

AGENDA
Tuesday, December 21, 2010 - 5:30 PM
at
Tompkins County Courthouse

1. Pledge of Allegiance to the Flag
2. Roll Call of Members
3. Presentation of Proclamations, Petitions, Communications, and Notices
4. Announcements of Executive Sessions, Reordering of Business, and Special Orders of the Day
5. Privilege of the Floor
 - A. Public
 - B. Municipal Official(s)
 - C. Legislators
6. Special Topical Presentation and/or Legislative Discussion
Presentation: Tompkins County Recycling and Solid Waste Center Upgrade and Operation by Barbara Eckstrom, Solid Waste Division Manager (10 minutes)
7. Chair's Report, and Chair's Appointments
8. Reports by County Administrator, County Attorney, and Finance Director
9. Report from Other County Staff as Recognized by the Chair of the Legislature
10. Resolutions Added to and Withdrawn from the Agenda
11. Consent Agenda: Resolutions and appointments to be voted on as a group unless any member of the Legislature requests that a resolution or appointment be instead included separately and individually as part of the business of Standing or Special Committee(s).

Appointments

Health and Human Services and Government Operations Committees

Res. No. a Budget Adjustments - Various Departments (ID # 2372)

Health and Human Services Committee

Res. No. b Authorizing a Multiple-Year Contract with Venesky & Company, for the Preparation of a Cost Allocation Plan for the Years 2010-2012 (ID # 2316)

Government Operations Committee

Pending Committee action 12/16/10

Res. No. c Designation of Newspaper (ID # 2368)

Res. No. d Correction of Errors (ID # 2366)

Budget and Capital Committee

Res. No. e Delegation of Authority to Authorize Certain Tax and Solid Waste Fee Refunds Under \$500 (ID # 2367)

Res. No. f Authorization to Disburse Funds - County Administration (ID # 2365)

Res. No. g Implementation of 2011 Tompkins County Budget - Memberships (ID # 2364)

Res. No. h Implementation of the 2011 Budget - Departmental Fees (ID # 2363)

Res. No. i Changes in Positions - Various Departments (ID # 2373)

Public Safety Committee

Res. No. j Approval of Amended Bylaws – Criminal Justice/Alternatives to Incarceration Advisory Board (ID # 2158)

- 12. Standing and Special Committees:
 - A. Reports
 - B. Motions and Resolutions

Health and Human Services Committee - F. Proto, Chair

Res. No. k Appropriation from Contingent Fund – Public Health Director Search Expenses – Health Department (ID # 2356)

Res. No. l Authorizing Changes in Charge Structure - Tompkins County Home Health Care - Health Department (ID # 2355)

Res. No. m Appropriation from Contingent Fund - Terminal Pay - Youth Services Department (ID # 2351)

Facilities and Infrastructure Committee - D. Kiefer, Chair

Res. No. n Award of Contracts for the Upgrading and Operation of the Tompkins County Recycling and Solid Waste Center Pursuant to General Municipal Law Section 120-W (ID # 2323)

Capital Plan Review Committee - M. Robertson, Chair

Pending Committee action and Budget and Capital Committee action 12/21/10

Res. No. o Appropriation from Contingent Fund - Center of Government Study (ID # 2374)

Government Operations Committee - M. Lane, Chair

Pending Committee action 12/16/10

Res. No. p Appropriation from Contingent Fund to Cover Expenses Related to Full County Primary Election – Board of Elections (ID # 2362)

Planning, Development, and Environmental Quality Committee - P. Mackesey, Chair

Res. No. q Authorizing Participation in ITNEverywhere Mobility Management Project (ID # 2337)

Res. No. r Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydro-Fracturing (Referred to Committee 10/19/10) (ID # 2229)

Budget and Capital Committee - J. Dennis, Chair

Public Safety Committee - N. Shinagawa, Chair

Workforce Diversity and Inclusion Committee - L. McBean-Clairborne, Chair

13. Individual Member-Filed Resolutions

- 14. Minutes of Previous Meeting
 - November 16, 2010
 - December 7, 2010

15. Unfinished Business

16. Adjournment



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Fiscal (Budget)
Functional Category: Transfers and Adjustments

SCHEDULED

DOC ID: 2372

RESOLUTION NO. a

Budget Adjustments - Various Departments

1

2 WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000
3 require Legislative approval, now therefore be it
4

5 RESOLVED, on recommendation of the Government Operations and the Health and Human Services
6 Committees, That the Director of Finance be directed to make the following budget adjustments on his
7 books:
8

9 ***Board of Elections***

10 Revenue Acct	Title	Amt	Approp Acct	Title(s)
11 1450.51000793	12 Senior Voting. 13 Machine Tech	\$5,000	1450.54400	Program Expenses

15 Explanation: Need to transfer funds to pay for General Election workers because of a lack of funding for a
16 full Primary Election. Position was vacant part of the year.
17

18 ***Office for the Aging***

19 Revenue Acct	Title	Amt	Approp Acct	Title(s)
20 6773.44772	21 Federal Revenue	\$8,334	6773.54400	Program Expenses

22 Explanation: Revenue increase for Community Living Program.
23

24 **SEQR ACTION: TYPE II-20**
25
26



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Annual or Biennial
Functional Category:

SCHEDULED

DOC ID: 2316

RESOLUTION NO. b

1 Authorizing a Multiple-Year Contract with Venesky & Company, for
2 the Preparation of a Cost Allocation Plan for the Years 2010-2012

3 WHEREAS, Federal OMB Circular A-87 requires the preparation of an annual indirect cost report in order to
4 recover indirect cost reimbursement for certain Federally assisted programs, and

5
6 WHEREAS, the firm of Venesky & Company, is unique in its specialized practice in the area of Federal and
7 State program cost reporting, and

8
9 WHEREAS, over the past three years with the assistance of Venesky & Company, the Indirect Cost Reports
10 have generated \$3,338,067 in reimbursement as compared to the consultants fees totaling \$38,700, and

11
12 WHEREAS, the Finance Director has recommended that it would be in the best interest of the County to
13 renew the Cost Allocation agreement with Venesky & Company, because of cost and time efficiencies developed as a
14 result of the consultant's familiarity with the County's operations, now therefore be it

15
16 RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees,
17 That the Departments of Finance, Health, and Social Services are authorized to enter into a multi-year contract with
18 Venesky & Company, for the preparation of an annual cost report for the years 2010-2012, at a fee of \$12,900
19 annually.

20 **SEQR ACTION: TYPE II-20**

21
22 Note: The contract renewal is at the same terms as the previous agreement and breaks down as follows: DSS - \$8,500,
23 Finance - \$3,400, Health - \$1,000.



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Administrative
Functional Category:

SCHEDULED

DOC ID: 2368

RESOLUTION NO. c

Designation of Newspaper

1
2 WHEREAS, the Tompkins County Legislature must annually designate an official newspaper, and

3
4 WHEREAS, there is only one daily newspaper in Tompkins County, now therefore be it

5
6 RESOLVED, on recommendation of the Government Operations Committee, That the official newspaper for
7 the County of Tompkins for the publication of all local laws, notices and other matters required by law to be published
8 pursuant to Section 214 of County Law and Chapter 58 of the Tompkins County Code be designated from January 1,
9 2011, to December 31, 2011, as follows:

10 The Ithaca Journal, Ithaca, New York

11 **SEQR ACTION: TYPE II-20**



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Administrative
Functional Category:

SCHEDULED

DOC ID: 2366

RESOLUTION NO. d

Correction of Errors

1

2 WHEREAS, it is important that official minutes and reports be accurately written, now therefore be it

3

4 RESOLVED, on recommendation of the Government Operations Committee, That the Clerk of the Legislature
5 be and hereby is authorized to correct any manifest errors in the 2011 minutes of the Legislature or in reports of any
6 committees.

7 **SEQR ACTION: TYPE II-20**

8

9



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Fees
Functional Category:

SCHEDULED

DOC ID: 2367 A

RESOLUTION NO. e

1 Delegation of Authority to Authorize Certain Tax and Solid Waste Fee
2 Refunds Under \$500

3 WHEREAS, Section 556 of the Real Property Tax Law authorizes a tax-levying body to delegate the payment
4 of tax refunds due to a clerical error or an unlawful entry (an unlawful entry is any information on the tax roll that
5 violates the Real Property Tax Law), and
6

7 WHEREAS, Solid Waste Fee refunds are authorized under Resolution No. 181 of 1996, and
8

9 WHEREAS, it is the opinion of the Budget and Capital Committee, that the delegation to the County
10 Administrator ~~such delegation~~ would be more efficient in processing said refunds and therefore beneficial to the
11 taxpayer, now therefore be it
12

13 RESOLVED, on recommendation of the Budget and Capital Committee, That the County Director of
14 Assessment shall transmit refund recommendations to the County Administrator,
15

16 RESOLVED, further, That the County Administrator is hereby authorized to make payments of any refunds of
17 less than \$500 as if the Tompkins County Legislature had performed this audit in compliance with Paragraph 1-7 of
18 Section 566 of the Real Property Tax Law,
19

20 RESOLVED, further, That any refund of \$500 or more must be approved by the Tompkins County Legislature
21 pursuant to Paragraph 8(b) of Section 556 of the Real Property Tax Law,
22

23 RESOLVED, further, That the County Administrator shall transmit on or before the 15th day of each month a
24 report to the Tompkins County Legislature of all the refunds processed,
25

26 RESOLVED, further, That this resolution shall only be in effect during the calendar year 2011.

27 **SEQR ACTION: TYPE II-20**
28
29
30

31 * Amended by Budget and Capital Committee 12/13/10
32
33



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Fiscal (Budget)
Functional Category:

SCHEDULED

DOC ID: 2365

RESOLUTION NO. f

Authorization to Disburse Funds - County Administration

1
2 WHEREAS, it is necessary to specify annually the manner of disbursement of appropriated funds, now
3 therefore be it
4

5 RESOLVED, on recommendation of the Budget and Capital Committee, That the County Administrator be
6 and hereby is authorized and directed to disburse all appropriated funds up to the amount of the appropriation included
7 in the 2011 budget, provided that whenever a contract is required funds will be disbursed in accordance with the terms
8 of said agreement.

9 **SEQR ACTION:** TYPE II-20
10
11



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Membership
Functional Category:

SCHEDULED

DOC ID: 2364

RESOLUTION NO. g

1 **Implementation of 2011 Tompkins County Budget - Memberships**

2 WHEREAS, it is in the best interest of the County to have County personnel be members of a variety of
3 organizations, now therefore be it

4
5 RESOLVED, on recommendation of the Budget and Capital Committee, That memberships in all municipal
6 and professional organizations specifically listed in 2011 budget requests and included in the 2011 budget adopted by
7 the Tompkins County Legislature, are hereby authorized and approved.

8 **SEQR ACTION: TYPE II-20**
9
10

Membership Dues

<u>Dept</u>	<u>Amount</u>	<u>Individual/Dept/Agency</u>	<u>Organization</u>
Board of Elections	140	DeWitt,Cree, Paolangeli, Fanders	NYS Election Commissioners Association
County Administration	400	Joe Mareane	NYS County Administrator's Association
County Clerk	30	Maureen Reynolds	NYALGRO
County Clerk	200	Aurora R. Valenti	NYSACC
Department of Assessment	195	A Fiorille, G Bortz, J Franklin	IAO
Department of Assessment	85	Jay Franklin	NYSRPTDA
Department of Assessment	25	Jay Franklin	Central Region County Directors
Department of Assessment	190	Jay Franklin	IAAO
Department of Assessment	680	All Field Staff	New York State Assessors Association
Department of Assessment	700	AF, IK, GB	NYS Appraisal Licenses
Department of Assessment	450		Ithaca Board of Realtors
District Attorney	1,875	Gwen Wilkinson	NYS District Attorneys Association
District Attorney	650		STOP-DWI Coordinators Association
Facilities Division	180	Arel LeMaro	International Codes Council (ICC)
Facilities Division	147	Arel LeMaro	American Public Works Association (APWA)
Facilities Division	35	Bob O'Loughlin	International Codes Council (ICC)
Facilities Division	150	Facilities Division	National Fire Protection Association (NFPA)
Facilities Division	145	Barb O'Brien	International Executive Housekeeping Association
Finance Department	75	DAVID SQUIRES	NYS COUNTY TREASURERS & FINANCE OFFICERS
Finance Department	50	LISA JEHU	SAMPO - PURCHASING
Finance Department	150	DAVID SQUIRES	NYS GOVERNMENT FINANCE OFFICERS
Health Department	1,682		NYS Assoc. of County Health Officers
Health Department	205		National WIC Association
Health Department	125		NYS Assoc. of County Coroners & ME's
Health Department	195	Theresa Lyczko	American Public Health Association

Membership Dues

<u>Dept</u>	<u>Amount</u>	<u>Individual/Dept/Agency</u>	<u>Organization</u>
Health Department	80	Karen Bishop	Immunization Action Coalition
Health Department	3,600		Rural Health Network
Health Department	165		American Water Works
Highway Division	75	Matt Whittemore	TC Town Highway Sup'ts. Association
Highway Division	75	Bill Sczesny	TC Town Highway Sup'ts. Association
Highway Division	310	Bill Sczesny	NYS County Highway Sup'ts. Assoc.
Highway Division	160	Bill Sczesny	American Public Works Association
Highway Division	150	Bill Sczesny	NYS Assoc. of Town Sup't. of Highway
Human Rights Commission	75		National Association of Human Rights Workers
Human Rights Commission	206		American Bar Association
Human Rights Commission	250		New York State Bar Association
Human Rights Commission	80		NYS Affirmative Action Committee
Human Rights Commission	25		Diversity Consortium of Tompkins County
Human Rights Commission	250		International Ass. Official Human Rights Agencies
Human Rights Commission	35		Southern Poverty Law Center
Information Technology Services	50	GREG POTTER	NYSLGITDA
Ithaca Tompkins Regional Airport	750	Robert A. Nicholas & Tony Rudy	New York Airport Management Association
Ithaca Tompkins Regional Airport	550	Robert A. Nicholas & Tony Rudy	American Association of Airport Executives AAAE
Ithaca Tompkins Regional Airport	10	David Crawford	Fire Chiefs Association
Ithaca Tompkins Regional Airport	50	Robert A. Nicholas	AAAE (Northeast Chapter)
Ithaca Tompkins Regional Airport	1,250	Ithaca Tompkins Regional Airport	Tompkins County Area Development
Ithaca Tompkins Regional Airport	65	David Crawford	Airport Rescue & Fire Fighting Working Group
Ithaca Tompkins Regional Airport	450	Ithaca Tompkins Regional Airport	Chamber of Commerce
Ithaca-Tompkins County Transportation Council	460	Fernando de Aragon	American Planning Association (APA)
Ithaca-Tompkins County Transportation Council	125	Fernando de Aragon	NYS Traffic Safety Board

Membership Dues

<u>Dept</u>	<u>Amount</u>	<u>Individual/Dept/Agency</u>	<u>Organization</u>
Ithaca-Tompkins County Transportation Council	265	Fernando de Aragon	Institute of Transportation Engineers (ITE)
Ithaca-Tompkins County Transportation Council	350	Fernando de Aragon	Association of MPOs (NARC)
Legislature	45		Conservation Leaders Network
Legislature	100		NYS Assoc. of Clerks of County Legislative Boards
Legislature	900		Cayuga Lake Watershed Intermunicipal
Legislature	50		Inter-County Association of Western, NY
Legislature	9,348		New York State Association of Counties
Office for the Aging	860		New York State Area Agencies on Aging
Personnel Department	150	Anita Fitzpatrick, Commissioner of Personnel	NYS Assoc. of Personnel and Civil Service Officers
Personnel Department	125	Anita Fitzpatrick, Commissioner of Personnel	Tompkins County SHRM
Personnel Department	75	Anita Fitzpatrick, Commissioner of Personne	SHRM - National Organization
Personnel Department	150	Anita Fitzpatrick, Commissioner of Personnel	Affirmative Action Association
Planning Department	1,500		Stormwater Coalition of Tompkins County
Planning Department	350		New York Planning Federation
Planning Department	75		NYS Association of EMCs
Planning Department	845		Planners Advisory Service
Planning Department	75		County Planning Directors
Planning Department	480	E Marx	American Planning Association
Planning Department	1,750		ICLEI
Probation and Community Justice Department	500	Patricia Buechel	Council of Probation Administrators
Sheriff's Office	100	Peter Meskill	Icap
Sheriff's Office	50		SNYPJOA
Sheriff's Office	250	Peter Meskill, Richard Tubbs	New york state sheriff's association
Social Services, Department of	15	Kit Kephart	Staff Development Association of New York
Social Services, Department of	4,112		New York Public Welfare Association (NYPWA)

Membership Dues

<u>Dept</u>	<u>Amount</u>	<u>Individual/Dept/Agency</u>	<u>Organization</u>
Social Services, Department of	25	Patricia Carey	Western Region Commissioner's Association
Social Services, Department of	15	Thomas Herden	NYS Association of Fiscal Administrators
Social Services, Department of	50		National Association for Family-Based Services
Social Services, Department of	100		Upstate Network
Solid Waste Management Division	85	Leo Riley	NYSAR3
Solid Waste Management Division	400	Barb Eckstrom	Chamber of Commerce
Solid Waste Management Division	350	Kat McCarthy	Responsible Purchasing Network
Solid Waste Management Division	170	Tom Richardson	NYSAR3
Solid Waste Management Division	141	Barb Eckstrom	SWANA/NYSSWM
Solid Waste Management Division	275	Barb Eckstrom	NYSAR/NRC
Solid Waste Management Division	160	Two Members	Toastmasters Club
Weights and Measures	75	Don Ellis	National conference of Weights & Measures
Weights and Measures	25	Don Ellis	N.Y.S. Weights & Measures Assoc.
Workforce Development	1,500	Agency Membership	New York State Association of Trng & Empl. Prof.
Workforce Development	75	Agency Membership	Diversity Consortium of Tompkins County
Workforce Development	132	Julia Mattick & E&T Director	Fingerlakes Entrepreneurs Forum
Workforce Development	350	County Membership	Tompkins County Chamber of Commerce
Workforce Development	84	Julia Mattick	Society for Human Resource Managers
Workforce Development	75	Julia Mattick	Diversity Consortium of Tompkins County
Workforce Development	75	Agency Membership	Society for Human Resource Managers
Youth Services Department	320		Association of NYS Youth Bureaus
Youth Services Department	300		Community Anti-Drug Coalitons of America



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Fees
Functional Category:

SCHEDULED

DOC ID: 2363

RESOLUTION NO. h

Implementation of the 2011 Budget - Departmental Fees

1
2
3
4
5
6
7
8
9
10

WHEREAS, various departments are authorized to charge assorted fees for various services, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That all changes and increases in fees and changes in methods of charging fees specifically identified in the departmental budget requests and included in the 2011 budget adopted by the Tompkins County Legislature, are hereby authorized and approved.

SEQR ACTION: TYPE II-20

Interdepartmental Fees

<u>Dept From</u>	<u>Amount</u>	<u>Dept To</u>	<u>Explanation</u>
County Clerk	300,000	Unallocated Revenues	County portion of DMV Use Fee (D-fund)
County Clerk	1,300,000	Unallocated Revenues	Fees collected by County Clerk for use by Unallocated Revenues
Department of Assessment	15,000	Information Technology Services	GIS Maintenance
District Attorney	84,981	Stop DWI	
Finance Department	24,606	Solid Waste Management Division	SWAF, debt service, financial
Health Department	2,000	Information Technology Services	CIA Program Support
Health Department	42,261	Social Services, Department of	Dental Grant Estimate
Ithaca Tompkins Regional Airport	250	Emergency Response	Department of Emergency Response - Fuel for Truck
Ithaca Tompkins Regional Airport	28,500	Facilities Division	Estimated Cost Savings/Debt Service on Energy Performance Contract completed by Johnson Controls
Ithaca Tompkins Regional Airport	4,200	Information Technology Services	Computer Work and Data Connection Charge
Ithaca Tompkins Regional Airport	246,000	Sheriff's Office	Airport Security provided by LEO - Airport is partially reimbursed from the TSA in the amount of \$151,490
Ithaca Tompkins Regional Airport	125,992	Unallocated Revenues	County Chargebacks - Annual amount payable to the county in the airline agreement.
Office for the Aging	22,363	Social Services, Department of	HEAP contract with DSS for energy assistance for seniors and disabled.
Office for the Aging	95,863	Social Services, Department of	Contract with DSS for Case Management & In-home services for EISEP program
Probation and Community Justice Department	380	Information Technology Services	Computer and network assistance
Probation and Community Justice Department	900	Information Technology Services	Computer and network assistance
Probation and Community Justice Department	1,520	Information Technology Services	Computer and network assistance
Probation and Community Justice Department	36,163	Social Services, Department of	Half of a Work Project Supervisor for supervision and transportation of Work Experience clients
Probation and Community Justice Department	98,689	Social Services, Department of	One Sr. Probation Officer for Family Treatment Court services
Probation and Community Justice Department	243,789	Social Services, Department of	Three Probation Officers for Pre-PINS Program
Solid Waste Management Division	25,000	County Attorney	J Wood Attorney Fees
Solid Waste Management Division	26,000	Department of Assessment	Soild Waste Annual Fee Maintenance Agreement
Solid Waste Management Division	40,148	Facilities Division	HHW heating system maintenance (\$140), Misc office repairs/painting (\$5,000), Rent/Maintenance/Cleaning (\$35,008).
Solid Waste Management Division	500	Highway Division	Sign installation & winter cleanup

Interdepartmental Fees

<u>Dept From</u>	<u>Amount</u>	<u>Dept To</u>	<u>Explanation</u>
Solid Waste Management Division	3,900	Information Technology Services	Computer Services
Solid Waste Management Division	100	Weights and Measures	Fees for testing hazardous waste scale.
Tourism Promotion & Community Arts Partnership	100,000	Planning Department	Funds from the Tourism Account to cover the expense of expanding and moving tourism planning and program management to the Planning Department.
Workforce Development	600	Information Technology Services	IT Support
Youth Services Department	36,423	Social Services, Department of	Youth Services Dept. contribution towards the TCA Primary School Family Support Program (\$26,120) and Advocacy Center Youth Services (\$10,303)
Youth Services Department	16,500	Workforce Development	Youth Services provides contracted services to Employment and Training



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Tompkins County Legislature
Category: Personnel (Positions, Salaries, Benefits)
Functional Category: Create/Abolish/Increase/Decrease Position

SCHEDULED

DOC ID: 2373 A

RESOLUTION NO. i

Changes in Positions - Various Departments

1
2 WHEREAS, the adopted 2011 Tompkins County Budget provides for increases or reductions in the standard
3 work week and/or approved hours of existing incumbents, now therefore be it
4

5 RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the hours of the
6 following positions are changed as follows effective January 1, 2011:

7 **Assessment Department**

8 1.0 Assessment Account Specialist, Position #1292, White Collar Grade H (8), Job Code 768, increase the
9 standard workweek and the approved hours from 35 to 40 hours per week
10

11 1.0 Geographic Information System Technician, Position #308, White Collar Grade J (10), Job Code 713,
12 increase the standard workweek and the approved hours from 35 to 40 hours per week
13

14 **Department of Social Services**

15 1.0 Senior Financial Investigator, Position #1098, White Collar grade M (13), Job Code 658, increase the
16 standard workweek and the approved hours from 35 to 40 hours per week
17

18 1.0 Senior Financial Investigator, Position #1035, White Collar grade M (13), Job Code 658, increase the
19 standard workweek and the approved hours from 35 to 40 hours per week
20

21 **Health Department**

22 1.0 Public Health Director, Position #456, Management Grade T (90), Job Code 250, increase the standard
23 workweek and the approved hours from 35 to 40 hours per week
24

25 1.0 Public Health Administrator, Position #472, Management Grade R (88), Job Code 232, increase the
26 standard workweek and the approved hours from 35 to 40 hours per week
27

28 .7 Administrative Assistant, position #519, White Collar Grade L (12), Job Code 535, decrease the standard
29 workweek and the approved hours of the position to .5 or 17.5 hours per week
30

31 1.0 Systems Analyst, position #511, White Collar Grade N (14), Job Code 719, decrease the standard
32 workweek and the approved hours of the position to .8 or 28 hours per week
33

34 1.0 Senior Account Clerk Typist, position #436, White Collar Grade I (9), Job Code 529, decrease the
35 standard workweek and the approved hours of the position to .5 or 17.5 hours per week
36

37 **Public Works - Solid Waste Division**

38 1.0 Solid Waste Manager, position #900, Management Grade R (88), Job code 257, increase the standard
39 workweek and the approved hours from 35 to 40 hours per week
40

41 **Probation Department**

42 1.0 Transition Workforce Specialist, position #833, labor grade L (12), Job Code 783, decrease the standard
43 workweek and the approved hours from 40 to 35 hours per week.
44

45 Planning Department

46 1.0 Commissioner of Planning and Public Works, position #1296, (91/170), management grade U, decrease
47 the standard workweek and the approved hours of the position from 40 to 37.5 hours per week (1.0 FTE)
48

49 1.0 Principal Account Clerk Typist, position #662, (11/673), labor grade K, decrease the standard workweek
50 and the approved hours of the position from 40 to 35 hours per week (1.0 FTE)
51

52 1.0 Senior Planner, position #680, (14/609), labor grade N, decrease the standard workweek and the approved
53 hours of the position from 40 to 35 hours per week (1.0 FTE)
54

55 1.0 Senior Planner, position #666 (14/609), labor grade N, decrease the standard workweek and the approved
56 hours of the position from 40 to 35 hours per week (1.0 FTE)
57

58 1.0 Senior Planner, position #678 (14/609), labor grade N, decrease the standard workweek and the approved
59 hours of the position from 40 to 37.5 hours per week (1.0 FTE)
60

61 **SEQR ACTION:** TYPE II-20
62



RESOLUTION NO. j

**Approval of Amended Bylaws – Criminal Justice/Alternatives to
Incarceration Advisory Board**

1
2
3 WHEREAS, the Criminal Justice/Alternatives to Incarceration Advisory (CJA/ATI) Board desires to amend
4 its bylaws to more accurately reflect the County Legislature’s advisory board attendance policy and more accurately
5 designate its appointed membership pursuant to the New York State Executive Law under which it operates, now
6 therefore be it

7
8 RESOLVED, on recommendation of the Public Safety Committee, That the bylaws for Criminal
9 Justice/Alternatives to Incarceration Advisory Board, as amended and adopted by the CJA/ATI at their November 22,
10 2010, meeting, be approved,

11
12 RESOLVED, further, That a copy of the amended bylaws shall be kept on file with the Clerk of the
13 Legislature and the Chair of the CJA/ATI Board.

14 **SEQR ACTION: TYPE II-20**
15
16

CRIMINAL JUSTICE & ALTERNATIVES TO INCARCERATION
ADVISORY BOARD

BYLAWS

Article I. Name

The official designation shall be the Tompkins County Criminal Justice/Alternatives To Incarceration Advisory Board, abbreviated CJATI, and herein called the “Advisory Board.”

Article II. Purpose

The purpose of the Advisory Board shall be (1) to study the criminal justice system in Tompkins County with particular attention to programs that are alternatives to incarceration; (2) to identify unmet needs and opportunities for meeting these needs and improving the system, including potential funding sources; (3) to make recommendations to the Tompkins County Legislature and its committee that deals with public safety; and (4) to provide a forum for networking, coordination, and communication between agencies and departments making up the County’s criminal justice system; and (5) fulfill its duties as mandated under NYS Executive Law, Article 13-A, §261.

Article III. Membership

1. Voting members as defined by NYS Executive Law Article 13-A § 261(2) Alternatives to Incarceration Service Plans: Requires the following persons or their ~~duly appointed~~ representatives be included on the Advisory Board: ~~(-11.22.)~~
 - a) County Court Judge, as appointed by the administrative judge for that county
 - b) Town or Village Court Judge, as appointed by the administrative judge for that county
 - c) District Attorney
 - d) Representative of agency providing legal services to indigent (limit two)
 - e) County Legislator (Chair of the legislative committee dealing with public safety)
 - f) Director of Probation
 - g) Chief Administrative Officer (Sheriff)
 - h) Representative of local police agency, selected by the heads of all such agencies to represent their joint views
 - i) Representative of private organization who has involvement with ATI or pre-trial programs (OAR), as designated by the county executive
 - j) Ex-offender, as designated by the county executive
 - k) Crime victim, as designated by the county executive
 - l) County Executive (County Administrator)
 - m) Director of community services as defined in section 41.03 of Mental Hygiene Law (Mental Health)
 - n) An individual who provides state certified substance abuse treatment programs or services

2. Voting members as defined by ~~action~~ appointment of the County Legislature include:
 - a) Representative from DSS
 - b) Agency representing crime victims
 - c) Representative from County Attorney's Office
 - d) Agency providing mediation services to the courts
 - e) Representative from County Youth Services
 - f) Up to three "At-Large" Members

3. Appointments and Resignations ~~Anyone who is applying for membership on the Advisory Board shall fill out an "Application And Resume" and return it to the Office of the County Legislature. Appointment by the Public Safety Committee and the full Legislature is required before a new Board member may be sworn in.~~
 - a) Those positions not selected, appointed or designated as provided for in NYS Executive Law Article 13-A § 261(2) shall fill out the Advisory Board Application and return it to the Office of the County Legislature and CJATI Chair. For those positions, appointment by the Public Safety Committee and County Legislature is required.
 - b) Those members who are specifically designated or appointed shall fill out the directory information of the Advisory Board Application, which shall then be kept on file with the CJATI Chair.
 - c) All resignations shall be submitted in writing to the CJATI Chair.

4. Terms of Office: Appointments shall be made for three-year terms with no term limits.

5. Attendance: Board members are expected to attend all advisory board meetings. ~~If attendance falls below half of the meetings in a year, s/he will be requested to find an alternate representative from his/her agency/department.~~ Pursuant to Local Law #2 of 2004, when any member fails to attend three consecutive regular meetings of CJATI, unless such absence is for good cause and is excused by the chairman or other presiding officer thereof, or in the case of such chairman or other presiding officer, by the Chair of the Legislature, the office may be deemed vacant by action of the appointing authority for the purposes of the nomination and appointment of a successor.

Article IV. Officers

1. Chair
In accordance with NYS Executive Law Article 13-A § 261 (2), the Chair shall be the County Administrator or his/her duly designated representative.

2. Vice Chair
The Vice Chair shall be the Chair of the legislative committee that deals with public safety or his/her duly designated representative.

Article V. Meetings

1. Advisory Board meetings shall be held at least quarterly.

2. A quorum, consisting of at least one more than half of the ~~appointed~~ voting members (12) or their ~~officially designated~~ representatives, must be present in order for this Advisory Board to take any formal action. Designation of official representatives must be made in writing to the ~~legislative committee dealing with public safety, with notice to the~~ CJ/ATI Chair, ~~and duly appointed by the County Legislature.~~
3. The Advisory Board may, without a quorum being present, pass by a majority of the voting members present a resolution known as a “sense of the body resolution” which shall specifically state in the resolution that it represents the action of a majority of the members present in the absence of a quorum. Any such resolutions shall note who was in attendance and how the members voted.
4. All meetings shall be conducted under Roberts Rules of Order.
5. Notices of meetings shall be sent out at least one week in advance of the meeting. The agenda for the meeting and the minutes from the previous meeting shall accompany all notices of meeting. Notices of meetings shall be e-mailed to Board members at the address last given by the member.
6. All meetings shall be public, pursuant to the New York State Open Meetings Law.
7. The Chair shall be empowered to call or cancel a meeting of the Advisory Board if deemed necessary.

Article VI. Committees

1. The Chair of the Advisory Board may establish committees as appropriate, subject to the approval of the members of the Advisory Board. Each committee shall consist of at least two members of the Advisory Board and may include one or more non-board members. The Chair of the Advisory Board shall either appoint the chair of the committee or ask the committee to elect a chair who shall be a Member of the Advisory Board.
2. Committees will be temporary in nature. Each committee shall continue until the assigned task is completed.
3. All committees shall be responsible to the Advisory Board. Committees shall keep the Advisory Board informed of its meeting schedule, shall keep a record of its meetings, and shall make reports to the Advisory Board of its activities and future plans at each Board meeting.

Article VII. Saving Clause

In the event any of these bylaws shall conflict with any provisions or requirements of State or Federal Law, the provisions of any State or Federal Law shall control and the other provisions of these bylaws shall not be invalidated by such conflict.

Article VIII. Adoption

These bylaws shall become effective upon adoption by the County Legislature.

Article IX. Amendment of Bylaws

All proposed changes are to be presented at the meeting prior to the meeting at which the proposed changes will be voted upon. Prior to voting, all members of the Advisory Board will be notified in writing of the proposed changes and a two-thirds vote of the authorized membership is required for adoption of changes.

Amendments approved by the Advisory Board shall become effective upon approval by the Tompkins County Legislature.

Adopted by CJ/ATI May 17, 2004

Adopted by Public Safety June 3, 2004

Adopted by Full Legislature June 15, 2004

Amended by CJ/ATI 9/27/10, 11/22/10 [re attendance & appt.]

Amendment adopted by Public Safety 12/6/2010

Amendment adopted by Legislature _____



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Health Department
Category: Fiscal (Budget)
Functional Category: Health Related

SCHEDULED

DOC ID: 2356

RESOLUTION NO. k

1 **Appropriation from Contingent Fund – Public Health Director Search**
2 **Expenses – Health Department**

3 WHEREAS, the department has incurred unbudgeted expenses related to the first search for the Public Health
4 Director, and

5
6 WHEREAS, a second search is currently under way with additional expenses to be incurred, and

7
8 WHEREAS, funds are not available in the operating budget to cover these unanticipated costs, now therefore
9 be it

10
11 RESOLVED, on recommendation of the Health and Human Services and Budget and Capital Committees,
12 That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

13 FROM:	A1990.54440	Contingent Fund	\$4,751
14 TO:	A4010.54400	Program Expense	\$4,751

15 **SEQR ACTION: TYPE II-20**
16
17



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Health Department
Category: Fees
Functional Category: Health Related

SCHEDULED

DOC ID: 2355

RESOLUTION NO. 1

Authorizing Changes in Charge Structure - Tompkins County Home Health Care - Health Department

WHEREAS, Tompkins County’s accounting consultant, Michael McCarthy, CPA, of McCarthy & Conlon, LLP, has recommended changes in the Certified Home Health Agency fee structure to maximize Medicaid and Medicare revenues, and

WHEREAS, New York State currently promulgates rates on the day the County Legislature approves them and it is therefore, desirable for Tompkins County to adopt the 2011 rates in December 2010 for implementation on January 1, 2011, and

WHEREAS, all changes proposed were made to align charges with actual costs per unit of service as determined during Mr. McCarthy’s most recent review of our financial and statistical data, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and Budget and Capital Committees, That the Tompkins County Health Department implements the charge structure below, as recommended by Michael McCarthy, CPA, in order to maximize Medicaid, Medicare, and other third party revenues.

2011 Tompkins County Home Health Care Fee Schedule

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Skilled Nursing	\$175.00	\$175.00	\$215.00	\$242.00
High Tech Nursing	\$200.00	\$200.00	\$240.00	\$275.00
Physical Therapy	\$115.00	\$115.00	\$155.00	\$162.00
Speech Therapy	\$120.00	\$120.00	\$120.00	\$120.00
Occupational Therapy	\$115.00	\$115.00	\$118.00	\$127.00
Home Health Aide	\$45.00/hr	\$48.00/hr	\$53.00/hr	\$53.00/hr
	\$90.00/visit	\$96.00/visit	\$95.00/visit	\$95.00/visit

RESOLVED, further, That the Department sets the per hour Nursing Administrative Charge at eighty-eight dollars (\$88.00) per hour, for services as appropriate (i.e. rabies post exposure, hypertension screening clinics, immunization administration, etc.)

SEQR ACTION: TYPE II-20

Note: The fees are established to maximize dollars from Medicaid, Medicare, and other third party payers. The department maintains the use of a sliding fee scale for those patients paying for services out of pocket. In addition we have negotiated agreements with a number of insurance providers and accept payment in full from them. The department continues to maintain the ability to waive a fee in special circumstances.

The following are allowable costs used to determine our average cost per visit:

Administration Costs: Salary and Fringe Benefits for administrators, directors, supervisors and others, Contractual services including Care at Home, Software Support/Maintenance, Cost Reporting Services, etc.), Supplies, Telephone, etc., Depreciation, POM (Plant, Operations, and Maintenance), Transportation and In-direct Costs.

44 Direct Services Costs: Salary and Fringe Benefits, Contractual Arrangements, Drugs, Depreciation, POM (Plant,
45 Operations, and Maintenance) and Transportation.
46
47



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Youth Services Department
Category: Personnel (Positions, Salaries, Benefits)
Functional Category:

SCHEDULED

DOC ID: 2351 B

RESOLUTION NO. m

1 **Appropriation from Contingent Fund - Terminal Pay - Youth Services**
2 **Department**

3 WHEREAS, the Youth Services Department had their Director retire effective November 19, 2010, and
4

5 WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the Department
6 from the Contingent Fund, now therefore be it
7

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

10	FROM:	A1990.54400	Contingent Fund	\$23,785
11	TO:	A7020.51000220	Youth Services Director	\$16,929
12		A7020.58800	Fringes	6,856

13 **SEQR ACTION: TYPE II-20**
14
15
16
17

18 *Note: The words "up to" were added by the Budget and Capital Committee on 12/13/10
19
20



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Solid Waste Division
Category: Administrative
Functional Category:

SCHEDULED

DOC ID: 2323 B

RESOLUTION NO. n

**Award of Contracts for the Upgrading and Operation of the Tompkins
County Recycling and Solid Waste Center Pursuant to General
Municipal Law Section 120-W**

1
2
3
4 WHEREAS, the Solid Waste Division received proposals from four recycling companies pursuant to Section
5 120-w of the General Municipal Law and has completed negotiations , and
6

7 WHEREAS, this Legislature has determined that it is in the public interest to award a contract to FCR, LLC,
8 of Charlotte, North Carolina, on the basis of overall costs and anticipated revenues and such other factors as experience
9 in Facility operation, and its commitment to waste diversion and maximizing recycling at the Recycling and Solid
10 Waste Center (RSWC) as specified in its proposal, and
11

12 WHEREAS, the FCR, LLC, proposal includes a plan to upgrade the Facility, and
13

14 WHEREAS, the County has determined that an award to FCR, LLC, does not require the adoption of
15 particularized findings referred to in General Municipal Law Section 120-w(4) (e) (4) because of the responsive
16 proposals received by the County, the total proposal submitted by FCR, LLC, provides the lowest net cost to the
17 County, and
18

19 WHEREAS, the County and the Company have negotiated a design-build contract for facility and site
20 improvements in the amount of \$2,496,917 and a service agreement for operation of the facility at an overall cost that
21 varies with tonnages, market conditions, and other factors, and
22

23 WHEREAS, this Legislature wishes to authorize the Clerk of this Legislature to publish notice of such award
24 in accordance with General Municipal law Section 120-w (6), now therefore be it
25

26 RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County
27 Administrator or his designee is authorized to execute any and all contracts for a five-year period with a five-year
28 renewal option with FCR, LLC, of Charlotte, North Carolina, providing for the upgrading and operation of the Facility
29 for the costs and fees described in said proposal as amended through negotiation,
30

31 RESOLVED, further, That the basis of the determination by this Legislature is that (a) FCR, LLC, is the most
32 responsive proposer having submitted the most responsive proposal to the Request for Proposals (RFP), and (b) of
33 proposals received from responsive proposers, FCR, LLC,'s total proposal, as negotiated, will provide the lowest net
34 cost to the County,
35

36 RESOLVED, further, That the validity of the contracts and the procedures relating to this award may be
37 contested only if:
38

39 (1) such action, suit, or proceeding is commenced within sixty (60) days after the date of publication of
40 official action, and
41

42 (2) such award or procedure was not authorized pursuant to General Municipal Law Section 120-w, or
43

44 (3) any of the provisions of General Municipal Law Section 120-w, that should be complied with at the
45 date of the publication of such official action have not been substantially complied with, or

46
47
48
49
50
51
52
53
54

(4) a conflict of interest can be shown in the manner in which the contracts were awarded,

RESOLVED, further, That the Clerk of the Legislature is hereby authorized and directed to publish notice of the official action of the county awarding the contracts in accordance with General Municipal Law Section 120-w (6) (b).

