

Approved 6-1-10

**Tompkins County Legislature
Regular Meeting
May 18, 2010**

Call to Order

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

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 14 Legislators. (Legislator Dennis arrived at 5:50 p.m.) Excused: 1 (Legislator Chock). Legislators Mackesey and Kiefer were excused at 8:48 p.m.; Mr. Dennis was excused at 8:55 p.m.

Presentation of Proclamations

Ms. Robertson presented Ms. Holmes, Office for the Aging Director, with a proclamation declaring May 2010 as Older Americans Month. Ms. Holmes thanked the Legislature for honoring the older adults of Tompkins County and noted they are very great resources, adding to the culture, knowledge base, and being a very vibrant part of the community. Ms. Holmes will provide an overview of the Office for the Aging Services in August.

Ms. Robertson presented Catherine Wedge, Community Educator for the Mental Health Association, with a proclamation declaring May 2010 as Mental Health Awareness Month. Ms. Wedge expressed appreciation for the County's support of her agency, mental health awareness, and the treatment of mental health. She noted the Mental Health Association has been in existence since 1954.

Distinguished Youth Award

Mr. Robison, District No. 9 Legislator, presented the May 2010 Distinguished Youth Award to the 2012 and 2013 Groton High School Class Officers. The joint Cotillion held by these classes highlighted Breast Cancer Awareness, integrating the colors of pink and black in all aspects of the event. In addition to using and wearing the colors, students sold Awareness Ribbons, raising \$716.50 for cancer research and cures. Mr. Robison was pleased to hear of their choice of charities, noting his wife's family has a history of breast cancer and he has a very dear friend undergoing treatment. He expressed his pride in the youth for their initiative. Joel Twichel and his sister Jordan, each officers, thanked the Legislature, parents, high school staff, and others for their support and noted it is an honor to be of service to their community.

Moment of Silence

A moment of silence was held in honor of former Board of Representatives member Phil Shurtleff. It was noted he was on the County Board from 1981 through 1993, including a term as Vice Chair.

Privilege of the Floor by the Public

Lisa Wright of Ithaca read the following statement on behalf of Dr. Michelle Bamberger, Town of Ulysses resident:

“I strongly urge the legislators to pass this important resolution [regarding a ban on hydrofracturing] this evening. I grew up in a small town in south Jersey, across the Delaware River. The town's main industry was, and still is, chemical refinery of oil and gas fuels. Our air smelled foul, and the water tasted strange. As a child, I grew accustomed to the bad air and water. Our back yard was cut through by railroad tracks on which traveled freight cars bearing the refined chemicals; each car was marked with a skull and cross bones and bearing the words POISON and KEEP AWAY and DANGEROUS.

“I came to Cornell 29 years ago to interview at the vet school. I was amazed by the beauty of the region, but most of all the water (and this was city water as I stayed at a bed and breakfast downtown) and the fresh air. I drove back home on Rt. 79 out of Ithaca thinking that if Cornell was foolish enough to accept me, then this is where I would go. They were foolish enough, and this is where I have lived ever since, except for sabbaticals at Oxford and Harvard.

“I think most people you will hear from tonight do not know what it is like to grow up in a highly polluted atmosphere. We are hardy creatures, and we can get used to anything, but do we really want to put ourselves, our children and grandchildren in a position to grow up as I have, knowing too well what contaminated air and water are like? This is what drove me to help draft the CU Faculty Senate resolution urging a moratorium on fracking on University lands, encourage similar resolutions in the University and Student Assemblies, to write the letter requesting Peter Meinig, Chairman of the Board of Trustees, to recuse himself from all decisions on the leasing of lands and gather over 100 co-signers, and continues to drive me to join countless groups all across our state in their efforts to educate the public on the need for hard science on the process and cumulative effects of slick water high volume hydraulic fracturing for natural gas.

“As evidenced by past and more recent catastrophes all across our country, it is obvious that the energy industry cannot extract fossil fuels and make the profit they promise their shareholders. The big question is, will they continue to take shortcuts even after more regulations are in place? From everything I have read, they will be forced to because safe extraction takes extra time and it is expensive to run a rig.

“When I go home and visit my dad, I realize that the air smells worse than it ever did, so bad that I cannot walk outside without holding my nose, and I don't dare drink the water. He tells me it's all the same to him, and I realize that now I am accustomed to what we all should be: clean air and water.”

Ken ZeSerson, Chair of the Town of Ulysses Planning Board and Gas Drilling Advisory Board, supported the resolution and noted Ms. Bamberger is part of their advisory board. He recommended taking note of other areas where hydrofracking has occurred to determine potential outcomes. Mr. ZeSerson said the BP oil-rig tragedy is an example of what could happen without plans in place for potential problems. He said any work done by the Legislature without stopping hydrofrack gas drilling would be like polishing the silverware on the Titanic; it just wouldn't matter.

Mara Alper, Strawberry Hill Circle, spoke in support of the resolution to ban hydrofracking and asked that the County include a request to determine the risks regarding water as well. She spoke of the need to develop water as a public trust to be protected and noted the State Assembly bill A.4614 requires drilling companies to restore or replace supplies of water affected, but she is concerned it would only follow years of litigation.

Martha Ferger, Environmental Management Council (EMC) member, spoke in support of the resolution and noted the EMC voted in support of the companion bills. She commended the Legislature on preparing a succinct and accurate analysis of a complicated matter and urged support for it.

Marnie Johnson, Ithaca resident and President of the League of Women Voters of Tompkins County, spoke in support of the resolution to ban hydrofracking. The National League of Women Voters has long supported protection and judicious use of water resources, air quality, and care for land. She asked that the State not allow it to occur before determining a safe manner to drill and proceed with caution.

Nancy Spero, representing Enfield Neighbors for Safe Air and Water, spoke in support of the resolution to ban hydrofracking. She noted water is a precious resource to be protected and that other safe methods should be sought as well as support that use of alternative energy.

Fay Gougakis, City of Ithaca resident, spoke in support of the resolution to ban drilling. She spoke of the BP oil-rig fire and how the company did not take appropriate steps to safeguard the operation. She agrees that there should be a public trust for water. She also suggested copies of the resolution be forwarded to President Obama, Federal representatives, the New York State Watershed, New York City, the Town of Skaneateles, and Cornell University. Although the gas produced would provide adequate energy for the country for a two-year period, she believes conservation and limited population growth is a better alternative.

Bernie Hutchings of 1016 Hanshaw Road made the following statement:

“From about October of 2009, the county and/or its agents have been manipulating Hanshaw Road property owners with what is now acknowledged to be an improper set of maps.

“At your last meeting, May 4, 2010, Ms. Kiefer described these maps as “out of date”, “a mistake”, and as “inappropriate”. Inasmuch as these words are not all part of the minutes of that meeting, which you have for approval on your agenda tonight, I submit below a verbatim transcript of the relevant comments during the Facilities and Infrastructure Committee report, for the record.

“Mr. Wood apparently claims that as long as these maps describe parcels accurately (in the sense of a land survey) than they are valid for the purpose of the eminent domain hearing. He is wrong, on three counts.

“First, certain parcels, or portions of maps, were not even included on the taking list, because the county had not taken into account the Coddington Road decision. These parcels were considered already owned.

“Secondly, accurate maps were needed in order for a property owner to defend against eminent domain. Mr. Wood told this legislature that one of the few ways a property owner could contest eminent domain was by showing that the proposed taking was NOT for a public use. Without an accurate construction diagram, showing THE PROPOSED USE, logic requires that there can be no claim OF - A PUBLIC USE. [Incidentally, the other way that Mr. Wood said eminent domain might be contested, was by showing procedural error.]

“Thirdly, and even more egregious, a property owner seeing the county’s widespread claim of a 25 foot ROW as a “Highway Boundary by Deed”, on an inappropriate map, might well feel it meant the County had produced its OWN highway deed; that a protest was not even possible, and not make one.

