

Tompkins County Legislature
Regular Meeting Minutes
Tuesday, September 7, 2010 5:30 PM
Tompkins County Courthouse

Approved 11/3/10

Call to Order

Ms. Robertson called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 14 Legislators (Mr. Shinagawa arrived at 5:31 p.m.). Excused: 1 (Legislator Herrera).

Presentation of Proclamation

Ms. Robertson read a proclamation declaring September 15, 2010, to October 15, 2010, as “Latino Heritage Month in Tompkins County” and presented it to Fernando deAragon. Mr. deAragon expressed appreciation and invited Legislators to a celebration of immigration on September 25, 2010, from 7:30 p.m. – 12:00 a.m. starting on the Ithaca Commons and continuing at the Women’s Community Building.

Mr. Shinagawa arrived at this time.

Privilege of Floor by the Public

Royal Colle, 121 Pine Tree Road, Ithaca, made the following statement as a member of the Pine Tree Residents Association:

“Our group is concerned about the threat posed by the Pine Tree Road Pedestrian and Bicycle Enhancement project to the quality of life in our neighborhood. The County, the Town of Ithaca, and Cornell are behind the project. The threat comes from large trucks that the County project will allow and encourage to travel through our neighborhood.

“To illustrate our long term concern about the quality of life on Pine Tree Road, I want to briefly report what we did when we were faced by an earlier threat to this community. About 10 years ago, a large piece of farmland between Pine Tree Road and Eastern Heights went on the market. Some of us envisioned the likelihood of a massive, dense housing project springing up there somewhat like what’s happening in nearby East Hill Plaza. There was also the threat of unbridled flow of water runoff into Pine Tree Road properties. We gathered in someone’s kitchen one evening to explore remedies. We decided that several people would buy the entire plot and immediately sell off pieces to adjacent land owners giving them an extension to their back yards. The remaining acreage was held by the purchasers.

“About seven years ago (March 2004), a small strip of the farmland was sold to the Town of Ithaca for a bicycle path. Simultaneously the remainder, about 23 acres, was donated to the Town of Ithaca on the condition that it be kept “forever wild.” This has become the East Ithaca Nature Preserve — a happy ending enhancing the quality of life on Pine Tree Road and the surrounding areas.

“Now, facing a new threat to safety and the quality of life in the neighborhood, the Pine Tree Road Residents Association would like the County to reconsider its plan to encourage large truck traffic into the area (as is indicated in the County’s plan). Later at this meeting, we will present a petition to the County addressing this issue.

“Thank you.”

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David Stewart, 119 Pine Tree Road, stressed that the neighborhood is similar to a city street with regard to density. In the .6 mile there are more homes than a city street and more traffic than Forest Home, which recently underwent changes and traffic-calming considerations. He said that although the Sheriff has been helpful with patrols of speeders, it is not possible to do all the time. He would like to see calming measures in place.

Mary Margaret Carmichael, 122 Pine Tree Road, read the following statement:

"I have been a resident and homeowner on Pine Tree Road for 48 years, since 1962. Almost all homes are owner occupied. This is a neighborhood.

"Pine Tree is a county road, thus a part of your concerns.

"Please do not allow the railroad underpass at Pine Tree and Route 366 to be raised. This would allow and encourage larger trucks and larger construction equipment to travel on Pine Tree Road. There is already far too much speeding traffic on this road.

"I suggest you make Pine Tree a 'No Thru Trucks' road. Reroute trucks from Richford on Route 38 to Dryden, then on Route 13 -- either to Ithaca, and Lansing, or on Route 366 to Cornell University. Then the raising of the underpass would not be needed.

"Again, please do not raise the height of the underpass. Let us work together to alleviate the traffic problem rather than make it worse.

"Thank you!"

Lucia Sciore, 124 Pine Tree Road, read the following statement:

"I am a resident and taxpayer for 11 years.

"I do not object to local trucks transporting goods to and from East Hill Plaza.

"I do not object to buses, commuter traffic, and local delivery trucks.

"I am not against planned & responsible growth of commerce.

"I am pleased with the benefits that Cornell University has given to this community.

"I do, however, object to the way in which the "Pine Tree Road Bicycle and Pedestrian Paths" project was planned.

"Misinformation was presented to multiple government planners when money for the project was requested, over 2 years ago.

"1. Pine Tree Road is inhabited primarily by students. Reality: It is a high density community, inhabited primarily (94%) by owner-occupied homes.

"2. There was support from the residents. Reality: The residents were first informed in June 2010, of this project.

“3. Primary purpose of this project was "Enhancement of the Environment". Reality: The primary purpose of this project was to rebuild the bridge to allow for faster, larger, and heavier trucks to traverse between Route 79 & Cornell, rather than use currently approved state roads.

“I recommend that the monies granted to this project be refunded. The grant money was given, based on erroneous information and without input from the residents who would be most affected by these changes.

“THEY DID IT WITH SMOKE AND MIRRORS.”

J. Robert Cook, Pine Tree Road, made the following statement:

“Nancy and I have lived on Pine Tree Road for the past 44 years.

“I’m here to seek your assistance in finding a way to provide for the community’s transportation needs, BUT without sacrificing the quality of our residential neighborhood.

“Pine Tree Road (PTR) has been a good place for us and for our three children to grow up. Over the past 44 years, the traffic on PTR has increased markedly. The density and speed of cars and trucks has increased noticeably. This poses a problem for our two grandchildren who live on PTR—along with 15-20 others on this block of PTR. It poses a problem for our safety when we leave our driveways.

“We are deeply concerned when you consider steps that likely will increase heavy truck traffic on PTR. The bridge on PTR was characterized in your report as an obstacle to truck traffic, so we rightly believe that the sponsors of the PTR project are willing to allow even heavier truck traffic on our street.

“We hope you will NOT approve changes that likely will diminish the quality of our neighborhood. But instead will take steps to do the opposite. For example:

- 1) Leave the bridge in place and add bike and pedestrian paths slightly to the east—running from the end of Judd Falls Road where it meets Route 366 to connect with the abandoned railroad bed (now a recreation trail), cross the stream and proceed to the CISER building on PTR. (There’s no law that says the sidewalk must follow the roadway under the abandoned railroad bridge.) The justification for removing the bridge need not depend upon this extra width. [Besides, Cornell may well need a wider, more scenic path to the East Hill area.]
- 2) Replace the flashing lights at each end of PTR (366 and 79) with full, 3-color traffic lights for pedestrian safety and to calm traffic.
- 3) Lower the speed limit to 30 mph for the length of PTR.
- 4) Add other speed reducing means (raised cross-walks, speed bumps, rotary, greater police enforcement, automated speed indicators, perhaps an additional 3-color traffic light at Snyder Hill intersections, etc.) to calm the speed.

“Thank you.”

Christa Bissell, 137 Pine Tree Road, presented a petition and read the following statement:

“The Pine Tree Road Residential District is a densely populated residential area located between Route 79 and the intersection with Snyder Hill Road. It includes 49 homes, of which over 90% are owner occupied. Many of the residents are long term, with the average residency rate being approximately 18 years. Along this stretch of road that is less than 7/10th of a mile, there are between 17-20 children in the homes, 3 which require special needs.

“As stated in the Ithaca Tompkins County Transportation Council's 2004 Park and Ride Options Report, the area "suffers considerably from high traffic". The amount and speed of the traffic is unsafe for this residential area. Exiting driveways is often difficult, and particularly dangerous with large trucks moving along the road. The Town of Ithaca Transportation Plan of 2007 cites Pine Tree Road as an area which includes "crash clusters" and is "in need of speed mitigation".

“To provide the residents in this area with an acceptable degree of safety and livability, we ask that the town and county begin to provide traffic calming devices to improve the road conditions. These include such measures as:

- Reduce the speed limit to 30 mph, and enforce the speed limit.
- Installation of full traffic lights. The main location where this is essential is at the intersection of Route 79 and Pine Tree Rd. Another location that might benefit from this would be the intersection of Route 366 and Pine Tree Road.
- "No thru trucks - local deliveries only" - for the residential span of Pine Tree Road
- Incorporate visual narrowing. The road should not be widened or shoulders paved. Just repair the holes (gravel) for safer walking and biking.
- Include such features as raised crosswalks for pedestrians, speed bumps, a traffic circle at the intersection of Pine Tree Road and Snyder Hill Road where traffic enters the residential district.”

Louise Buck, 143 Pine Tree Road, said she moved to her present location six years ago to escape the State Street traffic. She said her neighborhood is a coherent community and they are willing to work with community leadership to create better solutions. She said the proposed project would increase traffic and will also have significant noise impacts. She is also concerned about pets and wildlife in the area. She has the will to work with solutions proposed and is approaching the problem in a spirit of cooperation and problem solving.

Jacqueline Wakula, 204 Pine Tree Road, on behalf of herself and husband Tom, read the following statement:

“We have been full time residents at 204 Pine Tree Road since we built our home in 1971. Once again, the residents of Pine Tree Road have come together to preserve their neighborhood. We are all united in asking to reduce the current speed limit, and limit Truck Traffic along Pine Tree Road to Local Deliveries at East Hill Plaza. We, as residents have watched helplessly as every season brings property damage from auto accidents, injuries to drivers and passengers, and endangering the safety of the children that live along our road. This narrow residential street is not suitable for the type of and amount of traffic currently plaguing us, therefore, we are asking for relief. We are in complete agreement with everything that has been presented to this Board regarding the Pedestrian/Bike issue, therefore no need to repeat what has already been presented.”

