

April 7, 2009

Tompkins County Legislature

April 7, 2009

Approved 4/21/09

Call to Order

Chair Koplinka-Loehr 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.

Moment of Silence

Chair Koplinka-Loehr asked for a moment of silence for the 13 victims of the recent tragedy at the American Civic Center in Binghamton, New York.

Privilege of the floor by the Public

The following individuals spoke in favor of the resolution entitled: In Support of Employee Free Choice Act (H.R. 1409; S.560):

- Kate Bronfenbrenner of Ithaca, Cornell I & LR, with 20 years of research and study in labor relations, stated the National Labor Relations Act is not effective and the Employee Free Choice Act would provide needed support to workers.
- Carl Feuer, City of Ithaca, spoke of how the proposed Legislation would provide for much the same procedure that has existed in New York State for the past forty years. He spoke of how it would provide employee with a democratic process that could not be vetoed by employers.
- Pete Meyers, City of Ithaca and Tompkins County Workers Center, said that since May of 2003 he has spoken to close to 1,200 individuals who have had difficulties with employers. Many of them would have a positive outcome if involved with a labor union. He said unions provide concerted action to assist in giving employees things they need and/or want.
- Richard Rose, First Baptist Church Pastor, said adoption of the Employee Free Choice Act would provide employees the right to make a choice without fear, and is critical for human rights.
- Cathy Valentino, Town of Ithaca, spoke of her father's involvement with the steelworker union and the importance it played in workers' lives during the post World War II era. She believes the passage of the Employee Free Choice Act would provide a level playing field between employer/employee.
- Doria Higgins, Ithaca, finds it appalling that these problems exist, and supports the resolution and urged it be adopted.
- John Neuman, Chamber of Commerce Board Members and member of the Government Affairs Committee of the Chamber of Commerce, spoke of being supportive of unions but is concerned about the card check that removes secret voting. He said a resolution passed by the Chamber Board was provided to Legislators prior to this meeting. The proposed legislation indicates workers' votes come into public scrutiny and he believes it should be kept secret.
- Susan Begg, City of Ithaca, spoke of her affiliation as a master mason pilot union member. She said unions are not just about wages and benefits but also provide for daily needs in jobs such as hers; it assisted in ensuring appropriate meals, housing, etc., while out on the boats at sea for more than 120 days at a time.
- David Marsh, member of the Laborer's union and President of the Tompkins County Building Trades Council, spoke of his having grown up on a farm and deciding to do something different.

April 7, 2009

The union provided him with the skills that enabled him to provide for his family. He stressed that passage of the Act would not mean everyone would decide to unionize immediately.

- Gary Temple, Groton, said at the present time voting on unions is not secret. Many individuals in support of unions are forced out of a position prior to the date of the vote.
- Tom Seeling, Newfield Midstate Labor Council, supports the resolution and Act indicating it puts workers in the “driver’s seat”.

Michael Lane, Dryden, spoke of the upcoming 2010 census and the importance of it to the County. If the census count is above 100,000 makes us eligible for increased program funding. Changes in population density also affects of redistricting. He recommended the Legislature begin to plan for redistricting and take into consideration what is needed, the size of the Legislature, the makeup of the committee to determine redistricting, and the possibility of staggered legislative terms.

Presentation of Resolution from the Government Performance and Workforce Relations Committee

RESOLUTION NO. 48 – IN SUPPORT OF EMPLOYEE FREE CHOICE ACT (H.R. 1409; S.560)

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

Mr. Sigler, as a point of order, objected to the presentation of the resolution as it deals with Town, State, and Federal government and he believes the County does not have that granting authority. Mr. Koplinka-Loehr stated the resolution supports and urges adoption of the Employee Free Choice Act at the Federal level, and that the presentation of the resolution is not out of order.

Mr. Dennis reviewed the proposed law and said he has been a long-time union member, has a brother who is very involved in unions, and has another brother who is an arbitrator. He supports the resolution but has reservations with regard to the time limit being too short to have positive results for a first contract and that negotiations would result in compulsory arbitration if items are not agreed to. He would prefer to see individuals work through negotiations than end in arbitration when decisions are taken out of the hands of one party. He hopes that organized labor works hard with the Congress and Senate to see changes that would benefit all.

Ms. Mackesey made the following statement:

“In the 1980's I worked as a union organizer. During that time employees at an automotive parts plant contacted the union asking for help to organize their co-workers. Approximately 650 full-time employees worked 3 shifts at this plant the vast majority of them young people, with limited work experience. Since the plant was located in a rural area, almost no one had been in or had family members in a union so they were unfamiliar with unions. What they did know was that life in the plant had become unbearable. I am not exaggerating when I say that an ambulance was called to the plant several times a week as the result of industrial accidents during this time. I will cite just 3 examples of what people working there experienced.

“Example 1: The company used automated machines to assemble large boxes to transport their goods. A department supervisor decided the safety on the machines slowed down the assembly process so he removed them. As a result a female employee was knocked to the cement floor with such force that she suffered a concussion, black-eyes, and serious back injury.

“Example 2 : The company used many chemicals to make its products. One chemical spill resulted in a 23-year-old man suffering a collapsed lung, with kidney and liver damage. Another employee, instructed to dispose of the chemical, spilled more onto the floor sending him and 4 more people to the hospital.

April 7, 2009

Even though air-packs were available, none of the employees had received any health and safety training and put the air packs on upside down making them useless. After these 6 people had been taken to the hospital, two more employees were told to clean up the spill with no safety equipment. Because there was no ventilation in the department, fans were set up and blew the toxic vapors throughout the plant.

“Example 3: Even though the majority of workers were young and had been at the plant for a short time, there were some who had been there for a long time. One such woman, began having health issues continuing to have colds and bronchial problems. Her doctor finally ordered lung x-rays. When he saw the results, he told her that if she did not quit smoking she was not going to live a very long life. When she told the doctor she had never smoked, he said her lungs looked as if she smoked three packs of cigarettes a day. Soon afterward she quit her job and her health immediately improved.

“Exercising their federally protected right to organize, employees flocked to meetings and t-shirts and buttons appeared on the floor of the plant. Union information meetings were well attended and an employee organizing committee formed. People were enthusiastic and fired up. They quickly understood that having a union would provide an opportunity for them to change the difficult and dangerous workplace they shared. They spoke and wrote in their newsletter about the exciting prospect of introducing democracy into the workplace.

“Under the current National Labor Relations Act, employees can sign authorization cards that say they agree to have the union represent them in collective bargaining. Card check or elections are both options for determining union representation, under this set up. The difference between that and what is proposed in the Employee Free Choice Act is that currently it is the EMPLOYER who decides whether card check or an election takes place. This has seriously eroded employees right to vote to join a union by either card check or election.

“I will use the drive I have been describing as an example of why the current system does not work.

“Because the turnover rate at the company was very high, keeping authorization cards current was a real challenge. Most unions don't file for an election until they have well over fifty percent. In this situation the decision was made to move toward an election, even though we had not quite reached the 50% mark because of the turnover factor.

“Once we had filed for an election, life inside the plant began to change. Supervisors initiated conversations and spoke against the union and an anti-union committee was formed. In hearings before the National Labor Relations Board to determine who should be included in the group that was to vote, the Company claimed that some of our strong supporters were supervisors and therefore should not be included in the union. One young man who I will call Jim, well respected and well liked was among them. He had worked for the company for 15 years (his whole work life) was known for his dedication and competence. Jim had not missed a day of work in 2 years even though he had not received a raise in three years (during a time of record profits for the company). We explained to him that we would fight to keep him in the bargaining unit but that would mean he would have to testify, which might be dangerous for his future at the company if the NLRB determined that he was indeed a supervisor. The union could defend him as long as he was part of the bargaining unit. Once he was determined to be outside the unit as a supervisor, we could no longer protect him. We felt it was his decision. Because he was getting married the following week and had just purchased a home, he decided he would allow himself to be classified as a supervisor. Within hours of that decision, he was fired for disloyalty to the company because he had worn a union t-shirt to work. Naturally this incident had a chilling effect on the other employees.

“Besides being the means by which we feed, clothe, and provide shelter for ourselves, and our families, jobs define who we are, to ourselves to our families and to the world around us. That is why employers hold such tremendous power over their employees. When co-workers saw a valued, competent

April 7, 2009

employee such as Jim tossed out the door, it was more than sympathy they felt for his fate. Their own sense of security and worth were swept away. Which is why employers continue to make examples of employees by firing during union organizing campaigns.