SEQR ACTION: TYPE II-2 Upgrade of Existing Structure



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: County Administration
Category: Buildings and Facilities
Functional Category: Contingent Fund

SCHEDULED

DOC ID: 2374

RESOLUTION NO. 0

Appropriation from Contingent Fund - Center of Government Study

WHEREAS, the Tompkins County Legislature undertook a Space Use Master Plan, completed in 2005, that provided both impetus and direction for the consideration of a Center of Government facility that would house a number of County legislative and administrative operations, and

WHEREAS, in keeping with the 2005 Space Use Master Plan, a Center of Government project has been incorporated into the County 20-year Capital Improvement Plan for commencement in 2016, and

WHEREAS, the County is compelled to relocate several occupants of the County Courthouse in order to comply with the New York State Court Facilities Act, a law that requires counties to accommodate the space needs of the New York State court system, and

WHEREAS, governments at every level are facing extraordinary fiscal challenges that require consideration of all methods of reducing costs, including the costs of occupancy, and

WHEREAS, the convergence of these factors has been considered by the County Legislature's Capital Plan Review Committee and resulted in a recommendation to undertake an expert analysis that will compare the current configuration and projected costs of occupancy of County operations housed in both County-owned and leased facilities with the estimated cost of housing all or a part of those operations in a new Center of Government facility, and to recommend the most cost effective manner to accommodate the space needs of the County, and

WHEREAS, the County's Facilities Division has developed a scope of work that would guide that analysis and that shall be a part of the record of this legislative action, now therefore be it

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

FROM: A1990.54400	Contingent Fund	\$50,000
TO: 1620.54442	Facilities Professional Services	\$50,000

SEQR ACTION: TYPE II-20



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Board of Elections
Category: Fiscal (Budget)
Functional Category: Contingent Fund

SCHEDULED

DOC ID: 2362

RESOLUTION NO. p

1 Appropriation from Contingent Fund to Cover Expenses Related to
2 Full County Primary Election – Board of Elections

3 WHEREAS, the Board of Elections was charged with running a three party Primary Election September 14,
4 2010, and

5
6 WHEREAS, this Primary Election included races for Governor, Lieutenant Governor, Tompkins County
7 Sheriff, New York State Attorney General, and United States Senate races, and

8
9 WHEREAS, the Board of Elections agreed to securing exact costs of a Primary Election including County and
10 State races before asking for funds, and

11
12 WHEREAS, the County has been billed for services rendered for moving all voting equipment in the amount
13 of \$5,580.00, and

14
15 WHEREAS, the County has been billed by all election workers for working the Primary Election day and
16 preparations for the day in the amount of \$19,714.00, and

17
18 WHEREAS, payment is due and has been made for all invoices, now therefore be it

19
20 RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That
21 the Director of Finance be authorized and directed to make the following budget appropriation:

22 FROM: A1990.54400 Contingent Fund \$25,294.00

23 TO: A1450.54400 Program Expense \$25,294.00

24 **SEQR ACTION: TYPE II-20**



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Planning Development & Env. Quality Committee
Category: Transportation
Functional Category:

SCHEDULED

DOC ID: 2337

RESOLUTION NO. q

Authorizing Participation in ITNEverywhere Mobility Management Project

1
2
3 WHEREAS, Tompkins County has a long history of developing community transportation services and
4 support programs through collaborative planning, and
5

6 WHEREAS, the Tompkins County Coordinated Public Transit-Human Services Transportation Plan
7 Committee and the Ithaca-Tompkins County Transportation Council (ITCTC) identified need for more flexible,
8 affordable transportation options for people of all ages, primarily in rural and small urban areas, which could
9 potentially be served through a combination of volunteer driver, ridesharing, car-sharing, and related services, and
10

11 WHEREAS, in July 2010, ITNAmerica, (ITN: Independent Transportation Network) a national not-for-profit
12 mobility services corporation, based in Portland, Maine, solicited up to four New York State communities, under
13 200,000 population, to collaborate on a development project called ITNEverywhere, to create a business model and
14 software infrastructure for volunteer transportation in small urban and rural areas, and to prepare a landscape analysis
15 of transportation needs and underutilized assets in local communities, and
16

17 WHEREAS, since August 2010, a local steering committee including: ITCTC, County Office for the Aging,
18 Department of Social Services, Finger Lakes Independence Center, Ithaca Carshare, Cornell Cooperative Extension of
19 Tompkins County (Way2Go), and GADABOUT have worked to evaluate the desirability of participating in
20 ITNEverywhere, and
21

22 WHEREAS, the Board of Directors of GADABOUT Transportation Services, Inc., agreed to be the local
23 sponsoring agency for ITNEverywhere on November 18, 2010, and
24

25 WHEREAS, the cost of participating in ITNEverywhere is \$50,000, which will be paid for by a \$25,000 grant
26 from the Harry and Jeannette Weinberg Foundation and \$25,000 from the 2008 Federal Transit Administration grant
27 NY-90-X606, now therefore be it
28

29 RESOLVED, on recommendation of the Planning, Development and Environmental Quality and the Health
30 and Human Services Committees, That Tompkins County agrees to participate in the ITNEverywhere development
31 project with ITNAmerica,
32

33 RESOLVED, further, That the County will pay \$25,000 to ITNAmerica using Federal Transit Administration
34 JARC (Job Access and Reverse Commute) mobility management project funds from grant NY-90-X606, County
35 Budget A5631 Transportation Planning, and oversee the project as the FTA grant recipient,
36

37 RESOLVED, further, That the County Administrator, or designee, is authorized to execute the necessary
38 agreements with ITNAmerica and local steering committee participants to advance the project.

39 **SEQR ACTION: TYPE II-20**
40

41 Explanation:

42 The resolution authorizes Tompkins County to join with a local consortium of agencies to work with ITNAmerica, (of
43 Portland, ME) on the ITNEverywhere development project to adapt a business plan for volunteer transportation
44 services in rural and small urban areas. The project will produce a landscape analysis of how to integrate transportation
45 alternatives in Tompkins County. ITNEverywhere would use existing and new volunteer transportation services to

46 connect with TCAT buses and other operators. In this period of contraction of public funding, it is essential to
47 maximize the use of volunteer transportation services developed at the outset to be sustainable.

48 Tompkins County would furnish ITNAmerica with \$25,000 from the FTA Section 5307 grant NY-90-X606 for this
49 mobility management project.

50

51



Tompkins County Legislature

320 North Tioga Street
Ithaca, NY 14850

Meeting: 12/21/10 05:30 PM
Department: Planning Department
Category: Administrative
Functional Category:

SCHEDULED

DOC ID: 2229 B

RESOLUTION NO. r

Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydro-Fracturing (Referred to Committee 10/19/10)

1
2
3
4 WHEREAS, it is increasingly clear that drilling for natural gas using high-volume slick-water hydraulic-
5 fracturing (hydrofracking) may have severe adverse impacts on communities and the environment, and
6

7 WHEREAS, the activity of drilling for and transporting natural gas, with the attendant well pads, roads,
8 pipelines, and ancillary facilities, will fragment our forest lands in ways that damage their values, including threatening
9 water resources, creating edges that impair habitat value for forest-dwelling species, removing natural vegetation
10 cover, and allowing invasive species to become established, and
11

12 WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under
13 stress from the impacts of climate change, and
14

15 WHEREAS, rather than allowing fragmentation of County-owned lands and forests we should be increasing
16 our acreage of unbroken forest lands off limits to drilling to provide mitigation for the increasing fragmentation of
17 private forest lands, and
18

19 WHEREAS, County-owned forest lands are located in rural areas where roads, other infrastructure, and
20 emergency response capabilities are ill suited to accommodating the level of impact on infrastructure and demand for
21 services resulting from the industrial activity associated with high-volume hydro-fracturing, and
22

23 WHEREAS any economic boost to the state's economy from development and sale of natural gas from
24 Marcellus Shale is short term (30-40 years?) at best, and will foreclose the long-term economic benefit to the county of
25 tourism and agriculture, and
26

27 WHEREAS, although natural gas is a cleaner-burning fuel than coal at the point of use, recent research
28 suggests that life cycle greenhouse gas emissions from natural gas extracted using high-volume hydrofracking may be
29 equal to or greater than those from coal, and
30

31 WHEREAS, the Tompkins County government, as well as the overall community, has established a goal to
32 reduce greenhouse gas emissions at least 80% by 2050, a goal that would be impossible to meet if natural gas drilling
33 occurred on county-owned land, and
34

35 WHEREAS, the Tompkins County Energy and Greenhouse Gas Emission component of the Tompkins County
36 Comprehensive Plan concluded that increased energy conservation and use of renewable energy are important ways to
37 avert the most catastrophic impacts of climate change, and
38

39 WHEREAS, Tompkins County further believes that development of the Marcellus Shale will likely have a net
40 adverse impact on reducing greenhouse gas emissions, and
41

42 WHEREAS, with respect to the 556 acres of County forest land, the Tompkins County Forest Management
43 Plan specifically states that "drilling sites and pipeline corridors that permanently alter the character of the land would
44 not be compatible with the goals outlined in this Plan," and
45

46 WHEREAS, it is clear that from a long-term environmental, economic, and social perspective the value of our
47 county-owned lands will be much greater if left unimpaired by the impacts of gas drilling than if such drilling is
48 allowed to occur, now therefore be it
49

50 RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Facilities
51 and Infrastructure Committees, That Tompkins County will not lease any county-owned lands, including but not
52 limited to County forest lands, for high-volume, slick-water hydraulic-fracturing to extract natural gas,
53

54 RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies
55 of this resolution to Governor David Paterson, Governor-elect Andrew Cuomo, Senate Majority Conference Leader
56 John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader
57 Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51st District), Senator George Winner,
58 Senator-elect Thomas O'Mara (53rd District), Senator Michael Nozzolio (54th District), Assemblywoman Barbara
59 Lifton (125th District), and New York State Department of Environmental Conservation Acting Commissioner Peter
60 Iwanowicz.

61 **SEQR ACTION:** TYPE II-20
62

63 **Vote at Planning, Development, and Environmental Quality Committee**

64 Ayes - 3 (Legislators Burbank, Chock, and Mackesey)
65 Noes - 2 (Legislators Proto and Pryor)
66

67 **Vote at Facilities and Infrastructure Committee**

68 Ayes - 3 (Legislators Kiefer, Mackesey, Lane)
69 Noes - 1 (Legislator McBean-Clairborne)
70 Excused - 1 (Legislator McKenna)
71
72



Substitute offered by Mr. Lane

Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydraulic Fracturing

WHEREAS, it is increasingly clear that drilling for natural gas using high-volume slick-water hydraulic fracturing (hydrofracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, the Tompkins County Legislature has considered the Tompkins County Comprehensive Plan, and the direct impact that slick-water high-volume hydraulic fracturing will have on water quality, climate change, and the natural environment, County transportation and infrastructure, health and emergency services, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee and the Facilities and Infrastructure Committee, That Tompkins County will not lease any county-owned lands, including but not limited to County forest lands, for high-volume, slick-water hydraulic fracturing to extract natural gas,

RESOLVED, further, That the Clerk of the Tompkins County Legislature is hereby directed to forward copies of this resolution to Governor David Paterson, Governor-elect Andrew Cuomo, Senate Majority Conference Leader John Sampson, Senate Minority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator James Seward (51st District), Senator George Winner, Senator-elect Thomas O'Mara (53rd District), Senator Michael Nozzolio (54th District), Assemblywoman Barbara Lifton (125th District), and New York State Department of Environmental Conservation Acting Commissioner Peter Iwanowicz.

SEQR ACTION: TYPE II-20

Tompkins County Legislature
 Regular Meeting Minutes
Tuesday, November 16, 2010 5:30 PM
 Tompkins County Courthouse

Draft 11-16-10

Call to Order

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

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 15 Legislators. (Legislator Stein arrived at 5:34 p.m. and Legislator McBean-Clairborne arrived at 5:45 p.m.)

Presentation of Proclamation(s)

Ms. Robertson presented the following proclamations:

- Runaway Prevention Month in Tompkins County – November 2010 - to Shane Allen, Parker Ruleson, and Melody Starkweather;
- Sheriff's Week in Tompkins County – November 7-14, 2010 - to Sheriff Peter Meskill

Mr. Stein arrived at this time.

Privilege of the Floor by the Public

No member of the public wished to speak.

Report from Municipal Official

No municipal official was in attendance.

Distinguished Youth Award

Mr. Dennis, District No. 15 Legislator, presented the November 2010 Distinguished Youth Award to Paul Kenjerska, Chris Sibley, Maliki Whitford, Nadia Roberts, Brian English, and Boon Herden, members of the Trumansburg/Ulysses Youth Services Summer Squad 2010. The students, nominated by Program Manager Carissa Mann Parlato, are recognized for community service projects including cleaning up the Montessori school, refinishing benches on Trumansburg's Main Street, planting seeds for an elementary school garden, cleaning up the "children's village" on Main Street, and stickering cases of alcohol at local stores to build awareness for the summer "Sticker Shock" campaign.

Mrs. McBean-Clairborne arrived at this time.

Privilege of the Floor by Legislators

Ms. Chock, District No. 3 Legislator, reported she attended the Howard Cogan Tourism Award luncheon today at the Finger Lakes Wine Center. The luncheon honored Frank Robinson, Director of the Johnson Museum of Art, who is retiring in June after 19 years of service. She spoke of the accomplishments during his tenure, particularly the starting of the Discovery Trail and his success in forging ties in the community. Ms. Chock also reported sales during the Art Trail increased by 22% last year.

Minutes Acceptance: Minutes of Nov 16, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

Mr. Proto, District No. 7 Legislator, thanked those who attended the Veteran's Day ceremony at Dewitt Park. He reported there was significant discussion at the last Legislature meeting of the resolution concerning Chesapeake Bay. As Chair of the Water Resources Council, he reported the Council passed the resolution and forwarded it on to the appropriate parties and received a letter of acknowledgement from Governor Paterson. Mr. Proto said he has been a member of the Johnson Museum Advisory Board for 15 years and will be serving on the Director's Search Committee. He said it will be a very difficult task to replace Mr. Robinson who has done phenomenal work at the Museum.

Mr. Lane, District No. 14 Legislator, reported there was also a Veteran's Day observance in Dryden. He spoke of the annual Veteran's Day Parade that was held in Ithaca and said at a time when we are involved in two wars these people are doing a lot to support our troops. He spoke of the organizations that support veterans and said the Posts are falling under tough economic times. These organizations have always been there for our communities in many ways and he urged the community to donate to local veteran organizations when making annual donations to charitable organizations.

Ms. Mackesey, District No. 1 Legislator, reported she attended the opening of the Finger Lakes Wine Center on Cayuga Street. She said it is important to understand our interconnectedness economically in the region. She said this is a clear tourism project and noted the Wine Center will feature a different vineyard each month.

Mrs. McBean-Clairborne, District No. 2 Legislator, invited everyone to attend the Greater Ithaca Activities Center (GIAC) Annual Harvest dinner on November 19th at 6 p.m. The Alternative Gift Fair, an event hosting 66 human services agencies trying to raise funds, will be held on December 4th from 10 a.m. to 6 p.m. at both the First Presbyterian Church and the Baptist Church.

Chair's Report

Ms Robertson reminded everyone to receive a flu shot if they haven't already. She also announced the Legislature's photo will be taken prior to the meeting on December 7th.

Ms. Robertson reported she went to the New York State Association of Counties (NYSAC) offices in Albany on Friday for a meeting between members of the Medicaid Commission, State agencies that deal with Medicaid, and a representative from the Governor's Office. She said they were able to speak with the State Medicaid Director, and she thinks the session went very well. She will place the Commission's Report and other related information on file in the Legislature Office. This was the first meeting between the Department of Health and NYSAC and said language that was put into the budget bill said the State's Department of Health has to come up with a report by November 30th on how the State is going to take over the administration of Medicaid on April 1, 2011. Ms. Robertson said the three main goals of this Medicaid takeover are: to standardize administration of Medicaid across counties, lower the cost, and to coordinate with Federal health insurance reform that is coming. She said they have been assured counties will be involved as this moves ahead and will be following up with representatives of the Governor Elect's Office. She encouraged Legislators to visit various websites of Governor Elect Cuomo to see if Legislators know anyone on the various task forces that have been established; and if so, to let her know if there are any opportunities to establish a direct line of communication.

Report from the County Administrator

Mr. Mareane said staff is engaged in the implementation of two major systems, the Human Resources Payroll project and the Computer Aided Dispatch Mobile Radio System. He said a great deal of the work is being undertaken by employees of the Information Technology Services (ITS) Department, a department with very few employees. Mr. Mareane commended ITS staff and the entire County's workforce for doing good work with a small amount of resources.

Minutes
Tompkins County Legislature
Tuesday, November 16, 2010

Mr. Mareane said he will be reporting on the Governor's Indigent Defense Task Force at the next Public Safety Committee meeting.

He thanked the Legislature for all the work that went into the budget process over the last couple of months during a very difficult time. He said over the last 30 years he has seen budgets prepared in many different ways and what this Legislature has done is on the top of what he has seen in other places. Mr. Mareane said he would like to get Legislators together at a retreat and talk about how the process can be made even better. He will be contacting members soon to set a date.

Report from the County Attorney

Mr. Wood had no report. He requested that later in the meeting an executive session be held to discuss a personnel matter.

Report from the Finance Director

Mr. Squires reported the County's list of delinquent taxes has been published; however, due to a printer error by the newspaper it will be reprinted on November 28th. He reported the County received a rating review because of going to market to sell bonds; the rating should be released by the end of the week.

Addition of an Appointment to the Agenda

It was MOVED by Ms. Mackesey, seconded by Ms. Herrera, and unanimously adopted by voice vote, to add the appointment of Pamela Mackesey to the TCAT (Tompkins Consolidated Area Transit) Board of Directors to the agenda.

Withdrawal of Resolution of from the Agenda

Chair Robertson granted the appropriate committee permission to withdraw the following resolution from the agenda: Approval of Amended Bylaws – Criminal Justice/Alternatives to Incarceration Advisory Board (ID # 2158).

Approval of Resolution(s) Under the Consent Agenda

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

**RESOLUTION 2010-175: AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT
NO. 20 WITH C&S ENGINEERS INC., FOR ADDITIONAL
INSPECTION SERVICES IN CONNECTION WITH THE RUNWAY
SAFETY IMPROVEMENT PROJECT AND THE PARALLEL
TAXIWAY RELOCATION (PHASE III) PROJECT - ITHACA
TOMPKINS REGIONAL AIRPORT (DOC ID: 2270)**

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

WHEREAS, contracts were awarded to Sealand Contractors Corporation of Rush, New York, to construct the Runway Safety Area Improvements and the Parallel Taxiway Relocation (Phase III) at the Ithaca Tompkins Regional Airport, and

WHEREAS, the Runway Safety Area Improvements and Parallel Taxiway Relocation (Phase III)

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

projects both overran their allotted contract time, and

WHEREAS, C&S Engineers were required to add time for inspection and other services beyond the number specified in their inspection contracts for these two projects at a total cost of \$15,000, and

WHEREAS, after protracted negotiations, it was agreed that the contractor, Sealand Contractors Corporation, would pay liquidated damages to cover the additional costs of C&S Engineer's services, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 20 with C&S Engineers for \$15,000 be and hereby is approved and that the County Administrator is authorized to execute the required documents,

RESOLVED, further, That approval is subject to the entire cost of C&S Engineers' additional inspection services being covered by the liquidated damages assessed against the contractor, Sealand Contractors Corporation, of Rush, NY.

SEQR ACTION: TYPE II-20

RESOLUTION 2010-176: AUTHORIZING ACCEPTANCE OF SUPPLEMENTAL GRANT AGREEMENT (NO. 3 - SCHEDULE A-7 & A-8) TO THE 10-YEAR MASTER AGREEMENT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR PROJECT IDENTIFICATION NUMBERS (PIN) 3902.18 AND 3902.19 (K006848) - ITHACA TOMPKINS REGIONAL AIRPORT (DOC ID: 2268)

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

WHEREAS, the County has received a grant offer from the New York State Department of Transportation (NYSDOT) in the amount of \$9,007, being fifty percent (50.0%) of the non-Federal share for the following projects:

- Install Obstruction Light Towers and Design Apron Expansion (\$6,375)
- Conduct Wildlife Hazard Assessment (\$2,632)

, and

WHEREAS, said grant may be increased by up to fifteen percent (15.0%) to \$10,358.05 in the event of there being increases in eligible costs, and

WHEREAS, the County has already accepted Federal (FAA) grants that cover ninety-five percent (95.0%) of the above-named projects' costs, and

WHEREAS, the equivalent local share of \$9,007 has been factored into the Airport's operational budget and will be paid for through airlines fees, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the New York State Department of Transportation (NYSDOT) Supplemental Grant Agreement (No. 3 - Schedules A-7 and A-8) be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

SEQR ACTION: TYPE II-2

RESOLUTION 2010-177: AWARD OF CONTRACT - WILDLIFE HAZARD ASSESSMENT - ITHACA TOMPKINS REGIONAL AIRPORT (DOC ID: 2269)

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

WHEREAS, the Ithaca Tompkins Regional Airport has been required by the Federal Aviation Administration (FAA) to conduct a Wildlife Hazard Assessment as a result of an arriving aircraft hitting a

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

deer on the runway on July 25, 2010, and

WHEREAS, the Finance Department advertised a request for qualifications (RFQ) and received nine (9) sets of qualifications to conduct a Wildlife Hazard Assessment at the Ithaca Tompkins Regional Airport, and

WHEREAS, Loomacres of Warnerville, New York, are considered the best-qualified consultants for this project, and

WHEREAS, reviews of their previous Wildlife Hazard Assessment work and general training in the field of wildlife management revealed a company that is held in the highest esteem, and

WHEREAS, after negotiations, a budget for the work was set at \$89,258, and

WHEREAS, the financing of the Wildlife Hazard Assessment will be as follows:

Federal Aviation Administration (95.0%)	\$84,795
New York State Department of Transportation (2.5%)	\$ 2,232
Airport Budget (Airline Fees)	<u>\$ 2,231</u>
Total	\$89,258

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the contract to conduct a Wildlife Hazard Assessment be awarded to Loomacres of Warnerville, New York, and the County Administrator be and hereby is authorized to execute the necessary paperwork.

SEQR ACTION: TYPE II-2

RESOLUTION 2010-178: BUDGET ADJUSTMENT - HIGHWAY DIVISION (DOC ID: 2306)

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

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

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5130.42665	Sale of Equipment	\$27,332	5130.54306	Automotive Supplies

Explanation: Auction revenues exceeding budgeted amount.

