

**Tompkins County Legislature**

**September 16, 2008**

**Call to Order**

Mr. Koplinka-Loehr called the meeting to order at 5:32 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. Legislator Shinagawa arrived at 5:33 p.m., Legislator Hattery arrived at 5:34 p.m., and Mr. Dennis arrived at 5:37 p.m. Excused – 1 (Legislator Randall).

**Presentation of Proclamation(s)**

Chair Koplinka-Loehr presented the following proclamations(s):

Latino Heritage Month in Tompkins County to Carlos Gutierrez, head of the Latino Civic Association of Tompkins County.

Leukemia and Lymphoma, and Myeloma Awareness Month in Tompkins County. Mr. Richard Flaville arrived later in the meeting to accept the proclamation and announced there will be a two-mile walk on September 25<sup>th</sup> at 6 p.m. at the Cass Park Pavilion entitled “Light the Night, to raise funds and awareness for these blood cancers  
Run/Walk to Work Day in Tompkins County – September 19, 2008

**Privilege of the Floor by the Public**

No member of the public wished to speak.

**Privilege of the Floor by Legislators**

Ms. Herrera, District No. 4 Legislator, said she is very glad to see Mr. Gutierrez in attendance this evening. She said she is very proud of the progress being made in Tompkins County and noted that in 2002, Hispanics became the largest minority group in the country with an annual growth rate of four percent. She said Hispanics are an important part of the community who contribute food, language, and music, all of which everyone can relate to.

Ms. Robertson, District No. 13 Legislator, said there will be a forum and film presentation on September 18<sup>th</sup> at the Women’s Community Building on the subject of gas drilling. There will be an award-winning documentary called “Land Out of Time” showing the often-devastating effects of gas drilling. Also, on September 23<sup>rd</sup> the Strategic Tourism Planning Board will hold the semi-annual grants workshop for the fall. Anyone interested in attending should contact Jackie Kippola.

Ms. Robertson said she was pleased to receive a letter in the mail announcing a ribbon-cutting ceremony for the Single Room Occupancy (SRO) on Third Street on September 30 at 3 p.m. Lakeview Mental Health Services, in conjunction with the State Office of Mental Health and the Tompkins County Mental Health Department is opening this SRO, the first building of its kind in New York State that will provide a vital resource for low-income mentally ill adults. Ms. Robertson noted that this facility is opening with no cost to the local taxpayers.

Mr. Proto, District No. 7 Legislator, reported on September 6 there was a groundbreaking ceremony for the Veterans Cemetery at Sampson State Park, and thanked everyone for supporting that effort over the years. Mr. Proto said Senator Nozzolio was very instrumental in bringing this forward. Mr. Proto also announced on Friday the Vietnam Veteran's Watchfire will take place at 6 p.m. at Lansing Park and invited everyone to attend. He also announced Ithaca College's Music in the Park is this Sunday at 2 p.m. in Dewitt Park.

Mr. Proto said at the last meeting there was discussion of gas drilling and suggested that someone speak to the County about the hydro-fracturing procedure. Mr. Proto, Chairman of the Water Resources Council, reported that group has found an individual and a representative from Fortuna, which is opening an office in Horseheads, New York, to speak to the Council in November.

Mr. Stevenson, District No. 8 Legislator, expressed condolences to the family of former Tompkins County Sheriff, Robert Howard, who served the residents of the County for many years. He said we should recognize and remember his service to Tompkins County.

### **Moment of Silence**

Chair Koplinka-Loehr asked those present to observe a moment of silence in honor of the following individuals who have passed away over recent days:

Robert Howard, former Tompkins County Sheriff  
Jack Hunter, Records Management employee  
Jason Becraft, AIDS Ride participant

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

Mr. Stevenson said during 1999-2003 he served as the Fire Chief for the Enfield Volunteer Fire Company. He was surprised when he recently learned that when the Company went to Upper Robert Treman State Park for training exercise, the fire company was informed they are now required to apply for and receive a permit from the parks and to show proof of the insurance showing the park as the additional insured. Mr. Stevenson said the Park expects to receive services from the volunteer fire company any time, 24 hours a day/365 days per year, and he is troubled by this new requirement of the fire company to get a permit and insurance in order to conduct training. He said he will be following up on this with the Finger Lakes Parks.

Mrs. McBean-Calirborne, District No. 2 Legislator, reminded everyone that the Tutelo homecoming celebration festival will be held on Saturday. This is one of the largest native-American celebrations in Tompkins County and encouraged everyone to go to Tutelo Park in the Town of Ithaca and celebrate this culture and be a part of this wonderful event.

Mrs. McBean-Clairborne reported NYSEG has begun coal tar remediation work on the 300-block of Court Street. An information session will take place on September 18<sup>th</sup> at the Greater Ithaca Activities Center. The New York State Department of Environmental Conservation and the Department of Health will be on hand to answer questions. She also reported the Youth Speakout to try to get youth more involved in the political climate will be held at the Southside Community Center on September 22<sup>nd</sup> at 5 p.m.

Ms. Chock, District No. 3 Legislator, announced that a series of public meetings on the Tompkins County Energy and Greenhouse Gas Emissions Plan were being held, including one on September 24<sup>th</sup> at the Tompkins County Public Library at 6:30 p.m. Ms. Robertson added that the Town of Dryden meeting is on October 1<sup>st</sup>.

At Mrs. McBean-Clairborne's invitation, Maria Defanz, City of Ithaca resident and an Ithaca High School student, spoke of the success of the festival at Tutelo Park and said last year it showed that Indian culture is very much alive in Tompkins County.

**Report from Municipal Official**

No municipal official was present.

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

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

**RESOLUTION NO. 180 – BUDGET ADJUSTMENT – HEALTH DEPARTMENT**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

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

RESOLVED, on recommendation of the Health and Human Services Committee, That the Director of Finance be directed to make the following budget adjustment on his books:

Health Department

Revenue Acct	Title	Amt	Approp Acct	Title(s)
4090.42665	Sale of Equipment	\$11,308	4090.52310	Vehicles

Explanation: Sale of 2005 Jeep Liberty and purchase of 2009 Ford Focus to improve fuel consumption and reduce carbon emissions. Funds will offset new purchase.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 181 - ENDORSING REVISED GUIDELINES FOR THE ARTS/CULTURAL ORGANIZATION DEVELOPMENT PROGRAM (FORMERLY "ARTS & CULTURAL ORGANIZATION STABILIZATION PROGRAM")**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, under the Consent Agenda.

WHEREAS, Tompkins County's vibrant and cultural community makes it stand out as a special place in Upstate New York, providing qualities attractive to tourists and visitors, and

WHEREAS, since it's inception in 2003 this program has sought to secure the financial and operational stability of the County's major arts and cultural organizations by funding strategy planning and the subsequent implementation of said strategies, to ensure the vitalization and viability of our arts and cultural assets, and

WHEREAS, as the County's tourism industry and room capacity grows, so too must the capabilities and level of quality of our arts and cultural organizations in order to maintain our competitive position in this region of the State, and

WHEREAS, at their June 4, 2008, meeting the Tompkins County Strategic Tourism Planning Board reviewed, discussed, and voted unanimously in support of the recommended changes to this essential grant program that enhances the experience of visitors and tourists alike while also enhancing the quality of life of the residents of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature supports the changes recommended and the re-naming of the grant program to the "Arts/Cultural Organization Development Program".

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 182 – AUTHORIZATION TO ACCEPT 2008-2009 SNOWMOBILE TRAILS GRANT-IN-AID**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present 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 98 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 have 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 2008-2009 Snowmobile Trails Grant-In-Aid funds in the event that grant funds are awarded,

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

**SEQR ACTION:** TYPE II-1

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**RESOLUTION NO. 183 - SCHEDULING A PUBLIC HEARING ON THE 2009 TOMPKINS COUNTY BUDGET AND THE 2009-2013 TOMPKINS COUNTY CAPITAL PROGRAM**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the tentative 2009 Tompkins County Budget and the 2009 – 2013 Tompkins County Capital Program are scheduled to be adopted on November 18, 2008, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That a public hearing be held before the Tompkins County Legislature in Legislative Chambers, located at 320 North Tioga Street, Ithaca, New York, on Monday, November 10, 2008, at 7:00 o'clock in the evening thereof concerning the review of the tentative 2009 Tompkins County Budget and the 2009 – 2013 Tompkins County Capital Program. 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 is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the County.

**SEQR ACTION:** TYPE II-20

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**Presentation of Cayuga Lake Monitoring Plan**

Mr. Proto, Chair of the Water Resources Council, provided a brief update on the Plan. He said it has taken about two and a half years and a lot of work to get to this point. He hopes this presentation will help to clarify some of the items that have been raised and will dispel some of the misunderstandings that have taken place. Mr. Proto said a vote will take place on October 7<sup>th</sup>. Comments should be submitted prior to that date so there is an appropriate time to address them before the meeting at which it will be voted upon.

At this time Ms. Jurkowich and Ms. Johnston presented the Legislature with an overview of the Cayuga Lake Basin and the Monitoring Plan.

The following summary was written and submitted by Ms. Johnston, Partnership Chair:

“The Partnership, which was formally organized in response to a request by the Water Resources Council Chair, Frank Proto, has been meeting regularly since November 2006 to develop a plan for tracking water quality in the southern end of Cayuga Lake. The Partnership was formed, in part, to explore the possibility of redirecting Lake Source Cooling facility monitoring resources to a community-based program to better address the issues in the Lake. The Partnership’s work eventually included evaluating all regular monitoring efforts in the southern basin.

“We were surprised to find that existing efforts already include nearly 60 sampling locations in or near the southern basin of the lake. In fact, several independent researchers are monitoring essentially the same points. The Partnership decided the best initial approach was to maintain water quality data at all the existing sampling locations but to re-direct the resources devoted to overlapping monitoring efforts towards new objectives including mapping of circulation patterns and tracking of wind and storm impacts. In this way, the Monitoring Plan uses existing resources to increase our understanding of the southern end of Cayuga Lake.

The Monitoring Plan goes further, however, and recommends additional monitoring efforts. A series of special studies are proposed to develop a better understanding of the ecology of the Lake by monitoring the food web, including macrophytes, opossum shrimp, zebra and quagga mussels, *Diporeia* (a shrimp-like organism), phytoplankton, sediment, and fish. Additionally, the only way to really address sediment loading is to monitor the tributary streams that are so efficient at carrying sediment into the Lake. These efforts will require new resources, which the Partnership will pursue on behalf of the community.”

Following the presentation Ms. Johnston responded to questions from Legislators. Ms. Herrera said there are questions in the community about why relocate the Lakesource Cooling monitoring locations when that was part of the original agreement. She read from the Environmental Management Council’s June minutes: “Walter Hang urged Environmental Management Council members not to support the monitoring plan developed by WRC and Cornell. The SPDES permit for Lake Source Cooling is in technical review by DEC, and sites 7 and 4 are the heart of the analysis. Under the proposed plan, sites 1 and 4 could be allowed to move. Cornell University hasn’t done the before and after impact study required by the Department of Environmental Conservation. Rich DePaolo said paragraph 6 of the joint statement, last sentence, says “Water Resources Council supportive”, yet the plan is dependent upon diverting funding from Cornell’s existing monitoring. Establishment of Total Maximum Daily Load (TMDL), as a result of being listed on the 303(d) impaired-waterbodies list, is pretty much nowhere. Suggestion would lead to mix and match of data. Lake Source Cooling data gaps can’t be filled with other information. He urged EMC not to support the monitoring plan.”

Ms. Johnston said Cornell has prepared before and after control impact analysis. They finished that four years ago and three years later the DEC (Department of Environmental Conservation) responded with some requested changes. Cornell and the DEC actively engaged in communications and changes have been made. Ms. Herrera asked if the County could be rushing into this if those discussions and changes are not yet complete. Ms. Johnston responded she is comfortable with what she has seen in the annual reports for Cornell over the last five years and does not believe there is a “smoking gun” in this situation. More importantly, she said they heard in February reports from the Ithaca Wastewater Treatment Facility, the Community Science Institute, and from the Finger Lakes Institute, all independent researchers who have gone out in track of this phosphorus question, looking for the sources, and the impacts. They all came to the same conclusion – it is not coming from the major point sources. They are dwarfed by storm inputs from the streams, and it’s tied to sediment. She spoke of swimming in the lake and said individuals were swimming long before there was a Health Department or regulations and it may never have met current regulations. While there have been many improvements and water quality has gotten better they still are unable to meet the regulations. This triggers a possible total maximum daily load regulation being developed. That would mean looking at cultural inputs of phosphorous; however, newer studies have shown that the source of sediment and the phosphorous bound to it is of natural origin largely or from legacy inputs from agricultural practices of phosphorous over one hundred years ago. She said DEC has been asked to consider all of this information as permits are issued: point source discharges, and a possible total maximum load regulation.

Mr. Proto said developing a monitoring plan is a part of the County’s Comprehensive Plan and this is a step toward fulfilling that plan.

### **Distinguished Youth Award**

Ms. Chock, District No. 3 Legislator, presented Trevor Dougherty with the Tompkins County Distinguished Youth Award for September. Trevor was nominated by Belle Sherman Elementary teacher Randi Beckmann, who was particularly impressed by Trevor’s initiative in organizing the Human Peace Sign at the Ithaca Festival last June, in which 6,000k people participated. Among his other service achievements cited: fundraising campaigns for orphans in Uganda and for HIV/AIDS orphans in South Africa and internet videos produced to raise awareness for a variety of causes, among them one entitled “Stand up for World Peace,” nominated as one of the most inspirational videos in the 2007 You Tube Awards. Trevor attended the Democratic National Convention as a guest of the New York delegation and served as a CNN Citizen Journalist there.

### **Chair’s Report**

Mr. Koplinka-Loehr had no report.

### **Chair’s Appointment**

Mr. Koplinka-Loehr appointed Legislator Kiefer as a temporary member of the Tompkins County Council of Governments as he and Legislator Robertson will be at the NYSAC Conference during the next meeting of that group.

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

Mr. Whicher had no report.

**Report from the County Attorney**

Mr. Wood said the Legislature previously authorized Tompkins County to join with other counties to bring suit against drug companies who we felt were overpaid. He reported a settlement has been reached and Tompkins County will be receiving a check for a settlement, amounting to slightly over \$20,000 after expenses.

**Report from the Finance Director**

Mr. Squires had no report.

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

It was MOVED by Ms. Kiefer, seconded by Ms. Mackesey, to add a resolution to the agenda entitled Authorizing Salary For Position Above the Salary Range in the Department of County Administration, Appropriation from Contingent Fund, and Amending Resolution No. 266 of 2007 - Authorizing Equal Benefits and Salary Adjustments for Management Positions with Salaries Specifically Authorized by the Legislature to be Above the Assigned Grade. A voice vote resulted as follows: Ayes – 10; Noes – 4 (Legislators Dennis, Hattery, Proto, and Sigler); Excused – 1 (Legislator Randall). MOTION CARRIED.

It was MOVED by Mr. Sigler, seconded by Mr. Proto, to add a resolution to the agenda entitled Authorizing County Administration to Contract with the Current Executive Assistant to the County Administrator to Act as a Consultant in the Transition to a New County Administrator. A voice vote resulted as follows: Ayes – 3 (Legislators Hattery, Proto, and Sigler); Noes – 11, Excused – 1 (Legislator Randall). MOTION FAILED.

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

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

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

Mr. Hattery, Chair, reported at the next meeting the Committee will be considering a resolution to continue the Core Performance initiative. At the last meeting the Committee also began discussion of a bench being placed at the County Courthouse. Mr. Hattery reported as a result of State Budget reductions, the Committee was notified that all of the grant awards from the New York State Local Government Records Management Fund are being reduced by six percent and resolutions will be adjusted appropriately.

**RESOLUTION NO. 184 – AUTHORIZATION TO ACCEPT A GRANT FROM THE STATE  
ARCHIVES AND BUDGET ADJUSTMENT – TOMPKINS  
COUNTY CLERK**

MOVED by Mr. Hattery, seconded by Mr. Proto. A voice vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Randall). RESOLUTION ADOPTED. Mr. Proto said he has served as Chairman for the ten-County region and was involved in bringing these grants into the County ten years ago. He noted these grant funds are generated by fees through the County Clerk's offices throughout the State and are not generated through tax collection. He strongly objected to the State including these funds that are fees, rather than taxes as part of the State's budget reductions. Mr. Potter said both of the projects covered under these Records Management grants will proceed; however, will be scaled back as result of the reduction in funding.

WHEREAS, the County Clerk's Office has been notified of a grant award from the New York State Archives in the amount of \$69,860, and

WHEREAS, the New York State Archives grant application represents a project for the County Clerk's Office to back-file and index older land records into their Electronic Document Management System, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator or his designee be authorized to execute all documents related to this New York State Archives grant award,

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

APPROPRIATION:	A1410.54442	Professional Services	\$65,668
REVENUE:	A1410.43089	Other State Aid	\$65,668

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 185 – AUTHORIZATION TO ACCEPT GRANT FROM NEW YORK STATE ARCHIVES AND BUDGET ADJUSTMENT – TOMPKINS COUNTY LEGISLATURE**

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

WHEREAS, the Legislature's Office and the Information Technology Services Department (ITS) have been notified of a Local Government Records Management Improvement Fund (LGRMIF) grant award in the amount of \$64,000, and

WHEREAS, the New York State Archives LGRMIF grant application was submitted to develop an Electronic Document Management System (EDMS) with an approved business process to create efficiencies for document and information management and retrieval, and

WHEREAS, the primary records include agendas, minutes, and agenda items to Tompkins County government, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator or his designee be authorized to execute all documents related to this New York State Archives grant award,

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

APPROPRIATION:	A1040.54442	Professional Services	\$60,160
REVENUE:	A1040.43089	Other State Aid	\$60,160

**SEQR ACTION:** TYPE II-20

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

Ms. Robertson, Chair, reported the Committee met on September 11 and discussed many items, including the First Time Homebuyer Program. She reported the Oversight Committee presented new criteria and revised guidelines for new construction for the Program. The Committee agreed the guidelines were clearer and should move forward. The Committee discussed the Convention and Visitor's Bureau budget, bylaws for the Strategic Tourism Planning Board, and also the Hospitality Program that Workforce Development has been working on. The Committee spent significant time at that

meeting discussing the budgets of the Workforce Investment Board and the One-Stop Center. The next meeting will be October 8<sup>th</sup> at 3 p.m.

**RESOLUTION NO. 186 – AUTHORIZING SHARED MUNICIPAL SERVICES GRANT AGREEMENT WITH THE STATE OF NEW YORK FOR THE COUNTY-WIDE WATER AND SEWER EVALUATION**

MOVED by Ms. Robertson, seconded by Ms. Chock, and unanimously adopted by voice vote by members present. Mr. Marx, Commissioner of Planning and Public Works, clarified the purpose of this grant. He said the purpose is to update inventory of public water and sewer facilities countywide and identify opportunities to remedy inefficiencies that could be impairing growth in communities that may exist. This is strictly a study and does not include any funding for implementation and doesn't imply how implementation might proceed. This is on behalf of the Tompkins County Council of Governments and will be carried out by Tompkins County Area Development.

WHEREAS, by Resolution No. 223 of 2007 the Tompkins County Legislature supported the application by Tompkins County on behalf of the Tompkins County Council of Governments (TCCOG) for funding from the Shared Municipal Services Incentive Grant Program for the county-wide evaluation of sewer and water infrastructure, and

WHEREAS, the Legislature further resolved that the County Administrator of Tompkins County or his designee be the representative authorized to act on behalf of the Tompkins County Legislature in all matters related to this grant, and

WHEREAS, Tompkins County has been notified that the grant application has been approved by New York State, and

WHEREAS, staff support and oversight for implementation of the grant project will be provided by Tompkins County Area Development, with the involvement of the Tompkins County Planning Department, and with timely reports to the County via the Planning, Development, and Environmental Quality Committee and to TCCOG, and

WHEREAS, the New York State Shared Municipal Services Incentive Grant Program provides funding for up to ninety percent of the cost for projects that involve inter-municipal cooperation and collaboration to improve governmental efficiency, and

WHEREAS, the Tompkins County Industrial Development Agency has agreed to provide the local share of funding for this project, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County agrees to serve as administrator for this Shared Municipal Services Incentive Grant on behalf of the TCCOG and the participating municipalities,

RESOLVED, further, That Tompkins County pledges to work with the Engineering Consultant to ensure cooperation of its planning and engineering departments with this project,

RESOLVED, further, That the following adjustments be made to the 2008 Budget:

Revenues

A8027.43959	State Aid Planning	\$82,245.24
A8027.42797	Contributions from other Governments	<u>9,138.36</u>
	TOTAL REVENUES	\$91,383.60

Expenditures

A8027.54400	Program Expenses	<u>\$91,383.60</u>
	TOTAL EXPENDITURES	\$91,383.60

RESOLVED, further, That the County Administrator or his designee be authorized to act on behalf of Tompkins County to implement this grant including execution of: the grant agreement with the State of New York; a Memorandum of Understanding with TCCOG and/or the participating municipalities to participate in the study; and an agreement with Tompkins County Area Development for project administration.

**SEQR ACTION:** TYPE II-18

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**Report from the Public Safety Committee**

Mr. Stevenson, Chair, reported the Committee will meet on September 19<sup>th</sup> at 2 p.m.

**Report from the Workforce Development and Inclusion Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on September 24<sup>th</sup> at 3:30 p.m. (This meeting was later canceled.)

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

Mr. Proto, Chairman, reported the Committee met on September 3<sup>rd</sup> and received a report from Catholic Charities on immigration services. Ms. Holmes, Director of the Office for the Aging, reported that at this time Lakeside Nursing Home is not anticipating any additional fallout from the State and is moving forward with continuing their services. The Lifelong agreement with the City is moving slowly but material is coming together. It involves a Memorandum of Understanding and getting the Lifelong Board of Directors to sign on with regard to the funds Lifelong needs to raise. The Committee also received an update from the Health Promotion Program that involved a tobacco awareness component. Ms. Zahler reported on the student survey being undertaken by the Youth Services Department. The next regular meeting will be October 1; however a special Committee meeting will be held tomorrow on budgets of departments and agencies reporting to the Health and Human Services Committee.

**RESOLUTION NO. 187 – APPROPRIATION FROM CONTINGENT FUND — TERMINAL-PAY REIMBURSEMENT — OFFICE FOR THE AGING**

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

WHEREAS, the Office for the Aging had an Outreach Worker resign effective August 15, 2008, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement 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:

FROM:	A1990.54440	Contingent Fund	\$2,776.66
TO:	A6796.5100517	Outreach Worker	\$2,776.66

**SEQR ACTION:** TYPE II-20

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**Report from the Facilities and Infrastructure Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on September 18<sup>th</sup>.

**Report from the Human Resources Committee**

Mr. Dennis, Chairman, reported at the last meeting the Committee was informed of a new program entitled the “Step Up Program”. Every employee who signs up for this program receives a free pedometer and is encouraged to reach a goal of 10,000 steps per day.

**Report from the Budget and Capital Committee**

Mr. Shinagawa, Chair, reported the Expanded Budget Committee continues to meet and receive departmental budget presentations.

**Individual Member-filed Resolution**

**RESOLUTION NO. 188 – AUTHORIZING SALARY FOR POSITION ABOVE THE SALARY RANGE IN THE DEPARTMENT OF COUNTY ADMINISTRATION, APPROPRIATION FROM CONTINGENT FUND, AND AMENDING RESOLUTION NO. 266 OF 2007 - AUTHORIZING EQUAL BENEFITS AND SALARY ADJUSTMENTS FOR MANAGEMENT POSITIONS WITH SALARIES SPECIFICALLY AUTHORIZED BY THE LEGISLATURE TO BE ABOVE THE ASSIGNED GRADE**

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

Mr. Proto asked for clarification of what the final dollar amount of this resolution is. Ms. Kiefer said this resolution will help our new County Administrator have staff on hand knowledgeable in the depth and scope of work necessary to be an assistant to him. The salary of the incumbent in this position is raised to \$60,000. The current salary is approximately \$57,600. Ms. Kiefer said earlier the position was reclassified effective sometime in February.

Mr. Sigler said he is concerned with the process, not the end result. It appears this resolution is an attempt to keep someone in a position and stated this would not be done for other positions within County government. He said this resolution will make it so that employees will be able to negotiate their salary and making a statement that some employees are indispensable. While he appreciates the feelings of the existing County Administrator, the damage that will be done throughout County government will be enormous.

Ms. Herrera said this is a position and a situation that calls for the action before the Legislature. She asked that there be a roll call vote.

