

**Tompkins County Legislature
Regular Meeting
September 21, 2010**

Approved 11/3/10

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 5:38 p.m.). Excused: 1 (Legislator Herrera).

Proclamation

Ms. Robertson presented a proclamation declaring Sunday, October 3, 2010, to be Mem Fox Day in Tompkins County and “urges and encourages all families to listen to Mem Fox’s message as we all work together with the Family Reading Partnership to establish a culture of literacy in Tompkins County and beyond”. The proclamation was presented to Katrina Morris of the Family Reading Partnership. Ms. Morris invited Legislators and the public to attend a free talk given by Mem Fox on October 3rd at 1 p.m. at Kulp Auditorium at Ithaca High School.

Request for Executive Session

Ms. Robertson requested an executive session to be held later in the meeting to discuss real estate negotiations.

Privilege of Floor by the Public

Gregg Thomas, Managing Attorney of Tompkins Tioga Neighborhood Legal Services, said the Office is known as the Ithaca Office of Legal Assistance of Western New York and is part of a 70-attorney law office. Mr. Thomas said they have been located in the Dewitt building and have been providing free legal services to people in Tompkins County for the last 31 years. Most of their cases involve public benefits, such as public assistance, food stamps, Social Security, and unemployment insurance. They also handle appeals at administrative hearings and focus on housing matters, particularly eviction and foreclosure defense. Mr. Thomas said the number of Social Security and unemployment cases over the last couple of years has doubled. While there is no clear explanation, they have also seen a concurrent decrease in the number of public assistance, food stamp, and Medicaid cases.

Mr. Thomas said the Office began with two attorneys; they now have five attorneys and one paralegal and are supported by four Americorp legal workers. The Office greatly utilizes volunteers and he noted over the summer there were 20 workers in the office, many of whom were volunteers and interns. He said they are not expecting any staff reductions or changes in what they do as a result of various changes that are taking place at the State or Federal levels.

Mr. Thomas thanked the County for its past support and invited Legislators to stop by and visit the program.

Richard Flaville, Lansing resident, urged the Legislature to maintain funding for social agencies. He spoke of his personal experiences in volunteering for Gadabout, Loaves and Fishes, Lifelong, and Tompkins Learning Partners, and said they provide important and cost efficient services for the people in Tompkins County. He said many of the human service agencies are largely made up of volunteers. He also stated his opinion that poor people usually are hit the hardest when economic times are tough, and asked that such services not be cut but maintained.

Mr. Shinagawa arrived at this time.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, spoke of the passing of David Cutting. He spoke of when he was a member of City Common Council in the 1970's with Dave Cutting when urban renewal had wreaked havoc on Downtown Ithaca. He said Mr. Cutting helped formed TCAD (Tompkins County Area Development) and was an instrumental person in many economic development activities in Tompkins County. Mr. Dennis said the County will miss that type of leadership. He thanked Dave Cutting and his family for all that they did for Tompkins County for many years.

Mr. Shinagawa, District No. 4 Legislator, reported on a conference he attended in Los Angeles on redistricting and immigration. He said he was quite surprised at what he learned about redistricting and now has a completely different view than he did before. He said as a result he would like to work with someone to provide this Legislature with information about what he learned and will be working with Marcia Lynch, Public Information Officer, on setting up a training and exercise in redistricting.

Mr. Shinagawa said he found the information on the issue of immigration interesting as well and learned there are many things a county government can do. He heard about a program called "Secure Communities"; this is a computer database created by the INS (Immigration and Naturalization Service) that will store fingerprints in the system and will check government computers and flag individuals for deportation. The original intent of the program was to catch felons and violent criminals who were illegal immigrants; however, it is now taking people with misdemeanors and splitting of families and causing problems in communities. Mr. Shinagawa said he will be bringing this up at the Public Safety Committee for discussion because New York State has not implemented the program and there is an opportunity for counties to opt out of the program if they choose to.

