

**Tompkins County Legislature**

**October 7, 2008**

**Call to Order**

Mr. Koplinka-Loehr called the meeting to order at 5:32 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: 13 Legislators. Excused – 1 (Legislator Herrera). Absent – 1 (Legislator Randall).

**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. 15 Legislator, informed his colleagues that he has additional pedometers for the Step-Up Program if any Legislator did not receive one.

Mr. Proto, District No. 7 Legislator, said on Election Day there will be an item on the top of the ballot that will propose a constitutional amendment that deals with disabled veterans who are not receiving benefits but have been declared disabled, that would allow them to receive points when they apply for a position with a municipality. This amendment was described in detail in the October 4 issue of the Ithaca Journal. He encouraged everyone to support the passage of this amendment. Mr. Proto highlighted an e-mail from Sigrid Connors and Karen Bishop of the Health Department. The communication praised Kelly Nickerson, a Health Department employee, who recently completed CPR training and performed the Heimlich Maneuver on a patron of a restaurant and saved the individual's life.

Ms. Robertson, District No. 13 Legislator, announced the Human Services Coalition is sponsoring "Board Basics", a training for new and prospective board members for non-profit agencies, on October 21<sup>st</sup> at 4:30 p.m. at the Women's Community Building. This is a very worthwhile training and 50 participants have already registered. Ms. Robertson said she and Mr. Whicher received a report this morning on part of the work performed by the position of Grants Facilitator/Organizational Support Specialist; half of the funding for this position comes from the County. She distributed information on the responsibilities of this position and what has been accomplished. She also reminded the public that the voter registration deadline is Friday, October 10<sup>th</sup>.

Mr. Shinagawa, District No. 4 Legislator, reported he recently traveled to Washington, D.C. for the Japanese-American Citizens League second annual Gala to celebrate the 20<sup>th</sup> anniversary of the Civil Liberties Act of 1988. That Act was the legislation in which the United States Government formally apologized for the internment of Japanese-Americans and also provided reparations to Japanese-Americans that were interned during World War II.

Mr. Burbank, District No. 12 Legislator, said since moving from the Ithaca Town Board to the County, he has maintained his representation of the Town on the Pegasys Access Oversight Committee. He said this local board is charged with issues related to the community access channel. He said this is a critical part of the local community and the ability of citizens to get their message out. Currently, there are three local television channels -- Channel 15 (the Government Channel), the Pegasys studio's public

access channel, and the educational access channel (Channel 16). At the end of September there was a significant loss on the education channel, the demise of the New York State Network, an educational network that sent programming out to educational access stations across the State. Mr. Burbank said this was among the many losses happening across the State due to budget cuts. He said it is critical that the community is aware of the value of the public access channel and thanked Jim Blizzard, Dave Craig, and Frank Rowland, Cameramen, for doing an excellent job of bringing the Legislature meetings to the public.

**Report from Municipal Official**

No municipal official was present.

**Presentation of Proclamation(s)**

Chair Koplinka-Loehr presented the following proclamation(s):

Sheriff's Week in Tompkins County – October 5-11, 2008, to Sheriff Peter Meskill

**Chair's Report and Appointment(s)**

Mr. Koplinka-Loehr acknowledged two awards recently received by Tompkins County. The Tompkins County Personnel Department has been recognized for its efforts to provide opportunities for and to accommodate individuals with disabilities. Tompkins County was also honored as the nation's first-ever Go Green County of the Year, in recognition of the Solid Waste Management Division's innovation and success with its Go Green Initiative program through area schools.

**Chair's Appointment(s)**

Mr. Koplinka-Loehr appointed Mr. Burbank to the Extension Service; term to expire December 31, 2008. Mr. Burbank replaces Ms. Chock.

**Report from the County Administrator**

Mr. Whicher reported the County Administrator transition process is going well. Mr. Mareane will be meeting with department heads tomorrow and will officially begin as County Administrator for Tompkins County on October 28<sup>th</sup>.

**Report from the County Attorney**

Mr. Wood had no report. He requested an executive session to discuss litigation later in the meeting.

