

December 4, 2007

**Tompkins County Legislature
December 4, 2007**

APPROVED

Public Hearing – Local Law No. a of 2007 – A Local Law Amending Chapter 32 of the Tompkins County Code – Code of Ethics

Chair Joseph called the public hearing to order at 5:30 p.m. concerning Local Law No. a of 2007 – A Local Law Amending Chapter 32 of the Tompkins County Code – Code of Ethics, and asked if anyone wished to speak. No one wished to speak and the public hearing was closed at 5:31 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: 12; Excused - 2 (Legislators Herrera and Stevenson); Vacancy – 1 (District No. 3).

Privilege of the Floor by the Public

No member of the public wished to speak.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, expressed sympathy to the family of Christine Springer, Town of Ulysses Justice, who recently passed away.

Mr. Proto, District No. 7 Legislator, spoke of John Ashcroft's speech at Cornell University last week. In contrast to the article that appeared in the Ithaca Journal, he said there were fewer than 100 people who walked out of the event and Mr. Ashcroft handled himself very well.

Mrs. McBean-Clairborne, District No. 2 Legislator, invited Legislators to hear her read "Guantanamo", a dramatic reading at Ithaca College tomorrow at 7 p.m.

Chair's Report

Mr. Joseph circulated a thank-you card from former Legislator Richard Booth. He also said he received information on energy conservation from the State; this will be placed in the Legislature Office for Legislators to review. Mr. Joseph also reported he attended a press conference this afternoon with Senator Seward where he was presented with a check for \$80,000, a member-item for the County's emergency communications system.

Report from the Deputy County Administrator

Ms. Younger, Deputy County Administrator, reported the Office is busy as usual; Mr. Whicher is expected to return from vacation next week.

Report from the County Attorney

Mr. Wood reported he received a decision on the case challenging the water-district fees in which the Southern Cayuga Lake Intermunicipal Water Commission was the plaintiff. Mr. Wood said the decision states the County is not required to pay for the years 2004 and 2005 because the challenge for those years was not timely. He said the court did, however, hold that the fee system wasn't valid because it believes the County should have to show a direct relationship between the users and the fees. Mr.

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Wood said most of the money was returned and a meeting will be held with the Board of Health to discuss this further. It was stated that while it is a small amount of money, placing it on the property tax would result in taxpayers who do not receive any benefit paying for the system.

Report from the Finance Director

Mr. Squires reported on a news article concerning sales tax being flat or down in several counties. He said while Tompkins County's October sales tax was down by three percent, the County is on track to make its budgeted estimate. Mr. Squires also reported the County is in transition for the Deferred Compensation program; the transition date from Nationwide Retirement Systems to ICMA Retirement Systems will be December 20th. He reported in January there will be a bond sale in order to accelerate and close on the transaction for the Health Department Building project.

Addition of Resolution(s) to the Agenda

On motion and duly seconded the following resolution was added to the agenda:

Amendment to Resolution No. 218 of 2007 – Recommendation for Temporary Appointment to Tompkins Consolidated Area Transit

Withdrawal of Resolution(s) from the Agenda

Chair Joseph granted permission to the appropriate committee chair to withdraw the following resolutions from the agenda:

- Authorizing County Bus Lease with First Transit, inc. for Tompkins Consolidated Area Transit
- Sponsoring First Transit, Inc. for New York State Operating Assistance Program

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Mr. Koplinka-Loehr, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, the following resolution(s) were approved under the Consent Agenda:

RESOLUTION NO. 231 - AUTHORIZING A REIMBURSABLE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) TO ALLOW FOR THE INSTALLATION OF PRECISION APPROACH PATH INDICATORS (PAPIS) – ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, through Resolution No. 90 dated June 5, 2007, the Legislature approved the award of a contract to C&S Engineers, Inc., to design runway safety area improvements, and

WHEREAS, the runway safety area improvements project will require the replacement of the existing Visual Approach Slope Indicators (VASIs) on Runway 14 with more modern Precision Approach Path Indicators (PAPIS), and

WHEREAS, the Federal Aviation Administration (FAA) requires that their facilities division become involved in the design project because they own the existing VASIs and will own the new PAPIS, and

WHEREAS, the FAA requires payment of \$10,000 in advance to cover any costs associated with their design efforts for said project, and

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WHEREAS, the \$10,000 will form part of the grant for construction of the runway safety area improvements and will be reimbursed as follows:

Federal Aviation Administration	(95.0%)	\$ 9,500
New York State Department of Transportation	(2.5%)	\$ 250
Local (Airline Rates & Charges)	(2.5%)	<u>\$ 250</u>
Total		\$ 10,000

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Reimbursable Agreement with the FAA be approved and the Finance Director be authorized to advance the monies to the FAA until it is reimbursed under the runway safety area improvements construction project in 2008.

SEQR ACTION: TYPE II-2

RESOLUTION NO. 232 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT NO. 2 WITH C&S ENGINEERS, INC., FOR ADDITIONAL CONSTRUCTION INSPECTION SERVICES IN CONNECTION WITH THE TRANSIENT RAMP REHABILITATION PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, through Resolution No. 75 dated May 4, 2005, the Legislature approved a supplemental consultant agreement with C&S Engineers, Inc., for construction observation and administrative services in connection with the Transient Ramp Rehabilitation project, and

WHEREAS, the Airport Manager requested an additional twenty-four (24) days of inspection and material testing time to oversee the paving between the County T-hangars and other work that was work not originally part of the scope of services, and

WHEREAS, the Airport Manager further requested an additional six (6) days to oversee the removal and replacement of sub-standard paving, and

WHEREAS, the costs (Schedule B) associated with this supplemental agreement scope (Schedule A) are:

Schedule B-2	
Federal Aviation Administration	\$26,196.00
New York State DOT	689.50
Local (Airline Rates & Charges)	<u>689.50</u>
Total	\$27,575.00

Schedule B-3

Boland's Excavating & Topsoil Inc. (Liquidated Damages)	\$ 9,000.00
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, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 2 with C&S Engineers, Inc., in the amount of \$36,575.00, for additional construction observation and contract administration services in connection with the Transient Ramp Rehabilitation project be approved,

RESOLVED, further, That the County Administrator be authorized to execute the required documents and the Finance Director be authorized to make payments for this project until reimbursement is received from the Federal Aviation Administration and New York State Department of Transportation.

SEQR ACTION: TYPE II-1

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RESOLUTION NO. 233 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT NO. 3 WITH C&S ENGINEERS, INC., FOR ADDITIONAL CONSTRUCTION INSPECTION SERVICES IN CONNECTION WITH THE PARALLEL TAXIWAY RELOCATION (PHASE II) – ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, through Resolution No. 202 dated October 18, 2005, the Legislature approved a supplemental consultant agreement with C&S Engineers, Inc., for construction observation and administrative services in connection with the Parallel Taxiway Relocation (Phase II) project, and

WHEREAS, the Airport Manager requested an additional nineteen (19) days of inspection and material testing time to oversee additional work in connection with said Parallel Taxiway Relocation (Phase II) project, being work that was not originally part of the scope of services, and

WHEREAS, the costs (Schedule B) associated with this supplemental agreement scope (Schedule A) are:

Schedule B-4	
Federal Aviation Administration	\$30,475.00
New York State Department of Transportation	802.00
Local (Airline Rates & Charges)	<u>802.00</u>
Total	\$32,079.00

,now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 3 with C&S Engineers, Inc., in the amount of \$32,079.00, for additional construction observation and contract administration services in connection with the Parallel Taxiway Relocation (Phase II) project be approved,

RESOLVED, further, That the County Administrator be authorized to execute the required documents and the Finance Director be authorized to make payments for this project until reimbursement is received from the Federal Aviation Administration and New York State Department of Transportation.

SEQR ACTION: TYPE II-1

RESOLUTION NO. 234 - AWARD OF BID – TERMINAL FIRE ALARM SYSTEM REPLACEMENT - ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Proto, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Finance Department advertised and received four bids to replace the terminal fire alarm system at the Ithaca Tompkins Regional Airport, and

WHEREAS, the bids were opened on September 18, 2007, and a base bid of \$93,700 plus a \$10,000 construction contingency from Life Safety Engineering Systems of Buffalo, New York, was the lowest responsible bid, and

WHEREAS, a grant for this project has been received from the New York State Department of Transportation (NYSDOT), and

WHEREAS, the budget for this project, including design, inspection, and contract administration is as follows:

NYSDOT Share	(80.0%)	\$ 90,947.20
Local Share (Airline Rates & Charges)	(20.0%)	<u>\$ 22,736.80</u>
TOTAL		\$ 113,684.00

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, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid be awarded to Life Safety Engineering Systems of Buffalo, New York, as the lowest responsible bidder with a base bid of \$93,700.00 plus a construction contingency of \$10,000.00,

RESOLVED, further, That the County Administrator be and hereby is authorized to execute a contract with Life Safety Engineering Systems,

ESOLVED, further, That the Finance Director be authorized to borrow monies if necessary, until reimbursement is received from the NYSDOT.

SEQR ACTION: TYPE II-2

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

Ms. Robertson, Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be December 10 at 3 p.m.

RESOLUTION NO. 235 - ACCEPTANCE OF GRANT FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION – WATER QUALITY IMPROVEMENT PROJECT PROGRAM FOR THE TOMPKINS COUNTY STREAM CORRIDOR PROTECTION AND MANAGEMENT PROGRAM

MOVED by Ms. Robertson, seconded by Mr. Dennis. Mr. Proto asked Mr. Marx to provide a description of the “project” to be reviewed, a description of the process, and explain what involvement municipalities will have at the town and village levels.

In response, Mr. Marx, Commissioner of the Planning and Public Works, said the project is what the grant supports; there is a description and he will provide a copy to Mr. Proto. He said this grant is to assist the County in looking at the issue of stream corridor protection and management in a comprehensive way, and to evaluate what tools exist and which would be most appropriate. This will also identify what would be needed to implement those tools. Mr. Marx said depending on tools identified, he will be talking with municipalities and closely coordinating any projects that come out of this program.

A voice vote resulted as follows: Ayes – 12, Noes – 0, Excused – 2 (Legislators Herrera and Stevenson), Vacancy – 1 (District No. 3). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Planning Department submitted an application for a Water Quality Improvement Project in 2006, and

WHEREAS, the application requested funding for a project to develop a Comprehensive Stream Buffer Program for Tompkins County, and

WHEREAS, the County, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the project, and

WHEREAS, the County has been awarded grant funds from the New York State Department of Environmental Conservation for this program in the amount of \$70,000, and

WHEREAS, the Water Quality Improvement Project funding requires a 50:50 match, and

WHEREAS, funds from the County’s Flood Hazard Mitigation Program can be used to provide the majority of the match, and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Tompkins County

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Legislature deems it to be in the public interest and benefit under this law to enter into a contract thereunder, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee, is the representative authorized to act in behalf of the County in all matters related to State assistance under ECL Articles 17, 51, and 56 and/or any applicable Federal grant provisions,

RESOLVED, further, That the representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the County in all matters related to the Project and to State assistance,

RESOLVED, further, That the County agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation,

RESOLVED, further, That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation,

RESOLVED, further, That this Resolution take effect immediately.

SEQR ACTION: TYPE II - 21

Report from the Budget and Capital Committee

Mr. Koplinka-Loehr, Chair, reported the Committee has not met since the last Legislature meeting; the next meeting will be December 10, 2007.

Report from the Public Safety Committee

Mrs. McBean-Clairborne, Chair, reported the committee will meet December 21 at 3 p.m.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on November 28th. She said she hopes to bring before the Personnel Committee and the full Legislature a resolution to include on County correspondence letterhead a tagline that speaks to the County's diversity outlook and logo. The Committee is also asking that discussion continue at the departmental level of the diversity logo and its use. Mrs. McBean-Clairborne said the efforts continue with the communications diversity and inclusion work and they are working on putting together a video on the County's diversity initiative.

RESOLUTION NO. 236 – AMENDMENT TO RESOLUTION NO. 218 OF 2007 – RECOMMENDATION FOR TEMPORARY APPOINTMENT TO TOMPKINS CONSOLIDATED AREA TRANSIT BOARD

MOVED by Ms. Robertson, seconded by Mr. Proto, and unanimously adopted by voice vote by members present.

WHEREAS, Resolution No. 218 of 2007 recommended the appointment of Pamela Mackesey to the Tompkins Consolidated Area Transit Board as a County Representative to fill the seat of Richard Booth until a permanent representative is appointed through the normal committee process, and

WHEREAS, the recommendation for appointment did not specify the expiration of the term, now therefore be it

RESOLVED, That Resolution No. 218 of 2007 be amended to read that it is the recommendation of the Tompkins County Legislature to appoint Pamela Mackesey as a director of the Tompkins Consolidated Area Transit Board for a term to expire December 31, 2007, replacing Richard Booth,

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RESOLVED, further, That the Clerk of the Legislature forward a certified copy of said resolution to the Tompkins Consolidated Area Transit Board for their consideration.

SEQR ACTION: TYPE II-20

Report from the Health and Human Services Committee

Mr. Shinagawa, Chair, reported the Committee will meet tomorrow at 3 p.m.

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Vice Chair, reported the Committee met on November 27. She said most of the business was routine in nature and is reflected in the resolutions on this evening's agenda. The Committee received a regular Highway Capital Project status report with attention being called to two items. She said the Ellis Hollow Road reconstruction design decision has still not been made. There was also a discussion on the Hanshaw Road/Pleasant Grove intersection. She reported a capacity and signal warrant analyses were recently performed at that intersection and concluded that a signal is not warranted at the location. The Committee also audited the final payment of the McLean/Cortland Road Phase II construction.

Ms. Kiefer said Mr. Marx reported meetings have taken place with Cornell University representatives concerning possible funding of the County's infrastructure. He also reported on the Health Department Building Construction Committee that was held November 26th. That Committee has determined it is not ready to take action on the Resolution for 55 Brown Road because the square footage needs were developed at a time when the Department was at its smallest size, and since that time the Department has grown with programs and responsibilities. She said although the location would meet the department's present needs, it is unlikely that it would meet future needs and there are different solutions that might resolve this and gave examples of possible exploration of satellite offices or expansion of the Brown Road site either at the time of remodeling or at some point in the future. Ms. Kiefer said it is important to realize that square footage needs would need to also be larger for a new building, also resulting in higher costs; therefore, this new information does not mean this site should be abandoned or re-looked at. Labella Associates have been asked to prepare information for the next meeting; that meeting has not been scheduled at this time.

Ms. Robertson asked how many staff have been added since the 2005 report that defined the program needs. Mr. Dennis said two positions have been added since that time; he also noted that because of the nature of the work, only half of the staff occupies the building during the workday.

Mr. Proto said it is important to recognize that one of the concerns that has been apparent is the shape of that building and this was made clear at both the subcommittee and Facilities and Infrastructure Committee meetings. He said the loss of usable space can be somewhat attributable to the shape of the building.

Mr. Joseph said he finds it disturbing to be hearing that this Legislature spent most of this year looking at options for 33,000 sq. ft. of space and now is being told we should be looking at something different.

Mr. Proto said it is important to realize that the Health Department had to assume additional responsibilities because the Visiting Nursing Service was unable to take on patients. He said it is too soon to say the County spent all year working an inaccurate number and would like to wait to hear what the Consultant's opinion is before concluding the work that has been done was based on a wrong square footage amount.

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Report from the Personnel Committee

Mr. Dennis, Chair, reported the Committee will meet on December 12th. He said labor negotiations are ongoing. The County Administrator Search Committee met last week and is still allowing for a review of applications and continues to seek input from Legislators. In reply to a question from Mr. Proto, Mr. Dennis spoke of the retirees Health insurance and said because the County is still in the process of negotiations with labor unions, anything being done with retiree health insurance has been placed on hold until negotiations proceed further.

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

Mr. Hattery, Vice Chair, reported the Committee has not met since the last Legislature meeting. The next meeting will be December 14th.

RESOLUTION NO. 237 - ADOPTION OF LOCAL LAW NO. a OF 2007 - A LOCAL LAW AMENDING CHAPTER 32 OF THE TOMPKINS COUNTY CODE – CODE OF ETHICS

MOVED by Mr. Hattery, seconded by Ms. Robertson. Mr. Proto asked if the date for submission contained in the Local Law is still January 15 and was told yes. He voiced concern as he did at the last meeting and said that while he understands the Ethics Committees’ goal, it makes it difficult to provide paperwork at that time of the year.

A voice vote resulted as follows: Ayes – 7 (Legislators Herrera, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Robertson, Shinagawa), Noes – 5 (Legislators Dennis, Joseph, Proto, Randall, and Sigler,); Excused – 2 (Legislators Herrera and Stevenson); Vacancy – 1 (District No. 3). RESOLUTION FAILED.

WHEREAS, certain procedural changes are advisable in order to enhance the utility of financial disclosure forms, and

WHEREAS, a public hearing was held before the Tompkins County Legislature on December 4, 2007, to hear all persons interested in proposed Local Law No. a of 2007 - A Local Law Amending Chapter 32 of the Tompkins County Code – Code of Ethics, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That proposed Local Law No. a of 2007 - A Local Law Amending Chapter 32 of the Tompkins County Code – Code of Ethics, is hereby adopted,

RESOLVED, further, That the Clerk of the Legislature shall publish in the official newspaper of the County a notice of adoption containing a synopsis of said local law and shall within twenty days file one certified copy in the Office of the County Clerk, and one copy with the Secretary of State.

SEQR ACTION: TYPE II-20

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Approval of Minutes of November 4 and 20, 2007

It was MOVED by Mr. Koplinka-Loehr, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of November 4 and 20, 2007 as corrected. MINUTES APPROVED.

Adjournment

On motion, the meeting adjourned at 6:25 p.m.