

**Special Meeting
Tompkins County Legislature
June 22, 2009**

Approved 7/21/09

Call to Order

Mr. Koplinka-Loehr called the meeting to order at 9:15 a.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: 9 Legislators (Legislator McBean-Clairborne arrived at 9:31 a.m.). Excused: 6 (Legislators Hattery, Herrera, Randall, Shinagawa, Sigler, and Stevenson).

Presentation of Resolution

**RESOLUTION NO. 109 - ENDORSEMENT OF LEGISLATIVE BILLS S05882B AND A08923B
AUTHORIZING AN ADDITIONAL SURCHARGE ON
TELEPHONE ACCESS LINES**

MOVED by Ms. Robertson, seconded by Mr. Dennis. Mr. Mareane explained the circumstances for this resolution being brought forward at the last minute. A memorializing resolution was passed back in March asking the State to give this County the authority to consider an increase in the landline surcharge from \$.35 to \$1.00. The State Legislature very recently responded to that request and proposed legislation that would grant the County that authority. The County Legislature is now being asked to review the proposed bills and, if in agreement, to approve a resolution endorsing them. This legislation also requires home rule request forms to be completed and filed with both the Assembly and Senate prior to their action. The State Legislature is scheduled to adjourn tomorrow and therefore the need to have this special meeting became necessary.

The changes in the most recent bills presented at this meeting include language to make it clearer and adding a ten-year sunset. The legislation is modeled on the same as Onondaga County's legislation.

Following further discussion, it was MOVED by Ms. Chock, seconded by Mr. Burbank, to amend the resolution and add the following paragraphs:

“WHEREAS, buildings, siting, and maintenance of the towers that hold the County Emergency Communication System can also provide a suitable platform to mount equipment to deliver wireless broadband computer access to all residents of Tompkins County, now therefore be it

“RESOLVED, further, That Tompkins County will undertake serious and complete analysis of the potential to use the infrastructure platform provided by the enhanced emergency communication system, and the existing towers, to provide broadband access to all county residents, including investigation of equipment needs, costs, available Federal and State funding and possible private/municipal and/or non-profit partners.”

Mr. Dennis agreed that Ms. Chock's proposal is a good idea but that it should be handled through a committee. He believes the two issues (broadband access and the surcharge on landline phones) should be dealt with separately.

Ms. Kiefer agreed with Mr. Dennis' comments. With respect to the ten-year sunset clause, she said the proposed Senate bill does not match the Assembly bill and that the Senate bill also does not reference the ten-year sunset and she believes the County should consider the Senate version.

Mr. Proto said he also agrees with Mr. Dennis and does not support the amendment. He commented that there is some movement with the universal fund to amend the Federal legislation.

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Mr. Shurtleff addressed some of the questions raised and said that he had a conversation with Assemblywoman Lifton last Friday. The proposed legislation is the same as Onondaga County's because their legislation was passed last year and vetoed by the Governor. The legislation has been reformatted to address some of the concerns raised by the Governor and it was recommended that Tompkins County's legislation be the same. In response to Mr. Burbank's question about the Governor's concern, Mr. Shurtleff believes it was related to the sunset clause.

Mrs. McBean-Clairborne arrived at this time.

Ms. Chock said she would be content to either withdraw her amendment or refer it to Committee if there is a commitment that the County will pursue this. Mr. Koplinka-Loehr and Ms. Robertson said the issue will be discussed at a Public Safety Committee meeting. Ms. Chock agreed to withdraw her motion. MOTION WITHDRAWN. Mr. Shurtleff also commented that he is working on the broadband issue with the appropriate State Office of Technology.

Mr. Mareane spoke about Ms. Kiefer's point with regard to the two bills being different and said there is a Senate companion bill that is identical to the Assembly bill and is number 5882B. The issue is that it has not yet been entered into their computer system.

Mr. Mareane in response to a question from Mr. Proto said if the Legislature approved the maximum dollar amount rate of \$1.00, the revenue generated would be approximately \$250,000 per year based on 35,700 landlines. There are no entities exempt from this. It maximizes at 75 lines per location.

Ms. Robertson expressed her dissatisfaction with the process followed including having two different versions of the bills and asked which of our three State Senators should have been responsible for bringing the County's request forward at the State level.

A voice vote resulted as follows: Ayes – 8 (Legislators Burbank, Chock, Dennis, Kiefer, Mackesey, McBean-Clairborne, Robertson, and Koplinka-Loehr); Noes – 1 (Legislator Proto); Excused – 6 (Legislators Hattery, Herrera, Randall, Shinagawa, Sigler, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 55 of 2009 requested the New York State Legislature to introduce legislation authorizing Tompkins County to increase its access line surcharge to pay the cost of maintaining and operating the County Emergency Communications System, and

WHEREAS, the New York State Legislature introduced S05882B and A08293B "AN ACT to amend the County law in relation to communication service surcharges applied to Tompkins County and providing for the repeal of such provision upon expiration thereof," now therefore be it

RESOLVED, That the Tompkins County Legislature endorses and requests State approval of legislation known as S05882B and A08923B authorizing the County to adopt a local law increasing the surcharge in addition to the surcharge established in the County Law, in an amount not to exceed sixty-five cents per access line per month on customers of every service supplier within the County to pay for enhanced emergency telephone systems in the County of Tompkins.

SEQR ACTION: TYPE II-20

Ms. Kiefer was excused at this time.

Adjournment

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It was MOVED by Mr. Dennis, seconded by Mr. Proto, to adjourn the meeting at 9:40 a.m. A voice vote resulted as follows: Ayes – 5 (Legislators Dennis, Koplinka-Loehr, Mackesey, McBean-Clairborne, and Proto); Noes – 3 (Legislators Burbank, Chock, and Robertson); Excused – 6 (Legislators Hattery, Herrera, Randall, Shinagawa, Sigler, and Stevenson). MOTION FAILED.

Ms. Robertson stated for the record that she would like to know why this happened as this is not typical. Mr. Koplinka-Loehr said there is typically a lag between actions to memorialize and when bill numbers are received. Normally there is a one to two month time period to consider State legislation. Mr. Shurtleff spoke of his own experiences with State legislation and does believe this is normal during the last two weeks of session for State Legislators.

It was MOVED by Mr. Proto, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to adjourn the meeting at 9:45 a.m. MEETING ADJOURNED.