Liz Czopp, 151 Pine Tree Road, supports the safety precautions asked for by other residents. She shared her experience of almost being hit by a car not exercising caution at the Honness Drive crosswalk.

Beth Gerrard, 144 Pine Tree Road, said her family moved there seven years ago to be in the neighborhood her husband had grown up in. She is concerned for children waiting for buses and noted the school district agreed to stop at each house to lessen the danger. Although she was initially supportive of a pedestrian/bicycle walkway, she believes the traffic levels would increase. Ms. Gerrard stressed the neighborhood is homeowners, not renters.

Joanne Farbman, Executive Director of the Advocacy Center, shared information of the work completed by the agency and its affect on Tompkins County residents. The agency's mission is to

prevent and reduce sexual and domestic abuse through supportive services and education in the community. The work is completed through a variety of programs such as the emergency shelter for victims of domestic violence, a 24-hour hotline, telephone and in-person counseling, transportation assistance, support groups, and collaborative efforts with other agencies.

Privilege of the Floor by Legislators

Mr. Proto, District 7 Legislator, said New York State Electric and Gas proposed rate increases are under scrutiny by the Public Service Commission. The requested increase would be between \$16 and \$19 per month; there is still time for comments to be made. He then announced the Vietnam Veteran's watch-fire would be held at dusk on September 17th at Myers Point in the Town Lansing Park.

Mr. Shinagawa, District No. 4 Legislator, asked what household increase would be for a one percent increase in the levy and was told it is \$6 for a \$100,000 house.

Ms. Kiefer, District No. 10 Legislator, said Dick Fisher, a Cornell University Professor who was particularly knowledgeable about birds, lived on Pine Tree Road; she recalled his suggestion many years ago that owners of property on the east side of the road could use back property lines for a pedestrian path. She thought it was interesting to hear the same suggestion at this time.

Ms. Chock, District No. 3 Legislator, announced the Ithaca Farmer's Market was selected by 160,000 voters across the country as the third most popular market in New York State and one of the top twenty large markets in the U.S. The market attracts more than 5,000 customers daily. She recalled her first job as a planner was undertaking an analysis of farmer's markets for the City of Ithaca to determine who, what, and where a local market should be.

Mr. Lane, District No. 14 Legislator, reported on the budget outreach session that took place in Dryden on September 2nd. He was joined by Mr. Robison and Ms. Robertson at the local café to speak to approximately 30 individuals on the upcoming budget. He thanked Ms. Lynch, Public Information Officer, and Mr. Mareane, County Administrator, for their attendance and assistance. He indicated residents expressed a desire to keep the Rural Youth Services program and also how they felt overtaxed.

Mr. Burbank, District No. 12 Legislator, shared his recent experience when he and his wife were in the Hudson Valley and walked on the largest pedestrian bridge in the world. He spoke of the beauty and how it appeared to be very popular, which he attributed the many people there to experiencing budget restrictions. He reminded Legislators and viewers this weekend would be the Aids Ride-for- Life fundraising event.

Mr. Stein, District No. 11 Legislator, spoke of having attended the new Kitchen Theatre production of "Private Lives". He said the Theatre receives County funding and it is worth every penny spent. Mr. Stein said the building was comfortable, welcoming, well-lighted, and compares favorably to most off-Broadway performance spaces found in New York City. He also congratulated the performers and said it was as good as anything he has seen in off-Broadway or in London.

Mr. McKenna, District No. 8 Legislator, announced Newfield Old Home Days will be held this coming weekend with a parade taking place Saturday night.

Presentation - Overview of 2009 Annual Report of the Sheriff

Sheriff Meskill with the assistance of Corrections Officer Jeffrey Potter provided a PowerPoint presentation of the 2009 Annual Report. Highlights included the Corrections Division Accreditation by the New York State Sheriff's Association, making Tompkins County 1 of 22 receiving the honor within

the State (62 County jails statewide); continuation of the TraCS program that provides automated traffic tickets and accident reports; the acquisition of patrol rifles for each car due to a Homeland Security grant; and centralization of the Records and Civil divisions to improve efficiency. He also acknowledged the LETTS Group, a law enforcement technology and information coalition, and the work to get this information-sharing software up and running to improve all law enforcement offices.

Sheriff Meskill spoke of the importance of law enforcement at community events to bring about not only safety, but for the public to be aware of their presence. Other work being done by the Sheriff's office is collection of data from portable radar speed displays, working cooperatively with other law enforcement agencies on accident reconstruction, as part of the local SWAT team, assisting with car seat checks, D.A.R.E. program, etc.

Sheriff Meskill acknowledged the numerous awards received by officers and staff.

Following the presentation several classifications were explained and in response to Ms. Kiefer's question about inmate visits, Sheriff Meskill explained they follow the State-mandated minimum for inmate visits of one hour per week.

Report from the Chair

Ms. Robertson said she is working on the creation of a special Broadband Committee that would report to Government Operations and have public information processes. The Environmental Protection Agency Public Hearings are rescheduled for next Monday and Wednesday in Binghamton. She will speak at the hearing as well as Legislators Chock and Burbank. There will be a press conference on Monday morning she will participate in as well. She spoke of the resolutions on the agenda representing an amazing amount of work, particularly the work required for the proposed early retirement plan, tourism planner, and health insurance consortium agreement. She expressed appreciation to Mr. Mareane and his staff for their efforts.

Chair's Appointment(s)

Ms. Robertson made the following appointments:

Civil War Commission

Michael E. Lane, Co-Chair

Carol Kammen, Co-Chair

Danny Lee Wheeler, Member

Report from the County Administrator

Mr. Mareane announced the United Way campaign has begun and staff will be receiving their pledge cards. In addition to the pledge cards, a food/personal care drive is taking place in County departments as part of the community-wide drive to assist the local food pantries.

He reported the arbitrator has issued his decision in binding interest arbitration for the March 2006 – February 2008 contract for uniformed members of the Employees Union Tompkins County Sheriff's Department (Road Patrol). The 2006 – 2007 contract was referred to arbitration in 2008. Because it is binding there is not need for legislative action on the contract.

The decision directs a 3.5% increase in base wages, effective 3/1/06 and on 3/1/07, and adjustments for other contract elements including investigator mandatory on-call service, call-in service, shift premiums, health insurance, longevity payments, and clothing allowance. Contract provisions are

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retroactive for all employed during the period. The union remains without a contract for the period following February 2008.

Mr. Proto asked if the arbitration process could impose the longevity portion when it did not previously exist; Mr. Mareane said new terms cannot be put in, however, if a side put an item on their list the arbitrator is required to react and determine whether to make it a part of the contract.

Ms. Pryor asked how the County planned for this situation and whether funds were set aside in anticipation. Mr. Mareane said funds were set aside in anticipation of wage growth and placed into the fund balance.

Mr. Stein asked about the 3.5% increase and what closing irreconcilable positions were. Mr. Mareane said he was not certain on all details, however, it should be discussed in an executive session. Mr. Dennis said it is a two-year award that was determined by three people's voting. The contract period ends March 31, 2008, and the world changed in 2008. The next step is demand for negotiation on the bargaining units to start again for the 2008-2009 period.

Mr. Mareane then presented his 2011 tentative budget to Legislators. It provides a balanced approach to address unprecedented fiscal challenges. The budget holds the line on spending and calls for program reductions to fill a \$4.7 million budget gap, while meeting the Legislature's goal of increasing the tax levy by no more than 5%.

The recommended budget totals \$74.4 million in local dollar spending, an increase of 0.6% over the 2010 budget, in spite of substantial increases in mandated spending. It closes a \$4.7 million budget gap through a balanced mix of revenue increases and spending decreases, producing a \$1.9 million (5%) property tax levy increase coupled with a \$2 million spending reduction. Some spending reductions will affect entire programs. The Budget also applies \$780,000 in one-time federal stimulus money to fill the gap left by the State's delay in approving the county's request to authorize a new local mortgage tax. The County tax rate would increase from \$6.00 to \$6.41 per \$1,000 of assessed value, resulting in a \$66 per year increase for an average \$160,000 home.

Mr. Mareane noted the budget reflects the County's response to an economy slowly recovering from a deep recession. That has resulted in an increased reliance on mandated services provided by the County and a diminished capacity of taxpayers to pay for them. The ripple effects of the economy have an indirect, but significant, effect on the County's 2011 budget. Pension costs, for example, are being increased by the State to make up for substantial investment losses suffered over the past few years. The County's pension bill will rise by 40% in 2011 after going up 50% in 2010. The budget represents "a balanced approach to uncertain times," seeking to balance the community's ability to pay with its need for services, raising revenues, reducing expenses, and making prudent use of one-time aid. His priorities for decision making are health, safety, and core governance.