“The use of inaccurate maps, apparently a knowing use, has violated the rights of property owners since Fall 2009, prior to and during the eminent domain hearing, and continues as the clock ticks down on your Determination and Finding. If the county did not know of this failing, their consultants did, or should have.

Further, there seems to be a “pass it now and fix it later” notion afoot. John Lampman seems to feel that: “it is acceptable to change the maps at a later time”. If he is relying on Section 205 of the NYS EDPL, he should read it carefully. It says: “. . . only in the event that further study of field conditions warrant . . .” Only clearly means - not generally. Further study means something new - not something known for years. Field conditions mean something in the field (perhaps striking bedrock) – not something in the courtroom! Warrant means you have to justify each instance.

“I urge the Legislature NOT to pass a Determination and Finding until past mistakes are remedied, and until the Constitutional rights of property owners to due process are restored.

Attached Verbatim Transcript

On May 4, 2010, at the Tompkins Co. Legislature Meeting, Dooley Kiefer, Martha Robertson, and Will Burbank said the following, verbatim (Audio Recording Part 2, approximately 21 minutes – 24 minutes):

Dooley Kiefer: “The other thing I want to report on is really a comment that was thought of in response to the woman who spoke under privilege of the floor about Hanshaw Road.

I can’t remember whether at this level I have said what I think happened, and why they were unhappy with the eminent domain hearing – the open house that took place before our eminent domain hearing. I don’t like to repeat myself so if I’ve said this, stop me right away. But my understanding is that it’s correct that the maps that were available to those folks were out of date – they had not been updated. Did I tell you all this? - - -“

Martha Robertson: “ -- There have been plenty of questions about this --“

Dooley Kiefer: “- - - The reason being two-fold: there’s limited staff and limited time, and updating maps costs money. And the staff were waiting for comments from state DOT on the project – so that they could use those comments to help in adjusting the maps. Those comments from the state DOT have still never come, so maybe they are not going to come. But the maps that were out there for people to use were really inappropriate and it was a mistake – I think – the decision that was made. And what I can assure everybody of now is that when representatives of the eminent domain consultant go to talk with individual property owners, they will have actually easy to understand maps that will be updated and will reflect the Coddington Road decision so that should not – not – that should no longer be a problem.

And Peter, as the legislator who represents that district has been getting phone calls about this. He warned me that there may be a huge delegation again tonight to talk about this – there wasn’t – there was one thoughtful person who spoke her mind. But I think that between Peter and me we are responding to these people as they contact us, and I hope that within a period of a few months we will be assured that every property owner has been treated fairly and equitably and will be satisfied.”

Martha Robertson: “That’s very helpful – thank you Dooley – Will?”

Will Burbank: “Dooley thank you for saying that. I was struck by the reasonableness of Mrs. Cowan and what she was asking for, and one of the things she proposed was a sit-down meeting - back and forth kind of questions with Legislators.”

Dooley Kiefer: “And Peter and I have talked about this but he’s off to France. We’ll talk about it at the F&I committee and see if that is the direction the committee thinks we should go. I am of two minds about that.”

Martha Robertson: “I’ve talked to Peter about it a little bit. I just add I think it might be worth waiting until people have seen the correct maps –and if that takes a little longer – but – just one – one thought about it.”

Submitted by Bernie Hutchins, May 18, 2010, under Privilege of Floor for inclusion, verbatim, in the record.

Ellen Harrison, representing (F)leased, a newly formed group of landowners who had leased their property prior to the Marcellus Shale activity and associated potential problems from hydrofracking. She

supports the resolution and noted they had not been told of the toxic chemicals that would be injected into the land and it is necessary to have time to determine the best method to deal with this industry. She also asked the County to consider passing a resolution that no County lands would be leased for the purpose of gas drilling.

Katherine Halton, Town of Danby Board and Task Force on Drilling member, spoke in support of the resolution, noting as the most southern municipality they may be the first to have to deal with the issues of gas drilling. She spoke of concerns regarding water quality and asked that there be more time provided to study and understand cumulative problems associated with hydrofracture gas drilling.

Dr. Adam Law spoke as a physician in support of the resolution, expressing concerns relating to potential physical harm due to the chemicals used in the hydrofracture process. He said as a doctor it is important to remember, "First, do no harm". He explained The Precautionary Principle: "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the precautionary principle must be open, informed, and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action." Wingspread Statement on the Precautionary Principle, January 1998. Dr. Law also shared an accounting of severe physical trauma experienced by an emergency room nurse, almost costing her life, as a result of treating a gas-field worker for chemical exposure. He stressed the need to pause to determine the overall harm to human health.

Catherine Wagner, Town of Dryden resident and Chair of the Natural Resources Committee of the Tompkins County League of Women Voters, said she supports the resolution to ban drilling and said the land and resource preserved should not be seen as a commodity. She said many areas need to be reviewed: truck traffic, pollution, how transient workers fill hotels and low-income housing. Ms. Wagner would like the County to speak out that all watersheds need protection, not just New York City.

John Spence, Director of Better Housing of Tompkins County, shared information on the home repair program that provides assistance to low-income seniors and disabled individuals. This program allows residents to remain at home and avoid costly alternatives by providing the labor and expertise to make repairs, with the homeowners providing materials. He also noted that United Way and the County Office for the Aging offer grants to some residents for the materials, which is paid back to allow future grant assistance. In addition to grants, a member-item grant was awarded that allowed the agency to purchase a van and tools. Mr. Spence said last year the agency helped 90 households with a variety of repairs and currently have 30 households on a waiting list. The average homeowner is a 71 year-old female with an income of \$14,500.

Elmer Ewing, resident of Slaterville and member of Shaleshock, spoke in support of the resolution to ban gas drilling and spoke of the potential water and air pollution resulting from drilling in New York State. Mr. Ewing said there is no history of horizontal fracking in New York, is only a decade old to understand potential problems from the chemicals, and the experience of this type of drilling in other states has created problems of water and air pollution. He said although people acknowledge this they claim it is human error and noted the process was made by man, not an android.

Chris McConkey, Aiken Road resident, spoke in favor of the resolution to ban gas drilling and hopes that any review would include the socio-economic aspect. It was suggested that Secretary of State Clinton be provided a copy, noting that when she was a Senator from New York she supported protection of the Finger Lakes National Forest. He pointed out that compulsory integration is a "taking" and is a questionable legal construct that needs to be addressed.

John Ward, Director of Homeless Services of the American Red Cross and Coordinator of the Food Distribution Network, spoke of the need to bring attention to the 2010 study of hunger in America. He shared information of how there is a lack of food security that has increased in the six-county area since the economic downturn. Mr. Ward shared statistical information on the groups requiring food assistance and also choices individuals are making relating to food versus utilities, heat, and medicine.

Darlene Gold, Hanshaw Road resident, spoke as part of an organized group regarding the Hanshaw Road Reconstruction Project. She informed the Legislature of her objections of the proposed project and asked for assistance. She said the group is deeply distressed by the proposal and means the County Highway Division is using. She said, "taxpayers have the right to expect that their local government is run in a transparent and ethical manner and that government officials and employees are acting in the best interest of the taxpayers." This quote from Steven Hancox of the New York State Division of Local Government and School Accountability applies here. The County's proposal is for a \$3.7 million dollar project with eighty-five percent of the funds coming from the Federal government. It is understandable that the County welcomes this infusion of funds. The Highway Division's proposal includes a widening of the driving lanes which will speed up traffic and have negative impacts to our neighborhood. She asked that the County revise its plans and omit the widening of travel lane.

Linda Lavine of Ringwood Road spoke in support of the resolution to ban gas drilling. She has many neighbors who signed leases and is concerned how it will affect her acreage. She would like to see the natural aspect of the area remain as it is and to keep the water safe.