Ms. Kiefer responded to Mr. Sigler's comments and said this action is not being generated by a request from the incumbent, but by the Legislature. It is a unique situation and she does not believe the Legislature will involve itself in individual salary requests and reclassification matters. She said the County Administrator is the top employee in County government and this Legislature should be very concerned to make sure his arrival and transition in his job goes as well as possible.

Mr. Proto said he is very concerned with the process and not being brought into this until very late about the discussions and negotiations that have taken place. He sees some value in trying to accommodate the new County Administrator but it is very uncomfortable and awkward for him to support this resolution because of the other 750 County employees.

Mr. Koplinka-Loehr reiterated that this is not a negotiation item between the County and an individual employee; this is a Legislative initiative to ensure continuity.

Ms. Robertson said while she will support this resolution because the end result is important, she is very unhappy with how this Legislature arrived at this situation. She said every County employee is valued and respected and wishes the Committee process would have been respected in this case.

Mr. Dennis said as Chair of the Human Resources Committee he did not support this for a number of reasons. He said no employee is indispensable and while he understands the intent to look for a more smooth transition, the reclassification took place and increased the employee's salary by a significant amount. He said if approved the employee will receive a 14 percent salary increase and this kind of action represents the County's ability to pay. He said this will have a negative impact on future negotiations with bargaining units and sends the wrong message to all County employees. He also referred to a letter received from the incoming County Administrator and said he is very disturbed that Mr. Mareane was brought into this situation.

Ms. Chock said she doesn't see this as being about indispensability of anyone but sees the Legislature responding to where it finds itself today, where it wants to go in the future, and creating the best environment to do that.

Ms. Mackesey disputed Mr. Dennis' claim this is a 14 percent increase. She said the position was reclassified and the present action represents about a 5 percent increase.

Mr. Proto said over the last couple of years there has been concern expressed about process. He said he is very concerned about the process that brought this body to this point as the Administrative Manual Policy was not followed for the original reclassification. Ms. Kiefer said the Government Operations Committee will be reviewing that policy to see if an adjustment is warranted.

A roll call vote resulted as follows: Ayes – 10, Noes – 4 (Legislators Dennis, Proto, Shinagawa, and Sigler); Excused – 1 (Legislator Randall). RESOLUTION CARRIED.

WHEREAS, the "Point-Factor Rating System" that is applied to all job descriptions and utilized by Tompkins County to assign labor grades and corresponding salaries to all titles was adopted by Resolution No. 132 of 1990, and

WHEREAS, this rating system is unable to reflect the current market-rate salaries of certain managerial, confidential, or highly specialized professional and technical positions, and

WHEREAS, in the past the Legislature has by resolution assigned salaries at a rate above that in the Management Salary Schedule, and

WHEREAS, on October 28, 2008, a new County Administrator will be in place and the Legislature wishes to facilitate a smooth transition, and

WHEREAS, the Legislature desires to set the salary for the employee in the position of Executive Assistant to the County Administrator, now therefore be it

RESOLVED, That effective November 2, 2008, the base salary for the incumbent in the title Executive Assistant to the County Administrator shall be \$60,000,

RESOLVED, further, That Resolution No. 266 of 2007 is hereby amended to reflect the inclusion of this position, namely, eligibility to receive the same fringe benefits and the same annual salary adjustments as those provided to other Confidential staff without requiring a separate resolution of the Legislature,

RESOLVED, further, That effective immediately, whenever there is a vacancy in this title, a base salary will be set for the newly hired incumbent on an individual basis by a resolution of the Legislature, taking into consideration CPI, market analysis, and County fringe value,

RESOLVED, further, That the Director of Finance is hereby authorized to make the following adjustment to his books for 2008:

FROM:	A1990.54440	Contingent Fund	\$7,088
TO:	1230.51000316	Salary	\$5,251
	9101.58800	Fringe	\$1,837

**SEQR ACTION:** TYPE II-20

\* \* \* \* \*

**Approval of Minutes of August 19 and September 2, 2008**

It was MOVED by Ms. Robertson, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the minutes of August 19 and September 2, 2008, as corrected. MINUTES APPROVED.

**Adjournment**

On motion, the meeting adjourned at 7:24 p.m.

Tompkins County Legislature  
September 16, 2008

Respectfully submitted by Michelle Pottorff, TC Legislature Office