

**Call to Order**

Mr. Koplinka-Loehr, 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: 15 present (Legislator Shinagawa arrived at 5:36 p.m.).

**Privilege of the Floor by the Public**

Mike Lane, Village of Dryden, spoke of the budget process and expressed concern about the article appearing in *The Ithaca Journal* regarding the increase in local share for State retirement. He believes the system requires reform, including the ability to “double-dip” and collect retirement funds while still on the job. Mr. Lane said he would like to see counties, New York State Association of Counties, New York Conference of Mayors, and the various associations for towns and cities push for reform. Although Governor Paterson has suggested reform for new employees, he believes it is not enough. He said employees themselves should have to contribute to their retirements as they once did, and that State legislators should be held accountable.

Fay Gougakis, City of Ithaca, spoke about the recently passed State law regarding texting while driving. She does not believe it will be effective since the ticket can only be issued if another violation is taking place. She asked the County to take action to develop a stronger law regarding texting while driving and that the local newspapers and County provide sufficient notice to drivers that the law would be enforced.

Mr. Shinagawa arrived at this time.

Paul Mazzarella, Executive Director of Ithaca Neighborhood Housing, reported on new initiatives being undertaken by his agency. Since its inception they have completed 150 projects that rehabilitate homes to be sold to low-income individuals. At this time they are expanding the scope of their work to include new construction for owner-occupied and rental units. Presently, there are 112 units under construction with a cost of \$24 million, two of which are rehabilitation of current dwellings. He said the construction embraces sustainability and that 11 single-family units will be either LEED Gold or Platinum levels. Another initiative, the housing trust model, provides affordable housing by separation of the building and the land, allowing the housing to be kept affordable although the land value would increase. Ithaca Neighborhood Housing Services has assisted 150 homeowners countywide through their loans for repairs and upgrades to homes. Mr. Mazzarella said the work done by his agency and Better Housing of Tompkins County is not duplicated and they have different funding sources, although they share the goal of trying to meet the needs of low-income persons.

**Privilege of the Floor by Legislators**

Mr. Dennis, District No. 15 Legislator, spoke of Senator Kennedy’s passing. He said Senator Kennedy, although having problems along the way, lived up to the goal of that family by looking out for less fortunate citizens. He recalled thinking it would be the beginning of something remarkable when John Kennedy was elected President; Ted was the last in the line and he believed him to be very important to America.

Ms. Mackesey, District No. 1 Legislator, shared Mr. Dennis’ remarks regarding Senator Kennedy. She announced the Governor’s office has put out the proposed trucking regulations and the 45-day comment period has begun, with a deadline of October 9. Individuals may e-mail, call, or write their

comments regarding this matter. She explained the 25-mile calculation that was used to determine what roads were excluded. She recommended concerned residents contact Albany.

Ms. Robertson, District No. 13 Legislator, spoke of having discussions relating drilling in the Marcellus Shale with Troy Waffner, who works for Senator David Valesky, and has asked to have a meeting. She expressed concern that Albany is not aware of how hydrofracking drilling would affect Tompkins County and the Southern Tier. She noted the State Senate has a bill that would prohibit fracking drilling in the New York City watershed. Ms. Robertson also noted there would be a vigil at Dewitt Park at 7:30 p.m. on September 2 to support Public Health Care Now.

Mr. Proto, District No. 7 Legislator, announced the Annual Veteran's Watch Fire would take place on September 18<sup>th</sup> at Myers Park. If any individual has an American flag to dispose of properly, they could make arrangements to have it burned at this event. At 11:30 a.m. on October 3<sup>rd</sup> a war memorial rededication ceremony will take place in DeWitt Park. Preparation for this event has included volunteers from the local bricklayers unions restoring areas and the painters unions have assisted in caulking and cleaning up the monuments. He reported that with regard to the Water Resources Council, Commissioner Grannis indicated he is on the verge of extending the comment period for the SGEIS. As soon as further information is received, the Legislature would be notified. He appreciated the statements given by Mr. Dennis with regard to Senator Kennedy.

Ms. Chock, District No. 3 Legislator, shared her experience of flying over an area in Colorado or Southern Wyoming that had been apparently used for gas drilling purposes. She expressed shock and concern at the total acreage that had been cleared by the process.

Mr. Proto spoke about the trucking regulations and said the agricultural piece is an area of concern as it relates to farmers who are trucking their grain and produce to a processing plant through the use of tractor trailers. The Farm Bureau and the Agricultural and Farmland Protection Board are reviewing the regulations to determine how it would affect the region.

Mr. Koplinka-Loehr called attention to the Advisory Board on Indigent Representation report that was provided to members of the Legislature.

### **Report from Municipal Official(s)**

No municipal official was present.

### **Presentation from the Community Advisory Panel**

John Neuman, Member of the Budget Community Advisory Panel, said an initial study was done in 2004 that produced wide-ranging fiscal recommendations that, in part, led to the County's current budget process. The citizen panel was reconvened in May and has updated the report and recommendations on how the County should respond to its current fiscal challenges. The following information has been extracted from the presentation:

- The economy is not likely to rebound quickly from the current recession, and may produce long-term structural changes. The effects of the recession on New York State creates a high probability of immediate and future cuts in state aid to public entities, with counties being particularly vulnerable because of the nature of the services they provide. Effects of the recession on the State Retirement System will drastically increase costs for every government across New York State.
- Competition for property tax dollars from taxpayers will intensify when even moderate increases in local tax levies are likely to exceed affordability for large segments of the population.

