

Tompkins County Legislature

November 18, 2008

Approved 12-2-08

Call to Order

Mr. Koplinka-Loehr called the meeting to order at 5:32 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 15 Legislators.

Privilege of the Floor by the Public

No member of the public wished to speak.

Distinguished Youth Award

Ms. Herrera, District No. 5 Legislator, presented the November, 2008, Distinguished Youth Award to Thomas Arleo of Lansing. Thomas was nominated by Election Commissioners Elizabeth Cree and Steve DeWitt, who praised him especially for his outstanding and painstaking work in volunteering with the Board of Elections this fall. Ms. Herrera also announced Thomas is receiving this award on his sixteenth birthday.

Privilege of the Floor by Legislators

Ms. Mackesey, District No. 1 Legislator, reported she traveled to Albany yesterday with a group of people who have been active in trying to get something done about the garbage trucks traveling through the County. They met with Tim Gilchrist of the Governor's office and afterward with representatives of the State Department of Transportation. There are draft regulations that have been developed by the New York State Department of Transportation and the group members are concerned about the 25-mile limit as the maximum additional trip length. They assured the group that they had really studied these routes that are being proposed to be excluded and they all are less than 25 miles and will not be eliminated because of that fact. It was an interesting discussion but she asked that people look at the report for themselves. They have asked for a complete copy of the document and the Library will make it available for anyone who would like to come in and look at it. There is also a website: www.nysdot.gov/programs/truckpolicy.com. A final draft environmental assessment is also available on the website. For Tompkins County it eliminates Routes 79, 89, and 96 and will alleviate many concerns for Tompkins County.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced the 2009 Annual GIAC Harvest Dinner will be held on Friday from 6 to 9 p.m. at the Beverly J. Martin Elementary School. The Board of Public Works has approved the dual designation of State Street as Martin Luther King Street; it will now go to Common Council.

Mr. Dennis, District No. 15 Legislator, announced the County is now involved with the City in a United Way participation competition, which begins this week and will last about one month.

Mr. Proto, District No. 7 Legislator, reported on the Veteran's Day parade and ceremony and thanked those who attended.

Ms. Chock, District No. 3 Legislator, recognized the life of Cecelia Vargas who passed away recently. A Celebration of her life is this Saturday at the Hilton Inn at 3 p.m. Mrs. McBean-Clairborne spoke of Ms. Vargas's work with the Immigrant Services Program, and of how important voting was to

her. Mrs. McBean-Clairborne said the children of Ms. Vargas shared how important it was that she vote in this election from her hospital bed.

Report from the Municipal Officials

There was no municipal official in attendance.

Chair's Report and Appointments

Mr. Koplinka-Loehr made the following appointments:

CSEA White Collar negotiating team

Jim Dennis and Dooley Kiefer: 2 members of the Tompkins County Legislature;
Anita Fitzpatrick or designee: County Personnel Commissioner
Joe Mareane, County Administrator, (or designee of the County Administrator) as needed by the team

Council 82 - Corrections Unit negotiating team

Jim Dennis: member of the Tompkins County Legislature
Anita Fitzpatrick or designee: County Personnel Commissioner
Peter Meskill, Sheriff (or designee), Undersheriff Rick Tubbs
Joe Mareane, County Administrator, (or designee of the County Administrator) as needed by the team

He reported on December 18 there will be a Legislature/Department Head retreat at the Ithaca Town Hall. The following topics are being considered for the meeting: potential State budget cuts, performance management, and internal communications.

Report from the County Administrator

Mr. Mareane reported on the status of the State budget. Since the last meeting the Governor released proposals and it appears the Governor has respected the request not to shift costs back to the counties. As of today, the Governor and Legislative leaders were unable to reach consensus on a plan to address the 2008/09 State budget deficit. Visits to Tompkins County State representatives Assemblyperson Lifton and Senator Winner took place to explain the County's concerns and to request the costs not be shifted. Two more with Senators Seward and Nozzolio are also being planned. Ms. Robertson thanked Mr. Mareane for the budget analysis she recently received from him; Mr. Proto requested a copy. Mr. Proto asked Mr. Mareane to contact Robert MacKenzie at Cayuga Medical Center to discuss any impacts on the Hospital. Mr. Shinagawa commented that some information has been made available to hospitals and according to Haney's analysis it appears the impact is approximately \$1.2 million for Cayuga Medical Center.

