMPKINS COUNTY HOMEOWNERSHIP PROGRAM HELPING 250 LOW AND MODERATE INCOME FIRST-TIME HOMEOWNERS TO PURCHASE HOUSES

Moved by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the Tompkins County Homeownership Program is funded by United States Department of Housing and Urban Development and the Governor’s Office for Small Cities Community Development Block Grants awarded to Tompkins County, and

WHEREAS, Better Housing for Tompkins County has delivered the homeownership program since its inception in 1993, providing educational workshops, one-on-one financial counseling, and down payment assistance in the form of a grant or low-interest loan to first-time homebuyers below eighty percent of median family income in Tompkins County, and

WHEREAS, the program has loaned \$4.6 million in mortgage funds and leveraged \$14.1 million from local mortgage lenders, and

WHEREAS, loan repayments have generated \$2 million in program income, and

WHEREAS, the program is extremely successful with a foreclosure rate less than three percent of program participants compared to a rate in excess of twelve percent for homeownership programs nationwide, and

WHEREAS, the 250th client to purchase a home with assistance through the Tompkins County Homeownership Program occurred on April 30, 2007, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature commends Better Housing for Tompkins County for its accomplishments and congratulates Better Housing for Tompkins County on assisting 250 participants to become first-time homebuyers in Tompkins County,

RESOLVED, further, That the Tompkins County Legislature commends Tompkins County Planning Department for their continued support and administration of the Tompkins County Homeownership Program.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 99 - BUDGET ADJUSTMENT – PLANNING DEPARTMENT

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote 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 Planning, Development, and Environmental Quality Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Planning

Revenue Acct	Title	Amt	Approp Acct	Title(s)
A8027.43959	State Aid Planning	\$34,916	A8027.54400	Program Expense
A8027.42770	Other Miscellaneous Revenues	\$ 5,829	A8027.54400	Program Expense
A8027.43959	State Aid Planning	\$ 8,000	A8027.54400	Program Expense

June 5, 2007

Explanation: Source of Revenues is a 2005 Scenic Byways grant already accepted by the County. Funding will be used to construct 1-2 kiosks along the Scenic Byway. Source of Revenues is funding from the Cayuga Lake Scenic Byway that will serve as match for the kiosk construction project. Source of Revenues is a 2004 Scenic Byways grant already accepted by the County. Funding will be used for promotional materials.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 100 – AUTHORIZATION FOR PUBLIC HEARING – TOMPKINS
CORTLAND COMMUNITY COLLEGE OPERATING BUDGET
2007-2008**

MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Tompkins Cortland Community College is a joint enterprise of Tompkins County and Cortland County whose budgets must be acted on by each county, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That a public hearing be held on June 19, 2007, at 5:30 o'clock in the evening thereof in the Legislature's Chambers of the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York, concerning the 2007-2008 operating budget request for Tompkins Cortland Community College. At such time and place all persons interested in the subject matter will be heard concerning the same,

RESOLVED, further, That the Clerk of the Legislature be and hereby is directed to place such notice of public hearing in the official newspaper of Tompkins County.

SEQR ACTION: TYPE II-20

Approval of Appointment Under the Consent Agenda

It was MOVED by Ms. Herrera, seconded by Mr. Koplinka-Loehr, and unanimously adopted by voice vote to approve the following appointment(s):

STOP-DWI Advisory Board

Chuck Bartosch – At-large representative; term expires 12/31/09

Advisory Board on Indigent Representation

Abigail DeLoache – term expires 12/31/09

Report from the Facilities and Infrastructure Committee

Ms. Herrera, Chair, reported at the last meeting on May 22nd she let the Committee know that Mr. Joseph's directive to the Committee regarding Flow Control was referred to Barbara Eckstrom, Solid Waste Manager, Mr. Wood, County Attorney, and Mr. Squires, Finance Director, to provide legal and financial input to the Committee. They were also asked to provide information as to the applicability of the Onieda-Herkimer decision regarding flow control and the implications flow control would have for Tompkins County and its Solid Waste Program.

At the last meeting the Committee also discussed the County/Cornell Working group as interest was expressed by Cornell University in collaborating with the County on proposed improvements mentioned in the Cornell University Master Plan, specifically gateways into the university from Pine Tree and Ellis Hollow Roads. Ms. Herrera also reported on the Sustainability Team and said Mr. Marx reported that the team met in early May and continues to work on projects in the areas of focus, including the Solid Waste Reduction policy and an Environmentally Preferable Purchasing Programming that will

June 5, 2007

be coming forward. Lastly, Ms. Herrera spoke of the Renewable Energy Certificate and said Mr. LeMaro, Director of Facilities, reported on the purchase of 390,000 kilowatt hours of wind energy in the first year of the five-year contract with Community Energy.

Report from the Personnel Committee

Mr. Dennis, Chairman, thanked Mr. Joseph for entrusting him with Chairing and appointing members of the County Administrator Search Committee. He said there is sufficient time to have a well-thought out process that will satisfy the charge outlined by Mr. Joseph. He encouraged Legislators to submit names for members to serve on the selection committee.

Mr. Dennis said C.S.E.A. has written a letter asking for negotiations to begin for White Collar and Blue Collar employees prior to the expiration of those contracts at the end of the year. He also reported negotiations continue for the Road Patrol.

Report from the Government Operations Committee

Mr. Stevenson, Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be June 8th at 2 p.m.

Report from the Planning, Development and Environmental Quality Committee

Ms. Robertson, Chair, reported the Committee has not met since the last Legislature meeting. She also announced the Homeownership Program will celebrate its 250th family that has been able to purchase a home through the program on June 8th.

The next meeting will be June 11th at 3:30 p.m. at the Sciencenter.

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

Mr. Koplinka-Loehr, Chair, announced the June 11 meeting has been cancelled. A brief meeting will take place prior to the June 19 Legislature meeting. At the last Committee meeting on May 29th the Committee passed an amendment to the Capital budget of the TC3 Master Plan and noticed there was a different interpretation in what the TC3 Board was calling "holding harmless" if the County were to extend under cash flow for debt service than what the County considered "holding harmless" meant. Mr. Squires is looking into this with TC3 and will be reporting back to the Committee. Mr. Koplinka-Loehr said the Committee is also recommending that the County not take part in the Medicaid/Sales Tax Swap. A full presentation will come before the full Legislature on this in July. A subcommittee is also being set up regarding reviewing revenue options and cost saving strategy that is being reviewed by department heads and will come back to the Committee.

RESOLUTION NO. 101 – ESTABLISHMENT OF 2008 COUNTY FINANCIAL GOALS

MOVED by Mr. Koplinka-Loehr, seconded by Ms. Herrera.

Ms. Herrera said although this resolution contains a tax levy increase of two percent, this is more than some were agreeable to at the onset of the process. She said even though she believes there are valid reasons for going after a zero percent budget, there is sufficient reason to believe a budget at that level would not pass this Legislature. She said recognizing that, she decided to bring forward a goal because she believes it is important to set parameters, provide leadership and direction, as well as set the tone of the discussions that will take place.

June 5, 2007

Mr. Proto asked if a presentation and/or recommendation would be provided to the Legislature about retirees and related proposals. Mr. Dennis said Legislators will soon be receiving information on both of the issues of retirees and employee health and prescription costs.

Mr. Booth said he voted in favor of this resolution at the Committee level, however, he is concerned that it may be extremely difficult to get to the goal stated in the resolution. It was MOVED by Mr. Booth, seconded by Mr. Dennis, to change the numbers to a 3.6 percent (3.6%) tax levy increase, resulting in a two (2) percent tax rate increase...

Mr. Shinagawa stated regardless of whether the goal set is 2 or 3.6%, the important thing to keep in mind is that both of these are not the status quo and in fact, both challenge the status quo. When taking into consideration such things as Medicaid mandates, debt service, and salary increases and benefits for employees, it could be much higher than this. He said this amendment shows that this Legislature is committed to not having the status quo and reducing or at least stabilizing possible tax increases.

Mr. Dennis spoke to his being referred to as not being in support of establishing a goal and said he believes that the County Administrator and department heads have presented a budget that demonstrates financial restraint in both the tax levy and potential tax increase. While this may help them have a better target, he believes staff is very capable of providing the Legislature with a budget that is workable and could be supported by the Legislature.

Mrs. McBean-Clairborne said while she thoroughly trusts the County Administrator and departments, she heard the County Administrator state that he finds it very useful to receive a directive from the Legislature. She said the process that requires justification to place items back into the budget makes it necessary to think strongly about the importance of those items.

Mr. Proto said this resolution automatically assumes there will be a tax increase and said he has difficulty supporting that statement.

Mr. Joseph said it is possible that the County could end up with no tax rate increase and that establishing a goal at this point-in-time is arbitrary. However, at the budget retreat a compromise was reached on 3.6 percent and he was prepared to support that compromise at the last meeting when this resolution was presented. He said he is still willing to support that compromise this evening but cannot support two percent.

Ms. Herrera said at the budget retreat she advised her colleagues she was voting to support the 3.6% figure to get something out of the retreat; however, she said at that time she was interested in a lower number. When she was informed a goal was not set at the last meeting when she was not in attendance, she decided to come forward with the goal of two percent because she thinks it is attainable.

A voice vote on the amendment resulted as follows: Ayes – 7 (Legislators Booth, Dennis, Joseph, Kiefer, Mackesey, Robertson, and Shinagawa); Noes – 8 (Legislators Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Stevenson, and Sigler). AMENDMENT FAILED.

A voice vote on the original resolution resulted as follows: Ayes – 8 (Legislators Booth, Hattery, Herrera, McBean-Clairborne, Proto, Randall, Shinagawa, and Sigler); Noes – 7 (Legislators Dennis, Joseph, Kiefer, Koplinka-Loehr, Mackesey, Robertson, and Stevenson). RESOLUTION ADOPTED.

Mr. Shinagawa stated he voted in favor of the resolution by mistake. It was MOVED by Mr. Shinagawa, seconded by Ms. Kiefer, to RECONSIDER the resolution. A voice vote resulted as follows on reconsidering the resolution: Ayes – Legislators 8 (Dennis, Joseph, Kiefer, Koplinka-Loehr,

June 5, 2007

Mackesey, McBean-Clairborne, Robertson, and Shinagawa); Noes - 7 (Legislators Booth, Hattery, Herrera, Proto, Randall, Sigler, and Stevenson). MOTION TO RECONSIDER CARRIED.

Ms. Robertson spoke of mandates and recent increases to counties and explained these are items in which there is no local control. She said there will be increases in those mandates in the next year and thinks a two percent goal is way under what the Legislature could achieve without doing serious damage to programs that are of great importance to the residents of Tompkins County.

Mr. Shinagawa said he cannot support a goal of two percent because of reasons stated earlier. He also thinks a goal is something that the Legislature should be able to attain, therefore, he cannot support the resolution with a goal of a two percent tax levy.

Mr. Proto said this resolution is a guide to the County Administrator and is not "set in stone". He agrees with the statement made earlier by Legislator McBean-Clairborne in that this will make the Legislature conscious of valuing programs under review and either adding or removing items from the budget.

Mr. Sigler said regardless of establishing a target, there needs to be something to address the projected decrease of \$1,700,000 stated in the resolution.

Ms. Mackesey stated after last year's experience she has concluded that there needs to be discipline in the amount of money spent by Tompkins County, however, doing it during the budget process is not the way to go about it. She said there needs to examination of priorities and areas where cuts can be made outside of the budget process.

Ms. Kiefer said she does not want to repeat the process that took place last year and having a budget that the County Administrator cannot recommend. She thinks a two percent goal is unattainable. She always expects County departments and the Administrator to do the best they can.

