

**Regular Meeting  
Tompkins County Legislature  
September 20, 2005**

**APPROVED 10-18-05**

**Public Hearing**

Mr. Joseph called the public hearing to order at 5:37 p.m. concerning proposed Local Law No. 5 of 2005 - A Local Law Authorizing the County of Tompkins to Make Application for Designation of Certain Areas within the County of Tompkins as an Empire Zone (Supersedes Local Law No. 7 of 2002).

No member of the public wished to speak and the public hearing was closed at 5:37 p.m.

**Called to Order**

Mr. Joseph called the regular meeting to order at 5:38 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. Excused – 1 (Legislator Kiefer).

**Privilege of the Floor by the Public**

No member of the public wished to speak.

**Presentation of Distinguished Youth Award**

Mr. Penniman, District No. 15 Legislator, presented Mark Bailey of Lansing with the September, 2005 Distinguished Youth Award.

**Privilege of the Floor by Legislators**

Mr. Proto, District No. 7 Legislator, thanked those who attended the Watchfire in Lansing.

Ms. Robertson, District No. 13 Legislator, reported a second hearing on open burning was held last night at which questions were raised with regard to enforcement. John Andersson of the Environmental Health Division said the Department is well aware of the concerns expressed. Ms. Robertson also reported on the Tompkins Rx program and said through the end of August County residents have saved \$128,268 with the card. She also reported on the arrival of families who have relocated here from New Orleans following Hurricane Katrina.

Mr. Booth, District No. 3 Legislator, said he sent the Legislature a postcard from Scotland on his recent visit there and noted how Scotland is known for its rainy seasons.

**Presentation of Resolution by the Facilities and Infrastructure Committee**

**RESOLUTION NO. 179 - RESOLUTION OF APPRECIATION - DANIEL KARIG**

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

WHEREAS, the groundwater movement under and around Tompkins County's Hillview Road Landfill has long been a concern, potentially carrying landfill leachate pollution to neighboring wells and/or into the headwaters of Cayuga Inlet, and

WHEREAS, the Hillview Road Landfill Citizens Advisory Committee was created by Tompkins County in 1990 (Resolution No. 497) to study, analyze, and comment on various issues related to that landfill, and has, since the Landfill's closure to solid waste at the end of 1991, mainly focused on placement of monitoring wells, results of the ongoing well-testing, and trying to resolve geohydrology questions, and

WHEREAS, in the spring of 1997 Daniel Karig, former chair of the Cornell University Department of Earth and Atmospheric Sciences, joined the Committee, bringing his lifetime of experience and keen analytical mind to bear on the geohydrological mysteries of the landfill area, and

WHEREAS, Daniel Karig gave an extraordinary amount of time and effort, undertaking the field work of executing a sampling regime in cooperation with Ken Thompson (Solid Waste Division Assistant Manager and engineer) and subsequently performing data analysis, and

WHEREAS, Daniel Karig ultimately created a report summarizing his conclusions, and

WHEREAS, Daniel Karig's work resolved many of the apparent contradictions in prior investigations and sets forth a plausible model of groundwater flow consistent with the available data and ongoing well-monitoring program, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature gratefully accepts the Karig report, "Hydrogeology of the Area Northeast of the Hillview Road Landfill, Tompkins, County, N.Y." dated May 20, 2005, and thanks Daniel Karig for his many volunteer hours in the service of the County and its welfare.

SEQR ACTION: TYPE II-21

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**Report from Municipal Official(s)**

Donald Barber, Town of Caroline Supervisor, read and submitted the following statement for the record:

"Recognize that some of you will be thrilled by my comments others curious and others very upset. These comments are directed to those that still have an open mind about the Sheriff's budget request.

"Begin by stating that I have the utmost respect for all of you, your position, and the job you are doing.

"I'm here to talk about the Sheriff's request for three more Deputies. Most people that I see tell me that I'm "Right on" with trying to get more police presence in rural areas. But some say with all that this Legislature has accomplished, why undermine them in an election year .My response is that I'm elected to represent my constituents and it's budget time. Time when you set spending priorities and policy for 2006.

"There is a noticeable lack of police presence in Caroline and the situation is getting worse year-by-year. I brought this up last year at this same time. The response was to not add Deputies but to establish a committee to recommend ways to increase police presence.

"I chaired that committee and we covered a lot of ground. But the topic turned out to be a real "Hot Button"; stirring strong emotions -so the committee disbanded.

"The police presence in Caroline is unsatisfactory. We see very little of State Police nor Deputies. Every morning that I come to the Town hall, I used to bring in fist full of Tickets from State Police and Road Patrol and now usually nothing. And at a meeting with County officials and Brooktondale residents about changing traffic patterns for a bridge project, the official was asked how this traffic situation would work. Innocently he said that if people didn't obey signage, they would be ticketed. This was met by a spontaneous and unanimous laugh. They said "Who are you kidding, we don't ever see law enforcement in this area. "

"The State Police have been sent to protect our borders and other anti-terrorism actions. The Sheriff has been loaded with other duties on top of being short-staffed. It is my understanding that the Deputies perform their civil duties, terrorism protocol, transport prisoners to other jails or court, monitor the lake, and handle emergencies, then they perform the proactive function of law enforcement which makes our neighborhood safe. However, if someone is sick or at training, then the burden is spread over an even thinner staff. This creates a condition for even less proactive law enforcement.

"If someone sees police presence 1 out of 10 times in an area, they'll be watching their actions. But if they see police presence 1/1000 or even less they lose their vigilance. The consequence is speeding, running stop signs, mischief for idle minds. Unsafe behaviors become commonplace. The potential for an accident, possibly very serious, is great.

"When the road patrol is shortstaffed, the police presence can no longer be uniform throughout the County. Deputies tend to post in higher populated areas -where they are most likely to get the next call for help.

"When the Sheriff's Department is shortstaffed, rural and remote areas then receive a disproportionate decrease in police presence and longer response times to calls for emergencies than our more urban areas or those located closer to the center of the County. This is UNFAIR. All areas pay taxes at the same rate and should rightfully expect the same level of service.

"Some County Legislators have told me that the Sheriff staffing situation is stagnant and any increase in road patrol would have to be funded by those areas wanting more police presence. If the Town of Caroline were to contract with the Sheriff for addition police presence, what guarantees do we have that that part of a Deputy's time would be proportionately spent in Caroline when an emergency occurs or other Sheriff responsibilities are not met?

"Does it sound fair that the more rural towns, which receive less police presence due to their location, should shoulder the cost of additional road patrol? And if they did, how would the priorities of the Sheriff be altered so that the rural areas would receive coverage? This is not tenable. Funding for additional road patrol rests squarely with the County Legislature.

"Probably the biggest stumbling block is that the most densely populated areas of the County- City and some villages- already have their own police force. How do you balance this populations desire not to pay for something that doesn't directly benefit them with your responsibility to provide police presence in the County as stated in the County Charter?

"The answer probably lies in how your predecessors perceived the balance with other County services over a decade ago when there was a police presence in the rural areas.

"And things have changed. Cars are designed to go faster on narrow winding roads, trucks can carry more weight, criminal activity looks for the easiest place to operate, population increased and with it more pedestrian and bike traffic and the need for vigilance for terrorism. And with these changes comes the need for more, not less police presence.

"The relationship between the Sheriff and the County Legislature is no different than the relationship between the Highway Superintendent and the Town Board. The Sheriff and the Highway Superintendent have responsibilities set by law but the Town Board and County Legislature sets their budgets and controls their ability to perform their elected responsibility. In both cases when budgets are cut too much, these elected officials just can't keep up and the public is not served and, in the case of the Sheriff, are unnecessarily put in harms way.

"Please don't respond to this request by challenging me to find the money. I don't have the necessary perspective of your budget. But I do know that your budget choices have unintended consequences especially in the Sheriff's department. They are:

- Reduced proactive law enforcement throughout the County
- Non-uniform police presence with rural areas receiving a disproportionate brunt of the burden
- A public that is less safe

"You may not have been aware of these consequences before, but now that you do you must act. I ask. I urge you to add three more deputies to the Sheriff's budget in 2006 and make this a down payment to the necessary road patrol staffing to protect your constituents".

Cathy Valentino, Town of Ithaca Supervisor, read the following letter she received from Gary Fisher, Town of Enfield Supervisor, to the Legislature and stated she was in agreement with its contents.

"One of the most basic requirements of government upon which there is common agreement is to provide security and protection to its citizens. This is most frequently done in Tompkins County through the deployment of the Sheriff's Department. Additional tasking of the Sheriff's Department in recent years appears to have resulted in a decreased presence in the Sheriff's Department road patrols in some areas of our County. Living in a rural area, I understand and expect that response to an emergency would take some time, yet, as the population increases and additional tasking is undertaken I believe it becomes more difficult for the Sheriff and deputies to prioritize and respond appropriately. As a result, the Sheriff's Department necessarily limits patrol areas to be able to expeditiously respond to any area of the County when needed with resources available.

"In some areas of the County the Sheriff's Department is noticeably absent for extended periods. While intense management may help it appears that additional manpower is needed. It is my understanding that you have been previously appraised of the suggested increase in deputies and have been unable to fund the positions. I thoroughly understand that passionate and compelling arguments are made to you for the scarce tax dollars each year as you prioritize and approve appropriations for various departments and programs. I also understand that each of you no doubt believe that certain departments and programs should be fully funded and perhaps receive over target requests. Yet, the reality is that you must prioritize every proposed appropriation based on its necessity.

"Finally, I applaud your efforts especially this year, to limit the County's property tax and believe you will show leadership in holding to the established budget targets. As you go through the budget process over the next several months I would appreciate your aggressive effort to look at and analyze every department program request, including the Sheriff's Department with an eye to finding funds sufficient to support hiring additional Sheriff's Department deputies without breaking budget targets or increasing taxes."

Ms. Valentino said the need for deputies in Tompkins County is very serious and urged Legislators to look closely at the budget and try to find the finance to provide adequate police protection.

Steven Farkas, Town of Lansing Supervisor, spoke on behalf of Steve Trumbull, President of the Municipal Officials Association, and read the following letter into the record:

“Dear Tompkins County Legislature:

“I am writing this letter in support of the Sheriff’s Department for three more deputies in the 2006 budget. The Committee formed to study this issue has concluded that our Sheriff is short-staffed and really needs eight deputies and two supervisors to more thoroughly perform the function. Increased demands on other services has lessened the ability to shift Department to enforce the law of our County in rural areas. Some of these areas (less populated) bare the brunt of the deficiencies. The Town of Dryden believes it is not our responsibility to provide our own law enforcement or that of any other town in our County. The County should make police protection and security of our citizens a top priority. Three deputies added to the coming year as well as subsequent years will substantially support the continuing safety of the entire population of the County.”

Mr. Farkas said this letter represents the feelings of many of the towns in Tompkins County and hopes it will be strongly considered during the budget process.

Ric Dietrich, Town of Danby Supervisor, spoke concerning staffing at the Tompkins County Sheriff’s Office. He said he supports the statements and request made by Supervisor Barber earlier in the meeting. Mr. Dietrich questioned whether cutting funding to a program results in “gutting” the program to a level at which it is no longer functioning. He also said the rural areas feel there is a disproportionate level of concern which is the result of density issues. He asked the Legislature, in its diligence to come up with a reasonable tax rate, to find a way to support funding for the Sheriff’s Department.