County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires reported on sales tax credits that will be incorporated into the adopted budget this evening. He updated the Legislature on the status of the sales tax for municipalities. He also reported that he had expected a decline in the fourth quarter but it continues to meet 2008 budgeted projections.

Withdrawal of Resolution(s) from the Agenda

Mr. Koplinka-Loehr gave Mr. Shinagawa permission to withdraw the following resolution from the agenda:

- Request for Authorization to Extend the Additional One Percent Local Sales Tax Rate in Tompkins County

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

It was MOVED by Ms. Kiefer, seconded by Ms. Robertson, and unanimously adopted by voice vote to approve the following appointments under the Consent Agenda:

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Thomas L. Boyce – Representative of Local Police Agencies; term expires December 31, 2009

TERMS BEGIN JANUARY 1, 2009:

Community Mental Health Services Board

Arpi Hovaguimian - term expires December 31, 2010

Environmental Management Council

Tony Nekut – Village of Lansing representative; term expires December 31, 2010

Larry Sharpsteen – Town of Lansing representative; term expires December 31, 2010

It was MOVED by Ms. Kiefer, seconded by Ms. Robertson, and unanimously adopted by voice vote to approve the following resolutions under the Consent Agenda:

RESOLUTION NO. 220 - ESTABLISHING COUNTY EQUALIZATION RATES

MOVED by Ms. Kiefer, seconded by Ms. Robertson, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, pursuant to Article III, Section 4.05, Subdivision (d) of the Tompkins County Charter and Code, the Director of Assessment has submitted and recommended the adoption of equalization rates for all towns in Tompkins County and the City of Ithaca for the assessment rolls filed in 2008, and for the apportionment of County taxes levied in 2009, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following equalization rates be and hereby are adopted:

<u>TOWN</u>	<u>AGGREGATE ASSESSED VALUATION OF TAXABLE REAL PROPERTY FOR COUNTY PURPOSES</u>	<u>COUNTY EQUALIZATION RATE</u>	<u>AGGREGATE FULL VALUATION OF TAXABLE REAL PROPERTY FOR COUNTY PURPOSES</u>
Town of Caroline	184,066,216	100	184,066,216
Town of Danby	233,386,313	100	233,386,313
Town of Dryden	830,250,420	100	830,250,420
Town of Enfield	156,593,968	100	156,593,968
Town of Groton	240,027,489	100	240,027,489
Town of Ithaca	1,239,185,093	100	1,239,185,093
Town of Lansing	1,188,603,046	100	1,188,603,046
Town of Newfield	234,428,753	100	234,428,753
Town of Ulysses	419,667,981	100	419,667,981
City of Ithaca	1,429,317,916	100	1,429,317,916

TOTALS 6,155,527,192 6,155,527,192

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 221 - ADOPTION OF REGULAR AND SUPPLEMENTAL REPORTS OF TOTALS (FOOTINGS) OF ASSESSMENT ROLLS

MOVED by Ms. Kiefer, seconded by Ms. Robertson, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Tompkins County desires to maintain an official record of the 2008 Final Assessment Roll, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the regular and supplemental report of the totals (footings) of assessment rolls be accepted and the figures therein be used as a basis for the taxation in the several tax districts of the County for the year 2009 based upon the July 1, 2008 County of Tompkins Final Assessment Roll.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 222 - RETURNED SCHOOL TAXES

MOVED by Ms. Kiefer, seconded by Ms. Robertson, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS Article 13 of the Real Property Tax Law authorizes school district tax collectors to submit by November 15th a listing of unpaid taxes to the County Treasurer for enforcement, and

WHEREAS the County guarantees the school districts payment of the unpaid taxes by April 1 of the year following the return, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2009 tax rolls the amount of the uncollected school taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the collectors of the various districts, exclusive of the Ithaca City School District, to the County Finance Director, and that said returned school taxes be reassessed and relieved on town tax rolls as they are returned, and that said school taxes returned in 2007 be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 223 - RETURNED VILLAGE TAXES

MOVED by Ms. Kiefer, seconded by Ms. Robertson, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS Article 14 of the Real Property Tax Law authorizes village tax collectors to return to the County Treasurer a listing of unpaid taxes for enforcement, and

WHEREAS the Villages of Cayuga Heights, Dryden, Freeville, Groton, Lansing, and Trumansburg are authorized to submit their unpaid taxes to the County for enforcement, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2009 tax rolls the amount of the uncollected village taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the village tax collectors of the various villages

to the County Finance Director, and that said returned village taxes be reassessed and relieved on town tax rolls as they are returned, and that said returned village taxes be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 224 - ADOPTION OF APPORTIONMENT OF TAXES FOR 2009

MOVED by Ms. Kiefer, seconded by Ms. Robertson, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the report of equalization rates and totals (footings) of assessment rolls has been prepared and approved by the Assessment Director, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the report of the Director of Assessment be accepted and adopted, and the valuation of real property and franchise be based on the 2008 final assessed values for the purposes of general tax levied against the several tax districts of the County and that the values determined therein be set forth as the basis for such general and highway tax levies for the year 2009,

RESOLVED, further, That the several amounts therein listed for State tax and County tax for general County purposes for 2009 be assessed against, levied upon, and collected from taxable property of the several towns and City liable therefore.

SEQR ACTION: TYPE II-20

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Report from the Human Resources Committee

Mr. Dennis, Chair, reported the Committee met and discussed evaluations for the four direct reports. Two members used the performance evaluation process on the outgoing County Administrator and reported back to the Committee on their experience.

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

Mr. Hattery, Chair, said the Committee met on November 14th. The meeting was Chaired by Ms. Kiefer in his absence. Topics discussed were Core Performance and salaries for Legislature members, with action being deferred until a later date.

RESOLUTION NO. 225 - APPROPRIATION FROM CONTINGENT FUND - REPLACEMENT PAY – DEPARTMENT OF ASSESSMENT

MOVED by Mr. Hattery, seconded by Mr. Stevenson. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Department of Assessment has had two employees out on disability for greater than two months, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay from the Contingent Fund to the Department, not including the first two months of absence, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the Director of Finance is hereby authorized to make the following adjustment to his books for 2008:

FROM:	A1990.54400	Contingent Fund	\$20,332
TO:	A1355.51000577	Asst Real Property Appraiser	\$20,332

SEQR ACTION: TYPE II-20

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**RESOLUTION NO. 226 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY
– REIMBURSEMENT - TOMPKINS COUNTY ADMINISTRATION**

MOVED by Mr. Hattery, seconded by Ms. Mackesey. A short roll call vote resulted as follows:
Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Administration’s Administrator retired effective March 26, 2008, and

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

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

FROM: A1990.54440	Contingent Fund	\$34,985.57
TO: A1230.51000253	Administrator	\$34,985.57

Note: Vacation	474.5 hours	\$25,519.84
Compensatory	120 hours	6,453.91
Personal	48 hours	2,581.56
Holiday	8 hours	430.26

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 227 – AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER
INTO A LEASE FOR PROPERTY LOCATED ON ELMIRA ROAD
IN ITHACA**

MOVED by Mr. Hattery, seconded by Mr. Stevenson. Ms. Herrera said she will vote against this resolution as she believes it is in the County’s best interest to retain this property.

Following an explanation by Ms. Kiefer that the Committee considered a five-year lease but that motion failed, Ms. Kiefer MOVED, seconded by Ms. Mackesey, to amend the resolution to a five-year lease. Mr. Stevenson said he does not support extending the lease and commented that the County Attorney has recommended the property be sold in past discussions. Mr. Wood explained the current lease agreement and said company does indemnify, hold harmless and defend the County.

A voice vote on the amendment resulted as follows: Ayes – 6 (Legislators Burbank, Chock, Kiefer, Mackesey, Robertson, and Shinagawa); Noes – 9 (Legislators Dennis, Hattery, Herrera, McBean-Claiborne, Proto, Randall, Sigler, Stevenson, and Koplinka-Loehr). AMENDMENT FAILED.

A voice vote resulted as follow on the original resolution: Ayes – 14, Noes – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, Will-Ridge Associates, LLC (a company associated with Benderson Development Corporation) has constructed a retail commercial development on Elmira Road in the City of Ithaca including a road providing access to the development and a sign for advertising purposes, on an irregularly shaped .25 acre parcel, which parcel is owned by Tompkins County and located in a heavily developed urban corridor, and

WHEREAS, it has been determined that the property is no longer needed for a public use, and

WHEREAS, the City of Ithaca has advised that the city has no interest in purchasing the property or in delaying a sale of said property, and

WHEREAS, the County and Will-Ridge executed a lease Agreement commencing January 1, 2008, for a period of one year, and

WHEREAS, the County desires fair compensation for the use of its property, now therefore be it
RESOLVED, on recommendation of the Government Operations Committee, That the County
Administrator is authorized to enter into an agreement to extend the lease for up to one year.