Bruce Murray of Brooktondale spoke in support of the resolution to ban gas drilling. He does not believe the New York State Department of Conservation would be able to manage overseeing the industry. He took exception to Mr. Grannis asking for stricter studies of well-water in the Syracuse and New York City areas and does not understand why these areas should have their water protected more than our locality. Mr. Murray also said he drove for a six-hour period in Pennsylvania on various road and had first-hand experience viewing the damage done to their infrastructure. He noted for every one car there were 20 tanker trucks between the hours of 10 a.m. to 2 p.m.

Amy Kohut, Grove School Road, spoke on behalf of herself and other neighbors involved with (F)leased, supporting the resolution to ban gas drilling. She said along with neighbors there are 300 acres of contiguous land that could be involved. She noted that due to contamination there could be a shortage of water available in our area. She commended the students honored tonight and said that future students may have to raise funds for water.

Bill Podulka, made the following statement:

"I reside in the Town of Caroline. For the last year and a half I have been actively involved in researching and understanding the likely impacts of shale gas drilling. I now know way more than I ever wished to about this issue. When I first learned about what shale gas drilling was like, my gut reaction was that this did not make sense for the Finger Lakes region. The more I have learned the more I have become certain that that is the case.

"I applaud the Tompkins County Legislature for taking up this issue and considering this legislation. Many, many people in our county are so busy with their daily lives that they have neither the time nor the energy to become involved now, yet they will all feel the negative impacts if this industry moves into Tompkins County in its present form. It is up to the legislature to act pro-actively in their best interests, and I strongly urge you to approve the resolution before you.

"I would like to highlight briefly the economic issue.

“Frequent claims of economic salvation through gas drilling are unfortunately no more grounded in reality than assertions that drilling for oil in the Gulf of Mexico could only lead to a minor release of oil. The reality is that economic improvement through resource extraction is the exception rather than the rule. A review paper of economic studies done for rural regions found that in only 16% of the cases did resource extraction lead to an improvement in the unemployment rate, whereas in nearly two-thirds of the cases the rate increased. In terms of poverty, in only 20% of the cases did the poverty rate decline, whereas it rose in nearly half the cases. A recent study focusing on natural gas extraction in various western counties is consistent with these findings. As a summary of their findings, the authors of the review paper state: “Until or unless future studies produce dramatically different findings, there appears to be no scientific basis for accepting the widespread, ‘obvious’ assumption that mining will lead to economic improvement.” Shale gas drilling methods must change dramatically before being used in New York.

“The following statement is by my wife, Sandy Podulka:

“It is critically important that we request a ban on high-volume hydraulic fracturing (HVHF) in NY pending further independent scientific study: that means not funded or influenced by industry. Furthermore, the research needs to demonstrate that gas extraction involving HVHF does not put our water, environment, health, and communities (either economically or socially) at risk. And, the research needs to show that drilling will not have a net negative impact on the average resident. Long-term, cumulative, and indirect impacts should be addressed as well as current ones.

“It is not clear whether the EPA study will meet these criteria: if it is to be believed, it would need to be free of industry influence, otherwise, it will be a sham. Thus, we need to be careful not to let too much ride on the findings of that study, until it can be determined how much politics and industry will influence it.

“So, I like the wording of this resolution because it includes the EPA study as only one of several, although I would spell out the research requirements more precisely, as I just described. And, most important, I think we want to be clear that unless the studies actually demonstrate the complete safety and benefits to the average resident of drilling, in keeping with the precautionary principle, the ban on HVHF should not be lifted.

“Furthermore, I would like to ask that if HVHF is not banned throughout the state, municipalities be allowed to ban it within their boundaries. And, I would like Tompkins County to ban gas operations using HVHF from county-owned land unless appropriate research shows it to be safe and beneficial.”

Judy Pierpont, Town of Dryden resident, spoke in support of the resolution to ban gas drilling and commended the Legislature on its content. She also said it is important to have the State hear concerns. She believes no drilling should occur for at least two years while studies are undertaken.

Helen Slottje, Town of Ithaca, spoke in support of the resolution, calling attention to the lack of information known regarding the horizontal hydrofracking method of gas drilling. She commented on a comment to investors regarding this drilling procedure, noting Schlumberger held a conference call with investors; the CEO stated, when discussing shale gas production, “at the moment we are doing it by brute force and ignorance. As such, there seems to be no reason to wait for the EPA to do its study. Perhaps even industry will learn something.”

Rebecca DeWitt, Town of Caroline resident and member of Residents Opposing Unsafe Shale Extraction (ROUSE), said she supports the resolution and expressed concerns relating to how leases held by neighbors will affect her property. She had purchased the land for its peace and beauty, all of which could be gone if drilling operations begin in her area. In addition, due to the high elevation of the property

and proximity of the Susquehanna and Cayuga Watersheds, gas drilling in the locations has the potential of contaminating water supplies.

Carolyn Eberhard from the Town of Caroline said she supports the resolution to ban gas drilling. As a scientist she supports evidence-based facts and it is important to have an understanding of what could occur as a result of hydrofracking. She shared information regarding New York State Electric and Gas Corporation's Seneca Lake storage domain, noting there have been problems with pipelines due to the use of pesticides. In addition, she reported a gas line accident with a Connecticut firm who prided itself on safety who lost three workers due to an explosion. Ms. Everhart also noted concern of mental health issues that may result from the high-traffic as well as the connection between breast cancer and the hydrofracking fluid in use.

Cyrus Umrigar of Brooktondale said he supports the resolution to ban gas drilling and hopes the Legislature will adopt it.

Special Topical Presentation and/or Legislative Discussion

Ms. Robertson announced the presentation by the Probation and Community Justice Department has been postponed.

Report from a Municipal Official(s)

Village of Groton

Jeffrey Evener, Village of Groton Mayor, expressed pride in the youth present for the May 2010 Distinguished Youth Award. He shared that he too was a graduate of Groton High School. Mr. Evener said the Village has completed its 2011 budget process and, like other municipalities, is struggling due to the economic downturn. After a great deal of work, the tax levy increase will be three percent, with a two percent tax increase. In addition, the Village has begun a \$4.2 million capital project for the wastewater treatment plant; this project did not fall into a Federal Stimulus category and will require a 160 percent increase in the sewer rate. The Village was able to seek thirty-year low-rate funding from the Environmental Facilities Corporation and United States Department of Agriculture for the project. Mr. Evener spoke of the recent addition of Plastisol Composites to the Groton Industrial Park. He invited Legislators to Groton to celebrate its 150th anniversary between June 11 and 13.

Town of Caroline

Mr. Frongillo, Town of Caroline Board member, reported the Town of Caroline is concerned with how gas drilling could affect the Town's assets. As a result they are reviewing the local road preservation law and designation of critical environmental areas. As part of this work letters were sent to every household for input. The town is also reviewing home rule as it relates to gas drilling and stormwater laws to find a way to allow municipalities home rule regulations to provide protection at the local level. He commended the Tompkins County Planning Department for their work analyzing and commenting on the GEIS. Mr. Frongillo said towns have considered a moratorium on wind turbines and perhaps it is possible to do the same with this industry.

He spoke of being a member of the New York State Climate Action Plan Committee (Integration Panel and Residential/Commercial/Industrial portion) and that it is the most ambitious in the country, requiring a reduction of carbon emissions by 80 percent. To meet this goal, residents would be required to reduce down to zero, however, with a hydrofracking industry he is uncertain this goal could be met. He urged support of the resolution to ban gas drilling.

Resolution(s) to Add to the Agenda

It was MOVED by Ms. Mackesey, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to add the resolution entitled “Calling on the Governor and Legislature of New York State to Ban Hydraulic Fracturing Pending Further Independent Scientific Assessments to Determine the Risks, Greenhouse Gas Emissions, and Social and Economic Costs Associated with Hydraulic Fracturing, and in Support of A.10490/S.7592” to the agenda. RESOLUTION ADDED.