**Report from the Finance Director**

Mr. Squires was not in attendance.

**Withdrawal of Resolution(s) from the Agenda**

Chairman Koplinka-Loehr granted permission to the appropriate committee chair to withdraw the following resolutions:

Award of Grant – The Grandmother's Project

Appropriation from Contingent Fund – Expanded Transition Program (Re-Entry Initiative) –  
 Opportunities, Alternatives, and Resources (OAR)

**Addition of Resolution(s) from the Agenda**

There were no resolution(s) added to the agenda.

**Approval of Resolution(s) Under the Consent Agenda**

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

**RESOLUTION NO. 189 - BUDGET ADJUSTMENTS – VARIOUS DEPARTMENTS**

MOVED by Mr. Proto, seconded by Ms. Kiefer, 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 Facilities and Infrastructure, the Health and Human Services, and the Public Safety Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

***Highway Division***

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5130.42797	Other Local Government Contribution	\$92,000	5130.52233	Highway Equipment

Explanation: Revenue increase for check from Tompkins County Soil and Water Conservation District, to help with the purchase of a Johnston Model VT650 2008 street sweeper truck.

***Office for the Aging***

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6793.44772	Federal Revenue	\$ 5,824	6793.54491	Subcontract
6793.44772	Federal Revenue	\$ 502	6793.51000559	Salary
6793.44772	Federal Revenue	\$ 6,616	6793.54400	Program Expense

Explanation: Federal revenue increase for the HIICAP Program.

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6780.43803	State Revenue	(\$ 7,762)	6780.54491	Subcontract

Explanation: Revenue decrease for the EISEP Program.

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6774.43803	State Revenue	\$31,347	6774.54491	Subcontract

Explanation: Revenue increase for Foodnet in the SNAP Program.

***Emergency Response***

Revenue Acct	Title	Amt	Approp Acct	Title(s)
3410.43389	Other Public Safety	\$ 2,000	3410.52214	Office Furnishings
3410.43389	Other Public Safety	\$ 7,000	3410.52222	Communications Equipment
3410.43389	Other Public Safety	\$ 2,000	3410.54400	Program Expense
3410.43389	Other Public Safety	\$ 4,000	3410.54412	Travel and Training

Explanation: Department was reimbursed by Office of Homeland Security for expenses incurred in training and program activities. Funds will replace funds taken out of previous budgets.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 190 – ACCEPTANCE OF LEGISLATIVE INITIATIVE GRANT FOR HOME REPAIRS – OFFICE FOR THE AGING**

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

WHEREAS, home repairs have been identified as a major need for low-income seniors in two decennial countywide needs assessments, and

WHEREAS, client payments and subsidies are sought to cover costs of repairs, and

WHEREAS, funding is often not adequate to cover costs without further assistance from the last-resort fund, and

WHEREAS, the Tompkins County Office for the Aging maintains a last-resort fund to pay for health-and-safety-related repairs to homes of low-income senior citizens, and

WHEREAS the Tompkins County Office for the Aging has been awarded a grant from Senator George Winner as a member item to fund the home-repair program in the amount of \$10,000, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$10,000,

RESOLVED, further, That the Finance Director is authorized to make the following budget adjustment:

REVENUE:	A6796.43803	State Revenue	\$10,000
APPROPRIATION:	A.6796.54400	Program Expense	\$10,000

**SEQR ACTION:** TYPE II-1

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**RESOLUTION NO. 191 - ACCEPTANCE OF GRANT FROM NEW YORK STATE HOUSING TRUST FUND CORPORATION FOR RESTORE PROGRAM— OFFICE FOR THE AGING**

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

WHEREAS, the Tompkins County Office for the Aging assists low-income seniors to make emergency health-and-safety-related repairs to their homes, and

WHEREAS, home repairs have been identified as a major need for low-income seniors in two decennial countywide needs assessments, and

WHEREAS the Tompkins County Office for the Aging has been awarded a grant from New York State Housing Trust Fund Corporation to fund the RESTORE program in the amount of \$125,000, and

