

Tompkins County Legislature
Regular Meeting Minutes
Wednesday, November 3, 2010 5:30 PM
Tompkins County Courthouse

Approved 12/7/10

Call to Order

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

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 15 Legislators (Legislators Shinagawa and Stein arrived at 5:34 p.m.; Legislator McBean-Clairborne arrived at 5:58 p.m.).

Presentation of Proclamation

Ms. Robertson presented a proclamation to retiring Youth Services Director, Nancy Zahler, and declared November 12, 2010, as Nancy Zahler Day. Ms. Zahler expressed appreciation to the Legislature.

Legislators Shinagawa and Stein arrived at this time.

Announcement of Executive Session

Ms. Robertson said there would be an executive session at the end of the meeting to discuss negotiations and litigation.

Privilege of the Floor for the Public

Christa Bissell, 137 Pine Tree Road, spoke on behalf of herself and other residents in attendance (Melissa Foley; Liz Czopp and family; Joan Langsdorf; Fred and Blythe Baldwin; Hans Fleischmann; and Steven Schwager). She expressed appreciation for the work that is done by the County but continues to be concerned with the proposed Pine Tree Road project. Previously it had been announced that a public meeting would take place, however, the residents have not heard anything. Ms. Bissell asked that the County inform residents when the public meeting would be held, noting it would be fine if there is no meeting with the public for a couple of months so long as nothing happens with the project in the interim.

Report from a Municipal Official

No municipal official was present.

Privilege of the Floor for Legislators

Ms. Kiefer, District No. 10 Legislator, responded to Ms. Bissell and said the topic of the public meeting is an item on the November 5th Facilities and Infrastructure Committee agenda.

Mr. Proto, District No. 7 Legislator, announced there will be a parade at 2:00 p.m. on November 7th starting on South Cayuga Street and then turning west on Martin Luther King, Jr./State Street towards the Veterans of Foreign Wars building. The official Veteran's Day Dedication Ceremony will take place at 11:00 a.m. on November 11th at DeWitt Park.

Mr. Dennis, District No. 15 Legislator, announced the Family Reading Partnership will have a Kids Book Fest on Saturday, November 13th from 10:00 a.m. to 4:00 p.m. at Boynton Middle School.

Ms. Chock, District No. 3 Legislator, expressed appreciation to voters and individuals working at polling sites and to all candidates, giving sympathy to those who lost and congratulations to winners.

Mr. Lane, District No. 14 Legislator, also spoke of the elections and expressed his appreciation to Ms. Mackesey for running. He noted that any time an effort is made to change how Albany operates it is something to be proud of. The turnout statistics showed a decline from 2006 for a mid-term election. He thinks the timing of elected offices should be reviewed to help increase turnout.

Ms. Mackesey, District No. 1 Legislator, expressed her appreciation to fellow Legislators for their support during the election. She said the experience has taught her a great deal, including confidence that Tompkins County does a good job in how it operates. She said the County is thoughtful and careful and stands out. She said people were surprised and pleased to hear the solutions Tompkins County had in many areas of concern.

Chair's Report

Ms. Robertson expressed appreciation to voters, poll workers, candidates, and how Tompkins County does business. She noted the bipartisan vote and how individuals consider others' opinions and points when making a decision. She has contacted the offices of Senator-Elect Tom O'Mara, Congressman-Elect Richard Hanna, and Sheriff-Elect Ken Lansing to express congratulations. Ms. Robertson called attention to the Village at Ithaca benefit program and noted the County's support through an advertisement.

Presentation on Proposed Property Tax Cap

County Administrator Mareane provided an overview based on information from the New York State Association of Counties (NYSAC) outlining the effect of the proposed property tax cap and how New York State mandates drive County property tax rates. He said the proposed cap provides exemptions for New York City and the larger school districts under the Senate plan.

Mrs. McBean-Clairborne arrived at this time.

Mr. Mareane said reducing taxes is a priority, however, there needs to be a realignment of service delivery structure in New York State. Although there are other states with property tax caps, they differ in the percentages as well as exemptions and votes required to waive the cap. New York State has the highest local taxes in the United States and percentage of personal income. The property tax cap will not reduce the cost of State government or property taxes.

NYSAC listed nine mandates—Medicaid, Public Assistance, Child Welfare and Protective Services, Youth Detention, Pre-K Special Education, Early Intervention, Indigent Defense, Probation, Pensions and the report indicated approximately 90 percent of county budgets are the result of these State mandates. It stated the financial responsibility for the mandates should be borne by the government that sets them.

Mr. Mareane said in Tompkins County Medicaid accounts for 29 percent of the tax levy. When looking at the 9 major mandates used by NYSAC, including Medicaid, they account for approximately 75 percent of the 2011 County levy. If these mandates were removed a tax bill for a \$160,000 home would go from \$1,026 to \$258. Without the mandates the County would go from the 28th highest taxed county to 131st.

Ms. Robertson noted that setting the property tax cap and not changing the structure would not reduce taxes. If the expenses of state mandates and distributed costs came through income tax people would be far less damaged and be better able to accept the burden is spread out.

Mr. Stein said New York State has the highest combined income, property, and sales tax in the United States. He questions where the money is going with the exclusion of Medicaid expenses. Although he realizes the State could not take back the Medicaid mandate without a new source of additional income. He asked if New York's distribution of sales tax may account for a shift of mandates to the local municipalities. Mr. Mareane said local sales taxes are not unique and there is sales tax throughout the country. He believes the burden is shifted because it is allowed. As New York State has difficult budgets, costs are shifted to counties. Mr. Stein suggested NYSAC ask the State Budget Director to explain their position.