A voice vote on the original resolution resulted as follows: Ayes – 8 (Legislators Booth, Hattery, Herrera, McBean-Clairborne, Proto, Randall, Sigler, and Stevenson); Noes – 7 (Legislators Dennis, Joseph, Kiefer, Koplinka-Loehr, Mackesey, Robertson, and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, Tompkins County, as part of its budget policy and process, wishes to establish the framework for the budget over the next year, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Legislature establishes the goal of a maximum tax levy increase of 2 percent (2%) for 2008 resulting in a .5 percent tax rate increase for 2008 and also resulting in a projected decrease of \$1,700,000 in locally controlled spending over 2008 projections,

RESOLVED, further, That the Legislature use 2008 to begin a process to stabilize the rate of tax levy change,

RESOLVED, further, That the County Administrator shall be charged to recommend modifications to employee health and prescription costs and further consolidations of departments and functions where opportunities exist for improved efficiencies.

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on May 18th and discussed the resolution adopted earlier this evening concerning the Re-Entry program. The Committee also discussed the electric hybrid vehicles and was assured that Lee Shurtleff, Director of Emergency Response, is

June 5, 2007

looking into training fire and emergency medical personnel in responding to accidents involving these vehicles. The next meeting will be June 15th.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee is rolling out work of the Committee and on June 14 the Marketing Team will be launching the Diversity Statement Logo to County departments and the public to let everyone know that Tompkins County is actively working to embrace and support diversity cultural change within an organization. The event will take place on the Ithaca Commons at 11:30 a.m.

Report from the Health Department Building Committee

Mr. Proto, Chairman, reported the Committee will meet on June 14th at 3:30 p.m. At that meeting the Committee will be reviewing the remaining sites and making a recommendation to be presented at the June 19 Legislature meeting.

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

Mr. Shinagawa, Chair, reported the Committee met on May 16 and received a presentation about the Education of Preschool Handicapped Children's Program and quoted the following statement from the minutes of that meeting: "Ms. Allinger informed the Committee that the Federal Government auditors have completed their audit of the Children's Preschool Special Education program as it relates to New York State Medicaid within the Department of Education and found what they believe to be Fraudulent Billing Practices within the New York State Education Billing Practices section. As a result of their determination, the Federal government indicated they would like to take-back ten years of Medicaid funding from New York counties and school districts. Following discussions with State-level personnel, a compromise was reached to put a hold on some Medicaid revenues as it relates to speech pathology, counseling, and transportation for special need children. What that means for the County is that the anticipated revenue from these funds was \$600,000; approximately \$450,000 of this amount is for the specified service areas. The County only learned about the withholding of funds at the time the reimbursement funds were not received and did not include funds for these areas. In addition, the school districts are not receiving reimbursement. Various timeframes for the hold on funds have been provided, with the last indicating the hold was to be for between three to six months. At this time there is no indication of when the hold is lifted."

Mr. Shinagawa reported the Committee also received a presentation on the Human Services Coalition Needs Assessment Survey that was done of the 26 different agencies. The Committee also heard about the 2007 Teen Summer Guide to Jobs that can be found on the County's website. The Committee will meet again tomorrow at 3 p.m.

RESOLUTION NO. 102 – APPROPRIATION FROM CONTINGENT FUND – REPLACEMENT PAY – HEALTH DEPARTMENT

MOVED by Mr. Shinagawa, seconded by Mr. Booth. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Health Department has an employee out on medical leave for greater than two months in the Community Health Services Division, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay from the Contingent Fund, now therefore be it

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

June 5, 2007

FROM: A1990.54440	Contingent Fund	\$1,495
TO: A4016.51000513	Account Clerk Typist	\$1,075
A4016.58800	Fringes	\$ 420

SEQR ACTION: TYPE II-20

Approval of Minutes of May 15, 2007

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, and unanimously adopted by voice vote to approve the minutes of May 15, 2007 as corrected.

Adjournment

On motion, the meeting adjourned at 8:55 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office