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Office for the Aging Advisory Committee

Marie W. Layer – term expires December 31, 2013

Elizabeth Ellis – term expires December 31, 2013

Board of Assessment Review

Edith Spaulding – term expires September 30, 2015

Report from the Public Safety Committee

Minutes Acceptance: Minutes of Nov 16, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
Tompkins County Legislature
Tuesday, November 16, 2010

Mr. Shinagawa, Chair, reported the Committee will meet on December 6th (this meeting was later rescheduled to December 7th).

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on November 23rd.

Report from the Health and Human Services Committee

Mr. Proto, Chairman, reported the Committee received a very interesting presentation from Amie Hendrix, Director of Youth Services. There was also discussion and unanimous approval of a resolution that addresses language in Rosa's Law to accommodate wording from "mentally retardation" to "people who are developmentally disabled". A presentation on the transportation network was postponed to the next meeting on December 8th.

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

Ms. Kiefer, Chair, reported the next Committee meeting will be December 3rd at 9:30 a.m.

RESOLUTION 2010-179: AUTHORIZING THE FILING OF AN APPLICATION WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION FOR THE GREEN INNOVATION GRANT PROGRAM (GIGP) (DOC ID: 2298)

MOVED by Ms. Kiefer, seconded by Ms. Mackesey. Ms. Eckstrom said for many years there has been discussion of the liquid material that drains from the landfill to the Ithaca Wastewater Treatment Plant. She said they have been exploring a number of options to provide a less expensive, more sustainable options. Based on engineering reports and recommendations, the recommendation is to build an on-site artificial wetland that would allow the treatment to meet the standards that are being set by the Department of Environmental Conservation for a discharge permit. Ms. Eckstrom said she believes this will work and will be pursuing other sources of funding and is confident about securing enough funds to be able to implement the first wetlands cell pilot. She said if everything goes well with the DEC there will be a public information and SEQR process. In response to Ms. Chock, she said people will not be able to see it, smell it, and it is not unpleasant. A voice vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS the New York State Environmental Facilities Corporation provides financial assistance for projects that improve water quality and demonstrate sustainable technology, and

WHEREAS, the Tompkins County Solid Waste Management Division has conducted an extensive analysis of alternatives to the trucking of leachate from the Caswell Road Landfill to the Ithaca Wastewater Treatment Plant, and

WHEREAS, the most recent report dated August 2010 by Barton and Loguidice Engineers recommends that the County proceed with the most cost-effective and sustainable option which is to construct an on-site wetland to treat leachate, and

WHEREAS, the total project cost to construct the pilot on-site wetland is projected to be \$104,000 of which the GIGP provides funding of up to 95%, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County is authorized to file a grant application to the New York State Environmental Facilities Corporation in the form required and in conformity with applicable laws including all understanding and assurance contained in said application, for financial assistance to construct an on-site pilot wetland for treatment of leachate at the Caswell Landfill,

RESOLVED, further, That the County Administrator or designee is directed and authorized as the

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

official representative of Tompkins County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved.

SEQR ACTION: TYPE II-20

RESOLUTION 2010-180: ESTABLISHING A UNIT CHARGE FOR THE 2011 SOLID WASTE ANNUAL FEE (DOC ID: 2287)

MOVED by Ms. Kiefer, seconded by Ms. Mackesey. Mr. Lane said over the last five years this fee has gone up by four dollars. The increases over the last couple of years were justified by the pressure of increased commodity prices for the sale of what is produced from the Recycling Center. However, it has been reported by Ms. Eckstrom that the Fund Balance is up, commodity prices are increasing, and there are some grants coming in. Mr. Lane said this is a fee, not a tax. Fees, which are a payment for service, should not exceed what is needed to pay for the service.

It was MOVED by Mr. Lane, seconded by Ms. Pryor, to reduce the single family-unit charge from \$56 to \$55.

Ms. Kiefer said the majority of Committee members felt there was a desirability to not have the fee go up and down and that predictability and stability is important. She also said if fee were to go down there would probably be notably larger increases needed in future years.

Mr. Squires said at the end of 2009 there was a \$500,000 decline in the Solid Waste Fund Balance. At the end of 2008 the balance was \$1.2 million and it was approximately \$800,000 in 2009. Ms. Eckstrom did not recommend the fee be lowered and said the budget includes taking \$265,000 out of the Fund Balance to balance the budget for 2011. She also noted the County is still paying \$1.2 million for debt that will be retired in 2015, which is still a ways away. She said she is looking where she believes the County needs to go in the next few years with a new contract for the Recycling Center. She thinks the market looks good but it would not be good for the County to be in a position of having an insufficient fund balance to cover unexpected expenses. She also noted they are required to keep a minimum fund balance of ten percent which equates to \$650,000 for the Recycling Center.

A voice vote on the amendment resulted as follows: Ayes – 1 (Legislator Lane); Noes – 14. MOTION FAILED.

A voice vote on the original resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the unit charge for the 2011 Solid Waste Annual Fee has been recommended by the Facilities and Infrastructure Committee, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Unit Charge for the 2011 Solid Waste Annual Fee be established at \$56.00 per billing unit, which is the same as the 2010 Solid Waste Annual Fee.

ATTACHMENT A: SCHEDULE OF RATES

	PROPERTY CLASS	'USED AS' CODE
(A)		
Single-family residences	210,240,241,242,250,280	
Mobile Homes	270,271,416	
Churches		Z32

Minutes Acceptance: Minutes of Nov 16, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

Unit Charge: One billing unit per church or living unit

(B)
 Two-family residences All 220's
 and other residences with two
 living units
 Unit Charges: Two billing units, except if verified as owner occupied and used as a single unit,
 the charge is one billing unit.

(C)
 Multi-unit residences
 3 or more units 230's
 Apartments A01 - A07
 Rooming houses: 418
 2.5 beds = 1 billing unit
 Unit Charges: One billing unit per living unit

(D)
 Colleges: All tax-exempt parcels owned by the colleges
 Unit Charges: Tompkins Cortland Community College \$10,996.22
 Cornell University \$186,529.50
 Ithaca College \$59,064.77
 BOCES \$33,984.53
Total Colleges: \$290,575.02

(E)
 Recreation and Warehouse (except row storage) All K's, Z01-Z11,
 Z19-Z26, F01-
 Unit Charges: \$0.0208/sq.ft. F04, F06, F07,F08
 F10, F11

(F)
 Wholly Exempt Homes for the Aged 633
 Wholly Exempt Other Health Care Facilities 642
 Unit Charges: \$0.0208/sq.ft.

(G)
 All other All property classes and 'used as' codes not listed elsewhere in a specific category
 Unit Charges: \$0.0415/sq.ft.

(H)
 Seasonal Residences 260
 Property must be classified as a seasonal residence by the Tompkins County Assessment Dept.
 Unit Charge: One-half (1/2) billing units per living unit.

(I)

Minutes Acceptance: Minutes of Nov 16, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
Tompkins County Legislature
Tuesday, November 16, 2010

No fee assessed:	
Row storage	F05
Small churches (under 20 weekly attendance)	
Non-contributive area	Z98
Local government - all tax exempt parcels owned by the city, towns, villages, and county within Tompkins County.	

SEQR ACTION: TYPE II-20

Report from the Capital Plan Review Committee

Ms. Robertson, Chair, reported the Committee will meet tomorrow at 3:30 p.m.

Report from the Government Operations Committee

Mr. Lane, Chair, reported the Committee will meet on November 18 at 9:30 a.m.

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

Ms. Mackesey, Chair, reported the Committee has met twice since the last Legislature meeting. At the last meeting the Committee received an excellent presentation from the Soil and Water Conservation District about the project done in Caroline. The Committee also discussed the Flood Hazard Mitigation Program and a question was raised of whether a project that had been proposed for the Town of Caroline on Ekroos Road would be completed. Ms. Mackesey said funding for planning of that project would be used on Salmon Creek Road in the Town of Lansing instead.

Appointment to TCAT Board of Directors

It was MOVED by Ms. Mackesey, seconded by Ms. Herrera, to recommend the reappointment of Ms. Mackesey to the TCAT Board of Directors for a term expiring December 31, 2013. Ms. Mackesey said serving on the Board has been a wonderful experience but will not be seeking reappointment after this term to allow other members an opportunity to serve. A voice vote on the appointment resulted as follows: Ayes – 15, Noes – 0. APPOINTMENT CARRIED.

RESOLUTION 2010-181: RESOLUTION OF THE TOMPKINS COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF TOMPKINS COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF UP TO \$4,500,000 PRINCIPAL AMOUNT INDUSTRIAL DEVELOPMENT REVENUE BONDS (TRANSONIC SYSTEMS, INC., PROJECT), SERIES 2010 (DOC ID: 2273)

MOVED by Ms. Mackesey, seconded by Ms. Chock.

Ms. Chock asked that the record show that TCAT worked very hard to make sure the County had the ability to issue bonds locally. This allows the fees that go along with the ability to issue bonds (approximately one percent), to go towards supporting local economic development programs.

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

Ms. Herrera said she has an interest that the County's support of local endeavors, particularly in these perilous economic times, covers the use of local laborers in local construction jobs. She hopes the Committee discussed the possible bidding or any commitment Transonics may have made to use local labor.

Mike Stamm, Tompkins County Area Development President, responded to Ms. Herrera and said that question was asked of the Company; however, they were not far enough along to put the project out to bid. Mr. Stamm offered to report back to the Industrial Development Agency and this Legislature, about the construction/labor that was used. He said the primary discussion at the IDA (Industrial Development Agency) on their application was on the benefits paid to employees. That discussion triggered a study the Workforce Investment Board is doing on benefits paid by IDA projects on their employees. Ms. Herrera strongly encouraged Transonic to keep up their support for local residents by considering in their bidding process the importance of hiring local labor. Mr. Stamm said that sentiment is contained within the IDA policies and part of the IDA application.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature (the "Legislature"), as the official elected legislative body of Tompkins County, New York (the "County"), has been advised by the Tompkins County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Transonic Systems, Inc. (the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Industrial Development Revenue Bonds (Transonic Systems, Inc., Project), Series 2010, in a principal amount not to exceed \$4,500,000 (the "Bonds"), and

WHEREAS, the project (the "Project") shall consist of: (A)(i) the acquisition by the Issuer of title to or a leasehold or other interest in an approximately 10-acre parcel of land located at 34 Dutch Mill Road, in the Town of Lansing, Tompkins County, New York (the "Land") and the existing improvements located thereon, consisting principally of an approximately 24,000 square-foot building and related improvements (the "Existing Improvements") used by the Company for the manufacturing of flow measurement and other medical devices; and (ii) the construction of an approximately 30,000 square-foot addition to the Existing Improvements for the purpose of providing additional space for the Company's manufacturing and research operations and related office and administrative space (the "Improvements"); (B) the acquisition and installation in and around the Improvements and Existing Improvements of certain items of machinery, equipment, fixtures and other tangible personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); (C) paying certain costs incidental to the issuance of the Bonds (the costs associated with (A) through (C) above hereinafter referred to as "Project Costs"); and (D) the sale or lease of the Facility financed with the Bonds from the Issuer to the Company, and

WHEREAS, the Town Board of the Town of Lansing issued a "negative declaration" on December 16, 2009, with respect to the Project in compliance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. §617 ("SEQRA"). The Project constitutes an "Unlisted Action" as said term is defined under SEQRA, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice, and

WHEREAS, on September 28, 2009, the Issuer held such a public hearing upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the

Minutes
Tompkins County Legislature
Tuesday, November 16, 2010

members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in *The Ithaca Journal*, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on September 28, 2009, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Tompkins County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, and by the Legislature of Tompkins County, That:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Tompkins County Planning, Development, and Environmental Quality Committee, the Legislature hereby gives its approval of the issuance by the Issuer of its Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation Tompkins County, and neither the State nor any political subdivision thereof, including without limitation Tompkins County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of Issuer and the holders of the Project indebtedness.

Section 3. This Resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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

RESOLUTION 2010-182: ADOPTION OF 2011 TOMPKINS COUNTY BUDGET AND 2011-2015 TOMPKINS COUNTY CAPITAL PROGRAM (DOC ID: 2304)

MOVED by Mr. Dennis, seconded by Mr. Shinagawa.

Mr. Dennis said this budget is .98% more than the five percent budget the County Administrator presented the Legislature in September. He said there has been an increase in the spending level to cover programs that were agreed to after much discussion that are necessary for the well-being of Tompkins County citizens. He reminded everyone that the five percent budget presented to the Legislature by the County Administrator was already a seven percent reduction in spending. Mr. Dennis said he believes this budget satisfies some of the most critical programs that are offered by the County to citizens who need them most.

Mr. Dennis thanked Joe Mareane, County Administrator, and Kevin Sutherland, Executive Assistant to the County Administrator, for their work on the budget. He also thanked Legislature staff, department heads, and Legislators for their contributions and patience during the process.

Mr. Dennis noted that if the budget is not passed this evening the County Administrator's budget as amended by the Expanded Budget Committee will become the default County budget as it is the budget that was submitted to the public for the hearing.

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

Mr. Wood confirmed the statement by Mr. Dennis and said once the Legislature accepted the amendments on November 3rd that were approved by the Expanded Budget Committee that budget became the default budget.

Ms. Pryor said information she was given left a clear impression that if the budget is not approved this evening the default budget would be the original budget as submitted by the County Administrator. She said some Legislators voted in the affirmative at the November 3 meeting to allow the process to move forward.

Ms. Robertson said that any Legislator may now move to substitute the County Administrator's budget. She apologized if anything was said at the November 3rd Legislature meeting that would have been misleading.

Mr. Stein said he, too, was under a different impression about what the process this evening would be.

Mrs. McBean-Clairborne said there is confusion each year at this point in the budget process and the Legislature usually receives clarification from the County Attorney. She suggested a step in the process to accept the changes may have been missing from the process this year and led to confusion in the process.

Ms. Robertson said the resolution adopted by this Legislature accepted the amendments made by the Expanded Budget Committee and forwarded the budget to the public hearing.

Ms. Chock said she thinks the Expanded Budget Committee did a lot of work and spoke in favor of the proposed budget. She referred to an e-mail that was written by Chair Robertson to members of the public concerning the budget and quoted some of the contents. "In order to just provide a maintenance of effort this year, the County would have had to levy a 12% tax levy increase. This is a 5.98% increase. In order to get there we asked all of our departments to tighten their belts and really make cuts. We have actually cut \$2 million in spending from our maintenance-of-effort level and our roster will be cut by 25½ positions." Ms. Chock urged Legislators to support the budget as it now stands.

Ms. Kiefer said this is the meeting after the public hearing that Mrs. McBean-Clairborne was recalling. She said she was clear when she voted for changes to the County Administrator's budget at the November 3 meeting that she was doing so to send the Expanded Budget Committee's work on that budget to the public hearing. She said she supported that because she believed the Committee's work was an improvement and many of the changes made were done in response to the public that were attending the meetings. She also said she doesn't recall a meeting other than this one after public hearing. She thinks it is appropriate to wait until after the public hearing and to deliberate at this meeting about the final budget. Ms. Kiefer said she is not happy with the final budget and thinks the Legislature is setting itself up for very hard times because it declined to do things that absolutely need to be done. Examples of these things include taking care of roads and paying for ongoing items with one-time funding.

Ms. Pryor said although she is frustrated by the process, she spoke of her vote on the budget this evening. She said she is aware that this Legislature has made some very serious cuts to the budget. The County has excellent programs and staff who run those programs and it will be very difficult for clients and staff to absorb those cuts. She said she is concerned that the budget does not include the level she believes is necessary to take care of the County's infrastructure, particularly roads and bridges. She hopes in the coming year during budget discussions that this area will rise up in the priorities of other Legislators. Ms. Pryor also spoke of the hardship on the County taxpayer and said it will be very difficult for property owners who are already stretched to the limit. While she is disappointed in the

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

process that has resulted in the Legislature being faced with a budget that is higher than the target that was set, she does believe the proposed budget represents a series of compromises.

Mr. Dennis said all Legislators received a written summary of the budget process during the Expanded Budget Committee meetings.

Mr. Burbank said he has been through the budget process three times and finds it to be a learning process each time. He was also under the impression that the budget defaulted to the County Administrator's budget and apologized if he miscommunicated that information to anyone. He said he viewed the levy increase given in the Spring to the County Administrator as only a guideline for the Administrator to present the Legislature with a budget within a framework. Like Ms. Kiefer, he believes the proposed budget is unrealistic and would have supported a budget with a levy increase considerably higher than 5.9%. Mr. Burbank said this has been a long process and he believes this Legislature may have done as good of a job as it could collectively do. He said he will support the proposed budget with great awareness that it is both preserving critically important programs to the community at-large and the people who are most in need and is also placing a real burden on the taxpayers. Mr. Burbank said it is that balancing act that he thinks this Legislature has achieved, although it is far from perfect.

Mr. Robison said this is one subject where the people who have elected each of the Legislators need to hear from each individually to understand where votes are coming from. He said throughout this process he has been very enlightened. He is very impressed with the work staff has done and noted the presence of department heads at each of the meetings and demonstrating the importance of County programs. Mr. Robison said he will support the resolution although he is not happy with the budget. He said he feels for property owners who are on fixed incomes, those who are on Social Security, those who have lost their job, and others whose income has not gone up but yet their taxes are increasing. Mr. Robison said, however, through this process he saw a lot of negotiation and there was a real effort to stay near the five percent goal that was set. He said the proposal is for less than a six percent increase, but noted it can also be viewed as six percent decrease from last year's maintenance of effort. Mr. Robison said next year will be even more difficult. He displayed the report that was received from the Community Advisory Panel on the budget last year and encouraged everyone to read through it.

Mr. Lane said this budget has been a very difficult task. He has looked at his district and said it has very few wealthy people. It has mobile home parks, modest homes, and rental units. People are hurting and taxes mean something. He said if he had thought that this Legislature had done its very best he would support the budget; however, in looking at neighboring counties many tax levy increases are much lower. He said he fully understands that many of the programs the County funds are a way of providing jobs in an area that does not have many industrial jobs to offer. He has never considered himself a conservative and out of the 25 budgets he has voted on he has voted for tax increases on almost all of them because the increases were primarily forced by inflation and negotiation process with respect to employee contracts. He said he thinks the budget process is as close to transparent to what any budget process is, but is not happy with the tax levy increase being proposed.

Mr. Lane said there is \$706,000 in the Rollover accounts budgeted for 2011 spending. He believes this is a year where some of those funds can be used to keep the tax levy down.

It was MOVED by Mr. Lane, seconded by Ms. Mackesey, to appropriate \$200,000 from Rollover accounts pro rata and be applied to reduce tax levy.

Ms. Herrera asked what the impact is of the amendment proportionate reduction in rollover across departments and what the impact is on the tax levy and tax rate? Mr. Mareane this amendment would reduce the increase on the tax levy to 5.64 percent and it would reduce impact to the taxpayer by approximately \$5 per year on a 100,000 home.

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

Ms. Herrera said she voted for the resolution moving the budget to the public hearing because she has seen an inability for this Legislature as a group to come to a reasonable decision. She spoke of the hardship her constituents are facing and also spoke of watching department heads “sweat blood” trying to figure out how to deliver programs. She said she believes these employees as well as all Legislators believe in government and the services the County provides. These services are second to none because of the commitment by Staff and Legislators. Ms. Herrera said Legislators are so far apart on this budget that she thinks is the result of a lack on the part of leadership to being stringent in terms of a goal. She said she voted to move this forward to the public hearing because she thought it was important as a Legislature in these tough times, to show a willingness to get to some goal. Ms. Herrera said she will not support the proposed budget. Although she preferred a goal of three percent she would have compromised at five percent; she believes departments did their job, but Legislators did not.

Mr. Stein said he has been confused over the process. He agrees with many of the comments that have been made, however, he disagrees that a \$70 tax increase is not a significant burden to be borne by residents. He, too, misunderstood what was meant by the five percent tax levy increase goal. Mr. Stein said he has heard that reserves are approaching a low and dangerous level; and he will not support the amendment because he doesn’t support taking money out of reserves at a time when the future seems very uncertain.

Mr. Proto said in spite of departments having “programmed” rollover, he believes it would be unfair to take that now. He said the Health Department has many uncertainties within its budget due to actions at the State level and the State being behind in reimbursements due to the County. He said he would like this Legislature to develop a plan to look at the Rollover Policy in 2011 and give departments that have programmed use of those funds time to plan for any policy change and to do long-range planning. Mr. Proto spoke of the budget process and said he does not agree with statements that the process was too long; he believes the process was particularly difficult this year. He, too, is not happy with the budget it, but he would be more unhappy with the consequences of not approving it. He said the Legislature needs to do a better job next year and the process needs to begin even sooner.

Mr. Dennis said he understands the intent behind the motion but thinks approving it would be the equivalent of placing that amount on the levy for next year’s budget. He said in times of an economic downturn it is not wise to spend reserves.

A voice vote on the amendment resulted as follows: Ayes – 2 (Legislators Mackesey and Stein); Noes – 13. MOTION FAILED.

Mrs. McBean-Clairborne said there were people who were confused about what they were voting on and where the budget stands is tough for her. There were tough choices made, discussions were long, and a lot of work was put in by Legislators. She said because discussions were so long there was not enough time for revisits. She said there was no confusion in her mind when the tax levy target was set, and although she appreciates the work of this Legislature she cannot support the budget as it now stands.

Ms. Robertson read text of the resolution adopted on November 3. She said one of the last actions taken by the Expanded Budget Committee was to take \$100,000 out of the Department of Social Services Rollover to lower the tax levy. She said in looking at the previous year the Legislature had put more than \$1 million of Fund Balance in to reduce the tax levy for 2010, leaving a very constrained use of reserves. She reminded Legislators from Mr. Mareane’s presentation the affect of State mandates and said if the nine direct State mandates were removed from the County’s tax levy, a \$1,000 tax bill would be reduced to \$258. Ms. Robertson suggested reactivating the Push Back group to lobby the State Legislature to take responsibility for the mandates. She said this Legislature has been responsible and said these have been some of the toughest decisions that have ever been made. She said improvements

Minutes
 Tompkins County Legislature
 Tuesday, November 16, 2010

can always be made to the process and although she wishes the tax levy increase was smaller, she will support the budget because she believe it is the best that can be done at this time.

It was MOVED by Mr. Stein, seconded by Ms. Pryor, to Call the Question. A voice vote resulted as follows on the motion to Call the Question: Ayes – 2 (Legislators Pryor and Stein); Noes – 13. MOTION FAILED.

Ms. Mackesey said she appreciates the hard work everyone has done on the budget in her absence while she was running her election campaign. She recalled the target that was set in the Spring and said she did not vote for a five percent raise in the tax levy. She spoke of people who for a variety of reasons, are not able to speak at public meetings to express their views on the budget but are being forced out of their homes. She cannot support this budget because she thinks the tax increase is too high.

A roll call vote resulted as follows: Ayes – 11 (Legislators Burbank, Chock, Dennis, Kiefer, McKenna, Proto, Pryor, Robertson, Robison, Shinagawa, and Stein); Noes – 4 (Legislators Herrera, Lane, Mackesey, and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the tentative Budget for the year 2011 and the proposed 2011-2015 Capital Program have been presented to the Legislature by the Budget Officer on September 7, 2010, and a revised tentative budget for the year 2011 and the proposed 2011 - 2015 Capital Program were adopted by the Legislature for public review on November 3rd, and a public hearing was held on November 8, 2010, and all persons desiring to be heard concerning same have been heard, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That pursuant to Section 5.07 of the County Charter, the said proposed budget as amended is adopted, subject to the correction of manifest errors by the Clerk of the Legislature and the Budget Officer, as the budget of Tompkins County for the year 2011,

RESOLVED, further, That pursuant to Sections 5.03, 5.04, and 5.05 of the County Charter, the several amounts specified in such budget opposite each item of expenditure set forth in the column adopted are appropriated for the objects and purposes specified, effective January 1, 2011,

RESOLVED, further, That the sum of \$40,600,519 required to meet the local share of expenses and costs of county government in Tompkins County for the fiscal year 2011 as set forth in the budget be assessed against, levied upon, and collected from the taxable property of the nine towns and the city liable therefore,

RESOLVED, further, That this change will result in an approximate tax-levy increase of 5.98 percent and a county-wide average tax-rate increase of 7.9 percent and an increase of 1.35 percent in local spending,

RESOLVED, further, That this tax change will result in a \$75.30 increase on an average \$160,000 home,

RESOLVED, further, That pursuant to Section 5.07 of the County Charter, the said proposed Capital Program as amended is adopted, subject to the correction of manifest errors by the Clerk of the Legislature and Budget Officer, as the Capital Program of Tompkins County for the years 2011-2015.

SEQR ACTION: TYPE II-21

Mr. Dennis said the next Budget and Capital meeting will be November 22nd.

Mr. Burbank thanked Mr. Dennis for leading the Legislature through the budget process. Mrs. McBean-Clairborne commended County staff for their work during the budget process; she also thanked the public for their input during the process and said comments were taken into consideration and valued.

Minutes
Tompkins County Legislature
Tuesday, November 16, 2010

Approval of October 19, 2010

It was MOVED by Mr. Proto, seconded by Mr. Robison. It was MOVED by Ms. Mackesey, seconded by Mr. Stein, to postpone action on the October 19, 2010, minutes. A voice vote resulted as follows: Ayes – 11; Noes – 3 (Legislators Burbank, Kiefer, and Lane); Temporarily out of the room – 1 (Legislator Herrera). MINUTES POSTPONED.

Recess

Ms. Robertson declared recess from 8:18 p.m. to 8:28 p.m.

Executive Session

It was MOVED by Mr. Proto, seconded by Mr. Stein, and unanimously adopted by voice vote, to enter into executive session at 8:28 p.m. to discuss a personnel matter. The meeting returned to open session at 8:45 p.m.

Ms. Kiefer was excused at 8:25 p.m.

Adjournment

On motion the meeting adjourned at 8:45 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office

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

Call to Order

Draft 12/13/10

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. Excused: 1 (Legislator Herrera).

Announcement

Ms. Robertson announced she would re-order the agenda to accommodate staff and the public by moving the Report and Presentation of Resolution(s) from the Planning, Development, and Environmental Quality Committee and the Individual Member Filed Resolution following the Consent Agenda.

Privilege of the Floor by the Public

Carolyn Peterson, City of Ithaca Mayor, expressed concern regarding the resolution pertaining to the Arrowhead proposed development. She referred to an e-mail from a business asking if it was true that there are no abatements available in the City of Ithaca for retail ventures. This correspondence referenced having contacted the City's Planning Department, Ithaca Urban Renewal Agency, and Tompkins County Area Development, all who said there are no abatements for retail in Tompkins County. The individual wrote to her for clarification since it isn't true in many communities across the country. She called attention to this matter since it may affect future businesses of retail locating in the City and other locations. Mayor Peterson noted several years ago the City developed the Community Investment Incentive and she believes the County had a companion piece of legislation. She said many of the issues such as affordability for housing, living wages, LEED construction, etc., are not seen in this Payment-In-Lieu-Of-Tax ("PILOT") Increment Financing (PIF) project. She asked if there is well-developed criteria from the County or the Industrial Development Agency (IDA) explaining how to handle projects that may come forward to the City of Ithaca and if abatements are available for a City project or retail? She does not believe the BJ's proposal was worked out in a clear, appropriate, and reasonable methodology of how a business can apply for this type of abatement.

Don Hartill, Village of Lansing Mayor, spoke in support of the resolution pertaining to the Arrowhead proposed development, stating the project is important to the economic well-being of the Village. He said the commercial retail portion of the project is not receiving an abatement, only the residential and wetland remediation portion, which is the PIF portion. He recalled the IDA investing funds for the Rothschild project and that they have supported commercial enterprises. The 12 senior-housing units that will rent at market rate provide a transition between the residential and commercial zones and will not require additional infrastructure. In addition, the wetland remediation will also assist in the transition. He said if the project does not go forward the current assessment and property tax will remain the same; if it is approved, there will be a 40 percent increase of current taxes and the sales tax would be approximately twenty times the abatement cost of the property.

Michael Koplinka-Loehr, Town of Lansing, made the following statement:

“Thanks for your time and happy 7th night of Hanukkah to those who celebrate. We pause to honor and remember the impacts of attacks on Pearl Harbor this day 69 years ago.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

“Thanks also for the adoption of the Energy and Greenhouse Gas Emissions Element of the Tompkins County Comprehensive Plan (12/08) and the 2020 interim energy strategies to achieve those ambitious goals. It is quite clear that the visionary Comprehensive Plan has helped the community create a unifying vision of what community partners can achieve when we work together on common goals.

“More specific to that strategy, for our part, Cornell Cooperative Extension of Tompkins County (CCE) continues to assist with energy-efficiency education as part of our mission. You've all received a packet recently that 5000 households received in late Oct. thanks to 300+ Cornell "Into The Streets" volunteers and the funding sponsorships by Cargill and NYSERDA.

“From that largest ever upstate NY distribution, a record 500 of those households have made a Pledge to plug in their Compact Florescent Lightbulbs (CFL's) and continue on the path to energy savings. Today we had our drawing of 26 prizes valued at over \$2000 that we wanted to announce in a summary fashion. (Please remember that the packets were predominantly distributed in 6 municipalities, due to NYSERDA funding, but that any county resident could call for a packet or get one free from CCE, so that skews the prize winners who returned pledge cards for the raffle.)

“We had 8 winners from Dryden, 2 from Newfield, 4 from Ulysses, 1 from Ithaca, 10 from Lansing, and 1 from Danby.

“(FYI: Total pledge break-down is as follows: Caroline: 2; Danby: 20; Dryden: 186; Enfield: 13; Ithaca: 36; Lansing: 116; Newfield: 40; Ulysses: 37; no clear address: 43; Total: 493)

“CCE has sent a follow-up letter to all respondents and is committed to track these contacts and pledges to see how energy savings increase across our community. We hope to have another distribution day in late Oct. 2011, the 20th anniversary of Cornell's "Into The Streets" day of community service.

“I'm sure you don't need additional motivations, but here are 5 reasons to stay engaged as legislators and community leaders in encouraging your constituents and municipalities to continue on the path to energy efficiency: (1) Dollars are saved for other household priorities during these times of economic constraint; (2) Energy savings are permanent and accumulate over time. (A penny saved is a penny earned, and research has shown that small steps of success lead to further action.); (3) Local jobs are created and skills are developed for long-term application across our community; (4) Momentum is built as neighbors share their experiences with neighbors & friends, to achieve our goals for decreasing greenhouse gas emissions substantially; (5) When change happens in homes, awareness is increased for making similar changes at workplaces and in organizations locally/regionally.

“So what can you do to continue to help achieve these bold goals?

- CCE can deliver energy-efficiency workshops to staff of towns, which you represent, or to any group that you'd like to connect us with.
- We are seeking a community rep for each Town to help us focus and coordinate our efforts in each municipality.
- We are open to assisting with friendly cross-community competitions comparing the percentage of households that take actions to increase their household energy efficiency.
- If you haven't done so yet, you can have YOUR home audited! Green Jobs/Green NY has mechanisms for free energy audits - Please share the frontier and groundbreaking policies that you have passed with other leaders within Tompkins County and across the region.

“As a leader, you are a model in our community. Your voice counts and we'll help you stay out front on these issues. Thanks again for your policy decisions & personal actions to date.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

“Finally, our next hands-on workshop, including an eye-opening blower door test and infra-red imaging, will be Wednesday, 12/15, 7-9PM at Forest Home Chapel, (that's at 222 Forest Home Drive in the Town of Ithaca), with refreshments provided starting at 6:30. You all are welcome and it's open to the public as always.”

Fay Gougakis, City of Ithaca, asked that when the Legislature considers a resolution to restrict hydrofracking that it be a unified and unanimous vote. She then spoke of the recent Ithaca Journal article regarding the State Street/Martin Luther King, Jr., Street dual designation and said the resolution before the Legislature seems vague and unclear. Ms. Gougakis said she did not support the dual designation and is concerned that it is too confusing and could create problems during times of emergencies. When she has spoken to business owners and residents in the area, they are in agreement with her opinion.

Nels Bohn, Community Development Planner for the Ithaca Urban Renewal department, spoke of the resolution pertaining to the Arrowhead proposed development and said he supports the use of the American Recovery and Reinvestment Act (ARRA) funds, but not the PIF portion that will earmark a large portion of the property taxes generated by the project to provide funding for the adjacent housing. He does not believe the project met the standard IDA criteria for non-industrial projects, it provides a double standard for this type of project, and that no policy for a PIF has been developed. With regard to the IDA funding the Rothschild project, Mr. Bohn said the urban renewal assistance was for the demolition and preparation of the land and the selling of the property. Tax-exempt bond funding was provided but not funding for the re-payment of the financing. Mr. Bohn believes the retail sales figures are overstated, noting forty-five percent of the retail store's sales are food and pharmacy, areas where the County already imports sales. He said the study shows the way the \$40 million sales within the County are achieved is to import individuals to a destination point.

Phyllisa (Philly) DeSarno, City of Ithaca Deputy Director for Economic Development, said she opposes the resolution pertaining to the Arrowhead proposed development and said she agrees with Mayor Peterson and Mr. Bohn's comments. She has worked in Tompkins County for the past five years and has consistently told individuals interested in bringing business to the City of Ithaca that there are no incentives for retail businesses. She believes saying the retail structure is separate from the residential and wetland portions of the project is not legitimate. Although she would normally support development she does not believe this one makes sense.

Gina Speno, General Manager of the Shops at Ithaca Mall, spoke in support of the resolution pertaining to the Arrowhead proposed development and that it would keep sales tax within the county. The consumer study suggests \$140,000,000 in sales is lost by those going outside the County and there is a need to work together to bring it back. She said BJ's expressed an interest in being in the Village of Lansing, and if the project does not move forward they will build in another county or state. She believes the diverse product selection the store provides is not like any store presently in the County and it will add to the strong retail mix. She said previously IDA's could not offer incentives for retail; now it is possible and is something that should be done in this economic decline.

Alan Pederson, Town of Ulysses resident, and a member of the Chamber of Commerce and the Tompkins County Investment Board, urged the Legislature to support the resolution pertaining to the Arrowhead proposed development and approve the PIF. He said it is an opportunity for the community to gain employment through the construction project and the stable retail employment. The project will bring in excess of \$750,000 tax dollars, provide critical senior citizen housing, provide a managed wetland area, the ability to capture retail sales dollars leakage, and attract out-of-county buyers. Mr. Pederson said the project does not provide a competitive advantage to BJ's since they will be paying

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

market rate rent and local taxes. He believes the project would have many positive aspects during difficult economic times.

Jean McPheeters, Town of Caroline resident and President of the Tompkins County Chamber of Commerce, spoke in support of the resolution pertaining to the Arrowhead proposed development. She said it will increase sales tax revenues throughout the County. The plan is carefully constructed to meet the Village of Lansing requirements and bring economic development to the community. She congratulated Tompkins County Area Development for their work on the project. She said jobs are needed in the community and that a local hotel owner as well as a sandwich shop owner have expressed a desire to have BJ's come to the area to enable purchasing bulk goods. She believes it would help many local shops to have the ability to locally make bulk purchases.

Carolyn Mrazek, City of Ithaca resident and member of the Landlord's Association, spoke in support of the resolution pertaining to the Arrowhead proposed development. She said she relocated from Binghamton and, while she does not want this area to become like Binghamton, she travels to Binghamton to purchase items at Macy's and Sam's Club and would like to see a store like BJ's in the area. She said the sales taxes here are high and the revenue generated would help avoid future increases.

James Bold, Consultant to Arrowhead Ventures, has provided construction support and construction management services for the project. He has been working for over two years on the design to meet different objectives for stakeholders. The work was done taking into account both the community and the needs of those involved. He said there was a great deal of time planning how to make the wetlands and housing work with the retail aspect of the project. The project will bring approximately 150 jobs in construction, and approximately 70 jobs for the retail store, with many coming from the local geographic area. In addition, the more than \$10 million investment in the construction materials will provide further economic stimulation in the community.

Julie Crowley, Ithaca Coffee/Triphammer Wines and Spirits, spoke in support of the resolution pertaining to the Arrowhead proposed development and said it is not a tax abatement providing a competitive advantage for a big-box retail store. She said the sales and property tax they would pay would be a benefit.

Gary Ferguson, Downtown Ithaca Alliance, expressed concerns with the resolution pertaining to the Arrowhead proposed development. Although he is not concerned with the ARRA bond issuance, the retail store, the location, or housing attached to the project, he is concerned using and linking the PIF and tax incentives with the broader project. He said TCAD and the IDA have not taken on big-box projects and to do so may set a precedent and cautioned that also doing so could bring others to ask for assistance.

Eric Goetzmann, Arrowhead Ventures, said that having BJ's, a national tenant, would generate sales in Tompkins County and attract shoppers from neighboring areas. When reviewing the feasibility study it was thought the sales tax figures may be high and he was asked to have a third-party review the material, which was found to be accurate. Every study has shown there would be a reduction of "leakage" of sales in the County. If approved, the County would receive over 600 percent return on investment for Tompkins County. He has heard concerns at City of Ithaca meetings that the project would take sales away from the City; BJ's has a broad, but thin selection of products that would not affect any one retailer to a great extent. He said if not approved, BJ's has indicated clearly they would go elsewhere, not to the City of Ithaca. He said all information on the project was shared by the IDA and reviewed by a third party; the economic incentive is necessary to move the project forward and he asked Legislators for support.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

Report from Municipal Official(s)

Mr. Hartill, Village of Lansing Mayor, reported the Village Board of Trustees passed the resolution that permits the proposed Arrowhead project to go forward.

Ms. Peterson, City of Ithaca Mayor, noted there are existing stores that sell bulk products and she is concerned they will experience reduced sales if the project moves forward. She then reported she has been appointed to the Environmental Protection Agency Advisory Committee and has taken the opportunity to address the group on hydrofracking. She said many did not know about it until the issue came up in the Northeastern portion of the country. The group is looking at the Pittsburgh model and will bring forward a resolution about this concern.

Mr. Proto asked if there is anything at the State level that may affect municipalities. Mayor Peterson said there are discussions regarding the proposed tax cap and the New York Council of Mayors have done work on mandate relief. She said the City of Ithaca Common Council will consider a resolution regarding the property tax cap. There are 50 mandates that affect cities and a resolution requesting the Governor take them into account when looking at any property tax cap is being written. Mr. Hartill said the Village of Lansing passed a resolution regarding the property tax cap last evening. The biggest impact for the Village is stormwater and the engineering cost to satisfy requirements. He is also concerned about the balance of taxes between the towns, villages, and State.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, requested modification of the newly installed lights in the Legislative Chambers.

Ms. Chock, District No. 3 Legislator, reported the Tompkins County Council of Governments Gas Drilling Task Force continues to meet monthly and have organized several subcommittees. This afternoon the group met and heard from the subcommittees dealing with mapping and developing a work plan with Darby Kiley regarding road protection and assessment of their condition. She said the mapping group's work is very interesting and that they are developing a tool to map and depict the potential impact of hydrofracking in the County. It will look at various details such as distance from stream and other factors to determine the impact. At the meeting Ms. Kiley reported on her work for the Tompkins Against Natural Gas (TANG) effort and will be looking at best practices, work with communities, and provide direct assistance as well as participate on the subcommittee on assessment and land valuation. The next Gas Drilling Task Force meeting will be held on December 20th. She noted Ms. Anderson at Cornell Cooperative Extension is planning a trip to Bradford County to view gas drilling first-hand.

Ms. Kiefer, District No. 10 Legislator, said it was quite a long time ago since the Legislature spoke of a single-payer approach to healthcare being needed to make costs equitable. She said that at a conference in Philadelphia last month activists concluded it can only be achieved by going state-by-state. Vermont is very close to taking this type of action and the local access Channel 13 will have programs that include a Vermont worker center staff and other activists being interviewed. Locally the Health Care for All committee will hold meetings the second Wednesday of the month. She said the issue is not dead and she hopes it is seriously considered since it would help our economic situation.

Mr. Burbank, District No. 12 Legislator, reported last weekend was the Alternative Gift Fair and that purchases can still be made online at ithacagiftfair.org. The web site provides information on each of the organizations and how the donation would be used. Mr. Burbank attended the Phase III ribbon cutting for the Cayuga Waterfront Trail and recommended walking the trail. There are bricks and cornerstones that may be purchased and be engraved as a form of support for the trail.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

Ms. Mackesey, District No. 1 Legislator, announced there would be a panel discussion on the implications of hydrofracking on Wednesday, December 8th, at the Trumansburg High School. Individuals from Pennsylvania will be present to discuss their experiences.

Mrs. McBean-Clairborne, District No. 2 Legislator, said she attended the Alternative Gift Fair and hopes people will use the online option to purchase a gift. She expressed appreciation to law enforcement officers and the Downtown Ithaca Alliance for their bringing holiday spirit to Ithaca by bringing Santa down the building. She said that donations could still be made to the United Way.

Mr. Proto, District No. 7 Legislator, announced the Brooktondale community and Danby Federated Church will be having their holiday fairs this weekend and the next. He thanked Mayors Peterson and Hartill for their efforts regarding tax caps and suggested that Mayor Hartill contact Lynn Leopold of the Water Resources Council for possible assistance with the stormwater concerns. He spoke of his participation with the State Task Force for Agriculture and announced they will be meeting in February to continue their work. Mr. Proto acknowledged today, December 7th, as the anniversary of the attack at Pearl Harbor and asked that everyone give thanks and remember those who gave their lives.

Mr. Lane, District No. 14 Legislator, said the attack at Pearl Harbor led to the United States involvement in World War II and that his father was in the armed services during that period. He spoke of armed forces in Iraq, Afghanistan, and Korea and noted they are in harms way at all times. Although the length of time they have been in Afghanistan is almost twice as long as WWII and casualties are not as great, they are great to each individual family. He asked that everyone pause and think of the members of the armed services that protect us.