Mr. Burbank said it is good to challenge the State leaders to provide an explanation. Although it is unclear where the State truly ranks regarding taxation, he is terrified of the implications of a tax cap, particularly without mandate relief. He said as a determination is made regarding the local budget it would be good to realize in the future the County may not have the ability to make budget decisions.

In response to Mr. Stein's question, Ms. Robertson said States make different decisions regarding services and quality of life. In New York, the cost of living in areas such as New York City affects the entire state. In addition, the State Constitution states the needy shall be taken care of. She noted that when Federal welfare reform occurred New York said after five years of assistance the State would continue to help individuals and the cost is borne equally between the State and counties.

Ms. Mackesey said when campaigning her opponent, Mr. O'Mara, had indicated he was in favor of a property tax cap but wanted mandate relief and she suggested he be contacted.

Mr. Proto said the County should set its own priorities and hopes the State will think the matter through and he would not support any tax cap.

Ms. Chock shared a chart indicating the impact of income taxes at different levels of income as opposed to the accumulative affect of taxes in the State.

Mr. Lane said there could be an argument that some of the mandates should be kept local and asked Mr. Mareane what the impact of having control of pensions would be. Mr. Mareane said there may be more flexibility; currently the County is told the structure of the fund and what to pay. Mr. Lane said he would like to be able to look at the private sector for pension funds.

Ms. Kiefer said she submitted an article relating to the property tax cap that will appear in the Tompkins Weekly. She has family in California and has seen what their property tax cap, Proposition 13, has done to that State; it would be foolhardy to follow their lead.

To clarify the portion of the County budget directly relating to mandates, Mr. Mareane said if the items that are mandatory or mandatory/discretionary are added to the 9 mandates in the report, close to 90 percent of County taxes do not have local control, leaving only 10 percent (\$100 of the property tax bill) under our control.

Report from the County Attorney

Mr. Wood did not have a report.

Report from the Finance Director

Mr. Squires said the second publication of notices of foreclosure was printed in the newspaper. The list of notices is published three times between October 1 and January. He reported the County would be going to the bond market this month for \$20 million one-year notes coming due December and January. The amount of notes that will be permanently financed is approximately \$17.5 million. There is also a bond sale scheduled for November 30th. Mr. Squires will be speaking to the bond-rating agencies in the next several days to review the County bond rating. In the past the County has had an excellent rating within the second-highest category, just below AAA. It will be challenging to maintain the rating due to the 2009 financials showing a narrowing of liquidity and where the County stands with 2011 budget, which may not be adopted by the time of the sale. There will be a variety of questions about financial areas that may affect the County's standing. In response to Mr. Stein's question about default history for bonds for County governments, Mr. Squires said bond insurance companies going bankrupt are due to corporate bonds and mortgage-backed securities, not government bonds.

In response to Ms. Chock's question about aggregate total for foreclosed properties, Mr. Squires said there has been no change.

Mr. Proto asked Mr. Mareane if he had any information on how many individuals will be taking the early retirement offered by the County. Mr. Mareane said a minimum of eight individuals will be taking early retirement and others are considering the option. The deadline to do so is March 2011. Mr. Proto asked if the retirements would result in a savings in 2011 and was informed it will help to adjust the possibility of potential layoffs, which are only a couple this year and 26 that are on the roster for next year.

Resolution(s) to be Added to or Withdrawn from Agenda

There were no resolutions added to the agenda.

Chair Robertson granted permission to the appropriate Committee chair to withdraw from the agenda the resolution entitled "Resolution Prohibiting Leasing of County-Owned Land for Natural Gas Drilling Using High-Volume Hydro-Fracturing" to allow a review by the Facilities and Infrastructure Committee.

Resolution(s) Approved Under the Consent Agenda

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

RESOLUTION 2010-167: BUDGET ADJUSTMENTS - VARIOUS DEPARTMENTS (DOC ID: 2262)

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

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

RESOLVED, on recommendation of the Health and Human Services, the Government Operations, and the Budget and Capital Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Social Services

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
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6010.44689 Federal: Other Social \$45,000 6010.54400 Program Expense
Services

Explanation: The rate of expenditure on the Housing First initiative funded through the HPRP grant has exceeded expectations; we are therefore proposing to shift funds anticipated to be paid for this purpose in 2011 to the current year. In addition to the accelerated spending, with both parties' consent we are also shifting these funds from one subcontractor (Tompkins Community Action) to another (Catholic Charities), and will execute contract amendments accordingly.

Information Technology Services

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
1680.51000622	Programmer/Analyst	\$14,385	1680.52202	Network Components
1680.58800	Fringes	\$ 5,286	1680.52202	Network Components

Explanation: Information Technology Services is requesting a budget adjustment for use of remaining salary and fringe funds resulting from recent vacancy of Programmer/Analyst position for the purpose of replacing eight-year-old network switches in the Old Jail building. Project will result in a 1 Gigabit network backbone at location necessary for future IT service and application enhancements.

SEQR ACTION: TYPE II-20

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RESOLUTION 2010-168: ADOPTION OF REGULAR AND SUPPLEMENTAL REPORTS OF FOOTINGS (TOTALS) AND ASSESSMENT ROLLS (DOC ID: 2252)

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

WHEREAS, Tompkins County desires to maintain an official record of the 2010 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 2011 based upon the July 1, 2010 County of Tompkins Final Assessment Roll.

SEQR ACTION: TYPE II-20

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RESOLUTION 2010-169: ESTABLISHING COUNTY EQUALIZATION RATES (DOC ID: 2251)

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

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 2010, and for the apportionment of County taxes levied in 2011, 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>	AGGREGATE ASSESSED VALUATION OF TAXABLE REAL PROPERTY FOR COUNTY PURPOSES	COUNTY EQUALIZATION RATE	AGGREGATE FULL VALUATION OF TAXABLE REAL PROPERTY FOR COUNTY PURPOSES
Town of Caroline	189,495,529	100	189,495,529
Town of Danby	243,943,745	100	243,943,745
Town of Dryden	857,119,011	100	857,119,011
Town of Enfield	163,979,258	100	163,979,258
Town of Groton	246,732,925	100	246,732,925
Town of Ithaca	1,269,026,063	100	1,269,026,063
Town of Lansing	1,135,274,642	100	1,135,274,642
Town of Newfield	243,837,184	100	243,837,184
Town of Ulysses	433,664,263	100	433,664,263
City of Ithaca	1,491,784,071	100	1,491,784,071
<u>TOTALS</u>	6,274,856,691		6,274,856,691

SEQR ACTION: TYPE II-20

**RESOLUTION 2010-170: APPOINTMENT OF ELECTION COMMISSIONER FOR 2011-2012
 (DOC ID: 2249)**

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

WHEREAS, Election Commissioner Stephen DeWitt's term is due to expire December 31, 2010, and

WHEREAS, the Tompkins County Democratic Committee, at its September 23, 2010, meeting recommended Stephen M. DeWitt for reappointment to a two-year term, now therefore be it

RESOLVED, on recommendation of the Tompkins County Democratic Committee and the Government Operations Committee, That Stephen M. DeWitt be and hereby is appointed Democratic Party Elections Commissioner for the two-year term commencing January 1, 2011, and ending December 31, 2012.

SEQR ACTION: TYPE II-20

Appointments Approved Under the Consent Agenda

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

Ethics Advisory Board

Christine Sanchirico – term expires December 31, 2011

Steven J. Getman – term expires December 31, 2013

Presentation of Resolution(s) by the Budget and Capital Committee

RESOLUTION 2010-171: ADOPTION OF AMENDMENTS TO THE 2011 TENTATIVE TOMPKINS COUNTY BUDGET AND 2011-2015 CAPITAL PROGRAM (DOC ID: 2264)

It as MOVED by Mr. Dennis, seconded by Mr. Proto.

It was MOVED by Mr. Dennis, seconded by Mr. Robison, to reduce \$43,335 (OTR No. 062 – Funding for the Supervising Psychologist - .5 FTE) as target funding. Mr. Dennis said there has been a vacant Deputy Commissioner position at an annualized cost of \$86,000 for several years.

In response to Mr. Proto's question, Mr. Mareane explained the process for filling the position if requested by the department.

Ms. Kiefer said she does not support the amendment. She noted the Commissioner of Mental Health had left the position of Deputy open to reduce expenses and to complete restructuring of the department before making a decision. She spoke of the need for a half-time Supervising Psychologist and commented that the Commissioner has been doing much of the work that would be done by a Deputy.

Ms. Chock said she agrees there are other ways to handle funding for the Supervising Psychologist position and will support the amendment.

Mr. Burbank said he appreciated Ms. Kiefer's comments; he will not support the amendment.

Mr. Stein said there are individuals who think the levy is too high, and he agrees. He believes the amendment is reasonable and will support it.

Ms. Pryor said leaving the position open for six years is not a prudent way to manage the budget and will support the amendment.

Mr. Robison said he supports the amendment and noted it maintains one-half the original amount for the position.

Ms. Doling clarified that funding for the vacant position is not guaranteed, it is dependent on service-based income. If the funds are not available the position could not be filled. She also noted the department completed the requested 6.9 percent reduction which cut 2.5 positions that were not requested as an over-target request.

Ms. Mackesey said she will support the amendment, but noted if it becomes necessary to fill the position of Deputy she will support a contingent fund request. Mr. Proto agreed with Ms. Mackesey's statement.

A voice vote on the amendment resulted as follows: Ayes – 13; Noes – 2 (Legislators Burbank and Kiefer). MOTION CARRIED.

It was MOVED by Mr. Dennis, seconded by Mr. Lane, to reduce the Department of Social Services Rollover funds by \$100,000. Mr. Dennis said the department has been fairly successful in recovering some of the over-target requests and he believes this reduction would not adversely affect the department.

Mrs. McBean-Clairborne asked how the funds would be used and was informed by Mr. Mareane the funds would be applied in the budget to provide property tax relief.

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Mr. Dennis said he had considered adding this amount to the projected sales tax revenue but that would have been too risky.

Ms. Robertson said this amendment is unusual compared to others. Mr. Mareane said the Department of Social Services rollover funds are used to cushion the ebb and flow of their finances and are replenished when aid exceeds the budget. At this time the department has \$248,000 and this is a modest share.

Mr. Lane noted the previous amendments have increased the budget by more than \$800,000. He would have supported more use of rollover than the proposed \$100,000 and would have spread it over departments, however, he will support the amendment.

