

**Tompkins County Legislature
September 18, 2007**

Call to Order

Mrs. McBean-Clairborne, Vice Chair, called the meeting to order at 5:35 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. (Ms. Kiefer arrived at 5:39 p.m.; Mr. Hattery arrived at 5:39 p.m.; Mr. Joseph arrived at 7:00 p.m.).

Presentation of Proclamation(s)

Mrs. McBean-Clairborne presented the following proclamation(s):

Sheriff's Week in Tompkins County – September 16-22, 2007, to Sheriff Peter Meskill; and Latino Heritage Month – September 15-October 15, 2007, to Legislator Kathy Luz Herrera

Mr. Hattery and Ms. Kiefer arrived at this time.

Privilege of the Floor by the Public

Michael Lane, Dryden resident and former Legislator, spoke about sales tax as it relates to the County's budget. Three years ago the State changed the law and exempted from State sales tax clothing and footwear up to approximately \$125. The County at that time also had the option to exempt that tax; however, the County by split vote decided to keep the sales tax on clothing and footwear. At the time this issue was being debated some concerns were raised that the State may raise the amount to \$500 per item; however, three years later that has not occurred. The City of Ithaca also requested the County not take action immediately as it would have to adopt similar legislation to eliminate sales tax on clothing and footwear. Mr. Lane reported sales tax revenues are doing well and believes the County Legislature should reexamine the issue of sales tax on clothing and footwear.

Mr. DePaolo, Town of Ithaca, spoke about developments concerning the Coddington Road proposal and said there has been widespread community opposition to the current design increasing the existing ten-foot lanes to eleven-foot lanes as well as the four-foot shoulders. Concerns are being expressed that widening the lanes will increase speeding on the road and speeding is already an issue in the area. Citizens have researched regulations and communicated with members of New York State Department of Transportation (NYSDOT). Mr. DePaolo said he was informed by the Director of Office of Design that a design exception request can be filed for a ten-foot lane and four-foot shoulders configuration. He spoke briefly about the accident reports over the last years and based on this information there does not appear to be any safety issue due to existing lane width. He asked that a proposal be submitted to the State asking for ten-foot lanes with four-foot shoulders in order to maintain the rural character of the area. He also noted that the Environmental Assessment Form was significantly verified a week ago, and the public has not had time to review or comment on it.

Distinguished Youth Award

Mr. Stevenson, District No. 8 Legislator, presented the September, 2007 Distinguished Youth Award to Brianna Hulbert of Newfield, New York. Ms. Hulbert was nominated by several teachers from TST BOCES for her involvement with the Alzheimer's Foundation. In 2006, she helped raise \$1,200 at

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their memory walk in Binghamton. She also organizes other events and fundraisers and maintains good grades in school.

Privilege of the Floor by Legislators

Mr. Booth, District No. 3 Legislator, read and submitted the following statement:

“I have decided to state publicly opinions I have stated privately to a number of people, including County legislators. The County Administrator has informed the Legislature that he will be retiring early next year. In recent weeks there have been discussions among members of the Legislature and others centering on the possibility that one or more current County legislators may apply for the position of County Administrator. I wish to be clear about my stance regarding this possibility, and I do so now because the search process has not yet formally begun.

“Due primarily to the nature of the relationship between the Legislature and the County Administrator and the nature of the Administrator's position, I strongly oppose any current member of the County Legislature becoming the next County Administrator. No one should see or use service on the County Legislature as a stepping stone for moving directly into this high-paying, appointed position, and the County Legislature should not permit anyone to do so. My opposition to a sitting member of the Legislature becoming the next County Administrator has absolutely nothing to do with the relative qualifications of any legislator to occupy that position.

“I readily admit there is a counter argument to the position I state here. Due to experience and exposure to a wide range of County issues a current legislator might at first blush appear to be a reasonable candidate for the position of County Administrator. I respect those who will make that argument. However, I have considered that argument and rejected it.

“A decision by this Legislature to pick one of its own members as County Administrator would send a terribly negative message to the public at large and to County employees about the character, substance, process, and fairness of our decision-making. My reasons for this opposition involve a number of interrelated factors, including but not limited to the following:

- * the County Administrator works directly for the County Legislature and can be fired by the Legislature;
- * the Administrator commands a very high salary in the County structure;
- * the process for choosing the Administrator is largely invisible to the public, heavily dominated by input of County legislators, and finally brought to a conclusion by a vote of this body;
- * the County Administrator occupies a very special position with regard to County department heads, who must interact substantially with both the Administrator and the Legislature; and
- * a decision by the Legislature to "hire" one of its members as County Administrator would bear too heavy a flavor of inside dealing.

“Should the Legislature decide to choose one of its own as County Administrator, I think much of the public and many County employees might reasonably conclude something along the following lines: "While legislators vote on lots of things that cost taxpayers' money, this decision clearly demonstrates that in doing so they are always looking out for their own best interests. When they see opportunities to benefit themselves financially, they seize those opportunities, forgetting that they are in office to serve the public interest and not their own. In this case they have operated behind closed doors to choose one of their own for a very high paying position. They have done so because they have made a variety of deals among themselves that we do not know about, because they directly control what the County Administrator does and wish to promote private agendas about what the Administrator should and should not do, and because a number of County legislators see how elevating one of their own will benefit them directly. This type of secretive, self-serving action should not be permitted to stand."

“These potential reactions reflect what I anticipate would be widespread thinking among County employees and many outside County government. Significantly, I think many of these reactions would likely go unstated in public arenas, particularly by County employees concerned about their jobs. In addition, I do not think these potential reactions begin to exhaust the many negative claims that will be made if the Legislature were to choose one of its own as County Administrator. In stating these potential reactions, I am not attributing any specific thoughts, motives, or viewpoints to any current member of the Legislature.

“In the final analysis it will not matter whether any of these potential, negative reactions on behalf of the public or County employees accurately reflect actual facts. If the Legislature decides that one of its sitting members will be the next County Administrator, there will be a broad, nagging perception that the Legislature has acted improperly. That perception will be important, regardless of what the actual facts are. That perception by itself will seriously damage the County government in general and the incoming County Administrator in particular.

“In my opinion it would be a serious mistake of judgment for any current member of the Legislature to now apply for the position of County Administrator. At the absolute minimum, any member who is thinking seriously about applying for this position should have resigned from the Legislature months ago when it became clear that Steve Whicher would be retiring from his post in the not too distant future and then apply for this position as a member of the general public. Similarly, it would be a huge mistake for the Legislature to vote for a current member as the next County Administrator. This decision would and should be seen as inappropriate and, indeed, as unseemly. Those of us on the Legislature occupy a special position of trust in County government, and a decision to pick one of our own as County Administrator would be inconsistent with that trust.

“Let me be very clear that I limit these conclusions to the issue I have addressed here. I do not reach the same conclusions regarding any other County employees who might wish to become County Administrator. Current Tompkins County employees, other than sitting legislators, should consider applying for this position, and I hope some will. Similarly, I do not reach the same conclusions regarding a sitting member of the Legislature who runs for elected County office: e.g., Sheriff, District Attorney, and County Clerk; in those situations the voters get to decide who will occupy a County office. I also do not reach these conclusions regarding a sitting County legislator who is nominated for office outside the County government; in those situations the County Legislature is not choosing to benefit one of its own members. Moreover, I do not think that situations occurring at other levels of government are pertinent here: e.g., the President or Governor selects a member of Congress or the State Legislature, respectively, for a top administrative post.

“In summary, I will strongly oppose any application by any current member of the Legislature to become the next County Administrator and will strongly oppose any proposal for the County Legislature to select one of its members for that position. Thank you.”

Ms. Herrera, District No. 5 Legislator, thanked the Legislature again for the opportunity to accept the proclamation for Latino Month and noted that for the first time in County history a woman of color is serving as Chair this evening. She also commented on the remarks made by Legislator Booth and said she agrees. Ms. Herrera said the Facilities and Infrastructure Committee has heard many of the same comments made this evening under privilege of the floor by the public concerning Coddington Road and believes the Committee process was well-served.

Mr. Dennis, District No. 15 Legislator, acknowledged the passing of Chris Bond who was a well-known teacher and soccer coach in Trumansburg.

Ms. Mackesey, District No. 1 Legislator, reminded the Legislature that on September 27th the meeting of the Upstate Task Force on Garbage Transport Trucks is being held in Ithaca at 1:00 p.m.

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Ms. Robertson, District No. 13 Legislator, reported on the groundbreaking ceremony for Lakeview Mental Health Services Facility for a single-room occupancy community residence that will provide 38 beds for people with mental health difficulties. She said this safe and secure permanent housing is greatly needed. She also reminded Town of Ithaca residents to vote in the primary election today for Town Supervisor. The deadline to register for voting in the November election is October 12th.

Withdrawal of Resolution(s) from the Agenda

Vice Chair McBean-Clairborne granted the appropriate committee chair permission to withdraw the resolution from the agenda entitled Authorization to Execute Multi-Year Agreement – The History Center.

The resolution entitled Award of Contract – Deferred Compensation Administrative Services was withdrawn following report from the Personnel Committee.

Addition of Resolution(s) to the Agenda

On motion and duly seconded and unanimously adopted by voice vote, the following resolutions were added to the agenda:

Authorizing a Cooperative Agreement with the Transportation Security Administration (TSA) in Relation to its Mandated Law Enforcement Officer (LEO) Program at the Ithaca Tompkins Regional Airport; and
In Recognition of the Dryden Grange's One-Hundred Years of Service to Tompkins County

Presentation of Individual Member-filed Resolution

RESOLUTION NO. 170 – IN RECOGNITION OF THE DRYDEN GRANGE'S ONE-HUNDRED YEARS OF SERVICE TO TOMPKINS COUNTY

MOVED by Mr. Hattery, seconded by Mr. Proto. Mr. Hattery invited everyone to attend a celebration on Saturday, September 29th, at 2 p.m. at the Dryden Fire Hall. A voice vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Joseph). RESOLUTION ADOPTED.

WHEREAS, Dryden Grange #1112 was organized May 17, 1907, and is this year celebrating one-hundred years of service to agriculture and rural life within the Town of Dryden, and

WHEREAS, recently members of the former Groton Grange and Lansing Grange have joined together with Dryden Grange to make a stronger and broader organization, and

WHEREAS, the Tompkins County Legislature recognizes the contribution of Dryden Grange in promoting an understanding of the importance of our agricultural industry in this County through the sponsorship of the annual June Dryden Dairy celebration, begun in 1985, and

WHEREAS, Dryden Grange continues promoting the understanding of our agricultural industry in this area by supporting the Elementary School "Ag in the Classroom" programs, as well as giving annual scholarships to any Grange related Senior in the Dryden area going on for further study, and

WHEREAS, the Dryden Grange through its sponsorship of the annual Dairy Day celebration promotes community pride, cooperation and unity in the Dryden area, and

WHEREAS, Dryden Grange contributes to tourism in Tompkins County as travelers from adjoining counties come to spend Dryden Dairy Day in Dryden and the surrounding areas, and

WHEREAS, during Grange Month, each April, Dryden Grange has honored individuals, groups, and organizations that provide exceptional service to the Dryden community, now therefore be it

RESOLVED, That the Tompkins County Legislature honors the important service that Dryden Grange provides to the lives of Tompkins County residents and in acknowledgement of the future progress and prosperity of the County's economy and for the advancement of greater appreciation of farmers across the region,

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RESOLVED, further, That the Tompkins County Legislature hereby recognizes the Dryden Grange for its 100 years of service to the community.

SEQR ACTION: TYPE II-20

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

Ms. Herrera, Chair, reported the Committee met just before this meeting and several of the Committee's actions are reflected on the agenda for this evening. The next Committee meeting is October 23.

RESOLUTION NO. 171 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RECONSTRUCTION OF CODDINGTON ROAD, CR 119, IN THE TOWN OF ITHACA, PIN 3753.24

MOVED by Ms. Herrera, seconded by Ms. Kiefer. Ms. Kiefer referenced Mr. DePaolo comments under privilege of the floor and assured him the issue with the segmentation of the project has been taken care of fully and is reflected in the revised Environmental Assessment Form (EAF).

A voice vote resulted as follows: Ayes – 14, Noes – 0, Excused – 1 (Legislator Joseph).
RESOLUTION ADOPTED.

WHEREAS, the Town of Ithaca has been consulted during design development and has concurred with preliminary planning for reconstruction of Coddington Road, County Road 119, in the Town of Ithaca ("the Action"), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Full Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is a Type 1 action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

SEQR ACTION: TYPE 1-6(i)

(EAF on file with Clerk of the Legislature)

RESOLUTION NO. 172 - AUTHORIZATION TO ISSUE DESIGN AND RIGHT-OF-WAY PLAN APPROVALS FOR THE RECONSTRUCTION OF CODDINGTON ROAD, CR 119, IN THE TOWN OF ITHACA, PIN 3753.24

MOVED by Ms. Herrera, seconded by Mr. Randall. Ms. Herrera said the Committee agreed with the wording suggested by staff that would allow the County to take into account concerns raised by the public in requesting a design exception form be filed. In response to a question raised by Mr. Proto, Mr. Koplinka-Loehr said that he and Chair Joseph are Legislators representing this area; they have met with constituents and said he supports the resolution.

It was MOVED by Ms. Mackesey, seconded by Mr. Sigler, to amend the language in the sixth Whereas from "five-foot shoulders" to "four-foot shoulders".

Ms. Herrera said this issue was discussed in Committee and it was believed that safety would be a concern as determined by staff and that the five-foot shoulders are consistent with design standards. Ms.

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Mackesey said Tompkins County has some spectacular rural roads and believes in maintaining that rural character.

Mr. Lampman spoke to the amendment of reducing the shoulders by one foot. Safety is one area that could be significant as there are large vehicles with big mirrors and having buffers on each side could be helpful. The shoulder will be a shared-use shoulder for both bicycles and pedestrians. Maintenance of the roadway in work zones, snow and ice control, and storm water maintenance are all areas of concern and should be taken into consideration in designing a road.

Ms. Mackesey asked if there was a problem on the road with accidents relating to the width. Mr. Lampman believes the width of the lane is not a contributing factor in many accidents and therefore staff is willing to have ten-foot lanes if approved by the State.

Mr. Stevenson said he opposes the resolution as he does not believe that ten-foot lanes are wide enough.

Ms. Robertson asked about the cost of colored shoulders. Mr. Lampman said more information has been gathered and it appears the costs are lower. A full estimate of using color shoulders on this project has not been done but said it would be a possibility.

Ms. Robertson spoke in opposition of the amendment as she feels the ten-foot lanes with five-foot shoulders will mitigate some of the speeding issues. Ms. Kiefer also said she could not support the amendment as she believes 15-foot pavement on each side makes sense.

A voice vote on the amendment resulted as follows: Ayes – 3 (Legislators Hattery, Mackesey, and Sigler); Noes – 11; Excused – 1 (Legislator Joseph). MOTION FAILED.

Mr. Proto asked if landowners are compensated when a large change like this is being made. Mr. Lampman said if there was a right-of-way acquisition the County would purchase the property. If there are landscape impacts the County may replace features.

A voice vote on the resolution resulted as follows: Ayes – 10; Noes – 4 (Legislators Hattery, Mackesey, Sigler, and Stevenson); Excused – 1 (Legislator Joseph). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 11 of 2005 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund design of the reconstruction of County Road 119, Coddington Road, (the "Action") in the Town of Ithaca, and

WHEREAS, preliminary project design has been developed in conformance with the applicable environmental laws, design standards, and accepted engineering practice; all exceptions to accepted design standards have been thoroughly analyzed and their retention adequately justified; all permits have been identified and will be secured prior to letting; public participation has been encouraged and included in the project development processes; and project costs are reasonable, and

WHEREAS, in accordance with applicable Federal regulations and guidelines a Right-of-Way Plan has been prepared which indicates that acquisition of approximately sixty (60) permanent and twenty (20) temporary easements is necessary, but that the individual and cumulative impacts of right-of-way acquisition are considered total de minimus in nature, and

WHEREAS, the Tompkins County Legislature has classified the Action as a "Type I Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Tompkins County Legislature is requesting and supporting that a Non-Standard Feature Justification Form be submitted to the New York State Department of Transportation to change

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the road cross-section from eleven-foot lanes and four-foot shoulders to ten-foot lanes and five-foot shoulders for the purpose of providing traffic calming and enhancing safety, and

WHEREAS, if the non-standard feature (ten-foot lanes) is approved the design report will be modified to reflect this change which will have no impact on the environmental review, and

WHEREAS, completion of all procedural requirements needed prior to project design approval and Right-of-Way Plan approval have been certified by the design consultant and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting Design Approval whereby completion of project final design shall be authorized,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting approval of the Right-of-Way Plan for the referenced project.

SEQR ACTION: TYPE I-6(i)

(EAF on file with Clerk of the Legislature)

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

RESOLUTION NO. 173 – 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 \$14,000,000 CIVIC FACILITY REVENUE BONDS (ITHACARE CENTER SERVICE COMPANY, INC., PROJECT), SERIES 2007

MOVED by Ms. Robertson, seconded by Mr. Dennis. Mr. Sigler asked for assurance that this organization is not borrowing more money that will create a fiscal constraint. Mr. Stamm commented that these bonds are not an obligation of local taxpayers, the County or the Industrial Development Agency (IDA). A business plan and needs assessments have been prepared that show this organization is capable of fulfilling their debt-service requirements. Executive Director Mark Macera of Longview noted the \$14 million is refinancing of the original mortgage on Longview that was built in 1998. The facility is fully occupied, with a waiting list for all levels of care. The mission of the organization is to provide housing and services to all individuals in the community without regard to financial means. In response to a question raised by Ms. Herrera, Mr. Stamm said the IDA does receive a fair fee.

Ms. Kiefer asked whether the addition to or changes in the mission statement would affect the corporation's taxable status or tax abatement. Mr. Whicher stated originally a tax exemption was granted by the Assessment Department based on the mission and the market client versus non-market client. Mr. Stamm clarified that the original tax abatement was that the value of the property tax abatement delivered would be equal to or less than the value of the expense caused by the services provided to the indigent. On an annual basis the IDA does an evaluation based on information provided by the applicant. To date the value provided to the indigent has exceeded the value of the property tax abatement granted by the IDA.

Mr. Joseph arrived at this time.

A roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Legislature (the "Legislature"), as the elected legislative body of Tompkins County, New York (the "County"), has been advised by the Tompkins County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Ithacare Center Service Company, Inc. (d/b/a Longview, an Ithacare Community), a New York not-for-profit corporation (the "Company") and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Civic Facility Revenue Bonds (Ithacare Center Service Company, Inc. Project), Series 2007, in an aggregate principal amount not to exceed \$14,000,000 (the "Bonds"), and

WHEREAS, the project (the "Project") shall consist of (A) the refinancing of the Issuer's \$11,350,000 original principal amount Civic Facility Revenue Bonds (FHA Insured Mortgage—Ithacare Center Service Company, Inc., Project), Series 1997 (the "1997 Bonds"), the proceeds of which were used to finance (i) the acquisition, construction, and equipping on approximately 28 acres of land located at 1 Bella Vista Drive (also known as 980 Danby Road, in the Town of Ithaca, Tompkins County, New York (the "Land") of an approximately 129,700 square-foot licensed adult home and HUD-approved assisted-living facility (the "Existing Improvements"), and (ii) the acquisition and installation in and around the Existing Improvements of certain items of machinery, equipment, furniture, and other tangible personal property (the "Existing Equipment"); (B) the acquisition, construction, and equipping on the Land of an approximately 24,700 square-foot expansion to house an additional thirty-two (32) residential-care beds and related improvements (the "Improvements"); (C) the acquisition and installation in and around the Existing Improvements and Improvements of certain items of machinery, equipment, furniture, and other tangible personal property (the "Equipment" and collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); (D) the funding of a debt-service reserve fund to secure the Bonds; (E) paying certain costs and expenses incidental to the issuance of the Bonds (the costs associated with items (A) through (E) above being hereinafter collectively referred to as the "Project Costs"); and (F) the lease (with an obligation to purchase) or sale of the facilities financed with the Bonds to the Company or such other person as may be designated by the Company and agreed upon by the Issuer, and

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

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

WHEREAS, on September 7, 2007, the Issuer held such a public hearing upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in *The Ithaca Journal*, along with the affidavit of publication of such newspaper; and (c) the minutes of such public hearing held on September 7, 2007, and

WHEREAS, by Resolution No. 2007-029, adopted on March 20, 2007, the Town of Ithaca Planning Board issued a negative declaration under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQR") with respect to the Project, thereby fulfilling the required SEQR review, 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 County Legislature of Tompkins County:

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

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

Section 3. This Resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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

Ms. Robertson, Chair, reported the Committee met on September 10 and received a report on the Tompkins County rural landowners survey by Cooperative Extension. She said the purpose of the survey was to see if there is interest in developing rural lands for bio-fuel production and other alternative energy production in the County. Ms. Robertson said there is enough interest so Cooperative Extension will be moving forward with workshops and education to try to get some enterprises going in the County. The Committee also looked at the Forest Management Plan but did not take action. There are documents on file in the Legislature Office for review prior to the October 18 meeting.

Ms. Robertson said the Planning, Development, and Environmental Quality Committee is interested in looking at the disposal of the Biggs B site if and when the Health Department moves out of that building. Mr. Whicher said the Chair of the Legislature will decide where that issue will be discussed at the appropriate time.

RESOLUTION NO. 174 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL- PAY REIMBURSEMENT – DEPARTMENT OF PLANNING

MOVED by Ms. Robertson, seconded by Mr. Booth. A short roll call vote resulted as follows: Ayes – 14, Temporarily out of the Room – 1 (Legislator Proto), Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the Department of Planning had one Senior Planner resign in 2006 and two Senior Planners resign in 2007, and

WHEREAS, terminal pay for these three employees was paid out in 2007, and

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

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$1,053.73
TO:	A8020.51000609	Senior Planner	\$1,053.73

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Chair's Report and Appointment(s)

Mrs. McBean-Clairborne, Vice Chair, acknowledged members of her family who were in attendance to show support for her. She said she is honored to have an opportunity as a person of color to chair this Legislature meeting in Chair Joseph's absence. She thanked her colleagues for electing her as Vice Chair and putting trust in her when these occasions arise.

Mrs. McBean-Clairborne announced the following Chair's appointment(s):

Workforce Investment Board

Lisa Patz – Business representative; term expires June 30, 2010

Scott M. Pronti – Business representative; term expires June 30, 2010

Lisa Holmes – Seniors Program representative; term expires June 30, 2010

Report from the County Administrator

Mr. Whicher provided an update on the Tompkins County Council of Governments Health Insurance Project. He said they are entering into phase one and will be interviewing the consultants tomorrow. He will also be speaking about the project at this week's NYSAC (New York State Association of Counties) Conference. Mr. Whicher said he will also be meeting with SWN (Statewide Wireless Network) to discuss moving a proposed agreement forward.

Report from the County Attorney

Mr. Flash, Deputy County Attorney, had no report.

Report from the Finance Director

Mr. Squires provided background information on the resolution to adopt a new administrator for the deferred compensation plan.

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

**RESOLUTION NO. 175 – AUTHORIZING ACCEPTANCE OF NEW YORK STATE AWARD
TO PAY FOR ADDITIONAL CHILD PROTECTIVE SERVICES
STAFF FOR SIX MONTHS AT NO LOCAL COST – DEPARTMENT
OF SOCIAL SERVICES**

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

WHEREAS, New York State has awarded 100 percent funding to the Department of Social Services to pay for a temporary increase in Child Protective Services (CPS) unit staffing, and

WHEREAS, the State-approved plan for these funds combines two elements: creation of a temporary (6-month) Senior Caseworker position and, for the same 6-month period, allowing existing CPS staff to receive paid compensation (as opposed to compensatory time) when caseload demands require them to put in more than their standard 35-hour work week; now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That effective September 1, 2007 a new, full-time position (35-hour) in the Senior Caseworker title be created in the Department of Social Services, which position is to sunset on March 31, 2008,

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RESOLVED, further, That the Director of Finance is authorized to make the following pro-rated 2007 budget adjustments to reflect both the additional spending authority and the 100 percent offsetting state reimbursement identified above:

REVENUE:	A6010.43610	State – DSS Admin	\$25,292
APPROPRIATION:	A6010.51000.795	Salary – Family Services Coordinator	\$5,158
	A6010.51000.581	Salary – Senior Caseworker	\$13,038
	A6010.58800	Fringes	\$7,096

SEQR ACTION: TYPE II-20

RESOLUTION NO. 176 - BUDGET ADJUSTMENT – OFFICE FOR THE AGING

MOVED by Mr. Booth, 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 Health and Human Services Committee, That the Director of Finance be directed to make the following budget adjustment on his books:

Office for the Aging

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6777.43803	State Revenue	\$10,000	6787.43803	State Revenue

Explanation: The resolution for this mistakenly had the wrong account number put on it.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 177 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT NO. 7 WITH C&S ENGINEERS, INC., FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES IN CONNECTION WITH THE REHABILITATION OF THE TERMINAL PARKING LOTS AND ENTRANCE/EXIT ROADWAYS AT THE ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, through Resolution No. 151 dated August 21, 2007, the Legislature awarded a construction contract to Ruston Paving that included the rehabilitation of the terminal parking lots and entrance/exit roads, and

WHEREAS, through Supplemental Consultant Agreement No. 7, C&S Engineers, Inc., are proposing to provide full-time construction observation services for the terminal parking lots and entrance/exit roadways, and

WHEREAS, through Resolution No. 61 of 2007, the County Legislature accepted a grant from the New York State Department of Transportation (NYSDOT) covering eighty percent (80%) of the cost of this project, and

WHEREAS, the local share of twenty percent (20%) has been provided for in the Airport's operational budget, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 7 with C&S Engineers, Inc., for construction observation and contract administration services in connection with the parking lot project be approved and financing of the contract is as follows:

New York State Department of Transportation (80%)	\$22,060.00
---------------------------------------------------	-------------

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Local (Airport Operational Budget) (20%)	<u>\$ 5,515.00</u>
Total	\$27,575.00

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required documents,

RESOLVED, further, That the Finance Director be authorized to make payments for this project until reimbursement is received from the FAA and NYSDOT.

SEQR ACTION: TYPE II-1

RESOLUTION NO. 178 - AUTHORIZING SUPPLEMENTAL CONSULTANT AGREEMENT NO. 8 WITH C&S ENGINEERS, INC., FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES IN CONNECTION WITH THE REHABILITATION OF THE TERMINAL ENTRANCE ROAD (FULL-TIME) AND FOR THE SECURITY-SYSTEM UPGRADE (PART-TIME) AT THE ITHACA TOMPKINS REGIONAL AIRPORT

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

WHEREAS, through Resolution No. 151 dated August 21, 2007, the Legislature awarded a construction contract to Ruston Paving that included the rehabilitation of the terminal entrance road, and

WHEREAS, through Resolution No. 152 dated August 21, 2007, the Legislature awarded a construction contract to Weydman Electric for an upgrade of the airport security system, and

WHEREAS, through Supplemental Consultant Agreement No. 8, C&S Engineers, Inc., are proposing to provide full-time construction observation services for the terminal entrance road project and part-time construction observation services for the security-system upgrade, and

WHEREAS, through Resolution No. 150 of 2007, the County Legislature accepted a grant from the Federal Aviation Administration (FAA) for ninety-five percent (95.0%) of the cost of these projects, and

WHEREAS, the New York State matching grant of two and a half percent (2.5%) will be forthcoming and the local share of two and a half percent (2.5%) has been provided for in the airport's operational budget, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Supplemental Agreement No. 8 with C&S Engineers, Inc., for construction observation and contract administration services in connection with these two projects be approved and financing of the contracts is as follows:

Terminal Entrance Road - Construction Observation Services	
Federal Aviation Administration (FAA) (95.0%)	
\$63,175.00	
New York State Department of Transportation (2.5%)	
\$ 1,662.50	
Local (Airport Operational Budget) (2.5%)	<u>\$ 1,662.50</u>
Total	\$66,500.00

<u>Security-System Upgrade - Construction Observation Services</u>	
Federal Aviation Administration (FAA)	\$40,610.00
New York State Department of Transportation (2.5%)	\$ 1,069.00
Local (Airport Operational Budget) (2.5%)	<u>\$ 1,069.00</u>
Total	\$42,748.00

RESOLVED, further, That the County Administrator be and hereby is authorized to execute the required documents,

RESOLVED, further, That the Finance Director be authorized to make payments for this project until reimbursement is received from the FAA and NYSDOT.

SEQR ACTION: TYPE II-1

RESOLUTION NO. 179 - ESTABLISHING COUNTY EQUALIZATION RATES

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

WHEREAS, pursuant to Article III, Section 4.05, Subdivision (d) of the Tompkins County Charter and Code, the Director of Assessment has submitted and recommended the adoption of equalization rates for all towns in Tompkins County and the City of Ithaca for the assessment rolls filed in 2007, which reflects the third and final year of non-full-value assessment, and for the apportionment of County taxes levied in 2008, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following equalization rates be and hereby are adopted:

	AGGREGATE ASSESSED VALUATION OF TAXABLE REAL PROPERTY FOR <u>TOWN FOR PURPOSES</u>	COUNTY EQUALIZATION <u>RATE</u>	AGGREGATE FULL VALUATION OF TAXABLE REAL PROPERTY <u>COUNTY PURPOSES</u>
Town of Caroline	146,416,224	85	172,254,381
Town of Danby	187,524,354	85	220,616,887
Town of Dryden	700,007,494	85	823,538,228
Town of Enfield	133,810,785	85	157,424,453
Town of Groton	203,203,324	85	239,062,734
Town of Ithaca	1,054,608,803	85	1,240,716,239
Town of Lansing	1,049,653,033	85	1,234,885,921
Town of Newfield	195,679,954	85	230,211,711
Town of Ulysses	352,317,341	85	414,490,989
City of Ithaca	1,192,428,806	85	1,402,857,419
<u>TOTALS</u>	\$5,215,650,118		\$6,136,058,962

SEQR ACTION: TYPE II-20

RESOLUTION NO. 180 - ADOPTION OF REGULAR AND SUPPLEMENTAL REPORTS OF TOTALS (FOOTINGS) OF ASSESSMENT ROLLS

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

WHEREAS, Tompkins County desires to maintain an official record of the 2007 Final Assessment Roll, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the regular and supplemental report of the totals (footings) of assessment rolls be accepted and the figures therein be used as a basis for the taxation in the several tax districts of the County for the year 2008 based upon the July 1, 2007, County of Tompkins Final Assessment Roll.

SEQR ACTION: TYPE II-20

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RESOLUTION NO. 181 - AUTHORIZATION TO ACCEPT 2007-2008 SNOWMOBILE TRAILS GRANT-IN-AID

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

WHEREAS, the New York State Office of Parks, Recreation, and Historic Preservation administers a grant program to encourage local snowmobile-club stewardship and development of snowmobile trails in the state, and

WHEREAS, in order to be eligible for this grant program, a local municipality must agree to sponsor the application and administer the program, which the Tompkins County Planning Department has done for local snowmobile clubs since 1998, and

WHEREAS, five snowmobile clubs are proposing to maintain 106 miles of trails that have previously been funded by this program for snowmobile use in Tompkins County, and as part of the grant application, each club prepared a three-year maintenance and capital-project plan, which have been compiled for a master application, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That Tompkins County hereby accepts the 2007-2008 Snowmobile Trails Grant-In-Aid funds in the event that grant funds are awarded,

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

SEQR ACTION: TYPE II-1

RESOLUTION NO. 182 - SCHEDULING A PUBLIC HEARING ON THE 2008 TOMPKINS COUNTY BUDGET AND THE 2008-2012 TOMPKINS COUNTY CAPITAL PROGRAM

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

WHEREAS, the tentative 2008 Tompkins County Budget and the 2008 – 2012 Tompkins County Capital Program are scheduled to be adopted on November 20, 2007, 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 Tuesday, November 13, 2007, at 7:00 o'clock in the evening thereof concerning the review of the tentative 2008 Tompkins County Budget and the 2008 – 2012 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

Appointment(s) Approved Under the Consent Agenda

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

Personal Emergency Response Service Advisory Board

Liz Norton – Representative of an Agency representing Disabled or Elderly; term expires December 31, 2007

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

Mr. Shinagawa, Chair, reported the Committee met on September 5th and heard presentations from several departments on 2008 budget requests. He said a while back this Legislature passed a resolution addressing the shortage of health care workers in New York State. He stated this is something at the top of the agenda for the Governor and the Department of Health. Mr. Shinagawa said the Committee received a presentation on a new pilot program -- "Telehealth", an electronic transmission of medical information from a patient's home to the Health Department.

RESOLUTION NO. 183 – APPROPRIATION FROM CONTINGENT FUND – TERMINAL- PAY REIMBURSEMENT – HEALTH DEPARTMENT

MOVED by Mr. Shinagawa, seconded by Ms. Kiefer. A short roll call vote resulted as follows: Ayes – 15, Noes - 0. RESOLUTION ADOPTED.

WHEREAS, the Health Department had a Senior Clerk retire effective June 30, 2007, and
WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement from the Contingent Fund, now therefore be it

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

FROM:	A1990.54440	Contingent Fund	\$8,758
TO:	A4012.51000518	Senior Clerk	\$6,301
	A4012.58800	Fringes	\$2,457

SEQR ACTION: TYPE II-20

Report from the Health Department Building Committee

Mr. Proto, Chair, reported the Committee has received the executive summary pertaining to the building conditions report and should have received a report from LaBella Associates on the building configuration conceptual plan. Mr. Proto said a review of the document submitted by Cornell University and the acquisition of the building will be taken up at the next meeting. The next Committee meeting has tentatively been scheduled for September 20 at 3:30 p.m.

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

RESOLUTION NO. 184 - AUTHORIZING A COOPERATIVE AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) IN RELATION TO ITS MANDATED LAW ENFORCEMENT OFFICER (LEO) PROGRAM AT THE ITHACA TOMPKINS REGIONAL AIRPORT

MOVED by Ms. Herrera, seconded by Mr. Stevenson. Ms. Herrera said the County needs to adopt this resolution in order to receive the federal funding.

Ms. Kiefer said she has learned since the Committee meeting this afternoon that the Sheriff has agreed at this time and in recognition of the Airport's tight budget, to provide LEO screening-point coverage at a cost substantially less than the actual cost and suggested adding language to acknowledge this. Ms. Herrera said she was not aware of this information. Mr. Whicher said in his discussions with the Sheriff he was told that the Sheriff and the Airport Manager met and agreed on a compromise with regard to how much the Airport should be charged. Mr. Whicher said it is important to recognize that the cost to the Airport is less than what it would actually cost the Sheriff to provide the service.

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Ms. Robertson expressed concern that this means “in-kind” property tax support of Sheriff’s Office personnel in supporting the Airport, which is an enterprise unit; she said she would like to have more information on this. Ms. Herrera expressed concern with changing a resolution at the last minute that has been carried forward and very carefully worked on throughout a process.

Mrs. McBean-Clairborne, Chair of the Public Safety Committee, said she would like to have an opportunity for that Committee to review the new information concerning the agreement between the Sheriff and Airport Manager.

Ms. Herrera said she would ask that this resolution be withdrawn from the agenda rather than incorporate the changes suggested by Legislator Kiefer at this time. Ms. Kiefer said she does not want to see a delay in acting upon this resolution. She said the purpose of the suggested language was to call attention to the fact that apparently there is something positive happening with regard to this between the Sheriff and the Airport. She said the current contract expires on September 30th and does not want there to be a lapse in payment. She stated she was informed by the Airport Manager that the financial repercussions of a lapse in this contract amounts to \$400-\$500 per day.

Mr. Dennis said his concern with this program originated with the federal government with payment and they are now asking the County to pay for it.

Mr. Joseph said this resolution approves a contract between the TSA and the Airport and said the issue of what the Airport pays the Sheriff for this in an internal matter and separate from the action taken by this resolution.

Ms. Herrera said she withdraws her withdrawal.

A voice vote resulted as follows: Ayes – 14, Noes – 1 (Legislator McBean-Clairborne).
RESOLUTION ADOPTED.

WHEREAS, the terrorist attacks of September 11, 2001, created the need for greatly enhanced security screening at the nation's commercial service airports, and

WHEREAS, among these enhanced procedures the Transportation Security Administration (TSA) determined that a need existed to have an armed Law Enforcement Officer (LEO) present at all passenger screening points during screening operations, and

WHEREAS, in order to provide LEO screening point coverage for all flights departing the Ithaca Tompkins Regional Airport, the TSA signed a Reimbursement Contract with the County of Tompkins for the period June 1, 2003, through September 30, 2003, with an option to renew for a further four years through 30th September 2007, and

WHEREAS, said contract reimbursed the County for personnel costs associated with providing said LEOs but contained no allowance for other sundry costs, and

WHEREAS, said contract made provision for annual increases to allow for inflation but the TSA did not pay the inflation-indexed rate for the present final contract year, and

WHEREAS, the TSA is proposing replacing said expiring Reimbursement Contract program with a Cooperative Agreement program, and

WHEREAS, due to the TSA's stated budgetary constraints, said Cooperative Agreement would only reimburse Tompkins County for sixty-five percent of the LEO's total cost, leaving a significant budgetary shortfall in excess of \$84,000 for the first year of the contract, growing to a shortfall in excess of \$119,000 for the fifth and final year of the contract, and

WHEREAS, failure to execute this contract for mandated LEO coverage could result in no Federal funding being made available, and

WHEREAS, the County's legislative delegation in Washington has initiated an attempt to increase funding for this program to eliminate the budgetary shortfall, now therefore be it

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RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That said Cooperative Agreement be accepted under strong protest and encouragement to fully fund this program in future years, and the County Administrator be and hereby is authorized to execute said agreement with the TSA, conveying in a cover memo the County's protest.

SEQR ACTION: TYPE II-20

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

Mr. Dennis, Chair, said he would like to schedule a meeting to discuss retiree health insurance. Mrs. McBean-Clairborne said she continues to work with County Administration and personnel on the development of a process for performance reviews for the four employees who report directly to the Legislature.