Doug Austic, Town of Ulysses Supervisor, said the issue of the level of law enforcement by the Sheriff’s Department is a subject that comes up all of the time with the towns. He said he supports the request by the towns to get more rural law enforcement support.

Tim Joseph, Chair, responded to the comments made this evening and stated it was never County Legislators who first suggested that towns might pay for patrols from the Sheriff’s department. He said it was town supervisors who made the statement that they understood the County’s budget constraints and asked if they could contribute towards getting more patrols. The County then took this question to a subcommittee of the intermunicipal cooperation group. Mr. Joseph said when the Committee said the County should hire more deputies that was not intermunicipal cooperation and was inappropriate for that group. He stated the input from municipal officials, both as citizens and as leaders of town governments, about what services they feel the County should provide and at what levels, is welcomed. He said consideration would be given to that as well as all other input the Legislature receives as the 2006 budget is developed. Mr. Joseph noted that the speakers this evening have asked the County to increase services without increasing taxes, and stated this is the dilemma the members of this Legislature face as it proceeds through the process.

Mr. Totman, District No. 9 Legislator, recalled a survey conducted 15 years ago that produced results that showed the two top priorities of residents of Tompkins County being public safety and highways. He stated he agrees with those priorities.

Ms. Schuler, District No. 4, responded to Mr. Totman’s comments and stated she felt that survey could have been written more objectively.

Mr. Lane, District No. 14 Legislator, agreed with the opinion of local leaders that there are not enough Sheriff’s deputies on the road. He said what he believes municipal officials are saying in unison is

something symptomatic of a real change in Tompkins County. This County has become more and more urbanized even in some of the rural areas. More density and population means that there is a greater demand for services and police service is one of those. Mr. Lane said some of the big towns are going to have to be looking at this issue in order to get the level of police protection that their citizens are looking for. He said this is a difficult issue that will not go away and will need to be discussed during budget deliberations.

Ms. Robertson, District No. 13 Legislator, referred to a document that was produced by County Administration in preparation for budget discussions entitled "Fiscal Target History" from 1998-2006 for all departments. The document includes actual figures through 2005 and shows percentage changes. During that period there have been the following changes: youth services has gone down by 17 percent; highway spending has gone up by 42 percent; and Sheriff's Office spending has gone up by 91 percent. She also noted an additional deputy was added in 2005. County spending overall during that period has gone up by 55 percent; therefore, it appears that public safety has been a priority of this Legislature in terms of the dollars spent.

Mr. Dietrich said he would like information on amount of services being provided to the rural areas, specifically the job duties and number of road patrols the Sheriff's Office was engaged in over that period of time. He said due to a large number of pressures placed on all of the officers, the amount of work needs to be looked at as well as the amount of service being provided to the rural towns.

Ms. Valentino said while the information presented by Ms. Robertson is interesting, percentages can be very deceiving; therefore, caution should be used when using them as a reference.

Mr. Proto, District No. 7 Legislator, said the message he is hearing is about prioritizing. He said some Legislators have asked for and have accomplished small successes in adding deputies. Mr. Proto said he believes the County in its zeal to do planning and extend its grasp in land use control, also needs to be perceptive of how that affects every area in the community. A number of years ago the County adopted a mission and vision statement for this Legislature. The County then passed a Comprehensive Plan which he opposed because of the lack of financial forecasting and impacts on all of the areas. The concern he has had is that planning seems to be done for certain segments and with a certain bias to get certain goals accomplished. Later this evening there will be a discussion about empire zones and one piece of the SEQR (State Environmental Quality Review) statement indicates that one of the impacts is the increase in public services that are going to be needed for utilities, roads, and policing. He also spoke of the 1991 survey and said there were 2,500 responses to the 6,000 surveys distributed and also noted Cornell University assisted in development of the questions. He recalled the priorities being identified in the following order: public safety, health care, public works, and education.

Ms. Blanchard, District No. 1 Legislator, agreed with the comments made earlier by Mr. Dietrich and stated the additional responsibilities the deputies have are significant. The Public Safety Committee received an extensive presentation several years ago by Joe Vitale, Undersheriff, about the additional demands the Sheriff's Department has because of Homeland Security. Ms. Blanchard said a great deal of the increased funding in the public safety area has gone to the County's emergency response program. Although that program is critical for the residents of this County as it improves communications between first responders, it does not put additional deputies on the roads.

Mrs. McBean-Clairborne, Chair, said she appreciates Mr. Barber's comments and work with the intermunicipal group studying the level of police services. She said she has heard of the additional responsibilities the Sheriff's Department and its employees have and noted this is a common problem shared by all County departments. This Legislature is hearing the same complaint from many of those departments and has to deliberate those needs along with priorities. Mrs. McBean-Clairborne spoke of the numbers referred to by Ms. Robertson and said sometimes numbers don't tell the entire story. She

said this is a very tough budget year and has loudly heard the outcry that residents cannot take on additional tax burdens. She said she would like to see more deputies and more workers in County departments but is also realistic of the constraints and the pleas the public has made to this Legislature to not increase property taxes.

Ms. Robertson responded to Ms. Valentino's comments and agreed that in looking at budgets the total dollar need to be looked at in addition to percentages. She said she feels it is important that people know the County is spending more total dollars, as well as total percentages in public safety, and all of those funds are local dollars. Ms. Robertson requested that the fiscal-target history be placed on the County's website.

Ms. Valentino thanked the Legislature for its work and said municipalities appreciate the work each Legislator puts into their job on behalf of the community. She also stated she is working on a proposal that will show a way to save money on H.A.V.A. (Help American Vote Act) while meeting all of the requirements of the law.

Mr. Todd, District No. 6 Legislator, said he chaired the Fiscal Affairs Committee in 1991 which undertook the County Services Study mentioned by Ms. Schuler. He said the survey was produced by an individual from Cornell University and that there were 2,000 surveys distributed and 1,600 responses received. Law enforcement was the number one issue and roads and bridges were second. He noted that at the time of the survey there had been a recent quadruple murder in Dryden which he believes may have influenced the outcome with regard to public safety.

### **Chair's Report**

Mr. Joseph reported on the recent New York State Association of Counties conference he attended. One of the workshops was about the Medicaid cap and what it means for counties and as they went through the numbers with NYSAC staff it was made clear that the cap was better than counties thought in a number of ways as the 2005 base is always used in the calculation. As you get a number of years out it can make a lot of difference; the cap also means that any new Medicaid spending has no cost to the County. Mr. Joseph said the cap is turning out to be a victory for counties and can have a substantial impact on budgets and how counties do business.

Mr. Joseph also reported he attended an inter-county breakfast at which the speaker was from the State Commission of Correction. He said he provided the representatives and others in attendance with the graph that was distributed at the last Legislature meeting. Those in attendance expressed their anger and feel that the Commission had overstepped its bounds and does not have authority to set sizes of jails. Those in attendance also expressed their feelings that the Commission should go back to being cooperative with counties and help to solve problems instead of imposing size requirements that counties feel they have no authority to do. He said he was also told that in the Executives and Administrators meeting there was discussion of making the issue of parolees in county jails one of NYSAC's highest priorities. Mr. Joseph said he spoke with Bill Steinhouse, Dutchess County Executive, who said that County has made an issue out of the pressure they are under to build a jail and wouldn't need a jail if they didn't have so many parolees. They also discussed joining together and making this an issue to tackle together.

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

Mr. Whicher had no report.

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

Mr. Wood had no report

**Report from the Finance Director**

Mr. Squires had no report.

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

On motion and duly seconded and unanimously adopted by voice vote by members present, the following resolution(s) were added to the agenda:

Authorization to Execute Contracts – Software Implementation and Maintenance for Electronic Document Management System – Board of Elections  
Authorizing Change in Court Attendants Hourly Reimbursement Rate  
In Support of National Veterans’ Cemetary – Sampson State Park

Mr. Proto requested an executive session later in the meeting to discuss Tompkins Consolidated Area Transit, Inc. contract negotiations.

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

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

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

There were no appointments.

**RESOLUTION NO. 180 - BUDGET ADJUSTMENTS – VARIOUS DEPARTMENTS**

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

RESOLVED, on recommendation of the Facilities and Infrastructure; the Planning, Development and Environmental Quality; and the Budget and Capital committees, That the Director of Finance be directed to make the following budget adjustment on his books:

*Solid Waste*

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
CL909	Solid Waste Fund Balance	\$3,500	CL8164.52220	Departmental Equipment

Explanation: Funds needed for additional purchase of recycling bins.

*Planning*

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
8027.42797	Other Local Government	\$16,000	8027.54440	Program Expense

Explanation: Flood Hazard Mitigation funds coming from Tompkins County Soil and Water Conservation District to cover the Needs Assessment in Fall Creek.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 181 - AUTHORIZING ACCEPTANCE OF A 2005 FEDERAL SMALL**

**COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM  
GRANT - ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, the Tompkins County Legislature has created the Air Service Committee in part to look into ways to improve air service at the Ithaca Tompkins Regional Airport, and

WHEREAS, the Air Service Committee has embarked on a number of initiatives towards that end, and

WHEREAS, one of those initiatives was to apply for a 2005 grant from the Federal Small Community Air Service Development Program; said grant to be used to assist with air service marketing and development, and

WHEREAS, the application was successful and the County has received a grant offer from the United States Department of Transportation (USDOT) in the amount of \$500,000 to be used in various ways over a three-year period to improve air service at the Ithaca Tompkins Regional Airport, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the grant offer of \$500,000 from the USDOT be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 182 - ACCEPTANCE OF LEGISLATIVE INITIATIVES GRANT FOR  
PERSONAL EMERGENCY RESPONSE SYSTEM (PERS)  
MACHINES - TOMPKINS COUNTY OFFICE FOR THE AGING  
(COFA)**

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

WHEREAS, the Tompkins County Office for the Aging administers a Personal Emergency Response System (PERS) to help seniors and disabled County residents remain safely in independent living, and

WHEREAS, many of Tompkins County Office for the Aging's PERS machines are very old and irreparable, and

WHEREAS, a number of individuals needing and seeking such machines continues to rise, and

WHEREAS, Tompkins County Office for the Aging has been awarded a Legislative Initiatives Grant in the amount of \$10,000 to purchase approximately fifty-two (52) machines, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$10,000,

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

REVENUE:	A6787.43803	State Revenue	\$10,000
APPROPRIATION:	A6787.52219	PERS Units	\$10,000

**SEQR ACTION: TYPE II-20**

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

Ms. Herrera, Chair, reported the Committee met prior to this meeting and will meet again on October 5th at 2:30 p.m. She said the New York State Governor's Office has announced Tompkins County has been awarded a grant in the amount of \$600,000 to assist 22 families to become first-time homeowners. These funds are from the Department of Housing and Urban Development Small Cities Community Development Block Grant program and are administered by the State. This grant represents the continuing effort on behalf of the Planning Department to assist first-time home buyers in Tompkins County.

**RESOLUTION NO. 183 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 184 OF 2005 ("EMPIRE ZONE" LOCAL LAW)**

MOVED by Mr. Lane, seconded by Mr. Penniman. Mr. Proto said the Environmental Impact Statement (C-7 Part II) does speak to the increased demand for services such as energy, water, sewer, fire, and police protection in the proposed empire zone. Mr. Lane said most of the empire zones are located in urbanized areas, many of which have a higher level of police protection. Mr. Proto said two of the zones are in Lansing and this evening the Town Supervisor is in attendance and asking for more law enforcement services.

Ms. Herrera spoke with regard to the this particular resolution because the information she has been provided with is troubling, for example, placing manufacturing near the inlet. Because the details will not be available for several years she would like to be recorded as being concerned and watchful.

Mr. Todd said he opposes this because of the tax abatement and said Tompkins County has more jobs than people. He said he could support this if Tompkins County had an unemployment problem or a lack of jobs.

A voice vote resulted as follows: Ayes - 10, Noes - 4 (Legislators Herrera, McBean-Clairborne, Proto, and Todd); Excused - 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, in Resolution No.184 of 2005, the County Legislature would adopt a local law authorizing application for designation of certain areas within Tompkins County as an Empire Zone, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That Resolution No. 184 of 2005 is an Unlisted action,

RESOLVED, further, That the Tompkins County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 184 of 2005.

SEQR ACTION: Unlisted

(Short Environmental Assessment Form is on file in Clerk's office)

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**RESOLUTION NO. 184 – ADOPTION OF LOCAL LAW NO. 5 OF 2005 – A LOCAL LAW AUTHORIZING THE COUNTY OF TOMPKINS TO MAKE APPLICATION FOR DESIGNATION OF CERTAIN AREAS WITHIN THE COUNTY OF TOMPKINS AS AN EMPIRE ZONE (SUPERSEDES LOCAL LAW NO. 7 OF 2002)**

MOVED by Mr. Lane, seconded by Ms. Blanchard. Ms. Blanchard said she has been very involved in the preparation of the application for designation of the empire zone to supplement the work that is being done by Tompkins County Area Development (TCAD) staff. She said everyone received a packet today that contains information in the changes in zone legislation. She spoke of the changes in the

zones and said there is no longer any property tax benefit of being in the zone. The benefits to businesses located in the zones are based entirely on tax credits that are applied to their corporate income tax and those are determined by the value of the wages and benefits that they pay their employees with a cap of \$10,000 per employee. The other major change from the application that was made in 2002 was this time the County is restricted to no more than six areas that are able to be included in the zone; last time thirteen areas were identified. She said the municipalities in which the proposed zones are located all approve of the zones and have passed resolutions supporting the application. She also said out of the 11 counties that are now included in the Zone legislation and Chinatown, only three applications will be approved. She said she does not expect Tompkins County to be in the first wave of zone designations.

Mr. Proto referred to the General Municipal Law and the Statement of Findings and the statement contained there in "It is hereby found and declared that there exists within the State certain areas characterized by persistent and pervasive poverty, high unemployment, limited new job creation, a dependence on public assistance income, dilapidated and abandoned industrial and commercial facilities and shrinking tax bases. These severe conditions require State government to target for these areas extraordinary economic and human resource development programs in order to stimulate private investment, private business development, and job creation". Mr. Proto also highlighted the following "To be eligible for designation as an empire zone an area must be characterized by pervasive poverty, high unemployment, and general economic distress, must correspond to traditional neighborhood or community boundaries and where appropriate, be bounded by man-made highways....". He said according to the most recent census data available the area must have a poverty rate of at least 20 percent for the year to which the data relate and Tompkins County's poverty rate with the 2000 census was 17.63 percent. The second is an unemployment rate of at least 1 1/4 times the Statewide unemployment rate for the year to which the data relate and Tompkins County's unemployment rate in that same year was 5.77 percent. Mr. Proto said Tompkins County is regarded as a low unemployment community which some have said is a distortion because of the student population; however, the students were also counted under the poverty section in the census because of their low income. The legislation also provides sales- tax exemptions, credits against income tax on empire zone corporate stock, a reduction in utility costs, and other exemptions pursuant to the tax laws. He also spoke of the composition of the oversight committee and how administrative funds will be administered and said he has questions relating to that area. In his opinion it will be the local taxpayer who will end up paying for the credit that will be given and stated these are some examples of why this is not read and why he cannot support this.

Ms. Herrera, as Chair of the Planning, Economic Development, and Environmental Quality Committee, said she has seen the Empire Zone legislation come forward several times and she has supported it. However, there have been two projects that have come forward that have utilized the policy and she has seen the unintended consequences to well-meaning legislation and that has caused her to worry about the empire zone. She suggested for individuals to view her blog at [www.herreraforithaca.com](http://www.herreraforithaca.com) and stated she cannot support this resolution because she is concerned that under the Density Policy the County will have very little control.

Ms. Blanchard said the reason the County tried hard to get into the Empire Zone legislation is because Tompkins County was suffering from being the only County in the Southern Tier Central New York area that did not have an Empire Zone. She said it is difficult to do things such as targeting a marketing program to provide good jobs. She agreed with Mr. Proto that Tompkins County is lacking in meeting the criteria and that is why she doesn't expect Tompkins County to be designated as an Empire Zone until the last round.

Mr. Winch said he will not support this and recalled the original Empire Zone legislation and his feeling that Tompkins County would not qualify. He continues to believe there are high-tech businesses here because of an association with Cornell University and will continue to do so. Mr. Winch said a lot of people complain about government getting bigger and this is an example of counties doing that.

Mr. Lane said Tompkins County has many people who struggle to get by and this will provide more good-paying jobs.

Ms. Robertson thanked Ms. Blanchard for putting this proposal together and said she will vote in favor of it.

It was MOVED by Mr. Proto to amend the proposed local law by deleting the following "That the Chair of the Board shall be the Commissioner of Planning". Mr. Wood advised that this would be a substantive change and would require a new public hearing. MOTION FAILED DUE TO LACK OF A SECOND.

It was MOVED by Mr. Proto to postpone action on this resolution. MOTION FAILED DUE TO LACK OF A SECOND.

Mr. Penniman said these are complex issues and feels the County Planning Commissioner is the appropriate person to oversee this.

A roll call vote resulted as follows: Ayes - 9 (Legislators Blanchard, Booth, Joseph, Koplinka-Loehr, Lane, Penniman, Robertson, Schuler, and Totman); Noes - 5 (Legislators Herrera, McBean-Clairborne, Proto, Todd, and Winch); Excused - 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, a public hearing has been held before the Tompkins County Legislature on September 20, 2005, to hear all persons interested in proposed Local Law No. 5 of 2005, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That Local Law No. 5 of 2005 – A Local Law Authorizing the County of Tompkins to Make Application for Designation of Certain Areas Within the County of Tompkins as an Empire Zone (supersedes Local Law No. 7 of 2002) is hereby adopted,

RESOLVED, further, That the Clerk of the Legislature shall publish in the official newspaper of the County a notice of adoption containing a synopsis of said Local Law, and shall within twenty (20) days file one certified copy in the office of the County Clerk, and one copy with the Secretary of State.

**SEQR ACTION:** Unlisted

(Short Environmental Assessment Form on file in Clerk's office)

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### **Recess**

Mr. Joseph declared recess from 7:41 p.m. to 7:53 p.m.

Happy Birthday wishes were extended to Legislator McBean-Clairborne.

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

Mr. Koplinka-Loehr, Chair, said most of the items discussed at the last Committee meeting are reflected in the resolutions this evening. He announced the public forum on the proposed Tompkins County Budget will be held on September 26 at Boynton Middle School. He also announced the Committee meeting scheduled for September 27th has been canceled.

### **RESOLUTION NO. 185 - AUTHORIZING CHANGE IN COURT ATTENDANTS HOURLY REIMBURSEMENT RATE**

MOVED by Mr. Koplinka-Loehr, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present.

WHEREAS, the New York State Unified Court System and the Office of Supreme and County Court Clerks have authorized an increase in the base hourly rate for Court Attendant's, and

WHEREAS, it is recommended that regular Court Attendants be reimbursed at the rate of \$7.40 per hour and where extra responsibilities are warranted, such as assignment to magnetometer support, Family Court calendars, and courtroom coordination duties, Court Attendants are authorized to receive \$8.40 per hour, and

WHEREAS, a minimum of one hour's pay will be paid to any Court Attendant reporting for duty and time-and-one half rates will be paid for over forty hours per week, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Tompkins County Legislature authorizes changing the Court Attendants base hourly rate retroactive to April 1, 2005, from \$7.11 to \$7.40 and from \$8.11 to \$8.40 for extra responsibilities.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 186 - A RESOLUTION APPROVING AN AMENDMENT TO THE  
RESIDUAL CERTIFICATE ISSUED BY THE TOMPKINS  
TOBACCO ASSET SECURITIZATION CORPORATION**

MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson. Mr. Lane spoke against this resolution and stated he doesn't feel the County should adopt this because it means giving up future payments. He said he does not believe the tobacco companies are going to go out of business. Mr. Penniman said he voted against this the first time; however he now feels the benefit seems better now and there is a lot of uncertainty about the stability of the tobacco companies.

A roll call vote resulted as follows: Ayes - 10, Noes - 4 (Legislators Joseph, Lane, McBean-Clairborne, and Proto); Excused - 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, the County of Tompkins (the "County") has previously entered into a Purchase and Sale Agreement with the Tompkins Tobacco Asset Securitization Corporation (the "LDC") dated as of October 15, 2000 (the "Purchase and Sale Agreement") pursuant to which the County sold its rights, title and interest in and to the Tobacco Settlement Revenues (as defined in such Agreement), and

WHEREAS, the LDC issued its Tobacco Settlement Asset-Backed Bonds, Series 2000 (the "Series 2000 Bonds") pursuant to an Indenture with Manufacturer's and Traders Trust Company, as Trustee, dated as of December 1, 2000 (the "Indenture") to fund the purchase of the Tobacco Settlement Revenues from the County, and

WHEREAS, the LDC has also issued a Residual Certificate pursuant to the Indenture and deposited same into a statutory trust established under the laws of the State of Delaware designated Tompkins TASC Residual Trust (the "Residual Trust") and caused an undivided beneficial interest in the Residual Trust to be conveyed to the County (the "Beneficial Interest"), and

WHEREAS, the County's Beneficial Interest in the Residual Trust includes the right to receive all Tobacco Settlement Revenues in excess of the amounts necessary to pay the principal of and interest on the Series 2000 Bonds, the expenses of the LDC, the expenses of the Indenture Trustee for the Series 2000 Bonds and any amounts necessary to maintain the reserve funds required to be maintained by the Indenture, and

WHEREAS, a rating downgrade of RJ Reynolds Tobacco Holdings, Inc. as well as an increase in market share of non-participating tobacco manufacturers has resulted in Trapping Events under the Indenture, and

WHEREAS, as a result of such Trapping Events the County has not received any payments from the Residual Trust since 2002 and it is unlikely that the County would receive any residual payments over the next several years as a result of the likely continuation of at least one of these Trapping Events, and

WHEREAS, it is proposed that the LDC refund the Series 2000 Bonds by the issuance of new bonds (the "Series 2005 Bonds") providing for an up-front payment to the County of the residual payments which would otherwise be trapped, and

WHEREAS, in order to secure to present generations a portion of the benefits intended to be conferred by the Tobacco Settlement Revenues, it is necessary or desirable for the County to authorize an amendment to the Residual Trust and Residual Certificate, as well as the Purchase and Sale Agreement, now therefore be it

RESOLVED, by the County Legislature of the County of Tompkins, as follows:

Section 1. An amendment to the Residual Certificate (to provide for payment thereunder from Tobacco Settlement Revenues only when the Series 2005 Bonds are no longer outstanding), is hereby authorized in exchange for the delivery to or upon the order of the County of the net proceeds of the Series 2005 Bonds after (A) payment of an amount sufficient to legally defease the Series 2000 Bonds, (B) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of the LDC, and (C) the funding of all reserves funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the Series 2005 Bonds. Any related necessary or advisable amendments to the Purchase and Sale Agreement are also authorized.

Section 2. The Chair of the County Legislature and the County Finance Director, or either of them, is hereby further authorized to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations, including amendments to the Purchase and Sale Agreement, as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, this resolution, and which are deemed necessary or desirable to effectuate the transactions contemplated by this resolution and to perform all acts and do all things required or contemplated to be performed or done by this ordinance or by any agreement, instrument or authorization approved, contemplated or authorized hereby.

Section 3. The County hereby pledges to and agrees with the LDC and the holders of any bonds, notes and other obligations (hereinafter the "Bonds") of the LDC including without limitation the Series 2005 Bonds that the County will not limit or alter the rights of the LDC to fulfill the terms of its agreements with the holders of the Bonds or in any way impair the rights and remedies of such holders or the security for the Bonds until the Bonds, together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged. The Legislature further hereby delegates to the County Finance Director or his designee(s) the power to make, ratify and confirm such pledge to and agreement with the LDC and the holders of its Bonds to be made or enforced. The LDC is hereby authorized to include in any agreement with or for the benefit of the holders of its Bonds the pledges and agreements made by this Legislature and by the County Finance Director on behalf of the County pursuant to this Section.

Section 4. This resolution shall take effect immediately.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 187 - RATIFICATION OF THE BARGAINING AGREEMENT –  
CSEA WHITE COLLAR, LOCAL 1000 AFSCME, UNIT #8900-01**

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Winch. A short roll call vote resulted as follows: Ayes - 13, Noes - 1 (Legislator Booth); Excused - 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, Tompkins County's CSEA White Collar employees have been working without a contract since January 1, 2005, and

WHEREAS, the County and the union have been negotiating a successor collective bargaining agreement since October 5, 2004, and have rendered a tentative agreement that specifies a change in the prescription drug formulary and salary increases, now therefore be it

RESOLVED, on recommendation of the Negotiating Committee, That the collective bargaining agreement between Tompkins County and CSEA Local 1000 AFSCME, Unit #8900-01, is hereby ratified for January 1, 2005, through December 31, 2007,

RESOLVED, further, That the salary increases will be two percent from January 1, 2005, through December 31, 2005, three and one-half percent from January 1, 2006, through December 31, 2006, and three percent from January 1, 2007, through December 31, 2007,

RESOLVED, further, That effective January 1, 2006, prescription drug coverage for employees covered by this agreement shall transfer from a two-tier (\$2 and \$10) prescription drug formulary to a three-tier prescription drug coverage system that will include employee co-payments at the levels of \$5 (generic), \$10 (preferred brand name), and \$25 (non-preferred brand name).

**SEQR ACTION:** TYPE II-20

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

Mr. Lane, Chairman, reported the Committee met prior to this meeting to approve a resolution on the agenda. Earlier this evening Supervisor Valentino mentioned a proposal she is working on with regard to the Help America Vote Act and elections expenses in the towns. Mr. Lane said the Committee will be glad to hear Ms. Valentino's suggestions. The Committee will meet tomorrow at 2:30 p.m.

**RESOLUTION NO. 188 - AUTHORIZATION TO EXECUTE CONTRACTS - SOFTWARE IMPLEMENTATION AND MAINTENANCE FOR ELECTRONIC DOCUMENT MANAGEMENT SYSTEM – BOARD OF ELECTIONS**

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

WHEREAS, the Tompkins County Board of Elections researched alternatives with the assistance of the Tompkins County Information Technology Services Department (ITS) to implement a comprehensive Electronic Document Management System (EDMS) designed to image and index all paper records related to voter files and meet New York State Board of Elections imaging and retention requirements, and

WHEREAS, it is most effective that such an EDMS be integrated with the voter management software (TEAM 2000/Sign-It) currently provided by NTS Data Services, and

WHEREAS, the ability to develop or purchase an EDMS module with integration capabilities could not be provided by alternative vendors or ITS, and NTS Data Services, LLC has been deemed the only qualified vendor to provide such services, and

WHEREAS, the Tompkins County Board of Elections has secured a SARA Grant for the purchase, installation, and training price of the EDMS, and

WHEREAS, NTS Data Services, LLC, a New York Limited Liability Company has submitted a proposal to provide such services for their integrated software known as Image-It!, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the contract be awarded to NTS Data Services, LLC, of Niagara Falls, New York,

RESOLVED, further, That a contract not to exceed \$41,963.00 be awarded for software purchase, installation and training funded as follows:

Image-It! Software	\$34,863.00	SARA grant
Installation and Training (3 days training)	<u>\$ 7,100.00</u>	SARA grant
Total Contract Cost	\$41,963.00	

RESOLVED, further, That a five-year software maintenance and support agreement commencing on January 1, 2006 for four additional years at a cost not to exceed \$5,229.45 per year for the support of Image It! to be paid for from local funds on an annual basis,

RESOLVED, further, That the County Administrator or his designee is authorized sign any agreements pertaining to this contract.

**SEQR ACTION: TYPE II-20**

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**Report from the Public Safety Committee**

Mrs. McBean-Clairborne, Chair, had no report. The next meeting will be October 6th at 2 p.m.

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

Mrs. McBean-Clairborne, Chair, reported the Committee will meet September 28th at 3:30 p.m. She said Committee members met with department heads last week to familiarize them with the process of the Workforce Diversity and Inclusion Committee is following.

**Report from the Facilities and Infrastructure Committee**

Mr. Penniman, Chair, reported the Committee met a week ago. Although he was not in attendance at that meeting the Committee discussed the 20-year Capital Program and the resolution honoring Daniel Karig.

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

Ms. Robertson, Chair, reported the Committee met on September 7th. She reported the grant the County received for \$10,000 for Personal Emergency Response Service machines was initiated by Assemblywoman Barbara Lifton. The Committee received a report from the Health Department on the incident that caused many people to get sick after being exposed to water from sprinkler at a park in Seneca County. Of the thousands of cases Statewide, 62 of them were from Tompkins County. She noted the water dispersed from the sprinklers at Stewart Park is not recycled as it was in Seneca County. Ms. Robertson also reported that the Committee will be getting monthly reports on the Biggs building and the work the Facilities Division is doing to help mitigate air quality problems. The next meeting will be October 5th.

**RESOLUTION NO. 189 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL  
PAY – HEALTH DEPARTMENT**

MOVED by Ms. Robertson, seconded by Mr. Booth. A short roll call vote resulted as follows: Ayes - 14, Noes - 0, Excused - 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, the Health Department had an Administrative Coordinator, Community Health Nurse and Public Health Sanitarian resignations effective May 12, 2005, June 10, 2005 and June 30, 2005, respectively, and

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

FROM:	A1990.54440	Contingent Fund	\$ 23,173
TO:	A4010.51000674	Administrative Coordinator	\$ 11,805

A4010.58800	Fringes	\$ 4,604
A4016.51000580	Community Health Nurse	\$ 2,841
A4016.58800	Fringes	\$ 1,108
A4090.51000595	Public Health Sanitarian	\$ 2,025
A4090.58800	Fringes	\$ 790

**SEQR ACTION:** TYPE II-20

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**Report from the Air Services Task Force**

Ms. Blanchard, Chair, reported the meeting scheduled for September 19th was postponed to September 28th. She announced the Task Force will be holding a retreat for the purpose of developing a strategy with regard to the air services grant.

**Individual Member-filed Resolution**

**RESOLUTION NO. 190 - ACCEPTING COUNTY ADMINISTRATOR'S BUDGET**

MOVED by Mr. Todd, seconded by Mr. Totman. There was a feeling expressed by various legislators that although they appreciated Mr. Todd's intentions, that there were issues the full Legislature needed to address before any budget could be adopted. A voice vote resulted as follows: Ayes - 2 (Legislators Todd and Totman); Noes - 12; Excused - 1 (Legislator Kiefer). RESOLUTION FAILED.

WHEREAS, by Resolution No. 117 of 2005 this Legislature charged the County Administrator with producing a recommended budget for 2006 that does not increase the tax levy for 2006 above the 2005 tax levy, and

WHEREAS, on September 1, 2005, the County Administrator submitted a proposed budget which satisfied the charge of the Legislature, and

WHEREAS, this proposed budget (which is also the tentative budget under State Law) preserves the interest of County residents by not increasing the tax levy, now therefore be it

RESOLVED, That the Legislature will adopt the proposed budget as submitted by the County Administrator and there will be no additional funds allocated to any program unless the funding for another program is diminished in at least an equal amount.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 191 - IN SUPPORT OF NATIONAL VETERANS CEMETERY -  
SAMPSON STATE PARK**

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

WHEREAS, more than 200,000 veterans of World War II, Korea, Vietnam, the Gulf War, Panama, Haiti, Bosnia, Iraq, and Afghanistan, call the Finger Lakes Region their home, and

WHEREAS, more than 7,000 veterans live in Tompkins County, and

WHEREAS, it is appropriate to ensure that those who have served this country nobly are given every honor and service due them, and

WHEREAS, the National Cemeteries in New York are either full or will reach capacity by perhaps as early as the year 2025, and

WHEREAS, Congress has authorized initial funding for establishing additional cemeteries with State government bearing the future costs of operating and maintaining the facility, and

WHEREAS, the effort for this legislation both at the Federal and State levels was initially encouraged by United States Senator Alfonse D'Amato, New York State Senators Michael Nozzolio, James Seward, and Randy Kuhl, and Assemblyman Martin Luster, and

WHEREAS, the former Sampson Naval Base, and Air Force Facility (Sampson State Park) in Seneca County was identified and encouraged as a Central New York State site, and

WHEREAS, additional sites have been identified in Staten Island and Plattsburgh, and

WHEREAS, recent efforts to pursue this initiative through the New York State Veterans' Cemetery Siting Committee and the New York State Division of Veterans' Affairs have been positive, now therefore be it

RESOLVED, That the Tompkins County Legislature add its grateful thanks for the effort, and encourages the identification of the Sampson Naval Base and Air Force Facility (Sampson State Park) as the preferred cemetery site,

RESOLVED, further, That the support be communicated to United States Senators Charles Schumer and Hillary Clinton; Congressmen Maurice Hinchey, Sherwood Boehlert, Randy Kuhl; New York State Governor George Pataki; New York State Senators Michael Nozzolio, James Seward, George Winner; and Assemblywoman Barbara Lifton.

**SEQR ACTION:** TYPE II-20

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### **Approval of Minutes of September 6, 2005**

It was MOVED by Ms. Blanchard, seconded by Mr. Booth, and unanimously adopted by voice vote by members present, to approve the minutes of September 6, 2005. MINUTES APPROVED.

### **Recess**

Mr. Joseph declared recess from 8:17 p.m. to 8:22 p.m.

### **Executive Session**

It was MOVED by Ms. Schuler, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to enter into executive session at 8:22 p.m. to discuss labor negotiations. The meeting returned to open session at 8:50 p.m.

### **Adjournment**

On motion the meeting adjourned at 8:50 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office