- Rapid rises of fringe benefit expenses may create ever-increasing gaps in total compensation between public employees and those in the private and not-for-profit sectors.
- The current scope and level of County services are not sustainable in this new environment. This requires long-term solutions to achieve a sustainable budget, including elimination or reduction of non-essential programs, service delivery by a smaller County workforce, and a possible shift of some services to non-governmental organizations. Mandated programs must also be examined for potential cost-saving strategies.
- The Panel recommends specific immediate and long-term actions by the County under the categories of “People, Programs, and Partnerships”.

Among the Panel’s recommendations:

People:

- Reduce the number of County employees through strategies such as productivity improvements and reducing the scope of County services and programs. As part of productivity improvements, undertake a “Lean Office” initiative to develop streamlined processes to deliver services.
- Restrain growth in compensation by reducing wage and salary levels and the taxpayer-supported cost of employee health benefits.

Programs:

- Approach 2010 budget review from a programmatic perspective and begin to prioritize programs as part of the process.
- Respond to targeted state aid reductions by reducing the service supported with that aid where possible rather than replacing the aid with local dollars.
- Institute an organization-wide system of program evaluation, performance measurement, and benchmarking—not as a budget tool but as a management strategy to assess and improve performance, and to work toward operational efficiencies.
- Establish a “business case” protocol for review of capital projects and proposed programs.

Partnerships:

- Continue to reach out to other governments and organizations to explore areas of mutual interest and benefit, with the goal of providing more efficient, cost-effective services to taxpayers.

Mr. Neuman commended the County for making significant strides in cost control over the past five years, but noted that much more needs to be done in today’s challenging environment. He said the Panel “truly believes that the Legislature is at a point where it can lead the way in the current difficult economic environment and become broadly known for smart, instigative, yet sensitive management, of the tough trade-offs between what is desirable in services of all kinds and what is truly affordable.”

Ms. Robertson thanked Mr. Neuman for the report and noted that many suggestions are in place at this time. She asked about the reduction of staff to 745 and if the number was currently less. Mr. Mareane said there are presently 736 employees. Ms. Robertson spoke of the proposal for a Tier 5 Retirement System group and the fact that currently, after ten years of work, employees no longer contribute to retirement system and asked if changing that would require a constitutional amendment. Mr. Mareane said State action would be required but was not certain if it is a negotiated item. Ms.

Robertson asked if it might be possible to consider wage differentials for employees who have more than ten years of service in the system.

Ms. Kiefer thanked the committee for a document that is easy to read and well written. With regard to the alternative service delivery to explore expanded use of not-for-profit agencies, she expressed concern that using services of agencies that pay a lower wage than the County may not be beneficial to the community. Ms. Florino, Citizens Advisory Panel member, responded that the County utilizing the agencies more would reduce the need for private donors to fund the agencies. She spoke of encouraging agency boards to review wages, hours, and benefits.

Ms. Chock thanked the panel for their work and said she was encouraged to see the work completed by the County was recognized, including implementation of long-range budgeting. She spoke of the ever-increasing amounts of administrative work related to the receipt of Federal and State funding and asked if this topic was reviewed. Mr. Neuman said it was reviewed and is a form of mandate inasmuch as the County needs to have staff to complete the required tasks. With regard to reduced staffing as previously mentioned, the practice of not filling positions through attrition should continue, but it is important to recognize the duties of those positions would continue.

Mr. Koplinka-Loehr thanked the members of the advisory panel and noted some of the recommendations have already been implemented.

Mr. Dennis also thanked the panel and staff for their time and work on this.

### **Report from the Chair**

Mr. Koplinka-Loehr welcomed back students and faculty to Tompkins County and thanked The History Center for providing the recent quilt within the Legislature Chambers.

### **Chair's Appointments**

Mr. Koplinka-Loehr made the following appointments:

#### **Workforce Investment Board**

Terms expire June 30, 2012

Patrick McKee – Community Based Organization representative

Dr. Carl Haynes – Post Secondary Vocational Education representative

Leslie Marie Leonard – Business representative

Dr. Brenda Myers – Local Education representative

Michael Talarski – Organized Labor representative

Alan Pedersen – Business representative

Michael Stamm – Economic Development representative

### **Report from the County Administrator**

Mr. Mareane reported the budget he presented represents the requested goal of increasing the County tax levy by no more than three percent. He noted while trying to maintain the scope of services and being responsive to the needs of the community it calls for a \$1 million (1.3%) reduction in local dollar spending, a 3.4% reduction in the County's roster of full-time equivalent positions, and adds two new sources of recurring revenue.

Factors driving his decisions included the fiscal environment (unemployment rate at 6.3%, stock market decline of 34%, and the reduction of State funding by over \$830,000). Additionally, the reduction of revenues through sales tax (\$2,000,000) is responsible for a 3% increase in the property tax levy. He reported that mandated programs, which the County has no control over, have increased by \$1,000,000. The budget excludes the one-time Federal stimulus savings in the Medicaid program in the amount of \$1,000,000. It is being used to offset the possibility of aid cuts and welfare caseload increases. Mr. Mareane reported rapidly rising pension costs, an area not in control of the County or its employees, is anticipated to increase from a 7% contribution of payroll to 11% in 2010, 17.9% in 2011, and 24% in 2012.