The Tentative Budget funds only \$1.5 million of nearly \$3.4 million in over-target requests (OTRs) submitted for recurring target funding and recommends most of the \$500,000 requested for one-time expenses. Among OTRs not funded in the Tentative Budget: Department of Social Services funding to support many child welfare services provided by local agencies; Probation Department funding to prevent reduction of the Day Reporting program to half-day operation; and support to prevent staff reductions in the Highway Division.

In addition to OTRs not funded in the Tentative Budget, County Administration has proposed reductions for the County Health Department's Certified Home Health Agency (CHHA) and two programs managed by the Youth Services Department: eliminating a quarter-million-dollar allocation for the Municipal Youth Development program and reducing funding for the Learning Web's Community

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and Career Apprentice Program by 50%. The Administrator recommends the County review whether the County-operated CHHA could operate without a \$400,000 annual property tax subsidy or whether the County should withdraw from providing the service, as many other counties have done, transferring its certificate to a qualified not-for-profit provider.

The budget reduces the County workforce by 20 full-time equivalent positions, a decrease of 2.6%, much of the reduction expected to be achieved through natural attrition, as the Legislature considers a local retirement incentive designed to support that process.

Among other proposed initiatives advanced as part of the Tentative Budget: a three-year, \$2.4 million bonding to address a backlog of capital maintenance and improvement needs in county buildings, with a one-time allocation of \$100,000 to begin planning for the project; \$10,000 in contingency funding to assist in comprehensive review of how the county's road, bridge, and highway system is maintained; and \$40,000 in contingency funding to continue Smart Work training throughout the County. The administrator also recommended the County sharpen its focus on the issues of energy conservation, climate change, and sustainability by formally placing responsibility under direction of a Commissioner of Planning and Community Sustainability, shifting executive oversight of the four public works divisions, on a trial basis, to the County Administrator.

Mr. Mareane said he appreciates the remarkable dedication and creativity of County department heads and staff at every level in developing a plan that responds to the very difficult circumstances we face, and to the County Legislature for its leadership throughout the year.

Mr. Proto asked what a one percent change of tax levy would be; Mr. Mareane said one percent is \$380,000.

Mr. Mareane clarified the sales tax drop for Mr. Stein, noting there was a significant drop in 2009 by several million. Although the sales tax revenue is increasing it will need to continue to improve. In response to Mr. Stein's comment that the five percent cut did not affect the levy between 2010 and 2011, Mr. Mareane said the levy went up in 2009 with the local spending flat. The budget is now relying less on reserves and more on local property tax. Mr. Stein asked where funds for an over-target request would come from. Mr. Mareane explained it could be from raising taxes, reducing other spending, or drawing on the reserve, which would spend down balances that could affect liquidity.

Ms. Pryor asked that a brief synopsis of process be provided. Mr. Dennis said that would be done during his Budget and Capital Committee report.

Ms. Chock asked if there is any mechanism to indicate the ability of prioritizing how any reductions may be put back in future budgets, use of rollover funding, or one-time funding if deemed appropriate. Mr. Mareane said the Legislature has the latitude to make any changes. He said it is more difficult to add a program back in the future once reduced, but it could be done. He does not think it is possible to set a priority list as it would compromise the rule regarding binding future Legislators.

Ms. Robertson asked what the proposed budget would mean for an average homeowner. Mr. Mareane said the average home is valued at \$160,000 and would have an annual County tax of \$1,026.

Mr. Robison said although the Legislature will review the budget and come to some form of agreement it is for only 2011. He would like to look more long-term. With State mandate increases, pension rates doubling, reduction of the FMAP money, and a possible two percent cap on what can be taxed, he suggests the Legislature should think about the future as this budget is set.

Mr. Shinagawa agreed with Mr. Robison's comments and is impressed with the budget presented looking at whole programs versus across-the-board cuts. He said it is necessary to reduce spending and he is open to this type of review.

Mr. Proto said the proposed budget has been developed on the assumption the State will keep funding level and asked if Mr. Mareane believes it would happen. Mr. Mareane stated it is an assumption and that newspaper articles clearly show the State is having difficulties. He said when developing the budget the question is to assume it would stay the same and to remain nimble and react. Mr. Proto then asked if there is a projection for assessment increases or if there are large projects within the next 2 to 4 years. Mr. Mareane does not have the information at this time and will review assessments to determine how projects and exemptions could affect it.

Ms. Kiefer requested clarification of the \$100,000 portion to plan for the capital expense and bonding of deferred maintenance. Mr. Mareane said the planning portion is to determine whether the project is sized appropriately prior to bonding. It is not yet known when the actual bonding would take place, perhaps late 2011.

Mr. Stein said he thinks bonding may be the wrong thing to do.

Ms. Robertson noted the budget is essentially flat when pension costs are increasing the equivalent of 4 percent of the levy and Medicaid is up 1 percent; the budget is disciplined and tight.

Mr. Proto said Comptroller DiNapoli has issued a report amending how pension cost increases are determined. Mr. Mareane said the projected rate increase estimated by the County was 16.1 percent, and Mr. DiNapoli's rate was 16.3 percent with a decreased return on investment. Normally it was required to have an 8 percent return on investment, bringing the County cost to 11 percent; now the rate is at 7.5 percent which would mean a higher cost to the County. Pensions are paid in December for the following February billing.

Report from the County Attorney

Mr. Wood reported the on the closing sale of the Biggs B property and said the County received \$1,054,646.80.

Report from the Finance Director

Mr. Squires reported that in August New York State sent a \$4 million reimbursement check for the Department of Social Services; previously the County was only receiving between \$300,000 to \$400,000 per month. He has received the final audit that showed the County is in fairly good shape. The fund balance is down \$1 million and cash declined to the \$10 million point in 2009. The cash has been gradually going down as the budget has been increasing, therefore, will not be useful in the 2011 budget. The bid for notes for the Ellis Hollow Road Reconstruction and Computer-Aided Dispatch System will be received on September 8th. He does not believe the County will convert all outstanding notes (\$17 million) to bonds. The bonds for the projects will be short-term and it is not expected the rate will be the same as last year.

In response to Mr. Lane's question of how the funds from the sale of Biggs B would be used, Mr. Squires said it is being held to reduce the \$10 million financing on the building, resulting in less bonding.

Resolution(s) Added to or Withdrawn from the Agenda

There were no resolution(s) added to or withdrawn from the agenda at this time.

Approval of Appointment(s) Under the Consent Agenda

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

Hillview Road Landfill Citizens Advisory Committee

Ernest Bury – At-large representative; term expires December 31, 2011

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Gwen Wilkinson – District Attorney representative; term expires December 31, 2012

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 131 - ACCEPTANCE OF A UNITED STATES DEPARTMENT OF AGRICULTURE GRANT TO PROVIDE WASTE REDUCTION AND RECYCLING ASSISTANCE FOR RURAL MOBILE HOME PARKS AND APARTMENT COMPLEXES - TOMPKINS COUNTY SOLID WASTE MANAGEMENT DIVISION (DOC ID: 2191)

MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, in 2009 the United States Department of Agriculture solicited competitive proposals for its Solid Waste Management Grant under Rural Utilities Service (RUS) Guide 1775-1, and

WHEREAS, the Tompkins County Solid Waste Management Division (TCSWMD) prepared a proposal for the RUS Guide 1775-1 grant to implement a pilot program to strengthen waste reduction and recycling practices in rural mobile home parks and apartment complexes, and

WHEREAS, the total project cost is \$47,946.00, of which the TCSWMD is contributing \$14,350.00 of in-kind and cash donations, and the United States Department of Agriculture has awarded a Solid Waste Management Grant of \$33,596.00 to Tompkins County, and

WHEREAS, the TCSWMD will serve as lead agency towards the implementation of a one-year pilot program for waste reduction and recycling in rural mobile home parks and apartment complexes, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature accepts the United States Department of Agriculture Solid Waste Management Grant of \$33,596.00,

RESOLVED, further, That the project budget is as follows:

REVENUE:	8171.44089	Federal Aid Other	\$33,596.00
EXPENSES:	8171.51834	Salary for Recycling Manager	\$ 4,481.05
	8171.51771	Salary for Administration and Communications Coordinator	\$ 6,699.05
	8171.51868	Salary for Waste Reduction and Recycling Specialist	\$ 5,797.90
	8171.52220	Department Equipment	\$ 1,950.00
	8171.54313	Photography Equipment	\$ 200.00
	8171.54303	Office Supplies	\$ 300.00

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8171.54330	Printing	\$ 1,018.00
8171.54442	Professional Service Fees	\$13,150.00

RESOLVED, further, That the County Contracts Coordinator is authorized to execute the United States Department of Agriculture grant award on behalf of Tompkins County,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign any contracts or agreements between the County of Tompkins and any third party necessary to complete the project.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 132 - AWARD OF CONTRACT – LABORATORY MONITORING AND ANALYTICAL SERVICES (DOC ID: 2190)

MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Finance Department has competitively solicited for proposals for laboratory monitoring and analytical services for closed landfills, and

WHEREAS, two (2) proposals were received and publicly opened on July 14, 2010, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the contract be awarded to Upstate Laboratories, Inc., Services of Syracuse, New York, as the lowest responsible bidder in the amount of \$30,557 per year for a three (3)-year term,