WHEREAS, the grant will serve the home repair needs of an estimated fifty-eight senior households who are in emergency situations, and

WHEREAS the Tompkins County Office for the Aging has expressed a willingness to administer the RESTORE program, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$125,000,

RESOLVED, further, That the Finance Director is authorized to make the following budget adjustment:

REVENUE:	A6779.43803	State Revenue	\$125,000
APPROPRIATION:	A6779.51000215	Salary-Director	\$ 2,500
	A6779.51000517	Salary-Outreach Worker	\$ 2,250
	A6779.51000529	Salary-Senior Acct. Clerk/Typist	\$ 1,500
	A6779.54400	Program Expense	\$118,750

**SEQR ACTION: TYPE II-1**

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**RESOLUTION NO. 192 - AUTHORIZATION TO ACCEPT GRANT FUNDS, EXECUTE AGREEMENTS AND BUDGET ADJUSTMENT – SYPHILIS ELIMINATION GRANT – HEALTH DEPARTMENT**

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

WHEREAS, the New York State Department of Health Bureau of Sexually Transmitted Disease (STD) Control has awarded the Health Department \$15,000 to increase awareness of syphilis and other STD's in Tompkins County through community-based education and through building the skills/knowledge base of local health practitioners and to increase syphilis and other STD screening, testing, and treatment of at-risk individuals in Tompkins County, and

WHEREAS, the grant objectives include building a coalition of community partners, conducting an ongoing community education campaign, and creating and maintaining a dedicated STD website, and

WHEREAS, the Health Department will contract with a community partner for development, implementation, and maintenance of the website, and

WHEREAS, the Health Department will receive \$15,000 for the period October 1, 2008, through December 31, 2008, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Health Department is authorized to accept said funds,

RESOLVED, further, That the Department is authorized to execute any and all agreements necessary to complete the requirements of the grant,

RESOLVED, further, That the Finance Director is authorized to make the following budget adjustment on his books for the Syphilis Elimination grant:

REVENUE:	A4016.43489	Other State Grants	\$ 15,000
APPROPRIATION:	A4016.54330	Printing	2,000
	.54333	Education & Promotion	9,000
	.54442	Professional Service Fees	4,000

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 193 – CALLING ON THE NEW YORK CONGRESSIONAL DELEGATION TO SUPPORT AN INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) TO PROVIDE NEW YORK COUNTIES WITH PROPERTY-TAX RELIEF**

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

WHEREAS, under Federal Law, local governments are not responsible for any portion of Medicaid funding, however, Congress has given states the ability to require local governments to share in financing the non-Federal share of Medicaid costs, and

WHEREAS, the United States Centers for Medicare & Medicaid Services data demonstrate that no other state in the country financially burdens its localities like New York State, and

WHEREAS, Medicaid represents the largest single program expense in every New York State county budget and competes with the limited resources available to fund other critical budgetary needs at the county level, and

WHEREAS, the National Governor's Association (NGA), including Governor Paterson, have supported a proposal for a temporary increase in the Federal Medical Assistance Percentage (FMAP) as an economic-stimulus option that would provide more Federal funding for state Medicaid programs, and

WHEREAS, the NGA has indicated that it would both help to stimulate the nation's economy and shore up the safety net for low-income families, and

WHEREAS, this proposal would provide nearly \$1.6 billion in fiscal relief to New York State, including \$480 million in relief to county government, and

WHEREAS, this FMAP increase would reduce the local Medicaid burden and provide immediate property-tax relief to the residents of New York State, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That Tompkins County calls upon the New York Congressional Delegation to support an increase in the Federal Medical Assistance Percentage (FMAP) to provide New York's local taxpayers with relief from the crushing financial burden of the Medicaid program,

RESOLVED, further, That the Clerk of the Legislature shall forward copies of this Resolution to the New York State Congressional Delegation, Governor Paterson, and all others deemed necessary and proper.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 194 - AUTHORIZATION TO EXECUTE CONSTRUCTION AND RIGHT-OF-WAY FUNDING AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION – CR 105, CORTLAND-McLEAN ROAD RECONSTRUCTION AND BRIDGE REPLACEMENT (BIN 3314250) PHASE 3 - PIN 3754.50, TOWN OF GROTON**

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

WHEREAS, a Project to replace a bridge carrying Cortland-McLean Road, a.k.a. School Street, (County Road 105) over Fall Creek, P.I.N. 3754.50, (the Project) in the Town of Groton, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of eighty percent (80%) Federal funds and twenty percent (20%) non-Federal funds, and

WHEREAS, Resolution Nos. 164 of 1997, 33 of 2002, and 87 of 2006 approved the Project and authorized execution of agreements with the New York State Department of Transportation regarding administration and funding of Scoping, Design (Phases I-VI), Right-of-Way (ROW), and Construction of earlier phases of the Project, and

WHEREAS, Resolution No. 324 adopted on December 18, 2001, authorized completion of final design and granted approval of a ROW Plan for the above project, and

WHEREAS, in order to expedite advancement of the Project and realize potential total project cost reductions, the New York State Department of Transportation requires the County to appropriate one-hundred percent (100%) of the project costs and then file for reimbursement of eligible costs, and

WHEREAS, the County of Tompkins has advanced the above Project, making a commitment of one-hundred percent (100%) of the non-Federal share of the costs of Construction, with the Federal share of such costs to be applied directly by the New York State Department of Transportation pursuant to Agreement, and

WHEREAS, construction of the bridge replacement was authorized through award of bid by Resolution No. 163 adopted on August 19, 2008, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature hereby reaffirms approval of the above-subject project and authorizes the County of Tompkins to pay in the first instance one-hundred percent (100%) of the Federal and non-Federal share of the costs of Construction work for the subject Project or portions thereof,

RESOLVED, further, That the sum of \$1,197,000 is hereby made available within account HZ5103.59239.53.02, McLean-Cortland Road Capital Account in the amount of \$871,000, and account HZ5105.59239.51.05, Road Maintenance Program Capital Account in the amount of \$326,000, to cover the cost of participation in the Right-of-Way and Construction phases of the Project,

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

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

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

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

**SEQR ACTION: TYPE II - 2**

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**RESOLUTION NO. 195 - AUTHORIZING AN INCREASE IN THE PASSENGER FACILITY CHARGE AT THE ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, the Aviation Safety and Capacity Expansion Act of 1990 authorized the imposition of a Passenger Facility Charge (PFC) of \$1.00, \$2.00, or \$3.00 per enplaned passenger for use in connection with financing eligible airport-related projects that serve to enhance safety, capacity, or security, and

WHEREAS, by Resolution No. 452 of November 6, 1991, the Tompkins County Board of Representatives approved an application to the Federal Aviation Administration (FAA) to impose a \$3.00 PFC, to be used to offset debt service associated with the construction of the new terminal building, and

WHEREAS, in August 1997 Tompkins County made application to amend the approved PFC application to include other eligible projects to minimize the airport's debt-service burden, and

WHEREAS, on April 5, 2000, the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century (AIR-21) provided for additional options of imposing a PFC of \$4.00 or \$4.50, and

WHEREAS, with the high cost of oil and consequent financial difficulties being experienced by the airport's tenant airlines, the airport wishes to change its PFC from \$3.00 to \$4.50 to further offset debt service and lower the airline rates and charges, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure and the Expanded Budget and Capital Committees, That the Passenger Facility Charge at the Ithaca Tompkins Regional Airport be increased from \$3.00 to \$4.50 and the Airport Manager be and hereby is authorized to make application to the Federal Aviation Administration for approval to execute said increase.

**SEQR ACTION: TYPE II-20**

**Report from the Workforce Development and Inclusion Committee**

Mrs. McBean-Clairbone, Chair, reminded everyone that the Grandmothers are here! She said she is really pleased to have eight of the thirteen indigenous grandmothers here in various parts of the County, She has had a lot of wonderful ceremonial healing, conversations, and rituals with members of the community. The feedback she has received has been phenomenal. Mrs. McBean-Clairborne announced tomorrow from 3 p.m. to 4 p.m. there will be a community tea at the Human Services Committee that is free and open to the public.

**Report and Presentation of Resolution(s) from the Health and Human Services Committee**

Mr. Proto, Chair, reported many of the Committee's actions have already been addressed under the Consent Agenda. He called attention to the dramatic increase in syphilis cases in Tompkins County and said the Health Department is doing additional education and outreach on this. He also reported on the grant for the Restore Program, and said Lisa Holmes, Director of the Office for the Aging, reported to the Committee on the Housing Trust Fund monies. While the grant amount applied for was \$57,000, the award was for \$125,000. At the last meeting the Committee dealt with a number of youth services items, including a proposal to lower the drinking age. All three local college presidents have expressed opposition to that. Ms. Carey, Department of Social Services Commissioner, updated the Committee on DSS positions and following discussion it was agreed the Department will resume providing the Committee with a series of reports showing a breakdown of cases. Mr. Proto announced the Governor will be visiting Lifelong on October 10<sup>th</sup>. The next meeting will be November 5<sup>th</sup>.

**RESOLUTION NO. 196 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – HEALTH DEPARTMENT**

MOVED by Mr. Proto, seconded by Ms. Kiefer. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislator Herrera), Absent – 2 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, the Health Department had a Community Health Nurse retire effective July 11, 2008, and

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

RESOLVED, on recommendation of the Health and Human Services Committee, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$ 8,806
TO:	A4016.51000580	Community Health Nurse	\$ 6,381
	A4016.58800	Fringes	\$ 2,425

**SEQR ACTION: TYPE II-20**

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on September 18<sup>th</sup> and heard from Mr. Marx, Commissioner of Planning and Public Works, about natural gas drilling and exploration options and the impact this activity has on the County's roads and infrastructure. Mr. Sczesny, Highway Manager, reported there has been no measurable impact yet but will continue to monitor this closely. Mrs. McBean-Clairborne reported the Committee has also been looking at ways to reduce costs for highway materials, particularly salt and sand mixtures, while not compromising the public's safety. The Committee received a presentation on the Environmentally Preferred Procurement Research (EPP) Guide and also heard of the County's Go Green initiative mentioned earlier by Chairman Koplinka-Loehr.

Mrs. McBean-Clairborne reported on vehicle purchase and a budget adjustment was done in order to utilize funds available in the 2008 budget to purchase one of the two vehicles originally being requested in the 2009 budget. She said by doing so it would allow the 2009 target to be reduced by \$200,000. At the Facilities and Infrastructure Committee meeting Ms. Kiefer requested that the record reflect her ambivalence regarding the associated 2009 budget target reduction of \$200,000. At that meeting it was noted by Mr. Sczesny that the 2008 vehicle is approximately \$20,000 less than a 2009 vehicle would be.

Mrs. McBean-Clairborne said everyone is pleased to have Continental Airlines back in Ithaca. She thanked the Air Service Board and everyone who contributed in pursuing the opportunity and making this happen. The next meeting will be October 16<sup>th</sup>.

**RESOLUTION NO. 197 - BUDGET ADJUSTMENTS – HIGHWAY DIVISION**

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislator Herrera), Absent – 1 (Legislator Randall).  
RESOLUTION ADOPTED.

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

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

**Highway**

<u>Revenue Acct</u>	<u>Title</u>	<u>Amount</u>	<u>Appropriation Acct</u>	<u>Title(s)</u>
D Fund	Fund Balance	\$ 50,000	5142.54312	Highway Materials
DM Fund	Fund Balance	\$130,000	5130.54310	Automotive Fuel
DM Fund	Fund Balance	\$ 90,000	5130.54306	Automotive Supplies

Explanation: Increased costs of petroleum products have caused increases in fuel expense, highway materials and automotive supplies.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION NO. 198 – AUTHORIZATION TO PURCHASE VEHICLE AND BUDGET ADJUSTMENTS – HIGHWAY DIVISION**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Proto. A roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislator Herrera), Absent – 1 (Legislator Randall).  
RESOLUTION ADOPTED.

WHEREAS, the Highway Division initially budgeted for the purchase of two trucks in the 2009 budget, and

WHEREAS, County Administration recommended the purchase of one of the trucks in 2008, utilizing existing funds, now therefore be it

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

**Highway**

<u>Revenue Acct</u>	<u>Title</u>	<u>Amount</u>	<u>Appropriation Acct</u>	<u>Title(s)</u>
D Fund	Fund Balance	\$200,000	5110.54424	Equipment Rental
5130.42801	Interfund Revenues	\$200,000	5130.52233	Highway Equipment

Explanation: Request to replace one 10-wheel truck, which is on the replacement schedule, using fund balance.

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 199 - AWARD OF BID - TOMPKINS COUNTY HEALTH DEPARTMENT INTERIOR DECONSTRUCTION PROJECT**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present. Mr. Proto inquired what the pre-bid estimate for this work was; Mr. Marx said \$325,000-\$330,000.

WHEREAS, the Tompkins County Finance Department has duly advertised for bids for the Tompkins County Health Department Interior Deconstruction project, and

WHEREAS, four (4) bids were received and publicly opened and read on September 4, 2008, and

WHEREAS, the lowest responsible bidder for said deconstruction project was LeChase Construction Services of Rochester, New York, with a bid of \$324,500, and

WHEREAS, the Health Department Building Construction Committee has reviewed the bids and recommends awarding the bid to LeChase Construction Services, and

WHEREAS, Tompkins County is pursuing a Certificate of Need from the New York State Department of Health pertaining to the Diagnostic and Treatment Clinic and the Certified Home Health Agency, and

WHEREAS, the Certificate of Need has not yet been approved, but the deconstruction of the interior is unrelated to the New York State Department of Health review of the Diagnostic and Treatment Clinic and the Certified Home Health Agency, and

WHEREAS, moving forward with the deconstruction contract is critical to maintaining the construction schedule and controlling costs on this project, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator is hereby authorized to execute a contract with LeChase Construction Services and to execute change orders of up to five (5) percent of the contract total,

RESOLVED, further, That the Facilities Division be authorized to implement this bid on behalf of the County, funds being available in Capital Account No. HM4002.59239-40.10.

**SEQR ACTION:** TYPE II-2

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**Report from the Human Resources Committee**

Mr. Dennis, Chairman, reported the Committee met and discussed the position reclassification process and the role of the Personnel Commissioner and the Human Resources Committee; discussion will continue at a later date. There was also discussion of the document being worked on by Deputy County Administrator Younger to assist in evaluating the four Legislative Direct Reports: Clerk of the Legislature, Finance Director, County Attorney, and the County Administrator. At the next meeting the Committee will make a decision on the final document that will be used in the evaluation and also on the process for evaluation of those positions. Mr. Dennis said members will receive copies of the document well in advance of the meeting. He said the Commissioner of Personnel is looking at what documents are presently being used to evaluate employees and will be gathering a sample of each of the documents presently being used. Mr. Dennis announced the interest arbitration will be held on October 27<sup>th</sup>. The

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County Administrator and Personnel Commissioner have received a request to bring negotiations from the White Collar Unit. The next meeting will be November 6<sup>th</sup> at 3:30 p.m.

**Report from the Government Operations Committee**

Mr. Hattery, Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be October 10 at 2 p.m.

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

Ms. Robertson, Chair, reported the Committee has not met since the last Legislature meeting. She spoke on the subject of gas drilling and reported the Department of Environmental Conservation (DEC) has posted online the Generic Environmental Impact Statement Scoping Document for the purpose of public comment about what should be looked at in the environmental review and what the DEC should pay attention to in gas drilling operations. Ms. Robertson stressed it is very important for citizens and legislators to provide input. The next Committee meeting will be tomorrow at 3 p.m.

**RESOLUTION NO. 200 – SUPPORTING THE WATER RESOURCES COUNCIL/CORNELL UNIVERSITY PARTNERSHIP IN FURTHERING STRATEGIC LAKE MONITORING AND SUPPORTING CONTINUATION OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION’S LAKE-SOURCE COOLING PERMIT-REQUIRED IN-LAKE MONITORING**

MOVED by Ms. Robertson, seconded by Ms. Mackesey. Ms. Chock summarized this resolution as a much-discussed compromise that attempts to recognize and support the work of those who developed a plan to further monitor the lake for all kinds of environmental reasons while at the same time, attempting to leave the decision up to the DEC about how it should oversee the particular spots involved in Cornell’s Lake Source Cooling project. While she does not think it is an ideal solution she will support it as a compromise.

Mr. Proto, Chair of the Water Resources Council, agreed with Ms. Chock’s characterization of the resolution and said a monitoring report will be produced and said the Water Resources Council is supportive of the passage of this resolution. Mr. Proto commended the work of Ms. Johnston and Ms. Jurkovich’s contributions to this.

Ms. Robertson thanked everyone involved in this process for their contributions to the resolution. She said this is one of those collaborative efforts Tompkins County is known for. She was pleased at a recent Expanded Budget and Capital Committee meeting that a decision was made to support the related stream-monitoring that is mentioned in this report. Ms. Robertson said stream-monitoring is clearly a very important part of knowing what is going on in the lake and she looks forward to receiving reports from the group as the effort moves forward.

A voice vote resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislator Herrera), Absent – 1 (Legislator Randall). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Water Resources Council, an advisory board to the Tompkins County Legislature, promotes the protection of the community’s water resources, and

WHEREAS, in 1998, Cornell University received a permit from the New York State Department of Environmental Conservation (DEC) to construct and operate the Lake Source Cooling plant on Cayuga Lake, and

WHEREAS, the DEC permit required Cornell University to undertake a program to monitor the impacts of Lake Source Cooling on the southern end of Cayuga Lake, and

WHEREAS, in 2004, Cornell University requested the New York State Department of Environmental Conservation to reduce the permit-required Lake Source Cooling monitoring sites in the southern end of Cayuga Lake, and

WHEREAS, on February 15, 2005, by Resolution No. 23, the Tompkins County Legislature opposed the reduction of monitoring sites during the duration of the permit, and

WHEREAS, in 2006, the Water Resources Council and Cornell University entered into a partnership to collaborate on issues related to Cayuga Lake, and

WHEREAS, the Water Resources Council-Cornell University partnership has now proposed a Strategic Monitoring Plan for the impaired southern basin of Cayuga Lake that includes physical, chemical, and biological monitoring components to help ascertain trends and variations in these indicators of the health of the lake, and

WHEREAS, unlike the Strategic Monitoring Plan, Cornell's permit-required in-lake Lake Source Cooling monitoring was never designed to monitor Cayuga Lake but to detect the impact (if any) of Lake Source Cooling on the lake, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature commends the Water Resources Council-Cornell University partnership on their productive collaboration and supports the overall approach described in the new Strategic Monitoring Plan for the southern end of Cayuga Lake,

RESOLVED, further, That the Tompkins County Legislature believes the monitoring plan and Lake Source Cooling are two separate topics that should be addressed separately,

RESOLVED, further, That the Tompkins County Legislature believes the New York State Department of Environmental Conservation should require continuation of the Lake Source Cooling in-lake monitoring sites in any permit renewal,

RESOLVED, further, That a certified copy of this resolution be sent to the New York State Department of Environmental Conservation.

**SEQR ACTION:** TYPE II-18

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### **Report from the Budget and Capital Committee**

Mr. Shinagawa, Chair, reported the Expanded Budget Committee continues to meet and deliberate on budget amendments to the proposed 2009 Tompkins County Budget. At this time the tax levy is 3.13% and the Fund Balance is just below \$1 million.

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

Mr. Stevenson, Chair, reported the Committee met on September 19<sup>th</sup> and received a presentation from the LETSS (Law Enforcement Technology Shared Services) Group. A resolution will be coming forward requesting support for a \$30,000 Over Target Request contained in the proposed budget and which has been included in the County Administrator's recommendations. The Committee heard a report from Suzi Cook, Chair of the the Criminal Justice Advisory/Alternatives-to-Incarceration Board, on the issue of securing NYSID (New York State Identification) numbers for analysis for the jail population. Mr. Shurtleff, Director of Emergency Response, reported the Ithaca Police Department went live on the 800-mHz system around the time the students came back to town. At this time all but one of the agencies is using the system and everything is going very well.

Chair Koplinka-Loehr reported on October 24 at 11 a.m. a ribbon-cutting ceremony will take place at Ithaca College of the new Communications Project. Formal notification will be coming soon.

**RESOLUTION NO. 201 – APPROPRIATION FROM CONTINGENT FUND –  
TERMINAL-PAY REIMBURSEMENT –  
DEPARTMENT OF PROBATION AND COMMUNITY  
JUSTICE**

MOVED by Mr. Stevenson, seconded by Mr. Hattery. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 1 (Legislator Herrera), Absent – 1 (Legislator Randall).  
RESOLUTION ADOPTED.

WHEREAS, the Department of Probation and Community Justice had its Director retire effective July 25, 2008, and

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

RESOLVED, on recommendation of the Public Safety and the Expanded Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2008:

FROM:	A1990.54400	Contingent Fund	\$7,888
TO:	A3140.51000238	Probation Director	\$5,716
	A3140.58800	Fringes	\$2,172

**SEQR ACTION:** TYPE II-20

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**RESOLUTION NO. 202 - APPROPRIATION FROM CONTINGENT FUND –BAIL  
FUND PROGRAM – OPPORTUNITIES, ALTERNATIVES  
AND RESOURCES (OAR)**

MOVED by Mr. Stevenson, seconded by Ms. Robertson. Ms. Robertson called attention to a document from OAR (Opportunities, Alternatives, and Resources), and noted 82 percent of the bails this year were \$1,000 or less. Ms. Mackesey questioned a statement in the document relating to local courts holding bails. It was suggested that the Chair write a letter to local town justices asking that the return of these bails be expedited. Ms. Dietrich, Executive Director said the forfeiture rate is approximately 3.7 percent.

A roll call vote resulted as follows: Ayes – 10, Noes – 3 (Legislators Hattery, Sigler, Stevenson), Excused – 1 (Legislator Herrera), Absent – 1 (Legislator Randall).  
RESOLUTION ADOPTED.

WHEREAS, Opportunities, Alternatives and Resources (OAR), through its Bail Fund program, makes bail accessible for low-income individuals when available funds are the only barrier to release from the Tompkins County Jail pending trial, and

WHEREAS, additional funding is needed at this time to continue to increase the number of bails provided, and

WHEREAS, \$10,000 was earmarked for jail overcrowding by the Legislature, and

WHEREAS, OAR expects to exceed last year's number of bails and with the addition of \$10,000 to the Bail Fund, OAR will be able to bail out nearly 85 individuals in 2008,

WHEREAS, OAR achieves a ninety percent return rate on its bails posted, with only very few forfeitures in the last six years, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Expanded Budget and Capital Committees, That the Director of Finance be authorized to make the following budget appropriation:

FROM: A1990.54400	Contingent Fund	\$10,000
TO: A6316.54400	Program Expense	\$10,000

**SEQR ACTION: TYPE II-20**

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**Approval of Minutes of September 16, 2008**

It was MOVED by Ms. Robertson, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve the minutes of September 16, 2008, as corrected. MINUTES APPROVED.

**Recess**

Chairman Koplinka-Loehr declared recess from 6:35 p.m. to 6:40 p.m.

**Executive Session**

It was MOVED by Mr. Dennis, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to enter into executive session at 6:40 p.m. to discuss litigation. The meeting returned to open session at 6:47 p.m.

**Adjournment**

On motion, the meeting adjourned at 6:47 p.m.