

**Tompkins County Legislature**  
Regular Meeting Minutes  
**Tuesday, November 16, 2010 5:30 PM**  
Tompkins County Courthouse

*Approved 12-21-10*

**Call to Order**

Ms. Robertson, Chair, called the meeting to order at 5:30 p.m.

**Pledge of Allegiance to the Flag and Roll Call of Members**

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

Present: 15 Legislators. (Legislator Stein arrived at 5:34 p.m. and Legislator McBean-Clairborne arrived at 5:45 p.m.)

**Presentation of Proclamation(s)**

Ms. Robertson presented the following proclamations:

- Runaway Prevention Month in Tompkins County – November 2010 - to Shane Allen, Parker Ruleson, and Melody Starkweather;
- Sheriff's Week in Tompkins County – November 7-14, 2010 - to Sheriff Peter Meskill

Mr. Stein arrived at this time.

**Privilege of the Floor by the Public**

No member of the public wished to speak.

**Report from Municipal Official**

No municipal official was in attendance.

**Distinguished Youth Award**

Mr. Dennis, District No. 15 Legislator, presented the November 2010 Distinguished Youth Award to Paul Kenjerska, Chris Sibley, Maliki Whitford, Nadia Roberts, Brian English, and Boon Herden, members of the Trumansburg/Ulysses Youth Services Summer Squad 2010. The students, nominated by Program Manager Carissa Mann Parlato, are recognized for community service projects including cleaning up the Montessori school, refinishing benches on Trumansburg's Main Street, planting seeds for an elementary school garden, cleaning up the "children's village" on Main Street, and stickering cases of alcohol at local stores to build awareness for the summer "Sticker Shock" campaign.

Mrs. McBean-Clairborne arrived at this time.

**Privilege of the Floor by Legislators**

Ms. Chock, District No. 3 Legislator, reported she attended the Howard Cogan Tourism Award luncheon today at the Finger Lakes Wine Center. The luncheon honored Frank Robinson, Director of the Johnson Museum of Art, who is retiring in June after 19 years of service. She spoke of the accomplishments during his tenure, particularly the starting of the Discovery Trail and his success in forging ties in the community. Ms. Chock also reported sales during the Art Trail increased by 22% last year.

Mr. Proto, District No. 7 Legislator, thanked those who attended the Veteran's Day ceremony at Dewitt Park. He reported there was significant discussion at the last Legislature meeting of the resolution concerning Chesapeake Bay. As Chair of the Water Resources Council, he reported the Council passed the resolution and forwarded it on to the appropriate parties and received a letter of acknowledgement from Governor Paterson. Mr. Proto said he has been a member of the Johnson Museum Advisory Board for 15 years and will be serving on the Director's Search Committee. He said it will be a very difficult task to replace Mr. Robinson who has done phenomenal work at the Museum.

Mr. Lane, District No. 14 Legislator, reported there was also a Veteran's Day observance in Dryden. He spoke of the annual Veteran's Day Parade that was held in Ithaca and said at a time when we are involved in two wars these people are doing a lot to support our troops. He spoke of the organizations that support veterans and said the Posts are falling under tough economic times. These organizations have always been there for our communities in many ways and he urged the community to donate to local veteran organizations when making annual donations to charitable organizations.

Ms. Mackesey, District No. 1 Legislator, reported she attended the opening of the Finger Lakes Wine Center on Cayuga Street. She said it is important to understand our interconnectedness economically in the region. She said this is a clear tourism project and noted the Wine Center will feature a different vineyard each month.

Mrs. McBean-Clairborne, District No. 2 Legislator, invited everyone to attend the Greater Ithaca Activities Center (GIAC) Annual Harvest dinner on November 19<sup>th</sup> at 6 p.m. The Alternative Gift Fair, an event hosting 66 human services agencies trying to raise funds, will be held on December 4<sup>th</sup> from 10 a.m. to 6 p.m. at both the First Presbyterian Church and the Baptist Church.

### **Chair's Report**

Ms. Robertson reminded everyone to receive a flu shot if they haven't already. She also announced the Legislature's photo will be taken prior to the meeting on December 7<sup>th</sup>.

Ms. Robertson reported she went to the New York State Association of Counties (NYSAC) offices in Albany on Friday for a meeting between members of the Medicaid Commission, State agencies that deal with Medicaid, and a representative from the Governor's Office. She said they were able to speak with the State Medicaid Director, and she thinks the session went very well. She will place the Commission's Report and other related information on file in the Legislature Office. This was the first meeting between the Department of Health and NYSAC and said language that was put into the budget bill said the State's Department of Health has to come up with a report by November 30<sup>th</sup> on how the State is going to take over the administration of Medicaid on April 1, 2011. Ms. Robertson said the three main goals of this Medicaid takeover are: to standardize administration of Medicaid across counties, lower the cost, and to coordinate with Federal health insurance reform that is coming. She said they have been assured counties will be involved as this moves ahead and she will be following up with representatives of the Governor Elect's Office. She encouraged Legislators to visit various websites of Governor Elect Cuomo to see if Legislators know anyone on the various task forces that have been established; and if so, to let her know if there are any opportunities to establish a direct line of communication.

### **Report from the County Administrator**

Mr. Mareane said staff is engaged in the implementation of two major systems, the Human Resources Payroll project and the Computer Aided Dispatch Mobile Radio System. He said a great deal of the work is being undertaken by employees of the Information Technology Services (ITS) Department,

a department with very few employees. Mr. Mareane commended ITS staff and the entire County's workforce for doing good work with a small amount of resources.

Mr. Mareane said he will be reporting on the Governor's Indigent Defense Task Force at the next Public Safety Committee meeting.

He thanked the Legislature for all the work that went into the budget process over the last couple of months during a very difficult time. He said over the last 30 years he has seen budgets prepared in many different ways and what this Legislature has done is on the top of what he has seen in other places. Mr. Mareane said he would like to get Legislators together at a retreat and talk about how the process can be made even better. He will be contacting members soon to set a date.

### **Report from the County Attorney**

Mr. Wood had no report. He requested that later in the meeting an executive session be held to discuss a personnel matter.

### **Report from the Finance Director**

Mr. Squires reported the County's list of delinquent taxes has been published; however, due to a printer error by the newspaper it will be reprinted on November 28<sup>th</sup>. He reported that on November 30 the County will sell \$18 million in bonds and \$2 million in notes. The County received a rating review because of going to market to sell bonds; the rating should be released by the end of the week.

### **Addition of an Appointment to the Agenda**

It was MOVED by Ms. Mackesey, seconded by Ms. Herrera, and unanimously adopted by voice vote, to add to the agenda the appointment of Pamela Mackesey to the TCAT (Tompkins Consolidated Area Transit) Board of Directors.

### **Withdrawal of Resolution of from the Agenda**

Chair Robertson granted the appropriate committee permission to withdraw the following resolution from the agenda: Approval of Amended Bylaws – Criminal Justice/Alternatives to Incarceration Advisory Board (ID # 2158).

### **Approval of Resolution(s) Under the Consent Agenda**

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

**RESOLUTION 2010-175: AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT NO. 20 WITH C&S ENGINEERS INC., FOR ADDITIONAL INSPECTION SERVICES IN CONNECTION WITH THE RUNWAY SAFETY IMPROVEMENT PROJECT AND THE PARALLEL TAXIWAY RELOCATION (PHASE III) PROJECT - ITHACA TOMPKINS REGIONAL AIRPORT (DOC ID: 2270)**

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

WHEREAS, contracts were awarded to Sealand Contractors Corporation of Rush, New York, to

construct the Runway Safety Area Improvements and the Parallel Taxiway Relocation (Phase III) at the Ithaca Tompkins Regional Airport, and

WHEREAS, the Runway Safety Area Improvements and Parallel Taxiway Relocation (Phase III) projects both overran their allotted contract time, and

WHEREAS, C&S Engineers were required to add time for inspection and other services beyond the number specified in their inspection contracts for these two projects at a total cost of \$15,000, and

WHEREAS, after protracted negotiations, it was agreed that the contractor, Sealand Contractors Corporation, would pay liquidated damages to cover the additional costs of C&S Engineer's services, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 20 with C&S Engineers for \$15,000 be and hereby is approved and that the County Administrator is authorized to execute the required documents,

RESOLVED, further, That approval is subject to the entire cost of C&S Engineers' additional inspection services being covered by the liquidated damages assessed against the contractor, Sealand Contractors Corporation, of Rush, NY.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION 2010-176: AUTHORIZING ACCEPTANCE OF SUPPLEMENTAL GRANT AGREEMENT (NO. 3 - SCHEDULE A-7 & A-8) TO THE 10-YEAR MASTER AGREEMENT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR PROJECT IDENTIFICATION NUMBERS (PIN) 3902.18 AND 3902.19 (K006848) - ITHACA TOMPKINS REGIONAL AIRPORT (DOC ID: 2268)**

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

WHEREAS, the County has received a grant offer from the New York State Department of Transportation (NYSDOT) in the amount of \$9,007, being fifty percent (50.0%) of the non-Federal share for the following projects:

- Install Obstruction Light Towers and Design Apron Expansion (\$6,375)
- Conduct Wildlife Hazard Assessment (\$2,632)

, and

WHEREAS, said grant may be increased by up to fifteen percent (15.0%) to \$10,358.05 in the event of there being increases in eligible costs, and

WHEREAS, the County has already accepted Federal (FAA) grants that cover ninety-five percent (95.0%) of the above-named projects' costs, and

WHEREAS, the equivalent local share of \$9,007 has been factored into the Airport's operational budget and will be paid for through airlines fees, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the New York State Department of Transportation (NYSDOT) Supplemental Grant Agreement (No. 3 - Schedules A-7 and A-8) be and hereby is accepted and that the County Administrator is authorized to execute the required documents.

**SEQR ACTION: TYPE II-2**

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**RESOLUTION 2010-177: AWARD OF CONTRACT - WILDLIFE HAZARD ASSESSMENT - ITHACA TOMPKINS REGIONAL AIRPORT (DOC ID: 2269)**

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

WHEREAS, the Ithaca Tompkins Regional Airport has been required by the Federal Aviation Administration (FAA) to conduct a Wildlife Hazard Assessment as a result of an arriving aircraft hitting a deer on the runway on July 25, 2010, and

WHEREAS, the Finance Department advertised a request for qualifications (RFQ) and received nine (9) sets of qualifications to conduct a Wildlife Hazard Assessment at the Ithaca Tompkins Regional Airport, and

WHEREAS, Loomacres of Warnerville, New York, are considered the best-qualified consultants for this project, and

WHEREAS, reviews of their previous Wildlife Hazard Assessment work and general training in the field of wildlife management revealed a company that is held in the highest esteem, and

WHEREAS, after negotiations, a budget for the work was set at \$89,258, and

WHEREAS, the financing of the Wildlife Hazard Assessment will be as follows:

Federal Aviation Administration (95.0%)	\$84,795
New York State Department of Transportation (2.5%)	\$ 2,232
Airport Budget (Airline Fees)	<u>\$ 2,231</u>
Total	\$89,258

, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the contract to conduct a Wildlife Hazard Assessment be awarded to Loomacres of Warnerville, New York, and the County Administrator be and hereby is authorized to execute the necessary paperwork.

**SEQR ACTION:** TYPE II-2

**RESOLUTION 2010-178: BUDGET ADJUSTMENT - HIGHWAY DIVISION (DOC ID: 2306)**

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

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

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

**Highway**

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5130.42665	Sale of Equipment	\$27,332	5130.54306	Automotive Supplies

Explanation: Auction revenues exceeding budgeted amount.

**SEQR ACTION:** TYPE II-20

**Approval of Appointment(s) Under the Consent Agenda**

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

Office for the Aging Advisory Committee

Marie W. Layer – term expires December 31, 2013

Elizabeth Ellis – term expires December 31, 2013

Board of Assessment Review

Edith Spaulding – term expires September 30, 2015

**Report from the Public Safety Committee**

Mr. Shinagawa, Chair, reported the Committee will meet on December 6<sup>th</sup> (this meeting was later rescheduled to December 7<sup>th</sup>).

**Report from the Workforce Diversity and Inclusion Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on November 23<sup>rd</sup>.

**Report from the Health and Human Services Committee**

Mr. Proto, Chairman, reported the Committee received a very interesting presentation from Amie Hendrix, Director of Youth Services. There was also discussion and unanimous approval of a resolution that addresses language in Rosa's Law to accommodate changing wording from "mentally retardation" to "people who are developmentally disabled". A presentation on the transportation network was postponed to the next meeting on December 8<sup>th</sup>.

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

Ms. Kiefer, Chair, reported the next Committee meeting will be December 3<sup>rd</sup> at 9:30 a.m.

**RESOLUTION 2010-179: AUTHORIZING THE FILING OF AN APPLICATION WITH THE  
NEW YORK STATE ENVIRONMENTAL FACILITIES  
CORPORATION FOR THE GREEN INNOVATION GRANT  
PROGRAM (GIGP) (DOC ID: 2298)**

MOVED by Ms. Kiefer, seconded by Ms. Mackesey. Ms. Eckstrom said for many years there has been discussion of the liquid material that drains from the landfill to the Ithaca Wastewater Treatment Plant. She said they have been exploring a number of options to provide a less expensive, more sustainable options. Based on engineering reports and recommendations, the recommendation is to build an on-site artificial wetland that would allow the treatment to meet the standards that are being set by the Department of Environmental Conservation for a discharge permit. Ms. Eckstrom said she believes this will work and she will be pursuing other sources of funding and is confident about securing enough funds to be able to implement the first wetlands cell pilot. She said if everything goes well with the DEC there will be a public information and SEQR process. In response to a question from Ms. Chock about the wetland effluent, she said people will not be able to see it, smell it, and it is not unpleasant. A voice vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS the New York State Environmental Facilities Corporation provides financial assistance for projects that improve water quality and demonstrate sustainable technology, and

WHEREAS, the Tompkins County Solid Waste Management Division has conducted an extensive analysis of alternatives to the trucking of leachate from the Caswell Road Landfill to the Ithaca Wastewater Treatment Plant, and

WHEREAS, the most recent report dated August 2010 by Barton and Loguidice Engineers recommends that the County proceed with the most cost-effective and sustainable option which is to construct an on-site wetland to treat leachate, and

WHEREAS, the total project cost to construct the pilot on-site wetland is projected to be \$104,000 of which the GIGP provides funding of up to 95%, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County is authorized to file a grant application to the New York State Environmental Facilities Corporation in the form required and in conformity with applicable laws including all understanding and assurance

contained in said application, for financial assistance to construct an on-site pilot wetland for treatment of leachate at the Caswell Landfill,

RESOLVED, further, That the County Administrator or designee is directed and authorized as the official representative of Tompkins County to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved.

**SEQR ACTION: TYPE II-20**

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**RESOLUTION 2010-180: ESTABLISHING A UNIT CHARGE FOR THE 2011 SOLID WASTE ANNUAL FEE (DOC ID: 2287)**

MOVED by Ms. Kiefer, seconded by Ms. Mackesey. Mr. Lane said over the last five years this fee has gone up by four dollars. The increases over the last couple of years were justified by the pressure of increased commodity prices for the sale of what is produced from the Recycling Center. However, it has been reported by Ms. Eckstrom that the Fund Balance is up, commodity prices are increasing, and there are some grants coming in. Mr. Lane said this is a fee, not a tax. Fees, which are a payment for service, should not exceed what is needed to pay for the service.

It was MOVED by Mr. Lane, seconded by Ms. Pryor, to reduce the single-family-unit charge from \$56 to \$55.

Ms. Kiefer said the majority of Committee members felt there was a desirability to not have the fee go up and down and that predictability and stability is important. She also said if fee were to go down there would probably be notably larger increases needed in future years.

Mr. Squires said at the end of 2009 there was a \$500,000 decline in the Solid Waste Fund Balance. At the end of 2008 the balance was \$1.2 million and it was approximately \$800,000 in 2009. Ms. Eckstrom did not recommend the fee be lowered and said the budget includes taking \$265,000 out of the Fund Balance to balance the budget for 2011. She also noted the County is still paying \$1.2 million for debt that will be retired in 2015, which is still a ways away. She said she is looking where she believes the County needs to go in the next few years with a new contract for the Recycling Center. She thinks the market looks good but it would not be good for the County to be in a position of having an insufficient fund balance to cover unexpected expenses. She also noted they are required to keep a minimum fund balance of ten percent, which equates to \$650,000 for the Recycling Center.

A voice vote on the amendment resulted as follows: Ayes – 1 (Legislator Lane); Noes – 14. MOTION FAILED.

A voice vote on the original resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the unit charge for the 2011 Solid Waste Annual Fee has been recommended by the Facilities and Infrastructure Committee, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Unit Charge for the 2011 Solid Waste Annual Fee be established at \$56.00 per billing unit, which is the same as the 2010 Solid Waste Annual Fee.

**ATTACHMENT A: SCHEDULE OF RATES**

**PROPERTY CLASS**

**'USED AS' CODE**

(A)
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Single-family residences	210,240,241,242,250,280	
Mobile Homes	270,271,416	
Churches		Z32
Unit Charge:	One billing unit per church or living unit	

(B)		
Two-family residences and other residences with two living units	All 220's	
Unit Charges:	Two billing units, except if verified as owner occupied and used as a single unit, the charge is one billing unit.	

(C)		
Multi-unit residences		
3 or more units	230's	
Apartments		A01 - A07
Rooming houses:	418	
	2.5 beds = 1 billing unit	
Unit Charges:	One billing unit per living unit	

(D)		
Colleges:	All tax-exempt parcels owned by the colleges	
Unit Charges:	Tompkins Cortland Community College	\$10,996.22
	Cornell University	\$186,529.50
	Ithaca College	\$59,064.77
	BOCES	<u>\$33,984.53</u>
	<b>Total Colleges:</b>	<b>\$290,575.02</b>

(E)		
Recreation and Warehouse (except row storage)		All K's, Z01-Z11, Z19-Z26, F01- F04, F06, F07,F08 F10, F11
Unit Charges: \$0.0208/sq.ft.		

(F)		
Wholly Exempt Homes for the Aged	633	
Wholly Exempt Other Health Care Facilities	642	
Unit Charges: \$0.0208/sq.ft.		

(G)		
All other	All property classes and 'used as' codes not listed elsewhere in a specific category	
Unit Charges: \$0.0415/sq.ft.		

(H)		
Seasonal Residences	260	
	Property must be classified as a seasonal residence by the Tompkins County Assessment Dept.	

Unit Charge: One-half (1/2) billing units per living unit.

(I)	
No fee assessed:	
Row storage	F05
Small churches (under 20 weekly attendance)	
Non-contributive area	Z98
Local government - all tax exempt parcels owned by the city, towns, villages, and county within Tompkins County.	

**SEQR ACTION:** TYPE II-20

**Report from the Capital Plan Review Committee**

Ms. Robertson, Chair, reported the Committee will meet tomorrow at 3:30 p.m.

**Report from the Government Operations Committee**

Mr. Lane, Chair, reported the Committee will meet on November 18 at 9:30 a.m.

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

Ms. Mackesey, Chair, reported the Committee has met twice since the last Legislature meeting. At the last meeting the Committee received an excellent presentation from the Soil and Water Conservation District about the project done in Caroline. The Committee also discussed the Flood Hazard Mitigation Program and a question was raised of whether a project that had been proposed for the Town of Caroline on Ekroos Road would be completed. Ms. Mackesey said funding for planning of that project would be used on Salmon Creek Road in the Town of Lansing instead.

**Appointment to TCAT Board of Directors**

It was MOVED by Ms. Mackesey, seconded by Ms. Herrera, to recommend the reappointment of Ms. Mackesey to the TCAT Board of Directors for a term expiring December 31, 2013. Ms. Mackesey said serving on the Board has been a wonderful experience but she will not be seeking reappointment after this term to allow other members an opportunity to serve. A voice vote on the appointment resulted as follows: Ayes – 15, Noes – 0. APPOINTMENT CARRIED.

**RESOLUTION 2010-181: RESOLUTION OF 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 INDUSTRIAL DEVELOPMENT REVENUE BONDS (TRANSONIC SYSTEMS, INC., PROJECT), SERIES 2010 (DOC ID: 2273)**

MOVED by Ms. Mackesey, seconded by Ms. Chock.

Ms. Chock asked that the record show that TCAT worked very hard to make sure the County had the ability to issue bonds locally. This allows the fees that go along with the ability to issue bonds

(approximately one percent), to go towards supporting local economic development programs.

Ms. Herrera said she has an interest that the County's support of local endeavors, particularly in these perilous economic times, covers the use of local laborers in local construction jobs. She hopes the Committee discussed the possible bidding or any commitment Transonics may have made to use local labor.

Mike Stamm, Tompkins County Area Development President, responded to Ms. Herrera and said that question was asked of the Company; however, they were not far enough along to put the project out to bid. Mr. Stamm offered to report back to the Industrial Development Agency and this Legislature, about the construction/labor that was used. He said the primary discussion at the IDA (Industrial Development Agency) on their application was on the benefits paid to employees. That discussion triggered a study the Workforce Investment Board is doing on benefits paid by IDA projects on their employees. Ms. Herrera strongly encouraged Transonic to keep up their support for local residents by considering in their bidding process the importance of hiring local labor. Mr. Stamm said that sentiment is contained within the IDA policies and part of the IDA application.

A voice vote on the resolution resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature (the "Legislature"), as the official 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 Transonic Systems, Inc. (the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Industrial Development Revenue Bonds (Transonic Systems, Inc., Project), Series 2010, in a 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 title to or a leasehold or other interest in an approximately 10-acre parcel of land located at 34 Dutch Mill Road, in the Town of Lansing, Tompkins County, New York (the "Land") and the existing improvements located thereon, consisting principally of an approximately 24,000 square-foot building and related improvements (the "Existing Improvements") used by the Company for the manufacturing of flow measurement and other medical devices; and (ii) the construction of an approximately 30,000 square-foot addition to the Existing Improvements for the purpose of providing additional space for the Company's manufacturing and research operations and related office and administrative space (the "Improvements"); (B) the acquisition and installation in and around the Improvements and Existing 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 Town Board of the Town of Lansing issued a "negative declaration" on December 16, 2009, with respect to the Project in compliance with 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 ("SEQRA"). The Project constitutes an "Unlisted Action" as said term is defined under SEQRA, 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 September 28, 2009, 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 September 28, 2009, 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, on recommendation of the Planning, Development, and Environmental Quality Committee, and by the 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 Issuer and the holders of the Project indebtedness.

Section 3. This Resolution shall take effect immediately.

**SEQR ACTION:** TYPE II-20

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

#### **RESOLUTION 2010-182: ADOPTION OF 2011 TOMPKINS COUNTY BUDGET AND 2011-2015 TOMPKINS COUNTY CAPITAL PROGRAM (DOC ID: 2304)**

MOVED by Mr. Dennis, seconded by Mr. Shinagawa.

Mr. Dennis said this budget is 0.98% more than the five percent budget the County Administrator presented the Legislature in September. He said there has been an increase in the spending level to cover programs that were agreed to after much discussion that are necessary for the well-being of Tompkins County citizens. He reminded everyone that the five percent budget presented to the Legislature by the County Administrator was already a seven percent reduction in spending. Mr. Dennis said he believes this budget satisfies some of the most critical programs that are offered by the County to citizens who need them most.

Mr. Dennis thanked Joe Mareane, County Administrator, and Kevin Sutherland, Executive Assistant to the County Administrator, for their work on the budget. He also thanked Legislature staff, department heads, and Legislators for their contributions and patience during the process.

Mr. Dennis noted that if the budget is not passed this evening the County Administrator's budget as amended by the Expanded Budget Committee will become the default County budget as it is the budget that was submitted to the public for the hearing.

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Mr. Wood confirmed the statement by Mr. Dennis and said once the Legislature accepted the amendments on November 3<sup>rd</sup> that were approved by the Expanded Budget Committee that budget became the default budget.

Ms. Pryor said information she was given left a clear impression that if the budget is not approved this evening the default budget would be the original budget as submitted by the County Administrator. She said some Legislators voted in the affirmative at the November 3 meeting to allow the process to move forward.

Ms. Robertson said that any Legislator may now move to substitute the County Administrator's budget. She apologized if anything was said at the November 3<sup>rd</sup> Legislature meeting that would have been misleading.

Mr. Stein said he, too, was under a different impression about what the process this evening would be.

Mrs. McBean-Clairborne said there is confusion each year at this point in the budget process and the Legislature usually receives clarification from the County Attorney. She suggested a step in the process to accept the changes may have been missing from the process this year and led to confusion in the process.

Ms. Robertson said the resolution adopted by this Legislature accepted the amendments made by the Expanded Budget Committee and forwarded the budget to the public hearing.

Ms. Chock said she thinks the Expanded Budget Committee did a lot of work and spoke in favor of the proposed budget. She referred to an e-mail that was written by Chair Robertson to members of the public concerning the budget and quoted some of the contents. "In order to just provide a maintenance of effort this year, the County would have had to levy a 12% tax levy increase. This is a 5.98% increase. In order to get there we asked all of our departments to tighten their belts and really make cuts. We have actually cut \$2 million in spending from our maintenance-of-effort level and our roster will be cut by 25½ positions." Ms. Chock urged Legislators to support the budget as it now stands.

Ms. Kiefer said this is the meeting after the public hearing that Mrs. McBean-Clairborne was recalling. She said she was clear when she voted for changes to the County Administrator's budget at the November 3 meeting that she was doing so to send the Expanded Budget Committee's work on that budget to the public hearing. She said she supported that because she believed the Committee's work was an improvement and many of the changes made were done in response to the public that were attending the meetings. She also said she doesn't recall a meeting other than this one after public hearing. She thinks it is appropriate to wait until after the public hearing and to deliberate at this meeting about the final budget. Ms. Kiefer said she is not happy with the final budget and thinks the Legislature is setting itself up for very hard times because it declined to do things that absolutely need to be done. Examples of these things include taking care of roads and paying for ongoing items with one-time funding.

Ms. Pryor said although she is frustrated by the process, she spoke of her vote on the budget this evening. She said she is aware that this Legislature has made some very serious cuts to the budget. The County has excellent programs and staff who run those programs and it will be very difficult for clients and staff to absorb those cuts. She said she is concerned that the budget does not include the level she believes is necessary to take care of the County's infrastructure, particularly roads and bridges. She hopes in the coming year during budget discussions that this area will rise up in the priorities of other Legislators. Ms. Pryor also spoke of the hardship on the County taxpayer and said it will be very difficult for property owners who are already stretched to the limit. While she is disappointed in the

process that has resulted in the Legislature being faced with a budget that is higher than the target that was set, she does believe the proposed budget represents a series of compromises.

Mr. Dennis said all Legislators received a written summary of the budget process during the Expanded Budget Committee meetings.

Mr. Burbank said he has been through the budget process three times and finds it to be a learning process each time. He was also under the impression that the budget defaulted to the County Administrator's budget and apologized if he miscommunicated that information to anyone. He said he viewed the levy increase given in the Spring to the County Administrator as only a guideline for the Administrator to present the Legislature with a budget within a framework. Like Ms. Kiefer, he believes the proposed budget is unrealistic and would have supported a budget with a levy increase considerably higher than 5.9%. Mr. Burbank said this has been a long process and he believes this Legislature may have done as good of a job as it could collectively do. He said he will support the proposed budget with great awareness that it is both preserving critically important programs to the community at-large and the people who are most in need and is also placing a real burden on the taxpayers. Mr. Burbank said it is that balancing act that he thinks this Legislature has achieved, although it is far from perfect.

Mr. Robison said this is one subject where the people who have elected each of the Legislators need to hear from each individually to understand where votes are coming from. He said throughout this process he has been very enlightened. He is very impressed with the work staff has done and noted the presence of department heads at each of the meetings and demonstrating the importance of County programs. Mr. Robison said he will support the resolution although he is not happy with the budget. He said he feels for property owners who are on fixed incomes, those who are on Social Security, those who have lost their jobs, and others whose income has not gone up but yet their taxes are increasing. Mr. Robison said, however, through this process he saw a lot of negotiation and there was a real effort to stay near the five percent goal that was set. He said the proposal is for less than a six percent increase, but noted it can also be viewed as a six percent decrease from last year's maintenance of effort. Mr. Robison said next year will be even more difficult. He displayed the report that was received from the Community Advisory Panel on the budget last year and encouraged everyone to read through it.

Mr. Lane said this budget has been a very difficult task. He has looked at his district and said it has very few wealthy people. It has mobile home parks, modest homes, and rental units. People are hurting and taxes mean something. He said if he had thought that this Legislature had done its very best he would support the budget; however, in looking at neighboring counties many tax levy increases are much lower. He said he fully understands that many of the programs the County funds are a way of providing jobs in an area that does not have many industrial jobs to offer. He has never considered himself a conservative and out of the 25 budgets he has voted on he has voted for tax increases on almost all of them because the increases were primarily forced by inflation and negotiation process with respect to employee contracts. He said he thinks the budget process is as close to transparent as any budget process is, but is not happy with the tax levy increase being proposed.

Mr. Lane said there is \$706,000 in the Rollover accounts budgeted for 2011 spending. He believes this is a year where some of those funds can be used to keep the tax levy down.

It was MOVED by Mr. Lane, seconded by Ms. Mackesey, to appropriate \$200,000 from Rollover accounts pro rata and be applied to reduce the tax levy.

Ms. Herrera asked what the impact is of the amendment for proportionate reduction in rollover across departments and what the impact is on the tax levy and tax rate? Mr. Mareane said this amendment would reduce the increase on the tax levy to 5.64 percent and it would reduce impact to the taxpayer by approximately \$5 per year on a 100,000 home.

Ms. Herrera said she voted for the resolution moving the budget to the public hearing because she has seen an inability for this Legislature as a group to come to a reasonable decision. She spoke of the hardship her constituents are facing and also spoke of watching department heads “sweat blood” trying to figure out how to deliver programs. She said she believes these employees as well as all Legislators believe in government and the services the County provides. These services are second to none because of the commitment by Staff and Legislators. Ms. Herrera said Legislators are so far apart on this budget that she thinks is the result of a lack on the part of leadership to being stringent in terms of a goal. She said she voted to move this forward to the public hearing because she thought it was important as a Legislature in these tough times, to show a willingness to get to some goal. Ms. Herrera said she will not support the proposed budget. Although she preferred a goal of three percent she would have compromised at five percent; she believes departments did their job, but Legislators did not.

Mr. Stein said he has been confused over the process. He agrees with many of the comments that have been made, however, he disagrees that a \$70 tax increase is not a significant burden to be borne by residents. He, too, misunderstood what was meant by the five percent tax levy increase goal. Mr. Stein said he has heard that reserves are approaching a low and dangerous level; and he will not support the amendment because he doesn’t support taking money out of reserves at a time when the future seems very uncertain. Mr. Lane noted he did not take money from the fund balance, but from rollover because it will get spent and he wants to stop that.

Mr. Proto said he has never been a fan of rollover, but with departments having “programmed” rollover, he believes it would be unfair to take that now. He said the Health Department has many uncertainties within its budget due to actions at the State level and the State being behind in reimbursements due to the County. He said he would like this Legislature to develop a plan to look at the Rollover Policy in 2011 and give departments that have programmed use of those funds time to plan for any policy change and to do long-range planning. Mr. Proto spoke of the budget process and said he does not agree with statements that the process was too long; he believes the process was particularly difficult this year. He, too, is not happy with the budget it, but he would be more unhappy with the consequences of not approving it. He said the Legislature needs to do a better job next year and the process needs to begin even sooner.

Mr. Dennis said he understands the intent behind the motion but thinks approving it would be the equivalent of placing that amount on the levy for next year’s budget. He said in times of an economic downturn it is not wise to spend reserves.

A voice vote on the amendment resulted as follows: Ayes – 2 (Legislators Mackesey and Stein); Noes – 13. MOTION FAILED.

Mrs. McBean-Clairborne said there were people who were confused about what they were voting on and where the budget stands is tough for her. There were tough choices made, discussions were long, and a lot of work was put in by Legislators. She said because discussions were so long there was not enough time for revisits. She said there was no confusion in her mind when the tax levy target was set, and although she appreciates the work of this Legislature she cannot support the budget as it now stands.

Ms. Robertson read text of the resolution adopted on November 3. She said one of the last actions taken by the Expanded Budget Committee was to take \$100,000 out of the Department of Social Services Rollover to lower the tax levy. She said in looking at the previous year the Legislature had put more than \$1 million of Fund Balance in to reduce the tax levy for 2010, leaving a very constrained use of reserves. She reminded Legislators from Mr. Mareane’s presentation of the effect of State mandates and said if the nine direct State mandates were removed from the County’s tax levy, a \$1,000 tax bill would be reduced to \$258. Ms. Robertson suggested reactivating the Push Back group to lobby the State Legislature to take responsibility for the mandates. She said this Legislature has been responsible and

said these have been some of the toughest decisions that have ever been made. She said improvements can always be made to the process and although she wishes the tax levy increase was smaller, she will support the budget because she believe it is the best that can be done at this time.

It was MOVED by Mr. Stein, seconded by Ms. Pryor, to Call the Question. A voice vote resulted as follows on the motion to Call the Question: Ayes – 2 (Legislators Pryor and Stein); Noes – 13. MOTION FAILED.

Ms. Mackesey said she appreciates the hard work everyone has done on the budget in her absence while she was running her election campaign. She recalled the target that was set in the Spring and said she did not vote for a five percent raise in the tax levy. She spoke of people who for a variety of reasons, are not able to speak at public meetings to express their views on the budget but are being forced out of their homes. She cannot support this budget because she thinks the tax increase is too high.

A roll call vote resulted as follows: Ayes – 11 (Legislators Burbank, Chock, Dennis, Kiefer, McKenna, Proto, Pryor, Robertson, Robison, Shinagawa, and Stein); Noes – 4 (Legislators Herrera, Lane, Mackesey, and McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the tentative Budget for the year 2011 and the proposed 2011-2015 Capital Program have been presented to the Legislature by the Budget Officer on September 7, 2010, and a revised tentative budget for the year 2011 and the proposed 2011 - 2015 Capital Program were adopted by the Legislature for public review on November 3rd, and a public hearing was held on November 8, 2010, and all persons desiring to be heard concerning same have been heard, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That pursuant to Section 5.07 of the County Charter, the said proposed budget as amended is adopted, subject to the correction of manifest errors by the Clerk of the Legislature and the Budget Officer, as the budget of Tompkins County for the year 2011,

RESOLVED, further, That pursuant to Sections 5.03, 5.04, and 5.05 of the County Charter, the several amounts specified in such budget opposite each item of expenditure set forth in the column adopted are appropriated for the objects and purposes specified, effective January 1, 2011,

RESOLVED, further, That the sum of \$40,600,519 required to meet the local share of expenses and costs of county government in Tompkins County for the fiscal year 2011 as set forth in the budget be assessed against, levied upon, and collected from the taxable property of the nine towns and the city liable therefore,

RESOLVED, further, That this change will result in an approximate tax-levy increase of 5.98 percent and a county-wide average tax-rate increase of 7.9 percent and an increase of 1.35 percent in local spending,

RESOLVED, further, That this tax change will result in a \$75.30 increase on an average \$160,000 home,

RESOLVED, further, That pursuant to Section 5.07 of the County Charter, the said proposed Capital Program as amended is adopted, subject to the correction of manifest errors by the Clerk of the Legislature and Budget Officer, as the Capital Program of Tompkins County for the years 2011-2015.

**SEQR ACTION:** TYPE II-21

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Mr. Dennis said the next Budget and Capital meeting will be November 22<sup>nd</sup>.

Mr. Burbank thanked Mr. Dennis for leading the Legislature through the budget process. Mrs. McBean-Clairborne commended County staff for their work during the budget process; she also thanked the public for their input during the process and said comments were taken into consideration and valued.

Minutes  
Tompkins County Legislature  
Tuesday, November 16, 2010

**Approval of Minutes of October 19, 2010**

It was MOVED by Mr. Proto, seconded by Mr. Robison. It was MOVED by Ms. Mackesey, seconded by Mr. Stein, to postpone action on the October 19, 2010, minutes. A voice vote resulted as follows: Ayes – 11; Noes – 3 (Legislators Burbank, Kiefer, and Lane); Temporarily out of the room – 1 (Legislator Herrera). MINUTES POSTPONED.

**Recess**

Ms. Robertson declared recess from 8:18 p.m. to 8:28 p.m.

**Executive Session**

It was MOVED by Mr. Proto, seconded by Mr. Stein, and unanimously adopted by voice vote, to enter into executive session at 8:28 p.m. to discuss a personnel matter. The meeting returned to open session at 8:45 p.m.

Ms. Kiefer was excused at 8:25 p.m.

**Adjournment**

On motion the meeting adjourned at 8:45 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office