

**Tompkins County Legislature
Tuesday, August 17, 2010**

Approved 9-7-10

Call to Order

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

Pledge of Allegiance to the Flag and Roll Call of Members

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

Present: 14 Legislators. Mr. Shinagawa arrived at 5:33 p.m. and was excused at 7:00 p.m.; Mrs. McBean-Clairborne arrived at 5:36 p.m. Excused: 1 (Legislator Robison).

Request for Executive Session

Ms. Robertson requested an executive session to discuss personnel matters and litigation to be held later in the meeting.

Privilege of Floor by the Public

Jeff Lydon, Executive Director of the Community Dispute Resolution Center (CDRC), said the Agency's mission is to cultivate constructive responses to conflict. They have been headquartered in Ithaca since 1993 and serve Tompkins, Schuyler, and Chemung counties. Mr. Lydon said as a non-profit partner with the New York State Unified Court System they provide State-mandated mediation services, as well as youth programming services. They provide a wide range of mediation services that include such things as: custody and visitation, placement, neighbors in dispute, lemon-law cases, agricultural cases, workplace disputes, small-claims court cases, special education matters, elder-care conflicts, disputes between teens and their parents, and bullying cases in schools.

Mr. Lydon said because of the support they receive, such as the County's, they have been able to serve over 60,000 people who were in conflict. They have mediated over 20,000 cases, trained 2,500 people in mediation, and have taught 2,000 people how to cope with conflict. He said one reason why the State mandates these services is because State lawmakers know these services save the taxpayers money. He said Albany sees the CDRC program in Ithaca as a model program. In a recent survey comparing other similarly funded State mediation services, the program in Tompkins County ranked first in all six areas measured. Mr. Lydon distributed information about the program and invited any Legislator to contact him with questions.

Mr. Shinagawa arrived at 5:33 p.m.

Olan Mack, Executive Director of the of Southside Community Center for the last five years, said the Center is appreciative of the County's funding it has received for four of those five years. Over the last four years the Center has grown and has become more active and is viewed as a hub for the community. He described some of the activities and services that have taken place at the Center, such as the Juneteenth celebration, Kwanzaa celebration youth music studio, computer lab, youth food program, family food pantry, and a senior shopping program. Mr. Mack welcomed members of the Legislature to visit the Center.

Mrs. McBean-Clairborne arrived at 5:36 p. m.

Christa Bissell, Pine Tree Road resident, spoke of a proposed road construction plan for a bicycle and pedestrian path for the area going from P&C out to Route 366 that also incorporates the heightening of a bridge overpass. Ms. Bissell said the plan to increase the height of the bridge to allow larger truck

traffic to travel on the road will negatively impact this strong residential area. She spoke to statements contained in the Town and County records that she believes to be inaccurate. She referred to a statement that there would be no controversy for this proposal and said she believes that statement to be truly only because residents were not made aware of the project. She also disagreed with a statement made at a Town Neighborhood Focus meeting. At that meeting, which she does not believe residents were made aware of, it was stated that homes on Pine Tree Road are primarily occupied by graduate students. She said this is an inaccurate statement and stated out of the 49 homes that are in her residential district, there are three that are not owner-occupied. She also said the average occupancy for the residents who live there is 19 years.

Distinguished Youth Award

Mr. Burbank, District No. 12 Legislator, presented the August 2010 Distinguished Youth Award to 17-year-old Marley Bialke of Enfield, an incoming senior at Ithaca High School. Marley was recognized for outstanding service as an apprentice in SewGreen's summer youth program. She was described as "a responsible and kind individual who is always ready to help others" who "has embraced every challenge with enthusiasm and excellence." In a letter of nomination, SewGreen Coordinator Wendy Skinner called Marley "truly exceptional." "It is unusual for a teenager to have such a positive influence on those around her, and to always be available for greater challenges," Skinner stated. "Her wisdom and good judgment are beyond her years" and praises her as "a model citizen...a joyful learner, teacher, friend, and helper."

Privilege of the Floor by Legislators

Ms. Mackesey, District No. 1 Legislator, announced on August 26th at 9:30 a.m. she and Assemblywoman Lifton will be holding a news conference at the Bernie Milton Pavilion on the Commons to celebrate the 90th Anniversary of Women's Suffrage. At that time they will list all of the 42 elected officials in Tompkins County who are women. She said it is important to acknowledge this important anniversary for all women in the country. She noted the percentage of elected officials in Tompkins County is significantly higher than in the New York State Senate which is currently 16 percent.

Ms. Chock, District No. 3 Legislator, reported she attended an all-day session on a program called "FracTracker" a geographic information system that is accessible online. It is a program that has the ability to show a geographical representations when data are entered onto the map. She said she hopes to have an opportunity at a future meeting to show this to the full Legislature. The website is fractracker.org

Mr. Proto, District No. 7 Legislator, thanked Legislators Lane and Pryor for attending Farm City Day at Sweylaken Farm on Bostwick Road this past weekend. He said it was a wonderful day and was attended by over 1,000 people. Mr. Proto also reported the Watchfire at Myers Point in Lansing will begin at dusk on September 17th.

Mr. Proto announced he has been confirmed as a member of the Blue Ribbon Task Force and Commission on the Future of Farming in New York State; Ms. Pryor is the alternate. He said the Task Force met on August 12th in Seneca Falls. The goal of the Task Force is to provide the Governor with a report at the NYSAC (New York State Association of Counties) Conference in September that will highlight the importance of agriculture in Tompkins County. The report will place an emphasis on dairy, along with wine, vegetable crops, grains, and a myriad of agriculture endeavors throughout the State. The Task Force will be meeting again prior to the NYSAC conference.

Mr. Burbank, District No. 12 Legislator, reported last Saturday there was an incident that was initially thought to be a major security situation at Ithaca College but ended up being a hoax. He spoke of the emergency alert that was issued. He said although it was a powerful message, it didn't contain

information on what was happening or where someone could get additional information. Mr. Burbank said he was informed this was the first time the alarm system was used and the Department of Emergency Response will be working with people at Ithaca College on developing a procedure for people to obtain more information quickly.

Mr. Dennis, District No. 15 Legislator, announced the Trumansburg Fair will take place the last week in August and those traveling to the Fair will enjoy the resurfacing of Route 96. Mr. Dennis also announced the Trumansburg Farmer's Market is open Wednesday evenings from 4 p.m. to 7 p.m.

Mr. Lane, District No. 14 Legislator, reported on the Farm City Day and said it was impressive again this year, particularly the number of children who were in attendance. Mr. Lane said there have been a record number of festivals in Tompkins County this year; he gave credit to the volunteers who organize these events that people enjoy and that help keep spirits up at a time when the economy is not as good as it should be.

Ms. Pryor, District No. 6 Legislator, also thanked the volunteers in Lansing who put together a wonderful Harbor Festival. She agreed with Mr. Lane's comments about how a community can come together and by volunteerism can show the best of itself through various festivals.

Ms. Robertson, District No. 13 Legislator, reported on a canoe race she participated in over the weekend between the Dryden Democrats and the Dryden Republicans.

Ms. Herrera, District No. 5 Legislator, reported a couple of community town hall meetings have been held. A third will be held on August 19 at 7 p.m. at Cooperative Extension. She said there will be discussion of the 2011 County budget, the constraints, challenges, and the framework for this year. She invited everyone to attend this informational meeting that is also being sponsored by Fall Creek Neighborhood Association.

Presentation – Tompkins County 2020 Energy Strategy by Katie Borgella, Planning Department

Mr. Marx, Commissioner of Planning and Public Works, said this Strategy was developed as a result of the County's Comprehensive Plan that established a long-term goal of an 80% reduction in greenhouse gas emissions by 2050. The Plan also states that an interim goal and strategy to get there should be established. The presentation outlined what can be done to achieve a 20% reduction by 2020.

At this time Ms. Borgella presented the Legislature with a PowerPoint presentation outlining the strategy to cut emissions by 277,512 MtCO₂e (Metric tons of carbon dioxide equivalent). The strategies in the presentation included a total of 290,691 MtCO₂e, which is five percent over target. She said there will be heavy reliance on the higher education institutions to make up almost half of the emissions reduction. The presentation outlined ten local measures that make up a quarter of the reduction, 19% from the State, some from federal, and the remainder from other community measures. A copy of the full presentation is on file in the Planning Department.

Report from the Chair

Ms. Robertson announced Andrew Cuomo, Attorney General candidate, will be speaking at the Women's Community Building at 11 a.m. on August 19th. Ms. Robertson reported on the NYSAC Medicaid Task Force she serves on that is examining the State takeover of Medicaid. She said a meeting was held on August 10 in Albany and she will be chairing the subcommittee on service delivery. She said the Commission was created in response to legislation that was passed and signed into law this year that says the Department of Health is required to come up with a plan by November 30 for the State to take over the administrative cost of Medicaid. That plan would begin to be administered by April 1, 2011. Ms. Robertson said she met with Patricia Carey, Commissioner of Social Services, and Tom Herden,

Director of Administrative Services, prior to the meeting in Albany. They provided information about how this proposal would cost counties more and when she attended the meeting several others in attendance had also made the same conclusion. The Task Force has set a goal to put together a report by early October that outlines concerns, recommendations, and ways counties are willing to work with the State as this plan develops. Ms. Robertson briefly reviewed notes from the various subcommittees of that Task Force.

Report from the County Administrator

Mr. Mareane reported on the preparation of the 2011 County Budget. He spoke of the importance of the Program Impact Assessment forms. He said they will help the public in learning how tax dollars are spent and also provide an understanding of the difficult decisions the Legislature will have to make. He reported on the adopted State budget and said staff is still analyzing the impact. He doesn't think the situation with State Aid is catastrophic, but noted Tompkins Cortland Community College has taken one of the hardest hits. He reminded Legislators that one of the crucial ways the County can regulate spending is to control the filling of positions. He also noted department heads have been very cautious in filling positions that have become vacant.

Report from the County Attorney

Mr. Wood had no report. He requested an executive session to discuss litigation.

Report from the Finance Director

Mr. Squires reported a sale will take place next week of the Biggs B building; last week there was a sale of the contents that had 20 registered bidders. He noted a substantial amount of furniture and chairs were diverted from the landfill. He reported the County received notice that the Town of Enfield has elected to take their sales tax in 2011 as a credit rather than a cash payment. He said the importance of this is that the sales tax, rather than their share being paid out to the Town as it is received, will be applied against the tax levy. He said in 2011 the County's tax rate in the Town of Enfield will go down dramatically but the Town tax rate for the Town budget will go up. Towns usually elect to take sales tax payments directly; this drives down the town rate and increases the County rate. He noted it will not impact the overall tax.

Mr. Squires reported a note sale will be held on September 8 to provide the cash-flow financing for the Ellis Hollow Road project and the Computer Aided Dispatch program update. He reported he has received a draft of the 2009 financial statements and requested the Audit Subcommittee meet after the Budget and Capital Committee on August 23rd. He noted the Fund Balance has remained stable compared to the prior year.

Resolution(s) Added to or Withdrawn from the Agenda

There were no resolution(s) added to or withdrawn from the agenda at this time. Later in the meeting the following resolution was withdrawn: Urging the State of New York to Resolve the Issues of Video Lottery Terminal Operations at Aqueduct Race Track; to Make Prescribed Statutory Mandated Payments to New York Racing Association; and to Ensure that Off Track Betting Honors Its Financial Obligations to New York Racing Association (DOC ID: 2137)

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION 2010-123: AMENDING MEMBERSHIP OF THE WATER RESOURCES COUNCIL (DOC ID: 2138)

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

WHEREAS, the Tompkins County Water Resources Council (WRC) was established by Resolution No. 181 of 1997, and the membership of the WRC was restructured by Resolution No. 57 of 2000 which created nineteen voting members, including an Economic Development seat, and

WHEREAS, the membership of the WRC was expanded by two At-Large voting seats by Resolution No. 211 of 2000, and terms were changed from two years to three years by Resolution No. 49 of 2001, and

WHEREAS, the WRC conducts an annual membership campaign and occasional special campaigns, and has had no candidates approved for the Economic Development Seat since it was vacated in 2004, and

WHEREAS, the Nominating/Membership Committee of the WRC examined options for this seat and recommended that the seat be changed from an Economic Development seat to an At-Large seat, to be filled with a person with expertise in a field appropriate to the Mission of the WRC, and that recommendation was approved by the WRC at its meeting on July 19, 2010, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Economic Development seat of the WRC is changed to an At-Large seat.

SEQR ACTION: TYPE II-20

RESOLUTION 2010-124: FUNDING OF COMMUNITY CELEBRATIONS GRANTS (DOC ID: 2134)

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

WHEREAS, Tompkins County has a grant program for community celebrations using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, Tompkins County has 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, now therefore be it

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

Town of Lansing	2010 Lansing Harbor Fest	\$1,200
Town of Ithaca	Rededication of Veterans' Cemetery	\$ 300

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 2010-125: BUDGET ADJUSTMENTS - TOURISM PROGRAM (DOC ID: 2130)

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

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget and Capital Committees, That the Director of Finance be directed to make the following budget adjustments on the County's books:

REVENUE:	A908	Room Tax Fund Balance	\$88,000
APPROPRIATION:	6475.54400	Program Expense - Festivals Outreach	\$10,000
	6475.54621	Community Arts Partnership	\$ 8,000
	6475.54625	Tourism Capital Grants	\$10,000
	6475.54626	Tourism Marketing & Advert Grants	\$15,000
	6475.54628	New Tourism Initiative Grants	\$30,000
	6475.54632	Tompkins County Chamber- Convention & Visitors Bureau	\$15,000

RESOLVED, further, That the County Administrator or his designee is authorized to sign all contracts and documents related to the non-grant appropriations.

SEQR ACTION: TYPE II-20

RESOLUTION 2010-126: SCHEDULING A PUBLIC HEARING ON THE 2011 TOMPKINS COUNTY BUDGET AND THE 2011-2015 TOMPKINS COUNTY CAPITAL PROGRAM (DOC ID: 2159)

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

WHEREAS, the tentative 2011 Tompkins County Budget and the 2011-2015 Tompkins County Capital Program are scheduled to be adopted on November 16, 2010, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That a public hearing be held before the Tompkins County Legislature in Legislative Chambers, located at 320 North Tioga Street, Ithaca, New York, on Wednesday, November 3, 2010, at 7:00 o'clock in the evening thereof concerning the review of the tentative 2011 Tompkins County Budget and the 2011 - 2015 Tompkins County Capital Program. At such time and place all persons interested in the subject matter will be heard concerning the same,

RESOLVED, further, That the Clerk of the Legislature is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the County.

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Community Mental Health Services Board

Ellen O'Donnell - term expires December 31, 2010

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee met on August 11 and discussed the impact of the State Budget on County departments. The next regular meeting will be September 8th. He announced there will be a special meeting on August 31 at 3:30 p.m. to review Program Impact Assessment forms for Human Services Coalition agencies.

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

Mrs. McBean-Clairborne, Vice Chair, reported the Committee met on August 6 and heard concerns from residents about the Pine Tree Road project. She said the majority of the meeting was spent discussing the Program Impact Assessment forms. The next meeting will be September 3rd.

**RESOLUTION 2010-127: APPROVAL OF COUNTY SITES FOR PUBLIC ART
COMMISSION'S MURAL AND STREET ART PROGRAM (DOC ID:
2170)**

MOVED by Mrs. McBean-Clairborne, seconded by Mr. Lane.

Mr. Proto said several years ago he and former Legislator Nancy Schuler took the lead in putting artwork in several County buildings. Although he is glad to see that effort continue, he questioned how much of the parking lot between the east wall of the Assessment Department and the HSBC Bank building the County owns. His concern is that anyone painting or placing artwork on that wall will need to erect some type of scaffolding to do so.

At the request of Ms. Kiefer and agreed to by the mover and seconder, the timeframe in the second Resolved was amended from 90 days to 120 days.

Mr. Proto asked about the review process for what type of artwork will be displayed. Mrs. McBean-Clairborne said the Public Art Commission is very thorough in the selection of what they allow to be displayed.

Mr. Proto asked if the program would be eligible to apply for tourism funding. Mrs. McBean-Clairborne did not have an answer but said the guidelines provide information about the criteria for eligibility.

A voice vote resulted as follows: Ayes – 13, Noes - 0, Excused – 2 (Legislators Robison and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, the City of Ithaca Public Art Commission (PAC) has been established to, among other duties, review and advise Ithaca City Common Council on proposals for the exhibition and display of public art in City spaces - buildings, facilities, and infrastructure - and to review development proposals for decorative elements in the city's public spaces, and

WHEREAS, the PAC is interested in creating a city-wide mural and street art program that will beautify blank walls within the city while providing local artists from all sections of the community an opportunity to showcase their work, and

WHEREAS, a subcommittee of the PAC was established to work toward the creation of this program and has identified possible locations for murals and street art throughout the city, and

WHEREAS the City Board of Public Works recently adopted a resolution approving a list of pre-approved sites in the City, and

WHEREAS, two of the proposed sites are on County-owned property and require the approval of the County, and

WHEREAS, the two sites identified for inclusion are the curved wall of the Old Library building at the corner of Cayuga and Court Streets and the east-facing wall of the County Board of Elections Building on Buffalo Street, and

WHEREAS, the long-term tenure of the Old Library building is uncertain, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Legislature approves the inclusion on the list of pre-approved sites in the City of Ithaca Public Art Commission's Mural and Street Art Program of the curved wall of the Old Library building at the corner of Cayuga and Court Streets and the east-facing wall of the County Board of Elections Building on

Buffalo Street,

RESOLVED, further, That the Old Library site be used for relatively temporary graffiti-type “installations” with graffiti artists to apply to the PAC and the installation(s) to remain for a maximum of four months at a time,

RESOLVED, further, That the use of such sites shall be only by temporary license, which shall be revocable upon reasonable notice (not less than one hundred twenty (120) days) except in circumstances necessary for the maintenance or security of the building by the County. The spaces shall be licensed in “as is” condition, and the County shall have no obligation to maintain either the site surfaces or the artwork,

RESOLVED, further, That the PAC will use the public input procedure for engaging nearby businesses, residences, and/or business and neighborhood associations devised with the City Department of Public Works and/or Planning Department staff for these two locations,

RESOLVED further, That the PAC will bring its recommended art choice(s) to the appropriate program committee of the Legislature for committee approval and possible contractual suggestions,

RESOLVED, further, That the PAC will work with the County Attorney to ensure that any art mural RFP (Request for Proposal) or contract with a participating artist reflects and accommodates the needs and constraints of the County.

SEQR ACTION: TYPE II-20

Statement Concerning Pine Tree Road Project

Mr. Stein said he has been involved with both the Hanshaw Road Reconstruction Project and the Pine Tree Road Project. He said both road projects are similar in that they have had questions raised by less than half of the residents on the road who disagree with the approach the County has taken on the project. Mr. Stein said the projects are quite different and raise many different issues; Ms. Robertson noted the Pine Tree Road project does not involve an eminent domain issue. Mrs. McBean-Clairborne said the Facilities and Infrastructure Committee will have a discussion about the Pine Tree Road project at an upcoming meeting.

Report from the Capital Program Review Committee

Ms. Robertson, Chair, reported the Committee did not meet this month. The next meeting will be September 9.

Report from the Government Operations Committee

Mr. Lane, Chair, reported the Committee met on August 5th and reviewed Program Impact Assessment forms. Mr. Lane called attention to a map on the Legislature Chambers wall that identify the 15 Legislative districts and said Legislators should become familiar with the districts as the redistricting process will begin next year. The next meeting will be August 19th at 8:30 a.m.

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

Ms. Mackesey, Chair, said the next meeting will be September 1. She asked Ms. Chock to provide the report as she chaired the last meeting in Ms. Mackesey’s absence.

Ms. Chock reported at the last meeting the Committee reviewed Program Impact Assessment forms. The Committee received a presentation from the Finger Lakes Tourism Alliance, a marketing alliance for the Finger Lakes area, on proposed changes to membership. The Committee also heard a report on the analytics of visitors; she noted the following highlights: there were 843,000 visitors in 2009 to Tompkins County, 47% of them were here for college or university-related reasons, almost all of them

visited parks or downtown Ithaca, and 88% were very satisfied with their visit. The full report is available on the website visitithaca.com. Also at the meeting the Committee discussed the tourism staffing position and approved a resolution that will appear on an upcoming Legislature agenda. The Committee also heard from Commissioner Marx about the State's Purchase of Development Rights Program relating to agriculture. A special meeting was scheduled for August 30th at 3 p.m.

RESOLUTION 2010-128: MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. 129 OF 2010 - AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS (DOC ID: 2143)

MOVED by Ms. Chock, seconded by Mr. Proto, and unanimously adopted by voice vote by members present.

WHEREAS, in Resolution No. 129 of 2010, the Tompkins County Legislature would authorize the County Administrator or his designee to execute a contract with the Tompkins County Soil and Water District to implement projects identified through the Flood Hazard Mitigation Program, and would also be authorized to execute other agreements necessary for the County to implement, monitor, and protect the projects funded through this program, 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. 129 of 2010 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. 129 of 2010.

SEQR ACTION: UNLISTED

(Short EAFs on file with the Clerk of the Legislature)

RESOLUTION 2010-129: AUTHORIZING A CONTRACT WITH THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT TO IMPLEMENT FLOOD HAZARD MITIGATION PROGRAM PROJECTS (DOC ID: 2141)

MOVED by Ms. Chock, seconded by Ms. Pryor.

Mr. Proto said there was a lot of discussion at the Committee with regard to several of the projects in addition to delivery of the program itself. Some members felt there is a need for greater coordination between the Soil and Water Conservation District because of some of the programs they have that are federally funded and could potentially save money out of this Flood Mitigation Program. Scott Doyle, Senior Planner in the Planning Department, oversees this program and agreed to work on this. Mr. Proto said early in the process there is an outreach effort that must take place with individuals and municipalities, and he briefly described the process.

Ms. Kiefer referenced the Taughannock Creek Watershed assessment and asked if this is planned to be similar to the kind of assessment that Malone and MacBroom did for Tompkins County on the east shore. Mr. Marx said it was. Mr. Marx said they have been discussing the possibility of Malone and MacBroom doing the technical work; he noted the contract with the Soil and Water Conservation District would be to implement the overall program. The actual assessment of the watershed would be done with a subcontractor. Ms. Kiefer asked that the full Legislature be kept informed about this project. Ms. Kiefer also questioned the Environmental Assessment Form for this project and asked if the road that is

within this watershed that has a problem is a road that has been traded from Tompkins County to the Town of Ulysses; Mr. Marx said it was not that road. Ms. Kiefer asked that a memorandum containing a description of the projects be included in the minutes.

A voice vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Robison and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature re-established the Flood Hazard Mitigation Program in 2006, and

WHEREAS, the Tompkins County Legislature provided funding for the Flood Hazard Mitigation Program in the amount of \$25,000 in 2010, and

WHEREAS, the Technical Committee for the Flood Hazard Mitigation Program has identified several projects to be funded through the Flood Hazard Mitigation Program, and

WHEREAS, the Tompkins County Soil and Water Conservation District is prepared to undertake the projects identified by the Technical Committee, and

WHEREAS, the projects identified for implementation will be protected through the use of a Riparian Buffer Protection Agreement where appropriate, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate Environmental Assessment Forms with respect to these projects, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee be authorized to execute a contract with the Tompkins County Soil and Water District, in an amount not to exceed \$25,000,

RESOLVED, further, That the County Administrator or his designee is also authorized to execute other agreements necessary for the County to implement, monitor, and protect the projects funded by the Flood Hazard Mitigation Program.

SEQR ACTION: Unlisted

(Short EAFs on file in the office of the Clerk of the Legislature)

Memorandum

To: Members of the Planning, Development, and Environmental Quality Committee
of the Tompkins County Legislature

From: Scott D. Doyle, AICP, Tompkins County Planning Department

Re: **2010 Tompkins County Flood Hazard Mitigation Program (TCFHMP)**

Date: July 27, 2010

Requested Action

Authorize by resolution the initiation of a contract for the 2010 Tompkins County Flood Hazard Mitigation Program (TCFHMP) projects. In addition, authorize the reallocation of the 2009 Taughannock Creek Bank Wash project (\$12,000) for support with 2010 funds to develop the Taughannock Creek Watershed Assessment.

Background

In 2006, the TCFHMP was restructured to follow objectives outlined in the Flood Mitigation Needs Assessment which encourages a watershed/systems approach to flood mitigation projects. Included is the *Tompkins County Flood Hazard Mitigation Program - Final Program Overview* (Exhibit A) which identifies the program objectives, project prioritization, implementation and evaluation. A project summary of work completed under the new program is outlined in Exhibit B.

Following the program's protocol for selecting projects (Exhibit A), a memo was distributed in late May to each municipality's supervisor or mayor. The memo called for local projects for consideration in the Flood Hazard Mitigation Program funding. A technical advisory committee then reviewed these projects in tandem with other projects identified by the County with assistance of the County's watershed assessments for their feasibility and appropriateness for funding based on the program's objectives.

Of the projects considered in 2010, seven projects are recommended for implementation this fall as listed in a table on page 3 and summarized below.

- The *West Branch of Cayuga Inlet @ Main Street Erosion Control* project, is located on a tributary to the West Branch of Cayuga Inlet, south of Main Street in the Town of Newfield near the junction of Trumbulls Corners and Route 13. This project seeks to support the Town of Newfield's culvert improvement work on Main Street by implementing various erosion control measures on the section of stream that bisects the senior housing property. The project anticipates using \$3,000 of TCFHMP funds. A map and SEQRA EAF for the project is attached (Exhibit C).
- The *Enfield Main Road Agricultural Buffers* project, is located on farmland bisected by Enfield Creek, south of Route 79 and north of Enfield Center Road. This project proposes surveying a riparian buffer area along approximately 2,000 linear feet of farmland. This area would then be planted with approximately 250 native riparian trees and shrubs. A riparian buffer agreement would be signed that would protect the project's plantings and the buffer area in perpetuity. The project anticipates using \$3,000 of TCFHMP and would leverage an added \$4,575 of outside funding. A map and SEQRA EAF for the project is attached (Exhibit D).
- The *Enfield Creek @ Upper Treman State Park Buffer Enhancement* project is located on a section of Enfield Creek from Hines Road to State Park land at the Upper Entrance to the Robert Treman State Park. This project proposes the planting of approximately 500 linear feet of stream at a width of 100 feet. Also, included in this proposal is working to relocate unoccupied mobile homes, adjacent to State Park land, out of the stream corridor. The project anticipates using \$3,000 of TCFHMP funds and would leverage an added \$1,500 of outside funds. A map and SEQRA EAF for the project is attached (Exhibit E).
- The *Buttermilk Creek Residential Buffers* project is located along the section of Buttermilk Creek south of Gunderman Road in the Town of Danby. Project formally establishes 100' riparian buffer on two adjacent residential properties. Landowners have agreed in principle to sign an agreement to be filed with their deed that protects this buffer area in perpetuity. The project anticipates using \$1,000 of TCFHMP funds and would leverage an added \$2,000 of outside funding. A map and SEQRA EAF for the project is attached (Exhibit F).
- *Barrile II Planting Support* is proposed to be a part of an active FEMA funded mitigation project occurring on Sixmile Creek between Buffalo and Creamery Roads. This support would be in the form of plant materials and resources to hire a contractor to plant vegetation that would formalize the stream buffer associated with the project. The project anticipates using \$6,000 of TCFHMP funds and would leverage an added \$3,600 of outside funding. A map and SEQRA EAF for the project is attached (Exhibit G).
- The *Fall Creek Agricultural Buffer Extension* project is located on Fall Creek, west of Herman Road, just inside the eastern edge of the Village of Freeville. This project builds off the successful riparian planting project upstream, east of Herman Road at Cornell's HC Thompson Vegetable Research Farm. It would establish a riparian buffer of about 200 trees along approximately 2,000 linear feet of creek. The project anticipates using \$2,000 of TCFHMP funds and would leverage an added \$3,750 of outside funding. A map and SEQRA EAF for the project is attached (Exhibit H).
- The *Taughannock Creek Watershed Assessment* is proposed for the Taughannock Creek Watershed in response to the consideration of various erosion control projects along the creek. Studying this system, in the same fashion as the assessments for Sixmile Creek, Salmon Creek, Fall Creek and Cayuga Inlet would help prioritize projects and ensure they are implemented using a watershed based approach. The project anticipates using \$7,000 of 2010 TCHMP funds and \$12,000 of the 2009 TCFHMP project funds that were allocated to a specific project on Taughannock Creek. The project is not set to move forward as it was initially intended. A map and SEQRA EAF for the project is attached (Exhibit I).

Report from the 2010 Census Committee

Ms. Mackesey, Chair, had no report.

Report from the Budget and Capital Committee

Mr. Dennis, Chair, reported the Expanded Budget Committee calendar has been finalized; the schedule for departmental presentations is now being developed. The next meeting will be August 23rd at 3:30 p.m. Mr. Dennis said he would like the Expanded Budget Committee to discuss the Rollover policy; he noted he is not requesting a change in the Policy but would like a full discussion by the Legislature. Mr. Proto suggested this discussion take place at a Legislature meeting.

Report and Presentation of Resolution(s) from the Public Safety Committee

Mrs. McBean-Clairborne, Vice Chair, congratulated members of the Sheriff's Department who were recently awarded the Kiwanis Frank Hammer award for their heroic and outstanding work during the Kot murder investigation. At the next meeting the Committee will be looking at the emergency alarm system and the 911 system.

Ms. Chock said she received a phone call from the Bangs family thanking the Legislature for its show of support and for the resolution and the collection of funds by members of the Legislature. Mrs. McBean-Clairborne reported on the fundraisers held during the past weekend for the Children's Miracle and the Bangs family. She said there will be more fundraisers in the future and hopes people will attend. Ms. Robertson said she attended the fundraiser for the Bangs family at Lakewatch Inn and said there was a great outpouring of support for the Bangs family.

RESOLUTION 2010-130: APPROPRIATION FROM CONTINGENT FUND TO COVER EXPENSES RELATED TO PROSECUTION OF HIGH-PROFILE CASES - DISTRICT ATTORNEY (DOC ID: 2144)

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Mackesey. A short roll call vote resulted as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Robison and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, expert witness testimony was obtained to facilitate the County's prosecution in the recent murder trial of Blazej Kot, and costs were incurred as Mr. Kot was held in a Pennsylvania jail after his arrest, and

WHEREAS, outside counsel from the Chemung County District Attorney's office was obtained to investigate the death of Shawn Greenwood, and in putting the case into the Grand Jury costs were incurred for several expert witnesses, and

WHEREAS, the Tompkins County SPCA provided care to 100 animals seized during a search warrant of a home in Caroline, and held the surviving animals as evidence to assist in prosecution of the County's case, and

WHEREAS, the County has been billed by Dr. Gary Horwitz, for expert witness testimony in the Kot trial in the amount of \$17,800, and billed by the County of Bradford (PA) Correctional Facility in the amount of \$7,973.92, and

WHEREAS, the County has been billed by Dr. James Terzian, for testimony in the Greenwood Grand Jury investigation in the amount of \$51.00, and billed by Dr. Anthony Pinizzotto for forensic consultation and testimony in the Greenwood Grand Jury investigation in the amount of \$7,309.30, and billed by CRT Less Lethal, Inc., for forensic analysis of tasers in the Greenwood Grand Jury investigation in the amount of \$2,137.50, and

WHEREAS, the County has been billed by the Tompkins County SPCA, for expenses associated

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with the housing and treatment of animals seized in a search warrant in the amount of \$17,856.00, and

WHEREAS, payment is now due for all invoices, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees,
That the Director of Finance be authorized and directed to make the following budget appropriation:

FROM:	A1990.54400 Contingent Fund	\$ 53,127.72
TO:	A1165.54442 Professional Services	\$ 45,153.80
	A1165.54479 Extradition	\$ 7,973.92

SEQR ACTION: TYPE II-20

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will not have a regular meeting in August; however, the subcommittee working on the diversity plan will meet and continue its work.

Approval of Minutes of August 3, 2010

MOVED by Mr. Proto, seconded by Ms. Pryor.

At this time several amendments to the minutes were offered.

Ms. Herrera read the following into the record:

“For the record, due to my concerns regarding the habit of modifying minutes and resolutions outside of open meetings and the possible unintended consequences related to this new revisionist practice, I will be voting no on these minutes.

“Tompkins County government has a responsibility to avoid the appearance of unethical behavior, particularly when dealing with contract awards, eminent domain, tax decisions, and other important decisions that are reported in our minutes. The habit of revising the wording of staff or other Legislators has the potential for lapses, as well as perceived lapses in ethics and transparency.

“I oppose a revisionist interpretation of the Legislature’s minute-taking policy. The revisionist policy interpretation condones Legislator actions that are not transparent, and does not promote ethical behavior in Tompkins County Government.”

At this time additional amendments to the minutes were offered. Mr. Proto said as the Mover of the minutes he accepts all of the changes on the minutes; Ms. Pryor, the seconder, also accepted the changes.

Mr. Dennis questioned when the issue of revising minutes would be resolved.

Ms. Robertson offered a proposal that she has discussed with Cathy Covert, Clerk of the Legislature. She recalled the memo she prepared and distributed recently and said the intent of bringing changes to the floor was to provide Legislators with an opportunity to be aware of changes that were being voted upon and to ensure that final changes did not contain changes Legislators were not aware of. She said under prior practice, all changes being suggested this evening would have been accepted as non-substantive changes and clarifications to the minutes. She said in speaking with Ms. Covert they agreed to suggest that these kinds of changes be submitted to Ms. Covert by 5 p.m. the evening prior to the Legislature meeting and she will provide Legislators with a version of the minutes containing changes in red folders. She said this would avoid a significant amount of time being spent discussing these changes on the floor of the Legislature.

Mr. Proto called the question.

Ms. Herrera objected, stating she had raised her hand to speak prior to the question being called.

Mr. Stein asked the County Attorney if parliamentary procedure states that a person cannot speak about another subject following the question being called. Mr. Wood said this has not been an issue in the past; he has never observed a situation where the question has been called by a legislator and that motion being challenged.

Ms. Herrera said there is a history of instances where parliamentary procedures have cut off discussion. She said with regard to this subject, there were changes made to statements by individuals who are not present; she also said she opposes the additional revision to policy being suggested because the individuals would not be aware of the changes being made to their statements. She said it is necessary and this Legislature has the responsibility to make any changes in a public meeting.

Ms. Robertson said the Government Operations Committee subcommittee continues to work on this. She pointed out the draft and final minutes are online and available to the public. She said she and others have asked for examples of staff intimidation that have occurred or might occur and none have been provided. She said if other Legislators do not think the minutes are being handled in an acceptable manner she would like to hear from them.

Mr. Stein called the question, seconded by Mr. Proto.

A voice vote on calling the question resulted as follows: Ayes 10, Noes – 3 (Legislators Chock, Herrera, and Mackesey); Excused – 2 (Legislators Robison and Shinagawa). THE QUESTION WAS CALLED.

A voice vote on the minutes as amended resulted as follows: Ayes – 12, Noes – 1 (Legislator Herrera); Excused – 2 (Legislators Robison and Shinagawa). MINUTES APPROVED.

Ms. Mackesey said it is her understanding that Ms. Robertson issued a memorandum several months ago on the minutes and that memo reflected only Ms. Robertson's opinion. She said she has assumed the minutes are being approved based upon the procedure outlined in the Rules of the Legislature. Ms. Robertson said the policy does not provide guidance on how to handle the changes that have been under debate. She said after looking at the Policy and the 2005 Subcommittee report that had never formally been accepted by the Legislature, she realized the Policy had never been rewritten to reflect the report. She said that involves committee work and that will take time. She, in consultation with the Clerk of the Legislature, prepared the memorandum and offered guidance on how to proceed in the interim in an attempt to relieve tension and additional work demands being placed on staff. Ms. Mackesey questioned whether the Chair of the Legislature has the authority to outline an interim procedure.

Ms. Kiefer said she believes Ms. Mackesey is correct in that the Chair does not have the authority to outline an interim procedure; however, she is under the assumption that many of the practical suggestions came from the Clerk of the Legislature. She said in the interim she is willing to accept what the Clerk suggests to be a manageable task for her staff and would be willing to propose a motion to do so.

Mr. McKenna suggested using audio and video recordings as the permanent record.

Ms. Chock said she would like to see any change in procedure in writing.

Withdrawal of Resolution

It was MOVED by Mr. Proto, seconded by Mr. McKenna, to Lift from the Table the resolution entitled: Resolution 2010-122: Urging the State of New York to Resolve the Issues of Video Lottery Terminal Operations at Aqueduct Race Track; to Make Prescribed Statutory Mandated Payments to New York Racing Association; and to Ensure that Off Track Betting Honors its Financial Obligations to New York Racing Association (DOC ID: 2137). A voice vote resulted as follows: Ayes – 11, Noes – 2 (Legislators Chock and Herrera), Excused – 2 (Legislators Robison and Shinagawa).

Mr. Proto said at the last meeting Legislators had questions that they wanted to research further. Since that time he has attended a meeting where it was reported that the head of the Senate, Assemblyman Silver, and the Governor agreed to sign the contract that permitted the Malasian firm (the successful bidder) to move ahead with the VLT's at Aqueduct. Subsequent to that, there was an article in the NYSAC (New York State Association of Counties) News stating that as well. He has no information at this time, however, if the paperwork has actually been signed. Mr. Proto said although he would like this to be adopted by this Legislature, he requested permission to withdraw the resolution and will offer it at a later time if necessary. Chair Robertson granted permission to Mr. Proto to withdraw the resolution.

Recess

Ms. Robertson declared recess at 8:17 p.m. The meeting reconvened at 8:22 p.m.

Executive Session

It was MOVED by Ms. Mackesey, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, to enter executives session at 8:22 p.m. to discuss personnel matters and litigation. The meeting returned to open session at 9:00 p.m.

Adjournment

The meeting adjourned at 9:00 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office