SEQR ACTION: TYPE II-26

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

Ms. Robertson, Chair, said the Committee met November 13th, and had a good discussion with Michael Stamm and Martha Armstrong of Tompkins County Area Development concerning local economic conditions and the feedback being received from banks and local businesses. Mr. Stamm has been assured that the Cornell grants of \$20 million for the housing and transportation projects are not in jeopardy at this time. The Committee discussed at length the membership of IDA (Industrial Development Agency). Also discussed at length was the Energy and Greenhouse Gas Emissions element as part of the Comprehensive Plan. Following a public hearing, the Legislature will consider approving this Comprehensive Plan amendment.

Mr. Hattery said he would like to follow-up later in the meeting with a question concerning the IDA membership.

**RESOLUTION NO. 228 - AUTHORIZING PUBLIC HEARING FOR ADOPTION OF THE
ENERGY AND GREENHOUSE GAS EMISSIONS ELEMENT AS
AN AMENDMENT TO THE COUNTY COMPREHENSIVE PLAN**

MOVED by Ms. Robertson, seconded by Ms. Mackesey. Mr. Proto does not believe this proposal is ready for a public hearing. There have been recent questions with regard to potential financial impacts on County departments and agencies that he would like further study on. Ms. Mackesey disagreed with Mr. Proto's comments and believes this is an excellent plan. Ms. Herrera spoke in support of the plan as well and said it is a template and guideline to help the County. Ms. Robertson agreed with Ms. Herrera and said it is a guide for staff and does not commit agencies or staff.

A voice vote resulted as follows on the resolution: Ayes – 12, Noes – 3 (Legislators Hattery, Proto, and Sigler). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature adopted the Tompkins County Comprehensive Plan in 2004, and

WHEREAS, the Tompkins County Planning Department, with guidance and advice from the Tompkins County Planning Advisory Board and with significant participation from the Tompkins County Environmental Management Council, has developed an Energy and Greenhouse Gas Emissions element to be added to the Tompkins County Comprehensive Plan that addresses the local energy challenge, and

WHEREAS, Tompkins County is required to hold a public hearing pursuant to State General Municipal Law §239-d requirements for amending a County Comprehensive Plan, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That a public hearing be held before the Tompkins County Legislature in Legislative Chambers of the Tompkins County Courthouse, 320 North Tioga Street, Ithaca, New York, on December 2, 2008, at 5:30 o'clock in the evening thereof to present the Energy and Greenhouse Gas Emissions Element of the County Comprehensive Plan for review and discussion. At such time and place all persons interested in the subject matter will be heard concerning the same,

RESOLVED, further, That the Clerk of the Legislature is authorized to place proper notice of this public hearing in the official newspaper of the County.

SEQR ACTION: Not an action under SEQR

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

Mr. Shinagawa, Chair, reported the Committee met on November 10. The Committee discussed the resolution to extend the one-percent additional sales tax and decided to postpone action as suggested by Legislator Herrera until the City and other municipalities could weigh in on the impact of sales tax on the residents of Tompkins County. The resolution will be considered at the next meeting on November 24th. Mr. Shinagawa announced there will be a Legislature/Department Head meeting on December 18th at the Town of Ithaca Hall.

Mr. Proto reported that on November 24th, the Tompkins County Planning Department has scheduled a Gas Drilling Forum for County Advisory Boards that will be held in the Borg Warner Room of the Tompkins County Public Library at 4:00 p.m.

Mr. Proto expressed interest in hearing the discussion at the next Committee meeting concerning the issue of permitting the use of Hotel Room Occupancy Tax for economic development, but said he would not be available for the meeting. It was noted that this issue was going to be discussed at the Planning, Development, and Environmental Quality Committee as well.

**RESOLUTION NO. 229 - ENDORSING TOMPKINS CORTLAND COMMUNITY
COLLEGE ELECTRICAL PANEL REPLACEMENT
PROJECT**

MOVED by Mr. Shinagawa, seconded by Ms. Kiefer. Mr. Shinagawa explained the two proposals from TC3 and said the purpose is to take steps towards locking in State aid. The College is eligible to receive 50% State aid and the County's responsibility would be 30% of the total project cost of \$1.6 million. Mr. Squires said the financing for this project would require a new bond; \$45,000 to fund the local share at a likely rate in the 4.5 % range.

Ms. Herrera said although she sympathizes with the need, she is bothered that this request came forward when other County departments have been told no to funding requests. She has not heard a compelling argument for proceeding with this. Mr. Shinagawa said this is a commitment to the project at some point in the future for the purpose of securing State funding because it most likely will inevitably be needed at some point in the future.

Mr. Haynes explained the College has not had a Director of Facilities for the last year until Jim Turner was hired recently. Mr. Turner realized the severity of the situation and the potential of it being life threatening. The electrical equipment is original and no longer can be repaired. The system will be closely monitored until the project can begin.

Mr. Marx spoke of the impact on the 20-year capital plan and said there are a lot of needs not being met including deferred maintenance. Mr. Hattery understands there are several deferred maintenance concerns for the County, but it is also important to recognize the College has found matching funds.

Ms. Chock asked that the funding for the project be clarified. Mr. Haynes said the County has very little investment in the facility. The County's only commitment is its share of the project.

Ms. Herrera spoke of an upcoming infrastructure study that SUNY will be funding half of and said when complete, that study will give the College something to work with towards moving into the future with the facility.

Mr. Haynes said the College would need to know in the month of February whether they can proceed with a job in the next work season. It will be the Legislature's decision as to what year this project will be done. He assumes based on the discussion at the Budget and Capital Committee meeting that it will not begin in 2009.

Mr. Mareane said the urgency in acting on this is the opportunity to lock in State money. There would be time to plan for inclusion in the capital plan before moving this project forward. A separate bond resolution requiring Legislature approval will be necessary as well.

Ms. Mackesey said the County is one of the owners of TC3 and partially responsible for its well being. This is an infrastructure decision, not approving it would mean the loss of State funding and the County would be liable for much more.

Mr. Koplinka-Loehr clarified that this project will not begin in 2009 and that a bond resolution will be brought to the Legislature for approval at the appropriate time.

A voice vote resulted as follows on the resolution: Ayes – 14, Noes – 1 (Legislator Koplinka-Loehr). **RESOLUTION ADOPTED.**

WHEREAS, the Tompkins County Legislature and the Cortland County Legislature as sponsors of Tompkins Cortland Community College, recognize the need to replace obsolete electrical equipment which pose a health and safety threat as well as interruption of operations, and

WHEREAS, the College has created a plan for replacement of all obsolete electrical equipment, and

WHEREAS, the College estimates that all costs associated with replacing all obsolete electrical equipment will not exceed \$1.6 million, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the County sponsors do hereby approve the Tompkins Cortland Community College Electrical Panel Replacement Project,

RESOLVED, further, That subject to the approval of said Electrical Panel Replacement Project by the State University of New York and the appropriation of fifty percent State funding, this Legislature does hereby agree to secure funding for Tompkins County's portion of the local share for said project,

RESOLVED, further, That Tompkins Cortland Community College will submit to the State University of New York appropriate applications and information necessary for State approval and funding of the Electrical Panel Replacement Project,

RESOLVED, further, That certified copies of this Resolution be sent to the Cortland County Legislature, the Board of Trustees of Tompkins Cortland Community College, the Board of Trustees of the State University of New York, and the State University Construction Fund,

RESOLVED, further, That this Resolution shall become effective upon the adoption of a concurrent resolution by the Cortland County Legislature.

SEQR ACTION: TYPE II- 8

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Ms. Herrera requested that the appropriate committee take up the policy implications and the issue of the County's responsibility for TC3's ongoing deferred maintenance.

RESOLUTION NO. 230 - ENDORSING TOMPKINS CORTLAND COMMUNITY COLLEGE CLASSROOM PROJECT

MOVED by Mr. Shinagawa, seconded by Mr. Stevenson. Mr. Shinagawa said this \$2 million project is to be paid with 50% State funding and the remaining amount to be paid with Capital chargeback and fundraising. He does not believe there will be any impact on the County's local share.

As requested by Mr. Hattery, Mr. Squires addressed the concern he raised in regard to funding of the project should State funding not be available. He was assured that the entire project could be absorbed by college funds and would not impact the budget should funding not come through.

Ms. Chock requested a copy of the facilities plan as the projects come forward.

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

WHEREAS, the Tompkins County Legislature and the Cortland County Legislature as sponsors of Tompkins Cortland Community College, recognize the need for additional classroom space within the Tompkins Cortland Community College campus to accommodate enrollment growth, and

WHEREAS, the College has created a plan for renovation of the existing facility that will create nine (9) additional classrooms, and

WHEREAS, the College estimates that all costs associated with renovating the existing facility to accommodate nine (9) additional classrooms will not exceed \$2 million, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the County sponsors do hereby approve the Tompkins Cortland Community College Classroom Project,

RESOLVED, further, That the College is hereby authorized to submit this project to the State University of New York for the State's fifty percent funding share,

RESOLVED, further, That the County sponsors do hereby approve the undertaking of the Classroom Project and that Tompkins County's portion of the local share of said project shall be appropriated from the capital chargeback fund,

RESOLVED, further, That Tompkins Cortland Community College will submit to the State University of New York appropriate applications and information necessary for approval and funding of the Classroom Project,

RESOLVED, further, That certified copies of this Resolution be sent to the Cortland County Legislature, the Board of Trustees of Tompkins Cortland Community College, the Board of Trustees of the State University of New York, and the State University Construction Fund,

RESOLVED, further, That this Resolution shall become effective upon the adoption of a concurrent resolution by the Cortland County Legislature.

SEQR ACTION: TYPE II- 8

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RESOLUTION NO. 231 - AUTHORIZING THE ISSUANCE OF \$6,500,000 SERIAL BONDS OF THE COUNTY OF TOMPKINS, NEW YORK, TO PAY A PORTION OF THE COST OF RENOVATION AND RECONSTRUCTION OF AN OFFICE BUILDING AT 55 BROWN ROAD

MOVED by Mr. Shinagawa, seconded by Mr. Hattery. Following a brief discussion, a roll call vote resulted as follows: Ayes – 10 (Legislators Burbank, Chock, Dennis, Hattery, Herrera, Kiefer, Mackesey, Robertson, Shinagawa, Koplinka-Loehr); Noes – 5 (Legislators McBean-Clairborne, Proto, Randall, Sigler, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, Tompkins County (the "County"), a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), having reviewed the impact of a capital improvement project consisting of the acquisition of a ground-lease interest in approximately 5.4 acres located at 55 Brown Road in the Village of Lansing, New York, the purchase of certain improvements located thereon consisting of an approximately 33,054-square foot, two-story office building, and the renovation and reconstruction of such improvements (collectively, the "Project"), upon the environment, previously

determined by resolution dated September 10, 2007, that the Project will not result in any significant adverse environmental impacts, and

WHEREAS, it is now desired to authorize the undertaking and financing of the renovation and reconstruction of improvements located at 55 Brown Road in the Village of Lansing, New York, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the County Legislature of the County of Tompkins, New York, undertakes as follows:

Section 1. For the class of objects or purposes of paying a portion of the cost of a capital improvement project (the "Project") consisting of renovation, reconstruction, and upgrades to the existing facility located at 55 Brown Road in the Village of Lansing, New York, together with all related site improvements, original furnishings, fixtures, equipment, machinery, and apparatus required for such purposes, architectural fees, and all other necessary costs incidental to such work and the financing thereof, there are hereby authorized to be issued \$6,500,000 serial bonds of the County of Tompkins, New York, pursuant to the provisions of the Local Finance Law. The County is hereby authorized to undertake the Project.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$6,500,000 and that the plan for the financing thereof is by the issuance of up to \$6,500,000 serial bonds hereby authorized to be issued pursuant to this bond resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years under subdivision 11(a)(1) of paragraph a. of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

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

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

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

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

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

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

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

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

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

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

SEQR ACTION: TYPE II-20

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**RESOLUTION NO. 232 - ADOPTION OF 2009 TOMPKINS COUNTY BUDGET AND
2009-2013 TOMPKINS COUNTY CAPITAL PROGRAM**

MOVED by Mr. Shinagawa, seconded by Mr. Dennis.

Budget Amendment – Finance Department

It was MOVED by Ms. Kiefer, seconded by Ms. Mackesey, to amend the budget as follows:

RESOLVED, That target funding for a half-time (20 hours) Purchasing Assistant be added as follows:

1315.51000526	Purchasing Assistant	\$20,890
9101.58800	Fringes	\$ 7,520

RESOLVED, further, That this be offset for 2009 by returning Rollover funds in the amount of \$17,607 resulting in a tax levy increase of 0.03% and \$.0 rate increase.

At this time Ms. Kiefer explained the amendment pointing out that Mr. Squires had cooperated with County Administrator Whicher during budget development by not requesting more staff, but had now supplied a memo explaining that with only a one-person Purchasing Division there is not sufficient ability to research procurement options with the result that procurement likely costs the County more. Ms. Robertson commented that she appreciated all the information provided by Mr. Squires relating to this amendment. Ms. Robertson said the County used to have “cost savers” a designation put on particular kinds of spending that resulted in a direct savings. While the State contract solution can produce savings, most of the vendors are located outside the County and as a result the practice discourages local vendors from developing business relationships with their local government. She said we have also heard over the last couple of years about work Cornell is doing with diverse vendors and suppliers and that is a unique value when that can be part of the County’s Purchasing Division’s policies and goals. She asked if this was something that could be enhanced with this position and Mr. Squires responded that it could.

Mr. Koplinka-Loehr asked about the Department’s rollover funds and Ms. Jayne said \$56,200 was being used in 2009. Mr. Koplinka-Loehr said he cannot support the amendment.

Following further discussion, a voice vote on the amendment resulted as follows: Ayes – 6 (Legislators Burbank, Dennis, Kiefer, Mackesey, McBean-Clairborne, and Robertson); Noes – 9 (Legislators Chock, Hattery, Herrera, Proto, Randall, Shinagawa, Sigler, Stevenson, and Koplinka-Loehr). AMENDMENT FAILED.

Budget Amendment – County Historian (Civil War Commission)

It was MOVED by Ms. Herrera, seconded by Ms. Mackesey, to amend the budget as follows:

RESOLVED, That \$2,000 one-time funding for the County Historian be added to fund the Civil War Commission resulting in a tax levy and rate increase of zero percent and a reduction in the Fund Balance.

Mr. Proto asked if these funds could come from the tourism money. Mr. Koplinka-Loehr said that they are planning to make a request.

A brief discussion followed and a voice vote resulted as follows on the amendment: Ayes – 12, Noes – 3 (Legislators Hattery, Sigler, and Stevenson). AMENDMENT CARRIED.

Discussion continued on the budget as amended and Mr. Shinagawa commended everyone for their hard work on the budget.

Ms. Kiefer said she was disappointed about the meeting in Albany today with State officials concerning the Governor’s proposal to discuss the \$2 billion gap, but pointed out that \$2 billion was really a \$1.5 billion gap; the other \$0.5 billion was a “cushion” for the State’s 2008-2009 budget. She does not believe there is a sufficient “cushion” within the County budget and will not vote in favor of the resolution to adopt the budget.

Ms. Robertson reflected on the failed meeting of State lawmakers today. Although earlier she had suggested postponing adoption of the County’s budget pending more information from the State, there was clearly now no reason to wait.

Mr. Proto said he will support the budget, partly because of the commitment to a 3% tax levy. There were many compromises and time put into the budget and he believes it showed a collaborative effort among staff and Legislators.

Mr. Burbank said he is appreciative of all the hard work that went into this, but will vote against budget because he shares Legislator Kiefer's concern. He believes we are headed into very stormy waters and will be hit by very unwelcome news from the State.

Mr. Randall also thanked everyone for their hard work. It was a very trying year for him following his accident and he is proud of everything accomplished without him this year. He apologized to his constituents for the lack of participation, but believes his concerns were addressed. He said this will be the first time in three years that he will support the County budget.

Mr. Hattery said he also agrees with Legislator Kiefer and because of the increased spending that exhausted the "cushion" that was developed into the tentative budget, he will be voting against the resolution to adopt the budget.

Ms. Robertson requested the resolution reflect the following information in an explanation:

Note: The sum of \$36,837,645 (total tax-levy amount) results in a tax rate of \$5.93 per \$1,000 of assessed value, which is an approximate tax-levy increase of 2.99% and a county-wide average tax-rate decrease of 13.5 percent.

Mrs. McBean-Clairborne said she too appreciates the work that went into the budget and believes some real good thinking went into it. She wants the Legislature to be as sympathetic to the people out there and not consider higher increases than we can afford. At this point she doesn't think we can put any more on the taxpayers. The County has done a good job supporting the needs of the community and maintaining services.

Ms. Herrera said this was a joint and collaborative effort and believes the Legislature represented what it knows about each other and the process has been responsible.

Ms. Chock believes there needs to be full disclosure and that the taxpayer will still see a slight increase due to the full value in assessment. She too would have preferred a bigger "cushion", but will support the resolution to adopt the budget. She stated that the budget process should be examined in the coming year to allow the Legislature to look at base budgets and not just over-target requests.

Mr. Dennis said he will support the resolution to adopt the budget, but expressed concern that over the last few weeks there have been people in the county who have lost their jobs and there have been cutbacks.

Mr. Koplinka-Loehr noted for the record that the "cushion" is \$840,000 above the basic 5% target fund balance that has been referred to this evening.

Mr. Sigler applauded everyone for the work that went into reaching this number. However, he has not seen the structural problem of reducing the workforce at the County and State levels addressed. Everyone is contracting but not the County.

A roll call vote on the resolution to adopt the budget as amended resulted as follows: Ayes – 11 (Legislators Chock, Dennis, Herrera, Mackesey, McBean-Clairborne, Proto, Randall, Robertson, Shinagawa, Stevenson, and Koplinka-Loehr); Noes – 4 (Legislators Burbank, Hattery, Kiefer, and Sigler).
RESOLUTION ADOPTED.

WHEREAS, the tentative Budget for the year 2009 and the proposed 2009-2013 Capital Program have been presented to the Legislature by the Budget Officer on September 5, 2008, and a revised tentative budget for the year 2009 and the proposed 2009 - 2013 Capital Program were adopted by the Legislature for public review on October 21st, and a public hearing was held on November 10, 2008, and all persons desiring to be heard concerning same have been heard, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That pursuant to Section 5.07 of the County Charter, the said proposed budget as amended is adopted, subject to the correction of manifest errors by the Clerk of the Legislature and the Budget Officer, as the budget of Tompkins County for the year 2009,

RESOLVED, further, That pursuant to Sections 5.03, 5.04, and 5.05 of the County Charter, the several amounts specified in such budget opposite each item of expenditure set forth in the column adopted are appropriated for the objects and purposes specified, effective January 1, 2009,

RESOLVED, further, That the sum of \$36,837,645 required to meet the local share of expenses and costs of county government in Tompkins County for the fiscal year 2009 as set forth in the budget be assessed against, levied upon, and collected from the taxable property of the nine towns and the city liable therefore,

RESOLVED, further, That pursuant to Section 5.07 of the County Charter, the said proposed Capital Program as amended is adopted, subject to the correction of manifest errors by the Clerk of the Legislature and Budget Officer, as the Capital Program of Tompkins County for the years 2009-2013.

SEQR ACTION: TYPE II-21

Note: The sum of \$36,837,645 (total tax-levy amount) results in a tax rate of \$5.93 per \$1,000 of assessed value, which is an approximate tax-levy increase of 2.99% and a county-wide average tax-rate decrease of 13.5 percent.

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Report from the Public Safety Committee

Mr. Stevenson, Chair, reported the Committee will meet on November 21st.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet December 17th.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on November 5. He has been trying to keep abreast on the Governor's cuts to healthcare. The next Committee meeting is December 3.

RESOLUTION NO. 233 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – HEALTH DEPARTMENT

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne. A short roll vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Health Department had a Public Health Sanitarian resign effective August 31, 2008, and

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

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

FROM:	A1990.54440	Contingent Fund	\$606
TO:	A4090.51000595	Public Health Sanitarian	\$439

A4090.58800 Fringes \$167
SEQR ACTION: TYPE II-20

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Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, said the Committee will meet November 20th.

Withdrawal of Resolution(s) from the Agenda

Chair Koplinka-Loehr gave permission to withdraw the following resolutions:

- Amendment to 2009 Tentative Budget – County Historian
- Amendment to 2009 Tentative Budget – Finance Department

Approval of Minutes

It was MOVED by Mr. Dennis, seconded by Mr. Proto, and unanimously adopted by voice vote, to approve the minutes of the November 5, 2008 meeting as corrected.

Unfinished Business

Mr. Hattery asked about the IDA (Industrial Development Agency) appointments and the issue to amend the membership. Ms. Robertson said she would like the Planning, Development, and Environmental Quality Committee to take a look at this and consider taking a position or recommendation on the matter. At this time no resolution has been presented.

Adjournment

The meeting adjourned at 8:12 p.m.