

September 4, 2007

**Tompkins County Legislature  
September 4, 2007**

**Approved 9-18-07**

**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: 14 Legislators (Legislators Booth, Hattery, and McBean-Clairborne arrived at 5:36 p.m.).

Excused: 1 (Legislator Randall).

**Privilege of the Floor by the Public**

Bernard Hutchins, Hanshaw Road, submitted the following statement:

“For over two years, the Tompkins County Highway Department has had its eyes on the front portion of our property at 1016 Hanshaw Rd., for use in rehabilitation procedures for Hanshaw Road. I have been before your legislature on two previous occasions concerning this matter (April 18, 2006 and July 5, 2006) and have sent a letter concerning ROW (Dec. 8, 2006).

“On Oct. 19, 2005, I sent a certified letter to Mr. Jonathan Wood informing the county that they were not to enter my property beyond 17 feet from the current centerline until they obtained a wider ROW, or established that they already owned one. Reasonable enough? This letter remains unanswered by Mr. Wood, and by other county officials (except as noted below), and the policy seems to be to continue to ignore me. Most recently, the latest plans, which you are considering tonight, clearly show use of my property beyond 17 feet, but my property is not even listed among the temporary and permanent easements you hope to acquire.

“Although I have argued (see below), convincingly, as any reasonable person will agree, that such a ROW may not or does not currently exist, the county continues to ignore me. This disdain violates both my Fifth Amendment Rights (due process for seizure of private property) and my First Amendment Rights (the right to seek redress of grievances).

“This body was formerly called the "Board of Representatives." Recently it has chosen to call itself the "Legislature." So - now you legislate to the citizens instead of representing them! What an unfortunate development. Will some member of this legislature step up to the plate and represent this citizen?

“Below is a full discussion (with references) of the ROW situation:

**COUNTY CONTENTIONS OF A 25 FOOT ROW**

**(1) CONTENTION OF COUNTY HIGHWAY AND FISHER ASSOCIATES**

We will produce a deeded easement (Sept 21, 2005 Dewitt cafeteria meeting).

**(1) RESULT**

No evidence of such found.

**(2) CONTENTION OF RICH BRAUER OF FISHER ASSOCIATES**

Your deed map shows r/w lines at 25 feet. (Rich Brauer Oct. 17, 2005 neighborhood walkthrough.)

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(2) RESULT

The deed text describes pins ("passing a pipe") at roughly 25 feet from the centerline. It is our understanding that "A RoW shown on a survey map is not an indication [of ROW], as surveyors will often show 3 rods (25 feet each side) as a matter of course, and not based on a legal determination" (William Lesser, Ithaca Town Board, email of Oct. 21, 2005). (Indeed, they could not put the pins at the property boundary which is here deeded to the center of the road.) My map does show R/W lines, but these are shown habitually and gratuitously - east and west, and indeed on the opposite side of the road where the surveyor had no cause to investigate.

(3) CONTENTION OF LAMPMAN AND BRAUER

The deeds up and down the road show a 25 foot ROW. (various times)

(3) RESULT

This is quite silly and poorly defined. At one time they said 90% showed this ROW and later (John Lampman at the Jan 26, 2006 Town Board meeting) revised this downward to 50%. [Further, at this same meeting, John Lampman admitted that the county was not "occupying" the 25 ROW in all places.] However, we have seen no basis for this "preponderance of the evidence" approach including neighboring deeds. Clearly, the situation with regard to what neighbors do does not effect my rights. If my neighbors are all convicted felons (I'm quite sure that is not true!) and have lost their right to vote, I do not lose my right to vote - do I? If a neighbor has not defended his property, that has nothing to do with mine.

(4) CONTENTION OF COUNTY

The Town of Ithaca actually holds a deeded easement. (various times)

(4) RESULT

The Town says they do not. Further, they suspect "right-of-way by usage."

See Minutes of Town Board, Oct. 17, 2005, pages 11 and 12, (Town Attorney John Barney with comments by Supervisor Valentino and Fred Noteboom).