“However, Jim’s firing was just the beginning of the company’s anti-union campaign. We discovered they had hired Jackson and Lewis, a large New York City Law firm to run their campaign. Among unions, Jackson and Lewis were well known for its campaigns of terror. They lived up to their reputation during our campaign. Supervisors were trained on how to talk against the union. The anti-union committee seemed to have the financial resources to buy things such as anti-union t-shirts. Supervisors targeted a certain group of employees. They began having one-on-one conversations with employees who they had identified as being the most vulnerable. This included single mothers, older, single women, immigrants and the timid. They would quietly call them into their offices and tell them they would lose their jobs, if they supported the union. Often companies hold large group meetings but they did not attempt that with this group. I think, because the open supporters would have challenged them. Instead, they held endless one-on-one meeting. Toward Election-day some people were being called in numerous times during their shift.

“By the day of the election, the tension level in the plant had reached unbearable levels, which is the goal of anti-union campaigns. The union-busters make it so that people just want the pain to go away. Workers are so frightened and confused by the level of tension that the issues, which they know to be important, become irrelevant. We lost the election by a wide margin.

“Here was a group of people whose future health and safety were being jeopardized by an irresponsible employer. Yet they could not bring themselves to vote in their own self-interests because they had been scared away by professional union-busters. Is this democracy? Are working families’ interests being served by the existing system?

“In the past twenty-five years, we have become a country that caters to business interest, ending some regulations, weakening others and not enforcing what is left. This has created an atmosphere strongly favoring corporate interests at the expense of the rest of us. Most visibly, we have seen the banking mess. But we are also witnessing the destruction of backbone of our society by the degradation of working families, in their wages, their working conditions and their health and safety.

“The story I just related to you took place within 50 miles of here. The people who worked in this factory could easily have been from Groton or Dryden or any other rural area of Tompkins County.

“We need to be part of correcting the imbalance we see. By supporting this resolution we will be supporting our neighbors, friends, and constituents. By supporting this resolution, we will support the decision on whether or not to join a union back to the employees where it belongs.”

Mr. Sigler stated once again the County Legislature is voting on a national issue, which he believes goes against the County Charter. He is against the card-check issue. The United States adopted a secret ballot in the 1880’s to keep favoritism from occurring. As unions win sixty percent of elections he is against taking away the present rights of secret ballot. Mr. Sigler spoke of former Presidential Candidate McGovern’s being against what is suggested by the Employee Free Choice Act; all individuals indicating to him they do not support the Act are against the removal of the secret ballot.

Ms. Robertson spoke of the Employee Free Choice Act being a constituent issue rather than partisan. She spoke of legislators representing all constituents and she believes the Free Choice Act would allow all to benefit from a strong union.

Ms. Chock shared her experience of working as an electronic technician in a non-union shop at NCR that required her to place her hands in a vat of TCE, which has resulted in a physical impairment.

April 7, 2009

She said some things only improve from workers' insistence that a union could provide. Although the legislation may not be perfect it is important to look past the detail and recognize something done at a local level indicates a sense of the body to both the State and Federal officials.

Mrs. McBean-Clairborne expressed appreciation for the comments made by Ms. Mackesey. She spoke of having a background in developing countries and knows how much unions are missed. Upon coming to the United States she was pleased to see unions as a part of American society and will be supporting the resolution.

Mr. Proto spoke of his affiliations and experience with political parties and unions, and said a vote on the resolution should be based on its merits.

Ms. Herrera thanked everyone who came out to address the matter and said it is important to hear the various viewpoints. She believes the Employee Free Choice Act to be a relevant topic for the County Legislature as it would affect the communities.

Mr. Shinagawa supports the resolution and said organized labor may be less than twenty percent of the workforce, yet we owe them appreciation for the work they have done. He believes it to be a mainstream issue with supporters on both sides of the political aisle.

Mr. Burbank supported the resolution and spoke of being a substitute teacher and the efforts and benefits occurring from forming a union. He believes the right to organize under a union is democracy at its best.

Mr. Koplinka-Loehr also extended appreciation to those speaking tonight and indicated he was a union organizer for Tompkins County in 1984. He was initially against the resolution, but due to information received has since decided to support it.

Mr. Randall spoke of having grown up in a non-union household and did not believe them to be good. He has since met individuals who are union representatives and following discussions recognizes the value.

Mr. Sigler commented that people who are against this are not necessarily against unions.

A roll call vote resulted as follows: Ayes – 12; Noes – 3 (Legislators Hattery, Proto, and Sigler).
RESOLUTION ADOPTED.

WHEREAS, the freedom to form or join a union is internationally recognized by the 1948 Universal Declaration of Human Rights as a fundamental human right, and

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions, and

WHEREAS, the free choice to join with others and bargain for better wages and benefits is essential to economic opportunity and good living standards, and

WHEREAS, the percentage of national income going to workers' wages is at its lowest level since 1929, while the percentage of national wealth going to corporate profits is at its highest since the 1940s, and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment, enhancing civic participation, reducing worker dependence on social welfare agencies and therefore decreasing the burden on taxpayers, and

WHEREAS, workers across the United States are at present routinely denied the freedom to form unions and bargain for a better life due to illegal employer actions including unjust firings and illegal intimidation, and

April 7, 2009

WHEREAS, the Employee Free Choice Act has been introduced in the U.S. Congress in order to restore workers' freedom to join a union and help America to become, once again, a middle-class society, and

WHEREAS, the internationally respected organization Human Rights Watch, has identified the Employee Free Choice Act as a human rights imperative, and

WHEREAS, nothing about this legislation alters the rights of employers to provide information on unionization to their employees, and

WHEREAS, the Employee Free Choice Act will safeguard workers' ability to make their own decisions without employer abuses, provide for first collective-bargaining contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Tompkins County Legislature supports and urges Congress to pass the Employee Free Choice Act that would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first-contract mediation and arbitration; and establish meaningful penalties for violations of a workers freedom to choose a union,

RESOLVED, further, That a copy of this resolution be forwarded to all our federal elected representatives.

SEQR ACTION: TYPE II-20

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, reported copies of the County Draft Water Quality Strategy have been distributed, with public copies available at all libraries and town halls. The comment period ends on April 17th and recommendations and concerns would be discussed at the Water Resources Council meeting on April 20th. The Water Resources Council is the designated purveyor for this work and provides a review/revision every few years. He expressed appreciation for Ms. Jurkovich's efforts in preparing the material. Mr. Proto reported on Senator Gillibrand's attendance at the Cornell University Veterinary College function earlier in the day. Because of her background Senator Gillibrand is a member of the Agricultural Committee and she described her efforts to promote agriculture in New York State. He noted that over \$50 million of money spent in the County is attributable to agriculture.

Mr. Randall, District No. 9 Legislator, spoke of the Regional Skills Competition held at the Syracuse OnCenter. The 2,200 youth participants were BOCES students from throughout the State competing in areas of masonry, plumbing, carpentry, culinary, veterinary, cosmetology, and many other skills. Eight students from TST BOCES participated; he said his experience clearly showed the next generation would have the skills required to succeed.

Mr. Dennis, District No. 15 Legislator, spoke of attending the Family and Children Services event that presented Diane Shafer with the 2009 Family & Children's Service of Ithaca Agda Osborn Award. He noted Diane has done a great deal of volunteer work for many organizations within the County, including being the first President of the Family Reading Partnership. It was very interesting to hear all who spoke of her efforts and how as a member of the Tompkins County family she spends a lot of time doing for others. He was very pleased to see her receive the award and stated her efforts reflect all who do volunteer work that are not recognized.

Ms. Robertson, District No. 13 Legislator, provided an update of the Tompkins County Council of Government's (TCCOG) work on the health care consortium. She noted that since Mr. Locey presented at the Legislature's meeting TCCOG met with Mr. Locey to speak of the contract and agreement presently being undertaken. She highlighted there are four issues regarding the health care consortium that were of some dispute. The first is an automatic five-year renewal that would eliminate

April 7, 2009

the need for municipal approval; it was determined to accept the automatic five-year renewal as the agreement provides the opportunity for municipalities to pull out on an annual basis. The second item was who could amend the agreement. Each municipality would have a representative and it was felt the board could change the bylaws by themselves but any amendments to the agreement would require a revote by the appropriate legislative body. Another a big issue is weighted voting, which is being reviewed by the State Insurance Department. She said the Legislature would have to take a comprehensive look at the agreement and then consider resolutions in mid-June or July. On March 30, TCCOG held a meeting on gas drilling, and it is on tape and is available on the County's website. She said the meeting addressed what recourse towns, counties, and cities have with regard to gas drilling. There is a lot of authority regarding roads, property tax, emergency response, protection of water, and other issues. Ms. Mackesey volunteered to be on an Ad Hoc committee addressing this issue and Ed Marx has formed a work group of County staff. The next meeting on April 23rd would address cell towers, particularly the requests from Verizon for placement. Discussions regarding coordination of ordinances are taking place.