RESOLVED, further, That the County Administrator or his designee be and hereby is authorized to enter into a contract on behalf of the County, funds to be provided from the Solid Waste Operating Budget, Account No. 8166.4442.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 133 - AUTHORIZATION TO EXECUTE FUNDING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION – COVERED BRIDGE PRESERVATION PROJECT (PIN 3755.03), BIN 3210210, TOWN OF NEWFIELD (DOC ID: 2185)

MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, a Project to preserve the Covered Bridge over the Cayuga Inlet West Branch, BIN 3210210, P.I.N. 3755.03, (the Project) in the Town of Newfield, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of eighty percent Federal funds and twenty percent non-Federal funds, and

WHEREAS, in order to expedite advancement of the Project and realize potential total project cost reductions, the Highway Division sought permission from the New York State Department of Transportation to administer the project locally, and

WHEREAS, the New York State Department of Transportation requires for locally administered projects that the County appropriate one hundred percent of the project costs and then file for reimbursement of eligible costs, and

WHEREAS, the County of Tompkins desires to advance the above project by making a commitment of one hundred percent of the non-Federal share of the costs of Scoping and Design (Phases I-VI), now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby approves the above-subject project and authorizes the County of Tompkins to pay in the first instance one hundred percent of the Federal and non-Federal share of the

costs of Scoping and Design (Phases I-VI) work for the subject Project or portions thereof,

RESOLVED, further, That the sum of \$70,000.00 is hereby made available within account D5111.54411, Bridge Contracts, to cover the cost of participation in the above design phase of the Project,

RESOLVED, further, That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification from the New York State Department of Transportation thereof,

RESOLVED, further, That the Tompkins County Highway Manager be and is hereby authorized to execute all necessary Agreements, certifications, and reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tompkins with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first-instance funding of Project costs and permanent funding of the local share of Federal-aid and state-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible,

RESOLVED, further, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project,

RESOLVED, further, That this resolution shall take effect immediately.

SEQR ACTION: TYPE II-2

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RESOLUTION NO. 134 - AWARD OF TOURISM CAPITAL GRANT (DOC ID: 2181)

MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

WHEREAS, the Tourism Capital Grants Committee recommended according to its competitive process that the Finger Lakes Wine Center be selected for grants over a three-year period, and

WHEREAS, funding exists within the Room Tax Occupancy budget for Tourism Capital Grants, and

WHEREAS, TCAD reviewed the following project with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following project will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Room Occupancy tax, and the following grant awards have been reviewed and recommended by the STPB, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign all documents related to this project, upon completion of all requirements outlined in the review process and the grant agreement:

Entity		Project	
Finger Lakes Wine Center		Center's location development	
2007	2008	2010	TOTAL
\$50,000	\$60,000	\$50,000	\$160,000

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 135 - APPROVAL OF CONTRACT FOR ARTS AND CULTURE DEVELOPMENT – STATE THEATRE, INC. (DOC ID: 2175)

MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, Community Arts Partnership (CAP) recognizes that the local arts and cultural community is a valuable and unique asset, and that a need exists to harness the power of the arts to develop tourism growth, and if strategically managed, that would stabilize and develop these assets to better serve tourists through well-planned marketing efforts, and

WHEREAS, CAP was appointed to create a comprehensive arts marketing plan and develop and implement a plan for financial and operational development and capacity building of arts and cultural entities, and

WHEREAS, the arts and cultural community could better position itself in the marketplace to attract more visitors to and enhance visitors' stay in Tompkins County, thus generating more dollars into the local economy, and

WHEREAS, funding exists within the Room Tax Occupancy (Tourism Program) budget for the Arts and Cultural Organization Development Program, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, with the advice of the Strategic Tourism Planning Board, That the following Arts and Cultural Organization Stabilization Grant be awarded in 2010:

	2004	2005	2006	2007	2008	2009	2010
State Theatre, Inc.	30,000	30,000	30,000	30,000	37,000	16,000	17,000

RESOLVED, further, That the County Administrator or his designee is authorized to sign any agreements with the recipient and CAP pertaining to this program.

SEQR TYPE: TYPE II-20

RESOLUTION NO. 136 - AUTHORIZATION TO INCREASE HOURS - OUTREACH WORKER - OFFICE FOR THE AGING (DOC ID: 2160)

MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature previously approved the Office for the Aging's use of rollover funds to hire a temporary Outreach Worker at 20 hours per week to process Home Energy Assistance Program (HEAP) applications during the 2010-2011 heating season, and

WHEREAS, the Office for the Aging has one existing vacant Outreach Worker position at 4 hours per week, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That the position of Outreach Worker, labor grade (9-517) I, competitive class, be increased from 4 hours per week to 20 hours per week,

RESOLVED, further, That this increase in hours shall be permanent as long as there are sufficient funds to cover the increase in hours.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 137 - APPROVAL OF AMENDED BYLAWS OF THE TOMPKINS COUNTY BOARD OF HEALTH - HEALTH DEPARTMENT (DOC ID: 1787)

MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present under the Consent Agenda. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Board of Health bylaws have been revised to reflect the appointment of the Medical Director as it applies to Diagnostic & Treatment Center regulations, and re-organized for clarity, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the bylaws of the Tompkins County Board of Health be and hereby are approved,

RESOLVED, further, That a copy of the revised bylaws shall be kept on file with the Clerk of the Legislature.

SEQR ACTION: TYPE II-20

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Presentation of Resolution(s) from the Government Operations Committee

RESOLUTION NO. 138 - CHANGE IN POSITION - BOARD OF ELECTIONS (DOC ID: 2168)

MOVED by Mr. Lane, seconded by Mr. Dennis. Mr. Lane spoke about the effective date and said Mr. DeWitt and members of Government Operations Committee were concerned that it was retroactive. He explained that Mr. Paolangeli stepped forward to reduce his work week and this is to officially reflect the reduction to his regular work week so that, if possible, there would be no penalties regarding State Retirement reporting.

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

WHEREAS, in mid-2009 Tompkins County asked for volunteers to reduce the hours in their standard work week, and

WHEREAS, Thomas M. Paolangeli, Deputy Democratic Election Commissioner, stepped forward and said that he would be willing to reduce his work week, if other members of the Board of Elections could absorb part of his work load, and

WHEREAS, Commissioners DeWitt and Cree have approved the reduction in hours, with the caveat that if the workload increased to the point that the position would need to move back to a 40 hour per week position, Mr. Paolangeli would be required to work a 40-hour week, and

WHEREAS, the position will still be classified a full-time position rated at 1.0 FTE but at 35 hours per week, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the following change will take place effective January 1, 2010, or as soon thereafter as permissible:

- 1.0 Deputy Commissioner of Elections, position #316, labor grade L (82) Job Code 175, decrease the position and approved hours from 40 to 35 hours per week (1.0 FTE)

SEQR ACTION: TYPE II-20

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Recess

Chair Robertson declared a recess at 7:36 p.m. The meeting reconvened at 7:45 p.m.

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

Ms. Kiefer, Chair, said she was not at the last meeting and asked Vice Chair McBean-Clairborne to provide the report.

Mrs. McBean-Clairborne reported the Committee met with most of what was discussed appearing on the Consent Agenda. She provided a more detailed report following the adoption of the Committee's resolutions.

RESOLUTION NO. 139 - AUTHORIZATION TO EXECUTE SUPPLEMENTARY RIGHT-OF-WAY FUNDING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION – HANSHAW ROAD RECONSTRUCTION, PIN 3753.25 (DOC ID: 2183)

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Lane. Mrs. McBean-Clairborne expressed appreciation to Mr. Hutchins, resident of Hanshaw Road, who spoke to the Committee and suggested information on the amount of increase be included within the resolution to provide clarity as well as a minor change in the order of some of the information. In response to Ms. Chock's question of how much is the County's share, Mr. Marx said normally the County is responsible for twenty percent, however, because the sidewalk was requested by the Town of Ithaca, the County would only be paying for the road portion. Mr. Lane stated the County share is 13.4 percent with the Town of Ithaca paying \$81,921. Ms. Kiefer said she believes the figure given is the maximum estimate for rights-of-way since this phase is not complete.

A brief discussion followed regarding more detailed information on road projects being made available to the full Legislature. Mr. Proto thought it would be helpful to have a full breakdown of projects. It was noted the full Committee agendas packets are available online; Ms. Robertson requested the backup information be provided to the full Legislature.

A voice vote resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera).
RESOLUTION ADOPTED.