(5) CONTENTION OF COUNTY

The NYS DOT has conclusive evidence of a 25 foot ROW (email from John Lampman, Dec. 1, 2005)

(5) RESULT

The NYS DOT has made no such determination. (Mr. Joe Flint, Dec. 1, 2005 by phone call to the DOT office in Syracuse.)

(6) CONTENTION OF JOHN LAMPMAN AND RICH BRAUER (Fisher Assoc.)

Your deed at 1016 shows a 25 foot ROW. Dec. 1, 2005 at Cayuga Heights fire station meeting.

(6) RESULT

ERROR! The 25 foot ROW was not a roadway easement, but rather a private side easement. County admits to a careless reading by some unspecified researcher. (Dec. 2, 2005 email from J. Lampman).

(7) CONTENTION OF COUNTY

The plans for Hanshaw Road from 1906 show a 25 foot ROW.

(7) RESULT

I obtained these plans. They show a 8 foot (both lanes) driving surface (Macadam), with 8 foot shoulders. That's 12 feet, not 25 feet.

(8) CONTENTION OF COUNTY

Highway Law (pre-1830) would have permitted the opening up of the ROW to 25 feet. (John Lampman, email, April 7, 2006)

(8) RESULT

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This may have been a mistake. Perhaps it meant pre-1930 and referred to Highway Law Section 189? In any event, this contention evaporated.

(9) CONTENTION OF THE COUNTY

There is a county-maintained swale in front of my property beyond the shoulder. (John Lampman, email, April 19, 2006)

(9) RESULT

There is not. The low spot there was not county constructed nor maintained. In his first email, John already states that the swale is not generally present at "many" of the properties west of Blackstone. More to the point, a swale is supposed to have one end open is it not!

HERE ARE MY CONTENTIONS AS TO WHY THE ROW IS ONLY 17 FEET

(1) The county has tried and failed to justify a ROW of as much as 25 feet in the nine instances described above. In some cases, these contentions were quite lame and silly. In addition we have:

(2) The physical situation shows a driving land, a shoulder, and allowing two feet for snow storage (never exceeded in the winter of 2006-2007), the use ROW is only 17 feet. Beyond this is a well established row of cedar trees, and the 25 foot line is well behind these (in fact, we see this on the current plan maps). "Courts tend to presume that if a tree is more than 10 years old, it is outside of the established ROW" (Darrel Harp, former Chief Counsel for the NYS DOT, as quoted by Joel Gagnon, Danby Town Board, in "Of Trees and Roads," Aug 23, 2002). There is no evidence or plausible argument supporting public use beyond 17 feet.

(3) My deed (dated 1995) indicates a highway ROW only as: "The rights of the public in and to that portion of the above-mentioned premises lying within the bounds of Hanshaw Road." This is clearly only a use easement.

(4) In a Dec. 1, 2005 email from John Lampman, he indicates that if by use, the ROW may be as small as 17 feet in places along the road. If he was talking about locations other than mine, he did not say so then or since. He was obviously talking to me, about my property. In addition, at the Jan 26, 2006 Town Board meeting, John said that the county was not occupying a full 25 foot ROW at all locations along the road.

(5) Section 189 of NYS Highway Law seems to be the controlling legislation. Mr. Wood quote it in a general memo about ROW to the T.C. Legislature dated Oct. 30, 2006. Mr. Wood knew about (at least I told him about) Opinions of the Attorney General dated 1995 (Opinion 95-39) and 1999 (Opinion 99-19), but he avoided mentioning them in his memo. These same Opinions are also cited in the NYS DOT Mapping Manual (dated 2002). These unequivocally refer specifically to Section 189 and without question, modify it (weaken it), citing court cases that say the ROW is limited by actual use. I replied to his memo by letter to this legislature, and to each member, and to county officials, dated Dec. 8, 2006. I received a thank-you for the memo from Mr. Booth (thanks back to him) and there is a brief acknowledgment included in the F&I Committee minutes of Dec. 12, 2006. This really must be addressed. I doubt that the County Attorney outranks the Attorney General of New York State.

"I urge the Tompkins County Legislature to not pass the resolution concerning approval of the Hanshaw Road rebuild plan, for the following reasons:

(1) It ignores the ROW concerns of the citizens, and minimizes the potential opposition that this disregard is likely to occasion.

(2) The report has disguised the opposition to the sidewalk plans. (See my April 4, 2007 comments at the T.C. Legislature meeting). Please also see my letter to the F&I committee of the current date.

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(3) The report ignores and disguises the very valid safety issues brought up by the citizens. Again please also see my April 4, 2007 comments and letter to F&I of the current date.”

### **Privilege of the Floor by Legislators**

Ms. Herrera, District No. 5 Legislator, and Chair of the Facilities and Infrastructure Committee, said two resolutions are coming before the Legislature regarding Hanshaw Road, and the meeting prior to the Legislature meeting addressed the design portion. She is confident that the County has obtained input from the community on the Hanshaw Road project and is pleased by the effect that input has had on project design. She said that the County has gone “beyond the extra mile” to determine that both community and safety needs are met. She believes that citizens should come forward to discuss concerns.

Legislators Booth, Hattery, and McBean-Clairborne arrived at this time (5:36 p.m.).

Ms. Mackesey, District No. 1 Legislator, called attention to the most recent quilt on loan from The History Center. She said the quilt was constructed by Patty Elwin Davis in 1999 and depicts many historical events that have taken place in Tompkins County. She expressed appreciation to The History Center for providing quilts through their loan program.

Mr. Stevenson, District No. 8 Legislator, announced September 14 and 15 will be the Newfield Old Home Days event. He said the event highlights the wonderful services available within the Town of Newfield and the County.

Ms. Robertson, District No. 13 Legislator, announced the Ellis Hollow Country Fair would take place on Saturday, September 7<sup>th</sup>, from 12:00 to 4:00 p.m. on Genung Road. Also, the Freeville Harvest Festival is being held on September 15<sup>th</sup>.

Ms. Mackesey spoke of the upcoming Garbage Truck Task Force meeting to take place at 3:00 p.m. on September 27<sup>th</sup> in the Scott Heyman Conference Room. She said the meeting, normally held in Skaneateles, is for municipal officials to discuss concerns relating to the use of local roads by garbage haulers.

Ms. Kiefer, District No. 10 Legislator, thanked Mr. Hutchins for coming to the Facilities and Infrastructure Committee and the Legislature to express his concerns regarding the Hanshaw Road project. She said while she had read much of the design report she had not thoroughly reviewed the Appendix “L” portion and was grateful he had. Ms. Kiefer said although she cannot assist him with regard to the Right-of-Way situation, she believes that Fisher Associates has tried to do the design in a manner to save as much of the character, landscaping, and other items residents have requested. She hopes that Mr. Hutchins will be pleased with the resolution at the end of the project.

### **Report from Municipal Official(s)**

Ms. Coles, City of Ithaca, reported that a large boulder that will hold a poem would be erected as a memorial to the Red Bud Woods. She then announced that a developer for the southwest neighborhood has been chosen, McCormick Baron and Salazar, leaders in the country in building communities as well as utilizing LEED construction. Ms. Coles noted the firm likes to design their project to provide integrated communities. She indicated that Common Council did not approve a proposal for Inlet Island as it was felt it provided excessive benefit to the developer. Ms. Coles reported on a potential proposal for the Gun Hill site that would provide 39 housing units that would be no higher than three stories. She said developers have met with individuals in the neighborhood who are in favor of the project. With regard to the City of Ithaca’s potable water, Ms. Coles reported the board is divided. The Board of Public Works is doing the environmental impact study and Common Council will make the final decision.

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Ms. Robertson asked for an update on the proposed moratorium in Collegetown. Ms. Coles said there was a group of individuals appointed by the Mayor to discuss the development of Collegetown. This group has done considerable work and the City is in the process of hiring a firm to develop a design. Currently numerous proposals for development are being recommended. A recommendation has been made that in order to halt the continuous proposals being submitted, a design moratorium should take place so that the \$70,000 to be expended on the design will not be in vain. This will appear on the next Common Council agenda.

Mr. Booth said the news regarding Gun Hill is very positive. He then asked whether the City of Ithaca would be a partner or a purchaser of water from Bolton Point in the present proposal, stating he believes if the City does not own its own water supply it could be in jeopardy. Ms. Coles explained that the City would be building an expansion of Bolton Point that would not be owned by the City. The only ownership would be an endless water main. She expressed the belief that this would be the same expense as though the City owned its own water plant.

Mrs. McBean-Clairborne inquired who would be responsible for the contamination cleanup at the Gun Hill site. Ms. Coles said that the present owner, Dr. Deal, is developing a partnership with Travis and Travis. An application will be made for a State program that would provide a potential \$2.5 million for cleanup. Ms. Coles has been in contact with an attorney associated with the State Cleanup Fund who has provided her with details about the program.

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

**RESOLUTION NO. 166 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RECONSTRUCTION OF HANSHAW ROAD, CR 109, IN THE TOWNS OF ITHACA AND DRYDEN AND VILLAGE OF CAYUGA HEIGHTS, PIN 3753.25**

MOVED by Ms. Herrera, seconded by Mr. Booth, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Village of Cayuga Heights and the Town of Ithaca have been consulted during design development and have concurred with preliminary planning for reconstruction of Hanshaw Road, County Road 109, in the Village of Cayuga Heights and Towns of Ithaca and Dryden ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Full 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  
(EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. 167 - AUTHORIZATION TO ISSUE DESIGN AND RIGHT-OF-WAY PLAN APPROVALS FOR THE RECONSTRUCTION/ REHABILITATION OF HANSHAW ROAD, CR 109, IN THE TOWNS OF ITHACA AND DRYDEN AND VILLAGE OF CAYUGA HEIGHTS, PIN 3753.25**

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MOVED by Ms. Herrera, seconded by Mr. Booth. Ms. Kiefer indicated she was not prepared to support the resolution at the Committee level and will not support it now. She spoke of the change from the preliminary design with specific traffic-calming recommendations such as colored shoulders to the final design that does not include this feature. Ms. Kiefer indicated Fisher Associates, the consultants, included as much traffic-calming design as possible within the budget. She said she was surprised at the estimated cost of the colored aggregate for the shoulders. She hopes that staff can be innovative and will find a way to include color in the shoulder area. Ms. Kiefer said she disagreed with the traffic analysis for the Hanshaw/Warren Road intersection which led to the added expense of a light as she does not believe it is needed at this time. Although she has given a lot of thought to this and strongly supports the county fixing this road segment, but she believes she cannot support the resolution without the inclusion of colored shoulders.

Ms. Herrera said during Committee discussions it was made clear that the project was a huge community benefit and has undergone much discussion and change due to community input. As a result of public concerns amendments to the project were made. She feels the community input, particularly with regard to a project such as this are important. Ms. Herrera said she was not in agreement with Ms. Kiefer that the light was not warranted, as the combination of the County analysis and as the Cornell University GEIS study indicated the traffic light is appropriate. While she would like to design a road to please all she believes the staff has done their utmost to provide a balance.

Ms. Robertson inquired what the cost of colored shoulders would be. Mr. Lampman provided the figure of \$800,000+ for colored aggregate, and perhaps one-half that cost if modified. He indicated other alternatives are being considered as well. He believed that the estimates for Ellis Hollow Road would be similar. Ms. Robertson expressed surprise, noting that the same consultants were working on the Ellis Hollow Road design and had indicated the colored shoulder treatment was not prohibitively expensive. Mr. Marx stated that he believes that as the projects are progressing it has become apparent that the cost is much more than anticipated. Mr. Booth asked why colored shoulder treatment is so expensive. Mr. Lampman explained that to provide aggregate-colored shoulders there is more labor involved; it requires the separate application of a narrow strip adjacent to the roadway rather than providing the shoulder material in the initial application with the roadway itself.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Kiefer); Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 9 of 2005 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund design of the reconstruction of County Road 109, Hanshaw Road, (the "Action") in the Towns of Ithaca and Dryden, and Village of Cayuga Heights, and

