

July 15, 2008

**Tompkins County Legislature
July 15, 2008**

Approved 8/19/08

Call to Order

Mr. Koplinka-Loehr called the meeting to order at 5:34 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 Burbank). Mrs. McBean-Clairborne arrived at 6:22 p.m.

Privilege of the Floor by the Public

No member of the public wished to speak.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 13 Legislator, announced the Grassroots Festival would be taking place from Thursday to Sunday this week in Trumansburg. He invited all to attend this annual event.

Mr. Proto, District No. 7 Legislator, announced Danby Old Home Days will take place July 26th, and the Cooperative Extension 4-H Fair would be held July 25th at 4-H Acres.

Ms. Mackesey, District No. 1 Legislator, announced the Upstate Coalition on Garbage Trucks would meet on July 17th at 12:15 p.m. and Linda Haas-Manley of Cornell University will provide a report on the study completed.

Ms. Kiefer, District No. 10 Legislator, submitted the following statement:

“Last week the United States Senate voted by a lopsided margin for a FISA bill that, as Senator Russ Feingold said, is the biggest assault on our Constitution in our nation’s history.

“Not only did it provide retroactive immunity to those telecoms that blithely went along with the President’s illegal, pre-9/11 “request” for access to our telephone use, ignoring the fact that at least one telecom – Qwest – recognized the request as illegal and refused to act without a court okay, it legalized such actions in the future if a President says it’s okay.

“Our New York Senators voted for three strengthening amendments, each of which lost, and then voted against the bill, for which we should thank them.

“So now we’re giving up our fourth amendment privacy to fight terrorists who oppose our freedoms – freedoms that we’re now giving up by ourselves.

“As Rachel Maddow said: If this is winning, what would losing look like?!”

Ms. Herrera, District No. 5 Legislator, said she shared Ms. Kiefer’s sentiments. She reported the Fingerlakes International Dragon Boat Festival was this past weekend; she

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congratulated the Ithaca 5-0, Franciska Racker Team, and Cornell Cooperative Extension teams for their efforts and noted many County Legislators and staff participated in this event.

Mr. Proto referred to letters received by Rich McDaniel, the Chair of the Tompkins Consolidated Area Transit (TCAT) Board regarding the July 29th presentation of their budget.

Report from a Municipal Official(s)

No municipal official was present.

Presentation on Volunteer Income Tax Assistance (VITA) Program

Karl Graham, Director of Community Relations and Development of the Alternatives Federal Credit Union, said the free tax-assistance program is finishing its fifth year of service. The report, which was presented by Brian Zapf, Program Director, and Rima Shamieh, the AmeriCorps VISTA representative, provided information on the program, which was funded in part by the County for the 2007 income-tax year.

Ms. Shamieh reviewed the written information provided, indicating that for the 2007 income-tax year, refunds of \$2,097,586 were received, an increase of \$25,297 from the previous year. Based on the estimated cost of the program, \$32.27 of every dollar spent goes back into the community. Of the returns filed, \$850,167 was received as a Federal Earned Income Tax Credit and \$255,050 was received as a State Earned Income Tax Credit. The number of returns filed was 2,580 and 1,292 households were served, an increase of 7 percent from the previous year. One area of note was that the average gross income dropped to \$14,858 in 2007 from \$16,209 in 2006.

Ms. Shamieh spoke of an estimated \$205,400 saved in client fees, which is \$3.16 saved for every dollar spent on the program. She also reported the program had 79 active volunteers, with 1,539 volunteer hours provided. Of the individuals served in the program 64 became new members of the credit union, thirty-nine percent of these did not have any bank accounts.

In response to questions by Legislators, it was reported the estimated program expense is a total of \$60,000, with sponsors providing between \$40,000 to \$50,000 of the amount.

Mr. Zapf thanked the Legislature for its support of the program and said he is not requesting any funding assistance for the next year as it is believed the Internal Revenue Service will provide funding. He expressed appreciation to the volunteers and community, who speak of the pride in assisting families who would not think they were eligible for refunds.

Mr. Graham expressed appreciation for the funding assistance provided by the County and noted discussions regarding how to increase the client-base over the next year are ongoing and that he hopes the program would continue to grow.

Ms. Chock expressed appreciation for the program and asked whether as a result of program participation is it empowering clients to learn how to better spend and save money. Mr. Graham said clients are offered assistance and made aware of what is available to them. Although there are not plans specific to the question, it is the next step. Mr. Zapf noted that additional outreach efforts as well as determining other sites to operate the program are being investigated.

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Mr. Koplinka-Loehr said the information was a good example to show how programs funded by the County have positive outcomes.

Report from the Chair

Mr. Koplinka-Loehr reported that he and several Legislators had a brief introductory meeting with the new Ithaca College President, Thomas R. Rochon. There would also be an opportunity to meet with a representative from Senator Clinton's office on July 22nd at 4:30 p.m. There is the possibility of having a special meeting prior to the August 5th Budget Retreat for items necessitating action prior to the August 19th meeting. The County Administrator Search continues, with the first interviews for between six to seven candidates having begun. A list of candidates recommended to go forward will be provided in the future. Mr. Koplinka-Loehr said there is a list of potential interview dates for Legislators in folders and asked they be reviewed and returned as soon as possible.

Report from the County Administrator

Mr. Whicher reported the departments are working on budgets, which will be provided to him on August 1st, with the final recommendation coming to the Legislature by September 1st.

Mr. Dennis asked if any further information has come from the State regarding the possibility of freezing health insurance. Mr. Whicher said he has not heard of any actions occurring at this time.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires reported the Office of Real Property Services grant in the amount of \$50,000 to determine the feasibility of creating a county-wide tax data base was received. The County has begun to send surveys to towns, municipal clerks, and schools to assess the systems presently being used in order to determine whether a county-wide system is appropriate or feasible. The grant provides \$25,000 for the feasibility study and \$25,000 for implementation if feasible. The feasibility portion is being completed by County personnel.

Mr. Squires spoke of the sales-tax report provided by the State Comptroller's office. The report, which includes the first quarter of 2008, indicates that Tompkins County has the highest growth rate in the Southern Tier, with a slightly below-average collection rate for motor fuels. He cautioned, however, that losses of jobs on Wall Street has a trickling affect on the economy and could put a greater burden on the State, which would overall affect the counties.

Addition of Resolution(s) from the Agenda

It was MOVED by Mr. Hattery, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to add the resolution entitled Authorization to Conduct a Public Hearing - Proposed Acquisition of Property for Emergency Communications (Tower) Facility to the Agenda. RESOLUTION ADDED.

Withdrawal of Resolution(s) from the Agenda

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There were no resolutions withdrawn from the agenda.

Approval of Appointment(s) Under the Consent Agenda

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

Strategic Tourism Planning Board

Marrie Neumer – Culture Representative; term expires December 31, 2010.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 145 - BUDGET ADJUSTMENTS – VARIOUS DEPARTMENTS

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

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

RESOLVED, on recommendation of the Health and Human Services and the Planning, Development, and Environmental Quality Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Office for the Aging

<u>Revenue Acct</u>	<u>Title</u>	<u>Amount</u>	<u>Approp Acct</u>	<u>Title</u>
6780.43803	State Revenue	\$17,229	6780.54491	Subcontract

Explanation: Revenue increase in the EISEP program.

Workforce Development (Pending Committee Action July 10, 2008)

<u>Revenue Acct</u>	<u>Title</u>	<u>Amount</u>	<u>Approp Acct</u>	<u>Title</u>
6290.44790	Federal Aid Job Training	\$50,000	6290.54400	Program

Expense

Explanation: The Workforce Investment Board has been selected by New York State to pilot the Metrix Learning System, a web-based e-learning tool for jobseekers, to be used within the One-Stop Center and has approved \$50,000 for the purchase of the skills analysis tool.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 146 - AWARD OF TOURISM CAPITAL GRANTS - TOMPKINS COUNTY TOURISM PROGRAM

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

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants

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Process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

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

WHEREAS, TCAD reviewed the following projects with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following projects will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Tompkins County Tourism Program, and the following grant award has been reviewed and recommended by the STPB, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign all documents related to these projects:

Entity	Project	2008 Amount	2009 Amount
Hangar Theatre	Renovation Project	\$50,000	\$34,000
Kitchen Theatre	New Location Costs	\$13,000	0

SEQR ACTION: TYPE II-20

RESOLUTION NO. 147 - FUNDING OF TOURISM PROJECT GRANT

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

WHEREAS, Tompkins County has a grant program for Tourism Projects using funds drawn entirely from the Tompkins County Tourism Program, and

WHEREAS, Tompkins County has reviewed grant application 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 grant is approved:

Downtown Ithaca Alliance Upgrades for Visitors Project \$13,000

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 NO. 148 - AUTHORIZING 2008 FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT FOR URBAN, RURAL, JOB ACCESS AND NEW FREEDOM PROGRAMS

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

WHEREAS, the Secretary of the United States Department of Transportation is authorized to make grants for mass transportation projects pursuant to Section 5307 of Chapter 53, Title 49, of the United States Code (formerly Section 9, Federal Transit Act of 1964), and

WHEREAS, the County of Tompkins is the designated recipient by the Governor of New York State for certain Federal Transit Administration (FTA) funding programs, and

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WHEREAS, the New York State Department of Transportation transferred FTA funds for Section 5311 Rural, Section 5316 Job Access and Reverse Commute and Section 5317 New Freedom Programs to the County-administered Section 5307 Urban Program, and

WHEREAS, the FTA fund sources for the 2008 Section 5307 Grant are as follows:

2008 Sec 5307 Urban Formula	\$1,329,810
2007 Sec 5311 Rural Operating Assistance	122,700
2008 Sec 5311 Rural Operating Assistance	128,900
2007 Sec 5311 Rural Capital	1,280,000
2006 Sec 5316 JARC	59,007
2007 Sec 5316 JARC	62,087
2008 Sec 5316 JARC	67,261
2006 Sec 5317 New Freedom	19,242
2007 Sec 5317 New Freedom	21,049
2008 Sec 5317 New Freedom	22,739
Total Federal Funds	\$3,112,795

, and

WHEREAS, the County desires to submit a request for a grant of funds to the FTA, in the amount of \$3,112,795 to be used for operating assistance, capital and planning projects for 2008 as approved by the Ithaca-Tompkins County Transportation Council and included in the 2006-2008 Transportation Improvement Program as amended on June 20, 2008, and

WHEREAS, the County, as FTA grant recipient, will apply on behalf of the County and Tompkins Consolidated Area Transit (TCAT, Inc.), subrecipient, to receive and use said funds as follows:

Project Descriptions	<i>Federal</i>	<i>NYS DOT</i>	<i>TCAT</i>	<i>County</i>	<i>Operator</i>	<i>TOTAL</i>
Preventive Maintenance	\$1,356,010	169,501	164,501	-	5,000	\$1,695,013
Associated Capital Maintenance	60,000	7,500	3,750	-	-	75,000
Project Administration - County	42,400	5,300	-	5,300	-	53,000
Mobility Management - County	32,000	4,000	-	4,000	-	40,000
Communications	33,000	4,125	4,125	-	-	41,250
Clean Diesel Conversion	64,000	8,000	8,000	-	-	80,000
ADP Hardware & Software	8,000	1,000	1,000	-	-	10,000
Bus Shelters (4)	28,000	3,500	3,500	-	-	35,000
Type I Small Buses (5) - County	260,000	32,500	-	-	32,500	325,000
30 ft Replacement Buses (4)	384,000	48,000	48,000	-	-	480,000
40 ft Transit Expansion Buses (2)	508,000	63,500	63,500	-	-	635,000
Wheelchair Accessible Taxis (2) - County	50,000	-	-	-	12,500	62,500

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Paratransit & Fixed Route Software & Hardware - County	120,000	15,000	4,950	-	10,050	150,000
Short Term Transit Planning	56,000	3,500	3,500		-	63,000
Capital & Planning Subtotal	3,001,410	365,426	304,826	9,300	60,050	3,744,763
Operating Assistance New Freedom & JARC - County	81,385	-	-	48,355	33,030	162,770
Operating Assistance	30,000	3,528,166	6,111,765	-	-	9,669,931
Operating Assistance Subtotal	111,385	3,528,166	6,111,765	48,355	33,030	9,832,701
TOTAL	\$3,112,795	3,893,592	6,416,591	57,655	93,080	\$13,577,463

, 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 the County of Tompkins with the United States Department of Transportation for the 2008 Section 5307 Grant, in the amount of \$3,112,795,

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

1. Any and all agreements between Tompkins County and the Federal Transit Administration for the Project.
2. Any and all agreements between Tompkins County and the State of New York for the Project.
3. Any and all agreements between Tompkins County and TCAT, Inc., and any third-party subcontractors necessary to complete the project, if applicable.

SEQR ACTION: TYPE 11-20

RESOLUTION NO. 149 - AWARD OF BID – COUNTY ROAD 188, STATION ROAD CULVERT REPLACEMENT - PIN 3753.86, TOWN OF DANBY

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

WHEREAS, Resolution No. 57 of 2008 approved a project to replace the culvert carrying County Road 188, Station Road, over Cayuga Inlet, P.I.N. 3753.86, in the Town of Danby, and authorized an agreement with the State of New York whereby State and Federal sources furnished ninety-five percent of the funding necessary for design and right-of-way acquisition for the project, and

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

WHEREAS, six (6) bids were received and publicly opened on July 1, 2008, and

WHEREAS, the bids for the project exceeded the project budget estimated at \$215,000, but eighty percent of the shortfall will be made available by the New York State Department of Transportation, now therefore be it

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RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Procon Contracting, LLC, of Vestal, New York, the lowest responsible bidder, in the amount of \$222,000.00, pending approval and confirmation of funding levels by the New York State Department of Transportation,

RESOLVED, further, That the Highway Division be authorized to implement this bid on behalf of the County, funds to be provided from the Station Road Capital Account (HZ 5103.59239.53.13) and Road Maintenance Program Capital Account (HZ 5105.59239.51.05).

SEQR ACTION: TYPE Unlisted, Negative Declaration Issued
(No further action required)

RESOLUTION NO. 150 – AMENDING THE PLAN DOCUMENT FOR DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF TOMPKINS COUNTY

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

WHEREAS, the New York State Deferred Compensation Board (the “*Board*”), pursuant to Section 5 of the New York State Finance Law (“*Section 5*”) and the Regulations of the New York State Deferred Compensation Board (the “*Regulations*”), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Tompkins County (the “*Model Plan*”), and offers the Model Plan for adoption by local employers, and

WHEREAS, Tompkins County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Tompkins County, and

WHEREAS, effective December 7, 2007, the Board amended the Model Plan to adopt provisions:

- Expanding the eligibility for unforeseeable emergency withdrawals.
- Permitting law enforcement officers, firefighters, members of a rescue squad, or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouses, or dependents.
- Permitting a beneficiary who is not a spouse of the deceased Participant to transfer their Plan account directly into an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

, and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS, upon due deliberation, Tompkins County has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Tompkins County by adopting the amended Model Plan, now therefore be it

RESOLVED, on recommendation of the Human Resources Committee, That Tompkins County hereby amends the Deferred Compensation Plan for Employees of Tompkins County by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

SEQR ACTION: TYPE II-20

“Exhibit A”

Summary of Changes to the Model Plan Document
(Effective January 1, 2007)

The New York State Deferred Compensation Board voted to amend the Plan Document for the Deferred Compensation Plan of [Name of Local Employer], commonly referred to as the Model Plan Document, on December 7, 2007. The following is a summary of those amendments.

- Expansion of Unforeseeable Emergency Withdrawal Provision – An Unforeseeable Emergency relating to a Participant’s Plan beneficiary, even if the beneficiary is not a spouse or dependent, will be included for purposes of determining eligibility. (Section 6.2(a))
- Withdrawals for Law Enforcement Officers – Permits law enforcement officers, firefighters, member of a rescue squad or ambulance crew who have retired for service or disability to request a distribution of up to \$3,000 annually to pay for health insurance or qualified long term care premiums for themselves, their spouse or dependents. The distribution must be paid directly to the insurance provider. (Section 7.3(a)(iv))
- Transfer Assets to Non-spousal Beneficiary – A beneficiary of a deceased Participant who is not the spouse of the deceased Participant may transfer assets directly to an IRA. Under previous law, only a surviving spouse could transfer a deceased Participant’s assets to an IRA. (Section 7.5(a)(ii))
- Direct Rollover to a Roth IRA – A participant who is eligible to receive a distribution may rollover all or a portion of their Plan account to a Roth IRA. The participant’s modified adjusted gross income cannot exceed \$100,000. The income limit applies to both single Participants and joint income of married Participants. Beginning in 2010, the income limit will no longer apply. Participants who are married but file married filing separately are not eligible. The participant will be required to pay income taxes on the rollover in the year of the rollover. (Section 7.5(a)(iii))

Deferral Limits for 2008

Regular Deferral Limit	Additional Deferral for Age 50 and Over Participants	Maximum Retirement Catch-Up Deferral
\$15,500	\$5,000	\$15,500

Participants who become Age 50 at any time during calendar year 2008 are eligible to make Age 50 and Over Catch-Up Contributions.

Participants who are eligible to retire in 2011 or sooner without a reduction in benefits are eligible to participate in the Retirement Catch-Up provision in 2008. The additional amount that a participant may contribute under the Retirement Catch-Up provision is based on the difference between the amount contributed to the Plan in past years and the maximum amount that could have been contributed to the Plan in those years (“underutilized deferrals”).

A participant may not make Age 50 and Over contributions and Retirement Catch-Up contributions during the same time. However, if a participant is participating in the Retirement

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Catch-Up provision and is, also, eligible to make Age 50 and Over contributions, the higher contribution maximum may be used.

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

Mr. Hattery, Chair, reported most of the business conducted at the Committee's last meeting is handled in the resolutions presented. He said the Committee has had discussions with Mr. Potter, Information Technology Service Director, to review the County Communications Policy and will be continuing the process in the future. He said Ms. Younger's efforts to continue the policy-revision process continues and one policy under review is general business hours for Tompkins County. He suggested other Committees review the list of policies to determine what ones require updating.

RESOLUTION NO. 151 – AMENDMENT OF RESOLUTION NO. 7 OF 2008 – ESTABLISHING 2008 MEETING DATES

MOVED by Mr. Hattery, seconded by Ms. Mackesey. Ms. Herrera said she would not support the resolution as she believes the County continues to operate the same in the summer and does not believe it is a good practice to cancel the meeting.

A voice vote on the motion resulted as follows: Ayes – 11; Noes – 2 (Legislators Herrera and Randall); Excused – 2 (Legislators Burbank and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 7 of 2008 established the Tompkins County Legislature meeting dates for 2008, and

WHEREAS, the Legislature desires to cancel its first meeting in August 2008, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That Resolution No. 7 of 2008 is hereby amended to cancel the August 5, 2008 Legislature meeting.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 152 – AUTHORIZATION TO ENTER INTO A FIVE-YEAR LEASE AGREEMENT FOR THE TOMPKINS COUNTY BOARD OF ELECTIONS IN ITHACA, NEW YORK

MOVED by Mr. Hattery, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Board of Elections has need for secure, dry space to store electronic ballot-marking devices (voting machines) and additional space for training Election Commissioners on the new devices, and

WHEREAS, two additional agencies also seek office space and are interested in subleasing from Tompkins County, and

WHEREAS, the ICS Press site on Hanshaw Road in the Town of Dryden was identified as the best fit for all three entities, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator, or his designee, is hereby authorized to finalize negotiations and sign a lease agreement with the landlord, Schug Realty, LLC, for the period of July 2008, through July 2013.

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SEQR ACTION: TYPE II-20

Report from the Planning, Development, and Environmental Quality Committee

Ms. Robertson, Chair, reported the Committee met on July 10th and a number of action items appeared on the Consent Agenda. At the meeting a discussion was held regarding housing and the Cornell University Community initiative, and the Committee reviewed a draft Memorandum of Understanding among Cornell University, the City of Ithaca, and the County to assist in determining how the community housing trust fund and the affordability fund would work.

Mrs. McBean-Clairborne arrived at this time.

The Town of Ithaca has been involved in the discussions regarding housing, however, they do not have Housing and Urban Development funds available. She said the language of the Memorandum of Understanding is being developed in a manner to allow additional municipalities or employers to participate.

The Committee reviewed the water-monitoring plan for Cayuga Lake developed by the Water Resources Council and Cornell University. At the meeting there were not enough votes to pass the plan. On August 19th, there would be a full presentation of the plan given by Mr. Proto, Chair of the Water Resources Council, Ms. Jurkowich, and Ms. Johnson, with a resolution coming forward in September. A concern was raised at the meeting in regard to Cornell's request to reduce its requirements of monitoring through the Department of Environmental Conservation. Ms. Mackesey clarified the concern is due to a statement contained in the plan indicating support of Cornell University's reduction of monitoring sites and if there should be separation of the statement. Mr. Proto said the report indicates two sites overlapped for monitoring and that they should continue the monitoring with additional information on coliform and two other items. He said after a period of time, if deemed appropriate and with New York State Department of Environmental Conservation permission, consideration would be given to reducing the Cornell University responsibility of the two sites if the other entities are providing adequate data. Mr. Proto will provide Legislators with copies of the monitoring plan. Ms. Robertson said the joint statement we are being asked to adopt, indicated the funding for the monitoring plan would only come from Cornell University if the DEC permit requirements were reduced; she said the Town and the Environmental Management Council also had similar concerns. Ms. Mackesey said the proposal was good, but believes the joint statement should be reviewed. Ms. Kiefer said the joint statement is an appendix in the plan; perhaps the resolution could clarify support for the plan's approach but not the appendix.

Ms. Robertson reported there was a presentation given by Gary Ferguson and Joe Gaylord of the Downtown Ithaca Alliance, requesting the County consider supporting it financially. The Committee also approved some tourism projects and will receive more detail on others.

A request was made for advance information on the monitoring plan. Ms. Chock said she is working with the Water Resources Council and Ms. Jurkowich to revise the resolution regarding the water monitoring plan to make it acceptable to all. Mr. Koplinka-Loehr noted the tourism training grant information provided appeared to have a high per-hour fee for the training grant piece.

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The Committee will meet next on August 14th.

Presentation of Resolution(s) from the Government Operations Committee (continued)

RESOLUTION NO. 153 - AUTHORIZATION TO CONDUCT A PUBLIC HEARING - PROPOSED ACQUISITION OF PROPERTY FOR EMERGENCY COMMUNICATIONS (TOWER) FACILITY VIA EMINENT DOMAIN

MOVED by Mr. Hattery, seconded by Ms. Herrera, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the County constructed a telecommunication facility on leased premises, a portion of Tax Parcel No. 2.-1-7 in the Town of Enfield, and

WHEREAS, said telecommunications facility is an integral part of the County Emergency Communications System and access to it is essential to preserve the health and safety of Tompkins County citizens, and

WHEREAS, access has been obstructed frequently over an extended period of time, and

WHEREAS, the acquisition of an area surrounding the facility will ensure long term access to the telecommunications facility, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature conduct a public hearing pursuant to Section 201 of the Eminent Domain Procedure Law at the Tompkins County Courthouse on the 19th day of August, 2008, at 5:30 o'clock in the evening thereof,

RESOLVED, further, That the purpose of said hearing is to inform the public and to review the public use to be served by the proposed acquisition and the impact on the environment and residents of the locality where the proposed acquisition will take place,

RESOLVED further, That pursuant to Section 202 of the Eminent Domain Procedure Law, the Clerk of the Legislature shall cause to be published at least ten days and not more than thirty days prior to said hearing a notice of same in at least five consecutive issues of the Ithaca Journal.

SEQR ACTION: TYPE II-20

Mr. Hattery reported the second half of the next Government Operations Committee meeting, at approximately 3:00 p.m., would be a joint meeting with the Budget and Capital Committee to discuss rolling out the work of the Core Performance Committee; he invited Legislators to attend the meeting.

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

Mr. Shinagawa, Chair, reported the Core Performance Committee has been meeting since July 2007. This joint meeting will give Legislators an opportunity to see the work done by the Committee regarding standards and indicators as well as see new tools that assist in the ability to monitor consistently. Legislators will receive basic information regarding this at the budget retreat on August 5th. At the Committee meeting members heard from Mr. Whicher and Ms. Jayne and it appears the three percent budget goal is possible, however, it only allows for approximately \$760,000 over-target requests. Mr. Shinagawa provided an agenda for the upcoming retreat on August 5th. The Committee will meet on July 28th and will discuss possible dates for the expanded budget meetings.

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RESOLUTION NO. 154 - BUDGET ADJUSTMENT AND APPROPRIATION OF UNSPENT FUNDS FROM 2007 TO VARIOUS ACCOUNTS

MOVED by Mr. Shinagawa, seconded by Mr. Hattery. A short roll call resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Burbank). RESOLUTION ADOPTED.

WHEREAS, various departments have been certified by the Director of Finance to have unspent appropriations and excess revenues from 2007 resulting in a surplus of \$3,447,175 on the County’s books as of December 31, 2007, and

WHEREAS, pursuant to County Fiscal Policy, surplus funds have been requested for use in the amount of \$2,995,484 in the current year budget, now therefore be it

RESOLVED, on recommendation of the Health and Human Services, Planning, Development and Environmental Quality, Public Safety, Government Operations, Facilities and Infrastructure, and Budget and Capital Committees, That the following transactions are approved:

BUDGET APPROPRIATION:

FROM: General Fund Balance \$2,995,484
TO:

DEPT	Use of funds	Account	Requested Rollover
Board of Elections	Voting Machine Technicians: Need additional funds to pay techs to setup, acceptance test and train on new voting equipment.	1450 51000075	\$8,200
	Program Expense: Additional funds needed to pay election inspectors to train and operate new voting machines.	1450 54400	\$28,050
	Senior Voting Machine Technicians: Need additional funds to pay Senior Voting Techs to perform duties for new voting machines. Replace pay spent on Special Election.	1450 51000793	\$8,600
			\$44,850
County Administration	Laptop Computer Replacement for Budget Preparation	1230 52206	\$2000
	Additional Printing Expenses for Budget Books & Special Projects	1230 54330	\$1,717
	Office Equipment - Micro cassette Transcriber	1230 52210	\$ 200
	Projector for the Legislative Chamber	1988 52222	\$2,000
			\$5,917
County Attorney	Return to the General Fund		\$22,659
County Clerk	Archives grant completion – indexing backfiled land records into EDMS (Challenge Industries is vendor)	1410 54442	\$78,450
	Microfilming of civil papers - \$4,000 (Challenge), conversion of microfilm to digital images - \$15,000 (Challenge), and microfilm duplication - \$10,000 (Challenge)		
	Inventorizing and scanning County Clerk archival records in Records Center		
	Installing shelving and map cabinets for off-site records in Records Center	1410 52210	\$13,000
	Additional public access computer terminals and printer in Clerk’s Office	1410 52206	\$12,000
			\$103,450
Department of	AES Cavaqa Appraisal (Resolution #138 Appropriation	1690	50,000

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DEPT	Use of funds	Account	Requested Rollover
Assessment	from Contingent Fund for Appraisal Report - Assessment Department)		
	Cost for printing preliminary hearing informational publications	1355 54425	\$4,433
	Grievance Day Location Rental – Women’s Community Building	1355 54442	\$1,500
			\$55,933
District Attorney	Computers	1165 52206	\$35,000
Legislature	County Administrator Search Process	1010 54442	\$7,000
Personnel Department	Professional Services	1430 54442	\$490
Probation	Replacement for worn out video projector in the Sherman Peer Room used for classes for the Day Reporting program	3160 54400	\$1,500
Probation	Cover revenue deficit from accounts (3140 \$3,971; 3141 \$6,757; 3142 \$8,957)		\$19,685
			\$21,185
Sheriff's Office	The Sheriff's Office – Law Enforcement will pay for the 2007 budget shortfall in the jail. Normally budgeting units are not mixed, but it is my sense this year it would be appropriate since the shortfalls in the jail came from labor, transports and related boarding out costs rather than housing and medical, and because the large and unusual amount of rollover from the law enforcement budget came from temporary vacancies due to major shifts in employment status.		\$108,232
Sheriff's Office	New software for the civil office and scheduling software for law enforcement: This will enable us to have a more user friendly and safe version of our civil software that should enhance our productivity and communication with our clients and ensure better maintenance and use for our limited staff (eliminated a Civil Permit Clerk position permanently in 2007 at an approximate annual savings of \$40,000.00 plus benefits). This funding will include the purchase of the software, training and some conversion from our current system. Annual maintenance is approx. \$3,000 per year.	3113 52230	\$43,000
Sheriff's Office	New Patrol Car: This will enable us to maintain our fleet expenses and have reliable fuel-efficient patrol vehicles that will do the job, without asking for permanent spending increases in our budget for auto maintenance or cars.	3113 52231	\$25,000
Sheriff's Office	New and improved criminal investigation equipment: This will allow us to purchase a voice stress detector that will enhance our ability to investigate crime; especially sex abuse related crimes. In addition a few thousand dollars will be used to update some of our existing surveillance and photography equipment and provide the associated training for the new equipment.	3113 52220	\$18,000
Sheriff's Office	Law enforcement room renovation and misc. associated office furniture: This will allow us to better use our cramped quarters and provide a safer and better working environment for deputies. The plan for renovations was designed by staff after much thought to do the best we can with our limited space allocation in a safe and productive manner.	3113 52214	\$15,000
Sheriff's Office	Additional AED's and first aid equipment: This will allow us to insure we have an AED available for every marked unit in our fleet. We upgraded our current equipment earlier this year to insure we have the ability to serve the public and this purchase will allow us to insure basic first aid kits and AED'S for every patrol vehicle.	3113 52220	\$15,000
Sheriff's Office	Automotive Fuel: By my calculations we will be approximately \$22,000 short in our 2008 fuel budget. This will insure, unless gas prices continue to soar, that we can be close to budget on this expenditure.	3113 52310	\$22,000

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DEPT	Use of funds	Account	Requested Rollover
			\$246,232
Sheriff's Office – Jail	Budget Deficit		-\$108,232
Social Services, Department of	The department will return all rollover to the general fund.		\$2,553,102
Weights and Measures	I would like to purchase a new GM van. It will be smaller and hopefully more economical than my present one-ton van.	3630 52231	\$27,185

SEQR ACTION: TYPE II-20

RESOLUTION NO. 155 – TO MAKE PERMANENT THE EXEMPTIONS FROM SALES AND COMPENSATING USE TAXES FOR RECEIPTS FROM SALES OF, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, OR FOR THE USE OF, PROPERTY AND SERVICES EXEMPT FROM STATE SALES AND COMPENSATING USE TAXES PURSUANT TO SUBDIVISION (ee) OF SECTION 1115 OF THE NEW YORK STATE TAX LAW, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

MOVED by Mr. Shinagawa, seconded by Mrs. McBean-Clairborne. Mr. Shinagawa reported the resolution would make permanent the sales-tax exemptions on the purchase and servicing of residential solar energy systems equipment. Ms. Chock said she had proposed a change in the title of the resolution to “To Permanently Exempt Residential Solar Energy Systems Equipment and the Service of Installing the Systems From Local Sales and Compensating Use Taxes, Pursuant To Subdivision (ee) of Section 1115 of the New York State Tax Law, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York”, however, the County Attorney advised against it. She desired to register a complaint that the State does not allow the County to use plain language.

Ms. Kiefer suggested language change to include parenthetical reference to what the resolution’s purpose is. Mr. Wood spoke of the State’s division responsible for the adoption of a resolution such as this and noted they are very cooperative in assisting counties. He noted the resolution is in a form pre-approved by the division and he recommended adopting as is. The resolution, if approved by the Legislature, would be sent to the State for approval.

Mr. Proto asked if individuals purchasing solar equipment are eligible for State grants and was informed they were. Mr. Proto said he would not support the resolution as it does not provide exemptions for other alternative energy equipment.

At this time Mr. Koplinka-Loehr disclosed his recent purchase of a home with pre-existing solar panels. He said the resolution would not provide any benefits to him. A voice vote on the resolution resulted as follows: Ayes 12; Noes – 2 (Legislators Proto and Randall); Excused – 1 (Legislator Burbank). RESOLUTION ADOPTED.

WHEREAS, in 2005 the County Legislature approved Resolution Nos. 196 and 214 to exempt residential solar energy systems equipment and the service of installing the systems from local sales and compensating use taxes, and

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WHEREAS, said exemptions were approved with a sunset clause of November 30, 2008, and

WHEREAS, the County Legislature wishes to extend and make permanent the exemptions, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That it be enacted by the Legislature of the County of Tompkins as follows:

SECTION 1. Section two of Resolution No. 196 of 2005 is amended to read as follows:

SECTION 2. This resolution shall take effect December 1, 2005, and shall apply to sales made, services rendered, and uses occurring on or after that date in accordance with the applicable transitional provisions in sections 1106, 1216, and 1217 of the New York Tax Law.

SECTION 2. This resolution shall take effect December 1, 2008.

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Mr. Stevenson, Chair, said the Committee would meet on July 18th at 2:00 p.m.

Report from Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne did not have a report.

Report from the Health and Human Services Committee

Mr. Proto, Chairman, reported the Committee met on July 2nd and heard the Lakeside Nursing and Rehabilitation proposal was accepted by the State, retaining the 100 skilled-nursing beds, 80-bed assisted-living, 55 out-slots, and 25 slots targeted to low-income. The Committee was informed that approximately \$1.5 million was received from the State by various County Departments and other agencies to cover a variety of housing programs for low-income, frail elderly, and disabled individuals. Ms. Ann Tonzi, Director of Hospicare, provided an overview of services offered by Hospicare, which included new regulations that will amend business practices. The Committee heard of Child Protective Services increased caseload, which has some caseworkers exceeding the New York State recommended levels of active cases. It was noted the amended reporting guidelines could be contributing to the increase. Youth Services provided a report on the Youth Board funding recommendations and the Committee received an update on the Bridges anger-management program. The next meeting of the Committee will be on August 6th.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, will defer to Ms. Herrera to report on the meeting held prior to the Legislature meeting. There would be a joint meeting of the Health and Human Services and Facilities and Infrastructure Committee at 2:30 p.m. Thursday, July 17, 2008, to review the feasibility report of the Lifelong/County Office for the Aging.

Ms. Herrera, Vice Chair, reported the Committee met briefly prior to the Legislature meeting to take action on the resolution presented under the Consent Agenda.

Presentation of Resolution(s) from the Human Resources Committee

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RESOLUTION NO. 156 – AUTHORIZATION TO PAY ROAD PATROL CONTRACT NEGOTIATOR COSTS FROM THE CONTINGENT FUND

MOVED by Mr. Dennis, seconded by Mr. Shinagawa. Mr. Dennis said there is arbitration set for October. Upon approval of the resolution approximately \$35,000 will have been spent; a one percent increase in Road Patrol salaries is approximately \$30,000. A short roll call resulted as follows: Ayes – 14; Noes –0; Excused – 1 (Legislator Burbank). RESOLUTION ADOPTED.

WHEREAS, the Employees Union of the Tompkins County Sheriff’s Department has been working without a contract since March 1, 2006, and

WHEREAS, by Resolution No. 162 of 2006, the Tompkins County Legislature authorized the negotiating team to hire a professional negotiator, and

WHEREAS, the negotiating team has entered into an agreement with Roemer, Wallens, & Mineaux, LLP, to provide negotiating services in the amount of \$17,000, and

WHEREAS, no funds have been budgeted or allocated for these costs, now therefore be it RESOLVED, on recommendation of the Human Resources and the Budget and Capital Committees, That negotiator fees in the amount of \$17,000 will be paid from the Contingent Fund,

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

FROM: A1990.54440	Contingent Fund	\$17,000.00
TO: A1430.54442	Professional Services	\$17,000.00

RESOLVED, further, That the Contingent Fund appropriation will not affect the Personnel Department’s 2008 rollover allocation.

SEQR ACTION: TYPE II-20

Individual Member-Filed Resolution

RESOLUTION NO. 157 – APPROPRIATION FROM CONTINGENT FUND - FUNDING FOR LANSING COMMUNITY LIBRARY CENTER

MOVED by Mr. Sigler, seconded by Mr. Randall. Mr. Sigler said his initial request for the library had been for \$21,000, pro-rated to cover the nine-month period the library was chartered, and the resolution had failed at the Committee level. He is bringing back a request for \$5,000, stating that although the Library has received grant funding to assist with the change, he believes they deserve to have assistance to assure the library has a solid beginning. Mr. Proto spoke of his previously having Chaired three special committees regarding libraries and is supportive of the resolution, however, he believes the County should not provide support at the same level as the other established libraries. Mr. Stevenson said he is normally supportive of libraries and applauds Mr. Sigler’s efforts on behalf of his constituents. He has had an opportunity to speak to the library staff and following the discussions, which indicated the funding was not directly requested or needed, would not support the request. Mr. Koplinka-Loehr noted the library is not directly requesting the funds at this time. He spoke of the other rural libraries having requested funding and in an attempt to be equitable, all had received the highest requested amount. As they have not requested the funds he will not support the resolution. Mrs. McBean-Clairborne agreed with Mr. Proto’s comments and said she would like to make it clear that the search committee should undertake an inclusive search for a library manager; she would like to hear of their efforts. Ms. Kiefer agreed with Mr. Stevenson’s

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comments and noted the justification for funding is not the same as the other libraries when they initially started up. She will review any requests in the next budget cycle.

Mr. Proto clarified that the rural libraries were not provided the \$20,000 to join the Finger Lakes Library System. When they began each were given \$1,000, which has increased over the years for various reasons. The large increase was due to the need to undergo the Dynex upgrade.

Ms. Chock is supportive of the library, noting as a young child she developed her own lending library and donated overdue book funds to the local library.

A roll call vote resulted as follows: Ayes – 5 (Legislators Chock, Mcbean-Clairborne, Proto, Randall, And Sigler); Noes – 9 (Legislators Dennis, Hattery, Herrera, Kiefer, Koplinka-Loehr, Mackesey, Robertson, Shinagawa, And Stevenson); Excused – 1 (Legislator Burbank)
RESOLUTION LOST.

WHEREAS, the Lansing residents voted to change the Lansing Reading room to the Lansing Community Library Center, making it a member of the Finger Lakes Library System, on December 11, 2007, and

WHEREAS, as of March 2008 Lansing Library has been chartered by the New York State Department of Education, and

WHEREAS, Tompkins County gave each of the four rural libraries, (Trumansburg, Newfield, Dryden and Groton) \$5,000 start-up funds for a total of \$20,000 when they joined the Finger Lakes Library System to allow for that transition, now therefore be it

RESOLVED, That the Tompkins County Legislature gives the Lansing Library \$5,000 for the period of March 2008 to March 2009 to cover start up costs which were unplanned and not built into the budget for the tax roll, and which are essential items as they move from provisional to permanent Charter status,

RESOLVED, further, That the unforeseen costs include:

- \$2,000 for the Lansing Community Library Search Committee, which was authorized by the Board of Trustees to hire a library manager to start in October 2008. This includes travel costs, if necessary, for applicants
- \$3,000 for accountant and lawyer fees. A one-time limited hire of an accountant to set up the library's accounting system for a treasurer and bookkeeper. An attorney will also be needed to review some of the paper work and answer questions on New York State law as they complete the process of procuring a permanent charter

RESOLVED, further, That the Tompkins County Legislature authorizes that the Director of Finance is hereby authorized and directed to make the following budget appropriation:

From:	Contingent Fund	1990.54400	\$5,000
To:	Lansing Community Library Center	7410.54400	\$5,000

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Approval of the minutes of June 17 and July 1, 2008

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to accept the minutes of June 17 and July 1, 2008. MINUTES APPROVED.

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Adjournment

On motion the meeting adjourned at 7:20 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office