RESOLUTION NO. 185 – CHANGE IN ADMINISTRATOR FOR DEFERRED COMPENSATION PLAN

MOVED by Mr. Dennis, seconded by Mr. Booth. A voice vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, Tompkins County has employees rendering valuable services, and
WHEREAS, Nationwide Retirement Systems currently administers a deferred compensation plan for employees, and

WHEREAS, Tompkins County staff has determined that changing the deferred compensation plan to ICMA Administrator Corporation is in the best interest of such employees, and

WHEREAS, Tompkins County desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that some or all of the funds held under such plan be invested in the VantageTrust Company, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans, now therefore be it

RESOLVED, on recommendation of the Personnel Committee, That Tompkins County hereby adopts the deferred compensation plan (the "Plan") in the form provided by Tompkins County, which is compliant with the New York State Model Plan,

RESOLVED, further, That Tompkins County contract with ICMA Retirement Corporation to administer for the County's Deferred Compensation Plan for a period of five years,

RESOLVED, further, That Tompkins County hereby authorizes the execution of the Declaration of Trust of the VantageTrust Company, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by Tompkins County, if the assets of the plan are to be invested in the VantageTrust Company,

RESOLVED, further, That the assets of the Plan shall be held in trust, with Tompkins County serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose,

RESOLVED, further, That Tompkins County hereby agrees to serve as trustee under the Plan,

RESOLVED, further, That the Tompkins County Finance Director shall be the coordinator of the program; shall receive necessary reports, notices, etc., from the ICMA Retirement Corporation or the VantageTrust Company; shall cast, on behalf of Tompkins County, any required votes under the VantageTrust Company; may assign Administrative duties to carry out the plan to the appropriate departments, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

SEQR ACTION: TYPE II-20

Withdrawal of Resolution

Vice Chair McBean-Clairborne gave Mr. Dennis permission to withdraw the resolution from the agenda entitled Award of Contract – Deferred Compensation Administrative Services. The resolution was no longer necessary.

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

Mr. Stevenson, Chair, reported the Committee met on September 14 and discussed many items that appear on the agenda. The Committee was presented with information of a new Cold War Veterans property tax exemption. After discussion, there was no interest expressed in pursuing that option. Ms. Younger reported to the Committee on work that is being done on the Administrative Policy Manual which is one of the Committee’s goals for this year.

RESOLUTION NO. 186 - APPROPRIATION FROM CONTINGENT FUND FOR THE COUNTY HISTORIAN

MOVED by Mr. Stevenson, seconded by Ms. Mackesey. A short roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, the County Historian has requested funds for travel reimbursement expenses, and
WHEREAS, the County Historian has been certified by the Director of Finance to have \$1,000 unspent appropriations from 2006, and

WHEREAS, the time to request using those funds in the current year’s budget has passed, now therefore be it

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

BUDGET APPROPRIATION:

FROM:	Contingent Fund	1990.54400	\$1,000
TO:	County Historian	0202.54400	\$1,000

RESOLVED, further, That pursuant to Fiscal Policy the unspent appropriations available to the County Historian for use in 2008 will be reduced by \$1,000.

SEQR ACTION: TYPE II-20

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

Mr. Koplinka-Loehr, Chair, reported the Committee met on September 10 and discussed many of the items that were presented at the first Expanded Budget Committee meeting yesterday.

RESOLUTION NO. 187 - AUTHORIZING THE ISSUANCE OF UP TO \$2,900,000 SERIAL BONDS OF THE COUNTY OF TOMPKINS, NEW YORK, TO PAY PART OF THE \$10,990,511 COUNTY OF TOMPKINS SHARE OF THE TOMPKINS CORTLAND COMMUNITY COLLEGE CAMPUS MASTER PLAN RECREATIONAL FACILITY IMPROVEMENT

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Booth. Ms. Kiefer explained in this resolution we are acknowledging and accepting the increased estimate of costs and asked that such language be made explicit in a second Whereas; the bond counsel agrees with this change. A roll call vote resulted as follows: Ayes – 15, Noes – 0. RESOLUTION ADOPTED.

WHEREAS, by resolution adopted on February 7, 2006, by the County Legislature of the County of Tompkins (the "County"), the County authorized the issuance of \$4,000,000 serial bonds to finance a portion of the County's share of the Tompkins Cortland Community College Campus Master Plan recreational facility improvement project (the "Project") on the campus of the Tompkins Cortland Community College estimated at the time to be \$10,246,000, and

WHEREAS, the estimated cost of the County's share of the Project has since increased to \$10,990,511, and this revised amount is recognized and accepted by Tompkins County, and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed, and

WHEREAS, it is now desired to authorize additional financing for the Project, now therefore be it RESOLVED, on recommendation of the Budget and Capital Committee, by the Tompkins County Legislature of the County of Tompkins, New York, as follows:

Section 1. For the class of objects or purposes of paying a portion of the \$10,990,511 County of Tompkins' share of the Tompkins Cortland Community College Campus Master Plan recreational facility improvement on the campus of the Tompkins Cortland Community College, including incidental expenses in connection therewith, in and for said County of Tompkins, New York, there are hereby authorized to be issued up to \$2,900,000 serial bonds of said County of Tompkins pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$10,990,511, and that the plan for the financing thereof is by the issuance of up to \$2,900,000 serial bonds of said County of Tompkins, New York, authorized to be issued pursuant to this bond resolution, together with the application of (i) the proceeds of the County's \$4,000,000 serial bonds authorized by resolution dated February 7, 2006, (ii) \$3,665,537 of the proceeds of the previous sale of the County's tobacco assets, (iii) and \$745,000 of other funds available to the County.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the period of probable usefulness will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Tompkins, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tompkins, New York, by the manual or facsimile signature of the County Director of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Director of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Director of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Director of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Director of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Director of Finance shall determine.

Section 9. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 2 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in full in The Ithaca Journal, the official newspaper of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 188 - AUTHORIZING THE ISSUANCE OF \$3,500,000 SERIAL BONDS OF THE COUNTY OF TOMPKINS, NEW YORK, TO PAY A PORTION OF THE COST OF ACQUIRING AN OFFICE BUILDING AND RELATED DESIGN SERVICES

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Hattery. Mr. Proto said the Health Department Building Committee has not met to review the information to determine whether or not the County wants to proceed with this project. He said this resolution could be acted upon at a later date. It was MOVED by Mr. Proto, seconded by Ms. Herrera, to Table the resolution indefinitely.

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Mr. Koplinka-Loehr spoke against the motion and said when the Legislature passed a resolution to pursue this location it was adopted by a 9-5 vote. In order to proceed with financing the project there needs to be 10 votes and he would like the seller to have an indication that there are enough votes to proceed with bonding the project. He stated that although tonight is an indication, it is not a final authorization to bond and there would be enough time to collect information from the Committee.

Mr. Squires said he was packaging the bond resolutions for this project and the TC3 Master Plan for the purpose of cost effectiveness. He said it takes approximately 45 days to go through the process of going to market and obtaining the proceeds to pay for a transaction. He stated he would not borrow the money unless the Legislature gives him authorization to do so.

Mr. Proto said the Deputy County Attorney has not yet presented his review of the lease to the Committee.

Mr. Flash said they are targeting January 3rd as a closing date. He said Cornell would like to have a closing date as soon as possible but he has communicated to Cornell that it would be more advantageous to the County to close after the first of the year.

Mr. Joseph said while the Finance Director has said this can be postponed, he said it would be better to do this now. He questioned the notion that the decision with regard to the site has not been made. He said this Legislature selected the location and while it was stated there were other decisions that would need to be made to affect that action it was stated that the decision on site selection was being made at that time. He said this is a funding resolution and the issue before this Legislature is not whether the Health Department will be located at this site, but whether the County will pay for this by borrowing or with current revenues.

Mr. Booth agreed with Mr. Joseph's statement. While he respects Mr. Proto's issue about process, he thinks the basic issue of location has already been determined. He spoke against the motion and said he hopes this resolution will be acted upon while all members of the Legislature are in attendance this evening.

Ms. Herrera disagreed with Mr. Joseph's statement and said one of the arguments that was made at the time was that that was one step in the process and that there would be additional steps where objections could be raised. She said the process that was undertaken placed this Legislature in a "choose it or lose it" situation. She would like time for the Committee to review the report in order to put the County in a better negotiating position.

Ms. Kiefer said there is some value to packaging bond issues together as it makes them more appealing to the market. She also said she thinks its in the best interest of the County to stop spending money on the present building. She noted this resolution is only for a portion of the costs of the building so she does not think it harms the County's negotiating stance as a total amount has not yet been revealed.

Mr. Randall said he would support a motion to postpone until a time when the Health Department Building Committee can review the information. It was MOVED by Mr. Randall to Postpone action on this resolution to the Legislature meeting on October 2, 2007. MOTION FAILED DUE TO LACK OF A SECOND.

A voice vote on the amendment to Table resulted as follows: Ayes – 4 (Legislators Herrera, McBean-Clairborne, Proto, and Stevenson); Noes – 11. MOTION FAILED.

Ms. Herrera said during the process of selection the Health Department staff was asked what their preferences were. They overwhelmingly told this Legislature that the current location was the one they wanted. In addition, there have been many staff outside of the Health Department who have expressed their opinions that there was a lack of support of staff opinions when the process was abandoned at the

last minute. Ms. Herrera said she is disappointed that the committee process has been bypassed in this situation.

A roll call vote on the resolution resulted as follows: Ayes – 10, Noes – 5 (Herrera, McBean-Clairborne, Proto, Randall, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, Tompkins County (the “County”), a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the “Regulations”), having reviewed the impact of a capital improvement project consisting of the acquisition of a ground-lease interest in approximately 5.4 acres located at 55 Brown Road in the Village of Lansing, New York, the purchase of certain improvements located thereon consisting of an approximately 33,054 square foot, two-story office building, and the renovation and reconstruction of such improvements (collectively, the “Project”), upon the environment, previously determined by resolution dated September 10, 2007, that the Project will not result in any significant adverse environmental impacts, and

WHEREAS, it is now desired to authorize the undertaking and financing of the acquisition of the improvements located at 55 Brown Road in the Village of Lansing, New York, together with the preparation of related architectural and engineering design plans, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, and by the County Legislature of the County of Tompkins, New York, as follows:

Section 1. For the class of objects or purposes of paying a portion of the cost of acquisition of certain improvements located on approximately 5.4 acres located at 55 Brown Road in the Village of Lansing, New York, consisting of an approximately 33,054 square foot, two-story office building, together with the preparation of related architectural and engineering design plans, and all other necessary costs incidental to such work, including preliminary costs and costs incidental thereto and the financing thereof, there are hereby authorized to be issued \$3,500,000 serial bonds of the County of Tompkins, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$3,500,000 and that the plan for the financing thereof is by the issuance of up to \$3,500,000 serial bonds hereby authorized to be issued pursuant to this bond resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years under subdivision 11(a)(1) of paragraph a. of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the County Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form, and contents, and shall be sold in such manner, as may be prescribed by said County Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Tompkins, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Tompkins, New York, by the manual or facsimile signature of the County Director of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale, and awarding the bonds, are hereby delegated to the County Director of Finance, who shall advertise such

bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the County Director of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Director of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities, and interest-payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Director of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law as the County Director of Finance shall determine.

Section 9. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised, or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 2 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 3 of this resolution shall be from the County's General Fund. It is intended that the County shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the County's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law that should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in full in The Ithaca Journal, the official newspaper of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

September 18, 2007

RESOLUTION NO. 189 – AUTHORIZING THE DIRECTOR OF FINANCE TO DEVELOP A MEMORANDUM OF UNDERSTANDING WITH TOMPKINS CORTLAND COMMUNITY COLLEGE AND CORTLAND COUNTY

MOVED by Mr. Koplinka-Loehr, seconded by Mr. Hattery, and unanimously adopted by voice vote.

WHEREAS, Tompkins Cortland Community College and its sponsors Cortland County and Tompkins County, and New York State have approved a \$34,053,262 Campus Master Plan to upgrade and expand its facilities, and

WHEREAS, Tompkins Cortland Community College has pledged \$3,000,000 from a Capital Campaign, and \$9,451,631 from Capital Chargeback Fund to reimburse the sponsors for financing the project during construction, and

WHEREAS, Tompkins County has borrowed \$4,000,000 over and above its stated \$3,038,000 local share of the project, and is in the process of authorizing an additional \$2,900,000 of financing to support remaining cash flow requirements of the project, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Finance Director develop a Memorandum of Understanding with Tompkins Cortland Community College and Cortland County to formally delineate the schedule of repayment of funds advanced to the project by the sponsors,

RESOLVED, further, That no additional funds be released to the project until the Memorandum of Understanding has been approved.

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on September 20th and will be discussing the public safety data sharing project.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet on September 26th.

Approval of Minutes of September 4, 2007

It was MOVED by Mr. Proto, seconded by Mr. Stevenson, and unanimously adopted by voice vote, to approve the minutes of September 4, 2007, as corrected. MINUTES APPROVED.

Announcement

Mr. Proto announced the Vietnam Veteran's Watchfire will be held on September 21st at Myers Point in Lansing.

Adjournment

On motion the meeting adjourned at 8:17 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office