In response to a question about the health care consortium from Mr. Proto, Ms. Robertson said the vote this year will be for the program to begin next year. A draft of the proposal is available online and Mr. Mareane would have costs available in mid-May. With regard to the gas drilling, Mr. Proto reported a subcommittee of the Water Resources Council is working on ensuring water protection and wanted to be certain work is not being duplicated. Ms. Robertson said TCCOG's work is primarily on what in the law municipalities could do. Ms. Mackesey said presently it appears all municipalities and property owners are on their own; it would be useful to share resources and information.

Ms. Chock, District No. 3 Legislator, announced the public meeting for Tompkins Consolidated Area Transit (TCAT) bus route changes. Only eight routes were not affected by the proposals. Ms. Chock is aware that residents in the East Hill Belle Sherman area have been concerned about the proposals and have requested a review to modify it. Ms. Chock strongly urged residents to attend the meetings or contact TCAT to voice their opinions.

Ms. Herrera, District No. 5 Legislator, asked Mr. Randall how the local students ranked at the Skills Competition. Mr. Randall reported his son won third place for carpentry; he had won the regional competition prior to the state. He stated he is proud of his son as both his teacher and father, particularly to see him complete a task he had never attempted previously. Ms. Herrera extended congratulations to Mr. Randall's son and all the participants.

Mr. Burbank, District No. 12 Legislator, spoke of Tompkins County having first-rate performances in music and theatre available, many of which are struggling to stay in business. He recently received an invitation to visit the Hangar Theatre to see what work is to be done with funding raised during their \$4.6 million dollar capital campaign. Although he had been to the theatre many times, he was able to see how much was needed for the building. The campaign would provide for renovations and repairs that would allow it to remain active for the next twenty-five years. He noted they, as well as other theatres, need people's support.

Ms. Kiefer, District No. 10 Legislator, also went on the tour and agreed with Mr. Burbank's statements. With regard of the work being undertaken by TCCOG, Ms. Kiefer said the Environmental Management Council (EMC) Gas Drilling Committee has also turned its attention to the same area as TCCOG; she recommended speaking to Amy Risen, Chair of the EMC, to receive information compiled.

Report from a Municipal Official

There was no municipal official present.

Presentation – Tompkins County Sustainability Team 2008 Accomplishments and 2009 Goals

Ms. Nelson, Public Works Administrator, provided a brief overview of the 2008 accomplishments and 2009 goals of the Tompkins County Sustainability Team. The report included the following highlights:

1. Green Fleet

- *Alternatives Fuel Consortium and Council* – In 2008, municipalities, educational institutions, TCAT, and other public entities that operate fleets across the county came together to form a consortium with the purpose of collectively seeking alternative fuels for use in the fleets. With Tompkins County being centrally isolated with no interstate highway passing through it, no vendors had bid biodiesel through the NYS bidding process. In discussions with biodiesel vendors about a year ago and monitoring pricing in neighboring counties, the potential price difference for biodiesel over straight diesel if supplied to locations in Tompkins County would be as high as \$.70/gallon, which was unacceptable to the consortium members. Many consortium members desired to use biodiesel and felt that working collectively and utilizing the power of the members aggregate usage, would attract vendors to provide biodiesel at a price that would be acceptable and comparable to straight diesel. As a result of the discussions and meetings, the consortium asked that the County seek bids for biodiesel. Tonight you are being asked to award that bid. This is a great accomplishment for the consortium and will allow the members to begin using biodiesel in the fleets. This will positively impact the recent County Comprehensive Plan element you approved for reducing green house gas emissions 2% annually countywide.

Due to the size of the consortium, a smaller group comprised of members representing the larger public sector fleets in the county serve as a council. The council's purpose is to investigate alternative fuels, select vendors and products for presentations that they feel would be beneficial to all of the consortium members, and, assist in green fleet research that can be shared with all members.

Another resolution before you tonight is the approval of the county seeking Clean Cities designation. This will allow the potential for additional resources, particularly as the consortium next starts to work investigating compressed natural gas and propane applications for fleet vehicles.

As the facilitator for both of these groups, it has been rewarding to see and participate in the development, discussions, and positive outcomes.

- *County Green Fleet Policy* – A team comprised of representatives from the county departments that have vehicles and equipment has been meeting to develop and discuss a green fleet policy. John Simeone, Planning Intern, has been hired to assist with this project. This new administrative policy will be moving through the legislative review process once finalized by the team and reviewed by department heads. The County Administrator is being asked to develop a “charge” for the establishment of a green fleet/fleet management team that will work on implementing the green fleet policy as well as improving the overall management of the county's fleet.

2. Environmentally Preferred Procurement - The Resource Guide has been finished and is being distributed to county departments, Finger Lakes Environmentally Preferred Procurement Consortium members, and anyone else that wants it. County departments recently were given bags containing environmentally preferred products for use by the employees. Feedback will be sought on the products. Product feedback will be used in future updates of the Resource Guide. A “green vendor fair” is being

April 7, 2009

planned for October. County employees and consortium members will be invited to attend. Stay tuned for additional information as it develops on this fair.

3. Employee Involvement and Participation – In order to reach out to employees, the creation of an interactive DVD is being pursued. This information would be used as part of new employee orientation to provide information on sustainability, where departments are located, how departments are involved and connected, and to provide information that employees can use not only at work but at home and in their community. This DVD would also be available for departments so it can be shared with existing employees. A county sustainability team web page is in the development process that will be a source of information and links to other related sites.

4. Energy Efficiency – Revisions to Administrative Manual policy #06-09 have been completed and are working their way through the approval process. This revised policy will address many things including energy conservation in county buildings that is of particular interest and importance.

5. Waste Reduction – Waste reduction audits have been completed in all county departments and Solid Waste staff continues to work with the departments to implement improvements. Now that the county departments have been completed, the program has expanded into community businesses by the Solid Waste Division staff.

6. Infrastructure Design – The new Health Department Building construction at 55 Brown Road is underway. LEED silver status may be achievable for this, the county's first LEED construction project. During the deconstruction of the building, it was estimated that 75% of the materials would be suitable for recycling, when in actuality, 95% of the material was diverted from the waste stream.

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

RESOLUTION NO. 49 – AWARD OF BID – BIODIESEL FUEL

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Herrera. Ms. Herrera spoke of private individuals choosing to utilize biodiesel fuel in their own vehicles and recognition of its benefits. Ms. Chock asked why Ms. Kiefer had not supported the resolution at the Committee level and was informed she did not have all information desired at the time. The information was provided and she will now support the resolution.

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

WHEREAS, the Tompkins County Finance Department has duly advertised for bids for Biodiesel Fuel for use by the Highway Division and the Airport, as well as other members of the Alternative Fuels Consortium, and

WHEREAS, two (2) bids were received and publicly opened and read on March 11, 2009, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Mirabito Energy Products of Binghamton, New York, as the lowest responsible bidder, with a cost of \$2.0534 per gallon for B20 biodiesel fuel,

RESOLVED, further, That the Finance Department be authorized to implement this bid on behalf of the County.

SEQR ACTION: TYPE II-20

Report – Brief Review of Community Oriented Policing Services (COPS) Grant Proposal

April 7, 2009

Sheriff Peter Meskill provided an overview of the Community Oriented Policing Services (COPS) Grant, a Federal stimulus initiative designed to assist state and local governments in restoring or expanding the number of sworn law officers. He outlined the details of the grant, which requires maintaining the increased level of officers for the three years the grant payments cover as well as the following (fourth) year of employment. This would result in an increase of road patrol officers from 25 to 28, thereby allowing for a decrease in response time and providing more coverage. Mr. Meskill spoke of the increase in officers allowing positive community-styled policing to address issues. Congressman Arcuri is assisting in the grant application process. The grant would provide \$666,422 in Federal assistance for the salary and fringe expenses for the three positions over the three-year period, with the fourth year requiring the County to pay the full cost. A net local cost of \$400,000 for the four-year period would be offset by the projected reduction of more than twenty percent in overtime, reducing the projected four-year cost to \$53,386.

Sheriff Meskill spoke of the manner additional deputies would be chosen, noting upon receipt of the grant he would review civil service listings as well as work with the Personnel office for interviews as well as seeking out diversity for the department. With regard to residency, he noted that 37 of the 40 employees within his department are County residents. Mr. Meskill asked for support of this initiative by the Legislature, noting the level of support would be important regarding the award of grant.

RESOLUTION NO. 50 - SUPPORTING THE COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT PROPOSAL FOR FEDERAL STIMULUS INITIATIVE FUNDING

MOVED by Ms. Robertson, seconded by Mr. Dennis. Ms. Robertson commended the Sheriff and County Administrator for their efforts regarding this initiative. She was skeptical at first with regard to the ability to financially support the grant but with overtime savings it appears it would be beneficial to proceed, particularly with the continual requests for additional coverage throughout the County.

Ms. Kiefer indicated she believes it optimistic that existing Deputies would willingly give up overtime. She also requested the 2003 New York State Department of Criminal Justice Services (DCJS) study document not be included within the application, since her recollection is that some of its statements. Mr. Meskill responded that this document would be extremely beneficial documenting their need and therefore would be included as part of the application. Ms. Kiefer indicated since it will be included she would not support the resolution.

Mrs. McBean-Clairborne noted the document indicated there were forty funded sworn officer positions with an additional four that were not funded. Mr. Meskill said the grant would provide the ability to fill the remaining positions available with funding.

Mr. Hattery spoke of the statement the positions would increase response time and asked if it is currently a documented concern. Mr. Meskill said he does believe it is a problem within the county at present. Mr. Hattery then asked if after the three years would the positions be removed due to the proposed work being completed; the fourth year would mean a \$140,000 increase in the budget. Mr. Meskill would like to keep the positions in place. Mr. Hattery noted for the out-years beyond the four-year period it would require a \$200,000 increase.

In response to Mr. Proto's question it was noted by Mr. Meskill that he is asking for the ability to apply and that the positions would be road patrol officers. In addition, it was noted he believes he has enough road-worthy vehicles to utilize for the officers. Mr. Meskill explained to the Legislature the grant would provide a unique opportunity to back-fill positions in a good manner as the training process is lengthy, without it being at local cost. When asked by Mr. Proto if the reduction of overtime is realistic, Mr. Meskill stated he would be developing a work plan to keep within budget and provide the best service possible.

April 7, 2009

Mr. Stevenson spoke of having worked as a dispatcher at the Sheriff's Department and can relate to response times. He believes cutting down response time is positive and will support the resolution. Mr. Stevenson indicated a preference to have applicants for the positions be County residents in order to keep the stimulus funding within the County. He also said he believes diversity and residency need not compete and both could be accomplished without being a detriment to each other.

Ms. Robertson thought it would be positive to have the investment in training the deputies be at Federal expense. She acknowledges Ms. Kiefer's concerns about the 2003 DCJS study over-exaggerated response time, but said nonetheless a shorter response time is in order. She does not feel it inappropriate for the Congressman to submit the report.

Ms. Chock said she voted against the resolution at Committee, she believes that given the fiscal problem it would not be fair to increase the number of employees. Ms. Chock pointed out that approval would commit the County to almost \$400,000 over the next four years, with the thought that the money would be made up from a reduction of overtime and other factors. If the reduction were not met the County would still be committed to find the funding to cover the positions. She is not certain that the present employees who have grown accustomed to the overtime pay would want to give it up. She asked for assurance from Mr. Meskill that in the event the reductions are not met the Sheriff would accept full responsibility to make up the funding in other areas of the budget. He then clarified for Ms. Chock how civil service rules allow for unfunded positions within departments, stating without the open positions it would be a more lengthy process to fill the positions if the grant is awarded.

Ms. Mackesey is supportive of the additional positions for the time period funded, however, she is concerned about what would occur at the end of the four years. Mr. Meskill said it is his intention to continue the positions through his budget, however, the final determination would be up to the full Legislature. He also stressed the anticipated savings from these positions due to overtime reduction.

Mr. Dennis supports the resolution. He said when initially proposed the program was in need of work and through the efforts of the Sheriff and County Administrator it now would provide coverage while determining whether overtime could be reduced. In the interim, it would allow three individuals to be trained using the Federal funds.

Mrs. McBean-Clairborne supports applying for the grant, but hopes there could be future reductions in staff through attrition; she would not like to see increases in staff without further conversation. She spoke of Mr. Meskill's ability to work within his budget and she will support it. Ms. Kiefer responded, noting the terms of the grant does not allow a decrease in staff over the term of the grant.

Ms. Chock made the distinction that the resolution does not provide budget relief, rather it is increasing positions within the department.

A voice vote on the resolution resulted as follows: Ayes – 11 (Legislators Burbank, Chock, Dennis, Koplinka-Loehr, Mackesey, McBean-Clairborne, Proto, Robertson, Shinagawa, Sigler, and Stevenson); Noes – 4 (Legislators Hattery, Herrera, Kiefer, and Randall). RESOLUTION ADOPTED.

WHEREAS, As a part of the Federal stimulus initiative, the Federal government has re-instituted the Community Oriented Policing Services (COPS) Grant program to assist state and local governments in restoring or expanding the number of sworn law enforcement officers, and

WHEREAS, the grant provides funding equal to the salary and fringe benefits of up to three entry-level deputies for three years. Recipient agencies must maintain their sworn roster at the elevated level throughout the three years of the grant plus one additional year after the grant ends, and

April 7, 2009

WHEREAS, the Tompkins County Sheriff's Office currently has three unfunded Deputy Sheriff positions, but it is understood that the County does not have the current capacity to support new positions in this difficult economic time, and

WHEREAS, the Sheriff believes that with three additional deputies, the Sheriff's Office could decrease response time to calls for service and reduce baseline overtime costs (wages and related fringe benefits), and

WHEREAS, it is estimated that by offsetting the local cost with savings resulting from reduced reliance on overtime, the net total cost of the additional positions over the next four years will be less than \$90,000, with estimated net savings of between \$22,000 and \$54,000 during the first three years of the grant, no therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Sheriff and the Tompkins County Legislature agree to proceed with the application for COPS funds for three Deputies based on the following plan to reduce baseline overtime costs (wages and related fringe benefits):

- The Sheriff will establish a goal to reduce baseline overtime in the Law Enforcement Division by 1,625 hours annually—a 23.2% reduction in overtime hours (corresponding budget dollars) from the 2009 budget baseline—and work diligently to achieve that goal.
 - a. It is also recognized that overtime in a law enforcement agency may be affected by circumstances beyond the control of management. A single homicide investigation, for example, can result in hundreds of hours of overtime. Efforts will be made to segregate such extraordinary events to allow tracking of baseline overtime.
- The Sheriff and the County Administrator will monitor the progress in achieving the overtime reduction goal and the Sheriff will report the progress in achieving the goal annually to the Legislature.
- At the conclusion of the third and the final year of the grant, the Sheriff and County Administrator will undertake a review to determine whether the proposed overtime savings have been achieved and, therefore, whether maintaining the sworn roster at the elevated level can be expected to produce sustained, long-term overtime savings while providing needed and valuable service to the residents.
- The Sheriff's report of accomplishments, including but not limited to, reduction of response times, the results of the overtime review, crime prevention efforts, and increased community interaction, will be the primary elements of the Legislature's consideration of whether to maintain the staff at the enhanced level after the County has fulfilled its grant requirement and four-year maintenance of effort obligation. The Legislature may also choose to consider other factors in making this decision.

SEQR ACTION: TYPE II-20

Recess

Chair Koplinka-Loehr declared a recess from 8:12 p.m. to 8:18 p.m.

Chair's Report

Mr. Koplinka-Loehr indicated he would like an executive session to discuss performance evaluation of direct-report positions.

Report from the County Administrator

Mr. Mareane said he would report to Standing Committees with regard to updated information concerning the State budget. He said that although he is presently reviewing the 2009 budget, plans are underway for the 2010 budget. There will be a budget retreat for Legislators at 6:30 p.m., on April 29th at Tompkins Consolidated Area Transit building. At the April 10 meeting of the Government Performance and Workforce Relations Committee a quarterly indicator report would be provided, showing the current

April 7, 2009

consumer price index, food stamp usage, etc. He expressed appreciation to all who participated at the quarterly Legislator/Department Head retreat, noting it was very positive.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires reported while in Albany the State Comptroller issued guidance regarding the retirement reporting requirements for elected officials, specifically that they would go into effect for terms after July 1, 2009, which for local Legislators, would require reporting beginning January 2010. The reporting would be on an individual basis, based upon a resolution passed by Legislators. In the event a Legislator did not work as long as the resolution stipulates the report to the State would be pro-rated. He also reported the auditors are present to begin the County's annual audit. As a result of the GASBY 45 regulations a valuation of post-employee benefits will be added to the statement. The first quarterly sales tax payment was received for March 2009 and the downward trend continues, with a 5.5 percent reduction from last year. Mr. Squires anticipates the next report to also be reduced significantly; the payment received for March had adjustments made and it is unclear what the next payment would be. In response to a question from Mr. Sigler, it was noted there is a drop-off in sales tax revenue. Although he had anticipated a \$1 million reduction the present reports indicate the possibility of \$1.5 million decrease in sales tax revenue.

Addition to and Withdrawal of Resolution(s) from the Agenda

There were no resolutions(s) added to or withdrawn from the agenda.

Appointment(s) Approved 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:

Environmental Management Council

Roberta Lee Dixon - Town of Danby representative; term expires December 31, 2009

Resolution(s) Approved 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 NO. 51- IN SUPPORT OF THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND

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

WHEREAS, the New York State Environmental Protection Fund (EPF) of 1993 established the state's first-ever environmentally dedicated funding mechanism to provide critical funding for the New York State Department of Environmental Conservation, the Office of Parks, Recreation, and Historic Preservation, and grants to local governments and non-profit organizations, and

WHEREAS, EPF funding has helped to implement a variety of environmental programs in New York State to reduce waste, protect public health, and ensure that communities have clean water, land, and air; to preserve open space and working farms; and to create and maintain public parks, and

WHEREAS, the Environmental Protection Fund has provided dedicated funding for programs that benefit Tompkins County including municipal recycling, smart growth planning, open space

April 7, 2009

protection, farmland protection, non-point source pollution prevention, waterfront revitalization, municipal parks, zoos, botanical gardens and aquaria, biodiversity research, estuary programs, pollution prevention, landfill closure, and water quality protection, and

WHEREAS, the Environmental Protection Fund has benefited Tompkins County by providing 50% funding for recycling capital projects such as the improvements to the Recycling and Solid Waste Center and educational programs for waste reduction and recycling, and

WHEREAS, the Environmental Protection Fund is primarily financed through the New York State Real Estate Transfer Tax (RETT) but also receives revenue from income derived from the sale of surplus state lands, the leasing of underwater state-owned lands, and New York's "open space" license plate, and

WHEREAS, it was the intent of the New York State Legislature to protect the integrity of the Environmental Protection Fund through times of economic prosperity as well as during economic crisis by providing a stable, dedicated source of funding for these critical programs, and

WHEREAS, despite current and projected decreases in real estate sales in New York State, the State Real Estate Transfer Tax generates revenue at a level that is nearly triple what is statutorily required to fully fund the Environmental Protection Fund, and

WHEREAS, in a time of increasing global water shortages, climate warming, and peak oil it is more important than ever to have environmental funding levels in New York State adequately meet current and future needs, including the Environmental Protection Fund which should be fully funded according to the current statutory funding schedule as established by the Environmental Protection Fund Enhancement Act (Chapter 256 of the Laws of 2007), and

WHEREAS, the Environmental Protection Fund Act should be implemented and receive \$300 million in the FY2009-10 State Budget and that its primary funding mechanism should continue to be from the State Real Estate Transfer Tax, as it has been for the past 15 years, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure and the Planning, Development and Environmental Quality Committees, That the Tompkins County Legislature strongly supports the Environmental Protection Fund and urges New York State to include a \$300 million Environmental Protection Fund in the FY 2009-10 State Budget,

RESOLVED, further, That Tompkins County opposes changing the revenue source of the Environmental Protection Fund and urges New York State to ensure at least \$287 million in revenue from the State Real Estate Transfer Tax is dedicated to the Environmental Protection Fund in the FY 2009-10 State Budget,

RESOLVED, further, That this resolution shall be transmitted to the Governor, members of the New York State Legislature County Representatives, and New York State Association of Counties upon passage.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 52 - AUTHORIZING AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) - FEDERAL TRANSIT ADMINISTRATION SECTION 5311 GRANT FOR TOMPKINS CONSOLIDATED AREA TRANSIT

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

WHEREAS, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), the Secretary of the United States Department of Transportation is authorized to fund capital projects under Federal Transit Administration Section 5311 of Chapter 53, Title 49, of the United States Code, which is administered by the New York State Department of Transportation (NYSDOT), and

WHEREAS, Tompkins County is submitting a request for a grant of ARRA funds to NYSDOT to purchase six (6) replacement 40-ft. clean-diesel, low-floor transit buses and ancillary bus equipment, to be operated by Tompkins Consolidated Area Transit, Inc. (TCAT), to provide open-to-the-public, rural public transportation service in Tompkins County and portions of Tioga and Schulyer Counties, and

WHEREAS, Tompkins County and the State of New York will enter into an Agreement which authorizes the undertaking of the Project, and reimbursement to the municipality of one hundred percent

April 7, 2009

of the project cost through the American Recovery and Reinvestment Act of 2009 at a cost of up to \$2,175,000, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes the County Contracts Coordinator to execute and file applications on behalf of Tompkins County with the New York State Department of Transportation for the American Recovery and Reinvestment Act of 2009, Federal Transit Administration Section 5311 Grant, in the amount of \$2,175,000,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign:

1. Any and all agreements between Tompkins County and the State of New York for the Project.
2. Any and all agreements between Tompkins County and TCAT, and any third-party subcontractors necessary to complete the project, if applicable.
3. Any and all Municipality/Vendor Contracts for the purchase and/or installation of vehicles and/or equipment pursuant to the application and agreement.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 53 – AUTHORIZING MUNICIPAL ELECTRIC AND GAS ALLIANCE (MEGA) TO BID FOR OUTDOOR SOLAR LIGHTING PRODUCTS ON BEHALF OF THE COUNTY AND AUTHORIZING THE INCLUSION OF ALL POLITICAL SUBDIVISIONS AND DISTRICTS WITHIN THE STATE TO PARTICIPATE

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

WHEREAS, the County previously authorized Municipal Electric and Gas Alliance (“MEGA”) to bid for both gas and electric power on its behalf and the bids resulted in contracts, and

WHEREAS, the American Recovery and Reinvestment Act of 2009 contains funding opportunities for counties to further reduce expenditures for electricity through the use of renewable and sustainable energy products in furtherance of MEGA’s mission, and

WHEREAS, MEGA has entered into a partnership with the New York State Association of Counties to provide assistance to counties in accessing funds and developing projects that support the goal of increasing the use of renewable and sustainable energy products, and

WHEREAS, Section 408-a of the County Law authorizes the County to include in any purchase contract awarded to the lowest responsible bidder, authorization permitting all political subdivisions and districts in the State to participate, and

WHEREAS, the County desires the continued participation of other political subdivisions and districts in the contracts, and

WHEREAS, rules regarding the terms by which other political subdivisions and districts participate have been established and will be reflected in contracts with the lowest responsible bidders, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That MEGA is hereby authorized to release bids for solar or other renewable energy generation systems that can be installed or otherwise deployed on municipal or government property to produce energy that can be consumed by such municipality and/or sold back to the local utility,

RESOLVED, further, That all political subdivisions and districts within the State are authorized to participate in the contracts awarded as a result of the bids.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 54 - APPROVAL OF TOMPKINS CORTLAND COMMUNITY COLLEGE CAMPUS MASTER PLAN AMENDMENT

April 7, 2009

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

WHEREAS, via Resolution No. 85 adopted on May 3, 1994, the Tompkins County Legislature approved Tompkins Cortland Community College's campus master plan in the amount of \$8,689,572, and

WHEREAS, additional needs have emerged since the adoption of the original master plan, these primarily being the need to expand and update the cafeteria and kitchen areas, and

WHEREAS, there are unspent State funds in the library expansion project in the amount of \$25,853, and

WHEREAS, there are also unspent State funds in the HVAC system replacement project in the amount of \$4,130, and

WHEREAS, the College wishes to move the remaining funds from the library expansion and HVAC system replacement projects to help fund the expansion of the cafeteria and kitchen areas, and

WHEREAS, these changes would result in a revised master plan as outlined below:

State Share	\$	29,983.00
Local Share		
Capital Cafeteria Reserve	\$	29,983.00
Total Local Share		<u>\$ 29,983.00</u>
Total Campus Master Plan		<u>\$8,749,538.00</u>

, and

WHEREAS, the College has sought guidance from the State University of New York and has been advised to submit an amendment to the current campus master plan requesting the need to move the state funding available from the library expansion and HVAC system replacement projects, and

WHEREAS, the local share to match the additional \$29,983 in State capital funds will be supported by the Cafeteria Capital Reserve and will not require additional sponsor funds, now therefore be it

RESOLVED, on recommendation of the Budget, Finance, and Capital Committee, That the 1993-94 Campus Master Plan with a revised estimated cost of \$8,749,538 be adopted by the Tompkins County Legislature,

RESOLVED, further, That this resolution shall become effective upon adoption of a concurrent resolution by the Cortland County Legislature.

SEQR ACTION: TYPE II-20

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, reported the Committee met on March 11th. One item of note was a report from the subcommittee regarding the creation of the position of Coordinator for the Tourism Program. Ms. Mackesey and Ms. Chock worked on the document and she suggested members review the document. Last year the program received \$1.7 million and is a large fund utilizing volunteers on the Strategic Tourism Planning Board. The work they are undertaking is now at a point that it is necessary to consider hiring an individual to oversee the work. Ms. Mackesey said last year \$100,000 was set aside to look into the possibility of hiring an individual for the position, and the County Administrator would have a role in determining what the position would look like and how it would fit into the County's workforce. Ms. Mackesey reported the Committee received a report from the Water Resources Council on work completed and what they plan for the future; they remain an active and engaged advisory committee.

Ms. Robertson spoke of the previous discussions by the Legislature regarding the membership of the Industrial Development Agency (IDA). The IDA audit was undertaken and accepted by the IDA, and included a notation by the auditors regarding the membership. The notation stated the IDA had amended its membership to reduce the Legislature members from four to three; the County has chosen not to adhere to this amendment and instead to continue to appoint four Legislators. Research by the Agency

April 7, 2009

and County Attorneys revealed that the County is not legally obligated to adhere to the Agency's bylaws although the County has a history of adopting such changes in the past. The result is that the Agency is not in compliance with the Authority Budget Office Policy Guidance memorandum 0701. The IDA attorney is looking into any possible consequences of our decision. Ms. Robertson reported with regard to the Civic Facilities legislation relating to the ability to issue tax-exempt bonds, it continues to be negotiated in Albany; Mike Stamm of Tompkins County Area Development and others have gone to Albany to see if there could be a settlement regarding prevailing wages. It is thought that Tompkins County may be in a unique position to craft a resolution the unions would be able to support. As the Governor's office had requested the meeting it is thought there may be the ability to push to find a compromise.

Ms. Herrera noted the question regarding the Legislature vote on membership of the IDA was stipulated that the County is not in violation of law in deciding not to reduce the number of Legislators on the IDA Board.

Report from the Budget and Capital Committee

Mr. Dennis, Chair, reported the Committee met on March 23rd and acted upon the resolutions before the Legislature as well as speaking of the municipal tax agreement. In addition, a discussion regarding the budget framework as well as the overall budget forecasts. He announced the budget retreat would be held at 6:30 p.m. on April 9th at the Transit Center.

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

Ms. Robertson, Chair, reported the Committee met prior to the Legislature meeting, and will meet again on April 20th.

RESOLUTION NO. 55 - MEMORIALIZING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK TO ENACT AND SIGN INTO LAW LEGISLATION AMENDING SECTION 303 OF THE COUNTY LAW TO ALLOW TOMPKINS COUNTY TO INCREASE ITS ACCESS LINE SURCHARGE TO PAY FOR THE COSTS OF MAINTAINING AND OPERATING AN EMERGENCY COMMUNICATIONS SYSTEM

MOVED by Ms. Robertson, seconded by Ms. Kiefer. Mr. Proto asked if the surcharge would apply to cellular telephones as well as landline telephones. Mr. Mareane said the increase is only for landline telephones; there is already a \$1.50 surcharge on cellular telephones. It was further clarified the resolution only allows the County to have the ability to increase the surcharge up to a total of \$1.00; it does not increase the present surcharge of \$.35 until the State approves the request and a separate resolution to increase the amount is approved. In response to Mr. Proto's question, it was noted that in the event the Statewide Network should become operative and contribute to the communications system, the surcharge would be able to be reduced.

Mr. Stevenson said he had hoped such a surcharge would provide property tax relief, however reviewing the need indicates the request is justified in order to adequately staff and operate our emergency communications system. He will support it, but does not want the request to increase to be taken lightly.

Ms. Robertson spoke of the cost for an over-target request in the amount of \$350,000 for maintenance of the communication system being passed on to property tax bills. The anticipated revenue from the Statewide Network participation or co-location of private business has not occurred, therefore the increased surcharge would assist in covering the annual expenses of the communication system.

April 7, 2009

Ms. Kiefer inquired what other counties charge under this regulation. Mr. Mareane replied most are at the \$.35 rate; New York City charges \$1.00 and at this time Onondaga is considering an increase to \$1.00 as well.

Mr. Hattery pointed out the resolution clearly indicates the purpose of the surcharge is to maintain a vital service to residents and first-responders.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 2 (Legislators Herrera and Proto). RESOLUTION ADOPTED.

WHEREAS, in recognition of the need to rapidly and appropriately respond to threats to the public's health and safety, Tompkins County has committed itself to the creation and maintenance of a robust emergency communication system that can serve the needs of first responders throughout the County, and

WHEREAS, Tompkins County has developed a 911 emergency communications center to provide all first responders within the County a well-trained and well-equipped professional dispatch staff, and

WHEREAS, Tompkins County has shown leadership in emergency communication, answering the call of the national 9/11 Commission, New York State, and local first responders by creating New York State's first fully interoperable emergency communication system, and

WHEREAS, the \$21 million cost of the recently completed interoperable communication system represents the largest capital project in the history of Tompkins County, and

WHEREAS, although Tompkins County has made, and will continue to make, every effort to secure State and Federal grants to defray a portion of the cost of that system, a substantial portion of the project's cost and associated debt service must be supported directly by the County and its taxpayers, and

WHEREAS, in the absence of alternative revenues, the debt service cost of the project must be paid through the County property tax levy, and

WHEREAS, County Law Section 303 permits a municipality to impose, via local law, a surcharge on each access line in an amount not to exceed \$0.35 per month to help pay the cost of operating and maintaining an emergency 911 communication system, and

WHEREAS, the cost to amortize and maintain the County's emergency communication system has increased substantially along with the capacity, reliability, and coverage of that system, and

WHEREAS, it is necessary and desirable for the State to amend existing State law to authorize the County of Tompkins to increase the surcharge imposed on access lines from \$0.35 to up to \$1.00 per access line per month, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That this Legislature hereby requests the Governor and the Legislature of the State of New York to enact legislation amending Section 303 of the County Law to allow Tompkins County to increase the E911 surcharge on access lines up to an amount not to exceed \$1.00 per access line per month,

RESOLVED, further, That the Clerk of this Legislature hereby is directed to send a certified copy of this resolution to the Governor of the State of New York and to the New York State Legislators representing Tompkins County.

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on March 25th and held a spirited and engaged discussion regarding Civil Service reform. At this time individuals are meeting to discuss the topic and are building conversations with others regarding involvement and participation in producing a proposal that petitions the State to allow a pass/fail system of testing. Mrs. McBean-Clairborne expressed her gratitude to Ms. Martel-Moore for her work in compiling a spreadsheet of the Committee's

April 7, 2009

previous work and the proposed 2009 spending plan. A report of the spending plan will be brought to Government Performance and Workforce Relations Committee's meeting, followed by a detailed spending plan being provided to the full Legislature.

Report from the Legislative Rules and Procedure Committee

Ms. Kiefer, Chair, reported the Committee has not met since the last Legislature meeting.

Report from the Health and Human Services Committee

Mr. Proto, Chair, announced the Committee would meet on April 14th. He reported that Dr. Daines, New York State Commissioner of Health, came to Tompkins County to present the City of Ithaca, Tobacco Coalition, and Tompkins County with an award for their development and participation in the smoking program. The proposed requirement that the Health Department be responsible for home health aides was removed from the final proposed State budget; this is very good news as the mandate would have required the County to add 25 – 35 employees to payroll. Mr. Proto spoke of having conversations with Mr. Mackenzie and Mr. Rudd regarding the need for primary care physicians within the County. They are putting together an effort to attract the primary care physicians to the County. With today's need for health care it is imperative to be sure to have adequate coverage.

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on March 19th, with most of the items appearing on tonight's agenda. She pointed out the purpose of the request to extend the present Air Service Board temporarily is to allow a review process and determine an open process for filling seats on the board. She reported the Health Department Building is moving along, with bids having been received for the site plan. Mrs. McBean-Clairborne spoke of the work completed by Ms. Nelson, Mr. Gregrow, Mr. Marx, and many others to bring forward the biodiesel fuel resolution; it will be very beneficial to the County.

RESOLUTION NO. 56 - AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CLEAN COMMUNITIES OF CENTRAL NEW YORK (CCCNY)

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Herrera. Mr. Proto inquired why Mr. Koplinka-Loehr had become a temporary member if there was quorum present. Mr. Koplinka-Loehr said practice has been to either appoint himself or others if necessary for quorum or at the request of the Chair; a request to sit on the Committee occurred. Mr. Proto asked if the item was time-sensitive and was informed it was not. He then asked if the item could be withdrawn; Mrs. McBean-Clairborne, as the mover, did not wish to do so. Ms. Herrera noted the affiliation with Clean Communities of Central New York would assist the County's Greenhouse Gas emission goals. Ms. Chock noted there is no cost associated with this action.

Ms. Kiefer asked whether the County's name would be attached to positions or statements made by Clean Communities of Central New York. Mr. Marx stated he is not certain the group's goal is to take up positions, but rather to form a collaborative effort to reduce use of petroleum, and such as noted in the resolution.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 2 (Legislators Kiefer and Proto). RESOLUTION ADOPTED.

April 7, 2009

WHEREAS, the United States Department of Energy (DOE) established the Clean Cities program to provide tools and resources for voluntary, community-based programs to help reach the goal of reduced dependence on foreign oil, and

WHEREAS, the Clean Cities program is a government-industry partnership with a mission to advance the energy, economic, and environmental security of the United States by supporting local initiatives to adopt practices that reduce the use of petroleum in the transportation sector, and

WHEREAS, the Clean Cities program provides information about financial opportunities and coordinates technical assistance projects related to the promotion of alternative fuels and advanced vehicles, fuel blends, fuel economy, hybrid vehicles, and idle reduction, and

WHEREAS, Clean Communities of Central New York (CCCNY) is an organization formed to support the Clean Cities program with the goals of reducing dependence on imported oil, reducing air pollution from vehicle emissions, assisting local business and government with regulatory environmental compliance, encouraging economic development through job creation, and creating a positive community image, and

WHEREAS, being a member of CCCNY will assist Tompkins County in meeting its Greenhouse Gas emissions reduction and energy efficiency goals by forming partnerships to develop markets for alternate fuels and by providing funding sources regarding the purchase of alternative fuel vehicles (AFV's) and AFV fueling facilities, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be authorized to sign a memorandum of understanding with Clean Communities of Central New York.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 57 – EXTENSION OF THE ESTABLISHMENT OF THE AIR SERVICE BOARD

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer. A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, the Air Service Task Force (ASTF) was established in 1998 by the Chamber of Commerce and Tompkins County Area Development as a result of community concern over diminishing air service at the Ithaca Tompkins Regional Airport, and

WHEREAS, by Resolution No. 281 of 2005, the Air Service Board (ASB) was hereby established effective January 1, 2006, and

WHEREAS, the Air Service Board was to continue until December 31, 2008, at which time the County Legislature was to review its efficacy and determine whether it will continue beyond December 31, 2008, and for what period of time, and

WHEREAS, the Facilities and Infrastructure Committee recognizes the important work the ASB has accomplished and expresses its sincere appreciation for the public-service efforts of each member of the Air Service Board and Air Service Task Force over the past decade in carrying out its mission for the benefit of all county residents using airport services, and

WHEREAS, the required review has not yet taken place and the Facilities and Infrastructure Committee believes it to be in the best interests of the County to extend the life of the Air Services Board pending that review, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Air Service Board with its 2008 membership be continued through May 31, 2009, to allow for a complete review of the Board, membership, bylaws, and charge.

SEQR ACTION: TYPE II-20

April 7, 2009

Report and Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee

Mr. Shinagawa, Chair, reported the Committee meets next on April 10th and will discuss the dashboard quarterly indicators report as well as receive updates on the Administrative Manual Maintenance Taskforce and the direct-report performance evaluations. At the next meeting resolutions regarding the Open Meetings Law relating to caucus, with altered language to ask the State to clarify what may be discussed during caucus, and a report on voting machines would be discussed.

RESOLUTION NO. 58 - APPROPRIATION FROM CONTINGENT FUND AND CREATION OF PROGRAM ANALYST POSITION FOR TOMPKINS COUNTY DEPARTMENT OF ADMINISTRATION

MOVED by Mr. Shinagawa, seconded by Mr. Hattery. Ms. Herrera supports the resolution due to the job duties for the position. She sees it beneficial to assist with determination of the value of programs, answer questions by Legislators, and relieve Administration to complete other tasks.

Executive Session

It was MOVED by Mr. Sigler, seconded by Ms. Robertson, to enter into an executive session at 9:02 p.m. to discuss personnel matters. A voice vote on the motion resulted as follows: Ayes – 13; Noes – 2 (Legislators Randall and Stevenson). MOTION APPROVED. It was MOVED by Mr. Proto, seconded by Ms. Mackesey, to return to open session. A voice vote resulted as follows: Ayes – 14; Noes – 1 (Legislator Dennis). MOTION CARRIED TO RETURN TO OPEN SESSION at 9:12 p.m.

Ms. Robertson asked if the salary line covered the balance of the year. Mr. Mareane said it does, and hopes to have this one-time funding become permanent funding; the resolution does not commit the funding beyond this year. In addition, this amount also covers the second Deputy County Administrator salary for the first part of the year. The full salary would be \$42,600.

Mr. Sigler said he would not normally support the resolution as he is looking for reductions this budget year; this position would provide information needed to make the cuts, therefore he supports it.

A short roll call vote resulted as follows: Ayes 14; Noes – 1 (Legislator McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the adopted 2009 Tompkins County Budget earmarked contingent funding for a position for the Department of County Administration for its transition to a new County Administrator, and

WHEREAS, the Program Analyst position would assist with special projects, research, analysis, and other County Administration tasks, and

WHEREAS, recognizing current and future demands for additional professional-level support, the County Legislature included \$57,000.00 in one-time contingency funding to support a position to be defined by the County Administrator, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee and the Budget, Capital, and Finance Committee, That the following position be created effective April 1, 2009:

Program Analyst Position (62/359) labor grade L, 40 hours per week

RESOLVED, further, That the Director of Finance is authorized to make the following appropriation from the Contingent Fund to reflect the additional spending authority:

From Contingent Fund:	1990.54400	Program Expense	\$54,116
To County Administration:	1230.51000359	Program Analyst Position	\$39,791
	9101.58800	Fringe	\$14,325

April 7, 2009

SEQR ACTION: TYPE II-20

RESOLUTION NO. 59 – APPROVAL DESIGNATIONS OF SUCCESSORS OF COUNTY OFFICERS FOR THE DEPARTMENTS AS REQUIRED BY THE COUNTY CHARTER

MOVED by Mr. Shinagawa, seconded by Ms. Robertson. Mr. Stevenson stated he asked it be removed from the Consent Agenda so he could vote against the resolution.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 2 (Legislators Herrera and Stevenson). RESOLUTION ADOPTED.

WHEREAS, Section 31.07 of the County Charter specifies that the County Administrator and specified department heads shall designate in writing, and in order of succession, the deputies (or in the absence of officially designated deputies, the employees of the department) who shall possess the powers and perform the duties of the principal in the event of the latter's absence from the County or inability to perform or exercise the powers of the office, and

WHEREAS, the Charter further requires those designations, except department heads elected on a countywide basis, to be approved by the Tompkins County Legislature, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the following designations of successors are hereby approved,

RESOLVED, further, That this list is complete and supercedes all previous designations:

Airport Manager:	Assistant Airport Manager Operations Supervisor and CFR Chief Airport Terminal Services Coordinator
County Administrator:	Deputy County Administrator County Attorney Comptroller
County Attorney:	Deputy County Attorney
Commissioner of Social Services:	Director of Services Director of Administrative Services Staff Development and Quality Coordinator
Director, Department of Emergency Response:	Systems Manager Assistant Fire and Emergency Management Director Communication Center Manager
Public Health Director:	Public Health Administrator (May act on a temporary basis only) Director of Patient Services
Medical Examiner:	Deputy Medical Examiner, William Klepack, M.D. Deputy Medical Examiner, David Newman, M.D.
Commissioner of Mental Health:	Deputy Commissioner of Mental Health Clinical: Medical Director Clinic Supervisor-Clinic Assessment and Continuing Day Treatment Clinic Supervisor-Outpatient Services
Comptroller:	Administration: Fiscal Coordinator Administrative Services Coordinator Budget and Finance Manager Director of Accounting Services

April 7, 2009

Commissioner of Personnel:
Commissioner of Planning
and Public Works:

Deputy Commissioner of Personnel
Planning:
Deputy Commissioner of Planning
Principal Planner
Public Works by Division:
Airport: Airport Manager
Facilities: Director of Facilities
Highway: Highway Manager
Solid Waste: Solid Waste Manager

SEQR ACTION: TYPE II-20

Appreciation for United Way Contributions

Mrs. McBean-Clairborne expressed appreciation to everyone participating in the United Way Campaign. The goal was surpassed and the winners of the most increased donations was the Administration Department, who will have a special breakfast to express appreciation.

Member-Filed Resolution

RESOLUTION NO. 60 – SETTING SALARIES OF MEMBERS OF THE TOMPKINS COUNTY LEGISLATURE TO BE ELECTED FOR THE TERM COMMENCING JANUARY 1, 2010

MOVED by Mr. Shinagawa, seconded by Mr. Dennis. Mr. Shinagawa made the following statement:

“I understand the importance of having competitive salaries, however, I find it difficult to advance a resolution with increased salaries, even if small and not for several years, without recognizing the economic crisis our nation and community faces.

“The revised proposal acknowledges the struggle everyone is facing in this troubled economy; keeping Legislators salaries flat for the next two years, then allows for small salary increases of \$500 in the third and fourth year each, only in the event the unemployment rate in Tompkins County is under four percent. Unemployment may not be an ideal measure of the economy in our County but is widely accepted by Wall Street and Washington, D.C. as a powerful and meaningful indicator.

“This resolution also still allows this Legislature to reject salary increases in the future, even if the economy improves. People across the country are, and will continue to face, wage and salary freezes or worse until the economy recovers. As representatives of the people we should share their struggle and not make ourselves exempt from it. So I urge you to support this resolution as a responsible compromise that avoids the politically easy extremes, and instead moves us forward in a way that recognizes our diverse perspectives but still proves to the public that we get it and understand it.”

Mr. Dennis was initially in favor of no increase for the next four years, however can support this resolution as written. In the event it were amended he would wish to return to the resolution with no increases.

It was MOVED by Mr. Randall, seconded by Mr. Hattery, to offer Resolution No. 45, previously acted upon on March 17th, as a substitute [Mr. Randall was excused at the March 17, 2009 Legislature meeting].

April 7, 2009

WHEREAS, elections for all 15 members of the Tompkins County Legislature will be held in 2009 for terms commencing on January 1, 2010, and

WHEREAS, it is appropriate that the level of compensation be established well in advance of the election so that prospective candidates and voters will be informed as to the salaries to be paid to Legislators for lost opportunity for employment during time required, and

WHEREAS, a May 1996 self-monitoring survey of Tompkins County Legislators members determined that the average monthly time commitment was 30 hours per week, now therefore be it

RESOLVED, That the annual salary for a member of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be as follows:

January 1, 2010-December 31, 2010:	\$18,700
January 1, 2011-December 31, 2011:	\$18,700
January 1, 2012-December 31, 2012:	\$18,700
January 1, 2013-December 31, 2013:	\$18,700

RESOLVED, further, That the annual salary for the Chair of the Tompkins County Legislature elected for the term commencing January 1, 2010 shall be one and one-half the salary of a Legislator not serving as Chairman,

RESOLVED, further, That the fiscal target for the Tompkins County Legislature be adjusted accordingly each year for the salary increases of the Legislature.

SEQR ACTION: TYPE II-20

Mr. Shinagawa and Ms. Robertson expressed a preference to pass the original resolution, with the option of voting in favor of Resolution No. 45 if the original failed to have support.

Ms. Kiefer spoke against the substitute, noting it is impossible to determine what the economic conditions would be in the future. She is willing to believe the economy would improve by year three and have sufficient revenues to cover an increase in salary; she would like the economy to be the determining factor.

Mr. Proto said unemployment is not a lagging indicator of the economy, rather it is a leading one. He expressed his belief that the economy, in the United States and abroad, would not improve sufficiently to be at the level it was prior to the current economic downfall. He believes it is optimistic to assume unemployment would be below four percent and does not desire to have an increase as suggested in Mr. Shinagawa's resolution and urges to support the substitute.

A voice vote on the motion to substitute resulted as follows: Ayes – 5 (Legislators Hattery, Proto, Randall, Sigler, and Stevenson); Noes – 10. MOTION TO SUBSTITUTE FAILED.

A roll call vote on the original resolution resulted as follows: Ayes – 9 (Legislators Burbank, Chock, Dennis, Kiefer, Koplinka-Loehr, Mackesey, Mcbean-Clairborne, Robertson, and Shinagawa); Noes – 6 (Legislators Hattery, Herrera, Proto, Randall, Sigler, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, elections for all 15 members of the Tompkins County Legislature will be held in 2009 for a four-year term commencing on January 1, 2010, and

WHEREAS, a May 1996 self-monitoring survey of Tompkins County Legislators members determined that the average monthly time commitment was 30 hours per week, and

WHEREAS, the 2009 salary for a Tompkins County Legislator is \$18,700, and

WHEREAS, it is appropriate that the level of compensation be established well in advance of the election so that prospective candidates and voters will be informed as to the salaries to be paid to Legislators for lost opportunity for employment during time required, and

WHEREAS, this resolution does not impede the Tompkins County Legislature from exercising the option to vote against annual salary increases in any year of their term, and

April 7, 2009

WHEREAS, it is nonetheless prudent and appropriate in this unusual time of economic meltdown to tie the implementation of any raise to a relevant, neutral economic indicator, now therefore be it

RESOLVED, That the annual salary for a member of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall remain unchanged for 2010 and 2011 and shall be increased by \$500 each succeeding year, as follows:

January 1, 2010-December 31, 2010:	\$18,700
January 1, 2011-December 31, 2011:	\$18,700
January 1, 2012-December 31, 2012:	\$19,200
January 1, 2013-December 31, 2013:	\$19,700

RESOLVED, further, That a scheduled calendar-year raise shall only take effect if the unemployment rate in Tompkins County is 4.0 percent or less, as determined by averaging the Tompkins County unemployment rate for each of the four months preceding the calendar year of the scheduled raise,

RESOLVED, further, That the annual salary for the Chair of the Tompkins County Legislature elected for the term commencing January 1, 2010 shall be one and one-half the salary of a Legislator not serving as Chair,

RESOLVED, further, That the fiscal target for the Tompkins County Legislature be adjusted accordingly each year for the salary increases of the Legislature.

SEQR ACTION: TYPE II-20

Approval of Minutes of March 17, 2009

It was MOVED by Ms. Robertson, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the minutes of March 17, 2009. MINUTES APPROVED.

Executive Session

It was MOVED by Mr. Proto, seconded by Mr. Shinagawa, to enter into executive session at 9:30 p.m. to discuss personnel items. A voice vote on the motion resulted as follows: Ayes – 7 (Legislators Dennis, Herrera, Hattery, Koplinka-Loehr, McBean-Clairborne, Proto, and Sigler); Noes – 7 (Legislators Burbank, Chock, Kiefer, Mackesey, Randall, Robertson, and Stevenson); Temporarily Out of Room – 1 (Legislator Shinagawa). MOTION FAILED.

Adjournment

On motion the meeting adjourned at 9:30 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office