

**Tompkins County Legislature
Regular Meeting
November 7, 2007**

Call to Order

Mr. Joseph, Chair, called the meeting to order at 5:31 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 12 Legislators; Excused: 2 (Legislators Randall and Sigler); Vacant – 1 (District No. 3 – City of Ithaca).

Privilege of the Floor by the Public

George Schuler, Family and Children's Services Board Member, spoke in favor of the resolution regarding the issuance of bonds by the Tompkins County Industrial Development Agency of up to \$4,500,000 principal amount Civic Facility Revenue Bonds, which would be no cost to the County. He said approval will allow the agency to purchase the Greenstate Building on State Street, thus allowing the agency to house the many programs under one roof. Mr. Schuler spoke of how the agency will then sell the property located in the west end of the City and put it back on the tax rolls; however, it is not yet certain what will be done with the Cayuga Street property.

Michael Lane, Dryden resident and former Legislator, spoke of his disappointment in not being able to hear parting words from newly resigned Legislator Richard Booth, who took a position as an Adirondack Park Agency Commissioner. Mr. Lane spoke of his having the privilege of serving with Mr. Booth and how much he appreciated his collegiality, words, and work on various Committees. Mr. Lane said that although Mr. Booth liked to speak his mind and serious thoughts on budget issues, though at times an unpopular stance, he was a person of courage. Mr. Lane enjoyed Mr. Booth's prepared statements and appreciated his being a part of the Tompkins County community, City Council, and County Legislature and will miss his service. He is proud that someone from the County ascended to the position Mr. Booth has been appointed to.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, expressed appreciation to the attendees of the Veteran's Day Parade held on November 4th. He reported there will be a ceremony on Sunday, November 11th at 2:00 p.m. in DeWitt Park and invited members to attend. Mr. Proto spoke of Senator Nozzolio's spearheaded effort to create a Veteran's Cemetery at Sampson Park that was approved by the Governor, noting that the original plan to dedicate the land on Veteran's Day is to be postponed due to local municipalities delay in approving necessary resolutions. When this requirement is complete he will provide information on the actual dedication. Mr. Proto spoke of New York State Electric and Gas (NYSEG) Corporation's recent enclosure regarding "Voice Your Choice", noting it does not provide a telephone number to obtain information needed. He said there is a website provided, however, not all customers have a computer. He will be contacting New York State Electric and Gas to address what he hopes is simply an oversight.

Ms. Robertson, District No. 13 Legislator, spoke of the elections, congratulating the candidates and thanking the volunteers, staff, and others involved. She said that all those participating in the elections were winners and wished them luck.

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Ms. Mackesey, District No. 1 Legislator, reported on the meeting held in Aurora in October regarding trucks hauling garbage across municipal roads. She said State Senators and Assemblymen were present at the meeting as well as many communities in the Finger Lakes region who are concerned about the increased numbers of trucks traveling within local communities. Ms. Mackesey referred to the recent article in the newspaper that spoke of Senator Schumer's discussions with New York City regarding their garbage haulers, who make up approximately one-third of the trucks passing through our region. She said it is an issue that remains and attempts are being made to garner support from the State representatives. Mr. Joseph spoke of having received a letter from Senator Winner stating the Senate has passed legislation requiring that trucks carrying hazardous cargo, which includes solid waste, to stay on interstates as much as possible. It was sponsored by Senators Winner and Nozzolio as well as others, and has now been sent to the Assembly.

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

RESOLUTION NO. 199 - THE TOMPKINS COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF TOMPKINS COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF UP TO \$4,500,000 PRINCIPAL AMOUNT CIVIC FACILITY REVENUE BONDS (FAMILY AND CHILDREN'S SERVICE OF ITHACA PROJECT), SERIES 2007

MOVED by Ms. Robertson, seconded by Mr. Hattery. Ms. Robertson spoke of the need to move quickly on the bonding issuance as the Civic Facility legislation is due to sunset in January 2008 and it does not appear it would be extended. This project would fit under the existing law and it is hoped to accomplish the closing in time to get things in order. Ms. Kiefer requested clarification regarding the language "leasehold", since she understood it was Family and Childrens Services intention to purchase, not lease, the property. Mr. Russell Gaenzle, Industrial Development Agency (IDA) bond attorney from Harris Beach Bond Council, Rochester, New York, explained the IDA as a conduit-Issuer obtains either title to or a leasehold interest in the property financed with the bond. Under the State Constitution the IDA may not loan money; as a conduit-Issuer, the IDA holds title to, or a leasehold interest in the property and then leases or sells the property back to the borrower, with the rental or purchase payments equal to the debt service. Mr. Gaenzle explained the resolution being acted upon is under the Internal Revenue Code authorizing IDA to issue the bonds; the project description is simply additional information.

A roll call vote resulted as follows: Ayes – 11; Noes – 1 (Legislator Kiefer); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3).

WHEREAS, the Tompkins County Legislature (the "Legislature"), as the elected legislative body of Tompkins County, New York (the "County"), has been advised by the Tompkins County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Family and Children's Service of Ithaca, a New York not-for-profit corporation (the "Company") and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Civic Facility Revenue Bonds (Family and Children's Service of Ithaca Project), Series 2007, in an aggregate principal amount not to exceed \$4,500,000 (the "Bonds"), and

WHEREAS, the project (the "Project") shall consist of (A)(i) the acquisition by the Issuer of a leasehold or other interest in an approximately .44-acre parcel of land located near the intersection of 127 West State Street and 124 West Green Street in the City of Ithaca, New York (the "Land") and the

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existing improvements located thereon, consisting principally of an approximately 21,639 square-foot Class A office building (the "Existing Improvements"), and (ii) the renovation, upgrading and equipping of the Existing Improvements for the purpose of consolidating all operations of the Company including, but not limited to, children's mental health programs, business offices, and record storage/training room/maintenance work space, into a single facility (the "Improvements"); (B) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, and other tangible personal property (the "Equipment" and, together with the Land, the Existing Improvements, and the Improvements, the "Facility"); (C) paying certain costs incidental to the issuance of the Bonds (the costs associated with (A) through (C) above hereinafter referred to as "Project Costs"); and (D) the sale or lease of the Facility financed with the Bonds from the Issuer to the Company, and

WHEREAS, the Issuer proposes to assist in the financing of the Project by issuing the Bonds to (i) pay all or a substantial portion of the cost of financing the Project, and (ii) pay reserves and costs incidental to the issuance of the Bonds, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Bonds will *not* be excluded from gross income for Federal income tax purposes *unless* the issuance of the Bonds is approved by the Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice, and

WHEREAS, on October 15, 2007, the Issuer held such a public hearing upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in *The Ithaca Journal*, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on October 15, 2007, and

WHEREAS, the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. §617 (hereinafter collectively referred to as "SEQR"), and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Tompkins County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the County, and neither the State nor any political subdivision thereof, including without limitation the County, shall be liable thereon, now therefore be it

RESOLVED, by the County Legislature of Tompkins County That:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Tompkins County Planning, Development, and Environmental Quality Committee, the Legislature hereby gives its approval of the issuance by the Issuer of its Bonds and related acts to be taken by the Issuer as part of the Project, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation Tompkins County, and neither the State nor any political subdivision thereof, including without limitation Tompkins County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

Presentation of Resolution(s) from the Government Operations Committee

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RESOLUTION NO. 200 - SETTING THE INCOME LIMITS FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES AND PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER REAL PROPERTY TAX EXEMPTION

MOVED by Mr. Stevenson, seconded by Mr. Dennis. Mr. Proto inquired whether a schedule is associated with the resolution. Mr. Wood, County Attorney, explained that there are two separate schedules, one for Persons with Disabilities and Limited Incomes, and one for Persons Sixty-Five Years of Age or Older. Mr. Franklin, Assessment Department, noted the new schedules would become effective with the next assessment roll in 2008 and utilized as the basis for 2009 exemptions. Ms. Kiefer said she did not support the resolution at Committee and would not at this time; she does not believe it is necessary to raise the maximum income simply to track with the State recommendation and would like it to be reviewed and revised periodically, as was past practice.

A voice vote on the motion resulted as follows: Ayes – 10; Noes – 2 (Legislators Kiefer and Koplinka-Loehr); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3).

WHEREAS, the County Legislature desires to increase the income limits for the Persons with Disabilities and Limited Incomes Real Property Tax Exemption, and

WHEREAS, the County Legislature desires to increase the income limits for the Persons Sixty-Five Years of Age or Older Real Property Tax Exemption, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That M as used in County Code Sections 150-2(A) and 150-38(A) shall be set at \$27,000.

SEQR ACTION: TYPE II-20

Chair's Report

Mr. Joseph reported he received notification from Tompkins Consolidated Area Transit that three seats on their Board will expire at the end of the year, with one seat being considered by a recommendation of the Legislature. He said this seat was held by Mr. Booth. Mr. Joseph said he will refer the matter to the Planning, Development, and Environmental Quality Committee to make a recommendation.

Mr. Joseph then reported there would be an International Council of Local Environmental Initiatives (ICLEI) Conference on November 29th in Connecticut regarding sustainability. As Tompkins County is a member there are two free registrations available which include an overnight stay. Any Legislator who has an interest in attending should speak to him.

Mr. Joseph reported having attended a Chamber of Commerce meeting sponsored by Connect Ithaca, a sustainability effort. At the meeting the topic of a pod cars system (personal rapid transit) was discussed. The system utilizes raised rails, with each pod holding four people, and is designed to allow the cars to transport individuals to direct stops (with side rails for destination areas). This system is presently under discussion in Sweden. A company making the systems is seeking to undertake a demonstration project in the United States and is offering to build a loop without cost to utilize as a sample system. Connect Ithaca is interested in having the demonstration loop built within our community. He said interested individuals could contact Christer Lindström, who will be speaking at a Marketing for Sustainable Future symposium at Cornell University. Mr. Joseph said he anticipates Connect Ithaca will provide a presentation of this system at a future date.

Mr. Joseph said he would be attending a public hearing on The Partnership for Coverage in Syracuse November 13th, as part of the Governor's Task Force for Health Care regarding Universal

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Health Coverage, to speak in support of a single-payer system. Mr. Proto asked that Mr. Joseph speak on his behalf rather than the full Legislature, and Mr. Joseph indicated he represents only himself when publicly speaking at this type of event. Mr. Proto then spoke of Tompkins Consolidated Area Transit (TCAT) only having two meetings remaining this year, one of which will be November 8th, and the other early December, which will not provide adequate time to deliberate at the Planning, Development, and Environmental Quality Committee and have an individual fill the remainder of the board seat vacated by Mr. Booth. He asked if it would be appropriate to have Ms. Mackesey vacate the City representative seat and move to the County representative seat for the remainder of the year. Ms. Robertson said she believes it would be a positive recommendation to do so.

Mr. Proto clarified it is not an appointment but a recommendation to the TCAT Board as they are now a 501© entity.

Mr. Joseph noted that for any appointment to be made it requires a resolution, which has to be on the agenda in advance, unless a motion is made to suspend the rules while considering the addition of a resolution for the TCAT appointment.

It was MOVED by Mr. Proto, seconded by Ms. Herrera, to suspend the rules to consider the addition of a resolution to make an appointment to the TCAT board. A voice vote on the motion to suspend the rules resulted as follows: Ayes – 6 (Legislators Dennis, Herrera, Koplinka-Loehr, Mackesey, Proto, and Robertson); Noes – 6 (Legislators Hattery, Joseph, Kiefer, McBean-Clairborne, Shinagawa, and Stevenson); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3). MOTION TO SUSPEND RULES FAILED.

Report from the County Administrator

Mr. Whicher reported that after five years of double-digit increases, changes made regarding health insurance coverage, in cooperation with the unions, have resulted in a small financial relief. He expects there to be a decrease in next year's rates. He then reported that the County's largest capital project, the Public Safety Communication System, is nearing completion. It is anticipated that the construction will be finalized shortly, which will be followed by transitioning people to the new system. Mr. Whicher anticipates to hear reports back from emergency responders as this occurs. Mr. Proto said that at the recent Brooktondale Apple Festival Senator James Seward was present and able to use the system and speak to the furthest reach of the system. Mr. Whicher said that the original specifications were to have the system viable for a distance of ten miles outside the County borders; the tests are indicating the system exceeds this requirement.

Report from the County Attorney

Mr. Wood reported that he has been negotiating with the counsels for the State Wireless Network and is making progress. At this time the State consultant has not yet provided information with regard to the State's space requirements on the towers. Upon receipt of definitive information the agreement may then move forward to be finalized.

Report from the Finance Director

Mr. Squires reported that the third-quarter sales tax disbursements were sent out this week and are still on budget. He had anticipated an approximate 3.3 percent increase and to date it is approximately 3.75 percent to slightly under 4 percent. An item of note was in September for the first time there was more sales activity within the city than outside city limits, and it did not include the most recent store openings. Mr. Squires then reported his office is receiving many calls asking how sub-prime mortgages have been affecting the County; he indicated that it does not appear to have an adverse effect. He

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indicated that the New York Times referenced Ithaca as an area that is not included in list of the communities having difficulties.

Addition of Resolution(s) to the Agenda

It was MOVED by Ms. Robertson, seconded by Mr. Proto, to add the resolution entitled Recommendation for Temporary Appointment to Tompkins Consolidated Area Transit Board. A voice vote on the motion resulted as follows: Ayes – 10; Noes – 2 (Legislators Joseph and Kiefer); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3). RESOLUTION ADDED.

Withdrawal of Resolution(s) from the Agenda

Chair Joseph granted the appropriate committee chair permission to withdraw the resolution from the agenda entitled Authorization to Execute Funding Agreement with New York State Department of Transportation (NYSDOT) – Forest Home Drive Bridge (BIN 3047450) Over Fall Creek.

Approval of Resolution(s) and Appointment(s) Under the Consent Agenda

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

RESOLUTION NO. 201 – CHANGING ANNUAL REVIEW PERIOD WHEN LANDOWNER PROPOSALS FOR INCLUSION OF VIABLE AGRICULTURAL LANDS WITHIN EXISTING CERTIFIED AGRICULTURAL DISTRICTS WILL BE REVIEWED AND ACTED UPON BY THE TOMPKINS COUNTY LEGISLATURE

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

WHEREAS, by Resolution No. 25 of 2004, the Tompkins County Legislature acted in compliance with New York State Agriculture and Markets Law Article 25AA – Agricultural Districts to designate November 1st as the beginning of the annual 30-day period when landowners may request to have their land added to one of the two existing New York State Certified Agricultural Districts in the County, and

WHEREAS, the Tompkins County Agricultural and Farmland Protection Board (AFPB) seeks comment from municipalities regarding these requests, and must make its recommendations regarding requests to the County Legislature within 30 days after the request period ends, which is December 31, and

WHEREAS, AFPB has found that December is a difficult time to schedule meetings for municipal input for making decisions and recommendations to the County Legislature, and

WHEREAS, the Tompkins County Legislature does not set committee membership or meeting schedules until after January 1st of any year which makes it difficult for AFPB to present recommendations to the relevant County Program Committee and Legislature, and

WHEREAS, many other counties in the State have selected January 1, February 1, or March 1 as the start of their designated 30-day period for annual additions to the agricultural districts, and

WHEREAS, a change to January, February, or March for this start of the annual addition process would eliminate the problems that arise with the current November start time, and

WHEREAS, the Tompkins County Agricultural and Farmland Protection Board recommends to the Tompkins County Legislature that the start of the annual 30-day period for landowners to request the addition of their land to one of the two existing New York State Certified Agricultural Districts in the County be changed from November 1 to February 1 of each year, now therefore be it

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RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature establishes February 1 as the beginning of the designated annual thirty-day period for landowners to submit proposals for inclusion of viable agricultural lands within a certified county agricultural district,

RESOLVED, further, That the Tompkins County Legislature will act on such proposal within the 120-day time period required by New York State Agriculture District Law.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 202 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE TOWN OF LANSING TO IMPLEMENT THE AGRICULTURAL AND FARMLAND PROTECTION IMPLEMENTATION GRANT AND CO-HOLD A CONSERVATION EASEMENT ON THE BENSVue FARM

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

WHEREAS, it is in the interest of Tompkins County and its residents to support farm operations and protect valuable agricultural resources for their contribution to the local economy, as a local source of food and other products, and as an important contributor to the quality of life in rural communities, and

WHEREAS, the Town of Lansing, in partnership with Tompkins County, has been awarded a New York State Agricultural and Farmland Protection Implementation Grant (FPIG) for the purchase of development rights on the approximately 959 acres of Charles and Andra Benson's Bensvue Farm in the Town of Lansing, New York, and

WHEREAS, the farm is in the heart of an agricultural district and an area designated in the Tompkins County Comprehensive Plan and the Town of Lansing Comprehensive Plan as important to the region's agricultural base, and

WHEREAS, the Tompkins County Agricultural and Farmland Protection Board endorsed the application to the New York State Department of Agriculture and Markets for grant funding for this project, and the New York State Department of Agriculture and Markets selected this farm for protection under the highly competitive Farmland Protection Implementation Grant program, and

WHEREAS, if the project is unsuccessful and an easement is not acquired, New York State is not legally obligated to reimburse local partners for out-of-pocket expenses associated with the project for such items as survey, appraisal, and outside legal fees (though New York State Department of Agriculture and Markets staff has stated that efforts will be made to reimburse the costs), and

WHEREAS, the Town of Lansing is Lead Agency under State Environmental Quality Review (SEQR) for this project and has conducted a SEQR review and determined that the proposed action will not result in any significant adverse environmental impacts, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That Tompkins County concurs with the Town's negative determination of significance under SEQR for the purchase of development rights on the Bensvue Farm in the Town of Lansing,

RESOLVED, further, That the County Administrator be authorized to enter into an agreement with the Town of Lansing to implement that project and to co-hold, maintain, and enforce an agricultural conservation easement on the Bensvue Farm in perpetuity,

RESOLVED, further, That the agreement will include provisions for the Town and County to split the costs of any unreimbursed out-of-pocket expenses (not to exceed \$26,000 each) in the event that the New York State Department of Agriculture and Markets does not fully reimburse those costs.

SEQR ACTION: Unlisted

(SEQR review has been completed by the Town of Lansing)

RESOLUTION NO. 203 - FUNDING OF TOURISM PROJECT GRANTS

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

WHEREAS, Tompkins County has a grant program for supporting tourist-generating projects using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications for recommendation to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board,

WHEREAS, within the Room Occupancy Tax budget, \$24,000 was allocated for this program, and remaining balance will be carried forward for the Spring 2008 round of grants, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Ithaca Downtown Partnership	2007 Downtown Ithaca's Parade of Ice Celebration	\$6,000
Light in Winter Festival, Inc.	Light in Winter 2008	\$5,000
TOTAL		\$11,000

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 204 - FUNDING OF TOURISM MARKETING AND ADVERTISING GRANTS

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

WHEREAS, Tompkins County has a grant program for the marketing and advertising of tourist-generating events using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has requested and reviewed grant applications in Spring 2007, and recommended partial funding to the Tompkins County Legislature through the Planning, Development, and Environmental Quality Committee with the advice of the Strategic Tourism Planning Board, and

WHEREAS, the Strategic Tourism Planning Board recommended allocating more funds in Fall 2007 from the Room Tax Reserve Fund to fully fund the strongest Spring 2007 grant requests as noted in the table below, and

WHEREAS, another grant round will open in Fall 2007 for new applications, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the following grants are approved:

Ithaca Downtown Partnership	Targeted Marketing Campaign 2007	\$3,000
Light In Winter	Light in Winter Festival 2008	\$3,000
Cayuga Lake Triathlon	Cayuga Lake Triathlon 2008	\$2,500
Community Arts Partnership	Greater Ithaca Art Trail New Marketing Plan 2007	\$2,400
Ithaca Theatre Collective	The Ithaca Theatre Collective: Marketing Ithaca as a Theater Destination	\$2,200
TOTAL		\$13,100

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 205 - AUTHORIZATION TO ACCEPT NEW YORK STATE LEGISLATIVE INITIATIVE - DEPARTMENT OF EMERGENCY RESPONSE

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

WHEREAS, Resolution No. 32 of 2006 identified the Public Safety Communications Capital Project as a priority for funding by State and Federal initiatives, and

WHEREAS, a Legislative Initiative by Senator James Seward was appropriated to Tompkins County in the 2007-08 New York State Budget in the amount of \$80,000 for assistance in the County's procurement of interoperable radio communications equipment, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That Tompkins County accepts the Legislative Initiative funding,

RESOLVED, further, That the following Capital Accounts be adjusted accordingly:

Project No. 3412

Revenue:	3412.43389	Other Public Safety	\$80,000
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Appropriation:	3412.52222	Communication Equipment	\$80,000
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SEQR ACTION: TYPE II-20

RESOLUTION NO. 206 - AUTHORIZATION TO ACCEPT STATE HOMELAND SECURITY PROGRAM FUNDING - DEPARTMENT OF EMERGENCY RESPONSE

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

WHEREAS, the Department of Emergency Response has identified funding available for the acquisition of interoperable radio communications equipment through the New York State Homeland Security Program (SHSP), and

WHEREAS, the New York State Office of Homeland Security has approved a workplan and proposed expenditure at \$36,100 for the County's acquisition of said equipment, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That Tompkins County accepts the SHSP funding,

RESOLVED, further, That the following Capital Accounts be adjusted accordingly:

Project No. 3412

Revenue:	3412.43389	Other Public Safety	\$36,100
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Appropriation:	3412.52222	Communication Equipment	\$36,100
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SEQR ACTION: TYPE II-20

RESOLUTION NO. 207 - AUTHORIZING AGREEMENT FOR ROUTE 96 CORRIDOR MANAGEMENT PLAN

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

WHEREAS, New York State Route 96 in the City of Ithaca and Towns of Ithaca and Ulysses is an important transportation corridor serving the northwestern portion of Tompkins County, and

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WHEREAS, housing needs and economic growth in Tompkins County will likely result in additional development in this corridor, and

WHEREAS, development in this corridor may impact the ability of the Route 96 to serve its transportation function and other existing land use in the corridor, and

WHEREAS, the Tompkins County Comprehensive Plan calls for a nodal development pattern and multi-modal transportation networks as key elements of managing growth and preserving the function of our transportation infrastructure, and

WHEREAS, Tompkins County, the City of Ithaca, the Town of Ithaca, and the Town of Ulysses would like to cooperatively plan for development in this corridor in a way that mitigates the impacts of future development on the transportation infrastructure and existing land use, and

WHEREAS, the Tompkins County Planning Department has allocated \$25,000 in the Department's 2007 budget for a Corridor Management Study of Route 96, and

WHEREAS, the City of Ithaca, Town of Ithaca, and Town of Ulysses have each appropriated \$8,000 for the study, and

WHEREAS, further State or Federal funding may be available, if necessary, through the Ithaca-Tompkins County Transportation Council, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator be authorized to enter into an agreement with the City of Ithaca, Town of Ithaca, and Town of Ulysses to implement the Route 96 Corridor Management Study,

RESOLVED, further, That the following adjustments be made to the 2007 Budget:

Revenue:	8023.42797	Other Local Government Contributions	\$24,000
Appropriation:	8023.54400	Program Expense	\$24,000

RESOLVED, further, That the following transfers be made to the 2007 Budget:

Appropriation:	8020.54442	Professional Services	(\$25,000)
Appropriation:	8023.54400	Program Expense	\$25,000

RESOLVED, further, That the County Administrator or his designee be authorized to execute any multi-year contracts related to this project.

SEQR ACTION: TYPE II - 21

RESOLUTION NO. 208 - AUTHORIZING SUPPLEMENTARY CONSULTANT AGREEMENT NO. 6 WITH C&S ENGINEERS, INC., FOR DESIGN OF ON-AIRPORT OBSTRUCTION REMOVAL – ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, the Legislature, through Resolution No. 127 dated July 5, 2005, approved an agreement with C&S Engineers, Inc., of \$175,000 to conduct an Environmental Assessment for an Obstruction Clearance project at the airport, and

WHEREAS, said Environmental Assessment (EA) is now complete and the Federal Aviation Administration (FAA) has accepted said EA and issued a Finding of No Significant Impact (FONSI), and

WHEREAS, said on-airport obstruction removal design will continue to involve all stakeholders, and

WHEREAS, the airport's engineering consultant, C&S Engineers, Inc., of Syracuse has proposed designing the on-airport obstruction removal for a fee not to exceed \$53,497, and

WHEREAS, the total budget for said obstruction removal project, which includes design and contract observation is:

FAA Share	(95.0%)	\$380,000
New York State Department of Transportation (NYSDOT) Share	(2.5%)	\$ 10,000
Local Share	(2.5%)	\$ 10,000
	Total	\$400,000

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, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 6 with C&S Engineers, Inc., for \$53,497 be and hereby is approved, subject to FAA and NYSDOT funding being received and that the County Administrator is authorized to execute the required documents,

RESOLVED, further, That the local share of \$10,000 will come from the Airport's operational budget,

RESOLVED, further, That the Finance Director is authorized to advance payment for these services until reimbursement is received from the FAA and NYSDOT.

SEQR ACTION: TYPE I-6

Explanation: The FAA definition of on-airport is anything that is typically on the airport property or property over which the airport has easements, and it is the consultants intention to first do on-airport and then as much of the easement work that can be afforded within the total amount.

RESOLUTION NO. 209 - AUTHORIZING ACCEPTANCE OF A NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) "AIR 99" GRANT TO CONSTRUCT A SAND STORAGE BUILDING - ITHACA TOMPKINS REGIONAL AIRPORT (PIN 3902.43)

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

WHEREAS, the County has received a grant offer from the New York State Department of Transportation (NYSDOT) under the "AIR 99" program, in the amount of \$300,000 to assist with the construction of a Sand Storage Building, and

WHEREAS, the budget for this project is as follows:

New York State Department of Transportation (NYSDOT) Share	(80.0%)	\$300,000
Local Share	(20.0%)	\$ 75,000
	Total	\$375,000

, and

WHEREAS, the new Sand Storage Building will replace a storage bay that is now operationally insufficient and at the same time allow for that space to be developed into a needed equipment painting facility, and

WHEREAS, the local share will form part of the Airport's 2008 operational budget, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the grant offer from the New York State Department of Transportation in the amount of \$300,000 be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

SEQR ACTION: TYPE II-1

RESOLUTION NO. 210 - APPROVAL OF LEASE EXTENSION – TAUGHANNOCK AVIATION CORPORATION - ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, on December 31, 2007, Taughannock Aviation Corporation (TAC) is scheduled to finish construction of the final phase of its facility improvement, being a hangar of approximately 27,000 square feet, and

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WHEREAS, said construction is identified as Phase III of a three-phase project in the Airport Master Plan, and

WHEREAS, the banking group providing the financing of said Phase III hangar building requires a minimum 20-year lease term from date of occupancy to fully amortize the debt, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That TAC's present lease, expiring on December 31, 2026, be extended by approximately one year contingent on the date of occupancy of the new Phase III hangar building, which is expected to be on or about December 31, 2027,

RESOLVED, further, That the County Administrator be authorized to sign a lease extension with the new term expiring on or about December 31, 2027.

SEQR ACTION: TYPE II-20

Appointment(s) Under the Consent Agenda

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

Library Board of Trustees

Richard Driscoll – term expires December 31, 2008

Report and Presentation of Resolution(s) from the Budget and Capital Committee

Mr. Koplinka-Loehr, Chair, did not have a report.

RESOLUTION NO. 211 APPROPRIATION FROM CONTINGENT FUND – BAIL FUND PROGRAM – OFFENDER AID AND RESTORATION

MOVED by Mr. Koplinka-Loehr, seconded by Ms. Kiefer. A short roll call vote on the resolution resulted as follows: Ayes – 10; Noes – 2 (Legislators Hattery and Stevenson); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3).

WHEREAS, Offender Aid and Restoration (OAR), through its Bail Fund program, makes bail accessible for low-income individuals when available funds are the only barrier to release from the Tompkins County Jail pending trial, and

WHEREAS, OAR achieves a ninety percent return rate on its bails posted, with only very few forfeitures in the last six years, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the Director of Finance be authorized to make the following budget appropriation:

FROM: A1990.54400	Contingent Fund	\$10,000
TO: A6316.54400	Program Expense	\$10,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 212 - ADOPTION OF AMENDMENTS TO THE 2008 TENTATIVE TOMPKINS COUNTY BUDGET AND 2008-2012 CAPITAL PROGRAM

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Shinagawa. Ms. Herrera stated she would not support the resolution because it includes the adoption of the Capital Program; she does not support the manner in which a decision on the Brown Road property was handled. A roll call vote resulted as follows: Ayes – 8 (Legislators Dennis, Joseph, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne,

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Robertson, and Shinagawa); Noes – 4 (Legislators Hattery, Herrera, Proto, and Stevenson); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3).

WHEREAS, amendments to the 2008 tentative budget and 2008-2012 capital program were recommended and filed by the Expanded Budget and Capital Committee on October 22, 2007, and

WHEREAS, a public hearing is tentatively scheduled for November 13, 2007, 7:00 p.m., at the Legislative Chambers, now therefore be it

RESOLVED, on recommendation of the Expanded Budget and Capital Committee, That the 2008 Tentative Budget and 2008-2012 Capital Program submitted by the County Administrator is hereby amended in accordance with the recommendations of the Expanded Budget Committee, the action taken by this Legislature on this date, and the Rules of the County Legislature and Article 7 of County Law, for a total tax levy amount of \$35,805,757, resulting in an approximate tax-levy increase of 2.93 percent and a tax-rate increase of 1.6 percent.

SEQR ACTION: TYPE II-21

Report from the Personnel Committee

Mr. Dennis, Chair, reported at this time the road patrol impasse continues with many unresolved issues, more meetings are forthcoming. In addition, negotiations are continuing with the White Collar and Blue Collar units. Mr. Dennis reported the County Administrator Search Committee met on November 6th and resulted in many positive suggestions to review applications. He noted that the issue of Retiree Health Insurance is still being reviewed and will be dealt with in the near future. In response to Ms. Kiefer's questions regarding retirees ability for open enrollment, Mr. Dennis said it is not anticipated there will be changes in 2008. Mr. Whicher said there might be an option available to retirees but he anticipates it would occur later in the year. Mr. Whicher also said that reductions in health insurance costs also would apply to the retiree health insurance.

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

Mr. Stevenson, Chair, said the Committee has not had a regular meeting since the last Legislature meeting, but held a brief meeting prior to the meeting to act resolutions being presented. The Committee will meet again on November 9th.

Mr. Stevenson requested that Mr. Wood, County Attorney, speak to the resolution revisions made at the Committee meeting prior to the Legislature meeting. Mr. Wood said the resolution offered as revised does not accomplish the desire of Municipal Electric and Gas Alliance (MEGA), which should simply authorize MEGA to request a bid for services and allow other municipalities to participate if desired. He noted that MEGA does not require County authorization, however, to indicate the Legislature's approval provides more clarity to prospective members of the Alliance of the County's commitment. Mr. Wood said the bid requests have already been prepared and sent to prospective utility companies, therefore the suggested amendments would not have an effect on the responses. In addition, he said the request for two bids cannot be done according to law, which states it must be the lowest responsible bidder. Mr. Wood said a request to include a certain percentage of regeneration electric could be made, but that it would not apply to a bid for natural gas. Mr. Wood said in his opinion the original resolution submitted would be the appropriate resolution to act upon.

Ms. Kiefer said that the revisions include the lowest responsible bid and the lowest responsible bid for maximum generation with renewable resources, and suggested amending the language to read "request" MEGA to have two bids, which she believes are legal to ask for. She stated her disappointment that the resolution had not been received prior to the bid request having been made and hopes that the Legislature would act upon the revised resolution, which addresses a desire for renewable energy resources.

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RESOLUTION NO. 213 – AUTHORIZING MUNICIPAL ELECTRIC AND GAS ALLIANCE (MEGA) TO BID FOR GAS AND ELECTRICITY ON BEHALF OF THE COUNTY AND AUTHORIZING THE INCLUSION OF ALL POLITICAL SUBDIVISIONS AND DISTRICTS WITHIN THE STATE TO PARTICIPATE

MOVED by Mr. Stevenson, seconded by Mr. Hattery.

MOVED by Ms. Kiefer, seconded by Ms. Robertson, to add the following as a second paragraph in the “RESOLVED” section: “RESOLVED, further, That MEGA is requested to include bid specifications that shall provide for two responses for electric power: one based solely on lowest responsible bidder and one also based on maximum generation from renewable sources,”. Mr. Proto asked Mr. Wood to clarify his opinion, specifically to the legality aspect. Mr. Wood said a bid must be awarded to the lowest possible bidder and cannot award it based on the lowest cost for renewable resources; to make a request such as this would require a separate bid for renewable resources. He reiterated that the request was not appropriate to the bids undertaken at this time. In response to Ms. Robertson’s question, Mr. Wood said the purpose of the resolution is to provide approval prior to the expiration of the current contract in order to allow other municipalities to participate in the bid.

Mr. Joseph said his understanding from the discussion is that MEGA does not require authorization to put out bids, however, to include the language within the resolution indicating the County’s approval of MEGA’s representing the County in the bid process. He then said what Ms. Kiefer is asking is a request that MEGA attempt to purchase bulk purchases utilizing renewable resources is something he could support, however, it would be a separate resolution. Ms. Kiefer said she does not feel it would require a separate resolution, particularly since the bid process has already begun. She believes that to include the language would have the same effect as a separate resolution at this time. Mr. Joseph disagreed as the resolution’s purpose is to provide the ability for other County’s to participate.

It was MOVED by Mr. Stevenson, seconded by Mr. Koplinka-Loehr, to call the question on the motion to amend. A voice vote resulted as follows: Ayes – 11; Noes – 1 (Legislator Robertson); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3). THE QUESTION WAS CALLED.

A voice vote on the motion to amend resulted as follows: Ayes – 3 (Legislators Kiefer, Mackesey, and Robertson); Noes – 9; Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3). MOTION FAILED.

It was MOVED by Ms. Mackesey, seconded by Ms. Robertson to Table the resolution. Ms. Robertson asked as point of order, what the timetable would be. Mr. Wood explained it was to have the resolution completed prior to the expiration of the contract. Mr. Joseph ruled it is not a point of order, the vote is required to proceed as a motion to Table is not debatable. A voice vote on the motion to table resulted as follows: Ayes – 3 (Legislators Kiefer Mackesey, and Robertson); Noes – 9; Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3).

It was MOVED by Mr. Stevenson, seconded by Mr. Proto, to call the question on the main motion. A voice vote on the motion resulted as follows: Ayes – 11; Noes – 1 (Legislator Kiefer); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3). MOTION APPROVED.

A voice vote on the resolution resulted as follows: Ayes – 10; Noes – 2 (Legislators Kiefer and Mackesey); Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3). RESOLUTION ADOPTED.

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Ms. Robertson requested that a resolution requesting MEGA seek renewable resource bids in the future as MEGA does not offer the cleanest choice for electricity. Ms. Kiefer asked that Mr. Wood could prepare a resolution that would be acceptable to him.

WHEREAS, the County previously authorized Municipal Electric and Gas Alliance (“MEGA”) to bid for both gas and electric power on its behalf and the bids resulted in contracts, and

WHEREAS, the contracts will soon terminate and it is time to re-bid, and

WHEREAS, Section 408-a of the County Law authorizes the County to include in any purchase contract awarded to the lowest responsible bidder, authorization permitting all political subdivisions and districts in the State to participate, and

WHEREAS, the County desires the continued participation of other political subdivisions and districts in the contracts, and

WHEREAS, rules regarding the terms by which other political subdivisions and districts participate have been established and will be reflected in contracts with the lowest responsible bidders, and

RESOLVED, on recommendation of the Government Operations Committee, That MEGA is hereby authorized to release bids for gas and electric power on behalf of Tompkins County,

RESOLVED, further, That all political subdivisions and districts within the State are authorized to participate in the contracts awarded as a result of the bids.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 214 - SCHEDULING A SPECIAL ELECTION IN DISTRICT NO. 3 (CITY OF ITHACA)

MOVED by Mr. Stevenson, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, Legislator Richard S. Booth has resigned from the Tompkins County Legislature effective at noon on November 7, 2007, and

WHEREAS, pursuant to County Charter Article 2, Section 2.04, when a vacancy occurs on the Tompkins County Legislature it shall be filled at a special election if the vacancy occurs on or after September 20 of the calendar year, and

WHEREAS, the special election must be held as soon as practicable and be held not later than 75 days from the date of such vacancy, and

WHEREAS, the term of office for this vacancy shall be for the remainder of the unexpired term (December 31, 2009), now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That a special election be held on December 18, 2007, in District No. 3 (City of Ithaca) to fill the unexpired term of Legislator Booth,

RESOLVED, further, That the Board of Elections be directed to prepare the ballots, voting machines, and other matters so that such election may be properly held and conducted as provided in Election Law.

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Mrs. McBean-Clairborne, Chair, met on October 19th and discussed the Communications Capital Project coming online, acted upon resolutions contained on the Consent Agenda regarding receipt of funding from the State for subscriber equipment for the communications project, and discussed the Transportation Safety Administration (TSA) contract with the Airport. She noted that the TSA contract

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reimbursement reduction does not impact the Sheriff’s Department as the funds are paid through the Airport.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on November 28th.

Mrs. McBean-Clairborne was excused at this time (6:45 p.m.).

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

Ms. Robertson, Chair, reported the Committee met on October 18th, with most of the items already before the Legislature. The Committee received information on wind power from Steve Nicholson with good information provided. She believes it is a topic the County will desire to learn more about. In addition, the Committee received a quarterly report from Mr. Bonn regarding the tourism program marketing campaign. She said the 2007 summer tourism was the best on record with an all-time high of 82 percent occupancy during August. The next meeting is November 15th.

RESOLUTION NO. 215 – APPROPRIATION AND BUDGET ADJUSTMENTS – VARIOUS DEPARTMENTS

MOVED by Ms. Robertson, seconded by Mr. Stevenson. A short roll call resulted as follows: Ayes – 12; Noes – 0; Excused – 2 (Legislators Randall and Sigler); Vacant - 1 (District No. 3). RESOLUTION ADOPTED.

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 and appropriations require Legislative approval, now therefore be it

RESOLVED, on recommendation of the Health and Human Services, the Public Safety, and the Planning, Development, and Environmental Quality Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Budget Adjustments

Office for the Aging

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6774.43803	State Revenue	\$35,309	6774.54491	Subcontract

Explanation: Revenue increase in SNAP program for Foodnet.

Youth Services

Revenue Acct	Title	Amt	Approp Acct	Title(s)
7020.42797	Other Local Government Contribution	-\$13,500	7020.54442	Professional Services Fee

Explanation: Revenue projected to be brought into the 2007 budget for JobLink services was over-estimated. Therefore, a reduction in revenue and the corresponding expense line is needed to accurately reflect 2007 budget.

Emergency Response

Revenue Acct	Title	Amt	Approp Acct	Title(s)
3410.41140	E911 Surcharge	\$55,088	3410.52222	Communications Equipment

Explanation: The County is eligible for reimbursement of certain 911-related expenses in this amount. The Department will direct the funding toward an upgrade of alarm analoging receiving equipment integrating with the Computer-Aided Dispatch programs.

Appropriation

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

From:	A889.0000	Room Tax Reserve Fund Balance	\$83,800
To:	6475.54626	Marketing and Advertising Grants	\$31,400
	6475.54628	New Initiative Grants	\$28,400
	6475.54624	Project Grants	\$24,000

Explanation: To have a Fall 2007 round of grants.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 216 - MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 217 OF 2007 – ADOPTION OF THE TOMPKINS COUNTY FOREST MANAGEMENT PLAN (DATED OCTOBER 10, 2007) AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH A FORESTRY CONSULTANT TO IMPLEMENT THE WORK SCHEDULE THROUGH 2012

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

WHEREAS, in Resolution No. 217 of 2007, the Tompkins County Legislature would adopt the Tompkins County Forest Management Plan (dated October 10, 2007) to guide County actions on County-owned forest lands in the Towns of Newfield and Caroline, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Resolution No. 217 of 2007 is a Type I action,

RESOLVED, further, That the Tompkins County Legislature determines that the Tompkins County Forest Management Plan will not have a significant effect on the environment,

RESOLVED, further, That the Tompkins County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 217 of 2007.

SEQR ACTION: (Full Environmental Assessment Form and Negative Declaration on file with the Clerk of the Legislature)

RESOLUTION NO. 217– ADOPTION OF THE TOMPKINS COUNTY FOREST MANAGEMENT PLAN (DATED OCTOBER 10, 2007) AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH A FORESTRY CONSULTANT TO IMPLEMENT THE WORK SCHEDULE THROUGH 2012

MOVED by Ms. Robertson, seconded by Ms. Mackesey. Mr. Proto stated although the agreement is only five years, the plan is for a thirty-year period and should be reviewed periodically. Ms. Robertson indicated the resolution calls for a review within a minimum of a five-year period and that municipalities are also involved. A voice vote on the plan resulted as follows: Ayes – 11; Noes – 0; Excused – 3 (Legislators McBean-Clairborne, Randall and Sigler); Vacant - 1 (District No. 3). RESOLUTION ADOPTED.

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WHEREAS, in 2004, the Tompkins County Legislature adopted the Tompkins County Comprehensive Plan that identified a need to sustainably manage forest lands owned by Tompkins County, and

WHEREAS, Tompkins County hired a consultant to prepare a thirty-year forest management plan, and

WHEREAS, the overarching purpose of the Forest Management Plan (dated October 10, 2007) is to provide for the sustainable management of Tompkins County's forest lands, with the secondary purpose to use the Plan to achieve Forest Certification through the Forest Stewardship Council, and

WHEREAS, in April, May, and June of 2007, presentations on the draft Forest Management Plan were made to the Planning Advisory Board, the Environmental Management Council, the Planning, Development, and Environmental Quality Committee of the Legislature, and at two public meetings held in the Towns of Newfield and Caroline, and

WHEREAS, comments from those meetings were recorded and the Plan was modified to address those comments, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Forest Management Plan is adopted,

RESOLVED, further, That the Tompkins County Forest Management Plan be used to guide decision making associated with managing the County-owned forest lands in the Towns of Newfield and Caroline,

RESOLVED, further, That the Forest Management Plan be used to pursue Forest Certification through the Forest Stewardship Council (FSC) and that the County Administrator be authorized to enter into such certification program,

RESOLVED, further, That the County Administrator, or his designee, be authorized to enter into a contract with a FSC Certified forestry consultant to implement the Work Schedule contained in the Plan for the first five years of the Plan, through 2012,

RESOLVED, further, That the Plan be reviewed, at a minimum, every five years.

SEQR ACTION: TYPE I-1

(Full Environmental Assessment Form and Negative Declaration on file with the Clerk of the Legislature)

Report from the Health and Human Services Committee

Mr. Shinagawa, Chair, reported the Committee met prior to the Legislature meeting and received a report from Catholic Charities on the distribution of funds provided to the Security Deposit Program, which received a \$40,000 grant from the City Community Development Block Grant in 2007 and is requesting a \$50,000 grant for 2008. The Committee received an update on the Asthma Pilot Program and the Drop-In Children's Center. He reported on the meeting of a study group to assist in stabilizing the Center's financial situation that occurred on November 5th. At that time the new Executive Director spoke with the group and a variety of recommendations were made including an amended fee structure and waiting-list policy amendments. Mr. Shinagawa said the Drop-In Children's Center has also begun negotiations with the Alternatives Federal Credit Union to review financing. The Committee also received a report from the Health Department that due to a State review of Visiting Nurse Services, their Department was asked to step in and take on additional cases to provide necessary services. This required additional hours for staff and is covered in part with compensatory time.

Mr. Whicher spoke of the Health Department Flu Clinics, stating the staff does an outstanding job and he is incredibly impressed with the organized manner in which they occur. He spoke of the recent clinic held at the Women's Community Building where over 400 individuals were vaccinated. There will be three more clinics to be held at Lifelong, Newfield, and on November 15th at the Ithaca Mall.

Report from the Facilities and Infrastructure Committee

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Ms. Herrera, Chair, reported the Committee met on October 23rd. The Committee heard from local hunters who desired to continue hunting on property purchased by the Airport. Ms. Herrera said following research and Committee discussion, due to the Transportation Security Administration regulations and potential liability issues, no hunting of any kind will be allowed on Airport property. She spoke of her concern regarding contracts, specifically the many types of contracts the County deals with and the various requirements. She suggested the Legislature review and clarify the contract process so that staff and public know how contracts are undertaken. The Committee will meet next on November 13th.

Approval of Minutes of October 16, 2007

It was MOVED by Mr. Proto, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the minutes of October 16, 2007, as corrected. MINUTES APPROVED.

Unfinished Business

Mr. Dennis spoke of the United Way Campaign underway and spoke of his appreciation to those participating.

Report from Health Department Building Committee

Mr. Dennis spoke of having had the first meeting of the Health Department Building Committee. At that time members heard from the consultant regarding the building at 55 Brown Road and from Mr. Flash, Assistant County Attorney, regarding the negotiations underway with Cornell University for the property.

RESOLUTION NO. 218 – RECOMMENDATION FOR TEMPORARY APPOINTMENT TO TOMPKINS CONSOLIDATED AREA TRANSIT BOARD

MOVED by Ms. Robertson, seconded by Mr. Proto. Ms. Mackesey said she has not resigned the City of Ithaca seat and does not believe it is possible to hold the County seat. Ms. Kiefer stated she would not support the resolution as she feels Ms. Mackesey should not be made to resign her present seat which would just leave the City instead of the County with a vacancy. Mr. Stevenson does not understand the purpose of making the recommendation as it would not affect the number of individuals at the meeting. Ms. Robertson stated it is responding to Ms. Mackesey's interest to be the County Representative on the board. Mr. Wood stated his opinion that as a not-for-profit, the law states you may not fill an empty seat with an individual currently on the board. Mr. Proto noted the resolution only makes a recommendation and not an appointment. A voice vote on the resolution resulted as follows: Ayes – 8 (Legislators Dennis, Hattery, Herrera, Koplinka-Loehr, Mackesey, Proto, Robertson, and Shinagawa); Noes – 3 (Legislators Joseph, Kiefer, and Stevenson); Excused – 3 (Legislators McBean-Clairborne, Randall and Sigler); Vacant - 1 (District No. 3). RESOLUTION ADOPTED.

WHEREAS, the resignation of Richard S. Booth from the Tompkins County Legislature has created a vacancy on the Tompkins Consolidated Area Transit Board (TCAT), and

WHEREAS, Legislator Pamela Mackesey has served for some time as a City of Ithaca representative on the TCAT Board, now therefore be it

RESOLVED, That Pamela Mackesey be recommended to the TCAT Board as a County Representative to fulfill the seat of Mr. Booth until a permanent representative can be appointed through the normal committee process.

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Additional Business

Mr. Koplinka-Loehr provided a reminder of the Public Hearing on the 2008 Budget taking place Tuesday, November 13th at 7:00 p.m. The present budget is tentative and the public is invited to comment.

Mr. Proto inquired whether there is any estimated cost for the special election to be held. Mr. Joseph stated that although there will be some cost associated it is thought the election could be held at one polling location which will assist in minimizing expenses.

Mr. Shinagawa spoke of the Shared Municipal Services Initiative meeting, specifically, the need to obtain additional information regarding other municipalities benefit structure to assist in the work being completed. He stated the Committee went over the draft health insurance consortium agreement.

Adjournment

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

Respectfully submitted by Karen Fuller, TC Legislature Office