WHEREAS, preliminary project design has been developed in conformance with the applicable environmental laws, design standards, and accepted engineering practice; all exceptions to accepted design standards have been thoroughly analyzed and their retention adequately justified; all permits have been identified and will be secured prior to letting; public participation has been encouraged and included in the project development processes; and project costs are reasonable, and

WHEREAS, in accordance with applicable federal regulations and guidelines a Right-of-Way Plan has been prepared which indicates that acquisition of approximately twenty-six (26) permanent and sixty (60) temporary easements is necessary, but that the individual and cumulative impacts of right-of-way acquisition are considered total de minimus in nature, and

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

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WHEREAS, completion of all procedural requirements needed prior to project design approval and Right of Way Plan approval have been certified by the design consultant and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting Design Approval whereby completion of project final design shall be authorized,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting approval of the Right-of-Way Plan for the referenced project.

**SEQR ACTION:** Unlisted  
(EAF on file with Clerk of the Legislature)

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

**RESOLUTION NO. 168 - APPROVAL OF AMENDMENT TO CONTRACT AND APPROPRIATION FROM ROOM TAX RESERVE - TOMPKINS COUNTY CHAMBER OF COMMERCE- TOURISM PROMOTION 2007-2008 SPECIAL PROJECTS**

MOVED by Ms. Robertson, seconded by Mr. Dennis. Mrs. McBean-Clairborne inquired if the Ice Cream Sundae event had already taken place. Mr. Bonn of the Convention and Visitor’s Bureau indicated that the event had occurred and the resolution would provide reimbursement for the event. A short roll call vote on the resolution resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, the County Legislature has designated the Ithaca/Tompkins County Convention and Visitor’s Bureau (I/TCCVB) as its New York State Tourism Promotion Agency for the State Fiscal Year 2007-2008, and

WHEREAS, the I/TCCVB, a program of the Chamber of Commerce, has identified four special promotion projects designed to generate overnight visits and enhance visitors’ experiences, and

WHEREAS, there are adequate dollars within the Room Tax Reserve Fund balance to fund the following I/TCCVB Special Projects:

<u>2007-2008 Special Projects</u>	
Downtown Visitors Center Signage and Kiosk	\$ 1,200
Ice Cream Sundae Public Relations for 2007	\$ 2,500
Consultant – Assist with re-design of 2008 Travel Guide	\$10,000
Winter recess – Budget replenish	<u>\$15,000</u>
	\$28,700

RESOLVED, on recommendation of the Planning, Development, Environmental Quality and the Budget and Capital Committees, That the County Administrator or his designee is authorized to execute an amendment to the Chamber of Commerce tourism promotion contract for \$28,700 to fund the four tourism-generating projects,

RESOLVED, further, That the Director of Finance be authorized and directed to make the following appropriation from the Room Tax Reserve:

From:	0980.0000	Room Tax Reserve Fund Balance	\$28,700
To:	6475.4632	Room Tax- CVB	\$28,700

**SEQR ACTION:** TYPE II-20

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**Chair’s Report**

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Mr. Joseph called attention to written material provided to Legislators regarding the Standing Committee Goals for 2007. He stated that some work of the Committees is on-going items that are not related to specific goals. Mr. Joseph explained that the goals are different each year and that with only 24 – 48 hours of annual meeting time for committees, they should be realistic and few in number. The goals should be viewed in the same manner as Special Committee goals; short-term and eliminated upon accomplishment. He asked that Legislators review the information provided.

Mr. Joseph also reported that there would be a Legislative Retreat on September 11<sup>th</sup> at the 6<sup>th</sup> Floor Conference Room of the Mental Health Building to discuss the County Administrator position. The retreat will be a lead-up to a similar discussion to take place with Department Heads on October 11<sup>th</sup>.

Mr. Koplinka-Loehr noted that Mr. Whicher's summary of his working job description differed from the formal job description inasmuch as Mr. Whicher's document indicated he acts as a Chief Operating Officer and Personnel Department's description indicated it as Chief Executive Officer. He said these things would be discussed at the retreat.

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

Mr. Whicher announced the 2008 Proposed Budget recommendation is on schedule. Legislators will be receiving their material on September 14<sup>th</sup>. He noted that Department Heads and Agencies did well in preparing budgets that he will be able to recommend.

### **Report from the County Attorney**

Mr. Wood reported that as a follow-up to a previous meeting question, the Health Department fee court case would be heard on October 17, 2007. He then wished to address statements made by Mr. Hutchins, noting that the implication of no correspondence from the Highway Division is incorrect. Mr. Wood reported he has written to Mr. Hutchins at least once and has also received copies of approximately 30 – 50 e-mail messages between the Highway Division and Mr. Hutchins. He feels it is permissible to disagree with the right-of-way issue; he did not feel it appropriate to imply his concerns were not responded to.

### **Report from the Finance Director**

Mr. Squires did not have a report

### **Additions to/Withdrawal from the Agenda**

There were no additions to or withdrawal of resolution(s) from the agenda.

### **Approval of Consent Agenda**

There were no items on the Consent Agenda.

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

There was no report from the Workforce Diversity and Inclusion Committee.

### **Report from the Health and Human Services Committee**

Mr. Shinagawa, Chair, reported the Committee would meet on September 5, 2007.

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

Mr. Proto, Chair, reported that County Attorney Jonathan Wood and the Facilities Director are working on an agreement for the 55 Brown Road property with Cornell Real Estate. The consultant for the project will be undertaking a structural assessment within the next week and it is anticipated that the report will be made available to the Health Department Building Committee. Mr. Proto said the Committee will meet on September 13, 2007, unless the assessment is not complete, in which case the Committee may meet September 20. He then announced that tours of the facility would be available on September 5, at 4:00 p.m. and again on September 12 at 10:00 a.m.

### **Report from the Facilities and Infrastructure Committee**

Ms. Herrera, Chair, reported the Committee met prior to the Legislature meeting to consider the resolution regarding Hanshaw Road. The next meeting of the Committee will be on September 11, 2007, at which time the Committee will take up various Administrative Polices and resolutions for airport construction projects as well as the Highway Division Coddington Road project.

### **Report from the Personnel Committee**

Mr. Dennis, Chair, reported the Committee met prior to the Legislature meeting regarding the award of the County Deferred Compensation Plan to ICMA Retirement Corporation. He said Mr. Stevenson and himself as well as other staff were involved in the interviews and that the company was also recommended by Mr. Squires, Mr. Whicher, Ms. Fitzpatrick, and Ms. Kominos. The next meeting of the Committee is September 12<sup>th</sup> from 3:00 p.m. to 5:00 p.m. at the Beverly Livesay Conference room, at which time the discussion of Retiree Health Insurance will continue.

### **Report from the Government Operations Committee**

Mr. Stevenson, Chair, reported the Committee has not met. The next meeting will occur on September 14<sup>th</sup> at 2:00 p.m.

Mr. Proto inquired whether any additional information had been provided regarding Ansbros' interest in natural gas exploration on County property. Ms. Herrera said the Facilities and Infrastructure Committee had requested that staff review the proposals and determine whether there was value to continue further. Mr. Wood reported Ansbros had provided an offer, however he had returned it to the company with a request for additional information. Upon receipt and review, Mr. Wood said he would bring it forward to the Committee if it were deemed worthwhile.

A lengthy discussion took place relating to the subject of gas exploration, during which Ms. Kiefer stated her understanding that Tompkins County was to issue a Request for Proposals (RFP) for an agreement. Ms. Herrera noted that the request for staff review would provide information regarding potential offers, and therefore determine the best manner to proceed. Ms. Mackesey stated her belief that having an offer would not provide information on the potential offers of other companies. Mr. Marx said that although the discussion of possibly having a Request for Proposals, a review of what has taken place in Elmira and other municipalities indicates staff is proceeding in the right direction.

Mr. Proto said that municipalities would not have the same level of protection with regard to liabilities as a LLC would have. He indicated that Attorney Denton from Elmira, New York would still be available to answer questions relating to the subject.

Discussion continued, with Mr. Wood explaining that normally companies wishing to undertake drilling for minerals purchase the rights as units, normally between 320 to 640. He does not see the value of an RFP inasmuch as companies are looking for units, not individual property rights. He said that there

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are times different companies look at the same property, however not at the same time. Mr. Proto spoke of his experience with several companies approaching at the same time, with one company taking the lead in the drilling efforts. Mr. Proto inquired whether rights-of-ways along road services were included in the proposals. Mr. Wood explained it is a different issue; rights-of-way do not include mineral rights. He clarified that he doubted there would be proposals submitted if an RFP were requested.

Mr. Stevenson stated that to put the discussion into perspective, there are no guarantees of revenue from drilling projects, and therefore this does not warrant lengthy discussions. He believes that Mr. Wood is handling the situation appropriately.

### **Report from the Planning, Development, and Environmental Quality Committee**

Ms. Robertson, Chair, reported the Committee will meet on September 10<sup>th</sup> at 3:30 p.m. and will have a discussion regarding Cooperative Extension's Rural Landowners Survey as well as the Public Art Policy and the Cornell University Deer Management Plan.

### **Report from the Budget and Capital Committee**

Mr. Koplinka-Loehr, Chair, reported the Committee met August 27<sup>th</sup> and reviewed a draft schedule for the expanded budget meetings that should be generated shortly. The Committee received a brief report regarding the Core Performance Subcommittee's work and in particular the focus on the overall charge; the work included stakeholders. The Committee received an update regarding the proposed budget that will be reflected in the material Legislators will receive on September 14<sup>th</sup>. Mr. Koplinka-Loehr reported the Public Information Advisory Board was unable to schedule the Public Information meeting on September 27<sup>th</sup> as originally planned; this will now be held on Monday, October 1<sup>st</sup> from 7:00 p.m. to 9:00 p.m. at Boynton Junior High School.

Mr. Koplinka-Loehr reported that the bonding resolution regarding the Health Department Building Committee could be brought to the Legislature at its meeting on September 18<sup>th</sup>. It was noted the resolution would be considered prior to any purchase offer commitment and that it would require ten votes.

### **Report and Presentation of Resolution(s) from the Public Safety Committee**

Mr. Booth, Vice Chair, reported the Committee met on August 24<sup>th</sup> and discussed the Sheriff's normal board-out costs as well as elaborated on the Sheriff's proposed 2008 budget.

### **RESOLUTION NO. 169 - INCREASE IN HOURS – SUPPORT STAFF - DEPARTMENT OF PROBATION AND COMMUNITY JUSTICE**

MOVED by Mr. Booth, seconded by Mr. Hattery. Mr. Proto expressed concern regarding a decision made by the State as outlined in the first "Whereas" of the resolution. Mr. Booth indicated it is a State decision and it was noted there is not any resolution to their decision imminent. With regard to the positions increase in hours it was understood that it is only until the end of the year.

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

WHEREAS, the redesign of the State's probation registry software has eliminated the ability of the Department of Probation and Community Justice to automate data entry tasks in that area, and given that the software in question is proprietary and highly changeable so as to not make it feasible for County Information Technology Services to develop a local solution at this time, and

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WHEREAS, the increased workload to the department has created the need to increase the standard work week of four support staff positions from 35 hours to 40 hours per week, and

WHEREAS, funding for this increase in hours in the amount of \$12,853 has been approved as part of the department's request to use the 2006 Certified Rollover funds, and no further funding is required in 2007, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the standard workweek for one position each of Administrative Assistant (12/535), Sr. Account Clerk Typist (9/529), Account Clerk Typist (6/513) and Keyboard Specialist (5/507) shall be increased from 35 to 40 hours per week effective August 1, 2007.

**SEQR ACTION: TYPE II-20**

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**Approval of Minutes**

It was MOVED by Mr. Booth, seconded by Ms. Robertson, and unanimously approved by voice vote by members present, to approve the minutes of August 21, 2007, as submitted.

**Adjournment**

On motion the meeting adjourned at 6:49 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office