

February 5, 2008

Approved 2/19/08

**Tompkins County Legislature
Regular Meeting
Legislative Chambers**

Call to Order

Mr. Koplinka-Loehr, Chair, called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 15 Legislators. (Legislator McBean-Clairborne arrived at 5:44 p.m.)

Privilege of the Floor by the Public

Will Burbank, Town of Ithaca Council member, provided an update on activities and projects undertaken by the Town. An 80-bed assisted-living facility for Medicaid-eligible residents has been proposed and at this time site location is being considered which will require zoning modifications and have environmental issues to review. It is hoped the facility will be completed within one to two years. In addition, the Town is committed to pedestrian and bicycle trails, including the Gateway Trail, which includes the bridge over Elmira Road and will go past South Hill School and connect to the recreation trail. A grant in the amount of \$150,000 was received by the State toward this effort. It is hoped to ultimately have this connect to the Black Diamond Trail. Mr. Burbank also reported the Town is collaborating with others regarding the Route 13 Corridor Study, and the County-led sewer and water study. Mr. Burbank said he is on the cable television oversight committee dealing with public access in the community, which allows the County and City to broadcast their meetings. He praised the County for providing the public with the opportunity to view the meetings and he expressed concern that the system is in peril due to changes occurring regarding franchises.

Mr. Proto inquired whether the proposed assisted-living project would be in competition with existing services and was informed it was for a different purpose. Mr. Proto then reported there is some positive news forthcoming regarding the proposed closure of Lakeside as a result of the Berger Commission. He said the work of the special committee appears to have made positive progress.

Report from Municipal Official(s)

No municipal official provided a report at this time.

Privilege of the Floor by Legislators

Ms. Mackesey, District No. 1 Legislator, provided a reminder of the primary election, noting the polls were open until 9:00 p.m.

Mr. Dennis, District No. 15 Legislator, reported the Cornell University Preservations Study student organizations benefit "Rock and Roll" concert is being held at the Chapter House on February 16th. One preservation project the group is conducting is the boathouse located in Stewart Park.

Mrs. McBean-Clairborne arrived at this time.

Mr. Randall, District No. 9 Legislator, announced the Groton Winterfest would take place on February 16 and 17. The event will take place at the Groton Elementary School on Saturday, and on Sunday events would be held at Stonehedge's Golf Course.

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Mr. Proto, District No. 7 Legislator, reported there would be a Public Hearing regarding Iberdrola's acquisition of Energy East, New York State Electric and Gas, and Rochester Gas and Electric on February 20th at the Ithaca Town Hall. He spoke of his recent correspondence to State and Federal officials requesting assistance to obtain some Universal Service Fund revenue for broadband service, noting he would like to see some of the funds collected locally being utilized within our area. His letter to Governor Spitzer was responded to, with the Governor's office stating the information will be passed to appropriate staff for further consideration. Mr. Proto requested clarification of the recent newspaper article relating to the loss of Industrial Development Agency (IDA) funding ability for not-for-profit business/agency.

Mr. Joseph reported the IDA has two different functions: (1) giving out tax abatements for private businesses for job creation and the City density policy, and (2) issuance of tax-exempt bonds for civic facilities for construction projects of private, non-profit organizations. He said the legislation that allows issuance of tax-exempt bonds for civic facilities has expired. He said the IDA having knowledge of the expiration of this authority passed many authorizations prior to the date the authority expired. Mr. Joseph said there is a belief that the State will at some time provide reauthorization of issuance of the civic facility bonds, but may have conditions attached, such as requiring prevailing wage payments to construction workers. He said the Dormitory Authority is also allowed to issue this particular type of bonding, which is a competitor of IDAs. He said the County's Economic Development program is funded largely by the fees obtained for both types of projects, however, the bonding fees provide more revenue. Mr. Joseph said IDAs have captured a good deal of the civic bond projects as it is faster, less cumbersome, and less expensive than the Dormitory Authority. In addition, he said if the restriction is only placed upon IDAs it could shift the business back to the Dormitory Authority. He supports prevailing wages but would like to maintain the IDA's ability to provide bonding.

Ms. Herrera said while she agrees with Mr. Joseph's analysis she noted the Dormitory Authority may still be cumbersome. She noted the IDA reform has passed the Assembly several times but has not yet gone through the Senate. Ms. Herrera said people should look at the entire issue as some provisions give her pause.

Mr. Hattery noted that although the civic bonding authority has sunset, the Governor has provided additional revenue for the oversight agency.

Ms. Chock, District No. 3 Legislator, spoke of her attendance at the New York State Association of Counties Conference New Legislator Orientation. She thanked the Department Heads for the orientation of some offices and expressed appreciation for their informing her of the various programs operated by the County. Ms. Chock said an item she learned was that counties within New York existed before there was an actual state.

Mr. Joseph, District No. 12 Legislator, spoke of his attendance at the New York State Association of Counties Conference and State Corrections workshop. He reported that Dutchess and Ulster Counties have experienced the same difficulties with the State Commission of Corrections as Tompkins County, namely requiring them to build a much larger jail than necessary. Ulster County did build a facility, which is much larger than necessary, and is seeking to receiving inmates as boarders. Dutchess County, which is in close proximity, chose not to build a new facility. When seeking approval to accept inmates as boarders, Ulster County was given permission to accept inmates from anywhere in the State but Dutchess County. Mr. Joseph views this restriction by the State Commission of Corrections as a blatant abuse of their power.

Ms. Robertson, District No. 13 Legislator, also spoke of her attendance at the New York State Association of Counties Conference, noting there were workshops regarding jail expenses and the like, however nothing regarding sustainability. She noted Sullivan County, whose population is approximately

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79,000 year-round, with an increase of approximately 250,000 during the summer, is being pressured to build a jail facility at a cost of \$105 million including bonding. She noted that this figure does not include staffing costs. Ms. Robertson said the Governor's budget, however, calls for closing three to four State facilities.

Presentation – Empire Zone Program

Healthier Filiberto, Coordinator of the County's Empire Zone Program, said the Tompkins County Empire Zone, designated by New York State in 2006, has exceeded expectations during its first full year of operation. The Empire Zone program provides up to ten years of State tax incentives to qualifying businesses, which locate or expand within designated Zone areas. A business must meet minimum job creation and investment thresholds, then apply for Zone Certification, with Empire Zone benefits accruing in the form of income tax incentives after the jobs are created and investments made. Businesses apply for Zone Certification based on their projected growth over the next five years, but don't receive any benefits until they've actually created jobs or made capital investments.

From two businesses certified at the end of 2006, employing an average of 131 people with overall annual capital investments of \$2.8 million and earning \$98,000 in Empire Zone tax credits, Ms. Filiberto reported 34 more businesses certified in 2007, with those businesses projecting 762 new jobs and \$91 million in capital investments over the next five years. She predicted dramatic increases in the number of jobs, capital investments, and tax incentives earned for the 2007 tax year, arising from last year's significant growth in participation.

New York State increased the Tompkins County Zone's administrative funding from \$15,000 to \$30,500, after issuing a very high rating to the local operation in its first annual performance review.

Ms. Robertson inquired if there are any changes as a result of the Governor's recommended budget. Ms. Filiberto said one item of note was the business cost-benefit ratio, which is amended from 15/1 to 20/1; this may reduce the number of businesses eligible to participate.

Mr. Hattery spoke of the excellent work Ms. Filiberto has done and expressed his appreciation for her dedication. Dr. Haynes also noted Ms. Filiberto does an extraordinary job.

Presentation – Tompkins Cortland Community College State of the College

Tompkins Cortland Community College President Dr. Carl Haynes presented the Legislature his annual president's report, assessing the state of the college as 2008 begins.

Dr. Haynes said this is an exciting time for the college with what he called the "transformation" of the campus, with the first phase of the college's master plan nearly complete. The institution is currently preparing for its ten-year Middle States re-accreditation next month, and is engaged in a "very broad institutional conversation regarding where we are and where we are going." The focus is on six primary areas: residential campus development; improvement of the freshman year student experience; improving academic advising services; restructuring the college's administrative structure; examining student transportation issues; and continuing to develop meaningful institutional assessment processes. Dr. Haynes thanked the Legislature for its support of the college.

Ms. Herrera expressed appreciation for the new format of the report and asked whether there would be training for green buildings and initiatives. Dr. Haynes indicated the building trades are addressing these items; in addition a committee is working on sustainability recommendations for the college.

Report from the Chair

Chair Koplinka-Loehr referred to the New York State Association of Counties Preliminary Report on the Impact of the 2008-09 Executive State Budget on County Government, in particular the portion dealing with the shared cost of child welfare programs and the cost shift for reimbursement of youth placed in detention facilities. Mr. Koplinka-Loehr noted it is difficult to respond to the proposed budget without further analysis by departments.

Mr. Joseph reported that Ken Crannell provided a walk-through of the proposed budget and included the Governor's analysis. The Governor's analysis indicated \$349 million on the positive side to counties, however, this figure includes \$274 million agreed upon previously regarding the Medicaid cap and Family Health Plus programs. One suggestion made is also collection of sales tax on internet sales. Overall, Mr. Joseph said it appears the shift of costs from State to County has returned. Mr. Shinagawa noted the next Budget and Capital Committee agenda will include a review of the proposed budget impacts on the County.

Mr. Koplinka-Loehr spoke of his meeting with Committee Chairs prior to the Legislature meeting to review Committee process. He reported that assessment notices would be sent to residents and it appears that 1/3 will pay less, 1/3 the same, and 1/3 higher. He recommended any questions be referred to the Assessment Department.

Report from the County Administrator

Mr. Whicher reported each department has been requested to provide an analysis of the impact of the State budget that will enable Administration to prepare an overview of how it will affect the County budget. He reported that Tompkins County Council of Government's Chair Donald Barber and he went to the State Insurance Department to discuss the SMSI Health Insurance grant initiative and the potential obstacles; the Governor's budget addresses almost everything that had been indicated necessary for the project. He then spoke of Ms. Coggins, Assessment Director, presentation at the New York State Association of Counties Legislative Convention; noting she was well-received by the participants and further showed what an outstanding County we represent. Mr. Whicher then informed Legislators that Mr. LeMaro, Facilities Director, would have the official file for work at 55 Brown Road; this will also be available to the public.

Report from the County Attorney

Mr. Wood did not have a report.

Report from the Finance Director

Mr. Squires reported on receipt of payments for the IDA projects recently passed. He noted the problem facing the IDAs at this time is the bonding market is in turmoil causing bonding insurers to review issuance more closely, particularly with the collapse of interest rates that may be affecting this. He noted that one county just received a bonding rate under two percent. Also, Mr. Squires reported that the County money market accounts which had interest earnings estimated at 4 ³/₄ percent are now at 3 percent. This could create a potential \$100,000 loss in interest. With regard to retail sales, although the County has not seen a reduction in the last quarter of the year it is anticipated the pattern will continue.

Addition of Resolution(s) to the Agenda

There were no resolutions added to the agenda.

Withdrawal of Resolution(s) from the Agenda

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There were no resolutions to withdraw from the agenda.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 14 – INCREASE SOLID WASTE DIVISION PETTY CASH FUNDS

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

WHEREAS, on December 21, 1999, Resolution No. 321 established a petty cash fund for Solid Waste at \$600 to be divided as follows:

Solid Waste Scale House petty cash fund be set at \$400

Solid Waste Office petty cash fund be set at \$200

, and

WHEREAS, the use of punchcards and coupons beginning in 2007 has increased the financial transactions at the Front Desk by over sixty percent, and

WHEREAS, the punchcards and coupons fees will increase by \$2 and \$1 respectively, which will require an increase in the amount and type of currency available in the Bank, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the total petty cash funds for Solid Waste be increased to \$750.00 as follows:

Solid Waste Scale House petty cash fund be set at \$400

Solid Waste Office petty cash fund be set at \$350

, and ledger accounts be created accordingly.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 15 - DELEGATION OF AUTHORITY TO AUTHORIZE CERTAIN TAX REFUNDS AND CREDITS OF \$2,500 AND UNDER

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

WHEREAS, Section 554 of the Real Property Tax Law authorizes a tax-levying body to delegate the correction of tax rolls due to a clerical error, an error in essential fact, or an unlawful entry (an unlawful entry is any information on the tax roll that violates the Real Property Tax Law), and

WHEREAS, Section 556 of the Real Property Tax Law authorizes a tax-levying body to delegate the payment of tax refunds due to a clerical error, an error in essential fact, or an unlawful entry, and

WHEREAS, it is the opinion of the Government Operations Committee, that such delegation would be more efficient in processing said refunds and therefore beneficial to the taxpayer, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Director of Assessment shall transmit corrections and/or refund recommendations to the County Administrator,

RESOLVED, further, That the County Administrator is hereby authorized to allow payments of bills where recommended refund or credit is \$2,500 or less, without prior audit by the tax-levying body, in compliance with Paragraph 9 (a), (c) of Section 554, and Paragraph 8 (a), (c), (d), and Paragraph 9 and 10 of Section 556 of the Real Property Tax Law,

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RESOLVED, further, That any refund or credit over \$2,500 must be approved by the Tompkins County Legislature pursuant to Paragraphs 8 (a), 9, and 10 of Section 566 of the Real Property Tax Law, except for refunds amounting over \$2,500 as a result of Real Property Tax Law Article 7 litigation ordered by the New York State Supreme Court,

RESOLVED, further, That the County Administrator shall transmit on or before the 15th day of each month a report to the Tompkins County Legislature of all the corrections and refunds processed,

RESOLVED, further, That this resolution shall only be in effect during the calendar year 2008.

SEQR ACTION: TYPE II-20

Report from the Health and Human Services Committee

Mr. Proto, Chairman, reported the Committee would hold its first meeting on February 6th. He asked members to come prepared to discuss committee goals and that additional information not obtained prior to setting the agenda may be discussed.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on January 17th and discussed at length a proposed Lansing sewer district that would impact the Ithaca Tompkins Regional Airport. Mr. Marx and other staff are to obtain additional information and update the Committee once received.

Report from the Human Resources Committee

Mr. Dennis, Chair, reported the Committee would meet on February 7th. He said at the present the Road Patrol and Blue Collar units are at impasse; the dates for impasse discussions have not yet been determined. Mr. Dennis reported the County Administrator Search Committee has conducted interviews and will hold one additional meeting prior to completing final recommendations. Mr. Dennis requested an executive session take place at the end of the regular meeting to discuss personnel and contractual matters.

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

Mr. Stevenson, Chair, reported the Committee met briefly prior to the Legislature meeting to act on the resolution presented under the Consent Agenda. The next meeting will occur on February 8th at 2:00 p.m.

RESOLUTION NO. 16 - APPROVAL OF 2008 SUCCESSION OF MEMBERS OF THE COUNTY LEGISLATURE TO SERVE IN THE ABSENCE OF THE CHAIR AND VICE CHAIR

MOVED by Mr. Stevenson, seconded by Ms. Herrera. In response to Mr. Randall's question, Mr. Stevenson said the resolution is a result of discussions that gave weight to seniority and institutional experience. Mr. Randall indicated a preference to name an individual rather than Committee Chair and that longevity on the Legislature should be a determining factor. Mr. Joseph indicated he agreed in part with Mr. Randall, that if the annual resolution would have amendments perhaps it would be better to name individuals. Ms. Herrera will support the resolution as unknown events could occur that require the succession. Mr. Stevenson said the rationale for selection was discussed at length in 2007 as well, with many preferences expressed, leading to the selection noted in the resolution.

A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Randall); Temporarily Out of Room – 1 (Legislator Proto). RESOLUTION ADOPTED.

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WHEREAS, Section 2.05 of the County Charter, specifies the succession of members of the Legislature be designated annually by resolution to serve in the absence of the Chair and Vice Chair, and

WHEREAS, the Government Operations Committee recommends the chairs of standing committees be designated taking into consideration availability and Legislative experience, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following order of succession of County Legislators for the year 2008 be approved to serve in the absence of the Chair and Vice Chair:

Chair, Planning, Development and Environmental Quality Committee

Chair, Health and Human Services Committee

Chair, Public Safety Committee

SEQR ACTION: TYPE II-20

Report from the Planning, Development, and Environmental Quality Committee

Ms. Robertson, Chair, reported the Committee will meet on February 14th and will focus on goals and information from Workforce Development. She reported that on Monday, February 11th, there would be a presentation of Tompkins County Labor Analysis from 8:30 a.m. to 10:00 a.m. at the Public Library. She said it will include web-based data of the analysis. The Legislature may have a full presentation of the data in April.

Report from the Budget and Capital Committee

Mr. Shinagawa, Chair, reported the Committee will meet on February 11th at 3:30 p.m. and will discuss goals, finalize the budget calendar, and will have a discussion regarding State budget impacts to the County.

Mr. Shinagawa reported that the SMSI Health Benefits group, a subcommittee of the Tompkins County Council of Governments, has received all information from municipalities regarding benefits/claims necessary for the consultant to develop different plan options for review. This process has been opened up to union representatives as well to provide information regarding the process. Mr. Shinagawa said he believes the outcome will provide a savings to the County as well as benefit employees.

Report from the Public Safety Committee

Mr. Joseph, Chair, said the Committee met on January 18th and there was nothing substantial to report at this time.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, spoke of her pride in the work the County has undertaken regarding diversity and inclusion. She spoke of her recent attendance at the New York State Association of Counties Legislative Conference and noted out of approximately 1,000 attendees, few people easily identified as people of color were in attendance. She noted that of the seven Tompkins County representatives at the conference, three were people of color. Mrs. McBean-Clairborne reported the Committee met on January 23rd and discussed the potential downsizing of the Lansing Residential Center, which Ms. Carey said is due in part to the Department of Social Services initiatives to shift away from placements in facilities to other intervention programs. At the meeting a suggestion was made to see if displaced workers could possibly continue on State payroll while assisting not-for-profit agencies that have an increased need for staffing. In addition, the Committee continued its conversation regarding

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marketing of the diversity statement and logo, including the disbursement of framed copies of the statement and logo to other departments and agencies funded by the County.

Moment of Reflection

Chair Koplinka-Loehr spoke of the recent passing of three County leaders, Donald Barr, Harvey Fireside, and Kenneth Myers. He noted it is a tremendous loss and asked that a moment of reflection occur in their memory.

Approval of Minutes of January 15, 2008

It was MOVED by Mr. Shinagawa, seconded by Mr. Stevenson, and unanimously adopted by voice vote, to approve the minutes of the January 15, 2008, meeting as submitted. MINUTES APPROVED.

Recess

Chair Koplinka-Loehr declared recess at 6:56p.m. The meeting reconvened at 7:02 p.m.

Executive Session

It was MOVED by Mr. Dennis, seconded by Mr. Joseph, and unanimously approved by voice vote by members, to enter into an executive session to discuss personnel and contract negotiations.

An executive session was held from 7:02 p.m. to 7:44 p.m.

Adjournment

On motion, the meeting adjourned at 7:44 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office