The recommended budget requires a balanced response and anticipates the \$4,800,000 gap would be addressed through revenue actions and non-mandated expenditure reductions, and assumes wages and salaries would remain constant. With regard to revenue, the budget calls for a 3% increase in the tax levy, a recommendation to increase the emergency communications landline surcharge by \$.65, and an increase in the mortgage recording tax by one-quarter percent.

With regard to expenditures, Departments submitted budgets within their target with many over-target requests made that were not approved. The overall direct departmental spending has been reduced by over 9 percent, requiring cuts in nearly every area of the operation. Over the next several weeks the specific actions and impacts of these reductions will be discussed in more detail during the Expanded Budget Committee's review process.

Over-Target Requests (OTR) from departments and agencies totaled \$2.4 million, with only \$700,000 recommended by the County Administrator. Requests made for target funding were offset with reductions in targeted spending elsewhere, including a \$290,000 reduction in the paving program, a \$234,000 reduction in the amount of Contingency Funds set aside for prisoner board-outs, and a \$45,000 reduction in the contribution to municipal summer youth employment programs. The budget also includes \$900,000 in OTR requests for capital programs normally funded with one-time dollars through the OTR process. Several new OTR's were initiated, including a new "lean office" training program to streamline operations and supplemental funds for the County's deferred maintenance program.

The workforce level supported by the 2010 budget will be 3.5% smaller than the 2009 budget. The number of full-time equivalent positions will be 753 in the 2010 budget versus the 779 currently. This reduction is met for the most part through reductions in the work-week of employees, and through not funding positions that are currently vacant.

The 2010 budget is based on conditions as they are known at the present time, but they could change. It assumes sales tax would rise 3.7% above 2009 receipts, no further cuts in State aid, Department of Social Services caseloads will level off, and there would not be an increase in wages and salaries in 2010.

Mr. Mareane said there are policy issues to deal with in the coming weeks, including diversification of the County's revenue through the enactment of a land line telephone surcharge and State authorization to increase the mortgage recording tax. Other decisions will relate to relocation of the County Office for the Aging, implementation of new deadlines for payment of delinquent taxes, support to affiliated agencies, and how minutes are taken at meetings.

The outcomes of the tentative budget is that it meets the fiscal goal of three percent limit on property tax levy growth, the County's reliance on one-time revenue to support on-going expenses is substantially reduced, and in general it allows the County to maintain the current scope of services. As a result of trying to sustain services with a smaller workforce there may be service delays in some areas and

more work being shifted to employees. The reserves are maintained above the 5% fund balance goal to provide a buffer against State aid losses and other adverse events that cannot be predicted at the present time.

Mr. Mareane said the 2010 budget takes an important step in developing a spending plan that is sustainable during this period of diminished resources. With the anticipated increases in pension costs and State aid reductions the discussions will need to continue.

Mr. Koplinka-Loehr thanked Mr. Mareane and Department Heads for their work in preparing the proposed budget. He reported the Legislators would have just over a week to review the material prior to the Expanded Budget Committee meetings.

Mr. Proto asked if the County would save on pension costs as a result of a reduction in staff. Mr. Squires said the pension is based on staff working, therefore there would not be any pension credit. If the employee were vested in the retirement system they would be entitled to retirement funds upon reaching age eligibility. The billing received by the State for pension is as of March 31<sup>st</sup> of each calendar year; a dramatic reduction in the workforce now would not impact the next year's pension billing, particularly with retroactive salary adjustments applying. Mr. Proto then asked if the long-term effect of budget decisions would be included within the budget material. Mr. Mareane said the over-target requests contain that information within the narratives.

Mr. Sigler asked for clarification of the number of employees. Ms. Jayne said there are currently 736 filled positions. This number does not include the project assistants and seasonal workers; when they are included the total number is 753.

*Mr. Hattery requested information on the growth in taxable assessed value based upon existing property be made available at the Expanded Budget meeting.*

Mr. Shinagawa requested that departments provide a history regarding over-target requests, particularly if it is a repeated request. Ms. Jayne said the budget documents indicate whether requests were previously approved.

Mr. Proto asked if staff would be able to speak to agencies and have a special meeting with those covered under the Human Services Coalition. Mr. Mareane said he would be willing to meet with the group.

Mr. Koplinka-Loehr noted there would be seven presentation meetings, four voting meetings, and two meetings for revisits during the Expanded Budget Committee process.

### **Report from the County Attorney**

Mr. Flash, Assistant County Attorney, did not have a report.

### **Report from the Finance Director**

Mr. Squires reported the Audit Committee met prior to the Legislature meeting. He provided an update on the State guidelines for elected officials reporting for retirement purposes and said the recording would need to start within 150 days of the next term (2010). Once recording is completed, it stands for eight years. Mr. Koplinka-Loehr said the subject would be reviewed by the Government Performance and Workforce Relations Committee to make a determination of how to proceed. Mr.

Squires reported the State Comptroller's office released a New York State sales tax report; Tompkins County is number ten on the list of declining revenues through sales tax.

**Addition to and Withdrawal of Resolutions from the Agenda**

There were no additions to or withdrawals of resolutions from the agenda.

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

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

**RESOLUTION NO. 149 – AWARD OF BID – ON-AIRPORT CLEARANCE – ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, the Finance Department advertised and received four bids to remove on-airport obstructions, and

WHEREAS, the airport's engineering consultants, C&S Engineers of Syracuse, have reviewed all the bids and found the lowest responsible bidder is Scotts Lawn Yard, Inc., of Sanborn, New York with a bid of \$176,850, and

WHEREAS, the Federal Aviation Administration (FAA) has reviewed the likely effect of this project on the environment and has issued a Finding of No Significant Impact (FONSI), now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Scotts Lawn Yard, Inc., of Sanborn, New York, for the sum of \$176,850,

RESOLVED, further, That the funding sources for this project are as follows:

FAA Share	(95.0%)	\$168,007.50
NYSDOT Share	( 2.5%)	\$ 4,421.25
Local Share (Airline Rates and Charges)	( 2.5%)	\$ 4,421.25
TOTAL		\$176,850.00

RESOLVED, further, That the County Administrator be and hereby is authorized to execute a contract with Scotts Lawn Yard, Inc.,

RESOLVED, further, That the Finance Director be authorized to borrow monies if necessary, until reimbursement is received from the Federal Aviation Administration and New York State Department of Transportation.

**SEQR ACTION: TYPE 1**

(Negative Declaration - Copy of the Full Environmental Assessment Form is available in the Legislative Clerk's office)

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**RESOLUTION NO. 150 – AUTHORIZING A CONSULTANT AGREEMENT WITH C&S ENGINEERS, INC., FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES – ON-AIRPORT OBSTRUCTION CLEARANCE – ITHACA TOMPKINS REGIONAL AIRPORT**

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

WHEREAS, a contract has been awarded to Scotts Lawn Yard, Inc., in the amount of \$176,850 to remove on-airport obstructions, and

WHEREAS, it is necessary to oversee such activities and provide various contract administration services, and

WHEREAS, the airport's engineering consultant, C&S Engineers, Inc., of Syracuse, New York, has proposed providing said services for a fee of \$28,965, and

WHEREAS, the budget for said construction observation and contract administration services is as follows:

Federal Aviation Administration Share	(95.0%)	\$27,517
New York State Department of Transportation Share	( 2.5%)	\$ 724
Local Share	( 2.5%)	\$ 724
Total		\$28,965

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the agreement with C&S Engineers, Inc., for up to a maximum of \$28,965 be and hereby is approved, subject to Federal Aviation Administration and New York State Department of Transportation funding being received,

RESOLVED, further, That the local share of \$724 shall come from the airport's operational budget,

RESOLVED, further, That the County Administrator is authorized to execute the required documents and the Finance Director is authorized to advance payment for these services until reimbursement is received from the FAA and NYSDOT.

**SEQR ACTION: TYPE II - 20**

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**RESOLUTION NO. 151 – AUTHORIZATION TO ISSUE DESIGN APPROVAL – BRIDGE PAINTING, VARIOUS LOCATIONS – PIN 3754.20**

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

WHEREAS, Resolution No. 27 of 2009 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund a bridge painting project at various locations throughout Tompkins County, 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, in accordance with applicable Federal regulations and guidelines, Right-of-Way acquisition will be unnecessary, and

WHEREAS, completion of all procedural requirements needed prior to project design approval have been certified by the design consultant, Barton and Louguidice, P.C., and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, having reviewed project materials provided, hereby determines that this project is a TYPE II State Environmental Quality Review Act (SEQRA) action requiring no further environmental review,

RESOLVED, further, 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.

**SEQR ACTION: TYPE II - 2**

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**RESOLUTION NO. 152 - APPROVING REVISIONS AND ABOLISHING POLICIES AND PROCEDURES OF THE TOMPKINS COUNTY GOVERNMENT ADMINISTRATIVE POLICY MANUAL**

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

WHEREAS, a 2007 goal of the Government Performance and Workforce Relations Committee (formerly Government Operations) charged County Administration with developing a plan for routine review and/or updates to the County Administrative Manual and improving manual currency by fifty percent by the end of 2009, and

WHEREAS, as part of that process, the following administrative policies and procedures have been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

- Policy 01-23: Smoking
- Policy 01-24: Drug-Free Workplace
- Policy 01-25: Open Meetings
- Policy 01-27: Sale of County Publications
- Policy 04-03: Attendance Rules

, and

WHEREAS, these policies also have been reviewed by the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the following revised Administrative Policies and Procedures are hereby adopted:

- Policy 01-23: Smoking
- Policy 01-24: Drug-Free Workplace
- Policy 01-25: Open Meetings
- Policy 04-03: Attendance and Compensation Rules

RESOLVED, further, That Administrative Policy 01-27 - Sale of County Publications is hereby abolished.

**SEQR ACTION: TYPE II-20**

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

**RESOLUTION NO. 153 – AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE TOWN OF ULYSSES – WEST SENECA ROAD BRIDGE REPLACEMENT AND FUTURE MAINTENANCE (BIN 3210250) – PIN 3755.10**

MOVED by Ms. Kiefer, seconded by Ms. Mackesey. In response to Ms. Chock's question regarding the cost of the project, she was informed it is unknown since bids have not yet been requested. A voice vote on the resolution resulted as follows: Ayes – 15; Noes – 0. RESOLUTION ADOPTED.

WHEREAS, Tompkins County and the Town of Ulysses cooperatively maintain a bridge on West Seneca Road (BIN 3210250) over Boardman Creek in accordance with Resolutions No. 43 of 1946 and No. 259 of 1998, and

WHEREAS, in response to deterioration of the Bridge, the County is preparing plans and specifications, and will receive bids to build a replacement structure in 2010, and

WHEREAS, a project to replace the bridge was added to the State Transportation Improvement Program (STIP) earlier this year whereby Federal sources will furnish eighty percent of the funding necessary for construction of the bridge, including construction inspection, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator be and hereby is authorized to execute an Agreement with the Town of Ulysses to fund replacement and to specify responsibilities for continued cooperative maintenance of the bridge.

**SEQR ACTION: TYPE II-2**

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**RESOLUTION NO. 154 - EXPRESSING CONCERN ABOUT POSSIBLE AIRCRAFT RESCUE AND FIREFIGHTING RULES CONTAINED IN THE FEDERAL AVIATION ADMINISTRATION (FAA) REAUTHORIZATION LEGISLATION OF 2009**

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Herrera. [Motion to substitute the resolution was adopted later in the discussion.]

WHEREAS, the United States House of Representatives recently passed the Federal Aviation Administration Reauthorization Act of 2009 (H.R.915) that includes language to significantly alter the aircraft rescue and firefighting (ARFF) rules applying to all commercial service (CFR Part 139) airports in the United States, and

WHEREAS, said new ARFF rules would necessitate the building of almost 600 additional ARFF facilities, the purchase of more than 1,000 additional ARFF vehicles, require the hiring of more than 11,000 additional firefighters, and cost airports almost \$4 billion in the first year, and

WHEREAS, said regulations would require the Ithaca Tompkins Regional Airport to increase its firefighter staff from 9 to 27 and require an extension of the ARFF Building to accommodate the additional staff, and

WHEREAS, adding 18 firefighters to the airport staff would increase the airport budget by an estimated \$1.2 million per year and almost double the airlines' rates and charges, and

WHEREAS, an examination by the American Association of Airport Executives of past accidents shows that the proposed ARFF regulations would not materially improve the safety of airline passengers, and

WHEREAS, in the present economic recession, the doubling of airline fees is likely to have a dire affect on air service in the Tompkins County community, including the distinct possibility that all air service would be lost, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature does unanimously urge Senator Schumer and Senator Gillibrand to categorically reject any and all language in the Senate Federal Aviation Administration Reauthorization companion bill that purports to amend ARFF regulations in any way.

**SEQR ACTION: TYPE II-20**

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Ms. Kiefer expressed concern that the language in the proposed resolution cannot be confirmed by the information contained within Federal Bill H.R.915. The Federal Aviation Administration reauthorization would require 180 days to determine rulemaking, with more than ½ dozen safety areas to review. Subsequently, the resulting information would be placed in the Federal Register to solicit comments. Ms. Kiefer did not support the resolution at the Committee due to her belief the process would allow adequate comment period and that the FAA would have to justify their actions.

It was MOVED by Ms. Kiefer, seconded by Ms. Robertson, to offer the following substitute resolution. Mr. Nicholas, Airport Manager, said the language included in the bill was due to firefighters' unions recommending improvements to the system. Several aviation bodies have looked at the proposal with the content of the original resolution representing consensus of the industry. He noted often the Federal Aviation Administration mandates program requirements that are not fully necessary, particularly for smaller airports.

Mr. Shinagawa believes the language of the original is too strong and supports the substitute resolution.

Ms. Robertson agreed with Mr. Shinagawa and said it makes sense to review and amend regulations periodically.

Mr. Stevenson said there are enough firefighters at the airport if nothing occurs; if there was an incident the manpower necessary would be determined by the problem. He said normally if an inbound aircraft is having difficulty, mutual aid is called to the airport. The potential to increase staff to the level noted in the original resolution is alarming and would have a negative financial impact without any reimbursement from the Federal Aviation Administration.

In response to Mr. Hattery's question, Mr. Nicholas indicated he did not have any objection to the proposed substitute resolution, although he believes the language is not as strong as in the original resolution.

Mr. Sigler agreed with Mr. Nicholas that the substitute is not strong enough; if aircraft rescue and firefighting rules should pass at the higher staffing levels, the County could be facing another Federal mandate with severe financial consequences.

A voice vote on the motion to substitute resulted as follows: Ayes – 12, Noes – 3 (Legislators Hattery, Koplinka-Loehr, and Randall). MOTION CARRIED.

A voice vote on the substitute resolution resulted as follows: Ayes – 12, Noes – 3 (Legislators Hattery, Koplinka-Loehr, and Randall). RESOLUTION ADOPTED.

WHEREAS, the United States House of Representatives recently passed the Federal Aviation Administration (FAA) Reauthorization Act of 2009 (H.R. 915) that includes Section 311, requiring that within 180 days of enactment the FAA "initiate a rulemaking proceeding...that revises the aircraft rescue and firefighting (ARFF) standards...to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.", and

WHEREAS, at present ARFF standards exist as "national voluntary consensus standards", and

WHEREAS, such a rulemaking could significantly alter the ARFF rules applying to all commercial service (CFR Part 139) airports in the United States, and

WHEREAS, in the present economic recession, any significant increase in costs to an airport could have a major affect on air service in the Tompkins County community, including even the possibility that all air service would be lost, now therefore be it

RESOLVED, That the Tompkins County Legislature urges Senator Schumer and Senator Gillibrand to pay particular attention to the details of the rulemaking as they apply to small commercial airports, whose level of congestion and needs are not automatically the same as the major commercial airports-

**SEQR ACTION: TYPE II-20**

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**Presentation of Resolution from the Government Performance and Workforce Relations Committee**

**RESOLUTION NO. 155 - AWARD OF CONTRACTS - PURCHASE AND IMPLEMENTATION OF HUMAN RESOURCES AND PAYROLL SYSTEM**

MOVED by Mr. Shinagawa, seconded by Ms. Herrera. Mr. Shinagawa said this project was budgeted in the 2009 Capital budget and has been deliberated and discussed over the past five years. The program will provide upgrades to the payroll system and it will enable viewing of individual time and various statistics in an efficient manner.

Mrs. McBean-Clairborne said she supports the resolution and asked what savings may be realized through implementation of the new program. Mr. Potter said the first item following implementation is to identify performance measurements, which would assist in determining overall savings. At the September 18<sup>th</sup> meeting with the company a determination of how to measure the performance would be made in advance of purchase and implementation.

Ms. Herrera said she supports the resolution and noted appropriate personnel and Committee members have recommended the project continue moving forward. She expressed appreciation for all the efforts staff has put into the project.

Ms. Chock thanked Mr. Potter, Ms. Fitzpatrick, and Ms. White for their assistance. She supports the resolution but would like assurance there would be visits and discussions to end-users of the program. Mr. Potter has been contacting individuals in New York and Pennsylvania to obtain referrals and schedule site visits.

Mr. Burbank asked about the time-life of the program and when it may become obsolete. Mr. Potter said it is anticipated to have an eight to ten year life span. If the company changed platforms at the end of that period it would be included within the annual expense. The operational cost of the project is covered within the contract for the first year with \$30,000 to \$35,000 operational expense in 2011. Mr. Burbank asked if there has been any advance analysis of potential savings. Mr. Potter said there is redundancy in entering data into the present system; the new system should eliminate this need. Also, there are 14 databases and applications that manage the process, with the new system being one centralized unit. The new system would be better, however; it is not yet known what total savings it will offer.

Ms. Robertson said in addition to the 14 databases, the existing program was developed in-house; when the developer of the program leaves County service it could present a problem.

Mr. Shinagawa said although the actual savings aren't known there is a saving in the sense of advance preparation versus the need to suddenly have to purchase or develop a system should the existing payroll system fail. The new program would also eliminate the need for saving hard copies of payroll paperwork.

Ms. Mackesey supports the resolution and said it will assist in obtaining information regarding employment levels, unfilled positions, etc.

Mr. Potter said the 2008 salary and fringes were in excess of \$50 million; the cost of the project is just one percent of salaries and ongoing support will be less than .08 percent of that amount.

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

WHEREAS, Tompkins County has identified the need to upgrade and/or replace the payroll and various human resource applications based on current technology and other business process and data management requirements as documented by the Human Resources and Payroll Project Team, and

WHEREAS, the Human Resources and Payroll Project Team has thoroughly documented project requirements, reviewed alternatives, and solicited for proposals in accordance with established Tompkins County and New York State purchasing procedures, and

WHEREAS, five (5) proposals were received, reviewed, and evaluated based on criteria documented in Section 3 of the Request for Proposals, Human Resources and Payroll System, dated April 22, 2009, and

WHEREAS, the Human Resources and Payroll Project Team and the Information Technology Services Department unanimously recommend the project be awarded to Lawson Software, Inc., and Kinsey and Kinsey, Inc., now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the County Administrator, or his designee, be authorized to execute contracts for project components based on the not-to-exceed amounts as follows:

Software Contract	Lawson Software Inc., St. Paul, MN	\$233,414
Implementation Contract	Kinsey and Kinsey Inc., Glen Ellyn, IL	\$344,870

RESOLVED, further, That the Information Technology Services Department be authorized to implement these contracts on behalf of the County, funds being available in Capital Account No. 1688.54442.

**SEQR ACTION: TYPE II-20**

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### **Recess**

Chair Koplinka-Loehr declared a recess at 7:44 p.m. The meeting reconvened at 7:51 p.m.

### **Report from the Public Safety Committee**

Ms. Robertson, Chair, reported the Committee would meet on September 21<sup>st</sup>. She noted members of the Legislature received a copy of the Tompkins County Sheriff's Annual Report.

Ms. Robertson thanked Mr. Mareane and Ms. Hughes for their work on a statement being sent to the State regarding the Assigned Counsel maintenance-of-effort problem. She said the way the formula works not, if Assigned Counsel did not have as many cases and spend as much as in previous years, the State funding could be cut. As a result of this State requirement, the New York State Association of Counties (NYSAC) Public Safety Committee has put forth requests for changes in the State program and will have a resolution for consideration at its fall meeting. The resolution will ask for the State to eliminate its maintenance-of-effort requirements; if it keeps the requirement it should calculate it not on gross expenditures but cost per case.

She thanked everyone for the work on the Assigned Counsel/Public Defender report and noted that if the maintenance of effort is eliminated, staff could do good work without worrying about losing the State reimbursement. Mr. Proto noted the request for NYSAC to consider the resolution should not be promoted as being endorsed by the entire Legislature.

### **Report from the Workforce Diversity and Inclusion Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee would meet September 23<sup>rd</sup>. She said a Project Assistant has been hired to assist with the Committee's work and brings a great deal of talent to the County.

### **Presentation of Resolution(s) from the Rules and Procedure Committee**

#### **RESOLUTION NO. 156 - AMENDING THE RULES OF THE LEGISLATURE – RULE XVII – ACQUIRING AND DISCLOSING DEPARTMENTAL INFORMATION**

MOVED by Ms. Kiefer, seconded by Mr. Hattery. Ms. Kiefer said the topic had been discussed at the Department Head retreat and although she sought comments from other Legislators, none were received until the proposed amendments were provided.

Ms. Herrera asked if the amendments had been reviewed by Department Heads and said she prefers the original language. She believes the amendments do not make the rule clearer and will not support them.

Mr. Proto said he had concerns at the Committee when revising the rule. He said although some information might be pertinent, Legislators need to understand that departments cannot expend a great deal of time compiling information for them. The policy revisions do not allow the Chair of standing committees time to discuss the requests and determine if they should be fulfilled. He does not support the steps required to obtain information.

Ms. Kiefer spoke of the process used to develop the amendments, noting the amendments incorporate suggestions by staff and were compiled by administration. The original document was reviewed and modified by the Committee.

Ms. Mackesey said although the rules are for the Legislature it is important to have Department Head input. She recognizes Department Heads feel that there are times Legislators become too involved within the Department, and stressed the importance of thinking carefully before asking for information.

Mr. Proto said a point of order was overlooked when Ms. Kiefer, Chair of the Rules and Procedure Committee, sent amendments electronically later in the afternoon; not all Legislators have access to the information in that manner. He does not believe the documents are ready to be acted upon, may need to be reviewed with Department Heads, and would like it be returned to Committee. Mr. Proto's point of order is whether it is ready for a vote. Mr. Koplinka-Loehr believed it was ready for voting.

It was MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, to postpone action until October 20<sup>th</sup> to allow all stakeholders the opportunity to weigh in.

Mr. Burbank does not support the motion to table. He believes that the rules will be reviewed on an ongoing basis.

Ms. Herrera recalled the discussions at the Department Head retreat related to finding a way to have better communication and the Legislature said they would address the issue. She will support postponing action, partly due to the Citizens Advisory Panel report regarding reducing staff support to some committees. She believes it is worthwhile to delay action to determine a method to streamline requests to Departments.

Ms. Kiefer spoke of there being only three members on the Rules and Procedure Committee. She said they agreed to put the item on the agenda and if there are only a handful of comments she feels the resolution should move forward. Ms. Kiefer said if the rule were sent back to Committee it would delay the work on other rules.

Ms. Robertson said two of the three Committee members accepted the proposed amendments so she thinks it would not be useful to send it back to the Committee. She reviewed the information from Department Heads and believes the Committee accepted many of the Department Heads' recommendations. It is up to the Legislators to be judicious of what is asked of staff.

Ms. Chock said rules should be examined at least once every fifteen years. If there is something to gain by sending it back to the Committee she would like to do so to ensure an opportunity to review by the Department Heads and staff.

A voice vote on the motion to send the resolution back to Committee resulted as follows: Ayes – 7 (Legislators Chock, Dennis, Herrera, McBean-Clairborne, Proto, Sigler, and Stevenson); Noes – 8 (Legislators Burbank, Kiefer, Hattery, Koplinka-Loehr, Mackesey, Randall, Robertson, and Shinagawa). MOTION FAILED.

It was MOVED by Ms. Robertson, seconded by Mr. Stevenson, to call the question. A voice vote on the motion resulted as follows: Ayes – 11 (Legislators Burbank, Dennis, Hattery, Herrera, Koplinka-Loehr, Mackesey, McBean-Clairborne, Randall, Robertson, Shinagawa, and Stevenson); Noes – 4 (Legislators Chock, Kiefer, Proto, and Sigler). MOTION TO CALL THE QUESTION CARRIED.

A voice vote on the resolution, as amended, resulted as follows: Ayes – 12; Noes – 3 (Legislators Herrera, Proto, and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the Legislative Rules and Procedures Committee (Rules Committee) was created in January 2009, and charged to review the Rules of the Legislature to update County Policies and Procedures as well as Legislator accountability, and

WHEREAS, for efficiency's sake the Rules Committee has decided to forward for action single or small groups of Rules as it completes its review of them, and

WHEREAS, Rule XVII, Acquiring and Disclosing Information, is recommended to be revised to reflect amendments suggested by both Department Heads and the Rules Committee, to more clearly specify procedure regarding requests for departmental information, now therefore be it

RESOLVED, on recommendation of the Legislative Rules and Procedures Committee, That Rule XVII – Acquiring and Disclosing Departmental Information is hereby amended to reflect the following changes:

**RULE XVII - ACQUIRING AND DISCLOSING DEPARTMENTAL INFORMATION**

Legislators who often need assistance from County staff in their conduct of County business, should approach staff with respect for their need to do their jobs without undue interruptions. Staff should also respect Legislators' needs for information in the service of the public. The following procedures are intended to address these perspectives.

Legislators who require departmental information from any County department to assist project development, policy development, or making decisions related to program or service performance shall transmit their information requests to the Department Head, a staff person designated by the Department Head, or a staff person with relevant expertise who routinely works with Legislators.

Notwithstanding the above, the Chair of the Legislature may transmit any request for information to any Department Head. The Chair should also inform the County Administrator if the specific intent of the request is to change current policy, establish new policy, or significantly affect programming or services.

Whenever Legislators seek information directly from Department Heads (or designated staff), these procedures will be followed:

1. The Department head or designee will provide the information requested in a reasonable time frame to be negotiated with the Legislator. Legislators and/or Department heads are encouraged to clarify requests in writing to assure that the department work to be done will respond to the original request.
2. If the Department Head determines the request to be more than minimal in terms of staff time required or departmental costs, the Legislator should direct the request in writing to the chair of the committee to which that department reports. If the committee chair declines to authorize the request in a timely manner, an appeal may be made to the committee. If that fails, the request may be directed to the full Legislature.