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

RESOLUTION NO. 67 - CALLING ON THE GOVERNOR AND LEGISLATURE OF NEW YORK STATE TO BAN HYDRAULIC FRACTURING PENDING FURTHER INDEPENDENT SCIENTIFIC ASSESSMENTS TO DETERMINE THE RISKS, GREENHOUSE GAS EMISSIONS, AND SOCIAL AND ECONOMIC COSTS ASSOCIATED WITH HYDRAULIC FRACTURING, AND IN SUPPORT OF A.10490/S.7592

It was MOVED by Ms. Mackesey, seconded by Ms. Pryor, to adopt the following resolution. Ms. Mackesey expressed appreciation to Ms. Robertson for the work she has done regarding the issue of gas drilling.

It was MOVED by Ms. Kiefer, seconded by Mr. Stein, to amend the first WHEREAS to read: “...New York State Environmental Conservation, *Mineral Resources Division, Bureau of Oil and Gas Regulation* issued...”. A voice vote on the amendment resulted as follows: Ayes – 7 (Legislators Burbank, Dennis, Kiefer, Lane, McBean-Clairborne, Shinagawa, and Stein); Noes – 7 (Legislators Herrera, Mackesey, McKenna, Proto, Pryor, Robertson, and Robison); Excused – 1 (Legislator Chock). MOTION FAILED.

Mr. Stein said that while he is in favor of not engaging in extensive hydrofracture drilling until it is studied, he is uncomfortable making technical statements he does not understand. He said it is accepted that natural gas is widely viewed as cleaner and why it is substituted for other energy sources. Although he supports the issue he cannot support the resolution. Ms. Robertson responded that although natural gas burns cleaner, when the distribution, extraction and other aspects of this industry are all calculated, gas has a larger carbon footprint. In addition, leaks throughout the system are the biggest concern; the Environmental Protection Agency assumes 1.5 percent is leaked. Last year the State of Texas attempted to put a cap on leaks of 5 percent; the industry fought the regulation, stating there was no way to be able to reduce leaks to the five percent level.

Ms. Kiefer indicated the resolution speaks of the “emerging” issues; in addition there is concern on how this industry would affect greenhouse gas emissions.

Mr. Proto said he had the same concerns as Mr. Stein, which is why he had suggested a qualifier that natural gas is “most likely” cleaner. The total calculations within the resolution is associated with the extraction process.

Mr. Dennis said he will support the resolution. He suggested that resolutions being amended by the full Legislature be projected to a screen to more easily know what was suggested and passed.

It was MOVED by Mr. Lane, seconded by Ms. Mackesey, to Call the Question. A voice vote resulted as follows: Ayes – 11; Noes – 3 (Legislators Herrera, Kiefer, and Stein); Excused – 1 (Legislator Chock). MOTION ADOPTED.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Stein); Excused – 1 (Legislator Chock). RESOLUTION ADOPTED.

WHEREAS, on September 30, 2009, the New York State Department of Environmental Conservation (NYSDEC) issued a draft Supplemental Generic Environmental Impact Statement (dSGEIS) on high volume, slickwater hydraulic fracturing (HVSWHF) with horizontal drilling as proposed for the Marcellus Shale, and more than 14,000 comments on the dSGEIS were submitted, many pointing out significant defects and a reliance on incomplete or flawed studies, and

WHEREAS, New Yorkers' concerns include questions about the ability of the NYSDEC, with its current staffing levels and its proposed regulations, to protect our natural resources and prevent permanent damage to our environment, and

WHEREAS, recent disasters in West Virginia's coal mines and at the drilling rig in the Gulf of Mexico highlight the dangers inherent in extractive mining, with particular concern about the possible role of methane (the main component in natural gas) in these events, and

WHEREAS, the Tompkins County Legislature has passed resolutions stating its concerns about gas drilling on December 2, 2008 (Resolution No. 252-08), May 19, 2009 (Resolution No. 84-09), and December 15, 2009 (Resolution No. 250-09), and

WHEREAS, based on experience in other states where this drilling has been underway for years, the concerns include but are not limited to:

- air pollution (ground level ozone and smog) at and near drilling sites;
- threats to groundwater and surface water supplies from accidents on the surface, as well as subsurface failures of casings and the hydrofracking process itself;
- depletion and degradation of New York's lakes, rivers, streams, and wetlands;
- long-term consequences from infusion of potentially toxic chemicals into the ground;
- dangers from drill cuttings and flowback water, which may be unsuitable and unsafe for disposal in New York's landfills and wastewater treatment plants;
- deleterious effects of noise and light from 24/7 drilling on the natural habitat of our region and our residents' health and quality of life;
- significant damage to roads and bridges, resulting in loss of mobility and economic activity even if drilling companies eventually rebuild the damaged infrastructure;
- fragmentation of our landscape, with loss of vital habitat for wildlife and significant increase in "edge" habitats which stimulate growth of invasive species;
- damage to existing economic sectors, including agriculture, hunting and fishing, tourism, and higher education;
- social disruption, including increase in crime rates and demand for emergency medical services, and greater disparity between high- and low-income households;
- economic costs to residents and local governments, including higher inflation, increased pressure on housing and consequent homelessness, and precipitous drop in property values; and

WHEREAS, in addition to these concerns, methane ("natural" gas) is 72 times more potent than carbon dioxide in heating the planet according to the Intergovernmental Panel on Climate Change (2007). Therefore when all greenhouse gas emissions related to HVSWHF are calculated, including emissions from extraction, distribution, and use, natural gas is likely not "cleaner" than other fossil fuels and may be more damaging than coal, and

WHEREAS, rigorous scientific investigations of these issues are just beginning, including a study of the full life-cycle emissions of shale gas, the social and economic costs and benefits of the industry, and the federal Environmental Protection Agency's (EPA) study of potential relationships between hydraulic fracturing and water resources, and

WHEREAS, New York State has acknowledged the dangerous potential for negative impacts with its determination that individual environmental assessments will be required for any wells in the New York City and Syracuse watersheds, and

WHEREAS, New York State has so far not committed itself to a course of action with respect to shale gas drilling in the Marcellus Shale or the Utica Shale, and

WHEREAS, in April 2010 companion bills (A.10490/S.7592) were introduced in the New York State Legislature to establish a moratorium on hydraulic fracturing for natural gas or oil until 120 days after the EPA issues its report on the effects of hydraulic fracturing on water quality and public health. The

moratorium will sunset 120 days after the issuance of a new Environmental Protection Agency report, which is intended to allow the state agencies and state residents the opportunity to review and make use of the Environmental Protection Agency's new report, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature hereby urges New York State to ban HVSWHF operations pending further independent scientific assessments, including the EPA study, research on the life-cycle greenhouse gas emissions of shale gas, and the social and economic impacts of the industry,

RESOLVED, further, That the Tompkins County Legislature hereby supports passage of A.10490/S.7592 (Englebright/Addabbo, attached) titled "An act to establish a moratorium upon conducting hydraulic fracturing pending the issuance of a report thereon by the federal Environmental Protection Agency",

RESOLVED, further, That at the very least, the same standards should be applied to all of New York State that the DEC has indicated it will apply to the New York City and Syracuse watersheds,

RESOLVED, further, That copies of this resolution will be sent to Governor David A. Paterson, Congressman Michael Arcuri, Congressman Maurice Hinchey, Assembly Speaker Sheldon Silver, Senate Leader John Sampson, NYS Health Commissioner Richard Daines, DEC Commissioner Peter Grannis, New York State Department of Agriculture & Markets Commissioner Patrick Hooker, the NYS Association of Counties, State Senators James Seward, George Winner, Michael Nozzolio, Antoine Thompson, Joseph Addabbo, Darrel Aubertine, and George Maziarz; Assemblymembers Barbara Lifton, Kevin Cahill, Steve Englebright, Robert Sweeney, and James Brennan; and Attorney General Andrew Cuomo.

SEQR ACTION: TYPE II-20

Recess

Ms. Robertson declared recess at 7:45 p.m. The meeting reconvened at 7:50 p.m. Mrs. McBean-Clairborne was excused at 7:44 p.m. and returned to the meeting at 8:06 p.m.

Privilege of the floor by Legislators

Mr. Dennis, District 15 Legislator, spoke of participating at a Cornell Cooperative Extension event highlighting the evaluation of energy within a dwelling. Mr. Frongillo had brought a group of students who performed the evaluations and provided suggestions for energy conservation. Mr. Dennis thought it would be good to have a municipal contest and have homes audited to see who could get to the zero impact of greenhouse gases.

Mr. Robison, District No. 9 Legislator, spoke of former Board of Representative Phil Shurtleff's involvement in the Groton community and noted he was involved with politics and held elected offices for over sixty years. Mr. Shurtleff had been a Village Trustee, Mayor, Village Justice, Council Person, County Representative, one of the original members of the Industrial Development Agency, and the County liaison to Tompkins Cortland Community College. Mr. Robison said the Groton community has lost a big supporter.

Mr. Proto, District No. 7 Legislator, recalled that Mr. Shurtleff had helped to develop the Summer Youth Program which was funded up through 2009. He announced there will be a parade in Dryden over the Memorial Holiday weekend. Mr. Proto is also collecting information regarding what organizations assist in placing flags upon the graves of veterans and asked any organization doing so to please keep track of how many flags are used at each cemetery. Mr. Proto is working on a resolution urging the State to act on the contract for video lottery terminals at racing tracks. Not following through on their agreement is costing \$1 million/day in the horse industry. He reported the Water Resources Council has passed the MS4 application for the County; this ties stormwater regulations into gas drilling.

Mr. Lane, District No. 14 Legislator, said the State has gone 48 days without a budget; the school districts are hurting, and the County will also. He reported the Dairies of Distinction event took place with many local farms being recognized for their efforts to maintain a well-maintained farm. Mr. Lane

spoke of the Dairy Princess program that provides an opportunity for young women interested in dairy to come forward. These young women go to various programs as well as the State Fair and other celebrations to bring about an awareness of dairy farming. He announced Dryden Dairy Days will take place on June 12th.

Ms. Kiefer, District No. 10 Legislator, said the Environmental Management Council (EMC) endorsed a statement to the City of Ithaca indicating they do not support placement of dredging spoils at a single site of Southwest Park. She said the EMC feels it is too soon to determine dewatering sites since it is not known what will be happening with the sediment. Ms. Kiefer reported that ICLEI is having its first climate protection meeting in four areas across New York State on June 17th; Ithaca is one of the sites. Ms. Kiefer announced a follow-up meeting regarding Mr. Rancich's presentation on the proposed wind farm will take place on May 20th at 5:30 p.m. at the County Library.

Mr. Burbank, District No. 12 Legislator, announced the Tompkins County Mental Health Association Annual Celebration will take place on Tuesday, May 25th. He was pleased to hear Mr. Dennis speak of the energy project at Cornell Cooperative Extension and said they are seeking additional participants.

Mrs. McBean-Clairborne returned to the meeting at this time.

Ms. Robertson announced there will be a showing of the movie Gasland in Industry at the Cinemopolis theatre on June 12th. Following the movie there will be a rally with the filmmaker present to address this topic.

Report from the Chair

Ms. Robertson reminded Legislators the time logs should be completed in the near future. Mrs. Covert will forward information of how to report as well as the deadline to file.

Report form the County Administrator

Mr. Mareane reported the Health Consortium met last week and discussed labor representation. Mr. Barber polled the group and the consensus was to have two labor seats on the board. This information was given to the various labor union representatives for consideration. The other issue the Health Consortium discussed was the required reserves. There is a need to have surety bonds or to have the municipalities build the reserve up-front, which could be returned to the municipalities once the fund is fully established.

Mr. Mareane reported on the transition of the County Health Plan to the Classic Blue plan. Personnel staff compiled information from Excellus, the carrier, that provides a comparison of the plan for employees and retirees. He noted the plans are extraordinarily similar.

With regard to the Assigned Counsel Program, Mr. Mareane said there were only a couple of applications for the supervising attorney position. The hiring process is moving forward and should be completed shortly. Mr. McDermott, the interim attorney, will continue until the process is completed.

Mr. Stein asked whether the cash reserves for the health insurance plan under the Consortium is to insure against unfortunate performance or to make an orderly transition if it falls apart. Mr. Mareane said for both purposes; 17 percent of the premium is to provide an orderly transition to pay remaining claims, with a smaller reserve amount to cushion the impact of volatility in claims. It was noted that the municipalities who joined the Consortium have entered into an agreement and are committed to it.

Mr. Proto spoke to Mr. Barber, Chair of the Tompkins County Council of Governments (TCCOG), and asked if a concern is smaller municipalities not having the financial resources for the reserve and if it would it be possible for the County to contribute the funds for the up-front reserve. Mr. Mareane said some of the smaller municipalities have good liquidity. The idea of cash advances for the reserve is strongly being reviewed by Mr. Barber. He noted that the County has to maintain a watch on its liquidity rather than borrowing. Mr. Squires said the County cash position has not increased over the years at the same pace as expenses, leaving no excess capacity to be able to cover municipalities reserves.

Ms. Kiefer suggested the State Insurance Department article requiring the higher reserve could be amended through State Legislation. Ms. Robertson will look into this possibility.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires spoke of the County Annual Financial Report that is distributed to New York State. The only area of concern is the cash position which has weakened a bit. The report is available at the office of the Clerk of the Legislature. Mr. Squires said the report shows stability. The final result of the audit will be reported on when complete. He then announced that sales tax revenues are currently on budget as of the fourth month of the year. The County's share increased ten percent, the City share 15 percent, and for outside municipalities three percent. This is the first significant change in sales tax revenue in the last 15 months. Mr. Squires reported changes in bond ratings have taken place to allow uniformity. At the beginning of April the bonds were recalibrated, which amended the County bond rating from AA2 to AA1, only one step below the AAA rating.

Addition of Resolution(s) to the Agenda

There were no resolutions to be added to the agenda at this time.

Withdrawal of Resolution(s) from the Agenda

Chair Robertson gave the appropriate Committee Chairs permission to withdraw the following resolutions:

- Authorization for the Sheriff to Enter into an Agreement with GTL for Inmate Telephone Calls (ID # 1963)
- Establishing Annual Salary for the Position of Sheriff for the Years 2011, 2012, 2013, and 2014 (ID # 1960)
- Establishing Annual Salary for the Position of County Clerk for the Years 2011, 2012, 2013, and 2014 (ID # 1959)

Approval of Resolution(s) and Appointment(s) Under the Consent Agenda

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

RESOLUTION NO. 68 - ENDORSING SPRING 2010 COMMUNITY CELEBRATIONS GRANT TO COMMUNITY SCHOOL OF MUSIC AND ARTS

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, under the Consent Agenda.

WHEREAS, the Community School of Music and Arts (CSMA) will be celebrating its 50th anniversary this year, and

WHEREAS, CSMA is eligible for a Community Celebrations grant under guidelines established by the Strategic Tourism Planning Board, and

WHEREAS, CSMA has refined its earlier application for funds to purchase a banner that will be displayed on the exterior of its building on West State/Martin Luther King, Jr. Street from Summer 2010 through Spring 2011 to help advertise and commemorate this important anniversary of its contribution to the arts and cultural life of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That a grant in the amount of \$1,590 be awarded to CSMA,

RESOLVED, further, That the County Administrator or his designee is authorized to sign any documents related to the aforementioned project.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 69 - AUTHORIZING THE FILING OF AN APPLICATION TO NEW YORK STATE FOR THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, under the Consent Agenda.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

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

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

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the filing of an application in the form required by the State of New York in conformity with the assurances contained in said application is hereby authorized,

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

RESOLVED, further, That Tompkins County agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs,

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

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

SEQR ACTION: TYPE II - 20

RESOLUTION NO. 70 - AMENDMENT TO BYLAWS - HILLVIEW ROAD LANDFILL CITIZENS ADVISORY COMMITTEE

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, under the Consent Agenda.

WHEREAS, by Resolution No. 407 of 1990 established the Hillview Road Landfill Citizens Advisory Committee, and

WHEREAS, Resolution No. 231 of 1993 approved the Committee's Bylaws and Resolution No. 51 of 2004 amended the Bylaws, and

WHEREAS, the Hillview Road Landfill Citizens Advisory Committee is comprised of residents who would be directly affected by the former Hillview Road Landfill making them a unique group, and

WHEREAS, it is the desire of the Committee to amend Article 4, Section 5, to read: "No officer shall hold more than one office simultaneously", now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature approves the said amendments to the Hillview Road Landfill Citizens Advisory Committee bylaws.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 71 - BUDGET ADJUSTMENT - DEPARTMENT OF SOCIAL SERVICES

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, under the Consent Agenda.

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

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

Department of Social Services

Revenue:	6010.44611	Federal: Food Stamps	\$ 46,740
Appropriation:	6010.54442	Professional Services	\$ 46,740
Revenue:	6010.44689	Federal - Other Social Services	\$250,000
Appropriation:	6010.54400	Program Expense	\$250,000

Explanation: Department of Social Services is only a funding conduit for Cooperative Extension's Nutrition Education program. The Federal and State governments have okayed a \$322,000 program, but only \$275,260 was anticipated in the County budget. The additional spending authority requested will be reimbursed one-hundred percent by Federal funds targeted for this purpose. Department of Social Services is in receipt of Housing First (Homeless Prevention and Rapid Rehousing) funds through a grant from OTDA. The grant is Federal stimulus money received by NYS OTDA. The grant is for three years. The rate of expenditure on the Ongoing Rental Assistance component of the Housing First initiative funded through the HPRP grant has exceeded expectations; we are therefore proposing to shift funds anticipated to be paid for this purpose in 2011 to the current year.

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Strategic Tourism Planning Board

Anthony W. Hopson – Ithaca College representative; term expires December 31, 2012

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

Ms. Mackesey, Chair, deferred her Committee report to June 2nd.

RESOLUTION NO. 72 – SCHEDULING A PUBLIC HEARING FOR ADDITION TO AGRICULTURAL DISTRICT NO. 2 (WEST SIDE OF CAYUGA LAKE)

It was MOVED by Ms. Mackesey, seconded by Mr. Proto. Ms. Kiefer said she does not support the action as she would like the landowner in residence and operational prior to the property being added to the agricultural district. A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Kiefer); Excused – 1 (Legislator Chock). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 25 of 2004 designated an annual review period when landowner proposals for inclusion of viable agricultural lands within existing certified agricultural districts will be accepted for review and action by the Tompkins County Legislature, and

WHEREAS, Resolution No. 201 of 2007 revised the schedule of the annual review period so that it begins February 1, and

WHEREAS, one landowner has requested addition of a parcel totaling 10.76 acres to Tompkins County Agricultural District 2 and no landowners have requested addition of parcels to Tompkins County Agricultural District 1, and

WHEREAS, the County Legislature is required to hold a public hearing and act on such proposals within 120 days under New York State Agriculture District Law, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the public hearing on additions to the Agriculture Districts of Tompkins County be held at the County Legislature meeting scheduled for June 1, 2010,

RESOLVED, further, That the Clerk of the County Legislature is authorized to place proper notice, including tax parcel number and street address, of this public hearing in the official newspaper of the County.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 73 - NEGATIVE DECLARATION REGARDING AUTHORIZING THE DISBURSEMENT OF HOUSING FUND FUNDING

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

WHEREAS, the Tompkins County Legislature through Resolution No. 31 of 2009 authorized funding for the Community Housing Affordability Program and the Community Housing Trust Program, and

WHEREAS, the Community Housing Affordability Program and the Community Housing Trust Program are jointly known as the Housing Fund, and

WHEREAS, the Housing Fund assists with the pre-development costs associated with residential and mixed-use real estate development projects primarily benefiting low- and moderate-income households, and supports a housing trust designed to ensure that newly constructed or rehabilitated homes that are made available to low- to moderate-income households remain affordable to future generations of buyers, and

WHEREAS, Tompkins County has received and reviewed the City Environmental Quality

Review (CEQR) documents for the projects listed as the Women's Community Building and Magnolia House, and

WHEREAS, the City has determined the Women's Community Building project to be a Type I Action with a Negative Declaration and determined the Magnolia House project to be a Type II Action, and

WHEREAS, the County has determined the Magnolia House project to be a State Environmental Quality Review (SEQR) Unlisted Action, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the authorization of Housing Fund disbursement and the subsequent construction of the two projects listed above adequately protects and preserves the environment and will not have any potentially significant adverse effects on the environment,

RESOLVED, further, That Tompkins County concurs with the CEQR Negative Determination of the Women's Community Building Project,

RESOLVED, further, That Tompkins County determines that the Magnolia House project will not result in a significant impact on the environment and makes a Negative Determination of Significance,

RESOLVED, further, That a SEQR Short Environmental Assessment Form (EAF) and Negative Determination (Notice of Determination of Non-Significance) has been completed and filed appropriately.

SEQR ACTION: UNLISTED

(EAF on file with Clerk of the Legislature)

RESOLUTION NO. 74 - AUTHORIZATION TO DISBURSE COUNTY FUNDS PERTAINING TO THE HOUSING FUND AND DESIGNATING THE COUNTY TO SERVE AS FISCAL AGENT

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

WHEREAS, the Tompkins County Legislature through Resolution No. 31 of 2009 authorized funding for the Community Housing Affordability Program and the Community Housing Trust Program, and

WHEREAS, the Community Housing Affordability Program and the Community Housing Trust Program are jointly known as the Housing Fund, and

WHEREAS, the Housing Fund assists with the pre-development costs associated with residential and mixed-use real estate development projects primarily benefiting low- and moderate-income households, and supports a housing trust designed to ensure that newly constructed or rehabilitated homes that are made available to low- to moderate-income households remain affordable to future generations of buyers, and

WHEREAS, Tompkins County authorized the Memorandum of Understanding among the County of Tompkins, the City of Ithaca, and Cornell University with regard to the Housing Fund, by Resolution No. 31 of 2009, and

WHEREAS, Tompkins County accepted and approved the Notice of Funding Availability for the Community Housing Affordability Program and the Community Housing Trust Program subject to review and modification by the Program Oversight Committee provided that such revisions did not materially change the intent of the Programs, and

WHEREAS, the Notice of Funding Availability was accepted and approved by the Housing Fund Program Oversight Committee and was made available to interested parties with a deadline of December 31, 2009, and

WHEREAS, six applications were received and reviewed by the Application Review Committee, which made formal funding recommendations to the Housing Fund Program Oversight Committee, and

WHEREAS, the Program Oversight Committee accepted and recommended the following three

proposals receive funding as indicated in the table:

Applicant	Project	Dollar Amount Recommended	Number of Units	Location
<i>INHS</i>	Holly Creek Townhomes	\$200,000 (grant)	11 townhomes	Town of Ithaca
<i>INHS/PathStone</i>	Women's Community Building	\$75,000 (loan)	50 apartments	City of Ithaca
<i>Tompkins Community Action</i>	Magnolia House	\$70,000 (loan)	14 units of permanent housing	City of Ithaca

, and

WHEREAS, the Housing Fund Program Oversight Committee has recommended, and the City of Ithaca and Cornell University have agreed, that the County serve as fiscal agent for the Housing Fund, and

WHEREAS, the State Environmental Quality Review (SEQR) process has been completed for the Women's Community Building project and the Magnolia House project, and

WHEREAS, the Holly Creek Homes project is going through the SEQR review process with the Town of Ithaca as Lead Agency and a separate SEQR process will be conducted in order for the project to receive funding from the Housing Fund, now therefore be it

RESOLVED on recommendation of the Planning, Development, and Environmental Quality Committee, That the County serve as the fiscal agent for the Housing Fund and authorize the County to enter into an agreement with the City of Ithaca and with Cornell University to accept funding for the Women's Community Building project and the Magnolia House project,

RESOLVED, further, That Tompkins County authorizes the expenditure of its funds to support the Housing Fund recipients as recommended by the Housing Fund Program Oversight Committee,

RESOLVED, further, That the County's contribution of \$100,000 in HUD Program Income Funds be transferred to the appropriate Revenue and Appropriations account,

RESOLVED, further, That the County Administrator or his designee is authorized to execute agreements in order to effect this grant program consistent with this resolution,

RESOLVED, further, That the Finance Director or his designee is authorized to create a Trust account in order to manage the Housing Fund consistent with this resolution,

RESOLVED, further, That the Finance Director or his designee is authorized to make budget adjustments as necessary to implement the actions identified in this resolution.

SEQR ACTION: UNLISTED

(EAF on file with the Clerk of the Legislature)

Report from the 2010 Complete Census Committee

Ms. Mackesey, Chair, reported that Census Enumerators are now going door-to-door to households that did not return the census forms. She has been receiving occasional calls for assistance and noted that not all landlords are readily allowing the workers into their properties. At this time progress is continuing.

Report from the Budget and Capital Committee

Mr. Dennis, Chair said the Committee will be meeting on May 24th. He noted there will be a New York State Association of Counties webinar on lean government. He said the resolutions for the County Clerk and Sheriff's salaries will be discussed at the next meeting. Although the salaries are not dictated by Election law he hopes that a salary could be determined in the near future. Ms. Herrera said the May 24th agenda will include consideration on a resolution endorsing the mortgage recording tax increase.

Report from the Public Safety Committee

Mr. Shinagawa, Chair, said the Committee has not met.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, did not have a report.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on June 12th and had a presentation on the Consolidated Transportation Plan, funded by the Job Access Return Commute (JARC). The County had initially received \$600,000 in funding, with approximately \$160,000 requiring disbursement. The presentation showed the various programs that would utilize this funding. He spoke of there being a group formed to deal with Human Service transportation needs as well as another group reviewing the needs of underserved populations. The results of these reviews will be provided to Tompkins Consolidated Area Transit. Mr. Proto anticipates a resolution accepting the plan to disburse the funds in June. He also said discussions are underway to determine how future JARC funding should flow, noting it may pay through the Department of Social Services.

The Committee heard from Ms. Yoon of the Workers Center about the restaurant booklet project they are attempting to bring forward. The booklet is not yet complete.

The Department of Social Services reported on the lack of primary care physicians in the County. In addition, information was provided by Office for the Aging on the workforce grant as it relates to the aging population. They are preparing a booklet with information on agencies working with long-term care needs. The Committee received an update on youth program participation rates throughout the County.

Mr. Proto said the search for a new Public Health Director is continuing with final interviews taking place on May 19th; it is hoped to have a recommendation at the end of the meeting. Mr. Proto reminded Legislators of Public Health Director Alice Cole's upcoming retirement dinner.

Mr. Proto reported he has had discussions with Ms. Robertson regarding a Human Service group working with Ms. Schlather of the Human Services Coalition to see what needs in the Human Services community are during this period of budget shortfalls. A meeting will be held at 8:00 on May 26th at the Child Development Council between Mr. Mareane, Mr. Burbank, agency heads, and himself to look at how agencies might collaborate and review models.

The next Committee meeting will be on June 9th.

Mr. Dennis spoke of the need for primary care physicians, noting that many years ago Mayor Ed Conley was able to obtain a grant that allowed the purchase and rehabilitation of a building to start the Family Medicine Center on West State Street; perhaps it is something to consider again. Mr. Proto said the other difficulty is the cost of physician's liability insurance.

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

Ms. Kiefer, Chair, reported the Committee met on May 7th at the Bostwick Road facility. Among the work completed, resolutions approved on the Consent Agenda as well as others were acted upon. In addition, the Committee heard from two additional Hanshaw Road residents.

RESOLUTION NO. 75 - DETERMINING THAT CERTAIN REAL PROPERTY LOCATED ON HARRIS B. DATES DRIVE IN THE TOWN OF ITHACA IS NO LONGER NEEDED FOR PUBLIC USE

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the County is the owner of certain real property in the Town of Ithaca designated as part of Tax Parcel No. 24.-3-2.22 1285 Trumansburg Road, said parcel being otherwise known as Biggs B, adjacent to the Cayuga Medical Center and including a total of approximately 37 acres, and

WHEREAS, Biggs B is currently occupied by the Tompkins County Health Department and the Health Department is scheduled to move its entire operation to 55 Brown Road on or about June 25, 2010, and

WHEREAS, the Biggs B building is located on a parcel of land comprising approximately 9 acres bordered by Harris B. Dates Drive to the West, Indian Creek Road to the North and by lands owned by Cayuga Medical Center to the East and South, and

WHEREAS, the County plans to subdivide the 37-acre parcel into three separate parcels and has appeared before the Town of Ithaca Planning Board to initiate this change, and

WHEREAS, when the Health Department vacates Biggs B the building and the parcel of land on which it is located is no longer used or needed for any County purpose, and

WHEREAS, there is no other County purpose for this approximately 9-acre parcel, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality, the Facilities and Infrastructure, and the Government Performance and Workforce Relations Committees, That it is hereby determined that once the Health Department and its entire operation has vacated Biggs B Building and the 9-acre parcel of land on which it's located as described above is no longer needed for public use.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 76 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 77 OF 2010

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

WHEREAS, in Resolution No. 77 of 2010, the Tompkins County Legislature would authorize the County Administrator to execute a deed with Cayuga Medical Center for the sale of the Biggs B Building and approximately 8.99 acres of land in the Town of Ithaca, and

WHEREAS, the Town of Ithaca Planning Board made a negative determination of environmental significance when it approved the subdivision of Town of Ithaca Tax Parcel Number 24.-3-2.22 on March 16, 2010, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality and the Facilities and Infrastructure Committees, That Resolution No. 77 of 2010 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 77 of 2010.

SEQR ACTION: UNLISTED

(EAF on file with Clerk of the Legislature)

RESOLUTION NO. 77 - AUTHORIZING THE COUNTY ADMINISTRATOR TO SELL REAL PROPERTY ON DATES DRIVE IN THE TOWN OF ITHACA, INCLUDING THE BIGGS B BUILDING AND APPROXIMATELY 8.99 ACRES OF LAND, TO CAYUGA MEDICAL CENTER

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

WHEREAS, the Tompkins County Health Department currently occupies a structure commonly referred to as the "Biggs B" building that is located on a 35.76-acre County-owned parcel in the Town of Ithaca, and

WHEREAS, in anticipation of vacating the Biggs B building as a part of the relocation of the Health Department to new quarters in a renovated building on Brown Road in the Cornell Business Park, the County has contemplated the sale of the surrounding property and has expected the proceeds of such sale would be used to support a portion of the cost of renovating the Brown Road building, and

WHEREAS, upon consultation with the Planning Advisory Board as well as the Legislature's Government Operations; Facilities and Infrastructure; and the Planning, Development, and Environmental Quality Committees, the County subdivided the parcel into three separate parcels, one of which includes the Biggs B building and approximately 8.99 surrounding acres of land (the "Biggs B Parcel"); another consists of approximately 26.0 acres of wooded land; and the third consists of the so-called K-house and approximately 0.77 acres of surrounding land, and

WHEREAS, by Resolution No. 75 of 2010, this Legislature resolved that the Biggs B Parcel was no longer needed for public use and is therefore eligible for disposition, and

WHEREAS, also upon consultation with the Planning Advisory Board and appropriate legislative standing committees, the County commenced negotiations with the adjacent owner, Cayuga Medical Center, on the sale of the Biggs B Parcel, and

WHEREAS, the County and Cayuga Medical Center have agreed to the terms of sale for the Biggs B Parcel, and

WHEREAS, those terms provide for the Biggs B Parcel to be sold at a price of \$1,059,000 and for the property to be transferred from the County to Cayuga Medical Center on or before August 1, 2010, and

WHEREAS, the process followed in the sale of the Biggs B parcel is compliant with Chapter 19-1 of the County Code governing the sale or lease of County Property, now therefore be it

RESOLVED, on recommendation of the Government Operations, the Facilities and Infrastructure, and the Planning, Development, and Environmental Quality Committees, That the County Administrator is hereby authorized to execute any and all documents to complete the sale of the Biggs B Parcel to Cayuga Medical Center,

RESOLVED, further, That the sale of the Biggs B Parcel does not affect the status of the other two subdivided parcels on the site that shall remain owned and controlled by the County unless otherwise authorized by this Legislature.

SEQR ACTION: UNLISTED

(EAF on file with the Clerk of the Legislature)

RESOLUTION NO. 78 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RECONSTRUCTION OF THE FOREST HOME DRIVE BRIDGE (BIN 3047450) OVER FALL CREEK, IN THE TOWN OF ITHACA, PIN 3950.41

It was MOVED by Ms. Kiefer, seconded by Mr. Lane, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Town of Ithaca and the Forest Home community have been consulted during design development and have concurred with preliminary planning for reconstruction of the Forest Home Drive bridge over Fall Creek (BIN 3047450) in the Town of Ithaca ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

SEQR ACTION: UNLISTED

(EAF on file with Clerk of the Legislature)

RESOLUTION NO. 79 - AUTHORIZATION TO ISSUE DESIGN AND RIGHTS-OF-WAY APPROVALS FOR THE RECONSTRUCTION OF THE FOREST HOME DRIVE BRIDGE (BIN 3047450) OVER FALL CREEK IN THE TOWN OF ITHACA, PIN 3950.41

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

WHEREAS, Resolution No. 227 of 2007 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund design of the reconstruction of the Forest Home Drive Bridge (BIN 3047450) over Fall Creek, (the "Action") in the Town of Ithaca, and

WHEREAS, preliminary project design has been developed in conformance with the applicable environmental laws, design standards, and accepted engineering practice; all exceptions to accepted design standards have been thoroughly analyzed and their retention adequately justified; all permits have been identified and will be secured prior to letting; public participation has been encouraged and included in the project development processes; and project costs are reasonable, and

WHEREAS, the preliminary design includes acquisition of approximately four permanent easements necessary for the Action in accordance with applicable Federal regulations and guidelines, but that the individual and cumulative impacts of such rights-of-way acquisition are considered total de minimus in nature, and

WHEREAS, the Tompkins County Legislature has classified the Action as an "Unlisted Action" under the State Environmental Quality Review Act (SEQRA) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, completion of all procedural requirements needed prior to project Design Approval have been certified by the design consultant, Erdman Anthony of Rochester, New York, and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting Design Approval whereby completion of project final design shall be authorized,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents for acquisition of rights-of-way for the referenced project in accordance with the Final Design Report.

SEQR ACTION: UNLISTED

(EAF on file with Clerk of the Legislature, no further action required)

**RESOLUTION NO. 80 - APPROVAL OF LEASE AGREEMENT FOR PROVISION OF
GROUND TRANSPORTATION SERVICE - ITHACA TOMPKINS
REGIONAL AIRPORT**

It was MOVED by Ms. Kiefer, seconded by Mr. Lane. Ms. Herrera said she would like to know how this lease compares to those in the past, noting she wishes to be cognizant about an increase in revenues. She also expressed concerns regarding the language in the resolution as well as concerns raised by constituents regarding Ithaca Dispatch, Inc. Ms. Kiefer noted there is an increase built into the lease, however, she does not have the dollar amounts at hand. Mr. Marx noted there was an inflationary adjustment that is reflected in the base contract.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Herrera); Excused – 1 (Legislator Chock). RESOLUTION ADOPTED.

WHEREAS, the airport's five-year lease of counter space for the provision of ground transportation services expired on April 30, 2010, and

WHEREAS, the Finance Department advertised a Request for Proposals and received one bid from Ithaca Dispatch, Inc., and

WHEREAS, said Ithaca Dispatch Inc. has provided the ground transportation service at the airport during the past five years, and

WHEREAS, said lease of counter space does not preclude any and all competing ground transportation companies from providing ground transportation, subject to such companies adhering to airport rules and regulations and paying the ground transportation fee, as set forth and approved by the Legislature in Resolution No. 17 dated February 3, 2009, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator be authorized to sign a three-year agreement with Ithaca Dispatch Inc., for the period May 1, 2010, through April 30, 2013, with an option to renew for a further two years.

SEQR ACTION: TYPE II-20

Report from the Capital Plan Review Committee

Ms. Robertson, Chair, reported the Committee met on May 13th and heard a report from Mr. Marx regarding the 2011 recommendations and beyond. In June the Committee will work with staff to develop specific proposals for 2011. The Committee also heard a presentation from Gary Ferguson of the Downtown Ithaca Alliance regarding a proposal for a joint City-County Office Building. Ms. Cornish, City of Ithaca Planner, was present during the discussions. Ms. Robertson said Mr. Ferguson will be attending a Legislature meeting in July to give a presentation. Mr. Marx said it is time to look seriously at the Old Library for future use and a Center of Government.

Mrs. McBean-Clairborne spoke of the Space Use Committee, indicating the County had previously looked into developing a Center of Government. She suggested the reports be made available to new members.

Ms. Kiefer and Ms. Mackesey were excused at this time (8:48 p.m.).

Ms. Robertson said the reports had been reviewed by the Committee and served as background for these conversations.

Mrs. McBean-Clairborne acknowledged receipt of correspondence from the Tompkins County Bar Association requesting space in the Courthouse and asked if it had been addressed. Ms. Robertson said Mr. LeMaro, Facilities Director, is undertaking a space study that is anticipated to be complete in September. The results of the study will be shared with Judge Mulvey and others in the Courthouse. She anticipates it will address not only the Office for the Aging and Legislature offices. A separate study is going on for the Mental Health Building and Human Services Building.

Mr. Dennis said he believes there are higher priorities to consider than a joint City/County Office Building. Mr. Mareane said his review will be to analyze alternatives. Mr. Lane said it would be good to review alternatives, however, he agrees with Mr. Dennis there are other issues that are more important at present.

Mr. Proto suggested a response be provided to the Bar Association as well to let them know what is happening. Ms. Robertson said a letter similar to the one provided Judge Mulvey could be sent to them. She stressed that it is important to determine what to do with the Old Library and it is good to look at all options.

Mr. Dennis was excused at this time (8:55 p.m.)

Report from the Government Operations Committee

Mr. Lane Chair, said the Committee will meet on May 20th. He said that at the direction of the Government Operations Committee there is a group forming to discuss a broadband initiative. This group, including County staff, members of Cornell University, Cornell Cooperative Extension, and others, will meet on Monday, May 24th to discuss the matter.

Mr. Proto said he will be bringing a resolution forward urging the State to hold to its agreement regarding video lottery terminals at New York State race tracks; due to the timing, it may be brought forward as a member-filed item rather than through the Committee.

Ms. Robertson asked if members of Tompkins County Council of Governments (TCCOG) were invited to the broadband meeting; Mr. Lane said it is just a recommendation group, not the type initiated by TCCOG relating to the STERPDB and Google applications several months ago. Ms. Robertson requested an invitation be made to any interested TCCOG member.

Approval of Minutes of May 4, 2010

It was MOVED by Ms. Herrera, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the minutes of May 4, 2010. MINUTES APPROVED.

Adjournment

On motion, the meeting adjourned at 9:02 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk