

**Tompkins County Legislature
October 16, 2007**

APPROVED 11/7/07

Call to Order

Mr. Joseph, 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: 12 Legislators (Legislator McBean-Clairborne arrived at 5:45 p.m.; Legislator Hattery arrived at 5:56 p.m.): Excused - 1 (Legislator Herrera).

Presentation of Proclamation(s)

Mr. Joseph read a proclamation declaring 2007 Youth Services Year in Tompkins County and presented it to Nancy Zahler, Youth Services Director. Ms. Zahler thanked the Legislature and invited them to the 30th Anniversary celebration taking place on November 1st from 7:00 p.m. to 9:00 p.m.

Privilege of the Floor by the Public

No one wished to speak.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, reported the United Way Campaign would be kicking off in several days. He hoped that people would be able to donate and spoke of the ability to choose the organization the funds would go to if desired. Mr. Dennis said many of the individuals the Legislature represents utilize the many services supported by the United Way.

Presentation of Youth Award

Mr. Randall, District No. 9 Legislator, presented the October 2007 Distinguished Youth Award to Justina Conner, a Groton High School senior. He noted Ms. Conner's many activities, which included: Co-President of Tompkins County Future Farmers of America (FFA), Vice President of the Senior Class, President of Honor Society and Outing Club, Student Council Treasurer, a member of the Science Club, and Captain of the Varsity Soccer Team. In addition, she is organizing through the National Honor Society a blood drive for mid-November, is coordinating a T-S-T New Visions FFA adopt-a-highway program, and serves as a student mentor to upcoming freshman. Ms. Conner thanked her nominator and the Legislature for the recognition.

Privilege of the Floor for Legislators – Continued

Ms. Mackesey, District No. 1 Legislator, reported there would be a meeting regarding the garbage truck transport problem on October 25th at 6 p.m. at the Aurora Inn, Aurora, New York. Elected officials from the State Senate and Assembly as well as a representative of Senator Schumer's office will be present. She recommended anyone interested in this important topic should attend.

Mr. Proto, District No. 7 Legislator, announced that on October 25th the Farm Bureau would be holding its annual dinner at the Lehigh Valley House. He also announced that on October 20th the oldest apple festival in the county would be held in Brooktondale. Mr. Proto reminded individuals that Election Day will occur prior to the next Legislature meeting and encouraged individuals to vote as many towns

October 16, 2007

have important elections. He announced the 2007 Veterans Day Parade will take place on November 4th this year and invited Legislators to participate in the event.

Ms. Robertson, District No. 13 Legislator, reported that in early November there would be a showing of a locally-made movie entitled *The Jungle's Edge*, at the Tompkins County Public Library. She also reminded individuals who may be out of town for the election to obtain an absentee ballot.

Mrs. McBean-Clairborne arrived at this time.

Mr. Stevenson, District No. 8 Legislator, provided a reminder that on October 27th at 1:00 p.m. Meadowgate Equine Rescue, a non-profit equine rescue farm in Newfield, will be having a Fall Round-up fund raiser with the proceeds to go to the rescue service and Ponderosa Pals Youth Program.

Mr. Shinagawa, District No. 4 Legislator, announced there would be a Senior Citizen Fair and public hearing at Titus Towers on October 25th from 9:30 a.m. to 1:00 p.m. At noon a lunch will be provided by Foodnet.

Mrs. McBean-Clairborne, District No. 2 Legislator, spoke of the misconception of events concerning Ithaca High School students, noting the reported countdown to violence was in fact a countdown to a forum to discuss the present problems at the high school. She spoke of the need for equity within the school district and that the youth were organizing and mobilizing in a respectful manner to resolve the issues. Mrs. McBean-Clairborne feels a sense of obligation to publicly make note of the reporting error to allow the public to hear that the youth are acting in a peaceful manner. She asked that the school district officials please listen to the youth's concerns.

Mr. Joseph, District No. 12 Legislator, also spoke of the current events at the Ithaca High School and said he has been involved in issues of inequality and racism in the school for many years. He said during that time many adults brought the issues to public attention but received little action. Mr. Joseph is proud of the students who took the initiative to stand up and say it isn't right and that they demand a change. He feels that the students have captured the community's attention in a manner that adults have not been able to and expressed his support for what they did.

Mr. Proto asked if the Legislature would be discussing Governor Spitzer's recent proposal to allow illegal aliens the right to obtain a New York State driver's license. Mr. Stevenson, Chair of Government Operations Committee, indicated that there might be one member of the Committee that will bring a resolution forward in November. He will provide a brief report of the discussion occurring at the Committee meeting during his report.

Chair's Report

Chair Joseph said the recently dissolved Health Department Building Committee was charged to bring to the Legislature a set of location choices for a new Health Department building; with the work culminating in a decision by the Legislature to select the Brown Road site. He said now it is time to proceed to the design and construction work of renovating that building.

Mr. Joseph spoke of it being County staff responsibility to carry out the project now that the Legislature authorized and funded the capital project. To facilitate this work Mr. Joseph announced he is appointing a construction committee to provide guidance and advice in design and construction. The committee will be made up of stakeholders including Legislators, departmental managers, Health Department staff, and Public Works staff who will be responsible for the overseeing construction and maintenance.

Mr. Joseph said the committee will take part in the selection of a design team and will continue that work to ensure that the building meets the needs of the programs, staff, and public who will use the

October 16, 2007

building. He stated the committee will work within the adopted administrative policies regarding space standards, and within the budget established by the capital program. The committee will also ensure that the building is both energy and cost efficient, and is in accordance with the County's commitment to sound health and environmental standards. All members of the committee will be voting members, although it is anticipated that most decisions will be the result of building consensus among the committee members.

Mr. Joseph said the committee is not a special committee of the legislature, therefore any legislative actions that are needed will be brought to the Facilities and Infrastructure Committee on recommendation of the Construction Committee and the responsible staff. The members of the committee shall be as follows:

Ed Marx, Chair, Commissioner of Planning and Public Works)
Arel LeMaro, Facilities Director
Cinde Schulte, Health Department Staff
Katie Prince – Health Department Staff
Alice Cole, Public Health Director
Sigrid Connors – Health Department Staff
Duane Randall, Legislator
Jim Dennis, Legislator
Dooley Kiefer, Legislator

Mr. Hattery arrived at this time.

Chair's Appointment

Mr. Joseph made the following appointment:

Workforce Investment Board

Ellen O'Donnell – Education – term to expire June 30, 2010

Presentation – Emergency Management Strategic Group

The Legislature was provided with a Powerpoint presentation outlining the coordination and work of the Emergency Response Department, the Emergency Management Planning Group, and the Emergency Management Strategic Group. Mr. Shurtleff, Emergency Response Director, provided a brief overview of the three groups, primarily the everyday role of the department, the development of coordinated plans with county and outside agencies in the event of an emergency, and the development of an internal workforce comprehensive emergency management plan to make sure the government can operate. Additional details of each of the Management Groups were provided by Ms. Nelson, Public Works Administrator, and Ms. Martel Moore, Deputy County Administrator.

Following the presentation, Mr. Proto asked about the records management portion noting that often in an emergency situation it is necessary to produce records in order to obtain funding from the Federal Emergency Management Agency (FEMA) or the State Emergency Management Office (SEMO). Ms. Martel Moore said that topic is under consideration by the groups, however, the first priority is to have each department's information backed up. She spoke of the need to have hard-copy documents duplicated and stored.

In response to a question by Mr. Proto concerning non-County employees being included in the process while being utilized during an emergency, Ms. Martel Moore said the issue is being discussed by the Emergency Management Planning Group. Mr. Proto also asked if plans are being made for farm animals during emergency situations. Mr. Shurtleff said this topic is being addressed at a meeting that is taking place in Lake Placid with an ad hoc group from Caroline making itself available in a disaster. Mr.

Shurtleff reported that a recent change from Homeland Security has assigned responsibility for persons with special needs to counties. He explained that as a result of individuals not wanting to evacuate during emergencies, service animals is also a county responsibility and will be mandated under the local emergency management planning guide program. Mr. Shurtleff also noted that the County would most likely have to work with agencies such as the SPCA in the event of an emergency. Ms. Martel Moore spoke of her experience having to educate many different businesses about the rights of individuals with service animals.

Ms. Robertson inquired whether various non-profit agencies throughout the County are being included in the planning and referenced the series of meeting held soon after Hurricane Katrina to coordinate the community's response. Ms. Nelson said every effort is being made to be certain that everyone that could be involved in an emergency situation would be included. The present work is the preliminary planning and it is anticipated that everyone who could be involved will be meeting during 2008. Ms. Martel Moore noted discussions are already occurring regarding the transportation aspect during an emergency.

Mr. Stevenson asked how public defibrillators would fit into the planning. Mr. Whicher noted that a committee had been created to review this issue and has not yet reached a point to report on progress. Mr. Stevenson said it is a topic that would fit well into the efforts discussed. He then asked if the potential utilization of County employees during an emergency is being addressed during the labor negotiations with unions. He was informed that the County is emphasizing their desire to have County employees participate as needed during emergencies. Ms. Martel Moore said Ms. Kippola is on the defibrillator committee and has spoken intensely about how they would fit into the emergency.

Mr. Stevenson noted he has requested that the Sheriff's Department design an identification card specific to members of the Legislature.

Mr. Booth noted emergency planning is focusing on emergencies taking place within the County, but often they are elsewhere with people having to quickly move outside of an emergency area. He inquired whether this possibility is being explored and identifying beds for people if necessary. Mr. Shurtleff said the planning will factor in human needs; with regard to beds, he said this is further along than in the past and there has been some involvement from nursing homes, school districts, educational facilities, etc. Mr. Proto asked if the university and colleges would be treated as a separate population. Mr. Shurtleff said the colleges have moved to examine on-campus plans, particularly in light of the on-campus shootings taking place at Virginia Tech. Their reviews include members of local government and they are basing plans on various scenarios that include remaining on-site, sending students home, etc.

Mr. Hattery asked what determines a County-level emergency. Mr. Shurtleff explained it is determined by the different levels and need for resources, when the need is beyond what a local department or mutual aid provider can do it becomes a County-level responsibility. If it is beyond the County's ability it would require the Chair of the Legislature to seek State or Federal assistance.

Report from the County Administrator

Mr. Whicher spoke of the presentation, noting he likes the approach the staff and State have taken to carefully determine policies, unlike when there were nuclear threats many years ago. He reported that the Tompkins County Council of Governments has met with the SPCA to discuss contract negotiations. It appears that the financial burden appears genuine and another negotiation meeting will occur next week. Mr. Whicher reported as a follow-up to the previous report regarding the State Wide Network, a phone meeting occurred and he expects that within the next two weeks staff will come to Tompkins County to look at the sites. He believes that following the discussions there is a better understanding of what Tompkins County would like as an agreement and that a negotiated contract which appears to be within the County's budget, would be signed before the end of the year and that the State would begin paying by no later than January 1, 2009.

Report from the County Attorney

Mr. Wood did not have a report.

Report from the Finance Director

Mr. Squires reported on a meeting held between the Cortland County Administrator, Tompkins County Administrator Steve Whicher and himself regarding the Tompkins Cortland Community College Master Plan. As a result of the meeting it was determined there would be no more additional difficulties in funding in the upcoming years. Mr. Squires reported he expects to borrow \$2.5 million as approved in the bonding resolution in the first week of January as well as the bonding for the Health Department building. He spoke of the revenue anticipation note that came due last week, stating that the funds held in savings earned more interest than the interest due on the note.

Withdrawal of Resolution(s) from the Agenda

No resolutions were withdrawn from the agenda.

Addition of Resolution(s) to the Agenda

No resolutions were added to the agenda.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION NO. 192 - APPOINTMENT OF ELECTION COMMISSIONER FOR 2008-2009

MOVED by Mr. Sigler, seconded by Mr. Proto, and unanimously adopted by members present under the Consent Agenda.

WHEREAS, Election Commissioner Elizabeth W. Cree's term is due to expire December 31, 2007, and

WHEREAS, the Tompkins County Republican Committee, at its September 29, 2007, meeting recommended Elizabeth W. Cree for reappointment to a two-year term, now therefore be it

RESOLVED, on recommendation of the Tompkins County Republican Committee and the Government Operations Committee, That Elizabeth W. Cree be and hereby is appointed Republican Party Elections Commissioner for the two-year term commencing January 1, 2008, and ending December 31, 2009.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 193 - RETURNED VILLAGE TAXES

MOVED by Mr. Sigler, seconded by Mr. Proto, and unanimously adopted by members present under the Consent Agenda.

WHEREAS Article 14 of the Real Property Tax Law authorizes village tax collectors to return to the County Treasurer a listing of unpaid taxes for enforcement, and

October 16, 2007

WHEREAS the Villages of Cayuga Heights, Dryden, Freeville, Groton, Lansing, and Trumansburg are authorized to submit their unpaid taxes to the County for enforcement, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2008 tax rolls the amount of the uncollected village taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the village tax collectors of the various villages to the County Finance Director, and that said returned village taxes be reassessed and relieved on town tax rolls as they are returned, and that said returned village taxes be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 194 - RETURNED SCHOOL TAXES

MOVED by Mr. Sigler, seconded by Mr. Proto, and unanimously adopted by members present under the Consent Agenda.

WHEREAS Article 13 of the Real Property Tax Law authorizes school district tax collectors to submit by November 15th a listing of unpaid taxes to the County Treasurer for enforcement, and

WHEREAS the County guarantees the school districts payment of the unpaid taxes by April 1 of the year following the return, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2008 tax rolls the amount of the uncollected school taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the collectors of the various districts, exclusive of the Ithaca City School District, to the County Finance Director, and that said returned school taxes be reassessed and relieved on town tax rolls as they are returned, and that said school taxes returned in 2007 be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 195 - ADOPTION OF APPORTIONMENT OF TAXES FOR 2008

MOVED by Mr. Sigler, seconded by Mr. Proto, and unanimously adopted by members present under the Consent Agenda.

WHEREAS, the report of equalization rates and totals (footings) of assessment rolls has been prepared and approved by the Assessment Director, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the report of the Director of Assessment be accepted and adopted, and the valuation of real property and franchise be based on the 2008 final assessed values for the purposes of general tax levied against the several tax districts of the County and that the values determined therein be set forth as the basis for such general and highway tax levies for the year 2008,

RESOLVED, further, That the several amounts therein listed for State tax and County tax for general County purposes for 2007 be assessed against, levied upon, and collected from taxable property of the several towns and City liable therefore.

SEQR ACTION: TYPE II-20

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Vice Chair, reported the Committee has not met since the last Legislature Meeting. The next meeting is October 23, 2007.

Report and Presentation of Resolution(s) from the Personnel Committee

RESOLUTION NO. 196 - RESTRUCTURING OF THE INTERNSHIP PROGRAM AND CREATION OF A LIVING WAGE FOR PROJECT ASSISTANTS

MOVED by Mr. Dennis, seconded by Ms. Robertson. A voice vote by members present resulted as follows: Ayes – 9 (Legislators Dennis, Joseph, Kiefer, Koplinka-Loehr, Mackesey, McBean-Claiborne, Robertson, Sigler, and Shinagawa); Noes – 5 (Legislators Booth, Hattery, Proto, Randall, and Stevenson); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature, by Resolution No. 125, of June 6, 2000, approved the creation of an Internship Program to give eligible internship candidates an opportunity to provide meaningful, challenging, hands-on, in-depth work experience at a rate of pay from \$7.00 to \$10.00 per hour with no fringe benefits, and Resolution No. 254, dated November 21, 2000, increased the maximum rate of pay to \$15.00 per hour, and increased the hours of all positions to 40 per week, and

WHEREAS, the Internship Program continues to be a successful cost-effective method of meeting the goal of providing meaningful, challenging, hand-on, in-depth work experience for candidates who are college students (who are not otherwise eligible for full payment through any other work-study program), high school students, or any other person who is unemployed or underemployed, and

WHEREAS, this program continues to provide another avenue to diversify the workforce and enhance and broaden the opportunities for County Departments to utilize the knowledge, skills, and abilities of eligible candidates to provide a valuable service to the taxpayer, and

WHEREAS, according to the Alternatives Federal Credit Union (AFCU), a living wage is defined as the amount of income and resources (such as health insurance) needed for an individual to meet his/her basic needs without public or private assistance, and Tompkins County is fully in support of the concept of paying a living wage to all of its employees, and

WHEREAS, according to a study done in 2006 by the AFCU, the 2007 living wage for a single individual who has no children but does have health insurance is at least \$9.83 per hour for a 40-hour workweek and that a single individual with no children or health insurance needs at least \$11.18 per hour (the \$1.35 per hour difference being what it would cost the individual to purchase insurance through Healthy New York) in order to maintain himself or herself without public or private assistance, and

WHEREAS, it would be more efficient and cost effective for individual departments to create and manage their own positions, distribute, gather and process their own timecards, and not have to perform manual budget adjustments to reconcile accounts, and

WHEREAS, it is imperative that the Commissioner of Personnel maintain control over the recruitment and placement of interns in order to ensure that the program continues to meet the goals outlined in paragraphs two and three above, now therefore be it

RESOLVED, on recommendation of the Personnel Committee, That the internship program shall continue indefinitely,

RESOLVED, further, That Project Assistant positions (76/049) shall have a standard work-week of up to 40 hours, with no benefits, and up to a maximum eighteen-month duration,

RESOLVED, further, That each department may create, upon Legislative approval, a sufficient number of Project Assistant positions (76/049) to address individual departmental needs, that these positions shall be funded from the budget of the creating department, and that the Commissioner of Personnel will maintain involvement and oversight with regard to recruitment and placement,

RESOLVED, further, That departments may offer a livable wage to Project Assistant employees anywhere from \$11.18 per hour to \$17.00 per hour, with no fringe benefits,

RESOLVED, further, That no additional funding is required.

SEQR ACTION: TYPE II-20

Mr. Dennis, Chair, reported there have been negotiation sessions with both the blue-collar and white-collar groups. In addition, a meeting was held with the County health insurance provider who gave a presentation to the CSEA union, County staff, and Legislators. The presentation included a utilization report for both the medical and drug portions of coverage that showed interesting facts. Mr. Dennis said the date has not yet been set for continued discussions on retiree health insurance coverage.

Mr. Proto expressed a desire to be able to discuss Resolution No. 196 - Restructuring of the Internship Program and Creation of a Living Wage for Project Assistants; Mr. Joseph opened the floor as the majority of members were in agreement to have a discussion.

Mr. Hattery spoke of his concern regarding the language contained within the resolution, specifically, that it could prohibit students doing work without compensation. Mr. Dennis said that students working in the position of Project Assistant would be paid the agreed upon rate; however it would not eliminate the ability for an intern to volunteer free of charge. Mrs. McBean-Clairborne did not believe the resolution would disallow a student working without compensation. She also wished to clarify that her lack of support at the Committee level was due to her desire to maintain the high-end compensation level at \$20 rather than the \$17 that was approved. Mr. Proto asked if the project assistant internship program could be revisited at a later date and was informed it was possible.

Chair Joseph inquired if anyone voting in support of the resolution wished to reconsider; there was no one wishing to reconsider.

Report from the Government Operations Committee

Mr. Stevenson, Chair, said the Committee met on October 12th and heard from the Assessment Department regarding the senior/disabled exemption being offered. He said Ms. Steiner, Library Director, also provided information about the selection process followed for the Library Board of Trustees. Mr. Stevenson said the Committee held a brief discussion regarding the Governor's directive regarding illegal alien driver's licenses, with Ms. Valenti, County Clerk, providing her perspective on the situation. The Committee will meet next on November 9th.

Report from the Planning, Development, and Environmental Quality Committee

Ms. Robertson, Chair, reported the Committee has not met. The next meeting will be October 18th.

Report from the Budget and Capital Committee

Mr. Koplinka-Loehr, Chair, reported there have been several meetings of the Expanded Budget Committee since the last Legislature meeting. At this time they have transitioned from information meetings to voting meetings. The next meeting will take place on October 17th.

Report from the Public Safety Committee

Mrs. McBean-Clairborne, Chair, reported the Committee has not met, the next meeting is October 19th.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee has not met. The next meeting will be in November.

Report and Presentation of Resolution(s) from the Health and Human Services Committee

Mr. Shinagawa, Chair, reported the Committee met on October 3rd, at which time Ms. Cole, Public Health Director, read a statement with regard to the selection of the Brown Road location for the new Health Department building. In addition, the Committee received a report on the Youth Homeless Survey, as well as hearing from Department of Social Services Commissioner Carey and Sheriff Meskill on the Re-Entry program developed to assist released inmates.

RESOLUTION NO. 197 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – HEALTH DEPARTMENT

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

WHEREAS, the Health Department had a Senior Clerk retire effective August 11, 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 Health and Human Services and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$ 1,631
TO:	A4016.51000518	Senior Clerk	\$ 1,173
	A4016.58800	Fringes	\$ 458

SEQR ACTION: TYPE II-20

Individual Member-Filed Resolution

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

MOVED by Mr. Proto, seconded by Mr. Hattery. Mr. Booth requested a ruling from Mr. Wood, County Attorney, that by passing the resolution it does not change the results of Resolution 139 of 2007, specifically the determination of location. Mr. Wood ruled that this amendment would not change the result, it would simply provide more clarification of the action taken at that time.

WHEREAS, Resolution No. 139 of 2007 authorized the County Administrator to complete an evaluation of and negotiate the purchase agreement for 55 Brown Road on the recommendation of the Health Department Building Committee, and

WHEREAS, the Health Department Building Committee did not recommend 55 Brown Road as the preferred site but rather erecting a new building across from the existing Health Department/Biggs Building on Harris B. Dates Drive, which recommendation was amended by the full Legislature, and

WHEREAS, it is desirable to have the record of the County Legislature’s actions be as accurate as possible, now therefore be it

RESOLVED, That Resolution No. 139 of 2007 be amended by removing the following language in the first Resolved: “on recommendation of the Health Department Building Committee”.

SEQR ACTION: TYPE II-20

Approval of Minutes of October 2, 2007

October 16, 2007

It was MOVED by Ms. Robertson, seconded by Mrs. McBean-Clairborn, and unanimously adopted by voice vote by members present, to approve the minutes of October 2, 2007. MINUTES APPROVED.

Adjournment

On motion the meeting adjourned at 7:10 p.m.

Respectfully submitted by Karen Fuller, TC Legislature Office