### **Performance**

3. Any Legislator requesting information about a staff person's work performance or conduct on the job should first direct the request to the Department Head to whom that staff person reports. If necessary, a Legislator may also direct the concern to the County Administrator and/or the legislative standing committee responsible for the County's Personnel functions. A Legislator should never attempt to influence the conduct of any staff person on the job.
4. Legislators will contact the County Administrator when requiring information regarding the performance of a Department Head who is supervised by the County Administrator. Routinely, Legislators may choose to consult with the County Administrator on performance issues as these relate to Department Head appointments and re-appointments and similar activities. As a matter of practice, completed and signed performance reviews of any Department Head supervised by the County Administrator are kept in the employee's official personnel file maintained in the Personnel Department. Access to these confidential files will be according to the protocols established by the Personnel Department.

### **Confidentiality**

5. Any information oral or written received by a Legislator by virtue of attendance at an Executive Session of the Legislature and specific to the reason for the Executive Session shall be considered confidential and shall not be disclosed except by direction received at the Executive Session.
6. Members of the Tompkins County Legislature shall be bound by regulations implementing the Freedom of Information Law, specifically New York State Codes, Rules and Regulations, Title 21, Chapter 25, Part 1401.
7. Members of the Tompkins County Legislature shall be bound by regulations pertaining to the Tompkins County Code, Chapter 32 "Code of Ethics," Section 3 "Standards of Conduct," Parts B and I, and Section 7 "Penalties for Offenses."

8. Members of the Tompkins County Legislature shall be bound by all confidentiality regulations pertaining to the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

**SEQR ACTION:** TYPE II-20

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**Report from the Health and Human Services Committee**

Mr. Proto, Chair, reported the Committee would meet on September 8<sup>th</sup>. He noted the article appearing in *The Ithaca Journal* about the H1N1 (Swine) Flu was well written. He reported Tompkins Consolidated Area Transit and Department of Social Services personnel have been meeting to discuss concerns about the rural feeder transportation initiative and they hoped to bring a resolution to the Legislature in the near future. He then shared information about an op-ed article regarding New York State allowing Medicaid recipients to purchase drugs outside of New York State through mail order. He said pharmacies are concerned that it will affect employment levels and cash flows.

In response to a question by Ms. Chock, Mr. Proto said the timetable for inoculations has not been set since the vaccine will not be available until October or November. The vaccination is a two-shot series and both inoculations are necessary to be fully protected, although there are no guarantees not to get the flu. He noted the best thing is to promote proper hygiene. The biggest concern is the influx of college students that could bring the virus from other areas of the country or other nations. Mr. Proto reported the seasonal vaccine is available and interested parties should contact the Health Department to set up an appointment.

Mr. Shinagawa spoke of his association with Guthrie Hospital in Pennsylvania and said the H1N1 virus has a higher spread rate than seasonal virus, however, the symptoms are not as severe as the seasonal flu.

**Report from the Facilities and Infrastructure Committee**

Ms. Kiefer, Acting Chair, at the August 20<sup>th</sup> meeting, reported Mr. Marx would be providing an update to the Legislature on the status of the new Health Department Building located at 55 Brown Road on September 15<sup>th</sup> and will request an executive session to discuss the disposition of the Biggs building. The Committee was informed of discussions regarding the Forest Home traffic-calming project; the Town of Ithaca design is in conflict with County standard practices for offsets and further discussions will address the matter. The Committee was introduced to Bob O’Laughlin who is the new Assistant Director of Facilities. Mr. Ellis, Weights and Measures Director, spoke to the Committee about the 2010 budget, noting the reductions made to meet the target would not allow him to complete all mandated work. Ms. Kiefer has asked him to provide information on what staffing level would be required to complete all mandated tasks for his department. The Committee also heard about budget reductions at the Airport and Solid Waste Divisions, noting that the Solid Waste Budget had projected a \$500,000 shortfall in recycling revenue based on first quarter data, but at this point they project a lesser \$240,000 shortfall. Ms. Short updated that she and two other staff had done concentrated waste reduction and recycling education at 31 summer camps, over 70 days, reaching 1,500 persons. Ms. Kiefer said Ms. Kendall, a Project Assistant, was so impressed by the work done at the Solid Waste Facility she changed her major to environmental studies.

**Report from the Government Performance and Workforce Relations Committee**

Mr. Shinagawa, Chair, did not have a report. The Committee will meet September 4<sup>th</sup>.

**Report from the Planning, Development, and Environmental Quality Committee**

Ms. Mackesey, Chair, said the Committee would meet on September 9<sup>th</sup>.

**Report from the Budget, Capital, and Finance Committee**

Mr. Dennis, Chair, said the Committee would be meeting as an Expanded Budget Committee throughout the months of September and October. He met with Ms. Mackesey and Mr. Squires as the Audit Committee earlier in the day to hear the annual report from the County auditors and noted there were only a few suggestions made, with the audit indicating no material weaknesses. He reported the first Expanded Budget Committee will be on September 9<sup>th</sup>.

**Approval of Minutes**

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote, to approve the minutes of August 4, 2009, as submitted. MINUTES APPROVED.

**Adjournment**

The meeting adjourned at 8:47 p.m.