WHEREAS, a Project to reconstruct Hanshaw Road in the Town of Ithaca between Pleasant Grove Road and Sapsucker Woods Road, P.I.N. 3753.25, (the Project), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of eighty percent Federal funds and twenty percent non-Federal funds, and

WHEREAS, Resolution No. 9 adopted on January 18, 2005, approved the Project and authorized execution of an agreement with the New York State Department of Transportation (NYSDOT) regarding administration and funding of Scoping, Design (Phases I-VI), and Right-of-Way Incidentals, and

WHEREAS, Resolution No. 167 adopted on September 4, 2007, authorized issuance of Design Approval for the Project, and

WHEREAS, Resolution No. 245 adopted on December 2, 2008, authorized execution of a supplemental agreement with New York State Department of Transportation regarding administration and funding of Design and Right-of-Way, and

WHEREAS, the amount of right-of-way needed for the Project has increased due to the Legislature's determination to compensate all neighboring residents for all property beyond the County's current use, even if the resident's ownership interest is unclear, and to the extension of the proposed walkway and,

WHEREAS, the New York State Department of Transportation requires for locally administered projects that the County appropriate one hundred (100%) percent of the project costs and then file for reimbursement of eligible costs, and

WHEREAS, the County of Tompkins desires to advance the above project by making a commitment of one hundred (100%) percent of the non-Federal share of the costs of Design and Right-of-Way, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby approves the above-subject project and authorizes the County of Tompkins to pay in the first instance one hundred (100%) percent of the Federal and non-Federal share

of the costs of Design and Right-of-Way work for the subject Project or portions thereof,

RESOLVED, further, That an additional \$222,105 be added to the original \$390,000 for a total of \$612,105 and is hereby made available within account HZ5103.59239.53.10, Hanshaw Capital Project Account, to cover the cost of participation in the above phases of the Project,

RESOLVED, further, That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification from the New York State Department of Transportation thereof,

RESOLVED, further, That the Tompkins County Highway Manager be and is hereby authorized to execute all necessary Agreements, certifications, and reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Tompkins with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first-instance funding of Project costs and permanent funding the local share of Federal-aid and State-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible,

RESOLVED, further, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project,

RESOLVED, further, That this resolution shall take effect immediately.

SEQR ACTION: Unlisted

Negative Declaration issued (No further action required)

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RESOLUTION NO. 140 - AWARD OF BID - LONG-TERM PARKING LOT EXPANSION PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT (DOC ID: 2173)

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Lane and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Finance Department advertised and received three (3) bids for construction of the Long-Term Parking Lot Expansion Project at the Ithaca Tompkins Regional Airport, and

WHEREAS, the lowest responsible bid of \$125,496.00 was submitted by Economy Paving of Cortland, New York and

WHEREAS, a design and inspection contract for \$23,000 has already been awarded to C&S Companies of Syracuse, New York, and

WHEREAS, revenues from the parking lot are currently 18.5% over budget and, combined with incremental income from the parking lot expansion, are considered sufficient to secure a \$148,496 inter-fund loan from the General Fund in order to expedite needed improvements, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator be and hereby is authorized to execute a contract with Economy Paving of Cortland, New York.

SEQR ACTION: TYPE II-2

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Mrs. McBean-Clairborne reported the Committee agreed by consensus to authorize seeking bids for new scales at the Solid Waste Facility. She explained they were scheduled to be replaced during the upcoming capital project, however, due to erosion of the concrete replacement is required at this time. The cost for the scales is approximately \$70,000 each and the new design would not move them from their present location. The Committee had an executive session to discuss contract negotiations on the Solid Waste Facility project and will be receiving additional design information in the future. She

reported members of the Committee continue to receive correspondence regarding the proposed Pine Tree Road project; this item will appear on a future agenda.

Mrs. McBean-Clairborne said the Committee heard information on the grant to increase awareness and participation of recycling in mobile home parks. She said Mr. Lane spoke of the need to study recycling of used mobile homes.

She reported the committee approved by consensus to move forward with the Wildlife Hazard Assessment, which is the result of a deer-plane accident. She has received information that Senator Schumer's office secured \$100,000 for the assessment. The Committee was also informed of the airport's seeking individuals interested in renting conference room space at the airport.

Mr. Proto requested a report on the sales of commodities by the Solid Waste Facility. He reported having heard of Mr. McKenna's tour at a single-stream waste facility and asked for additional information. Mr. McKenna reported the facility, run by Casella in Geneva, is very modern and processes 250 tons of recyclables daily. He noted the glass processing was very interesting; when completed there are no sharp edges and the material is used in sandblasting applications.

Mrs. McBean-Clairborne said the Committee also continues to hear from Hanshaw Residents who share design proposals.

Ms. Chock asked if the grant for recycling in mobile home parks is only for rural areas. Ms. Mackesey stated they are for the Newfield area, with the intention to expand the education in future years. Ms. Chock expressed a desire to see educational efforts also take place at apartments within the City of Ithaca as well. Ms. Kiefer said she recalled and forwarded Mr. Proto's earlier request for commodity sales and expects that he would receive it shortly.

Report from the Capital Plan Review Committee

Ms. Robertson, Chair, said the Committee did not meet in August. The next meeting will be on September 9th.

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

Mr. Lane, Chair, reported the Committee met on August 19th with much of the Committee's work reflected in resolutions. The Committee discussed possible action, including a constitutional convention, to inform the State Legislature of the concerns relating to its apparent dysfunction. Also discussed was the possibility of an independent redistricting commission that would include outside individuals and act as an advisory board. He asked that if any Legislator had suggestions of who could sit on the commission to let him know. In response to Mr. Burbank's question on what the qualifications would be, Mr. Lane suggested individuals seeking good government, working with the County government, an interest in the political science of redistricting, experience regarding the State Constitution, etc., who would assist in changing districts if required.

Mr. Stein said to develop a commission prior to determining its charge may be premature. He believes the Legislature would need to set down rules and then have the commission work with the priorities. Mr. Lane said he is correct in his belief, some guidelines are already in place within the County Charter and the creation of the commission would require a charge from the Legislature. Ms. Robertson said that when the preliminary work is completed the recommendation would come forward to the Legislature for review.

Mr. Lane said as a result of questions from Ms. Chock a discussion was held regarding advisory boards. Following the discussion it was thought it may be appropriate to suggest a review of advisory boards be undertaken as a 2011 goal to determine any problems to be corrected, similarities in bylaws, membership problems, vacancies, quorum, etc.

Mr. Lane said the subcommittee working on the topic of minutes has met three times and is close to having a draft revised policy complete to send to department heads, minute takers, and members of the Legislature for comments. He noted there is a policy in place requiring specific steps for any policy changes that includes specific timelines. He does not believe it will be possible to have the revisions in place until December. He stated the issues and review regarding the minutes policy should in no way be looked at as general criticism of individuals taking the minutes. He stated the Government Operations Committee is pleased with the high level of professionalism from minute-takers throughout the County; not only for the Legislature but other offices and advisory boards as well. He said the review is to resolve issues in the minds of Legislators and to simplify the process. Ms. Robertson thanked Mr. Lane for his report and asked if there is any way to take actions simultaneously to speed the process. Mr. Lane said if it is possible he would do so and stressed the importance of having the revised policy completed appropriately.

Ms. Kiefer asked if the recommendations would be reviewed by the Government Operations Committee prior to a department head review. Mr. Lane said it would first go to the Committee, Board Chair, and other interested parties and then would be submitted for review by department heads.

Ms. Chock asked if the Government Operations Committee would ask experts in the community who have studied redistricting attend meetings to discuss the subject, noting the Brennan Center and their materials and approaches would be beneficial. Mr. Lane said he plans to have speakers attend Committee meetings starting in October. Ms. Chock suggested it be done at another forum to allow all interested parties to attend.

Mr. Shinagawa said he will be attending a conference in Los Angeles about redistricting and would obtain information from the Brennan Center.

RESOLUTION NO. 141 - APPROPRIATION FROM CONTINGENT FUND FOR TERMINAL PAY – INFORMATION TECHNOLOGY SERVICES (DOC ID: 2166)

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

WHEREAS, Information Technology Services had one employee, Programmer Analyst, terminate employment effective August 20, 2010, and

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

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriations:

FROM:	A1990.54440	Contingent Fund	\$4,482.96
TO:	1680.51000622	Salary, Programmer Analyst	\$3,190.72
	1680.58800	Fringes	\$1,292.24
		TOTAL	\$4,482.96

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 142 - AUTHORIZING SALARY FOR THE POSITION OF EXECUTIVE ASSISTANT TO THE COUNTY ADMINISTRATOR (DOC ID: 2164)

It was MOVED by Mr. Lane, seconded by Mr. Dennis. Mr. Lane said the resolution is the result of the previous employee's resignation and that the salary is based on the individual moving into the position. Mrs. McBean-Clairborne said although she recognizes the resolution is to amend the salary level, as Chair of the Workforce Diversity and Inclusion Committee, she is concerned about the process used to fill the position. She respectfully hopes that when positions become vacant it would be a more open process so internal employees could apply if interested. She said the skills of others could not be assessed if not asked and she feels strongly that is a process that should occur in the future. She understands the difficulties of the civil service process and, as a non-competitive position, would have hoped there would be more of an internal recruitment process. She understands and respects the position the County Administrator was in but also recognizes how much work other staff put in the budget process. Mr. Mareane respected and understood Mrs. McBean-Clairborne's point.

Mr. Lane stated the position was filled as part of a reorganization. He believes the timing and need to move an individual familiar with the process was wise and it was important to have a qualified person step in. He noted it also means a reduction of the number of staff working in the Administration Department.

Ms. Pryor said the County Administrator kept the Legislature fully informed of the process that led to this reorganization and reduced the number of personnel. Although precipitated by a resignation it is a way to reduce staffing as a department. The Legislature and appropriate Committees heard the plan and she does not believe it appropriate to raise the issue at this time. She said given the timing of the departure of staff and the pressure the department has been under they have done a remarkable job of pulling together a difficult process. She has respect for the work done and for the reduction.

It was MOVED by Mr. Dennis, seconded by Mr. Burbank, to Call the Question. A voice vote on calling the question resulted as follows: Ayes – 11; Noes – 3 (Legislators Chock, McBean-Clairborne, and Shinagawa); Excused – 1 (Legislator Herrera). THE QUESTION WAS CALLED.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator McBean-Clairborne); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, by Resolution No. 188-2008 the Tompkins County Legislature established a salary for an incumbent in the position of Executive Assistant to the County Administrator at a rate above the Confidential Salary Schedule, and

WHEREAS, by that Resolution, the Legislature directed that 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, and

WHEREAS, the Executive Assistant position has been vacated and the County Administrator wishes to fill the position in order to maintain the critical functions that are assigned to that position and to compensate the newly hired incumbent at a salary the Commissioner of Personnel has deemed appropriate for the responsibilities to be assigned to the position based on a points rating system, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the salary grade for the Executive Assistant to the County Administrator shall be set at Labor Grade N-64 (40 hours), which is currently \$53,541.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 143 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM FOR NEW YORK STATE SHARED MUNICIPAL SERVICES INCENTIVE PROGRAM (DOC ID: 2136)

MOVED by Mr. Lane, seconded by Mr. McKenna. Mr. Proto asked if the August 16th date was appropriate and was informed the date was being kept to indicate the County wanting to proceed. It was also noted the Health Consortium funding would be independent from the County. Mr. Proto disclosed that he is employed by a local bank that may wish to bid on holding the account. In response to Mrs. McBean-Clairborne's question, it was noted the Chief Elected Official would be the Chair of the Legislature. Mr. Shinagawa said at the Labor Day picnic it was said how "no one is strong alone", this is the case with the Health Consortium, there is more incentive when everyone worked together.

Mr. Dennis expressed appreciation for the work done and believes if it is legally allowable the Consortium should be expanded for other counties to join and save funds. Mr. Shinagawa said legislators from other counties have asked whether it is possible to join or use the County's model.

Ms. Robertson expressed appreciation to Mr. Mareane and Tompkins County Council of Government Chair Don Barber for their efforts and determination. She said the work was difficult but will be used as a model for other counties. If it is possible for others to join she would like to see if not-for-profit agencies could be included.

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

WHEREAS, the Tompkins County Council of Governments (TCCOG) is comprised of all the municipalities in Tompkins County, and

WHEREAS, Tompkins County is a member of the TCCOG, and

WHEREAS, health care costs for Tompkins County and other local governments have been increasing each year at rates much higher than inflation, which can be addressed by pooling our buying power, and

WHEREAS, in 2007, the County, on behalf of TCCOG, accepted an incentive grant award under the New York State Shared Municipal Services Incentive Program to assist the municipalities in Tompkins County to create a local municipal health insurance consortium, and

WHEREAS, the Greater Tompkins County Municipal Health Insurance Consortium developed health benefits coverage for all participating municipalities with the intent of providing benefits comparable to existing ones, a net savings to the taxpayers of Tompkins County, a goal the Tompkins County Legislature supports, and

WHEREAS, TCCOG encourages the signature of an inter-municipal agreement by TCCOG members, and

WHEREAS, subsequent to the Tompkins County Legislature's support for the then-existing inter-municipal agreement by Resolution No. 99 of 2009 there have been changes to that agreement that have resulted in (1) the creation of a Joint Committee on Plan Structure and Design ("Joint Committee") includes representatives of municipalities and labor bargaining units of the participating municipalities to review and make recommendations to the Consortium Board on proposed changes in benefits, and also (2) the addition of two union/labor representatives to the Consortium Board. One union/labor representative shall be the Chair of the Joint Committee (which Chair shall be a union/labor representative) and the other shall be an at-large union/labor representative selected by the union/labor members of the Joint Committee, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature, hereby authorizes the Chief Elected Official of Tompkins County to execute an inter-municipal cooperative agreement effective on or about August 16, 2010, with the

Minutes
Tompkins County Legislature
Tuesday, September 7, 2010

Greater Tompkins County Municipal Health Insurance Consortium for the New York State Shared
Municipal Services Incentive Program.

SEQR ACTION: TYPE II-20

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

Ms. Mackesey, Chair, reported the Committee met on September 1st. A resolution regarding intermunicipal cell towers will be coming to the full Legislature at its next meeting for consideration. The Committee discussed the upcoming vacancies on the Water Resources Council, brought forward the 2020 Energy Strategy, approved guidelines for the Capital Reserve funds, approved two members for the Planning Advisory Board, and acted on items for Strategic Tourism before the Legislature tonight.

RESOLUTION NO. 144 - ACCEPTING THE COUNTY ADMINISTRATOR'S REPORT REGARDING STRENGTHENING THE COUNTY'S TOURISM EFFORTS AND AUTHORIZING A SENIOR PLANNER POSITION WITHIN THE TOMPKINS COUNTY PLANNING DEPARTMENT TO SUPPORT THE STRATEGIC TOURISM PLANNING BOARD AND COORDINATE THE COUNTY'S TOURISM ACTIVITIES (DOC ID: 2145)

MOVED by Ms. Mackesey, seconded by Ms. Chock. Ms. Mackesey said the resolution is the result of a great deal of work and review by Ms. Chock, Mr. Mareane, and Ms. Mackesey over a 1.5-year period of program assessment. It was determined the tasks are greater than what can be expected of a volunteer and the \$100,000 cost will be funded by room tax revenue. Mr. Mareane recommended a Senior Planner position housed in the Planning Department to perform the variety of tasks referenced could maximize the impact of the tourism funds throughout the community.

Mr. Proto said he expressed concern about the position at the Committee meeting, primarily since the original job description differs from the job description for a Senior Planner given to and recommended by the STPB. He said the original description showed more emphasis on tourism and the desire the individual have a background in this field. He is not uncomfortable with Mr. Mareane's recommendation, however, since the position is funded by tourism funds the tourism aspect should be emphasized. Since the position is a pilot for two-years he will support the position but would like to have periodic reports. He then noted Mrs. McBean-Clairborne's comments earlier about filling vacancies and would like to see outreach to the general public, minorities, and community members.

Mr. Dennis said his impression of the position is that the individual would do the tasks requested by the Strategic Tourism Planning Board. In response to his question of whether the position would be dedicated to only those tasks Mr. Mareane said there could be some crossover into other tasks as well.

Mrs. McBean-Clairborne requested a copy of the job description.

Ms. Chock expressed appreciation to all the staff and volunteers who have worked on the Strategic Tourism program that has grown to almost \$2 million dollars in revenue with fifteen programs. She provided a brief history of how the Strategic Tourism program has developed over the years.

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

WHEREAS, Tompkins County levies a Hotel Room Occupancy Tax ("Room Tax") to provide

the means to enhance the local economy through the promotion of tourist activities, conventions, trade shows, special events and other directly related and supporting activities, and

WHEREAS, the County created the Advisory Board on Tourism Development in 1989 and subsequently restructured that Board to create the Strategic Tourism Planning Board (STPB) in 1998 to identify, develop, and promote arts, cultural, and tourism opportunities; improve the connection among tourism and visitor service providers; improve the efficiency of visitor-services delivery and program development; and advise the Tompkins County Legislature on the distribution of Room Tax revenue for both “product” and marketing activities, based on adopted short- and long-term tourism development strategies, and

WHEREAS, the role of the STPB has grown alongside the growth in Room Tax revenue, with the Board now responsible for all “Product Development” activities, which account for 40% of all Room Tax revenue net of administrative costs, and also for tourism marketing activities other than those undertaken by the Convention and Visitors Bureau, and

WHEREAS, although the STPB has fulfilled its mission with great skill and vision, it has relied largely on a dedicated volunteer board for tasks normally and more appropriately assigned to professional staff, and

WHEREAS, recognizing that its administrative responsibilities were limiting its ability to fully realize the more strategic elements of its mission, the STPB requested the County consider how to provide professional staff assistance and allocated \$100,000 to support the cost of such assistance in each of its last two budgets, and

WHEREAS, in responding to the STPB’s request and also in seeking stronger accountability over the spending of Room Tax funds, the Legislature’s Planning, Development, and Environmental Quality Committee asked the County Administrator to exercise his powers under Chapter 150 of the County Code governing the Room Tax to assess the needs of the County’s tourism program and make recommendations to the Legislature, and

WHEREAS, after undertaking a review that included discussions with STPB members and other stakeholders, the County Administrator has issued a report that shall be made a part of this record. The report found the responsibilities of the STPB and its members exceed what can reasonably be expected of a volunteer advisory board and recommends the hiring of a professional staff person to assume the administrative burdens now carried by the Board, allowing the Board to focus on more strategic issues and opportunities, and

WHEREAS, the County Administrator’s report enumerates the several recommended duties of the staff person, including but not limited to facilitating the development of a five-year (2011-15) strategic tourism plan, exploring new sources of funding, generating and pursuing ideas about new initiatives to increase tourism activity, evaluating the effectiveness of existing programs to ensure these activities are resulting in the highest return on the County’s Room Tax dollar, managing product development contracts for grant compliance, reviewing budgets and reports, and serving as a single point of contact for all Room Tax related matters, and

WHEREAS, the County Administrator has recommended the position be placed in the Department of Planning in the title of Senior Planner and made accountable to the Commissioner of Planning, who shall direct the work activities of the staff person and ensure the continued involvement of the STPB in the development and oversight of the County’s tourism programs, and

WHEREAS, the position and related supervisory costs will be fully supported by Room Tax revenues allocated for this purpose, and

WHEREAS, the County Administrator has recommended that an objective performance evaluation of this initiative be undertaken two years after its commencement to determine whether the anticipated benefits of adding a professional staff person have been realized, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget and Capital Committees, That the Tompkins County Legislature accepts the findings and recommendations of the County Administrator’s report and authorizes the designation of a position at the level of Senior Planner within the Planning Department, funded by Room Tax revenue, to support and coordinate the County’s tourism program,

RESOLVED, further, That it is the expectation that as long as the position exists, it shall be funded solely by Room Tax funds,

RESOLVED, further, That funding for this position and related expenses for the balance of 2010 shall be provided through a budget adjustment and that the Director of Finance be authorized to make the following adjustment on his books:

From: Room Tax Account	6475.54400	Program Expense	\$25,000
To: Planning Department Account	8020.51000609	Senior Planner	\$19,575
Planning Department Account	8020.58800	Fringes	\$ 5,425

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 145 - ENDORSING THE TOMPKINS COUNTY 2020 ENERGY STRATEGY (DOC ID: 2081)

MOVED by Ms. Mackesey, seconded by Mr. McKenna. Ms. Mackesey said when discussing the County Comprehensive Plan during her travels to four other counties in our area people are in awe of the work done and the plan in place to reduce the County's carbon footprint. She is very impressed with the Planning Department's foresight and asked for support of the resolution.

Mr. Marx said he gave a presentation to the Planning, Development, and Environmental Quality Committee at its meeting and held a subsequent meeting with Tompkins Consolidated Area Transit (TCAT) to discuss their concerns. Following the meeting with TCAT some adjustments were made to the Energy Strategy. He said this component would be similar to the Housing component; it identifies actions to take. Once endorsed the Housing component has made tangible progress by working with others, which he hopes this component will follow.

Mr. Proto thanked Mr. Marx for speaking to TCAT about their concerns. He will not support the resolution due to his concerns that the financial implications of the work to be done is over an estimated \$4 million and would require additional personnel. With the present budget situation he does not believe supporting an action that would be expensive is appropriate.

Ms. Kiefer said she believes not to take action would be more expensive. She fully endorses the resolution but not the abbreviated term used for the carbon dioxide equivalent used in the strategy and requests it be changed to the one commonly used in the scientific community.

It was MOVED by Ms. Kiefer to amend the "Mt" abbreviation for metric tons to be simply "t", since "M" stands for "mega" [as in megawatt] and means "million". MOTION FAILED FOR LACK OF A SECOND.

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

WHEREAS, the Tompkins County Comprehensive Plan, adopted by the Legislature in December 2004 and amended in 2008 with an element addressing energy and greenhouse gas emissions, established the policy to "Reduce community greenhouse gas emissions by at least 2 percent of 2008 base-year emissions per year to reach, at a minimum, an 80% reduction from 2008 levels by 2050," and

WHEREAS, the Comprehensive Plan calls for the development of a "5-year strategy to reduce community greenhouse gas emissions by at least 10% of 2008 levels, including a detailed plan for County government to achieve that same target," and

WHEREAS, the Tompkins County 2020 Energy Strategy contains interim actions toward achieving the community 2050 greenhouse gas emissions reduction goal by reducing emissions 20% from 2008 levels by 2020, and

WHEREAS, the County Planning Advisory Board has endorsed the Tompkins County 2020 Energy Strategy and recommends that the Tompkins County Legislature also endorse it, and

WHEREAS, there are no financial implications associated with endorsing this Strategy, implementation of many aspects of the Strategy would have financial implications that would be reviewed by the Legislature at the time of implementation, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Tompkins County Legislature endorses the Tompkins County 2020 Energy Strategy, dated August 20, 2010.

SEQR ACTION: TYPE II-20

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Report from the 2010 Complete County Census Committee

Ms. Mackesey said the Committee has not met.

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

Mr. Dennis, Chair, said the first Expanded Budget Committee meeting will be held on September 13th at 4:00 p.m. and will include an overview of the proposed budget by Mr. Mareane followed by presentations by departments and agencies. He appreciates the effort of the County Administrator and his Executive Assistant in compiling the budget information in a short time. He also recognized that all department heads worked very hard to meet the directives set by the Legislature.

Mr. Dennis announced regular Budget and Capital Committee meetings are canceled during the Expanded Budget process and any necessary actions would take place during Expanded Budget Committee meetings. He said the rollover policy would be discussed during the meetings. In response to various questions, Mr. Dennis said the meetings are recorded and would be broadcast live unless there is a conflict with the City of Ithaca meetings.

Mr. Dennis said the Committee met on August 23rd and the actions are reflected in resolutions on the agenda.

RESOLUTION NO. 146 - AMENDMENT OF RESOLUTION NO. 121 OF 2010 - BUDGET ADJUSTMENT AND APPROPRIATION OF UNSPENT FUNDS FROM 2009 TO VARIOUS ACCOUNTS (DOC ID: 2193)

MOVED by Mr. Dennis, seconded by Mr. Proto. A short roll call vote resulted as follows: Ayes – 13; Noes – 1 (Legislator Pryor); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 121 of 2010 authorized the appropriation of unspent funds from 2009 various accounts, and

WHEREAS, said resolution omitted Office for the Aging's request of \$25,000 for digital alarm receiver and monitoring equipment at the Department of Emergency Response, and

WHEREAS, this request was approved by both the Health and Human Services and the Budget and Capital Committees, now therefore be it

RESOLVED, on recommendation of the Health and Human Services, and the Budget and Finance Committees, That the following transaction be approved:

BUDGET APPROPRIATION:

FROM: General Fund Balance \$25,000

TO:

Department	Use of Funds	Account	Requested Rollover
Office for the Aging	Funds to be used for digital		

Dialer alarm receiver and monitoring equipment at the Department of Emergency Response. This equipment will provide redundancies in the Personnel Emergency Response System (PERS) equipment, insuring that 600+ frail elders with PERS machines are adequately covered by dispatch. 6787.54400 \$25,000

RESOLUTION NO. 147 - AUTHORIZING A SPECIAL RETIREMENT INCENTIVE TO ALL ELIGIBLE EMPLOYEES FROM THE PERIOD SEPTEMBER 15, 2010, THROUGH MARCH 31, 2011 (DOC ID: 2169)

It was MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne. Mr. Dennis said the resolution is the result of work by the County Administrator, Personnel Department, and others. A review of employee demographics was completed and a determination made that staff near Medicare eligibility could save significantly on the cost of health insurance premiums the first couple of years of retirement. For departments where employees choose the special retirement incentive, it would provide an opportunity to determine how to replace them or reorganize and possibly eliminate the need for a layoff. Mr. Dennis explained the reason the County did not opt to take advantage of the State retirement incentives is that the cost to the County would outweigh any benefit.

At this time Mr. Lane stated he realized he made an error in his vote on Resolution No. 2010-146; although it could not be reversed he wished to make it known he is in opposition due to use of rollover funding.

Mr. Lane said Federal funding is available to States and municipalities under the Health Insurance bill to pay for the cost of health insurance of early retirees between the ages of 55 to 65 and asked if the County would lose these funds by acting on the resolution. Mr. Mareane said the County would not forfeit funding by acting on the resolution. The County will be applying for the Federal funds. The resolution is to assist in making roster adjustments for the 2011 budget. Mr. Dennis thanked Mr. Lane for bringing forward information on the Federal funding.

Mr. Proto asked how many eligible employees there are and how many will opt for the early retirement incentive. Mr. Mareane said approximately 200 employees are within the age bracket, however, it is not known how many will retire as a result. The cost to the County for the incentive is \$4,300 for those with individual coverage and just under \$12,000 for those with family coverage. If only a few take advantage of this incentive it will reduce the need for layoffs and provide a savings offset.

Mr. Robison said he did not support the resolution at the Committee level and has not heard information to change his vote at this time. He views the action as a potential cost to the County as employees would be leaving anyway. Mr. Mareane said he believes the Department Heads have a good sense of whether employees would take the incentive; when speaking of any early retirement incentive employees do take advantage of it. In comparison to the State plan the cost to the County for this is much less and is contained within a two-year period.

Ms. Robertson said the larger savings is if the position is not filled. It was noted that the reduced rate is only for the probationary period. Mr. Mareane also noted that with the Tier 5 in the pension system the cost would be 12 percent versus 15 percent.

Mr. Stein said there could be additional savings if a position was left open for a period of time.

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

WHEREAS, the national economic downturn has had a significant adverse affect on all governmental budgets, including the budget of Tompkins County, and

WHEREAS, to meet its tax-levy goal, the Tompkins County budget requires a 6.9% reduction in non-mandated spending across all County departments and agencies, and

WHEREAS, the County’s budget, like most governmental budgets, is labor intensive, meaning that reductions in spending must include reductions in labor costs that must be achieved by reductions in the labor force, and

WHEREAS, the County seeks to minimize involuntary reductions in its labor force and would prefer to reduce its roster through natural attrition that may be accelerated by the provision of cost-effective retirement incentives, and

WHEREAS, the Departments of Personnel and Administration, in consultation with County department heads, have developed a recommendation that would provide a cost-effective retirement incentive in the form of a one-time, limited-duration reduction in the cost of health benefits provided upon retirement, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That this Legislature authorizes the County Administrator to offer current employees a one-time, local incentive that would allow all employees who retire from County service and vacate their positions between September 15, 2010, and March 31, 2011, to receive County health benefits at a rate of 20% of the total health benefits premium for a period of 24 months following their retirement.

SEQR ACTION: TYPE II-20

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Report from the Public Safety Committee

Mr. Shinagawa, Chair, asked Mr. Robison to provide the report. Mr. Robison thanked Ms. Pryor for becoming a temporary member of the Committee. The Committee met earlier in the day and would have resolutions coming forward at the next Legislature meeting. He said Sheriff Meskill provided information on the jail and the Re-entry Program and the report will be expanded at the next meeting. The Committee heard information from Mr. Shurtleff, Emergency Response Director, about transferring the responsibility of answering business’s alarms to private companies. He is concerned about the volume of these calls and the potential liability issue.

Mr. Shinagawa spoke of touring the Communications Center. Of particular interest was the server room, which can be expanded by the new system. He was able to understand first-hand how the new equipment will provide improved services.

Ms. Chock questioned whether removing the responsibility of answering alarms would be beneficial. Mr. Mareane said the monitoring responsibilities involve high labor costs, which are increasing as well as the regulations getting tighter. Combining these things with the potential liability the service would be phased out. It was noted the County does not receive any funds for the monitoring service. Mr. Shinagawa also noted that it is necessary to also respond to false alarms.

Mr. Stein said he is supportive if there is assurance that the private sector can provide service at the level necessary to assure good fire protection to residents. Ms. Robertson noted the City of Ithaca is also transferring their alarm monitoring services.

Ms. Pryor said for the County to maintain the high level of service would have considerable costs involved. She supports the recommendation and noted the County would continue to monitor its own buildings and to provide monitoring of the Office for the Aging PERS program.

Mr. Mareane will provide Ms. Chock with information relating to impact this transition would have for non-profit organizations and the average cost of alarm service to a business owner.

Mrs. McBean-Clairborne said the meeting today was the first full discussion of the recommendation.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said she felt a sense of obligation to continue speaking about diversity and inclusion. She said members of the Committee expressed concern about the resolution relating to the hiring of the Executive Assistant to the County Administrator. She would like people to understand this is not the first time she has raised this issue. She had conversations with the County Administrator who invited her to participate at the Budget and Capital Committee when it was discussed. She said it is not about the individual for the position but the process involved and noted the County Administrator's goal of making diversity and inclusion a priority. She said her comments were a reminder of what the County should be doing and she finds it troubling that when discussing diversity and inclusion there is often reactions of discomfort. She hopes the County would make a commitment because of experiences that led to the Workforce Diversity and Inclusion Committee to provide advice.

Mrs. McBean-Clairborne reported the Committee is working on the Workplace Climate Survey and are inputting the 400 documents into Survey Monkey and she will bring a report to County Administration, Personnel, and the Legislature in the near future. She said people were very candid with their responses on the confidential survey. The Committee is continuing work on the Diversity Plan for the County and hopes to have it completed in the near future. She is planning a presentation for the Legislature of the work being undertaken and expressed appreciation to Project Assistant Ms. Reistetter for her assistance.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee will meet on September 8th at the new Health Department building located at 55 Brown Road. At approximately 5:00 p.m. the Committee will tour the building. He noted a brief executive session will be added to the Committee agenda. Ms. Robertson commented staff is very pleased with the new building. She expressed appreciation to Mr. LeMaro and staff for their efforts with the project.

Member-Filed Resolution(s)

RESOLUTION NO. 148 - A RESOLUTION REGARDING A NEW YORK STATE PROPERTY TAX LEVY CAP (FILED BY LEGISLATOR STEIN) (DOC ID: 2194)

MOVED by Mr. Stein, seconded by Mr. Robison. Mr. Stein said in New Jersey and Massachusetts a tax cap was passed and there have been problems associated with the results. He questions whether the County could properly function with the resulting gap if a tax levy cap were passed in New York. He crafted the resolution not only to speak against the tax levy cap, but also to offer suggestions to allow the County to responsibly operate if one were passed. He explained the need to offset mandates and cost of living increases in an appropriate manner and provide the ability for the residents to make a choice of increasing the tax levy to maintain services.

Mr. Proto said the resolution addresses a topic that concerns everyone, however, the State needs to reduce its mandates and suggested the resolution include this option. Because of the variables it contains he believes more work is needed to refine the language.

Mr. Lane agreed that the resolution needs more discussion and he would like to see it go through the Committee process.

It was MOVED by Mr. Lane, seconded by Ms. Mackesey, to refer the resolution to the Budget and Capital Committee. Mr. Stein had no objection but said he is not certain Budget and Capital Committee is the most appropriate committee due to the Expanded Budget Committee meetings taking place. Following a brief discussion it was decided to form an ad hoc committee to discuss the resolution. The Committee will include Ms. Robertson, Mr. Stein, Mr. Shinagawa, Mr. Robison, and if needed, Mr. Dennis. Ms. Kiefer asked to be informed of when the Committee would meet to allow input. Ms. Robertson suggested any input regarding the resolution be forwarded to Mr. Stein. Ms. Robertson will notify the Legislature of who will Chair this ad hoc committee.

A voice vote on the motion to refer the resolution to the Ad Hoc Committee resulted as follow: Ayes – 13; Noes – 0; Temporarily Out of Room – 1 (Legislator Dennis); Excused – 1 (Legislator Herrera). MOTION CARRIED.

WHEREAS, Governor Paterson and gubernatorial candidates Lazio and Cuomo all strongly support legislation that would cap the annual percentage local tax increase at 4%, 2.5% and 2% respectively, and

WHEREAS, the New York State Senate has passed a bill capping the annual local tax increase at 120% of the rate of inflation or 4%, whichever is lower, and

WHEREAS, public opinion polls show that New York residents strongly support a local tax cap, and

WHEREAS, it is therefore likely that the current and/or next Governor will present local property tax capping legislation to the Legislature, and

WHEREAS, Tompkins County spends 88% of its property tax levy solely to fulfill State mandates over which the County has no control, and

WHEREAS, the State Budget Office projects a 2011 pension cost increase which will cause additional cuts or a further 4.5% increase to be borne by the Tompkins County property tax levy, and

WHEREAS, the automatic 3% annual increase in local Medicaid payments will cause additional cuts or a further annual 0.9% increase borne by the Tompkins County property tax levy, and

WHEREAS, if current trends continue, the time is not far away when Tompkins County will send its entire property tax levy to Albany, and

WHEREAS, a growing county needs a tax levy increase (but not a tax rate increase) beyond inflation proportional to its population increase to provide new residents with the same services provided to current residents, and

WHEREAS, the Tompkins County Planning Department expects new housing units to be built at a per annum rate of roughly 1% of existing housing for the foreseeable future, and

WHEREAS, the money Tompkins County must spend to provide the services it currently provides can be expected to rise at the same rate as the other goods and services its residents buy, and

WHEREAS, a bedrock principle of the democratic process is that decisions are made by majority vote, and

WHEREAS, a local property tax cap that (a) fails to cap any and all local spending mandated by Albany, that (b) fails to take into account population growth, that (c) fails to adjust for the impact on county budgets of reductions in State local assistance aid and reimbursement formulas, and that (d) caps the property tax levy rise at a value less than inflation will inevitably result in deteriorating public services for all New Yorkers and will create acute hardships for those who are most in need,

RESOLVED, That the Tompkins County Legislature, for all the reasons stated above, respectfully asks the current and future New York Governors and Legislature to reject any local property tax cap law that does not contain the following provisions:

1. In 2011 and beyond, the State will fully reimburse each county on a dollar-for-dollar basis for all expenditures mandated by the State that exceed the county's total State mandated

expenditures in 2010.

2. In 2011 and beyond, the net annual flow of funds between a county and the State for any reason other than fulfilling mandates imposed will not be altered in a way that adversely affects the finances of counties.

3. The annual state-wide property tax levy cap will be no less than the state wide increase in the Consumer Price Index.

4. For those counties with increasing population, the property tax levy cap will be increased by an additional factor to adjust for population growth.

5. The measure will contain a provision that allows the cap to be overridden by a majority vote in a referendum of all voters in the county initiated by the county governing body.

RESOLVED, further, That if property tax caps as described above are adopted by State government, the Tompkins County Legislature pledges to continually examine the services and programs it provides, and do its best to meet tomorrow's needs by streamlining, replacing, or eliminating today's and yesterday's programs.

SEQR ACTION: TYPE II-20

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Approval of Minutes of August 17, 2010

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, to approve the minutes of August 17, 2010, as amended. MINUTES APPROVED.

Adjournment

On motion the meeting adjourned at 10:05 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk