

**Tompkins County Legislature
August 7, 2007**

Call to Order

Mr. Joseph 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: 14 Legislators (Mrs. McBean-Clairborne arrived at 6:05 p.m.). Excused – 1 (Legislator Mackesey).

Privilege of the Floor by the Public

The following individuals spoke in support of the Drop-In Children's Center (DICC) resolution, most citing very positive personal experiences:

- Elizabeth Stilwell, Director, Early Childhood Center at Cornell. Research shows subsidy for such day care is necessary.
- Lynne Whetzel, Day Care Council, Helps families find day care, and DICC serves this important need.
- Chris Pettograsso, Bald Hill Road
- "Kieah" Donna Ficarso, City of Ithaca
- Tamie Pushler, Freeville
- Lynne Jackier, Drop-In Children's Center Director, noted increasing number of people who qualify for the lowest DICC fee.
- Mona Tresner, City of Ithaca
- Ruth Mahr, Judd Falls Road
- Alex Ribeiro, Bishop Road
- Lynn Lauper, Trumansburg
- Rich Stearns, City of Ithaca
- Valencia Gil, Fair Street
- Joe Hassett, Route 96B
- Raquel Mercado, City of Ithaca
- Pat Dolson, Ithaca
- Stacy Northrup, City of Ithaca
- Christi Jennings, Groton
- Connie Dee-McCullough, Salem Drive

Privilege of the Floor for the Public was extended to one other individual later in the meeting.

[Mrs. McBean-Clairborne arrived at this time.]

The following individuals spoke as representatives of the Tompkins County Public Library support staff employees who are concerned with contract negotiations and budgetary issues.

- Kelly Doolittle, Locke
- Beth Killheffer, Enfield

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Mr. Joseph stated he would request the resolution relating to the Drop-In Children's Center be acted upon following Privilege of the Floor by Legislators.

Presentation of Distinguished Youth Award

Mr. Sigler, District No. 6 Legislator, presented the July 2007, Distinguished Youth Award to Robin Presthus. Mr. Presthus was nominated for the award by Isabel Bazaldua, Lansing Youth Program Manager; Dawn Kleeschulte, Lansing Youth Services Youth Employment Coordinator, and Linda Schoffel, Rural Youth Services Coordinator for his many contributions to Lansing Youth Services, and was praised for his leadership role in helping to assure the continuation and success of these youth services programs. Mr. Presthus thanked the individuals who nominated him and spoke of having their guidance as role models. He said he has learned life and leadership skills.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, recounted the Legislature passing a resolution last year supporting a Veteran's Cemetery at the former Sampson Air Force Base in Romulus, New York. He reported that this past month Governor Spitzer signed the appropriate legislation designating several hundred acres of the base for this purpose as well as preserving some of the acreage as a land trust. He extended his appreciation to the Legislature for their support.

Ms. Robertson, District No. 13 Legislator, reported the Tenth Annual Farm City Day would be held on Saturday, August 11th, from 11 a.m. to 4 p.m. at the Lew-Lin Farm on Livermore Road, Dryden, New York; and the Green Fest activities will occur in Ithaca and Cayutaville from August 10 to August 12th, with activities occurring on the Commons on August 12. She then reported that the UrgentRx plan, providing short-term prescription coverage for those not able to afford it, has expanded to include the Ithaca Free Clinic and in-patients being discharged from Cayuga Medical Center. She said it is not for maintenance prescriptions, but for urgent care.

Mr. Randall, District No. 9 Legislator, invited members of the Legislature and general public to attend Groton Old Home Days. The event will take place from August 17 to August 18, and will have a western theme.

Mrs. McBean-Clairborne, District No. 2 Legislator, spoke of the National Night Out activities that would be taking place this evening to bring awareness of public safety issues. She said activities would take place at the Ithaca Housing Authority as well as in Newfield.

Mr. Booth, District No. 3 Legislator, said he was happy to hear the comments from the library staff. However, he noted that the Legislature does not negotiate the Library staff agreements and urged members of the Legislature not to take the position of intervening in these negotiations. He also said the Recreation Partnership would be bringing forward the request to continue the County's participation. Mr. Booth said it is a valuable intermunicipal agreement that has lasted longer than many; while only a few intermunicipal agreements exist, this particular one works well. Although he recognizes the Partnership's value, he is aware that if a broad series of budget cuts were required the Legislature would have to view the agreement carefully and that under those circumstances discontinuing the County's participation in the Partnership might become necessary.

Ms. Herrera, District No. 5 Legislator, reported on the Cornell University rally last week sponsored by the LGBT Resource Center for members of the Cornell community and invited community guests, showing support for and acceptance of diversity as well as to show unity in relation to an opposite sentiment displayed by the Westboro Baptist Church Group headed by Fred Phelps. She felt it was heartening that the community understands the needs of a few are also the needs of the many. She said it was fitting to speak to some of the subjects tonight in the spirit of community as well. She thanked Mr.

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Joseph, and union members who were participating at a conference that chose to strengthen the rally by attending as well. Ms. Herrera then spoke of her concern with what she believes to be a shift in policy when bringing forth resolutions on particular issues. She said the designated process of bringing forth resolutions is the way to keep it equitable; she is interested in maintaining that equity and does not want to see the process amended.

Privilege of the Floor for the Public – Continued

Dee Smith, Newfield, spoke in support of the resolution entitled: Appropriation from Contingent Fund – Drop-In Children’s Center.

Presentation of Resolution from the Health and Human Services Committee

RESOLUTION NO. 136 - APPROPRIATION FROM CONTINGENT FUND – DROP-IN CHILDREN’S CENTER

MOVED by Mr. Shinagawa, seconded by Ms. Robertson.

Mrs. McBean-Clairborne disclosed that she utilizes the services of the Drop-In Children’s Center for her daughter and has nieces employed by the Center as well. The County Attorney did not see any legal conflict of interest her voting on this resolution. She then questioned the inclusion of: “WHEREAS, the Executive Director of the Human Services Coalition does not anticipate any substantial additional request for County financial assistance from human services agencies under the County’s purview during 2007”, and would like to see it removed. Mr. Booth said it was included at his request as an indicator that this is a special circumstance and the County is not suggesting it be taken by others as a precedent to request funding; it reflects what the Human Services Coalition Executive Director has stated. Mr. Koplinka-Loehr said a discussion regarding the clause occurred in both the Budget and Capital and the revisit at the Health and Human Services Committees, it only indicates the present situation.

Mrs. McBean-Clairborne said she had similar sentiments with regard to Ms. Herrera’s statements on policy process and she recognizes the importance of how this particular agency provides assistance to numerous families and the domino effect closure could have to the economy, employment status, as well as the potential increase in local expenses due to public assistance needs. Although she will support the resolution she understands what Ms. Herrera is saying.

Mr. Dennis said as a former teacher, father, and grandfather, he understands how difficult it is to find childcare. He recalled having worked in his capacity as a member of Common Council to provide a block grant to assist in the Center’s continuation following a fire in the 1970’s. Mr. Dennis will support the resolution.

Mr. Booth spoke in support of the resolution. He noted there has been extensive discussions of this proposal, and he believes the discussions have met procedural necessities. He believes the proposal will provide the means for the Center to get through 2007 and buy time to determine, with others, how to establish a more stable base for the future of the Drop-In Center. The resolution will not solve the short-term financial need since the Center will need additional funding beyond what is covered within the resolution. It also does not provide a guarantee for a stable economic base for the Center. The County should be part of the discussion about the Center’s future, but he does not see the County becoming the major participant in providing financial stability for the Drop-In Children’s Center in the future. He also does not believe the resolution presents a message of any kind for groups to make similar requests. The crisis at the Center has built over a long period of time. This money is well-worth spending, but the County’s decision to spend this money is not an invitation for others to make similar scale proposals within County government or from outside County government.

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Mr. Sigler agreed with Mr. Booth's comments and will also support the resolution. He believes there is a structural finance problem within the organization and that everyone involved is aware of it and he is confident it will be addressed in the upcoming year.

Mr. Randall spoke of his personal experiences raising five children and the struggles day care situations can create, saying he wished he had an alternative like the Center to go to. He noted that although it is a difficult situation the Drop-In Children's Center is facing, it has provided public awareness of the resources within the County. Mr. Randall said he will support the resolution as he is concerned of what would happen to the children should the Center close.

Mr. Shinagawa spoke of his participation in discussions regarding the shortfall at Health and Human Services Committee meetings, noting it began at the June 6 meeting, with subsequent discussions on July 18, and following the July 23 Budget and Capital Committee meeting it was again reviewed on August 1 at the Health and Human Services Committee. He said there has been adequate discussion and deliberation and he will support the resolution.

It was MOVED by Mr. Koplinka-Loehr, seconded by Mr. Proto, to amend the amount of the contingent fund appropriation to \$25,000. Mr. Koplinka-Loehr indicated the matter has been deliberated and that it is an unusual request. He recognized a request such as this does not occur often, however, the shortfall is due to a structural deficit and was not fully recognized until it was critical. He believes the shortfall and assistance for the Center should be a community issue and that the County has already provided a significant amount of funding. He believes other partners in the community should come forward and offer a portion of the assistance needed.

Ms. Robertson stated that even if the full \$50,000 is provided it would require another \$65,000 to be raised from other means. She believes it would be unrealistic if the Center were expected to find a total of \$90,000. She noted the constituency that would be impacted is children, particularly from low-income families. Ms. Robertson believes if the amount was reduced to \$25,000 the additional funds would be wasted because the balance could not be raised and the Center would close anyway.

Mr. Proto inquired what the current County support level is.

Mr. Shinagawa reiterated Ms. Robertson's comments and noted the Center raised \$42,000 last year. He said the Center would continue to seek partners and reach out to as many groups as possible. However, he believes it necessary to provide the full \$50,000; to reduce the amount and have an expectation of \$90,000 to be raised through other means would cause the Center to close and he does not want to take that risk.

In response to Mr. Proto's inquiry, Ms. Schlather, Executive Director, Human Services Coalition, reported that through the 2007 budget process the Center was awarded \$96,000, and a one-time support of \$5,000; one-third of the amount is the City of Ithaca share, therefore the County's share was \$64,000 out of a total budget of \$800,000.