Mr. Proto, District No. 7 Legislator, thanked those who attended the Watch Fire at Myer's Point in Lansing. He said it was very well-attended and they very much appreciated the opportunity to be recognized. Mr. Proto commented those who had been involved in the cell tower and the broadband issues do not all have internet access and said it is important to include an opportunity for those responding to requests to be able to do so by United States Postal Service mail. He announced the Public Service Commission has approved rate increases for NYSEG and Iberdrola. He asked members to review their bills and take note of the increasing amount that is going to the SBU (Stony Brook University) and NYSERDA charge. He said the rate increase was not needed and will greatly impact taxpayers. Mr. Proto reported Controller DiNapoli signed off on the VLT (Video Lottery Terminal); Gentry will be the provider and they are ready to install 1,400 machines at Aqueduct.

Mr. Proto reported on an opportunity he participated in to comment on the report that was presented to NYSAC last week on behalf of agriculture in New York State. He was involved in the equine piece and there were too many pieces that were missed, such as viniculture, crops, and equine. Another meeting will be held because there will be a supplemental report to make everyone in the State informed as to how important agriculture is to New York State and how many people are employed by it. He announced the Bus Rodeo will be held this Saturday at 11 a.m. in the B lot at Cornell. This is a competition on driving and the mechanical ability of competitors to troubleshoot some of the problems that arise. He noted TCAT has been successful in winning some of the events in the past.

Ms. Mackesey, District No. 1 Legislator, also spoke of the increased utility rates and said high utility rates is one of New York State's biggest problems in attracting business. New York State has the 2nd highest utility rates in the country and now they have once again been increased. This is an issue that needs thought and she said perhaps efforts should be directed towards coming up with renewable energies to help businesses ease the cost of doing business. Ms. Mackesey also raised the issue of garbage trucks

and said she has heard from constituents that the number of garbage trucks traveling on local roads has gone down dramatically. She urged residents to contact her if they have seen any changes in this traffic.

Mr. Shinagawa spoke of the utility rate increase and said it was reported in the newspaper that customers would see a \$2 instant increase a month and \$6.50 increase in natural gas per month. He said this increase equates to \$102 per year; he also noted that if every Over Target Request in the County budget was approved it would result in a \$78 increase for a \$100,000 home. He said this demonstrates how large these increases are and said this is only one of the increases that are likely to happen over the next three years.

Mr. Lane, District No. 15 Legislator, said everyone is troubled by the County's 16.3% payroll increase that is related to pension payment increases. He said one positive thing he recently learned was that of all the states, there are only four that have a fully-funded pension system and New York is one of them. He said if counties continue to pay those kinds of things in addition to health insurance, there will be a problem if the State proceeds with a property tax cap for localities. He said if localities are "hamstrung" as to how they can raise funds to provide services without a corresponding relief in the huge costs that are shifted from the State there may be no funds to provide basic services, such as road maintenance, Sheriff's deputies, and health clinics. Mr. Lane said this is a serious issue and something that needs to have serious attention.

Mr. Robison, District No. 9 Legislator, said he would like to know more information about the proposed tax cap and why it is being proposed to exempt New York City.

Mrs. McBean-Clairborne, District No. 2, also spoke of immigration issues. She said although there is no program that has formally been adopted by New York State there are raids that are happening that are resulting in families being separated and destroyed. She announced an event will be held on September 25th at 6 p.m. on the Commons to celebrate immigration; this event is being sponsored by the Ithaca Asian American Association and the Latino Civic Association. These groups recognize how much immigration issues affect their communities. She also announced the first People's Festival will be held on September 2nd from 10 a.m. to 6:30 p.m. in Dewitt Park.

Mr. Stein, District No. 11 Legislator, questioned the reasons and need for a utility rate increase. Mr. Proto explained areas that are driving the expense up, stating one is the add-on charges and the other is the cost of maintenance. Mr. Stein said he has also heard statements that agriculture is our biggest export and New York State's biggest industry, however, he has also seen information that shows that statement to be false. He said he would like additional information; Ms. Robertson suggested he contact Tompkins County Area Development or Monica Roth at Cooperative Extension.

Mr. Stein reported he recently attended a meeting of the New York State Democratic Committee where there was discussion of the property tax cap that was brought up earlier in this meeting. He said he had a discussion with the Chair of the New York State Democratic Committee and although he expressed Tompkins County's position there seemed to be little interest as there was a great deal of support of the cap by others. Mr. Stein said he thinks a cap could have a much greater negative impact on counties than anyone realizes.

Presentation – The Future of Recycling in Tompkins County

Barbara Eckstrom, Solid Waste Manager, presented the Legislature with a report on the future of the Recycling and Solid Waste Center and an update on the status of the procurement and agreement process. She said the proposed five-year contract will not only increase the amount of recyclables they are planning to process but will save a lot of money in capital and operating expenses.

Ms. Eckstrom said the County has owned the Facility since 1993 and a decision was made by the Legislature that it would contract with the private sector for operations: processing and selling recyclable materials as well as loading garbage for shipment to a nearby landfill. She said in 2001 the County signed a second ten-year contract with WMI-RA.

Mr. Wood, County Attorney, provided an update on the status of the agreement:

- In February 2011 the ten-year contract with a private vendor to operate the Recycling and Solid Waste Center (RSWC) will expire. The Facility and the site are in need of modernization and upgrading;
- The Facilities and Infrastructure Committee authorized the Solid Waste Division to seek proposals from private companies to upgrade and operate the RSWC;
- Following a draft proposal and the receipt of comments, a final Request for Proposals (RFP) was issued in October 2009. In mid-February the County received six proposals from four different companies;
- After a lengthy review of proposals, negotiations with proposers, and several presentations to the Facilities and Infrastructure Committee, the County Review Team (consisting of the Chair of the Facilities and Infrastructure Committee, County Administrator, Planning and Public Works Commissioner, Finance Director, Attorney and Solid Waste Manager) determined that it is in the County's best interest to award the Service Agreement to FCR (Fairfield County Redemption) Recycling on the basis of the overall facility capital and operating costs, anticipated revenues, and the greatest potential for waste diversion;
- The Facilities and Infrastructure Committee recommends that the County representatives finalize a Service Agreement for approval by the County Legislature. The proposed Service Agreement should result in significantly greater reuse and recycling at a long term cost savings that will allow for new waste reduction programs and a reduction in the Solid Waste Fee when current debt is retired in 2014;
- The County representatives have successfully negotiated the most significant terms for a five-year service agreement (with the option to renew for an additional five year term);
- The proposed Service Agreement provides that the site will be dramatically improved to provide safer and more efficient public access, including significantly enhanced drop-off areas and handling of additional recyclable materials. The Company will operate the improved Public Drop-Off Center accepting garbage, single stream, and other recyclables delivered by County residents;
- The Agreement contemplates that the Company will handle materials using several distinct methods designed to maximize reuse and recycling and recycling revenues while minimizing costs.

RECYCLING AND SOLID WASTE CENTER FUNCTIONS

Ms. Eckstrom said in an effort to meet the goal of diverting 75% of materials from landfills by 2015, they plan to add or expand the services and operational activities at the Recycling and Solid Waste Center. There will be six distinct functions that will improve revenues and increase the tons recovered from the waste stream:

- **Single-Stream Recycling:** Partnering with FCR Recycling (hereafter called The Company) will enable the County to convert to single-stream recycling without making a large capital investment in equipment. The material will be loaded and transferred to their state-of-the-art recycling facility in Ontario County for processing and recovery.
- **Commercial Recycling:** The Company will receive loads from commercial sources that contain a high percentage of fiber including cardboard and paper. These loads will be baled at the RSWC and shipped directly to market. This process will allow the County to receive higher revenue for these materials than is possible at the Company's Ontario County recycling facility.
- **Dump and Bale:** The Company will receive sorted loads of cardboard or high-grade paper. These loads will be baled and shipped directly to market. The County will pay a lower processing cost and will receive a premium price for sale of this material.
- **Waste Diversion:** The Company will separate recyclable and reusable material from certain loads of garbage. This will be accomplished by manual inspection to remove larger items and a sorting line to separate valuable materials from the waste. We will be targeting specific materials such as clean wood, concrete, shingles, scrap metal, rigid plastics, carpets, furniture, and more.
- **Waste Transfer:** The Company will load waste onto trailers for shipment to a landfill contracted for by the County through a separate contract.
- **Drop-Off Center:** The drop-off center for residents will be improved for safety and public access by adding more covered bays, expanding the parking area, adding additional attendants, improving signage and easing congestion by expanding the queuing areas and keeping the commercial and residential traffic separate.

Ms. Eckstrom also presented a list of acceptable materials targeted for recovery and future recovery pending market development at the Tompkins County Solid Waste Recovery and Recycling Center. She said if predictions are correct they will be doubling the amount of recyclables that will be handled and expects costs will be going to go down by eight to ten times.

Mr. Wood spoke of the next steps and said they expect to have this complete by the end of the year and will bring a resolution forward authorizing the County Administrator to enter into a contract. The Company will also make a full presentation to the Legislature.

Ms. Chock said she would like to understand what the County is promoting and how the various streams intersect with each other. For example, soft-cover books could be recycled or go to the Friends of the Library Sale. Ms. Eckstrom said reuse comes before recycling. Ms. Eckstrom said all materials put out for recycling at the curb will be mixed together, regardless of whether it is a small business or a resident. She said she expects 15 to 50 percent more material by allowing people to include everything in one bin.

Mr. Burbank thanked Ms. Eckstrom and Mr. Wood for the presentation and said the County can be proud of what this operation has accomplished under her direction. He asked her what the risk factors of this would be. She said right now for every ton that is not thrown in the garbage, \$27 per ton is saved. Based on conservative estimates she believes the savings would be at least \$35 per ton. The Department of Environmental Conservation has just come out with a new law that will require counties to go far and above the 50 percent reduction. Ms. Eckstrom said her goal of 75% is in-line with the new statute and Solid Waste Management Plan. Knowing what was coming up, she said she has delivered an RFP that included all the key components so that her calculations of how we get to 75% and beyond could be reflected. Ms. Eckstrom said she doesn't see that there is a risk in going ahead with recycling in terms of the savings and doesn't see there is a risk in going ahead with this contract because there is no minimum

tonnage. Mr. Wood said he believes moving in this direction would be reducing risk. The only issue she could identify related to the future stability of the domestic markets as there will always be risks because markets go up and down.

Ms. Pryor said she is very excited and looks forward to seeing this come to fruition.

Report and Appointment(s) from the Chair

Ms. Robertson made the following appointment(s):

Civil War Commission – Terms expire May, 2015

Aaron Sachs
George R. Boyer

Workforce Investment Board

Allan D. Bishop III – Business representative; term expires June 30, 2012

Ms. Robertson reported she attended the Fall NYSAC (New York State Association of Counties) Conference. She said it was very helpful to have Mr. Stein attend the Taxation Committee and said he made some significant additions and changes to the resolutions and provided an example of the resolution on the Home Rule requests; she said this initially only addressed sales tax requests. She spoke of the property tax cap and a meeting she attended of county chairs and county executives and administrators and said there was a very strong statement by Steve Acquario, Executive Director of NYSAC, that there is agreement on a property tax cap. She said the discussion needs to shift and be about mandates and what counties do to deliver State services. She said NYSAC is focusing on nine State mandates, of which Medicaid is one. She said it was reported at the Conference that the average Medicaid expenditure is 45% of the property tax levy; Tompkins County's is at 29%. Ms. Robertson said the discussion and message going forward should be having the State pay for mandates. It was also reported that on average 90% of the property taxes levied come from nine of the State mandates.

At this time Mr. Squires addressed a question raised again by Mr. Robison concerning why the property tax cap proposal exempts New York City. He explained that New York City has a miniscule property tax because they have an income tax and many user fees.

Ms. Robertson spoke of an article by Lieutenant Governor Ravitch that says the State should assume Medicaid functions now done by counties and the State should plan for a full takeover of Medicaid within State budget constraints. She said New York is not the only state that has a local share; there are 26 states that have a county share. However, New York State is by far, much more dependent on counties to provide these services. She said New York should pay at least what other States are paying for these expenses.

Mr. Shinagawa explained one difference in Medicaid services in New York State is that New York's Medicaid services to the elderly are very generous.

Ms. Robertson reported she also attended several other workshops at the Conference, including economic development and broadband. She will place a copy of information from the NYSAC Conference in the Legislature Office.

Report from the County Administrator

Mr. Mareane requested labor negotiations be included in the topics for discussion during executive session. He reported the updated Program Impact Assessment forms should be out by the end of the week; he will provide copies to the Legislature in an electronic format unless requested otherwise.

He also said a list of contracts will also be distributed to Legislators tomorrow. He announced the Community budget forum will be held on September 27th at 7 p.m.

He announced Robert Nicholas has been invited to be part of the National Panel created by the Transportation Research Board of the National Academies that will focus on airport sustainability. This Panel will review research proposals and projects that are all under the umbrella of sustainability for airports. Mr. Mareane said this is a real honor for Tompkins County, which is the first airport to have a green master plan. He commended Mr. Nicholas, Airport Manager, and Ed Marx, Commissioner of Planning and Public Works.

Appointment of Youth Services Director

It was MOVED by Mr. Proto, seconded by Mr. McKenna, and unanimously approved by voice vote by members present, to confirm Mr. Mareane's appointment of Amie Hendrix to the position of Youth Services Director, effective October 20, 2010.

In response to Mrs. McBean-Clairborne, Mr. Mareane said 27 candidates passed the text, six were interviewed and the final recommendation came from those six. Of those applicants, one was an African American male, the remainder were Caucasian, of which two were men.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires distributed a copy of the latest sales tax receipt information and stated the receipts are 6% over last year and 3¼% over budget. He reported the Deputy Sheriff's Unit received their retroactive payments today. He thanked the Legislature for the new payroll system and noted formerly we would have had to make 120 retro-calculations for each individual. He reported a financing was done last week to finance the Ellis Hollow Road project and the remainder of the Computer Aided Dispatch project and said the rate received was 0.68%. Although it is still a good rate, it is almost double the rate received the last time.

Resolution(s) Added to or Withdrawn from the Agenda

There were no resolution(s) added to or withdrawn from the agenda.

Approval of Resolution(s) Under the Consent Agenda

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

RESOLUTION 2010-150: BUDGET ADJUSTMENT - EMERGENCY RESPONSE (DOC ID: 2209)

MOVED by Ms. Kiefer, seconded by Ms. Pryor, 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 Public Safety Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Emergency Response

Revenue Acct	Title	Amt	Approp Acct	Title(s)
3410.44389	Other Public Safety Federal	\$220,500	3410.54400	Program Expense

Explanation: Mismatch grant/fiscal years: Grant funds were accepted by Resolution No. 167 of 2009 and adjustments made then to the 2009 Budget. The receipt and expenditure of funds will occur in 2010, and an adjustment must be made accordingly in the current year budget. No fiscal impact.

SEQR ACTION: TYPE II-20

RESOLUTION 2010-151: AUTHORIZATION TO ACCEPT HOMELAND SECURITY GRANTS, SHERIFF'S OFFICE AND DEPARTMENT OF EMERGENCY RESPONSE (DOC ID: 2200)

MOVED by Ms. Kiefer, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Sheriff's Office and the Department of Emergency Response have identified available funding sources through the New York State Office of Homeland Security, and said funds may be applied to the current Computer Aided Dispatch (CAD)/Mobile Data System (MDS)/Records Management Systems (RMS) Project, and

WHEREAS, grants of \$63,500 through the State Law Enforcement Prevention Program (SLETPP), and \$141,203 through the State Homeland Security Program (SHSP) have been approved by the New York State Office of Homeland Security to assist in the procurement of CAD/MDS/RMS and for the related training expenses of these systems, and

WHEREAS, the Capital Project budget established for these systems anticipated and reflected these identified grant funds, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That Tompkins County accepts these Homeland Security Grants of \$204,703 for purposes of assisting in the CAD/MDS/RMS project procurement and training,

RESOLVED, further, That the following accounts be adjusted accordingly:

Communications Capital Projects:

Revenue: 3412.44389 (Other Public Safety)
Expense: 3412.59239 (Construction Expense)

SEQR ACTION: TYPE II-20

RESOLUTION 2010-152: AUTHORIZATION TO EXECUTE A CONTRACT WITH CLOUGH HARBOUR ASSOCIATES LLP FOR DESIGN SERVICES – COVERED BRIDGE PRESERVATION PROJECT (PIN 3755.03), BIN 3210210, TOWN OF NEWFIELD (DOC ID: 2184)

MOVED by Ms. Kiefer, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, Resolution No. 133 of 2010 authorized an agreement with the State of New York whereby Federal sources will furnish approximately eighty percent of the funding necessary for design of the Covered Bridge Preservation Project (PIN 3755.03) in the Town of Newfield, and

WHEREAS, Clough Harbour Associates LLP is one of fifteen engineering consultants that New York State Department of Transportation and the New York State County Highway Superintendents Association fully qualified and authorized for such work on Locally-Administered Federal-Aid projects in Tompkins County and one of three of those fifteen that expressed interest in the Covered Bridge Preservation Project, and

WHEREAS, Clough Harbour Associates LLP has been recommended to provide design services for the project by a committee of Newfield Covered Bridge Society members and County Highway staff, representing the parties responsible for the preservation of the Covered Bridge, and

WHEREAS, the County Highway Manager has recommended Clough Harbour Associates LLP as best qualified to provide design services for the project and New York State Department of Transportation has approved this selection, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the County Administrator or his designee be and hereby is authorized to execute a contract with Clough Harbour Associates LLP of 111 Winners Circle, Box 5269, Albany, New York, for design services in connection with the referenced project for an amount not to exceed \$70,000,

RESOLVED, further, That the Highway Manager be authorized to execute supplemental agreements on behalf of the County with cumulative value not to exceed five percent of the aforementioned contract amount, funds to be provided from the Bridge Contracts - Highway Operating Account (D5111.54411).

SEQR ACTION: TYPE II- 2

**RESOLUTION 2010-153: AUTHORIZATION TO EXECUTE EXTENSIONS OF SNOW AND
ICE AGREEMENTS WITH THE TOWNS IN TOMPKINS COUNTY
(DOC ID: 2167)**

MOVED by Ms. Kiefer, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the County of Tompkins has heretofore entered into Agreements with seven Towns in Tompkins County pursuant to Section 135a of the State Highway Law relating to removal of snow and ice from County highways in Towns and incorporated Villages, and

WHEREAS, said Agreements provide for an annual review to consider modifications to such snow and ice services, and

WHEREAS, it would be in the best interest of the County to extend said Agreements, as currently set to expire September 30, 2010, as modified and updated, for an additional period, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That extensions of said Snow and Ice Agreements are hereby authorized for a period of up to three years, from October 1, 2010, through September 30, 2013, with the assurance that the required annual review can lead to modifications in the second and third years, and the County Administrator be and hereby is authorized and directed to execute such extensions on behalf of the County.

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

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

Planning Advisory Board

Kathleen Schlather – Human Services representative; term expires December 31, 2012

David Kay – Local Planning/Urban representative; term expires December 31, 2010

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

Mr. Shinagawa, Chair, had no report.

**RESOLUTION 2010-154: APPROPRIATION FROM CONTINGENT FUND - TERMINAL PAY
- DEPARTMENT OF PROBATION AND COMMUNITY JUSTICE
(DOC ID: 2187)**

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

WHEREAS, in the Department of Probation and Community Justice, one Keyboard Specialist retired effective July 31, 2010, and

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

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget adjustment for 2010:

FROM:	A1990.54400	Contingent Fund	\$271
TO:	A3141.51000507	Keyboard Specialist	\$ 39
	A3142.51000507	Keyboard Specialist	\$154
	A3141.58800	Fringes	\$ 16
	A3142.58800	Fringes	\$ 62

SEQR ACTION: TYPE II-20

**RESOLUTION 2010-155: APPROPRIATION FROM CONTINGENT FUND - REPLACEMENT
PAY - DEPARTMENT OF PROBATION AND COMMUNITY
JUSTICE (DOC ID: 2182)**

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

WHEREAS, the Department of Probation and Community Justice had an employee out on disability for greater than two months in the Alternatives-to-Incarceration Program, and

WHEREAS, the Fiscal Policy of Tompkins County allows for replacement pay to the Department from the Contingent Fund for the period beyond the initial two months, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Budget and Capital Committees, That the Director of Finance is hereby authorized to make the following adjustment to his books for 2010:

FROM:	A1990.54400	Contingent Fund	\$11,948
TO:	A3141.51000585	Probation Officer	\$8,504
	A3141.58800	Fringes	\$3,444

SEQR ACTION: TYPE II-20

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

Ms. Mackesey, Chair, reported the Committee has not met since the last Legislature meeting; the next meeting will be October 6.

**RESOLUTION 2010-156: SUPPORTING INTERMUNICIPAL CELL TOWER INITIATIVE
(DOC ID: 2197)**

MOVED by Ms. Mackesey, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present.

WHEREAS, various municipalities in Tompkins County have received applications for permission to construct cellular communication towers within their borders (and, in some cases, on municipal property), and some of these applications have elicited substantial public concern or opposition, and

WHEREAS, at the same time, some municipalities have areas where cell coverage is desired but it is substandard or absent, and

WHEREAS, to date, each municipality has acted on its own, each with their own local ordinances regarding cell towers, and sometimes seeking expert consultation to evaluate an applicant's need or other assertions, and

WHEREAS, recognizing their shared interests and concerns, several municipalities have decided, through the Tompkins County Council of Governments (TCCOG), to explore the possible benefits of a more coordinated approach to the issues surrounding cellular communications, and

WHEREAS, the participating municipalities want to learn what the current status is of local jurisdiction in this area, and to determine whether some type of coordinated, intermunicipal approach could enhance their ability to focus cell tower siting at the most appropriate and least disruptive locations, and

WHEREAS, in addition, some participating municipalities may want outside advice on whether their individual ordinances should be revised and updated, and

WHEREAS, the participating municipalities (nine interested TCCOG members) issued an RFP (Request for Proposals) for legal services to advise them on these issues in December 2009, and received four qualified responses, and

WHEREAS, on consideration of these proposals and phone interviews with two of the applicants, the firm of Silverberg Zalantis, Tarrytown, NY, was selected as the preferred vendor for this contract for a total of \$10,250, as follows:

- Presentation - \$750 (flat fee)
- Collaboration feasibility - \$1,500 (flat fee)
- Ordinance template - \$3,000 (estimate)
- Contingency - \$5,000
- Total to be divided among municipalities - \$10,250

, and

WHEREAS, in addition, individual municipalities can decide whether to seek an optional review of their specific ordinance for an estimated \$300-\$500 per municipality, to be arranged directly with Silverberg Zalantis, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature recognizes that issues of cellular communications affect all our residents and visitors, and that the coordinated action of multiple municipalities is more efficient and effective than separate and disconnected efforts,

RESOLVED, further, That the County desires to participate in this intermunicipal project to support enhanced cell service with the fewest possible new cell towers at the most appropriate locations,

RESOLVED, further, That the County will contribute up to \$1,500 as a share of this contract, that share depending in the end upon the number of municipalities that agree to share the cost,

RESOLVED, further, That Tompkins County offers to serve as fiscal agent to collect municipal contributions and handle the contract administration, subject to the approval of the participating municipalities.

SEQR ACTION: TYPE II-20

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Report from the Capital Program Review Committee

Ms. Robertson, Chair, reported the Committee met on September 9 and had a good discussion on options for the Office for the Aging and programs in the Old Library. She said a resolution had been previously passed by this body with regard to tasking staff to look for alternative spaces for the Community Justice Center and Records Management. Ms. Carey attended the meeting and pointed out

that the Family Treatment Court program is a separate program from Community Justice and has different needs and concerns. She felt the Family Treatment Court might have a significant interest if that program moves out of the Old Library and will be talking about possible options for the program with Judge Rowley.

Ms. Robertson said the Committee received an update from Mr. LeMaro, Director of Facilities, on several space studies that are underway, but not yet finished. The Committee will hear more at the next meeting and should receive an estimate of costs at the meeting in November.

Report from the Government Operations Committee

Mr. Lane, Chair, reported the Committee met on September 16th and heard from the County Administrator about items he is working on that do not relate to the budget. He reported on discussions he has had with department heads about workforce flexibility and how the lean training is moving forward. Mr. Mareane also spoke of the opportunities that exist to incorporate the new payroll software into the budget data. Mr. Lane said the Committee talked for a while with Jim Blizzard and Marcia Lynch of Public Information about television broadcasting from County buildings. He said although the Community Budget Forum will be videotaped, the ability does not exist for it to be broadcast from the Public Library's Borg Warner Room over live television. The Committee also discussed the newly established Broadband Committee and efforts are underway to solicit volunteers to serve on that Committee.

Report from the Budget and Capital Committee

Mr. Dennis, Chair, reported the Expanded Budget and Capital Committee will meet tomorrow at 5 p.m. He also reported on the Community Budget Forum that will be held on September 27th from 7 p.m. to 9 p.m. in the Borg Warner Room at the Public Library.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee will meet tomorrow.

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

Mr. Proto, Chair, reported the Committee met on Sept. 8 and received an update on the Complete Streets Report from Lisa Holmes, Director of the Office for the Aging. The Committee also heard an update on the 211 program, however, most of the meeting was spent hearing about cuts that are being proposed in the Rural Youth program. The next meeting is October 13th. He announced the Youth Services luncheon will take place on noon at the Ramada on September 29th.

RESOLUTION 2010-157: APPROPRIATION FROM CONTINGENT FUND – TERMINAL PAY – HEALTH DEPARTMENT (DOC ID: 2208)

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

WHEREAS, the Health Department has had four retirements this year, including a Senior Public Health Sanitarian effective May 28, 2010, an Account Clerk Typist effective April 30, 2010, a Physical Therapist effective February 27, 2010, and the Public Health Director effective June 30, 2010, and

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

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

appropriation:

FROM: A1990.54440	Contingent Fund	\$	93,785
TO: A4090.51000595	Sr. Public Health Sanitarian	\$	32,530
A4090.58800	Fringes	\$	13,175
A4090.51000513	Account Clerk Typist	\$	1,243
A4090.58800	Fringes	\$	503
A4016.51000579	Physical Therapist	\$	11,076
A4016.58800	Fringes	\$	4,486
A4010.51000250	Public Health Director	\$	21,901
A4010.58800	Fringes	\$	8,871

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Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, reported the Committee has not met since the last Legislature meeting. She called attention to information that was distributed to Legislators electronically with regard to the Snow and Ice program and said she found it useful and clear. The next meeting will be October 1st.

Mr. Lane spoke of a complaint from the Village of Lansing Mayor concerning the sewer system line from the Public Safety Building blocking sewer lines in an apartment building. Ms. Kiefer said she, too, had just heard of the complaint and has not yet had an opportunity to follow-up with the Mayor.

Report from the Air Service Board

Mrs. McBean-Clairborne, member, reported on a Delta/Continental merger that will become effective on October 1st. It will be named "United", but assured everyone that the Ithaca Tompkins County Regional Airport has been doing very well and the public will continue to receive good service. She said they are hoping that the Committee that is working on the Green Master Plan will have a draft to present to the Legislature by the end of the year.

Mr. Proto complimented Mr. LeMaro, Facilities Director, for his work on the new Health Department Building.

Unfinished Business

It was announced that the Ad hoc committee meeting on the proposed property tax was held prior to this meeting.

Correction to Minutes of August 17, 2010

Mr. Proto requested that the minutes of August 17 be amended to correct the meeting date of the Blue Ribbon Task Force Commission on the Future of Farming in New York State. The Legislature agreed with the correction.

Recess

Ms. Robertson declared recess at 7:38 p.m. The meeting reconvened at 7:45 p.m.

Executive Session

Tompkins County Legislature
September 21, 2010

It was MOVED by Mr. Dennis, seconded by Mr. Shinagawa, and unanimously adopted by voice vote by members present, to enter executive session at 7:45 p.m. to discuss labor negotiations and real estate negotiations. The meeting returned to open session at 9:30 p.m.

Adjournment

The meeting adjourned at 9:30 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office