Mrs. McBean-Clairborne asked Ms. Carey, Department of Social Services Commissioner, for clarification concerning these funds. Ms. Carey said she understands the need to take the funds and if her budget requires it she will come back to the Legislature for assistance.

Mr. Burbank believes the amendment to reduce rollover funds could result in budgetary problems mid-year and will not support the motion.

Ms. Chock said she would like to review the issue of sales tax and believes increasing the sales tax figure would accomplish the same goal. Mr. Squires said the sales tax in the budget is over \$30 million due to \$1.585 million that is part of the sales tax agreement and is guaranteed to other parties. To add \$100,000 to sales tax would be just over 2/10th of a percent. He cautioned that the agreement inflates based on the 2010 sales tax receipts within the City. The anticipated increase is not budgeted and would diminish the General Fund.

It was MOVED by Ms. Chock, seconded by Ms. Kiefer, to increase the projected sales tax by \$100,000 instead of using \$100,000 of Department of Social Services rollover.

Mr. Dennis and Mr. Stein stated they would not support the amendment based on the information provided by Mr. Squires.

A voice vote on the motion to amend the amendment resulted as follows: Ayes – 1 (Legislator Chock); Noes – 14. MOTION FAILED.

Mr. Proto asked Mr. Mareane if the Contingent Fund levels could support all the actions taken. Mr. Mareane said he has developed the fund to cover \$40,000 for Lean Training and \$10,000 for a highway study and the balance in the Contingent fund is unencumbered.

It was MOVED by Ms. Pryor, seconded by Mr. Lane, to call the question. A voice vote on the motion resulted as follows: Ayes – 13; Noes – 1 (Legislator Chock); Temporarily out of the room – 1 (Legislator Proto). THE QUESTION WAS CALLED.

A voice vote on the amendment resulted as follows: Ayes – 13; Noes – 1 (Legislator Burbank); Temporarily out of the room – 1 (Legislator Proto). MOTION CARRIED.

Ms. Herrera asked that there be a review of the Capital Program this evening.

It was MOVED by Mr. Proto, seconded by Mr. McKenna, to approve one-time funding in the amount of \$24,360 (OTR No. 044 .5 FTE – Administrative Assistant; total is \$31,761, use of \$24,360 from rollover, remainder from reimbursement. Net effect is \$0.00). Mr. Proto referenced Dr. Klepeck's letter provided to Legislators.

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Mr. Stein said he does not support the motion as he believes it to be a shuffling of money and use of rollover funds that may not be available to fund the position in subsequent years.

Mr. Robison said he will support the motion as it is clear this is a one-time funding request and that the position would be vacated and abolished providing for smooth transition. Mr. Burbank agreed with Mr. Robison's position.

A voice vote on the motion to approve one-time funding in the amount of \$24,360 resulted as follows: Ayes – 12; Noes – 3 (Legislators Herrera, Pryor, and Stein). MOTION CARRIED.

It was MOVED by Mr. Stein, seconded by Ms. Pryor, to amend the resolution as follows: Resolved, That in order to adopt a property tax levy increase closer to the 5% guideline established by the Legislature at its May 4 meeting and at the same time adopt a budget consistent with the recommendations passed by the Expanded Budget Committee at its November 1 meeting, the Legislature hereby directs the County Administrator to use his discretion in carrying out either one of the following two actions: (1) not allowing a non-essential salary line that becomes vacant in the first quarter of 2011 to be refilled; or (2) not allowing two non-essential salary lines that become vacant in the second, third, or fourth quarters of 2011 to be refilled. Mr. Stein said originally he was going to recommend not filling any positions that may become vacant, however, he was told that suggestion was not recommended. He explained the need to reduce staffing would reduce future budgets and this would start that process. If a reduction is not done in the first quarter there is a need to reduce further to be able to achieve the savings. By doing so this would reduce property tax by approximately 0.25%.

Ms. Kiefer asked what the dollar amount would be and how would "non-essential" be determined by the County Legislature. Mr. Sutherland said that 0.25% is equal to \$95,750. Ms. Kiefer said that amount would be a high-ranking official that may be considered essential by the Legislature. Mr. Squires said the only real savings would be FICA and would disregard any savings in the fringe amount.

Ms. Mackesey said without knowing the amount it is not possible to move forward. She noted a clerical worker salary may be very different from a computer programmer.

Mr. Dennis said he would like to see this motion referred to the Budget and Capital Committee to review positions over the past several years to determine the overall affect of the motion. He said it would be difficult to predict what would happen in 2011.

It was MOVED by Mr. Dennis, seconded by Mr. Stein, to refer the motion to the Budget and Capital Committee for further review.

Mr. Proto asked if this is referred to the Budget and Capital Committee, would it come back to the Legislature. He recalled a review committee being created in the past that the County Administrator was responsible for. He said when departments requested a position be filled each one was found to be essential. He does not believe leaving the decision of whether a position is essential up to one individual and will not support the motion.

In response to Mr. Robison's question, Mr. Mareane said current policy requires both the County Administrator and Personnel Commissioner to approve filling a vacant position. Mr. Robison agrees this suggestion should be reviewed at the Budget and Capital Committee to determine whether it would be effective.

Ms. Robertson said sending the item to Committee would not result in a change in the 2011 budget.

Ms. Chock said if no action is taken on Mr. Stein's original motion the recommendation could be taken up by the Committee to discuss how to accomplish the proposed staff reductions in a more sustained manner.

Mr. Dennis supports the motion to refer to Committee and said it should have a thorough discussion. It certainly won't be part of the 2011 budget.

Ms. Herrera said she does not support either proposal and said it represents adapting the policy and abdicating responsibilities.

It was MOVED by Mr. Lane, seconded by Ms. Pryor, to call the question. A voice vote resulted as follows: Ayes – 14; Noes – 1 (Legislator Chock). THE QUESTION WAS CALLED.

A voice vote on the motion to send the matter to the Budget and Capital Committee resulted as follows: Ayes – 9 (Legislators Dennis, Lane, Mackesey, McBean-Clairborne, Pryor, Robertson, Robison, Shinagawa, and Stein); Noes – 6 (Legislators Burbank, Chock, Herrera, Kiefer, McKenna, and Proto). MOTION CARRIED.

In response to Mr. Lane's question about the Solid Waste Fee, Ms. Robertson noted the fee will be set by a separate resolution.

Recess

Chair Robertson declared recess at 7:35 p.m. The meeting reconvened at to 7:45 p.m.

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

RESOLUTION 2010-171: ADOPTION OF AMENDMENTS TO THE 2011 TENTATIVE TOMPKINS COUNTY BUDGET AND 2011-2015 CAPITAL PROGRAM (DOC ID: 2264)

At this time Mr. Mareane reviewed the over-target requests for the Capital Program and noted the balance of the Capital Program is debt service.

Following the review, Ms. Herrera requested a preview of planned capital expenditures for upcoming years.

Mrs. McBean-Clairborne asked for more information on the fuel system upgrade listed in the Capital Program. Mr. Mareane said the current fuel system was original to the Highway building (twenty-years old). Ms. Robertson said this item had been discussed at the Capital Plan Review Committee and had asked if a Request for Proposals had been completed and whether the number was correct, however, she has not received that information. It was noted the fuel system is listed in the Capital Program due to the amount of money involved and to make Legislators aware of the project, which would be paid through the Highway Division's budget.

Ms. Herrera said there are many new regulations regarding fuel tanks and undertaking this project may be a result of the amended regulations.

Mr. Squires clarified for Mrs. McBean-Clairborne why the fuel system project, although funded through the Highway Division, was shown as an over-target request in the capital program. He said it is a fund balance appropriation that requires Legislature approval and that since it requires depletion of the fund balance it is listed as an over-target request.

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Mr. Lane requested information on the debt service. Ms. Robertson said no additional debt service was added this year. Mr. Mareane said he would provide the schedule to Legislators. In response to Ms. Mackesey's comment on when projects are paid off, Ms. Robertson said the Mental Health building was paid last year and there are no other projects ending in 2010.

Mr. Squires said he is preparing an official statement, which will include information on debt payments. He said they will remain level until 2015 when there will be a dramatic drop due to the end of paying for the Public Safety Communications System. The Health Department will begin in 2011 with the sale of bonds. Currently the County pays approximately \$4 million in principle and this will drop to \$2 million in 2015. In response to Mr. Proto's question, Mr. Squires said the Solid Waste bonds would be significantly reduced by 2013.

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Burbank, to approve one-time funding to The Learning Web in the amount of \$35,000 (OTR 120 – Restoration of Youth Services). Mrs. McBean-Clairborne said the funds would continue the work with at- and high-risk youth.

Ms. Pryor said she does not support the motion; she believes youth services are good and well run, but she questions whether the County should run the programs. She has also heard from many constituents that reductions in taxes are needed.

Ms. Robertson said the County has had an interest in youth development services such as this and these programs divert youth from more expensive justice services such as foster care.

Mr. Shinagawa said due to knowing the status of the budget at this time he will support the motion.

A voice vote on the motion to restore one-time \$35,000 funding to The Learning Web resulted as follows: Ayes – 10; Noes – 5 (Legislators Lane, Proto, Pryor, Robison, and Stein). MOTION CARRIED.

With regard to the main motion, Mr. Lane said he will support the tentative budget to move it forward. Mrs. McBean-Clairborne and Ms. Pryor were in agreement.

Ms. Herrera noted support for this resolution should not be construed as support for the final budget.

A roll call vote on the resolution resulted as follows: Ayes – 14; Noes – 1 (Legislator McKenna). RESOLUTION ADOPTED.

WHEREAS, amendments to the 2011 tentative budget and 2011-2015 capital program were recommended and filed by the Expanded Budget and Capital Committee on November 1, 2010, and

WHEREAS, a public hearing is scheduled for November 8, 2010, 7:00 p.m., at the Legislative Chambers, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the 2011 Tentative Budget and 2011-2015 Capital Program submitted by the County Administrator is hereby amended in accordance with the recommendations of the Expanded Budget and Capital Committee, the action taken by this Legislature on this date, and the Rules of the County Legislature and Article 7 of County Law, for a total tax levy amount of \$40,600,519, resulting in an approximate tax-levy increase of 5.98 percent and a county-wide average tax-rate increase of 7.90 percent,

RESOLVED, further, That this amended tentative budget will be presented at the November 8, 2010, Public Hearing on budget.

SEQR ACTION: TYPE II-21

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NOTE: The cost for a \$100,000 home will be \$647.06 (an increase of \$47.06).

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

Mr. Lane, Chair, reported the Committee met on October 21st in addition to having two special meetings. The Committee received information from the County Administrator on the Lean Office/Smart Work Initiatives.

Ms. Kiefer was excused at this time (8:22 p.m.).