Ms. Kiefer spoke against the amendment, noting that there have been other times the technique of reducing our assistance was made in anticipation of that prompting other funding sources to come forward that simply did not and does not occur.

Mr. Proto inquired whether the Alternatives Federal Credit Union was willing to waive a payment or reduce interest rates. Ms. Jackier replied that the Credit Union is working to consolidate loans and making every effort to determine what they would be able to do to assist. She believes that with immediate assistance it would provide the additional time for a solution.

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It was MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne, to call the question. A voice vote resulted as follows: Ayes – 11; Noes – 3 (Legislators Herrera, Joseph, and Proto) ; Excused – 1 (Legislator Mackesey). MOTION CARRIED.

A voice vote on the amendment to reduce the amount to \$25,000 resulted as follows: Ayes – 4 (Legislators Hattery, Koplinka-Loehr, Proto, and Stevenson); Noes – 10; Excused – 1 (Legislator Mackesey). MOTION FAILED.

Ms. Robertson said the request is what would have previously been considered a cost saver. She spoke of how many Department of Social Service clients utilize the Center; if it were to close it could adversely effect the required work participation rates and create a financial sanction. With regard to the Center's business model she noted some essential services could not exist without a subsidy; this is one of those businesses. Ms. Robertson shared an article from 1997 that said without public support we would have a two-tier system, where only families who can pay the full cost get quality childcare; to do so would be a hardship on the children of families who could not afford the rates. She believes the Center's shortfall is not from faulty money-management but their mission to serve low-income families.

Mr. Hattery said the way to avoid entertaining emergency funding requests is not to demonstrate a pattern and commented that it is not backed up with a plan.

Ms. Herrera said the choice is difficult and requires being a responsible elected representative with a vision of what the community is about and support it in a responsible manner. She spoke of a concern regarding discussions outside of the committee level that she views as a policy shift. Ms. Herrera believes there are other ways to assist by bringing in partners, particularly those whose employees utilize the Center.

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Sigler, to call the question. A voice vote on the motion resulted as follows: Ayes – 7 (Legislators Dennis, Hattery, Joseph, Kiefer, Koplinka-Loehr, McBean-Clairborne, and Sigler); Noes – 7 (Legislators Booth, Herrera, Proto, Randall, Robertson, Shinagawa, and Stevenson); Excused – 1 (Legislator Mackesey). MOTION FAILED.

Ms. Robertson said the only "private meeting" was to develop a one-page financial summary, in response to Mr. Sigler's request.

Mr. Booth spoke of the Budget and Capital Committee's discussions and subsequent votes on the resolution and said it failed due to the language within the resolution and was not viewed as critical since it had passed the Health and Human Services Committee. He noted it went through both committees, with the Health and Human Services Committee then reviewing recommendations made at Budget and Capital Committee. Although the resolution was defeated at the Budget and Capital Committee, he does not believe it illegitimized the process. He believes the extensive discussions held in both spirit and detail indicates organization.

Mr. Sigler indicated he believes the process is good and does not see a problem, if a better process could be undertaken he would discuss it with Administration or the Committee Chairs.

Mr. Shinagawa said he attempted to do the best possible job to answer questions made regarding the situation and does not believe it was outside of the current policy. He urges members of the Legislature to support the request.

A roll call vote on the original motion resulted as follows: Ayes – 9 (Legislators Booth, Dennis, Joseph, Kiefer, McBean-Clairborne, Randall, Robertson, Shinagawa, and Sigler); Noes – 5 (Legislators Hattery, Herrera, Koplinka-Loehr, Proto, and Stevenson); Excused – 1 (Legislator Mackesey). RESOLUTION ADOPTED.

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WHEREAS, the Drop-in Children's Center has been serving the childcare needs of Tompkins County residents for more than 30 years being a consistent resource for low and moderate income residents, and

WHEREAS, provision of safe, affordable child care is an integral part of a strong, healthy economy, and

WHEREAS, the Drop-in Children's Center is not only a full-time day care facility, but is also the only center where parents can drop off their children for child care with a minimum of notice and for short periods, offering residents the flexibility to keep appointments, interview for jobs and take care of other immediate needs, and

WHEREAS, the lack of affordable child care was ranked as the number one personal issue in the countywide household survey of the Compass II Report and was ranked in the top five issues by all respondents, and

WHEREAS, the Drop-in Children's Center provides a bridge for the working poor for transitioning from Public Support and need childcare in order to work, and

WHEREAS, the Drop-in Children's Center will need \$50,000 in 2007 to meet a portion of a shortfall in anticipated revenues (as summarized on the attached document) related to the operating deficit from the delay in opening after the 2005 expansion, and the gap between the fees and the cost of care in 2007, and

WHEREAS, the Drop-in Children's Center does not anticipate making any additional funding request, in 2007, and

WHEREAS, the Executive Director of the Human Services Coalition does not anticipate any substantial additional request for County financial assistance from human services agencies under the County's purview during 2007, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Legislature supports the formation of a group, to include the Department of Social Services Commissioner, to work on the long-term fiscal sustainability of the Drop-In Children's Center, including, seeking additional partners to help fund the Center, with a presentation of a plan to the Legislature no later than May 6, 2008,

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

FROM:	A1990.54440	Contingent Fund	\$50,000
TO:	A6305.54400	Human Service Agencies	\$50,000

SEQR ACTION: TYPE II-20

ATTACHMENT

Drop-In Children's Center Contingency Request:

\$50,000

1. To pay operating for 2007
\$25,000 – operating deficit from delay in opening 2005 expansion
\$25,000 – to reduce gap between fees and costs of care - remainder of 2007

This will allow the Drop-in Children's Center to continue for the remainder of 2007 and develop plans to address the operating deficit and outstanding loans.

2. Operating 2008 (estimated)
\$91,000 gap between fees and costs of care
+ 16,000 estimated payments on outstanding loans (\$110,000)

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\$107,000 total shortfall

- \$ 17,000 – restored accreditation funding
- \$ 26,000 – increase in base recommended by HSC (out of \$47,000 request)
- \$ 10,000 – additional increase recommended by S. Whicher
- \$ 5,000 – HSC recommended one-time assistance in loan payments
- \$ 49,000 estimated shortfall for 2008

The \$49,000 remainder will have to be paid through increased support, increased fees, or by limiting access to the most needy families (above and beyond the approximate \$51,500 fundraising commitment already in the 2008 budget).

- 3. Loans outstanding
 - AFCU - \$90,000
 - IURA - \$20,000
 - \$110,000

The carrying cost of these loans is estimated at \$16,000 per year and contributes to the difficulties in the Operating budget. Steve Whicher suggests that the best solution will be to begin discussions on how to eliminate these outstanding loans since the operating budget simply cannot support this level of debt.

RESOLUTION NO. 137 - APPROPRIATION FROM CONTINGENT FUND AND INCREASE IN HOURS - REAL PROPERTY APPRAISER – ASSESSMENT DEPARTMENT

MOVED by Mr. Stevenson, seconded by Mr. Proto. Mr. Proto said that at the time it was decided to go to a three-year assessment cycle concern had been expressed with regard to the loss of \$150,000 in State funding. A short roll call vote resulted as follows: Ayes – 13; Noes – 1 (Legislator Koplinka-Loehr; Excused – 1 (Legislator Mackesey). RESOLUTION ADOPTED.

WHEREAS, consistent with the directives of Resolution No. 207 of 2006, the County is presently in the process of appraising all real property within the assessing unit for the 2008 Triennial Revaluation, and

WHEREAS, the Department of Assessment is currently experiencing a staffing shortage, and will be unable to complete the valuation phase of said Triennial Revaluation, and

WHEREAS, hiring an additional Real Property Appraiser for the remainder of 2007 (starting September 4, 2007 thru December 31, 2007) would remedy this problem, and

WHEREAS the Department of Assessment currently has a vacant un-funded Real Property Appraiser position (position ID #301) on its roster at 35.0 hours per week, and

WHEREAS, the Department of Assessment has a need to fill said Real Property Appraiser position at 40.0 hours per week, and

WHEREAS, there are no funds within the Department of Assessment’s budget to pay the costs associated with this additional expense, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the hours of one vacant Real Property Appraiser position (position ID #301) be hereby increased to 40.0 per week,

RESOLVED further, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2007:

FROM:	A1990.54440	Contingent Fund	\$27,206
TO:	A1355.51000709	Real Property Appraiser	\$17,054
	A1355.54303	Office Equipment	\$ 2,000
	A1355.54412	Travel Training	\$ 1,500
	A1355.58800	Fringe	\$ 6,652

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SEQR ACTION: TYPE II-20

RESOLUTION NO. 138 – APPROPRIATION FROM CONTINGENT FUND FOR APPRAISAL REPORT – ASSESSMENT DEPARTMENT

MOVED by Mr. Stevenson, seconded by Ms. Kiefer. A short roll call vote resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Mackesey). RESOLUTION ADOPTED.

WHEREAS, consistent with the directives of Resolution No. 207 of 2006, the County is in the process of appraising all real property within the assessing unit for the 2008 Triennial Revaluation, and

WHEREAS, this process includes the updating of the assessed value of the AES Cayuga Electric Generating Plant, located in the Town of Lansing and the Lansing School District, and

WHEREAS, the current assessment of \$162,775,000 (taxable value of \$120,700,000) for AES Cayuga is the result of a court-ordered settlement, being considerably lower than the Advisory Appraisal provided by the NY State Office of Real Property Services (ORPS), and

WHEREAS, in anticipation of qualifying for the \$5.00 per parcel maintenance aid upon the completion of the 2008 Triennial Revaluation, it is imperative for the Department of Assessment to obtain an appraisal report of the subject facility to resolve the gross disparity between the current assessment and the value estimate provided by ORPS, and

WHEREAS, appraisal of this type of property is a highly specialized field, which requires the hiring of an expert industrial appraiser specializing in Power Plant valuation, the County's share not to exceed \$50,000. The cost of this appraisal is customarily shared by the three taxing jurisdictions: the County, the Town of Lansing, and the Lansing Central School District, based upon the apportionment of total taxes collected from the AES Cayuga tax parcels,

WHEREAS, there are no funds within the Department of Assessment to pay the cost associated with this expense, now therefore be it

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

FROM:	A1990.54400	Contingent Fund	\$50,000
TO:	A1355.54442	Professional Services	\$50,000

RESOLVED, further, That reimbursements received from the Town of Lansing or Lansing Central School District shall go to the General Fund.

SEQR ACTION: TYPE II-20

Recess

Chair Joseph declared recess from 7:23 p.m. to 7:32 p.m.

Executive Session

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, and unanimously adopted by voice vote, by members present, to enter into executive session at 7:32 p.m. to discuss real estate transactions. The meeting returned to open session at 8:52 p.m.

During executive session the following action was taken:

RESOLUTION NO. 139 - DESIGNATING A SITE FOR CONSTRUCTION OF A HEALTH DEPARTMENT BUILDING – AMENDED BY RESOLUTION NO. 198 OF 2007

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MOVED by Mr. Proto, seconded by Ms. Herrera. It was MOVED by Ms. Robertson, Seconded by Mr. Dennis, to amend the resolution changing the site from Biggs to 55 Brown Road and authorizing the County Administrator to negotiate a purchase agreement. A voice vote on the amendment resulted as follows: Ayes – 9 (Legislators Booth, Dennis, Hattery, Joseph, Kiefer, Koplinka-Loehr, Robertson, Sigler, and Shinagawa); Noes – 5 (Legislators Herrera, McBean-Clairborne, Proto, Randall, and Stevenson); Excused – 1 (Legislator Mackesey).

A roll call vote on the resolution as amended resulted as follows: Ayes – 9 (Legislators Booth, Dennis, Hattery, Joseph, Kiefer, Koplinka-Loehr, Robertson, Sigler, and Shinagawa); Noes – 5 (Legislators Herrera, McBean-Clairborne, Proto, Randall, and Stevenson); Excused – 1 (Legislator Mackesey). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature, by Resolution No. 99 of 2006 adopted a 20-year capital program, and

WHEREAS, the 20-year capital program identified replacing the existing Health Department building as the first project to be undertaken, and

WHEREAS, the Health Department Building Committee has conducted a review of potential building sites, including existing buildings, suitable for serving the needs of the Tompkins County Health Department, now therefore be it

RESOLVED, on recommendation of the Health Department Building Committee, That the County Administrator be authorized to complete evaluation of and negotiate the purchase agreement for 55 Brown Road, including completion of a SEQRA review,

RESOLVED, further, That the Health Department Building Committee is charged with the responsibility to complete a conceptual design for 55 Brown Road that best meets the needs of the Tompkins County Health Department,

RESOLVED, further, That the SEQRA review and conceptual design will be presented to the Legislature for approval prior to advancing the project beyond conceptual design.

SEQR ACTION: TYPE II-21

Recess

Chair Joseph declared recess from 8:52 p.m. to 9:00 p.m.

Chair's Announcement

Mr. Joseph announced that during executive session a vote was taken to designate 55 Brown Road as the site for the Health Department; the County will be moving toward purchasing and renovating that building.

Chair's Report

Mr. Joseph reminded members of the survey questionnaire handed out last week and requested they be returned to him as soon as possible.

Report from the County Administrator

Mr. Whicher reported the County received a grant for the health insurance consortium as well as a follow-up telephone call from the State Department regarding the incentive portion of the plan submitted. He was informed there is a new round of grant funds for municipalities to utilize, using the Tompkins County model.

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Ms. Kiefer requested an update from Mr. Whicher regarding the State Wide Network. Mr. Whicher said discussions with the State contractor, M/A-COM Inc. are progressing and it appears clear that they have been instructed to negotiate an agreement with the County and work out the details. Mr. Whicher said it has been made very clear that the participation has to be for the entire cost of the communication system, details will be worked out as the discussions progress.

Report from the County Attorney

Mr. Wood stated he would be providing updates on various litigation at the August 21st meeting.

Report from the Finance Director

Mr. Squires reported the New York State County Treasurer's meeting was held in Ithaca in July 2007 and was successful with between twenty to twenty-five counties in attendance.

Addition of Resolution(s) to the Agenda

There were no resolution(s) added to the agenda.

Withdrawal of Resolution(s) from the Agenda

There were no resolution(s) withdrawn from the agenda.

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Booth, and unanimously adopted by voice vote, by members present, to approve the following resolution(s) under the Consent Agenda:

RESOLUTION NO. 140 - ACCEPTANCE OF LEGISLATIVE INITIATIVES GRANT FOR PERSONAL EMERGENCY RESPONSE SYSTEMS MACHINES - TOMPKINS COUNTY OFFICE FOR THE AGING (COFA)

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Booth, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, Tompkins County Office for the Aging (COFA) administers a Personal Emergency Response System (PERS) to help seniors and disabled County residents remain safely in independent living, and

WHEREAS, the number of individuals needing and seeking such machines continues to rise, and

WHEREAS, COFA has been awarded a Legislative Initiatives Grant in the amount of \$10,000 received from Senator George Winner's office to purchase approximately sixty (60) machines, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$10,000,

RESOLVED, further, That the Finance Director is authorized to make the following adjustments to his books:

REVENUE:	A6777.43803	State Revenue	\$10,000
APPROPRIATION:	A6777.52219	PERS UNITS	\$10,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 141 – ACCEPTANCE OF FUNDING FOR THE AREA AGENCY ON AGING TRANSPORTATION PROGRAM IN ORDER TO ENTER

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INTO A SUBCONTRACT WITH GADABOUT TRANSPORTATION SERVICES, INC.

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Booth, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Tompkins County Office for the Aging has been offered a grant from the New York State Office for the Aging for senior transportation in the amount of \$10,000, and

WHEREAS, Gadabout Transportation Services, Inc., provides transportation for seniors in Tompkins County, and

WHEREAS, rising fuel prices have put pressure on the financial resources of Gadabout, and

WHEREAS, the funding will allow Gadabout to partially offset the increase in fuel prices, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the County hereby accepts this grant of \$10,000,

RESOLVED, further, That the Finance Director is authorized to make the following adjustments to his books:

REVENUE:	A6777.43803	State Revenue	\$10,000
APPROPRIATION:	A6777.54491	Subcontracts	\$10,000

SEQR ACTION: TYPE 11-20

RESOLUTION NO. 142 - BUDGET ADJUSTMENTS – VARIOUS DEPARTMENTS

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Booth, and unanimously adopted by voice vote by members present under the Consent Agenda.

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 and the Planning, Development, and Environmental Quality Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Office for the Aging

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6780.43803	State Revenue	\$10,408	6780.54491	Subcontracts
6777.43803	State Revenue	\$11,934	6780.54491	Subcontracts

Explanation: State cost-of-living adjustment in EISEP for recruitment and retention of home health aides; Revenue increase for CSE.

Department of Social Services

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6010.43610	State: DSS Admin.	\$47,000	6010.54442	Professional Services
6010.43610	State: DSS Admin.	\$ 5,000	6010.54330	Printing

Explanation: Through its Office for the Aging, Department of Health, and Office of Temporary and Disability Assistance, New York State is providing one hundred percent funding for counties to establish and promote public awareness about the Long Term Care Point of Entry program co-created by County Office for the Aging and Department of Social Services. The current state-approved budget will pay for creation of a logo, website, promotional materials, and print media advertising campaign, as well as printing costs for pre-existing informational brochures.

Department of Social Services

Revenue Acct	Title	Amt	Approp Acct	Title(s)
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6010.43610 State: DSS Admin. \$16,850 6010.51000581 Senior Caseworker Salary es
6010.43610 State: DSS Admin. \$ 6,572 6010.58800 Fringes

Explanation: New York State Office of Children and Family Services has granted Department of Social Services \$23,422 in one hundred percent funding to support temporary increases in Child Protective Services staffing. This budget adjustment will authorize the Department to implement its OCFS-approved plan to pay certain workers salary (rather than to allow them to accrue Compensatory Time credit) for hours worked between 35 and 40.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 143 – AUTHORIZATION TO ACCEPT A GRANT FROM THE STATE ARCHIVES

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Booth, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the County Clerk’s Office has been notified of a grant award from the State Archives in the amount of \$74,900, and

WHEREAS, the State Archives grant represents a project for the County Clerk’s Office to back file and index deed records into their Electronic Document Management System, and

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator or his designee be authorized to execute all contracts related to this award,

RESOLVED, further, That the Director of Finance is authorized and directed to make the following budget adjustment:

BUDGET ADJUSTMENT

Revenue:	A1410.54442	Professional Services	\$74,900
Appropriation:	A1410.43089	Other State Aid	\$74,900

SEQR ACTION: TYPE II-20

Approval of Appointment Under the Consent Agenda

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Booth, and unanimously adopted by voice vote by members present to approve the following appointment(s):

Youth Services Board

Allen Jilo – Youth At-large representative; term expires December 31, 2008

Personal Emergency Response Service Advisory Board

Tina Champion – term expires December 31, 2008

Community Mental Health Services Board

Gregory Eells – term expires December 31, 2007

Emergency Communications Review and Oversight Committee

Jason Fulton – West side-Fire/EMS representative; term expires December 31, 2010

Report from the Budget and Capital Committee

Mr. Koplinka-Loehr, Chair, reported the minutes of the meeting are available at the County website. He said the Expanded Budget Calendar for the 2008 budget is in Legislator’s folders and are marked as “Final”. Although the dates are set, he asked members of the Legislature to review their calendars to determine if adjustments in the actual time are required and respond within the next several

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days. Ms. Kiefer inquired about the previous discussions regarding making the start date one week later and having the meetings closer to the actual budget vote. Mr. Koplinka-Loehr stated that is still possible. Revisits are for October 29 and 30, with the planned Public Hearing taking place the second Tuesday in November. He also reported a public forum will take place on September 27, 2007, 7:00 p.m. to 9:00 p.m. at Boynton Middle School.

Report from the Public Safety Committee

Mrs. McBean-Clairborne, Chair, reported that at the Committee's last meeting they received a report from Offender Aid and Restoration regarding the bail assistance program. Of the \$10,000 appropriated for this program there is currently a balance of \$1,000. In 2006 the program assisted 48 individuals; thus far in 2007, 74 individuals have received assistance, believed to be due in large part to the approved appropriation. Mrs. McBean-Clairborne reported the Re-Entry Program is reviewing the program and continues to refine it and determine the best way to move forward. She then reported the Committee would be discussing the condition of the Community Justice Center at future meetings. She reported the Committee passed their goals. She then reported on the following award notifications received from Central New York EMS Council: Dryden Ambulance – Regional Agency of the year; Beth Harrington, Assistant EMS Director for Tompkins County, was named Educator of Excellence and will be nominated for a State Award; Julie Ferris, Dispatcher for Tompkins County, was nominated Regional Communications Specialist of the Year.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne reported the Committee met and had extensive discussions regarding the communications plan for staff. She believes there will be revisions to refine the document so that it ensures employees and staff are on board.

Report from the Health and Human Services Committee

Mr. Shinagawa, Chair, reported the Committee had met twice since the last meeting, with much of the discussions relating to the Drop-In Children's Center. He reported that on July 18th, a resolution for the Health Department as well as one for the Recreation Partnership were acted upon. Mr. Shinagawa reported that Mr. Koplinka-Loehr had made a motion that would result in the County's eventual withdrawal from the partnership by the end of the agreement. Subsequent to the meeting, a revision of the agreement was requested by municipal members and as a result the item would be returning for review by the Committee. Office for the Aging provided a variety of reports, including grants received and the restructuring of Lakeside Nursing Home as a result of the Berger Commission decisions. Mr. Shinagawa noted that the State funding to assist in the transition efforts of facilities effected by the Berger Commission is \$550 million; to date 62 applications were received by the State with the total funding requested on the applications totaling over \$6 billion. The Committee also was provided with program updates from Cooperative Extension.

Health Department Building Committee

Mr. Proto extended his appreciation to the Committee and staff for their efforts. He announced that due to the resolution passed tonight designating a site the Committee meeting for August 9th is cancelled. The next meeting of this Committee will be announced at a later date. Mr. Booth extended his appreciation to Mr. Proto for all the work he had done with regard to the Committee.

Report and Presentation of Resolution(s) from the Facilities and Infrastructure Committee

Ms. Herrera, Chair, requested she be provided feedback relating to the Tompkins Consolidated Area Transit information they had received. She reported that the Committee met earlier in the day and

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was provided a presentation from ECC Technologies, Inc., regarding broadband services. She noted there was a good deal of interest in the topic that will be reviewed further. Ms. Herrera will report on the July 24th meeting at the next Legislature meeting. Ms. Robertson indicated that Dryden has previously shown an interest in broadband services and this topic could be of interest to the Council of Governments. Ms. Herrera indicated she would bring the information forward.

RESOLUTION NO. 144 - APPROPRIATION FROM CONTINGENT FUND FOR TERMINAL-PAY REIMBURSEMENT – HIGHWAY DIVISION

MOVED by Ms. Herrera, seconded by Ms. Kiefer, and unanimously adopted by a short roll call vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Highway division had one employee in the title of Laborer, with terminated (retirement) employment effective December 31, 2006, continue with uninterrupted temporary employment terminated effective April 7, 2007; one employee in the title of Heavy Equipment Mechanic (HEM), with terminated (resigned) employment, effective March 16, 2007; one employee in the title of Motor Equipment Operator (MEO), with terminated (retirement) employment effective April 8, 2007; and one employee in the title of Highway Crew Supervisor (HCS), with terminated (retirement) employment effective May 31, 2007, and

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

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, and the Budget and Capital Committees, That the Director of Finance hereby be authorized and directed to make the following budget appropriation:

FROM: A1990.54440	Contingent Fund	\$ 9,339.64
TO: D5110.51000806	Salary – Laborer	\$ 6,969.75 (retirement)
D5110.51000806	Salary – Laborer	\$ 677.33 (temporary)
D5110.51000809	Salary – MEO	\$ 668.71
D5110.51000841	Salary – HCS	\$ 898.23
DM5130.51000849	Salary – HEM	\$ 125.62

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RESOLUTION NO. 145 - AMENDMENT TO AWARD OF BID – CR105, McLEAN - CORTLAND ROAD PHASE 2 RECONSTRUCTION, TOWN OF GROTON

MOVED by Ms. Herrera, seconded by Mr. Booth, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, Resolution No. 33 of 2002 authorized an agreement with the State of New York whereby State and Federal sources furnished ninety-five percent of the funding necessary to design reconstruction of County Road 105 from the Dryden-Groton town line to the Cortland County line, and

WHEREAS, The Department of Finance - Division of Purchasing has duly advertised for bids for the project, and

WHEREAS, two (2) bids were received and publicly opened on June 28, 2005, and

WHEREAS, Resolution No. 152 of 2005 authorized the bid be awarded for the Base Bid only, construction east of Fall Creek, pending approval by the New York State Department of Transportation, although the budget was adequate to include award of Alternate 2, construction between Fall Creek and the Dryden-Groton town line, and

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WHEREAS, in January 2006 the New York State Department of Transportation also authorized award of Alternate 2, in the amount of \$296,280.45, which was the recommendation of the County Highway Manager, now therefore be it,

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid awarded to Suit-Kote Corporation of Cortland, New York, lowest, responsible bidder for the Base Bid be amended to include Alternate 2, for a total amended award of \$2,313,272.65,

RESOLVED, further, That the Highway Division be authorized to implement this bid and execute change orders with total values not to exceed twelve and one-half percent of the aforementioned bid amount on behalf of the County, funds to be provided from the McLean-Cortland Road Reconstruction Capital Account (HZ 5103.59239.53.02),

RESOLVED, further, That the completion date for work of this contract be extended to August 31, 2007.

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Report from the Personnel Committee

Mr. Dennis, Chair, reported the Committee would meet on August 8th and address the topic of health insurance plan for retirees. He is certain that the Committee will have input from retirees and staff as well. He reported that the County Administrator Selection Committee is moving ahead and should be in place shortly. Ms. Herrera inquired whether the resolution regarding health insurance for retirees would be acted upon, Mr. Dennis said he hoped it would be but is open to any motions the Committee makes.

Report from the Government Operations Committee

Mr. Sigler, member, reported the Committee met on August 3rd and conducted standard business.

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

Ms. Robertson, Chair, said the Committee has not met since the last Legislature meeting. The next meeting will be on August 13th at 3:30 p.m. when the Environmental Management Council will provide information on wind energy.

RESOLUTION NO. 146 - APPROPRIATION FROM ROOM TAX RESERVE - FUNDING OF TOURISM MARKETING WEB SITE

MOVED by Ms. Robertson, seconded by Mr. Randall, and unanimously adopted by a short roll call vote of members present. RESOLUTION ADOPTED.

WHEREAS, in 2001, a website called "IthacaEvents.com" was created to provide a comprehensive listing of cultural and arts events occurring in Tompkins County, and the start-up costs were funded by the Tompkins County Room Occupancy Tax Fund. The web site has realized frequent traffic among Internet users, and remains an invaluable resource of information and free advertising for local event producers. The web site, under the Community Arts Partnership's administration, has provided visitors and residents with accurate and timely information and offered an avenue to purchase tickets to hundreds of local events, and

WHEREAS, it is timely to update and upgrade the IthacaEvents.com web site, to make it a more user friendly, efficient and effective marketing tool to bring more tourism to Tompkins County and thereby strengthen the local economy, and

WHEREAS, the Strategic Tourism Planning Board received and reviewed a proposal from the Community Arts Partnership for upgrading the web-site and recommended its approval to the Tompkins

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County Legislature through the Planning, Development, and Environmental Quality Committee and the Budget and Capital Committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget and Capital Committees, That the County Administrator or his designee is authorized to execute an amendment to the Community Arts Partnership contract for up to \$20,000 for the provision of upgrading the web site known as "IthacaEvents.com",

RESOLVED, further, That the Director of Finance be authorized and directed to make the following appropriation from the Room Tax Reserve:

Appropriation: 0980.0000	Room Tax Reserve Fund Balance	\$20,000
Expense: 6475.54621	Community Arts Partnership	\$20,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 147 - BUDGET ADJUSTMENT AND APPROPRIATION OF UNSPENT GENERAL FUNDS FROM 2006 – PLANNING DEPARTMENT

MOVED by Ms. Robertson, seconded by Mr. Booth. Ms. Kiefer said when previously presented with this request there had been a concern about setting aside a large sum such as this in the capital fund for Natural, Scenic, and Recreational Resource Protection when there was a staffing shortage for the advisory committees and asked if it had been resolved. Mr. Marx indicated that the shortage was addressed and there will be full staffing on the committees through the end of the year.

A short roll call vote on the motion resulted as follows: Ayes – 13; Noes – 1 (Legislator Proto); Excused – 1 (Legislator Mackesey). RESOLUTION ADOPTED.

WHEREAS, various departments have been certified by the Director of Finance to have unspent appropriations and excess revenues from 2006 resulting in a surplus of \$1,362,865 on the County's books as of December 31, 2006, and

WHEREAS, pursuant to County Fiscal Policy, surplus funds have been requested for use in the amount of \$25,000.00 in the current year budget, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality, and the Budget and Capital Committees, That the following transactions are approved:

BUDGET APPROPRIATION:

FROM: General Fund Balance \$25,000.00

TO:

DEPT	Use of funds	Account	Requested Rollover
Planning Department	Capital reserve fund for Natural, Scenic, and Recreational Resource Protection	8020 54400	\$25,000.00

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Approval of Minutes of July 17, 2007

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer, and unanimously adopted by voice vote, by members present, to approve the minutes of July 17, 2007 as presented. MINUTES APPROVED.

Adjournment

On motion the meeting adjourned at 9:26 p.m.

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Respectfully submitted by Karen Fuller, TC Legislature Office