Mr. Robison, District No. 9 Legislator, reported having conversations over the past few days with several law officers regarding the new Computer-Aided Dispatch (CAD) and Mobile Data Terminal (MDT) systems that were installed on Monday. He has been very impressed with the project from the beginning and noted it is ahead of schedule. Mr. Robison said Mr. Shurtleff, Emergency Response Director, said there have been very few problems and that the officer training went well. He noted the system worked well when it was tested with the recent homicide just outside the city. The investment in the project is paying off and is important to those living in rural areas of the County to know communication will not be an obstacle.

Report from the Chair

Ms. Robertson reported on the meeting with Senator-Elect O'Mara last week and sharing concerns regarding the home rule mortgage recording tax and extension of sales tax. He was asked to support a request to act upon them at the beginning of the session rather than the end of it as it has historically happened. She said Mr. O'Mara has seen New York State Association of Counties position on nine mandates; he appears sympathetic to the mandate issue, and said he would like to see changes in them at the same time any tax cap happens. Ms. Robertson said she is arranging a time to meet with Congressman-Elect Hanna and will notify Legislators when it is arranged. She announced the State Department of Health issued their report on the State takeover of Medicaid. She has comments from Ms. Carey, Social Services Commissioner, and Ms. Holmes, Office for the Aging Director, and will be reviewing the report shortly. Next Sunday at 7:00 p.m. in the Ithaca Town Hall there will be a meeting regarding drilling. Ms. Robertson expressed appreciation to the Emergency Response and Highway Division personnel for their work to relieve the flooding that occurred last week.

Report from the County Administrator

Mr. Mareane said the retreat with the Legislature to discuss the budget is being postponed until January. He has received some of the surveys regarding the budget process and is reviewing comments.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

There will be a retreat in February of the Legislators and Department Heads and he is looking for volunteers for the agenda-planning group. The second round of the search for a Public Health Director is taking place with resumes due by December 30th and it is hoped to bring forward a candidate for consideration by March 15th. Mrs. McBean-Clairborne and Mr. Proto will continue to serve on the search committee.

Mr. Mareane said his office is exploring workplace flexibility, which covers options such as flex-time, job sharing, and working from home. A workgroup of department heads and deputy department heads that is co-chaired by Anita Fitzpatrick and Ed Marx will be taking on this project.

The Request for Proposals to determine how to improve the financial aspect of the Certified Home Health Agency has been sent out. It is anticipated to have responses back by mid-December with a recommendation coming forward in early January and a final report in mid-March.

Mr. Mareane said following the spirit of the resolution regarding Martin Luther King, Jr. Street/State Street dual designation, a new sign has been installed at the Human Services Building with the dual designation. Letterhead has been changed for Social Services, Probation, and Youth Services will change once their present stock is used. In addition, web pages have been amended, and departments will continue to make the changes as needed. In response to Mr. Proto's question whether both addresses will be used on letterhead, Mr. Mareane said it would.

In response to Mr. Proto's request for an update about the early retirement option and the Health Insurance Consortium, Mr. Mareane said he believes there are 8 thus far that chose the early retirement option. The option is available to employees until March 2011. With regard to the Health Insurance Consortium, Mr. Mareane said it is progressing very well and that due to some non-traditional benefits offered in some municipalities, work is progressing to offer coverage that is equal to or better than what is presently offered. He believes everything will be in place for January 1st.

Ms. Robertson said the annual process of direct-report evaluations will be taking place in the near future and she would like to have a small committee formed for this process.

Report from the County Attorney

Mr. Wood did not have a report.

Report from the Finance Director

Mr. Squires reported the outcome of going to the bond market on November 30th was not as he had expected. Due to the steady downhill swing in October and November he sold out \$17 million at 3.75 percent, not the 3.25 percent he had hoped for and there were only two bidders. The difference over the life of the bonds is \$600,000 and is approximately \$150,000 more than the County is currently paying. Mr. Squires said he had given Legislators updated foreclosure listings for their information and the final day to pay is January 11th. He reported New York State has informed him the County would need to take action if it wants to take advantage of sales tax exclusion for clothing in 2011; he does not recommend doing so at this time.

In response to Ms. Chock's question about the term of the bonds and prepayment penalties and fees, Mr. Squires said the longest term is 2032 and can be redeemed in 2015. Historically 3.75 percent is in line with what the County has been paying since 2005, although he expects the rate to go up in the near term.

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

Mr. Stein said he is surprised at the decline in the market and asked why Mr. Squires proceeded with the sale. Mr. Squires said although he could have declined, there are \$20 million in notes due by December 17th. He said part of the problem is there have been very few sales followed by a flood of Build America bond issues. When those factors were combined with the upswing in the stock market, people are withdrawing money market and mutual funds, causing the decline. He said tax-exempt bonds are paying a higher rate than taxable United States Treasury bonds.

Resolutions to be Added to or Withdrawn from the Agenda

Ms. Robertson gave permission to the appropriate committee chairs to withdraw the following resolutions from the agenda:

- Urging County Departments and Employees to Transition to Use of Martin Luther King, Jr. Street When Referring to State Street and Martin Luther King, Jr. Street Locations (DOC ID: 2291)
- Resolution of the Tompkins County Legislature to (A) Approve the Issuance by the Tompkins County Industrial Development Agency of Its Recovery Zone Exempt Facility Bonds in the Aggregate Principal Amount Not to Exceed \$2,321,000, as the Elected Legislative Body of Tompkins County, New York, (B) Dedicate the Entire Recovery Zone Facility Bond Allocation to the Project in Connection with the Financing Thereof, and (C) Consent to the Dedication of All or a Portion of the Payments Under the Pilot Agreement to be Made Available to Pay Debt Service on the Bonds or Other Financial Instrument or Otherwise Available for Other Qualifying Project Costs, All as Described Below (DOC ID: 2338)

Resolution(s) Approved Under the Consent Agenda

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

Resolution 2010-183: Audit of Final Payment – F. Rizzo Construction, Inc. – CR 121, Warren Road Reconstruction (PIN 3753.73), Town and Village of Lansing (DOC ID: 2346)

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

WHEREAS, F. Rizzo Construction, Inc., General Contractor, of Auburn, New York, has completed their contract for the CR 121, Warren Road Reconstruction Project, (PIN 3753.73) to the satisfaction of Tompkins County and the New York State Department of Transportation, with all closeout documents submitted and satisfactory, all work done within budget, and with one change order for \$50,827.53, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the following final claim against the County of Tompkins, be and hereby is audited by the Legislature:

<u>Vendor</u>	<u>Payment Request</u>	<u>Account No.</u>	<u>Amount</u>
F. Rizzo Construction, Inc.	12 (Final)	HZ5103.59239.53.12	\$553,585.49

RESOLVED, further, That the Finance Director be and hereby is authorized and directed to pay said claim from Account No. HZ5103.59239.53.12.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010 -184: Award of Bid - Inbound and Outbound Scale Replacement - Tompkins County Solid Waste Management Division (DOC ID: 2324)

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

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

WHEREAS, the Department of Finance-Division of Purchasing has duly advertised for bids for Inbound and Outbound Scale Replacement at the Tompkins County Recycling and Solid Waste Center, and

WHEREAS, the Finance Department advertised and received one bid for the Inbound and Outbound Scale Replacement at the Tompkins County Recycling and Solid Waste Center, and

WHEREAS, all bids were received, publicly opened and reviewed Monday, November 29, 2010, and

WHEREAS, Scale Service and Supply Co., Inc., of Rensselaer, NY, was found to be the lowest responsible bidder with a bid of \$259,010, within the range of the County estimate of \$264,000, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid for Inbound and Outbound Scale Replacement be awarded to Scale Service and Supply Co., Inc., of Rensselaer, NY, as the lowest responsible bidder with a bid of \$259,010,

RESOLVED, further, That funds are available in the Solid Waste Management Division Capital Fund 8101 Project 81.67 line 59239,

RESOLVED, further, That the County Administrator or his designee be authorized to execute this bid on behalf of the County a contract with Scale Service and Supply Co., Inc.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-185: Authorizing the Filing of an Application to New York State for the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Contract, Under the Appropriate Laws of New York State (DOC ID: 2325)

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

WHEREAS, the State of New York provides financial aid for household hazardous waste programs that grant up to fifty percent of the cost, and

WHEREAS, Tompkins County has examined and duly considered the applicable laws of the State of New York and deems it to be in the public interest and benefit to file and application under these laws, and

WHEREAS, it is necessary that a contract by and between the State of New York and Tompkins County be executed for such aid, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the filing of an application in the form required by the State of New York in conformity with the assurances contained in said application for the period of April 1, 2010, to March 31, 2011, is hereby authorized,

RESOLVED, further, That the Tompkins County Solid Waste Manager or her designee is directed and authorized as the official representative of Tompkins County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State,

RESOLVED, further, That Tompkins County agrees that it will fund the cost of said program and will be reimbursed by the State for the total cost,

RESOLVED, further, That five (5) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation (NYSDEC) together with a complete application,

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

SEQR ACTION: TYPE II-20

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

* * * * *

Resolution 2010-186: Award of Bid - Bridge Painting (DOC ID: 2348)

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

WHEREAS, Resolution No. 27 of 2009 authorized an agreement with the State of New York whereby Federal sources will furnish 80% of the funding necessary for the Tompkins County Bridge Painting Project (the Project), (PIN 3754.20), and

WHEREAS, Resolution No. 151 adopted on September 1, 2009, authorized granting of design approval whereby completion of project final design was authorized, and

WHEREAS, the Department of Finance - Division of Purchasing has duly advertised for bids for the Project, and

WHEREAS, four (4) bids were received and publicly opened on November 30, 2010, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid, including alternate #1, be awarded to AMSTAR of WESTERN NEW YORK, INC., of Cheektowaga, New York, lowest, responsible bidder, in the amount of Seven Hundred Forty Thousand and Zero Hundredths Dollars (\$740,000.00), pending approval by the New York State Department of Transportation,

RESOLVED, further, That the Highway Division be authorized to implement this bid and execute change orders with total values not to exceed ten percent (10%) of the aforementioned bid amount on behalf of the County, funds to be provided from the bridge operating budget /Bridge Contracts Account (D 5111.54411).

SEQR ACTION: TYPE II-2

* * * * *

Resolution 2010-187: Adoption of Apportionment of Taxes for 2011 (DOC ID: 2300)

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

WHEREAS, the report of equalization rates and totals (footings) of assessment rolls has been prepared and approved by the Assessment Director, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the report of the Director of Assessment be accepted and adopted, and the valuation of real property and franchise be based on the 2010 final assessed values for the purposes of general tax levied against the several tax districts of the County and that the values determined therein be set forth as the basis for such general and highway tax levies for the year 2011,

RESOLVED, further, That the several amounts therein listed for State tax and County tax for general County purposes for 2011 be apportioned among, assessed against, levied upon, and collected from taxable property of the several towns and City liable therefore.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-188: Returned School Taxes (DOC ID: 2301)

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

WHEREAS, Article 13 of the Real Property Tax Law authorizes school district tax collectors to

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

submit by November 15th a listing of unpaid taxes to the County Treasurer for enforcement, and

WHEREAS, the County guarantees the school districts payment of the unpaid taxes by April 1 of the year following the return, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2011 tax rolls the amounts of the uncollected school taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the collectors of the various districts, exclusive of the Ithaca City School District, to the County Finance Director, and that said returned school taxes be reassessed and relieved on town tax rolls as they are returned, and that said school taxes returned in 2010 be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-189: Returned Village Taxes (DOC ID: 2302)

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

WHEREAS, Article 14 of the Real Property Tax Law authorizes village tax collectors to return to the County Treasurer a listing of unpaid taxes for enforcement, and

WHEREAS, the Villages of Cayuga Heights, Dryden, Freeville, Groton, Lansing, and Trumansburg are authorized to submit their unpaid taxes to the County for enforcement, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2011 tax rolls the amounts of the uncollected village taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the village tax collectors of the various villages to the County Finance Director, and that said returned village taxes be reassessed and relieved on town tax rolls as they are returned, and that said returned village taxes be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-190: Date of Organizational Meeting (DOC ID: 2303)

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

WHEREAS, the Rules of the Legislature requires the organizational meeting be held on or before January 8 of each year, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That in accordance with Section 151 of County Law, the organizational meeting of the Tompkins County Legislature shall be held in the Legislative Chambers of the Tompkins County Courthouse, Ithaca, New York on Tuesday, January 4, 2011, at 5:30 o'clock in the evening thereof.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-191: Fall 2010 Community Celebrations (DOC ID: 2310)

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

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

WHEREAS, Tompkins County has a grant program for community celebrations using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

City of Ithaca	2011 Lunar New Year Celebration	\$500
City of Ithaca	2011 From Civil Rights to Global Human Rights- A Community Celebration of the Local Struggle for Human Rights	\$500
City of Ithaca	2011 Martin Luther Kings, Jr. Day of Celebration - A Day On, Not Off	\$1,250
Village of Trumansburg	2010 Tru-Ulysses Winter Festival	\$1,250
		\$3,500

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

Resolution 2010-192: Award of Fall 2010 Tourism Marketing & Advertising Grants (DOC ID: 2327)

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

WHEREAS, Tompkins County has a grant program for Tourism Marketing and Advertising using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Applicant	Event	Recommend
Cayuga Lake Wine Trail	"Say Cheese" along the Cayuga Lake Wine Trail	\$3,000
PRI/Museum of the Earth	The aMAIZEing Story of Corn	\$1,500
Finger Lakes Wine Center	Marketing brochure	\$5,000
Community Arts Partnership	Spring Writes: the 2011 Finger Lakes Literary Festival	\$3,000
Cayuga Lake Scenic Byway	Marketing Campaign and Website upgrades	\$2,500
		\$15,000

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

Resolution 2010-193: Award of Fall 2010 Tourism Project Grants (DOC ID: 2330)

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

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

WHEREAS, Tompkins County has a grant program for Tourism Projects using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Applicant	Event	Recommend
Cayuga Lake Wine Trail	"Say Cheese" along the Cayuga Lake Wine Trail	\$2,500
PRI/Museum of the Earth	Darwin Days 2011- Baba Brinkman	\$2,300
The History Center	<i>Dear Friend Amelia: A Civil War Tale</i>	\$2,500
		\$7,300

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

Resolution 2010-194: Worker’s Compensation Budget and Apportionment - Mutual Self-Insurance Plan (DOC ID: 2313)

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

WHEREAS, the Budget and Capital Committee estimates that the sum of \$2,000 will be required during the year 2011 for the payment of compensation in old and pending cases on behalf of the County and participating municipalities under the Mutual Self-Insurance Plan and for the expenses of administering same, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That there be raised from the County and participating municipalities in 2011 the total sum of \$2,000, the same to be apportioned to the County and the participating municipalities in the proportion that their equalized valuation bears to the aggregate valuation of the County and all participating municipal corporations, as follows:

<u>Municipality</u>	<u>Taxable Full Value</u>	<u>Apportionment</u>
Caroline	\$ 189,495,529	\$ 30.20
Danby	\$ 243,943,745	\$ 38.88
Dryden	\$ 725,842,404	\$ 115.67
Enfield	\$ 163,979,390	\$ 26.13
Groton	\$ 167,682,390	\$ 26.72
Ithaca (Town)	\$ 887,172,776	\$ 141.39
Lansing (Town)	\$ 703,259,693	\$ 112.08
Newfield	\$ 243,837,184	\$ 38.86
Ulysses	\$ 320,150,581	\$ 51.02
Ithaca (City)	\$ 1,491,784,071	\$ 237.74
Dryden (Village)	\$ 106,958,646	\$ 17.05
Freeville (Village)	\$ 24,317,961	\$ 3.88
Trumansburg (Village)	\$ 113,513,682	\$ 18.09
Lansing (Village)	\$ 432,014,949	\$ 68.85

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

Groton (Village)	\$	79,050,535	\$	12.60
Cayuga Heights (Village)	\$	381,853,287	\$	60.85
County of Tompkins	\$	6,274,855,691	\$	1,000.00
Total	\$	12,549,713,382	\$	2,000.00

SEQR ACTION: TYPE II-20

Resolution 2010-195: Town and City Budgets and Printing of Tax Rates (DOC ID: 2314)

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

WHEREAS, annually Tompkins County must keep a record of the adopted City and Town budgets and must, in accordance with the laws of New York State, levy and collect property taxes per those adopted budgets, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That, in accordance with the laws of the State of New York and with budgets adopted by the several town boards of the County of Tompkins now on file with the Clerk of the Legislature, there be levied upon and collected from the taxable property of the several towns of the County and the City of Ithaca the sums contained in those budgets,

RESOLVED, further, That said summaries of the budgets of the several towns of the County and the City of Ithaca be printed in the 2010 Proceedings of the Tompkins County Legislature,

RESOLVED, further, That after the tax rates are ascertained for the various towns and the City of Ithaca, the Clerk shall print such rates in the 2010 Proceedings of the Legislature following the budgets of the several towns and City.

SEQR ACTION: TYPE II-20

Resolution 2010-196: Authorization to Sign Drafts - County Administrator (DOC ID: 2315)

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

WHEREAS, it is necessary, annually, to authorize a Tompkins County official to sign all Tompkins County drafts, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That during 2011 the County Administrator be and hereby is authorized to sign all drafts of the County of Tompkins and to delegate this authority to the Department of Finance,

RESOLVED, further, That County Officials acting in their official capacity as custodians or other representatives of clients have authority to sign checks in furtherance of their fiduciary responsibilities.

SEQR ACTION: TYPE II-20

Resolution 2010 -197: Authorization for Finance Director to Make Year -End Transfers, Appropriations, and Budget Adjustments as Required (DOC ID: 2317)

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

WHEREAS, it is necessary, annually, to balance Tompkins County's financial books, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That during 2011 the

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

County Finance Director be and hereby is authorized and directed to make year-end transfers, appropriations, and budget adjustments required to clear credit balances from the books at year's end,

RESOLVED, further, That any such additional entries made by the County Finance Director shall be reported back to the Tompkins County Legislature.

SEQR ACTION: TYPE II-20

Resolution 2010-198: Approving Completed Tax Rolls and Directing the Executing and Delivery of Warrants (DOC ID: 2318)

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

WHEREAS, it is necessary annually to provide for property tax collection in Tompkins County to meet expenses and the cost of county governments in Tompkins County, and to direct that upon the tax rolls of the several towns and City, the several taxes will be extended, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the tax rolls be approved as completed and that there shall be extended and carried out upon the roll the amount to be levied against each parcel of real property shown thereon,

RESOLVED, further, That there be annexed to each of said rolls a tax warrant prepared by the Director of Assessment as provided for in Section 4.00(b) of the Tompkins County Charter, that such warrants shall be the respective amounts theretofore authorized to be levied upon each of said rolls, that the several warrants be signed by the Chair and the Clerk of the Legislature under seal of the Legislature and by the Director of Assessment, and that said rolls with said warrants annexed are to be forthwith delivered to the respective collectors of the nine towns and City districts of the County.

SEQR ACTION: TYPE II-20

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

Ms. Mackesey, Chair, reported the Committee met on December 1st and heard a report from Mr. Marx, Commissioner of Planning and Public Works, regarding the Greenhouse Gas portion of the Comprehensive Plan. He spoke of a potential heat/energy project being considered by Cayuga Medical Center and provided an update of the proposed Enfield wind energy project. The Committee also had discussions of topics that are on the agenda, tourism grant awards, and continued the discussion regarding banning gas drilling on Tompkins County land.

Resolution 2010-199: Designation of Tourism Promotion Agency for State Fiscal Year 2010 -2011 (DOC ID: 2329)

It was MOVED by Ms. Mackesey, seconded by Ms. Chock. Ms. Kiefer asked whether the State fiscal year of 2010-2011 within the resolution was correct. It was explained the resolution is a reflection of the State issuing the matching funds grant late in the cycle and that they had just been received in November. The State's fiscal year referenced in the resolution is from April 1, 2010 to March 31, 2011.

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

WHEREAS, the Strategic Tourism Planning Board has traditionally recommended the appropriate agency for designation of the New York State Tourism Promotion Agency (TPA) designation as part of its review function for tourism matters, and

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

WHEREAS, the Strategic Tourism Planning Board has reviewed the matter with appropriate agency representatives, and

WHEREAS, to leverage certain New York State funding, counties must designate a TPA, and

WHEREAS, the Strategic Tourism Planning Board feels qualified to make a recommendation of the best agency to have the TPA designation, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Ithaca/Tompkins County Convention and Visitor's Bureau (I/TCCVB) be designated as the TPA for State Fiscal Year 2010-2011,

RESOLVED, further, That the Director of the I/TCCVB report to the Planning, Development and Environmental Quality Committee if change occurs.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-200: Authorization to Enter into a Multi-Year Lease Agreement for the Workforce Investment Board (DOC ID: 2341)

It was MOVED by Ms. Mackesey, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Lease Agreement covering the offices of the Tompkins County Workforce Investment Board located at 200 E. Buffalo Street, in the City of Ithaca, County of Tompkins, State of New York, shall expire on December 31, 2010, and

WHEREAS, a Sublease Agreement has been satisfactorily negotiated for space located at 401 E. State Street, Ithaca NY, for a five-year term, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator is hereby authorized to sign a sublease agreement with Landlord, Tompkins County Area Development, for the period of January 1, 2011, through December 31, 2015, with an option to renew for an additional five-year term.

SEQR ACTION: TYPE II-20

* * * * *

Individual-Member Filed Resolution

Resolution 2010-201: Resolution of the Tompkins County Legislature to (A) Approve the Issuance by the Tompkins County Industrial Development Agency of Its Recovery Zone Exempt Facility Bonds in the Aggregate Principal Amount Not to Exceed \$2,321,000, as the Elected Legislative Body of Tompkins County, New York, (B) Dedicate the Entire Recovery Zone Facility Bond Allocation to the Project in Connection with the Financing Thereof, and (C) Consent to the Dedication of All or a Portion of the Payments Under the PILOT Agreement to be Made Available to Pay Debt Service on the Bonds or Other Financial Instrument or Otherwise Available for Other Qualifying Project Costs, All as Described Below (DOC ID: 2354)

It was MOVED by Mr. Dennis, seconded by Ms. Pryor. Mr. Dennis said he put the resolution on the agenda because of the same concerns expressed by Mr. Goetzmann and Village of Lansing Mayor Hartill. He said when the developer sought a zoning change to allow BJ's to be built at the Shops at Ithaca Mall, the Village of Lansing Planning Board said to change the zoning and move the project forward would require the addition of senior housing and the wetland. The impression that approval would provide a tax incentive to BJ's and the developer is incorrect; the PIF would be used to reduce the cost of the twelve-unit housing in order to make it affordable. Currently, the land provides \$30,000/year

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

in property taxes. Although there are discrepancies between parties of the value of the property, once construction is complete it is still more than what is currently generated.

Mr. Dennis said he has heard people state there is no public benefit, however, he said Mr. Squires estimates \$700,000 to \$800,000 in sales tax revenue. Mr. Dennis spoke of how people who want or need to buy the bulk products BJ's offers because it is less expensive. He said if \$140,000,000 of bulk purchases is leaving the County due to leakage, the County does not currently have an opportunity to change it. He believes the County needs to offer the opportunity of a store like BJ's and to have senior citizen housing in the Village of Lansing.

Mr. Dennis said forty-six percent of real property in Tompkins County is tax-exempt and that the only way the County raises income is to raise taxes and generate sales tax. He said he served on the Ithaca Town Council in 1974 and that the reason the Rothschild project mentioned earlier did not receive any benefit was that the entire project had many bad starts and it was not able to proceed. At that time every effort was made to use whatever advantage was available to develop Ithaca as the central core. He said as a member of City Council he recalled passing a resolution to shut off water to the Town of Lansing as an attempt to stop the construction of the Pyramid Mall; the result of that action was that the Town of Lansing and Town of Ithaca built Bolton Point. He supports the resolution and believes it will bring needed sales tax to the County.

Ms. Pryor said she was interested in hearing from those expressing concern for the project and said she is looking from the broader County viewpoint. She heard that the Benderson project was built without any tax abatement and that although is true, it was not without using several million dollars of taxpayers' funds to improve the Route 13 infrastructure to handle the increased traffic. With regard to leakage, she recalled last spring holding a yard sale and watching Saturday morning traffic heading north and subsequently coming back later in the day and that Route 13 has a similar traffic pattern. Ms. Pryor spoke of people saying that as bad as this budget year was, next year will be worse. She has heard both sides and that when there is an opportunity to generate sales tax when the economy is down and there is a synergy in the development, rather than do nothing, she will support the resolution.

Ms. Robertson called attention to the memo from Mr. Franklin, Interim Assessment Director, regarding the growth rate and said the spreadsheet in the resolution would need to be recalculated. If the resolution is passed, the Industrial Development Agency would be voting on it December 13th. Ms. Robertson said she had forwarded other documents to Legislators including reports with independent consultants.

Mr. Stein said he would not support the resolution. Although he prefers not to turn down sales tax revenue, he is uncertain the estimates are accurate. In addition, he is not pleased to have government interject itself between private sector businesses to assist one business over another. He said he has heard many times the PIF does not benefit BJ's and has concluded it benefits the senior citizen housing, which does not make sense to him. With regard to the argument of whether the sales tax portion would be new income or displaced income, Mr. Stein believes it is displaced. He does not believe it will displace income from Horseheads or Syracuse and will be from those who purchase the same type of product locally rather than going out of town. He said he had been told the consultant for the study was chosen by the IDA, which is not the case.

Mr. Goetzmann said the third-party feasibility study was prepared at the request of the IDA by a contractor in Chicago who has done work locally. Mr. Stamm said the Ithaca City School District Finance Committee met yesterday and that they thoroughly studied the documents and asked whether the housing and wetland portion could be built without assistance. He said the developer's financial statements and third-party report indicated they could not be built without the financial assistance and BJ's cannot build without the housing and wetland due to the Village of Lansing's requirements. It was

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

also shown that it is a benefit to local government and verified by tax calculations for sales and property taxes, with the sales tax confirmed by a third-party consultant. Mr. Stamm confirmed that BJ's would be paying market rate rent for the space. Ms. Robertson said the sales tax study was completed by a consultant hired by the developer. Mr. Stamm said it was, however, it had been reviewed and he has confidence in the report. Mr. Shinagawa said the subcommittee met with the developer to discuss which consultant would be doing the study and approved the one chosen by the developer.

Ms. Chock said it is not a question of should BJ's come to Tompkins County or should Arrowhead develop the land, rather, it is whether tax dollars should be spent to provide senior housing and wetlands. She appreciates all the effort put into the project but is not clear there is enough public benefit to justify approval of the resolution. She does not believe it would become a regional draw and does not have anything against big box development. Ms. Chock said she completed her masters on public-private partnership and how to be a partner deserving of a return on investment. She said it is appropriate for municipalities to ask for public consideration and for the Village of Lansing to request the bird sanctuary and senior housing components with the project. She does not believe it is right for the developer to ask for concessions and have the County pay and does not think the PILOT makes sense.

Ms. Robertson clarified Mr. Franklin's memo is only about the amount of sales tax BJ's would pay. Mr. Stamm said it is complex and if the resolution is supported suggested it be contingent upon the County and Tompkins County Area Development clarifying and negotiating the appropriate number.

Ms. Mackesey said she opposes the resolution and said historically the IDA has focused on job creation, growth, building industry with good jobs, and providing a certain return to the community, County, etc. beyond sales tax. With regard to the PIF, she does not believe it makes a difference whether a project were inside or outside the City of Ithaca. She said what makes this project different is the history of not dealing with retail businesses. She noted the City of Ithaca has other requirements for retail development. In addition, she is not supportive of the PIF and said if it does not benefit BJ's then the other \$2 million funding should not be necessary. Ms. Mackesey believes it is not enough public benefit to pay \$2 million for 12 housing units. If it were to benefit BJ's it would benefit one retail business at the expense of another.

Mr. Stamm said the feasibility report clearly indicated the assumption is not that people will come to Tompkins County from outside regions, rather, it is capturing leakage of Tompkins County residents who travel to a similar retail store in other regions. With regard to the IDA's mission on retail, it recently approved incentives for two new grocery stores, one on the north side of the City of Ithaca and one in the Village of Lansing. In addition it does selectively deliver incentives to non high-tech non-manufacturing businesses.

Ms. Robertson said the projects were in areas that were "food deserts" and were highly desired by the local communities. When retail is abated in the density program they go through rigorous questioning and documentation on quality, number of jobs, benefits, environmental issues, etc. When the stores were approved it was questioned if it was within the criteria used and she noted BJ's did not fall into the same criteria.

Mr. Goetzmann spoke of the meetings with IDA regarding what products BJ's offers and he was asked to bring in a third-party consultant to determine sales. He also noted the PIF is not just associated to the housing cost but also the commercial piece of property that is being fit into a comprehensive plan to take commercial high traffic, low traffic, and residential and combining them by building the residential housing on commercial property.

Ms. Kiefer said she met with the developer's representatives and later found there were more documents that had not previously been distributed. She has tried to review some of the documents but

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

feels it is less thorough than she would like. She shares Ms. Chock's question of how Mr. Franklin's analysis of property assessment would affect the document as well. She also did not know if the minutes of the public hearing were available for review and noted Ms. Filiberto said there were more people than usual in attendance at the public hearing asking questions. Ms. Kiefer said she had no problem with regard to use of the money, however, the money is necessary due to the Village of Lansing's being strict about their Comprehensive Plan. She spoke of the IDA supporting the project although there were no discussions of policy or process decisions before offering the first PIF. She said the IDA has approved two actions on neighborhood grocery stores, however, she does not view this project the same. Ms. Kiefer would like to see low-traffic commercial property for the Village of Lansing, but due to the precedent setting that would be caused by an approval, she will not support the resolution at this time.

Mr. Lane said he cares about economic development in Tompkins County and having been a village mayor previously knows how hard villages work and struggle. His initial reaction to the project was negative and he viewed it as leverage by the Village of Lansing to obtain senior housing at the expense of all in the County, which it would be if approved. If not approved, the County would give up revenue and a bonding authority that would not be available by the end of the year. Mr. Lane disagrees that the City of Ithaca is only concerned about the process used and said he had received a packet from Benderson about the project. He doesn't think the City believes that if built in the City there would not be sales tax generated and he noted the City portion is not shared with towns and villages. He spoke of having Chaired the IDA shortly after the density policy was put into place and that it was the result of a sympathetic vote from the Legislature due to the City's economic growth not keeping up with outlying areas. The City had come to ask assistance and it was decided to change the policy to provide for commercial growth for a period. Since that vote, there has been an office/hotel complex, a high-scale apartment building, the Cayuga Green project, and others built. Things have changed and now the towns and villages who have not received assistance are asking for it. Mr. Lane said the sales tax is important to everyone who depends on it as a source of revenue and he believes it should be supported.

Mr. Burbank said he represents the Town of Ithaca and that if he only thought of the Town he would agree the project should be outside of the City to gain the additional sales tax revenue. As a member of the IDA he has struggled for months to determine what the project was and what a PIF is. He believes there is a market for a buy club and we are given the opportunity to site one with several million dollars of tax diversion. He has heard of the sales tax gain, however, if not built at that location he does not think the opportunity is gone forever. Mr. Burbank said his concern is the criteria used. There is nothing in place for this type of project, but if reviewing the many considerations normally given for a commercial project, only job creation fits. He will not support the resolution here or at the IDA. Mr. Stamm responded that the bond counsel working on the project has provided his opinion that it is not necessary to meet the retail restrictions since none of the incentives go to the retail store. Mr. Burbank stressed he would feel more comfortable if a criteria were indicated and he believes approving the project sets a precedent.

Mrs. McBean-Clairborne said she is a person who travels outside the area to shop at a similar retail store as the one being proposed and knows many day care workers that do as well. She started out as being non-committal and still is not sure of her position, however, she recognizes that the two separate funding streams are necessary for the project to be able to move forward. Upon hearing Mr. Dennis, she will support the resolution and noted the County sets precedents all the time and that it should still look at developing criteria. Mrs. McBean-Clairborne spoke of the number of entry-level positions that would be available and hopes that if passed, consideration would be given to prevailing wages, hiring local residents, and having a diverse workforce.

Mr. Shinagawa read the following statement:

"Thank you Chairwoman Robertson for letting me speak.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

“I have been involved with this project for many months now as an Industrial Development Agency member and a member of the subcommittee with Larry Baum and Dan Cogan that negotiated with the developer to bring the agreement we have tonight. We also reviewed the choice of the consultant for a third party consultant.

“I started out opposed to this project. My recorded comments in the IDA meeting in September show how I felt at the time. Since then, I have spent dozens of hours learning about this project, I do support it now.

“First, we can argue endlessly and Monday morning quarterback after each report or new opinion. The fact is, this project is not a subsidy for a big box store. It is not. They will pay market rate rents. They will pay their property taxes. Their sales taxes will go to the coffers of the county and municipalities. The only difference is that a declining portion will be used to help finance senior housing and a restoration of wetlands - a specific request of Lansing that is part of their Comprehensive plan. The senior housing specifically creates a buffer zone between commercial development and residential neighborhoods - a great benefit for the people of Lansing. People say this PIF will open the floodgates - I'd be surprised if there's another PIF that could fulfill a town's comprehensive plan like this one - and even if there were, fulfilling a town's comprehensive plan is a good thing. PIFs are a tool used by many places, like Baltimore and Pittsburgh, to drive Property tax dollars to finance specifically what the community wants.

“Compared to the original proposal, I and the other members of the subcommittee spent many meetings, and more than a dozen hours, negotiating a PIF that declines over a 20-year period so that property taxes will phase out of supporting the senior housing and wetlands and go back into county and municipality funds. This is a key change that made my support for this project possible. It did not exist originally. With Jays change that the developer approved, this means that with the declining PIF will yield even more dollars in property taxes, not sales taxes, but property taxes.

“This project provides us with a striking amount of sales tax dollars. Even if we assume only 55% of BJ's sales are taxable - which I believe is a low number based on the BJ's stores I have been to with my parents - estimates show that we will gain \$420,000 for the county and \$327,000 for municipalities and villages. \$420,000 is \$40,000 more than 1% of the county's tax levy.

“With about \$380,000 this year we were able to restore youth services programs in municipalities, alternative to incarceration programs, and critical programs for foster children. With a tax cap looming on the horizon, how can we give up \$420,000 when we are already starving our critical social and human services?

“We cannot be like the leaders, both old and newly elected, that sit on their hands in Washington. They are crippled when making decisions because they want everything. They want to cut the deficit, preserve all popular programs and even keep taxes for the rich. But any American knows you can't have it both ways. But Congress blindly believes it can. We at the local level must be leaders when they are not. Being a leader means making complicated but educated choices. We can't keep our human services while rejecting needed sources of revenue. I understand this choice is not perfect. But tonight, let's support the resolution, this resolution that shows we are leaders. Lets 's show them we're better than politicians who choose to please everyone by doing nothing. Let's show our residents that we are strong enough to make the choice that defends human services and fights against the relentless onslaught of property taxes. Let's support this resolution. Thank you.”

Mr. Proto said this is a big community with six villages and nine towns. Regardless of where the project goes, the City would still benefit from sales tax going to the County and result in lower property

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

tax. He noted the reports referenced by Ms. Robertson and Ms. Kiefer were sent this afternoon and he was not aware of them until mentioned.

In response to Mr. Proto's question regarding the necessity of all parties having to approve the project, Ms. Robertson said the IDA needs to support the project and the County needs to support issuance of the bonds. The PIF relates to the jurisdictions whose taxes would be diverted to support the housing and wetlands. Mr. Proto said the Village of Lansing has approved the PIF and earlier comments indicated the school district was in favor and asked if it is known how the school board voted. Ms. Robertson said she believes they were waiting for the County to vote before taking action. Mr. Stamm said at the meeting last night four of the five present were supportive of the project.

Mr. Proto noted the City has put in tax funds through infrastructure to develop the southern portion with streets, lights, etc. He understands for the project under consideration there is minimal need for that type of work since it uses the existing infrastructure at the mall. With regard to senior citizen housing he said the County has assisted financing in HUD-related projects and that Caroline has a senior citizen project as well as Dryden, Newfield, and Trumansburg, some funded through Community Development Block Grants (CDBG). Ms. Robertson said the projects require income requirements and limitations. Mr. Proto believes it is important to give the project a fair review. He said Tompkins County has a history of being a pacesetter and recalled the Cornell University Lakesource Cooling project. He did not support the project due to the criteria that required the creation of permanent jobs; once constructed there were no new jobs.

Ms. Robertson read the following statement:

"The rationale for a PIF requires that there be a "public benefit" that warrants the diversion of property taxes from the taxing jurisdictions. In this case the public benefit is 12 units of market-rate senior housing. I have spent my legislative career advocating for affordable housing in Tompkins County, so I think I understand a little about the public investments needed to make housing "affordable". Under this PIF, the loss to the taxing jurisdictions is a net present value of \$1.8 million over 20 years. That is a "subsidy" of \$150,000 per unit, for apartments that aren't even "affordable". If we are to believe that the housing is the purpose of this project, that equation simply doesn't make sense.

"Therefore we must acknowledge that the real reason for the taxing jurisdictions to agree to this project are the sales tax benefits we are promised. According to BJ's' most recent 10K, food accounted for approximately 65% of merchandise sales in 2009. Even discounting this number down to 45%, and assuming some diversion of sales from existing businesses in Tompkins County, the annual revenue to Tompkins County would be approximately \$420,000, according to David Squires. That would be a little more than 1% on our tax levy. Compared to the property taxes we would be giving up, I believe this is not a good deal.

"With my "IDA hat" on, the IDA has prided itself on "not doing retail," and I don't believe this project warrants our changing that policy. In the case of downtown density projects, which do include retail, those projects were evaluated stringently on many criteria, including the quality of jobs created, environmental standards, local hiring, having a diversity plan, and other community benefits. We have asked about BJ's' wages and benefits and the construction jobs involved, but have been told those aren't relevant.

"The big box developments throughout the county have found a market here, and I believe BJ's has good reasons to join the existing mix. The county would see approximately the same sales tax wherever the store goes, so my vote is not about choosing one municipality over the other. And this is not ideological for me; I would support the Recovery Zone bonds. Let me also say that the Village of Lansing is entitled to its desire to create the wetlands and housing; if I were at the Village I might do the same.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

“However, I have to decide based on the county’s interests. I could only vote for this PIF if the public purpose were highly desirable and not achievable in any other way. Obviously housing is desirable but the market is quite capable of providing market-rate housing. Our own housing needs analysis proved that. The sales tax revenues are of course desirable but I am not convinced that this PIF is necessary to bring the retailer to this community.

“In short, I do not want the taxpayers to have to “close the gap” for the private developer when the market is already providing or could provide the benefits without taxpayer sacrifice.

“I’ve been on the IDA for four years and this will be my first “no” vote. “

Ms. Chock said a factor not addressed if the project is approved are the points raised by the City, whether factual or not, the cost of a potential legal action for being arbitrary and capricious. She believes there has not been a good process to determine how retail fits. She believes it would be better to separate the ARRA and PIF portions.

It was MOVED by Ms. Chock, seconded by Mr. Burbank, to separate the portion of the project devoted to ARRA funding and bond allocation from the PIF portion.

Mr. Stamm said while they could technically be separated approving the bonds without the PIF would not allow the project to move forward since the PIF pays the debt service on the bonds. Ms. Robertson said the result of the vote would require the developer to decide how to proceed.

Mr. Lane said he was in agreement with Mr. Stamm and said it would result in the project not moving forward.

Mr. Goetzmann said the separate pieces could be viewed as having the PIF being the cake and the ARRA bonds being the icing that wraps the cake and provides a different exemption, without the cake you have nothing to put the icing on.

Mr. Burbank supports the separation due to timing and that the PIF does not have a deadline. Mr. Goetzmann said without the PIF the bonds could not be sold. Ms. Robertson said the IDA will be voting on the project December 13th. The school district has not yet voted and it is unknown what the town’s vote is. She had been told it could be moved forward in its entirety if desired; the Legislature has the option of deciding whether to separate.

Ms. Chock believes if it is separate the bonds would be usable if the developer or the Village of Lansing decides to make it work. The Legislature’s decision is whether taxpayers as a whole should provide the funding.

Ms. Pryor believes the sense of the motion is primarily a parliamentary maneuver by individuals opposed to the PIF and that there is underlying thinking that if the PIF is not approved the project would not go away and the developer will find a way to proceed. She said a move to separate is disingenuous to vote on the separation with an air of innocence; if we vote to separate it will kill the project.

It was MOVED by Mr. Lane, seconded by Mr. Dennis, to call the question. A vote to call the question resulted as follows: Ayes – 12; Noes – 2 (Legislators Chock and Mackesey); Excused – 1 (Legislator Herrera). THE QUESTION WAS CALLED.

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

A voice vote on the motion to separate resulted as follows: Ayes – 5 (Legislators Burbank, Chock, Kiefer, Mackesey, and Robertson); Noes – 9 (Legislators Dennis, Lane, McBean-Clairborne, McKenna, Proto, Pryor, Robison, Shinagawa, and Stein). MOTION FAILED.

Mr. Robison said Groton is unique and that leakage occurs due to residents working in Ithaca and shopping in Cortland. He believes that if BJ's were to be built there are individuals who would shop there. It is difficult to see a difference between businesses coming in and tax dollars spent for infrastructure, improvements, abatements, PIF's, etc. He said it is a normal part of negotiations to do what can be done to entice a business into a community. The developer came wanting to build a store, however, the Village of Lansing wanted to get something more. Although he heard the cost of each housing unit is too high, he said there is senior housing elsewhere and he believes all have some form of public assistance. What he sees being beneficial is the sales tax revenue and jobs available. Mr. Robison said he is "on the fence" but leaning in favor of the project.

Ms. Mackesey said although there would be sales tax revenue coming in there would also be a loss of property tax. She re-emphasized that because of the way the project funding is arranged the retailer has not had to answer questions other retail businesses have had to. Ms. Mackesey said the sales tax revenue estimates are only best guess calculations and due to the cost to the County compared to a benefit she will not support the resolution.

Ms. Kiefer noted she was impressed with the way the developer worked with the Village of Lansing to improve the presentation of the project and that what the Village would receive was very good. Although it is too easy to say anything with an increase in sales tax revenue should have support, particularly in the present economy, she does not want to regret the decision later.

Mr. McKenna said there are not too many companies wanting to come to Tompkins County. This is a major business wanting to be here that would bring in sales and property taxes and it would be foolish not to support it.

A roll call vote on the resolution resulted as follows: Ayes – 8 (Legislators Dennis, Lane, McBean-Clairborne, McKenna, Proto, Pryor, Robison, and Shinagawa); Noes – 6 (Legislators Burbank, Chock, Kiefer, Mackesey, Robertson, and Stein); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, pursuant to the American Recovery and Reinvestment Tax Act of 2009 ("ARRA"), Tompkins County, New York (the "County") received authority to issue up to \$2,321,000 of Recovery Zone Facility Bonds ("RZFBs"), a new type of tax-exempt facility bond created under ARRA (the "Allocation"), and

WHEREAS, pursuant to Resolution No. 176 adopted by the Tompkins County Legislature (the "Legislature") on October 20, 2009, the County designated (i) the County as a Recovery Zone (as defined under ARRA) pursuant to ARRA and (ii) the Tompkins County Industrial Development Agency (the "Agency") as the exclusive agent of the County for the purposes of issuing RZFBs and authorizing the Agency to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish the issuance of the RZFBs, and

WHEREAS, the Legislature has been advised by the Agency that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Arrowhead Ventures, LLC, for itself, its affiliates or on behalf of an entity to be formed (the "Company"), the Agency proposes to issue its Recovery Zone Exempt Facility Bonds (Arrowhead Ventures, LLC Project), Series 2010 (the "Bonds") in the aggregate principal amount not to exceed \$2,321,000 in connection with the financing of a certain project (the "Project") consisting of (i) the acquisition of an approximately 11-acre parcel or parcels of land located in the Village of Lansing, New York (north of The Shops at Ithaca Mall), and any existing improvements thereon (the "Land"); (ii) the acquisition, construction, and equipping on the Land of a

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

mixed-use residential facility comprising twelve (12) senior housing units, a bird habitat, and a BJ's wholesale club and related parking, infrastructure, and improvements (the "Improvements"); (iii) the acquisition and installation in and around the Improvements of certain equipment, machinery and other tangible personal property (the "Equipment", and together with the Land and the Improvements, the "Facility"); (iv) the funding of a debt-service reserve fund as security for the Bonds, if necessary ((i) through (iv) hereinafter referred to as "Project Costs"); and (v) the lease (with an obligation to purchase) or sale of the facilities financed with the Bonds to the Company or such other person as may be designated by the Company and agreed upon by the Agency, and

WHEREAS, the Agency proposes to assist in the financing of the Project by issuing the Bonds to (i) pay all or a substantial portion of the cost of financing the Project and (ii) pay reserves and costs incidental to the issuance of the Bonds, and

WHEREAS, the Planning Board of the Village of Lansing issued a "negative declaration" on June 29, 2010, with respect to the Project in compliance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. §617 ("SEQRA"). The Project constitutes an "Unlisted Action" as said term is defined under SEQRA, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice, and

WHEREAS, on November 29, 2010, the Issuer held such a public hearing, upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) a memo detailing the project; (c) the notice of public hearing published by the Issuer in *The Ithaca Journal*, along with the affidavit of publication of such newspaper; and (d) the minutes of such public hearing held on November 29, 2010, and

WHEREAS, the Legislature has been advised that the Agency is contemplating a Payment-In-Lieu-Of-Tax ("PILOT") Increment Financing ("PIF") structure whereby pursuant to a certain PILOT Agreement, by and between the Agency and the Company (the "PILOT Agreement"), all or a portion of the payments thereunder, with the consent of the affected tax jurisdictions, would be made available to pay debt service on the Bonds or other financial instrument or otherwise available for other qualifying Project Costs as described in Exhibit A, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Tompkins County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon, now therefore be it

RESOLVED, That:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Tompkins County Planning, Development and Environmental Quality Committee, the Legislature hereby gives its approval of the Project and the issuance by the Issuer of its Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation Tompkins County, and neither the State nor any political subdivision thereof, including without limitation Tompkins County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

Section 2. The Legislature hereby gives its approval to dedicate the entire Allocation to the Bonds in connection with the financing of the Project for the benefit of the Company.

Section 3. The Legislature hereby consents to the dedication of all or a portion of the payments under the PILOT Agreement to be made available to pay debt service on the Bonds or other financing instrument, or otherwise available for other qualifying Project Costs as described in Exhibit A attached hereto.

Section 4. This Resolution shall be deemed to be made for the benefit of Issuer and the holders of the Project indebtedness.

Section 5. This Resolution shall take effect immediately.

EXHIBIT A

The property tax assessment would be determined based on what approximates the real property taxes in the first year after the Project is complete. The assessment amount would grow at a fixed schedule of 2.3% per year (which is the average tax rate growth in the County over the past 20 years). Under the PILOT Agreement (A) in year one through five (i) one hundred percent (100%) of the excess of the current taxes on the retail portion of the Project and (ii) fifty percent (50%) of the excess of the current taxes on the residential portion of the Project would be available to pay debt service on the Bonds or otherwise available for other qualifying Project Costs and (B) in year six and each year thereafter, the amount available to pay debt service on the Bonds or otherwise available for other qualifying Project Costs would decrease by five percent (5%) each year, with the difference being paid to the affected taxing jurisdictions. Following is an example of the PIF Structure (the final numbers would depend on what the assessment amount is in the first year after the project is completed):

	Total	Retail	Residential				
Year 1 PILOT	\$ 207,000	175,000	32,000				
Base Taxes	\$ 30,227	26,070	4,157				
	176,773	148,930	27,843				
Growth Rate	2.3%		13,922	50%			

Year	Eligible PIF Retail	Eligible PIF Residential	Eligible PIF Total	% Used for PIF	PIF	Taxing Jurisdictions	Increase Over Base Taxes
1	148,930	13,922	162,852	100%	162,852	44,148	46%
2	152,955	14,290	167,245	100%	167,245	44,516	47%
3	157,073	14,666	171,739	100%	171,739	44,893	49%
4	161,285	15,051	176,336	100%	176,336	45,278	50%
5	165,594	15,445	181,039	100%	181,039	45,672	51%
6	170,003	15,848	185,851	95%	176,558	55,367	83%
7	174,512	16,261	190,773	90%	171,695	65,564	117%
8	179,126	16,682	195,808	85%	166,437	76,280	152%
9	183,845	17,114	200,959	80%	160,767	87,532	190%
10	188,673	17,555	206,228	75%	154,671	99,339	229%
11	193,612	18,007	211,619	70%	148,133	111,719	270%
12	198,665	18,469	217,134	65%	141,137	124,692	313%
13	203,834	18,941	222,775	60%	133,665	138,278	357%
14	209,122	19,425	228,546	55%	125,700	152,497	405%
15	214,531	19,919	234,450	50%	117,225	167,371	454%
16	220,065	20,425	240,490	45%	108,221	182,921	505%
17	225,726	20,943	246,669	40%	98,668	199,171	559%
18	231,517	21,472	252,990	35%	88,546	216,142	615%
19	237,442	22,014	259,456	30%	77,837	233,860	674%
20	243,502	22,568	266,071	25%	66,518	252,348	735%
			Sum:		2,794,989	2,387,589	
			NPV (6%):		1,718,323	1,127,340	

* * * * *

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Recess

Chair Robertson declared a recess at 9:09 p.m. The meeting reconvened at 9:15 p.m.

Minutes
 Tompkins County Legislature
 Tuesday, December 7, 2010

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee met on November 23rd and referenced the two resolutions on the agenda, with one being withdrawn at this time. She said the resolution was withdrawn to obtain additional information. The Committee also discussed preliminary results from the workplace survey and will continue to put together the report. The next meeting is December 22nd. Ms. Robertson was delighted to learn the signs have been changed. Mrs. McBean-Clairborne said the departments have been making the changes and noted they came to ask for this step.

Report from the Health and Human Services Committee

Mr. Proto, Chair, said the Committee will meet on December 8th.

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, said the Committee met December 3rd and approved the resolutions from the Solid Waste Division dealing with the Recycling and Solid Waste Centers reconstructions and operations and will be presented to the Legislature December 21st. The Committee discussed a revised resolution dealing with gas drilling on County property that had been referred and approved by the Planning, Development, and Environmental Quality Committee. The Committee also passed the revised resolution with the understanding that Mr. Lane would submit a shorter version. She had considered adding the resolution to the agenda this evening and apologized to anyone who heard a WHCU news report that it would be discussed. The resolution will appear on the next Legislature meeting. Ms. Kiefer said there is no other Committee meetings scheduled before the end of the year, but if needed by the first Friday in January the Committee will meet.

Report from the Capital Plan Review Committee

Mrs. Robertson, Chair, reported the Committee will meet December 9th and will have updates on space studies for the Human Services and Mental Health buildings as well as the Courthouse space study. There will be a draft of the scope of work for the Center of Government project.

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

Mr. Lane, Chair, reported the Committee met November 18th. He spoke of Mr. Mareane's report on the need to develop Corporate Compliance, which deals with Medicaid reporting and the processes to seek out fraud and abuse in the program. This will require a good deal of work within departments. The Committee discussed resolutions regarding possible local laws for permitting heavy traffic uses for temporary projects that was passed by the Facilities and Infrastructure Committee and was brought to Government Operations as a companion committee. The item was postponed until the next meeting to determine if there should be exceptions such as agriculture in the document. There were presentations on the successful Smart Work programs from the County Office for the Aging and Personnel Department. They were enthusiastic and pleased with Hawthorne Group, the consultants assisting with the project. The County Administrator will be recommending additional departments to also participate in Smart Work. The Committee will have two meetings, December 16 and 17, to cover the Committee's work. There will be a meeting of the minutes subcommittee prior to the December 16th meeting. Mr. Lane asked Ms. Pryor to report on the Broadband Committee.

Ms. Pryor, Chair of the Broadband Committee, reported the Committee is working to make recommendations to improve broadband access in the County. The first meeting was November 30th with very knowledgeable, committed, and experienced members with a great deal of high-level expertise. A

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

first step for the Committee is to provide a presentation to provide education on the topic to all members. The Charge to the Committee was reviewed and each member provided input to possible solutions to access problems. It is becoming clear there will be working groups to focus on various topics related to broadband services. The Committee will meet on the fourth Friday of the month with the next meeting at 5:30 p.m. in January due to the holiday.

Ms. Kiefer asked that Ms. Pryor inform her when the presentation will take place.

Mr. Proto said he had some commercial truck drivers asking about the proposed local law and asked for clarification. Mr. Lane said it is not aimed at ongoing businesses or farms; it is for high-volume heavy usage of roads that do not normally carry that type of load and the damage that could occur from the operation. It would provide permitting, setting specific routes, posting roads, and obtaining a bond from the appropriate individual to be responsible for the cost of repair at the end of the project. Mr. Proto asked if it would have the same difficulties as the garbage truck issue and create a restraint of trade. Mr. Lane said he does not believe so due to the County's ability to control its roads. Mr. Wood said the local law only deals with temporary projects. With respect to the legal issue it would not be a restraint of trade; the only legal issue is what County's and other municipalities have the right to do.

Resolution 2010-202: Budget Adjustment - County Clerk (DOC ID: 2353)

It was MOVED by Mr. Lane, seconded by Ms. Kiefer. Mr. Proto asked for clarification of the monies spent and asked how the scanning of records by Challenge Industries has been paid in the past, noting some funding was provided by the State Archives. Mr. Lane said if not used the funds would have been placed into the General Fund. In order to digitize the County's records the total cost is \$500,000. With the State grants it has assisted in the project. The County Clerk would like to target the funds to enable more digitization of records. Mr. Mareane said in the past the work has been funded through grants and rollover funds. This continues the work, which is into a high-level of production to scan all documents now in storage. Ms. Kiefer said the funds are due to a vacant position and recalled during budget a policy statement indicating funds from vacant positions would go into the General Fund. Rather than the department requesting an appropriation, it is recommending this action.

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

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

RESOLVED, on recommendation of the Government Operation Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

County Clerk

Revenue Acct	Title	Amt	Approp Acct	Title(s)
1460.51000	Mail & Rec. Clerk	\$19,100	1410.54442	Professional Services

Explanation: Currently, we have 6 individuals from Challenge scanning at the Records Center (Old Library) with additional assistance from employees at our office. In July, the position of Records Officer became vacant, and we have chosen to not fill that position. Instead, we are paying Challenge per image scanned. Our intent is to scan as many boxes as possible before some determination is made about the building's future.

SEQR ACTION: TYPE II-20

* * * * *

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

Mr. Dennis, Chair, reported the Committee will meet on December 13th.

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

Resolution 2010-203: In Support of Federal Bills S.2781/H.R. 4544, Commonly Known as “Rosa’s Law”/ Elizabeth A. Connelly Act and Asking that All References to Mental Retardation be Amended to Developmental Disabilities and Urging All Federal, State, and Local Governments to Amend References to “Mentally Retarded” and “Mental Retardation” to “People who Are Developmentally Disabled” and “People with a Developmental Disability” (DOC ID: 2221)

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

WHEREAS, people with developmental disabilities work hard to live as independently as possible, and

WHEREAS, the clinical language has changed and those working in the field are aware of a shift in meaning and usage; the outmoded terminology is now often used as a way to discriminate against people with developmental disabilities, and

WHEREAS, the “people-first” language is widely used, acceptable and appropriate terminology when referring to people who are developmentally disabled and people with a developmental disability, and

WHEREAS, New York State has also recognized the shift in terminology and has adopted the use of “people-first language” and amended their agency title to the New York State Office for People with Developmental Disabilities, and

WHEREAS, on November 17, 2009, S. 2781, commonly known as “Rosa’s Law” was introduced at the 111th Congress, and

WHEREAS, on January 27, 2010, H.R. 4544, commonly known as the Elizabeth A. Connelly Act, a related bill, was introduced at the 111th Congress, and

WHEREAS, these bills amend the use of the terms “mentally retarded” and “mental retardation” to “developmentally disabled” and “developmental disability” within Laws relating to education, employment, and other social services, and

WHEREAS, these amendments provide recognition of the need to amend how people with developmental disabilities are perceived, now therefore be it

RESOLVED on recommendation of the Budget and Capital Committee, the Tompkins County Workforce Diversity and Inclusion Committee and the Mental Retardation/Developmental Disabilities Subcommittee of the Tompkins County Community Mental Health Board, That the Tompkins County Legislature hereby supports Federal Bills S.2781 and H.R.4544,

RESOLVED, further, That the Tompkins County Workforce Diversity and Inclusion Committee, the Mental Retardation/Developmental Disabilities Subcommittee of the Tompkins County Mental Health Board, and the Tompkins County Legislature hereby urges the Federal, State, and Local Governments, to amend the terms “mental retardation” and “mentally retarded” to “developmentally disabled” and “developmental disability”, in all Federal, State, and Local Laws as well as in any titles and documents,

RESOLVED, further, That the Tompkins County Legislature hereby amends its titles and documents so that “mental retardation” and “mentally retarded” are hereby respectively changed to “people who are developmentally disabled” and “people with a developmental disability”,

RESOLVED, further, That the Clerk of the Legislature is hereby directed to send certified copies of this resolution to President Obama, and the appropriate Federal representatives, Governor David Paterson, Governor-Elect Cuomo, and the appropriate State representatives, New York State Office for People with Developmental Disabilities, and New York State Association of Counties.

SEQR ACTION: TYPE II-20

Resolution 2010-204: Delegating to the Finance Director of the County of Tompkins, New York, the Power To authorize the Issuance of and to Sell \$10,000,000 Revenue

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

**Anticipation Notes of Said County in Anticipation of Receipt of State Aid
During the Fiscal Year of Said County Commencing January 1, 2011 (DOC
ID: 2312)**

It was MOVED by Mr. Dennis, seconded by Mr. Proto, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, it is prudent to allow for the possible issuance of revenue anticipation notes should there be a cash flow problem resulting from delays in State Aid during 2011, now therefore be it RESOLVED, on recommendation of the Budget and Capital Committee, by the Legislature of the County of Tompkins, New York as follows:

Section 1. The power to authorize the issuance and to sell \$10,000,000 revenue anticipation notes of the County of Tompkins, New York, including renewals thereof, in anticipation of the receipt of State Aid due said County during the fiscal year of said County commencing January 1, 2011, is hereby delegated to the Finance Director, the chief fiscal officer of such County. Such notes shall be of such terms, for and contents, and shall be sold in such manner as may be determined by the Finance Director, consistent with the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-205: Request for Authorization to Extend the Additional One Percent Sales Tax Rate in Tompkins County (DOC ID: 2319)

It was MOVED by Mr. Dennis, seconded by Ms. Pryor. A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Proto); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, this Legislature in 1991, 1992, 1994, 1996, 1998, 2001, 2003, 2005, 2007, and 2009 requested and received authorization from the State of New York to enact an additional one percent local sales tax in Tompkins County in addition to the three percent authorization that all New York State Counties possess by law, and

WHEREAS, the current authorization received in 2009 expires November 30, 2011, and

WHEREAS, this Legislature has been requested by the offices of Assemblyperson Lifton and Senator Seward to forward any request for an extension of this authority when legislation can be timely prepared and submitted at the beginning of a session of the State legislature, and

WHEREAS, the expiration of the additional one percent local sales tax would necessitate, (1) \$10,050,000 in reductions in County expenditures, creating a major impact on the availability of services, or a 25 percent increase in County property tax rates, or some combination thereof, as well as (2) substantial spending reductions or tax increases for the City, towns, and villages of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That this Legislature requests that Assemblyperson Lifton, Senator Seward, Senator Nozzolio, Senator Winner, and Senator-Elect O'Mara sponsor and support legislation extending the authority of the Tompkins County Legislature to extend the additional one percent local sales tax in Tompkins County beyond November 30, 2011, based on the same terms and conditions included in previous legislation, to provide local property-tax relief.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-206: Authorizing Payments for Community College Operating Budget (DOC ID: 2321)

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

It was MOVED by Mr. Dennis, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, this Legislature has heretofore and by resolution approved the 2010-2011 operating budget for the Tompkins Cortland Community College and appropriated the necessary funds to pay the Tompkins County proportionate share of the operating budget of said college, and

WHEREAS, to accommodate Tompkins Cortland Community College's fiscal year and cash-flow needs, it is important that Tompkins County's share be paid during the first half of the calendar year, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the County Administrator be and hereby is authorized and directed, pursuant to the provisions of the Education Law of the State of New York and within the authorization provided by this Legislature, to pay Tompkins Cortland Community College an amount up to but not to exceed the Tompkins County budgeted share of the operating costs of said college for the fiscal year 2010-2011 on the following dates in the following amounts:

January 1, 2011	\$ 670,149
March 1, 2011	\$ 670,149
May 1, 2011	\$ 670,149
July 1, 2011	\$ 670,149
Total:	\$ 2,680,596

SEQR ACTION: TYPE II-20

* * * * *

Report from the Public Safety Committee

Mr. Shinagawa, Chair, reported the Committee met prior to the Legislature meeting and passed the CJA/ATI amended bylaws resolution and reducing a Probation Department position to 35 hours from 40 that will appear on the next Legislature agenda. The Committee heard a report from Mr. Mareane on the State Indigent Legal Defense Board.

Mr. Robison said there was a meeting last week regarding Day Reporting. Judges Rowley and Rossiter spoke of the reductions of the Day Reporting program as a result of the budget deliberations. He said there are a lot of County personnel and others that are determined to make the programs work with a twenty-five percent reduction.

Mr. Proto said as Chairman of the Tompkins Consolidated Area Transit Board thanked Mr. Shurtleff, Emergency Response Director, for his assistance with the changes in bus routes due to the flooding.

Approval of Minutes of October 19, November 3, and 8, 2010

It was MOVED by Mr. Proto, seconded by Mr. Stein, to approve the minutes of October 19, November 3, and 8, 2010.

It was MOVED by Ms. Kiefer, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to amend the minutes of October 19, 2010. MOTION CARRIED.

It was MOVED by Ms. Kiefer, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to amend the minutes of November 3, 2010. MOTION CARRIED.

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

A voice vote on the motion to accept the minutes of October 19 (as amended), November 3 (as amended), and 8, 2010, resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera).
MINUTES AS AMENDED APPROVED.

Adjournment

On motion, the meeting adjourned at 9:52 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk.

Minutes Acceptance: Minutes of Dec 7, 2010 5:30 PM (Minutes of Previous Meeting)