Mr. Lane said there will be a full presentation in November on the Smart Work training and it is being suggested to expand it into other areas. At the meeting Henrik Dullea spoke about the New York State Constitutional process regarding redistricting and an early vote for a Constitutional Convention. The information referenced proposed State legislation for redistricting, which was suggested as a model. The Committee also discussed the ability to provide broadcasts from different County building locations.

RESOLUTION 2010-172: CREATION OF BROADBAND COMMITTEE (DOC ID: 2261)

It was MOVED by Mr. Lane, seconded by Ms. Pryor. Mr. Lane said the Broadband Committee would be Chaired by Ms. Pryor and also have Mr. McKenna as a member. He said Ms. Robertson and others reviewed the applications received to assure a broad representation on this technically-oriented committee.

Mr. Proto asked if the Committee report referenced in the resolution would suggest a course of action. Ms. Pryor said the goal is to be able to make a recommendation. Mr. Proto then asked about criteria to avoid having a conflict of interest in deciding the outcome. Mr. Lane said although many have technical expertise he would anticipate individuals would recuse themselves if needed. Ms. Robertson said the purpose is to look for opportunities, partnerships, grants, etc. for broadband. Mr. Proto believes there should be an agreement developed for those serving on the Committee.

Ms. Pryor said the discussion raises a good point and that some individuals may have financial interests and some information reviewed may be proprietary. She believes individuals would recuse themselves and noted they will be required to sign an Oath of Office card and be bound by the Code of Ethics.

Mr. Lane noted the Broadband Committee is an advisory board that will report to Government Operations who reports to the Legislature and that no actions would be taken without Legislature approval.

Ms. Herrera said the lack of broadband affects residents in rural communities as well as low-income families. She noted many persons of color are low-income and asked how the committee was chosen to ensure diversity. Ms. Pryor said there were many applications that were reviewed with regard to racial, ethnic, social, and economic status as well as to provide geographic representation of the County. With the possible exception of one applicant, there was only one person of color and that person was chosen to be on the Committee. Ms. Herrera is concerned there may not be the right proportion to provide diversity and that canvassing the diverse community could help. Ms. Pryor said there are some applicants that were not chosen at this time and expressed concern that no more than twenty individuals be on the Committee. She asked that any interested candidates provide an application for consideration in the event a vacancy occurs.

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

WHEREAS, the Tompkins County Legislature recognizes that broadband service has become an essential tool used in almost every aspect of education, business, and communication in today's society, and

WHEREAS, access and use of broadband services throughout the county are unavailable, slow for, and/or unaffordable to many residents, and

WHEREAS, the Tompkins County Legislature, in an effort to determine how to facilitate improved broadband service to County residents, recognizes the need to develop a special committee on broadband to explore issues and advise the Tompkins County Legislature on how to best promote broadband technology countywide, to address the needs of unserved and underserved residents, foster public-private innovation, enhance existing capabilities, and support good governance, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature hereby creates a Broadband Committee to investigate the unmet needs in the county for high speed internet access: where there is no coverage, where it is unreliable, slow, and/or unaffordable, where access is available, and what other needs exist (e.g., greater bandwidth or speed),

RESOLVED, further, That the Committee will assess broadband infrastructure investment, deployment, and adoption opportunities countywide and make recommendations for improved broadband access and affordability in the following focus areas:

- Economic Development
- Government Performance
- Public Safety/Emergency Medical Services
- Telehealth
- Equity in Education
- Energy & Environment
- Rural Broadband Access
- Civic Engagement

RESOLVED, further, That the Committee will consist of 15-20 members to be appointed by the Tompkins County Legislature,

RESOLVED, further, That at the end of six months, the Committee will deliver an interim report to the Government Operations Committee that will include a summary of the Committee's activities, and key issues impacting broadband accessibility and affordability,

RESOLVED, further, That the Committee will also make specific findings and recommendations for the County Legislature to consider.

SEQR ACTION: TYPE II-20

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Appointment to the Broadband Committee

It was MOVED by Mr. Lane, seconded by Ms. Chock, to approve the following appointments to the Broadband Committee. Ms. Herrera said she would like to have more diversity added to the Committee. Ms. Pryor said when looking for the type of expertise applicants offered they were chosen to round out the picture of diversity for unserved and underserved.

Mr. Lane noted Ms. Younger would be staff assigned to the Committee. Ms. Younger said she reached out to diverse groups to seek applicants and noted there was direct effort to assure diversity on the Committee. Ms. Herrera expressed appreciation to Ms. Younger for her effort.

A voice vote on the appointments resulted as follows: Ayes – 11; Noes – 2 (Legislators Herrera and Proto); Excused – 1 (Legislator Kiefer); Temporarily Out of Room – 1 (Legislator Dennis). APPOINTMENTS APPROVED.

Minutes
Tompkins County Legislature
Wednesday, November 3, 2010

Broadband Committee

Pat Pryor, Chair
David McKenna
Chuck Bartosch
Lawrence Berger
Richard "Sid" Boswell
Jon Bosak
Nicolle Brazil
Scott Brim
Susan Currie
Frederic Dietrich
John Levine
Tracy Mitrano
William Phipps
Mike Pliss
Gary Reinbolt
Victor Thomas Rendano
Margaret Snow
Hurf Sheldon
Ed Swayze
David Vernon

RESOLUTION 2010-173: APPROPRIATION FROM CONTINGENT FUND - TERMINAL PAY - ASSESSMENT DEPARTMENT (DOC ID: 2248)

It was MOVED by Mr. Lane, seconded by Mr. McKenna. A short roll call vote resulted as follows: Ayes – 13; Noes – 0; Excused – 1 (Legislator Kiefer); Temporarily Out of Room – 1 (Legislator Dennis). RESOLUTION ADOPTED.

WHEREAS, the Department of Assessment has one termination of the position of Real Property Systems Specialist, effective October 8, 2010, 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 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	\$3,526.35
TO:	A1355.51000730	Real Prop Sys Spec	\$2,509.86
	A1355.58800	Fringes	\$1,016.49

SEQR ACTION: TYPE II-20

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Report from the Public Safety Committee

Mr. Shinagawa, Chair, reported the Committee met on November 1st. The Committee was informed the implementation on the CAD system is going well and some installation is now being done in public safety vehicles. In addition, Assigned Counsel provided an update and provided information that Maintenance of Effort does exist within the law. Mr. Mareane said unlike before, if it can be demonstrated that less funds are spent but the quality of service is maintained you do not lose funding. Mr. Shinagawa said the Committee reviewed proposed changes to the Criminal Justice Advisory/Alternatives to Incarceration Board bylaws.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee met on October 27th. The Committee is looking at County policies and local laws to determine if amendments are needed. A resolution regarding people-first language is coming forward and will be placed on the Budget and Capital Committee's agenda in the near future. Mr. Dennis asked that the Committee provide a presentation to the Budget and Capital Committee prior to coming to the full Legislature. Ms. Herrera asked about the upcoming event for the Martin Luther King, Jr., Walkway. Mrs. McBean-Clairborne said there will be a City of Ithaca meeting to highlight items to be included on the Walkway on November 9th from 11:00 a.m. to 1:00 p.m. at the Community School of Music and Arts. She also reported a resolution will be moving forward to recommend use of Martin Luther King, Jr., Street by the appropriate County offices.

Report from the Health and Human Services Committee

Mr. Proto, Chair, said the Committee would meet on November 10th. He said there was good participation at the October 23rd Cancer Walk. He expressed appreciation for the Proclamation presented to Ms. Zahler. He announced there would be a meeting in the near future to review the process of the Public Health Director search.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Vice Chair, reported the Committee will meet on November 5th at 9:30 a.m. Mr. Mareane said at that time there will be information on possible ways to regulate commercial activities including traffic.

Report from the Capital Plan Review Committee

Ms. Robertson, Chair, said the Committee has not met. The next meeting will be on November 17th at 3:30 p.m.

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

Ms. Mackesey, Chair, said the Committee met earlier in the day and that she would provide a report at the next Legislature meeting. She then reported the Committee had passed Ms. Kiefer's amended resolution regarding the Chesapeake Bay, however, after the meeting Ms. Kiefer indicated the resolution was not complete enough to move forward and has since been excused and unable to speak to the matter. Mr. Proto explained the matter is time-sensitive due to the November 8th deadline set by the Environmental Protection Agency for public comments. Ms. Mackesey said the Committee had a discussion and members expressed concern that there was not enough information from all parties and that the original resolution was too one-sided. Because of these concerns, the Committee offered Ms. Kiefer's amended resolution as a compromise, however, Ms. Kiefer had indicated to her that she would not support the resolution due to it being incomplete.

Mr. Proto said the original resolution was provided from the Farm Bureau, however, some Legislators felt it was too agriculturally centered and Ms. Kiefer offered a revised resolution. At the last Legislature meeting it was asked to take it to the Water Resources Council to obtain additional information. There were many comments and supporting documentation offered. Following the review it was recommended to support the resolution offered by Ms. Kiefer. At the Planning, Development, and Environmental Quality Committee the Soil and Water Conservation staff working with the New York State Department of Environmental Conservation and Environmental Protection Agency provided a presentation on the impacts of the regulatory proposal. Mr. Proto said there was some confusion about

the timeline for response, however, the actual comment period deadline is November 8th. He asked for support of Ms. Kiefer's resolution since it indicates there is a dispute regarding information and that the Water Resources Council also supported this version.

Ms. Pryor said there is also a resolution from the Town of Danby expressing concern on the regulatory proposal.

RESOLUTION 2010-174: A RESOLUTION RAISING SERIOUS CONCERNS REGARDING THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) REGULATORY PROPOSAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND ABOUT THE ASSUMPTION OF PARITY REPRESENTED IN LOAD ALLOCATIONS FOR THE STATE OF NEW YORK COMPARED TO OTHER BAY STATES AND WATERSHED JURISDICTION PARTNERS; AND REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE UNITED STATES CONGRESS, NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY IN SECURING A MORATORIUM ON REGULATORY IMPLEMENTATION OF THE CHESAPEAKE BAY TMDL IN NEW YORK UNTIL ALL MAJOR OBJECTIONS AND CONCERNS ARE FULLY ADDRESSED (DOC ID: 2247)

It was MOVED by Mr. Proto, seconded by Ms. Pryor.

It was MOVED by Mr. Stein to substitute the original resolution. FAILED FOR LACK OF A SECOND.

Ms. Chock expressed concern that there has not been an opportunity to hear about the issue other than from an agricultural perspective. She recognizes the concern that the New York State plan could cause a burden on agriculture. She has read through some of the Environmental Protection Agency documents regarding the proposal but does not know what it would mean for the community and the urban versus rural aspects of runoff from streams.

Mr. Dennis was excused at this time (9:12 p.m.).

