

Tompkins County Legislature
August 3, 2010

Approved 8/17/10

Call to Order

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

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 14 Legislators. (Mrs. McBean-Clairborne arrived at 5:40 p.m.). Excused: 1 (Legislators Kiefer).

Announcement

Ms. Robertson announced an executive session would be held later in the meeting to discuss real estate negotiations and a personnel matter.

Privilege of the Floor by the Public

Barry Stein, Executive Director of the Tompkins County American Red Cross, expressed appreciation to Legislators for their interest and continued support. He reported that although there have been significant leadership transitions, and tight budgets, the agency continues to respond to the critical needs of the community and has been successful. The following 2009 accomplishments were highlighted:

- The Homeless Services Program has shortened the average length of stay in the shelter by 4 days.
- Also in Homeless Services, 95% of the individuals in their preventive services program have been maintained in their own homes without facing eviction.
- Eighty-five percent of shelter residents, who were successfully re-housed, did not return to the shelter within a nine month period or longer.
- The agency responded to 18 local disasters, primarily fires, and doubled the number of volunteers on their Emergency Services Disaster Action Team.
- In Tompkins County, the agency raised over \$100,000 for relief efforts in Haiti.
- In cooperation with many local organizations and sponsors, the agency collected over 7,000 units of blood to better the lives of 21,000 people in the NY-Penn Region and are the sole provider of blood to Cayuga Medical Center.
- In the Health and Safety Program, a grant from the Park Foundation was secured to help subsidize training for day care providers and low-income individuals in life-saving skills.
- In the Health and Safety Program over 12 new community partners were engaged to provide workplace training, including a very large contract with Cornell Contract College Facilities.

Bethany Schroeder, Executive Director of the Ithaca Health Alliance, submitted the following statement:

“Today I speak to you as a member of the Human Services Coalition in representation of the Ithaca Health Alliance and, as I have done in the past, I stand before the Tompkins County Legislature in an effort to report the work and trends of the Alliance’s primary charity, the Ithaca Free Clinic.

“Since my last brief presentation, the Health Alliance has compiled its statistics related to the Clinic. In 2009, Clinic volunteers completed a total of 2,426 visits, up more than 16 percent from the number of visits in 2008. A comparison of visits between the first six months of 2009 and January through June of 2010 shows that last year, we completed 1,189 visits, whereas during the same period this year we

completed 1,458 visits, an increase of almost 23 percent. In fact, comparison visits over the four full years of Free Clinic operations show marked increases.

Growth of the Ithaca Free Clinic

Year	Visits Provided	New Patients	Repeat Patients
2006	861	Not Available	37%
2007	1,880	805	43%
2008	2,091	769	63%
2009	2,426	852	42%

“As a result of ongoing growth, the Alliance’s Board of Directors has authorized a move to larger quarters. This autumn, we anticipate occupying the former Family & Children’s building at 521 West Seneca Street, effectively doubling the space in which we operate and adding 3 exam rooms to the number we now have at our disposal. We hope that additional space with ADA accessibility and some security features on the ground floor in a combination residential and commercial part of town will make the prospect of volunteer time at the Clinic more attractive to area providers. For now, we continue to offer weekly primary care, occupational therapy, acupuncture, chiropractic and herbal care, with the addition of a once-a-month women’s health session and pre-employment physicals. We are also pleased to sponsor the HIV case management satellite program from Arnot Ogden Medical Center every Thursday.

“As is true of all area non-profits, we struggle to improve our funding, our human resources, and our outreach to those we serve. To this end, we have raised almost \$200,000 this year alone, much of which is earmarked for the Clinic. We thank the Tompkins County Legislators for support of this work in behalf of un- and underinsured New York residents, and we extend an open invitation to visit our new space.”

Privilege of the Floor for Municipal Officials

There was no municipal official present.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, reported on the Public Service Commission’s hearing regarding a proposed increase in New York State Electric and Gas Corporation’s rates. Although only 30 individuals attended compared to the 100 at the first meeting, the message conveyed was that people and businesses cannot afford any kind of increase. Mr. Proto said he was assured that his written comments will be entered into the record and noted there is still time for comments to be submitted. He announced the Tompkins County Farm City Day is on August 14th, 11:00 a.m. – 4:00 p.m., at the Sweyolaken Farm on Bostwick Road.

Mrs. McBean-Clairborne arrived at this time (5:40 p.m.).

Ms. Pryor, District No. 6 Legislator, announced the Lansing Harborfest will be held on August 14th at Myers Park.

Ms. Chock, District No. 3 Legislator, recommended Legislators review the new plans submitted by Mr. Novarr for the proposed development on State Street. Following comments and concerns from residents adjacent to the proposed project the plans were amended, including changing the façade to better fit into the neighborhood. Information on the project is available at the City of Ithaca offices and website as well as at the Ithaca Journal site.

Mr. McKenna, District No. 8 Legislator, announced the Newfield Night Out event started at 5:00 p.m. today.

Mr. Lane, District No. 14 Legislator, reported the Dryden Lake Festival will be held August 14th, beginning at 2:00 p.m. The event will include music, canoe races, food, vendors, and a firework show. He noted the State Legislature has not yet passed a budget, eight days away from the record of their failure to pass it on time.

Ms. Herrera, District No. 5 Legislator, said she is pleased with the Federal injunction against portions of the SB1070 Arizona law requiring law enforcement agencies to engage in unconstitutional racial profiling. She hopes the other states that had been considering a similar action are discouraged. She announced the Women's Swimming fund-raising event is taking place on August 14th. Swimmers will swim 1.2 miles and will benefit Hospicare. More information may be found at womenswimming.org.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced the National Night Out in the City is also taking place in Ithaca this evening. She noted the event stresses the importance of communities needing to be safe for everyone and that dangerous behavior will not be accepted. She thanked members of the law enforcement community for their support of this event.

Office for the Aging – Program Overview, Trends and Issues

Lisa Holmes, Director, shared information on services provided by the Office for Aging as well as statistical information used to project future needs of senior citizens in our community. She noted the department's mission is "To assist the senior population of Tompkins County to remain independent in their homes as long as is possible and appropriate, and with a decent quality of life and human dignity."

There are twelve departmental programs and eleven contracted programs to meet the mission. She also noted the department has received several grants to fund planning and coordination of new initiatives. At this time there is a collaborative application pending with the Community Health Foundation of Western and Central New York. If accepted the grant will allow an innovative and evidence-based program to prevent falls, which is the major cause of broken bones in seniors.

Demographic trends for the years 2000 through 2030 show a projected 36 percent increase in the 60+ aged population, and a 50 percent increase in the 85+ aged population.

Ms. Holmes addressed information specific to elder economics in Tompkins County, pointing out that the average annual expenses for a homeowner who is 65, and without a mortgage, is \$19,812, with the average Social Security benefits at \$14,947. For individuals who require long term care, the average annual expenses range from \$24,420 to \$62,196, with no additional increase in the \$14,947 Social Security income. Statistically, one in four seniors have only Social Security as an income source, and the majority of these are women.

Ms. Mackesey said the statistical information shows the importance of Social Security and Medicare, noting without the programs many seniors would not be alive or would be in poor health. She said raiding the Social Security fund for other purposes jeopardizes the fund and should not happen.

Ms. Chock suggested discussions take place to develop a "Carshare" system for senior citizens, noting often seniors do not wish to give up their vehicles or are not yet ready to use alternative means of transportation such as Gadabout. Ms. Holmes said the coordinated human service transportation planning group has had discussions and will be speaking to individuals in Maine who are running a program much like the one suggested.

Mr. Lane said some individuals are only receiving \$500-\$700 per month from Social Security and they experience devastating losses when their spouse passes, reducing income even further.

In response to Ms. Robertson's request for information, Ms. Holmes said there are changes under Federal Health Care reform that will begin to eliminate the gap in Medicare Part D coverage. When individuals get to the gap level they will receive a check for \$250. She stressed the need to inform seniors not to give information out to anyone claiming they need to verify personal information in order to receive the check. Mr. Proto spoke of information that illegal aliens are receiving social security benefits and is concerned that they may not have paid into the system prior to receiving benefits.

Chair's Report

Ms. Robertson spoke of the New York State Association of Counties (NYSAC) Fall Conference and asked that Legislators inform her or Ms. Fuller by no later than August 10th if they are interested in attending. She reported the Environmental Protection Agency would hold a day-long series of hearings on the effects of fracking on water resources on August 12 in Binghamton. Sarah Hess is arranging transportation for those who would like to attend. Ms. Chock said she would be attending and delivering statements from the Water Resources Council. It was noted individual comments could also be submitted electronically.

Ms. Robertson announced that Mr. Mareane's name was submitted by NYSAC as a candidate to be considered for the Governor's Office of Indigent Services Board. The Board will review how to best provide legal services to low-income individuals in the State. There will be four nominations from NYSAC presented for consideration with the Governor choosing two representatives. Ms. Robertson has been informed by NYSAC President Tom Santulli that she has been chosen to volunteer on the NYSAC Commission on the State Takeover of Medicaid. This Commission's members, representing all areas of the State, will meet on August 10th.

The Tompkins County Council of Governments is working on cell tower sitings, particularly the area of jurisdiction. They have chosen a law firm to assist in the project. Ms. Robertson said all municipalities are being asked to pay a portion of the cost for the work, which is anticipated to be approximately \$1,500 per municipality. She will be bringing a resolution to the Legislature in the near future.

Ms. Robertson thanked departments and staff for their efforts in completing the program impact assessment forms and noted they are a wonderful resource that has been well received by the public.

Ms. Robertson thanked Ms. Fuller for her work in coordinating the County team for the Ithaca Dragonboat Festival and presented her with a token of appreciation.

Report from the County Administrator

Mr. Mareane reported the topic of a property tax cap has re-emerged at the State level with both the Senate and Assembly considering action. He has contacted local State legislators and noted the devastating effect it would create for municipalities and schools. Mr. Mareane said pension costs alone would increase the levy 4 percent, the maximum amount that the levy can be raised. The actual cap maximum would be 4 percent or 20 percent more than the CPI. With the current budget constraints the County faces, the 2011 budget is targeted at a 5 percent levy increase, with other reductions in spending. If the cap were in place the County would have to make up an additional \$1.5 million, which would be catastrophic. He has sent a letter to New York State Association of Counties asking for support to discourage the State legislature from taking action. Mr. Mareane said the Senate approved the tax cap with a vote of 51 to 8, and the Assembly adjourned without action.

Mr. Mareane is working through the 2011 County budget and is reviewing submissions. He noted this year difficult decisions will have to be made. He will continue to report on the status and anticipates Legislators will receive the County Administrator proposed budget on September 7th. He thanked staff and Legislators for the effort in preparing and reviewing the impact assessment forms.

The County will be holding a public auction on surplus equipment at the Biggs building in the near future.

Mr. Lane asked Mr. Mareane to underscore how the property tax cap would do to assist in closing the State budget gap. Mr. Mareane replied there would not be any benefit to the State. Mr. Lane pointed out that the State is working on implementing a tax cap that would hurt towns, villages, cities, and counties, and not passing a budget that closes the State budget gap is shocking. Ms. Robertson noted if the State took full responsibility for Medicaid, the County could actually reduce taxes.

Mr. Stein spoke of the Democratic nominee for Governor having sent an e-mail stating he would put a cap of 2 percent or the CPI, whichever is lower, with no limitation on mandates.

Mr. Proto noted that a tax cap in California has proven to be disastrous. He then asked about the six-month extension on FMAP. Mr. Mareane said at this time it does not look as though action was being taken, however, since funds are not included in the operating budget it would not adversely affect the County's proposed 2011 budget. He has not heard of any prospect of having the mortgage tax approved in the near future. He is seeking ways to avoid further reductions in non-mandate areas due to the loss of revenue.

Ms. Robertson clarified that the 2011 pension increase of 4 percent, combined with the Medicaid increase of 1 percent were in excess of what the tax cap would allow, requiring the County to find \$3.5 million within the existing budget to cut.

Ms. Chock asked if anyone at the State considered amending taxation levels for higher incomes. She noted the wealthiest one percent of taxpayers in New York pay a much smaller percentage of their income to taxes than the bottom twenty percent. Mr. Mareane is not aware of any discussions on broad-based tax changes; it is all the specialty taxes that are being discussed.

Mr. Shinagawa said in the 1980's the richest New Yorkers were taxed 15 percent of their income, now it is 6.8 percent. If it was still the 15 percent rate there would be \$20-\$30 billion available to close budget gaps and provide property tax relief. The current percentage of 6.8 percent is ridiculous. He said what is happening is not acceptable and that the New York State Senate should be ashamed of themselves and hopes that the Democratic candidate for Governor rethinks his platform.

Ms. Mackesey agreed with Mr. Shinagawa's statements and said when speaking to people throughout the area there is a sense that the government is out of touch and has no concept of how their choices impact individual lives. She said the tax cap is detached and it is unbelievable the Senate would consider this type of cap. There is a need for changes in the way government operates and that Assemblywoman Lifton is discussing the need for real tax reform.

Report from the County Attorney

Mr. Wood did not have a report. In response to a question from Ms. Robertson, Mr. Wood noted the lien on the 55 Brown Road building is due to the faulty tile that originally was contracted for the building. Since the County had to hire a separate contractor the initial contractor/subcontractor/product manufacturer placed a lien. Although there is no question that the product was faulty, the lien is a normal action until it is determined who is responsible for any damages. In response to Ms. Herrera's question

about the method being used as a deterrent for the geese present at the Brown Road building, Mr. Wood said he has seen individuals with dogs present to deter the geese. He noted Cornell University is responsible for this expense. Ms. Mackesey said she recalls there is a new program that is looking into reducing the geese population due to the hazards they present to airplanes.

Report from the Finance Director

Mr. Squires was not present.

Resolution(s) to be Added to the Agenda

There were no resolutions to add to the agenda.

Resolution(s) to be Withdrawn from the Agenda

There were no resolutions to withdraw from the agenda.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 116 - AUTHORIZATION TO ACCEPT AN AWARD OF A GRANT FROM THE SIXTH JUDICIAL DISTRICT OF THE NEW YORK STATE UNIFIED COURT SYSTEM

It was MOVED by Ms. Herrera, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, under the Consent Agenda: RESOLUTION ADOPTED.

WHEREAS, the Probation Director has been notified of a two-year grant award in the amount of \$14,400 from the Sixth Judicial District of the New York State Unified Court System for providing Electronic Monitoring/GPS services to the Tompkins County Sex Offense Compliance Court, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the grant in the amount of \$14,400 from the Sixth Judicial District of the New York State Unified Court System for providing Electronic Monitoring/GPS services to the Tompkins County Sex Offense Compliance Court be accepted and that the County Administrator or his designee execute all contracts related to this award,

RESOLVED, further, That the Director of Finance is directed to make the following adjustments to his books for 2010:

BUDGET ADJUSTMENT

Revenue:	A3141.43389	Other Public Safety Aid	\$9,000
Appropriation:	A3141.54442	Professional Services	\$9,000

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

It was MOVED by Ms. Herrera, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the following appointments under the Consent Agenda:

Workforce Investment Board

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Lee Dillon – Community Agency representative; term expires June 30, 2013

Youth Services Board

Jane Powers – Village of Cayuga Heights representative; term expires December 31, 2012

Emergency Communications Review and Oversight Committee

C. Thomas Parsons – City of Ithaca Fire Department representative - term expires December 31, 2011

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee had a meeting set for July 28th, however, due to another meeting being scheduled at the same time the majority of members were not present and the meeting was cancelled. Mrs. McBean-Clairborne asked colleagues not to schedule special meetings at the same time as other meetings.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Vice Chair, said the Committee will meet on August 6th.

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

Ms. Robertson, Chair, said the Committee met prior to the Legislature meeting to consider the following resolution. She announced the August meeting is cancelled; the next meeting will be on September 9.

**RESOLUTION NO. 117 – DIRECTING STAFF TO INVESTIGATE ALTERNATIVE
LOCATIONS FOR PROGRAMS CURRENTLY HOUSED AT THE
OLD LIBRARY**

It was MOVED by M. Lane, seconded by Ms. Herrera. Ms. Robertson noted the 2005 resolution relating to disposition of the building as well as portions of the Space Use Master Plan were provided to Legislators for information. Mr. Lane said the resolution indicates the County is moving forward in stages as outlined in the plan. Currently two programs are housed in the Old Library. The Facilities Manager has expressed concern regarding maintenance on the building and noted if emergency repairs were needed to the physical or mechanical portions of the building it would be very expensive. The Committee would like to look at all the options for the building. If the departments temporarily moved to another location it would provide time to make a recommendation regarding the Old Library building.

Ms. Mackesey questioned the need for a resolution and noted the Office for the Aging has been seeking a new location as well. If the Space Use Master Plan had indicated finding a new location for programs housed in the Old Library it should be sufficient. Mr. Lane agreed that finding a new location was noted in the plan, however, the resolution is to provide direction to move forward.

Mrs. McBean-Clairborne recalled a study being completed several years ago to determine whether to build a records storage facility. She wanted to be certain this work was not overlooked when considering disposition of the Old Library.

Ms. Herrera said she served on some of the committees completing the work regarding space needs and this resolution gives staff direction to move forward. Ms. Robertson said the resolution requests staff to consider alternatives and report back to the Committee. Mr. Proto noted the Space Use Master Plan had three priorities: (1) the Health Department; (2) a location for Office for the Aging; and (3) a Center of Government Building.

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

WHEREAS, Tompkins County currently houses the Records Center and the Community Justice Center in the Old Library, and

WHEREAS, the Old Library has significant maintenance needs, but the county has decided that the building is not worth long-term investment and it is prudent to spend only the minimum necessary to keep the building functional, and

WHEREAS, a system failure could occur that would require relocation of the Old Library programs in a very short time frame, and

WHEREAS, it is desirable to be proactive about relocating these programs before there is an emergency, and

WHEREAS, the Capital Plan Review Committee has reviewed the 2005 Space Needs Master Plan, which analyzes the needs of the Records Center and the Community Justice Center, and has subsequently discussed an updated summary of staffing and space needs of these programs, now therefore be it

RESOLVED, on recommendation of the Capital Plan Review Committee, That the Tompkins County Legislature directs staff to investigate alternative locations for the Records Center and the Community Justice Center, for both short-term and long-term relocation,

RESOLVED, further, That staff will report back to the Capital Plan Review Committee, which will subsequently make recommendations to the full legislature on any actions to be taken concerning relocation of the Records Center and the Community Justice Center from the Old Library.

SEQR ACTION: TYPE II-20

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

Mr. Lane said the Committee has not met.

**RESOLUTION NO. 118 - AUTHORIZATION TO APPROPRIATE FUNDS FROM
CONTINGENT FUND TO PAY FOR ANNUAL
MAINTENANCE OF COUNTY CODE – COUNTY
ATTORNEY**

It was MOVED by Mr. Lane, seconded by Mrs. McBean-Clairborne. A short roll call vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, General Code Publishing periodically bills the County to maintain the County Code, and

WHEREAS, in past years money has been allocated to the County Attorney’s Office to pay this cost, and

WHEREAS, the funds were inadvertently left out of the County Attorney’s budget for the year 2010 and there are no funds within the County Attorney’s budget to pay this cost, now therefore be it

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

FROM: A1990.54440	Contingent Fund	\$1,125
TO: A1420.54442	Professional Services	\$1,125

SEQR ACTION: TYPE II-20

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on July 28th and 29th to review the departments program impact assessment forms. He expressed appreciation to departments and staff and noted the assessment form is a useful tool. The next regular meeting will be on August 11th and the Committee will also be setting a date for review of agency program impact assessment forms in the near future. The September meeting will be held at the new Health Department Building.

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, said the Committee will meet on August 4th.

Report from the 2010 Complete Census Committee

Ms. Mackesey, Chair, did not have a report.

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

Mr. Dennis, Chair, said he has attended several meetings reviewing the program impact assessment forms. Several suggestions have been made on how to improve the form and he believes they will be a useful tool when reviewing the line-item budget. Mr. Dennis expressed appreciation to Department Heads and staff for their efforts.

**RESOLUTION NO. 119 - AUTHORIZATION TO CONTRIBUTE TO THE RESERVES OF THE
GREATER TOMPKINS COUNTY MUNICIPAL HEALTH
INSURANCE CONSORTIUM**

It was MOVED by Mr. Dennis, seconded by Mr. Shinagawa. Mr. Dennis explained the funds being authorized are the County's share for the required reserve to continue the process of providing employee health insurance. He thanked Mr. Mareane, Mr. Barber, and others to clearly show the ability of the municipalities to operate in a manner different than a standard insurance company. The benefit of the Municipal Health Consortium is the savings of premiums.

Mr. Stein expressed concern with moving forward, noting the difficult budget season the County is facing and reports of cash flow difficulties. Mr. Mareane explained the Consortium will be able to build structural savings due to the reduced cost of insurance coverage. Additionally, the coverage being provided would be almost identical to the current coverage. The original reserves requested by the State Insurance Department was \$2.5 million, however, it was shown a more realistic figure would be the \$1.2 million. The Consortium wanted each municipality to provide proportionate amounts to the reserve, which would be \$667,000 for the County. Mr. Squires has said the most the County could provide is \$500,000. Because there will be a lag between when the coverage begins and when claims are submitted, additional funds would be in place. It is estimated the investment would be repaid in five years at three percent interest. The estimated savings is anticipated to be \$250,000 per year.

Propor share to the County?

In response to Mr. Proto's question, all members of the Consortium have agreed to the contribution to the reserves, with the Town of Caroline, Danby, and Dryden contributing at a higher amount. The other members are going to their appropriate boards for approval.

Mr. Shinagawa expressed appreciation to Mr. Mareane, Mr. Barber, and the members of Tompkins County Council of Governments and the Tompkins County Municipal Health Insurance Consortium.

In response to Mr. McKenna's question, Mr. Mareane explained the reserve will increase as premiums are paid; it is estimated there would be \$4 million in the reserve at the end of the first year.

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

WHEREAS, Tompkins County shall join the Greater Tompkins County Municipal Health Insurance Consortium for the purpose of providing employee health insurance and prescription drug coverage, and

WHEREAS, the Consortium, as required by the New York State Insurance Department, must establish sufficient financial reserves to begin working as a consortium, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That Tompkins County shall contribute as listed as Estimated Initial Capitalization in the following table:

	Initial Capitalization
County of Tompkins	500,000
City of Ithaca	300,000
Town of Ithaca	137,033
Town of Caroline	37,000
Town of Danby	62,000
Town of Dryden	137,032
Town of Enfield	2,520
Town of Groton	6,305
Town of Ulysses	5,659
Village of Cayuga Heights	18,040
Village of Dryden	6,067
Village of Groton	7,545
Village of Trumansburg	<u>4,535</u>
	1,223,736

RESOLVED, further, That the Director of Finance is authorized to make payment immediately to the Consortium from General Fund Fringe Account 9101.58800.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 120 - AUTHORIZING THE ISSUANCE OF \$1,450,000 SERIAL BONDS OF THE COUNTY OF TOMPKINS, NEW YORK, TO PAY A PORTION OF THE COST OF REPAVING ELLIS HOLLOW ROAD

It was MOVED by Mr. Dennis, seconded by Mr. Lane. Mr. Dennis said the bonding is for the additional funding required for the \$2.1 million project. It was explained the reason to bond is done to maintain a certain level of projects each year. If the entire project were bonded it could affect credit rating. Mr. Proto noted the cost of bonding had been more expensive than it currently is. In addition, the County has a good rating, therefore, the interest is less. Ms. Chock expressed concern about keeping the same number of highway projects when funding is tight, however, she will support the resolution since the work was previously approved as part of the Highway Divisions long-range plan.

A roll call vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Kiefer). RESOLUTION ADOPTED.

WHEREAS, Tompkins County (the "County"), a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), having reviewed the impact of a capital improvement

project (the "Project") consisting of repaving Ellis Hollow Road, including shoulder and drainage reconstruction upon the environment, previously determined by resolution adopted on July 6, 2010, that the Project constitutes a Type II Action pursuant to Part 617.5(c)(4) of the Regulations and as such is not subject to review under SEQRA, and

WHEREAS, it is now desired to authorize the undertaking and financing of the Project, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the County Legislature of the County of Tompkins, New York, (by favorable vote of not less than two thirds of said County Legislature) as follows:

Section 1. For the class of objects or purposes of paying a portion of the cost of the Project and all other necessary costs incidental to such work, including preliminary costs and costs incidental thereto and the financing thereof, there are hereby authorized to be issued \$1,450,000 serial bonds of the County of Tompkins, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$2,105,000 and that the plan for the financing thereof is by the issuance of up to \$1,450,000 serial bonds hereby authorized to be issued pursuant to this bond resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years under subdivision 20(c) of paragraph a. of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Tompkins, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tompkins, New York, by the manual or facsimile signature of the County Director of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Director of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Director of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Director of Finance, providing for the

manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Director of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Director of Finance shall determine.

Section 9. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 2 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 3 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in full in The Ithaca Journal, the official newspaper of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

SEQR ACTION: TYPE II-2

RESOLUTION NO. 121 - BUDGET ADJUSTMENT AND APPROPRIATION OF UNSPENT FUNDS FROM 2009 TO VARIOUS ACCOUNTS

It was MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne. Mr. Proto noted some requests were for very small amounts and asked if there was a sense of why they were made. Mr. Dennis said that he believes it is time to discuss the rollover policy and will have discussions in upcoming meetings. A brief discussion followed during which it was noted that action was only taken on 2010 requests. Mr. Mareane said it was a much more stringent use of certified rollover than previous years and spent only what was necessary.

Mr. Lane said he will not support the resolution stating with the current discussions at the State and local level there is a need to stop spending. While he appreciates the careful consideration by Department Heads and Mr. Mareane for purchases using rollover he does not want to spend the funds.

Mr. Stein said he is also concerned about spending; however, if the County Administrator reviewed the requests and recommended them he will support the resolution.

Ms. Pryor said she will not support the resolution. She understands the merit of the policy but would prefer to postpone action until the full impact of budget is known. In response to her question on the Board of Elections request for funding, Mr. Mareane said when preparing the 2010 budget the possible costs associated with a primary were not included. Although the Board of Elections could submit a contingent fund request a decision was made to request the funds through the use of rollover funds. He also noted that the total amount requested is a small portion of the \$1.4 million saved in 2009 and that no rollover savings from personnel lines were available to departments.

Ms. Mackesey is sympathetic with what Mr. Lane's concerns are regarding financing, however, she believes it is too short of a notice to department heads that it would not be available. She said she will support the resolution and suggested further discussions be held on the future of rollover funds. Mr. Proto agreed with Ms. Mackesey.

Ms. Chock shared Ms. Pryor and Mr. Lane's concerns, however, she believes the requests were carefully reviewed. She noted the use of rollover funds for scanning records would reduce the need for a storage building.

A short roll call on the resolution resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislator Kiefer), Temporarily Out of Room – 1 (Legislator Proto). RESOLUTION ADOPTED.

WHEREAS, various departments have been certified by the Director of Finance to have unspent appropriations and excess revenues from 2009 resulting in a surplus of \$1,411,695 on the County's books as of December 31, 2009, and

WHEREAS, pursuant to County Fiscal Policy, surplus funds have been requested for use in the amount of \$172,650 current year budget, now therefore be it

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

BUDGET APPROPRIATION:

FROM: General Fund Balance \$120,915

TO:

Department	Use of Funds	Account	Requested Rollover
Weights and Measures	For use to purchase vinyl face seals for weights and measures devices that have passed the testing procedure.	3630.54400	\$1,300
Office for the Aging	Funds would be applied to the EISEP program to purchase needed hours of home care for frail elderly clients, in order to make up for an internal accounting discrepancy in County funding for the EISEP program in 2010. This will help to address the waiting list of 29 clients for the EISEP program.	6780.54491	\$12,697
Board of Elections	Funds needed for Primaries held		

	in September 2010.	1450.54400	\$13,739
County Clerk	Scanning permanent records at records center (Challenge Industries is vendor)	1410.54442	\$50,000
	Scanning permanent/vital records for various County Departments (Challenge Industries is vendor)	1410.54442	\$23,096
County Administration	Fund the department's reorganization. Requesting to use rollover in lieu of requesting \$20K replacement pay from the Contingent Fund.	1230.51000316	\$7,900
	Web Development Software Upgrade	1988.52230	\$719
Planning Department	Match Park Fdn. Grant for municipal support planner	8020.51000590	\$2,840
Assessment	New Computer for Tax Mapping Maintenance Transition	1355.52206	\$1,357
Probation and Community Justice	Electronic Monitoring Services (Cellular Technology based) Two AT496AV Configurable HP Compaq 6005 Pro Small Form Factor PC	3141.54442	\$2,000
	Two NM360AA#ABA LA 1905wg, 19" Adjustable Wide Screen Flat Panel LCD, DVI/VGA, 1440x900	3141.52206	\$57
	One Printer	3142.52206	\$227
		3141.52206	\$60
		3142.52206	\$240
	One 8150dn Printer Maintenance Kit	3141.52206	\$60
		3142.52206	\$239
	One 4250dn Printer Maintenance Kit	3141.52206	\$50
		3142.52206	\$198

SEQR ACTION: TYPE II-20

Mr. Dennis said the schedule for expanded budget meetings will be available soon. The schedule of when each department will be present will be developed at a later date. The next Committee meeting is scheduled for August 9th.

Report from the Public Safety Committee

Mr. Shinagawa, Chair, said the Committee met on August 2nd. There was discussion on the proposal from the Governor's Office on Indigent Legal Services. Deputy Fire Chief, Tom Parsons, spoke of the need to take a proactive approach to emergency preparedness planning, particularly with the gas drilling issues. The Committee completed their program impact assessment reviews. Ms. Buechel, Probation Director, gave an update on recidivism information. It used to require a fee to obtain the information and she has been working on getting the fee waived to be able to review the databases. The Committee also acted upon resolutions from the District Attorney's Office for expenses that occurred from high-profile cases and from the SPCA for \$17,500 for costs of upkeep of animals. Mr. Proto noted the actual cost to take care of the animals was over \$45,000.

Member-Filed Resolution(s)

RESOLUTION NO. 122 - URGING THE STATE OF NEW YORK TO RESOLVE THE ISSUES OF VIDEO LOTTERY TERMINAL OPERATIONS AT AQUEDUCT RACE TRACK; TO MAKE PRESCRIBED STATUTORY MANDATED PAYMENTS TO NEW YORK RACING ASSOCIATION; AND TO ENSURE THAT OFF TRACK BETTING HONORS ITS FINANCIAL OBLIGATIONS TO NEW YORK RACING ASSOCIATION (FILED BY LEGISLATOR PROTO)

It was MOVED by Mr. Proto, seconded by Mr. Dennis. Mr. Proto said it may incorrectly appear that the resolution provides the “illusion of gambling”, and that he has heard concerns and questions regarding the matter. He noted the Agricultural and Farmland Protection Board reviewed the resolution and although they could not take action due to lack of quorum, had voiced support due to the impact this has on the equine industry in the County. The resolution is not being presented on behalf of the New York Racing Association, rather it is to ask the State to honor its agreement. Although it would be funded through the video lottery machines, the revenue would be placed in a fund that provides funding outside of the racing industry.

It was MOVED by Mr. Stein, seconded by Mr. McKenna, to table the resolution indefinitely. Mr. Stein began stating his reasons, however, the Chair ruled that as outlined in the Rules of the Legislature, a motion to table indefinitely is not debatable.

A voice vote on the motion to table indefinitely resulted as follows: Ayes – 4 (Legislators Chock, Lane, McBean-Clairborne, and Stein); Noes – 10; Excused – 1 (Legislator Kiefer). MOTION FAILED.

Mr. Stein said he will not support the resolution until he obtains more information. The resolution only shows one side of the issue and he would like to be fully informed before voting. He has called the Governor’s office but has not had a return call. He also spoke of two New York Times articles that caused concern and shared general information on them.

Mr. Lane asked if it would be possible to delay action and whether there is any consternation about financing through gambling in New York State. Mr. Proto responded the State had already approved the video lottery terminals as part of the agreement; although the Governor awarded the bid in the spring it was not approved by the House and Senate due to questions about the firm. He has followed a report regarding the \$25 million loan against the Video Lottery Terminal proceeds and State Comptroller DiNapoli is working on the concerns, however, in the interim the New York Racing Association is having to absorb additional expenses.

It was MOVED by Mr. Burbank, seconded by Mr. Stein, to postpone action on the resolution until August 17, 2010. A voice vote on the motion to postpone resulted as follows: Ayes – 13, Noes – 1 (Legislator Herrera), Excused – 1 (Legislator Kiefer). MOTION TO POSTPONE CARRIED.

WHEREAS, the State of New York awarded the franchise to operate thoroughbred horse racing in the state to the New York Racing Association (NYRA) for twenty-five years in 2008, and

WHEREAS, NYRA fulfilled all of its duties under the franchise agreement, including the conveyance of substantial properties at Aqueduct, Belmont, and Saratoga Race Courses to the State of New York, and

WHEREAS, as part of the Franchise agreement, New York State agreed to operate Video Lottery Terminals (VLTs) at Aqueduct Racetrack, and

WHEREAS, the Franchise agreement stipulates that in the event that VLTs were not operational by March 31, 2009, New York State would provide NYRA with payments necessary to support racing operations, as well as negotiate with NYRA for the necessary funds to make Capital improvements at all

of its tracks, and

WHEREAS, New York State recently approved a \$25 million dollar loan to NYRA so racing could continue at New York State tracks for 2010, with loan repayment to come from VLT proceeds, and

WHEREAS, the continued fiscal troubles of New York City Off-Track Betting (OTB) has caused it to default on \$15 million in fees owed to NYRA, and

WHEREAS, since VLTs are not operational, NYRA runs the risk of running out of operating revenue by the end of 2010, therefore putting the State's Horse Racing industry at risk, and

WHEREAS, Tompkins County recognizes the importance of Thoroughbred Racing to our State's economy, impacting 400 farms occupying 43,000 acres of green space, employing over 35,000 individuals across 50 counties, and contributing \$2.4 billion to the State's GDP, and

WHEREAS, the 2007 Equine Survey shows that horse industry sales alone contributed approximately \$2 million to our \$50 million Tompkins County agricultural economy, and additionally impacts local jobs, taxes, tourism, boarding, feed and crop sales, equipment, retail, and the hospitality areas, and

WHEREAS, the loss to New York State revenue, and OTB surcharge fees, of \$1 million per day should not be sustained any longer as it goes to our neighbors in New Jersey, Pennsylvania, and Canada, now therefore be it

RESOLVED, That the Tompkins County Legislature does hereby urge the State of New York to resolve the issue of VLT operations at Aqueduct, as promised in the franchise agreement, without delay; to make its prescribed Statutory payments to NYRA to enable the continuation of racing at the three tracks; and to assure the continued viability of New York City OTB, so that it can make its statutory payments to NYRA,

RESOLVED, further, That the Tompkins County Legislature forward a copy of this Resolution to the Governor of New York State, all members of the New York State Senate and Assembly, The Nassau County Executive, the Queens Borough President, the President of the New York State Racing Association, the Executive Director of the New York State Thoroughbred Breeders Association, and Jean T. Griffiths, Extension Horse Specialist, Cornell Cooperative Extension.

SEQR ACTION: TYPE II-20

Approval of Minutes of July 6 and 20, 2010

It was MOVED by Mr. Proto, seconded by Ms. Pryor, to approve the minutes of the July 6, and July 20, 2010, meetings.

Ms. Herrera made the following statement for the record. "I won't be voting in favor of these minutes. I am concerned on interpretation of the minutes policy that may lead to perceived ethics violations actual ethics violations due to a lack of transparency in the proposed or perhaps adopted process. The fact there is no way for any of us really to tell what changes may have been made and the fact that it is such an amorphous policy troubles me greatly and I believe that it needs to be dealt with immediately. Therefore, because of the problems with serious matters that we discuss and are recorded in our records I will be voting no on both of these minutes."

A voice vote to approve the minutes of July 6, and 20, 2010, as corrected, subject to review of the recording. A voice vote resulted as follows: Ayes – 13, Noes – 1 (Legislator Herrera), Excused – 1 (Legislator Kiefer). MINUTES APPROVED.

Recess

Ms. Robertson declared recess at 8:22 p.m. The meeting reconvened at 8:30 p.m.

Tompkins County Legislature
August 3, 2010

Executive Session

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Robison, and unanimously adopted by voice vote by members present, to enter into an executive session to discuss real estate negotiations and a personnel matter. An executive session was held at 8:30 p.m. and returned to open session at 9:00 p.m.

Adjournment

On motion the meeting adjourned at 9:00 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office