Ms. Robertson said she does not support either of the resolutions.

Ms. Pryor said the proposal is an important issue to discuss and that two staff members spoke with a fair degree of authority and expressed concern. She does not want to have action taken without considering the matter fully.

Mr. Lane said he supports the resolution, however, he also recognizes that the County does not have to weigh in on all actions.

Mr. Proto spoke of the Towns of Danby, Dryden, Caroline, and Newfield being affected by the proposal. The Environmental Protection Agency is asking the New York State Department of Environmental Conservation to oversee items that are impossible for the State to meet. While there may be a value to obtaining additional information the deadline does not allow it.

Ms. Chock said the presentation was prefaced as being the agricultural perspective. She is concerned that the resolution does not ask for only a delay but urges the State to intercede with the Environmental Protection Agency and said she will not support the resolution.

Ms. Pryor said there are many States that will be affected by the proposal. The reason New York State is having difficulty is due to the voluntary reductions of loading of streams that it has undertaken, which is beyond the measures taken by other States. She noted New York State is the only one who has responded to the Environmental Protection Agency's original request.

A voice vote on the resolution resulted as follows: Ayes – 5 (Legislators Lane, McKenna, Proto, Pryor and Robison); Noes – 8 (Legislators Burbank, Chock, Herrera, Mackesey, McBean-Clairborne, Robertson, Shinagawa, and Stein); Excused – 2 (Legislators Dennis and Kiefer). RESOLUTION FAILED.

Mr. Proto said he will be sending the resolution as Chair of the Water Resources Council.

WHEREAS, clean water and healthy watersheds are a priority for the Tompkins County Legislature, and

WHEREAS, the U.S. Environmental Protection Agency Region 3 has recently released draft TMDLs (a total maximum daily load sets forth the maximum amount of a "water pollutant" that can legally enter a water body) for the Chesapeake Bay watershed, and

WHEREAS, New York State's part of the Chesapeake Bay watershed includes all or portions of approximately 19 counties, and includes 650,000 residents and 2,000 New York family farms, and

WHEREAS, New York accounts for 10% of the total watershed area which is mostly forested (76%), is home to 4% of the total population in the watershed, and has agriculture (21%) as the dominant business sector, and

WHEREAS, the Federally-designed TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay watershed, is now projected by the New York Farm Bureau to cost New York State as much as \$250 million by 2015, without being able to satisfy EPA's regulatory goal, and

WHEREAS, according to the New York Farm Bureau, even if the other {number of states?} States (Delaware, Maryland, Pennsylvania, New Jersey,? etc.) achieve their EPA- mandated allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre because of progressive natural resource management programs like New York State's Agricultural Environmental Management Program, and

WHEREAS, according to our local Soil and Water Conservation District (SWCD), the proposal also includes requiring the important (CAFO) regulations, designed for very large-scale animal operations, to be extended to every animal operation in the basin, which, without significant financial help, might put the smaller operations out of business, and

WHEREAS, according to our local SWCD, if the TMDL allocations are done by county, each county will have to figure out how to comply and pay for compliance, and

WHEREAS, it is crucial that EPA work collaboratively with State agriculture and environmental protection agencies, Soil and Water Conservation Districts and local communities to address Bay watershed water quality concerns, and

WHEREAS, the Federal Government should ensure realistic delivery of needed funding and technical assistance and provide regulatory flexibility to allow for implementation of continually improving on-farm practices in response to site-specific environmental variables, and

WHEREAS, we support NYS Department of Environmental Conservation's recommendations {check first - Is a copy available?!} in their draft Phase I Watershed Implementation Plan which recognizes the environmental stewardship of New York farmers and inherent inequality of the current EPA proposal, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That while the Tompkins County Legislature fully supports responsible science-based efforts to improve water quality in the Chesapeake Bay watershed and protect our State's environment and natural resources, we object to the adoption and implementation of the proposed regulations without further consultation with the affected states,

RESOLVED, further, That the Tompkins County Legislature urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns, now therefore be it

RESOLVED, further, That a copy of this resolution be transmitted to our two United States Senators, the Honorable Charles Schumer and the Honorable Kirsten Gillibrand; to our United States Representatives, the Honorable Maurice Hinchey and Michael Arcuri; to the Honorable Governor David Paterson; to our New York State Senators, the Honorable James Seward, George Winner, Jr., and Michael Nozzolio; to our New York State Assembly Representative, the Honorable Barbara Lifton; to the Commissioner of the NYS Department of Agriculture and Markets; to the Commissioner of the NYS Department of Environmental Conservation and to EPA Region 2 Administrator Judith Enck.

SEQR ACTION: TYPE II-20

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Report from the 2010 Complete County Census Committee

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

Approval of Minutes of September 7, 21, and October 5, 2010

It was MOVED by Mr. Burbank, seconded by Mr. Robison, and unanimously adopted by voice vote by members present, to approve the minutes of September 7, 21, and October 5, 2010, meetings as amended. MINUTES APPROVED.

Recess

Ms. Robertson declared recess at 9:26 p.m. The meeting reconvened at 9:30 p.m.

Executive Session

It was MOVED by Mr. Lane, seconded by Ms. Herrera, and unanimously adopted by voice vote by members present, to enter into an executive session to discuss negotiations and litigation. An executive session was held at 9:30 p.m. and returned to open session at 9:45 p.m.

Adjournment

On motion, the meeting adjourned at 9:45 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk.