

Tompkins County Legislature
Regular Meeting Minutes
Tuesday, December 7, 2010 5:30 PM
Tompkins County Courthouse

Approved 12/21/10

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. Excused: 1 (Legislator Herrera).

Announcement

Ms. Robertson announced she would re-order the agenda to accommodate staff and the public by moving the Report and Presentation of Resolution(s) from the Planning, Development, and Environmental Quality Committee and the Individual Member Filed Resolution following the Consent Agenda.

Privilege of the Floor by the Public

Carolyn Peterson, City of Ithaca Mayor, expressed concern regarding the resolution pertaining to the Arrowhead proposed development. She referred to an e-mail from a business asking if it was true that there are no abatements available in the City of Ithaca for retail ventures. This correspondence referenced having contacted the City's Planning Department, Ithaca Urban Renewal Agency, and Tompkins County Area Development, all of whom said there are no abatements for retail in Tompkins County. The individual wrote to her for clarification since it isn't true in many communities across the country. She called attention to this matter since it may affect future businesses of retail locating in the City and other locations. Mayor Peterson noted several years ago the City developed the Community Investment Incentive and she believes the County had a companion piece of legislation. She said many of the issues such as affordability for housing, living wages, LEED construction, etc., are not seen in this Payment-In-Lieu-Of-Tax ("PILOT") Increment Financing (PIF) project. She asked if there are well-developed criteria from the County or the Industrial Development Agency (IDA) explaining how to handle projects that may come forward to the City of Ithaca and if abatements are available for a City project or retail. She does not believe the BJ's proposal was worked out in a clear, appropriate, and reasonable methodology of how a business can apply for this type of abatement.

Don Hartill, Village of Lansing Mayor, spoke in support of the resolution pertaining to the Arrowhead proposed development, stating the project is important to the economic well-being of the Village. He said the commercial retail portion of the project is not receiving an abatement, only the residential and wetland remediation portion, which is the PIF portion. He recalled the IDA investing funds for the Rothschild project and that they have supported commercial enterprises. The 12 senior-housing units that will rent at market rate provide a transition between the residential and commercial zones and will not require additional infrastructure. In addition, the wetland remediation will also assist in the transition. He said if the project does not go forward the current assessment and property tax will remain the same; if it is approved, there will be a 40 percent increase of current taxes and the sales tax would be approximately twenty times the abatement cost of the property.

Michael Koplinka-Loehr, Town of Lansing, made the following statement:

“Thanks for your time and happy 7th night of Hanukkah to those who celebrate. We pause to honor and remember the impacts of attacks on Pearl Harbor this day 69 years ago.

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“Thanks also for the adoption of the Energy and Greenhouse Gas Emissions Element of the Tompkins County Comprehensive Plan (12/08) and the 2020 interim energy strategies to achieve those ambitious goals. It is quite clear that the visionary Comprehensive Plan has helped the community create a unifying vision of what community partners can achieve when we work together on common goals.

“More specific to that strategy, for our part, Cornell Cooperative Extension of Tompkins County (CCE) continues to assist with energy-efficiency education as part of our mission. You've all received a packet recently that 5000 households received in late Oct. thanks to 300+ Cornell "Into The Streets" volunteers and the funding sponsorships by Cargill and NYSERDA.

“From that largest ever upstate NY distribution, a record 500 of those households have made a Pledge to plug in their Compact Florescent Lightbulbs (CFL's) and continue on the path to energy savings. Today we had our drawing of 26 prizes valued at over \$2000 that we wanted to announce in a summary fashion. (Please remember that the packets were predominantly distributed in 6 municipalities, due to NYSERDA funding, but that any county resident could call for a packet or get one free from CCE, so that skews the prize winners who returned pledge cards for the raffle.)

“We had 8 winners from Dryden, 2 from Newfield, 4 from Ulysses, 1 from Ithaca, 10 from Lansing, and 1 from Danby.

“(FYI: Total pledge break-down is as follows: Caroline: 2; Danby: 20; Dryden: 186; Enfield: 13; Ithaca: 36; Lansing: 116; Newfield: 40; Ulysses: 37; no clear address: 43; Total: 493)

“CCE has sent a follow-up letter to all respondents and is committed to track these contacts and pledges to see how energy savings increase across our community. We hope to have another distribution day in late Oct. 2011, the 20th anniversary of Cornell's "Into The Streets" day of community service.

“I'm sure you don't need additional motivations, but here are 5 reasons to stay engaged as legislators and community leaders in encouraging your constituents and municipalities to continue on the path to energy efficiency: (1) Dollars are saved for other household priorities during these times of economic constraint; (2) Energy savings are permanent and accumulate over time. (A penny saved is a penny earned, and research has shown that small steps of success lead to further action.); (3) Local jobs are created and skills are developed for long-term application across our community; (4) Momentum is built as neighbors share their experiences with neighbors & friends, to achieve our goals for decreasing greenhouse gas emissions substantially; (5) When change happens in homes, awareness is increased for making similar changes at workplaces and in organizations locally/regionally.

“So what can you do to continue to help achieve these bold goals?

- CCE can deliver energy-efficiency workshops to staff of towns, which you represent, or to any group that you'd like to connect us with.
- We are seeking a community rep for each Town to help us focus and coordinate our efforts in each municipality.
- We are open to assisting with friendly cross-community competitions comparing the percentage of households that take actions to increase their household energy efficiency.
- If you haven't done so yet, you can have YOUR home audited! Green Jobs/Green NY has mechanisms for free energy audits - Please share the frontier and groundbreaking policies that you have passed with other leaders within Tompkins County and across the region.

“As a leader, you are a model in our community. Your voice counts and we'll help you stay out front on these issues. Thanks again for your policy decisions & personal actions to date.

“Finally, our next hands-on workshop, including an eye-opening blower door test and infra-red imaging, will be Wednesday, 12/15, 7-9PM at Forest Home Chapel, (that's at 222 Forest Home Drive in the Town of Ithaca), with refreshments provided starting at 6:30. You all are welcome and it's open to the public as always.”

Fay Gougakis, City of Ithaca, asked that when the Legislature considers a resolution to restrict hydrofracking that it be a unified and unanimous vote. She then spoke of the recent Ithaca Journal article regarding the State Street/Martin Luther King, Jr., Street dual designation and said the resolution before the Legislature seems vague and unclear. Ms. Gougakis said she did not support the dual designation and is concerned that it is too confusing and could create problems during times of emergencies. When she has spoken to business owners and residents in the area, they are in agreement with her opinion.

Nels Bohn, Community Development Planner for the Ithaca Urban Renewal department, spoke of the resolution pertaining to the Arrowhead proposed development and said he supports the use of the American Recovery and Reinvestment Act (ARRA) funds, but not the PIF portion that will earmark a large portion of the property taxes generated by the project to provide funding for the adjacent housing. He does not believe the project met the standard IDA criteria for non-industrial projects, it provides a double standard for this type of project, and that no policy for a PIF has been developed. With regard to the IDA funding the Rothschild project, Mr. Bohn said the urban renewal assistance was for the demolition and preparation of the land and the selling of the property. Tax-exempt bond funding was provided but not funding for the re-payment of the financing. Mr. Bohn believes the retail sales figures for BJ's are overstated, noting forty-five percent of the retail store's sales are food and pharmacy, areas where the County already imports sales. He said the study shows the way the \$40 million sales within the County are achieved is to import individuals to a destination point.

Phyllisa (Philly) DeSarno, City of Ithaca Deputy Director for Economic Development, said she opposes the resolution pertaining to the Arrowhead proposed development and said she agrees with Mayor Peterson's and Mr. Bohn's comments. She has worked in Tompkins County for the past five years and has consistently told individuals interested in bringing business to the City of Ithaca that there are no incentives for retail businesses. She believes saying the retail structure is separate from the residential and wetland portions of the project is not legitimate. Although she would normally support development she does not believe this one makes sense.

Gina Speno, General Manager of the Shops at Ithaca Mall, spoke in support of the resolution pertaining to the Arrowhead proposed development and that it would keep sales tax within the county. The consumer study suggests \$140,000,000 in sales is lost by those going outside the County and there is a need to work together to bring it back. She said BJ's expressed an interest in being in the Village of Lansing, and if the project does not move forward they will build in another county or state. She believes the diverse product selection the store provides is not like any store presently in the County and it will add to the strong retail mix. She said previously IDA's could not offer incentives for retail; now it is possible and is something that should be done in this economic decline.

Alan Pederson, Town of Ulysses resident, and a member of the Chamber of Commerce and the Tompkins County Workforce Investment Board, urged the Legislature to support the resolution pertaining to the Arrowhead proposed development and approve the PIF. He said it is an opportunity for the community to gain employment through the construction project and the stable retail employment. The project will bring in excess of \$750,000 tax dollars, provide critical senior citizen housing, provide a managed wetland area, the ability to capture retail sales dollars leakage, and attract out-of-county buyers. Mr. Pederson said the project does not provide a competitive advantage to BJ's since they will

be paying market rate rent and local taxes. He believes the project would have many positive aspects during difficult economic times.

Jean McPheeters, Town of Caroline resident and President of the Tompkins County Chamber of Commerce, spoke in support of the resolution pertaining to the Arrowhead proposed development. She said it will increase sales tax revenues throughout the County. The plan is carefully constructed to meet the Village of Lansing requirements and bring economic development to the community. She congratulated Tompkins County Area Development for their work on the project. She said jobs are needed in the community and that a local hotel owner as well as a sandwich shop owner have expressed a desire to have BJ's come to the area to enable purchasing bulk goods. She believes it would help many local shops to have the ability to locally make bulk purchases.

Carolyn Mrazek, City of Ithaca resident and member of the Landlord's Association, spoke in support of the resolution pertaining to the Arrowhead proposed development. She said she relocated from Binghamton and, while she does not want this area to become like Binghamton, she travels to Binghamton to purchase items at Macy's and Sam's Club and would like to see a store like BJ's in the area. She said the sales taxes here are high and the revenue generated would help avoid future increases.

James Bold, Consultant to Arrowhead Ventures, has provided construction support and construction management services for the project. He has been working for over two years on the design to meet different objectives for stakeholders. The work was done taking into account both the community and the needs of those involved. He said there was a great deal of time planning how to make the wetlands and housing work with the retail aspect of the project. The project will bring approximately 150 jobs in construction, and approximately 70 jobs for the retail store, with many coming from the local geographic area. In addition, the more than \$10 million investment in the construction materials will provide further economic stimulation in the community.

Julie Crowley, Ithaca Coffee/Triphammer Wines and Spirits, spoke in support of the resolution pertaining to the Arrowhead proposed development and said it is not a tax abatement providing a competitive advantage for a big-box retail store. She said the sales and property tax they would pay would be a benefit.

Gary Ferguson, Downtown Ithaca Alliance, expressed concerns with the resolution pertaining to the Arrowhead proposed development. Although he is not concerned with the ARRA bond issuance, the retail store, the location, or housing attached to the project, he is concerned using and linking the PIF and tax incentives with the broader project. He said TCAD and the IDA have not taken on big-box projects and to do so may set a precedent and cautioned that also doing so could bring others to ask for assistance.

Eric Goetzmann, Arrowhead Ventures, said that having BJ's, a national tenant, would generate sales in Tompkins County and attract shoppers from neighboring areas. When reviewing the feasibility study it was thought the sales tax figures may be high and he was asked to have a third-party review the material, which was found to be accurate. Every study has shown there would be a reduction of "leakage" of sales in the County. If approved, the County would receive over 600 percent return on investment for Tompkins County. He has heard concerns at City of Ithaca meetings that the project would take sales away from the City; BJ's has a broad, but thin selection of products that would not affect any one retailer to a great extent. He said if not approved, BJ's has indicated clearly they would go elsewhere, not to the City of Ithaca. He said all information on the project was shared by the IDA and reviewed by a third party; the economic incentive is necessary to move the project forward and he asked Legislators for support.

Report from Municipal Official(s)

Mr. Hartill, Village of Lansing Mayor, reported the Village Board of Trustees passed the resolution last night that permits the proposed Arrowhead project to go forward.

Ms. Peterson, City of Ithaca Mayor, noted there are existing stores that sell bulk products and she is concerned they will experience reduced sales if the project moves forward. She then reported she is one of 30 mayors and tribal leaders appointed to an Environmental Protection Agency Advisory Committee and has taken the opportunity to address the group on hydrofracking. She said many did not know about it until the issue came up in the Northeastern portion of the country. The group is looking at the Pittsburgh model and will bring forward a resolution about this concern.

Mr. Proto asked if there is anything at the State level that may affect municipalities. Mayor Peterson said there are discussions regarding the proposed tax cap and the New York Council of Mayors have done work on mandate relief. She said the City of Ithaca Common Council will consider a resolution regarding the property tax cap. There are 50 mandates that affect cities and a resolution requesting the Governor take them into account when looking at any property tax cap is being written. Mr. Hartill said the Village of Lansing passed a resolution regarding the property tax cap last evening. The biggest impact for the Village is stormwater and the engineering cost to satisfy requirements. He is also concerned about the balance of taxes between the towns, villages, and State.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, requested modification of the newly installed lights in the Legislative Chambers.

Ms. Chock, District No. 3 Legislator, reported the Tompkins County Council of Governments Gas Drilling Task Force continues to meet monthly and has organized several subcommittees. This afternoon the group met and heard from the subcommittees dealing with mapping and developing a work plan with Darby Kiley regarding road protection and assessment of their condition. She said the mapping group's work is very interesting and that they are developing a tool to map and depict the potential impact of hydrofracking in the County. It will look at various details such as distance from stream and other factors to determine the impact. At the meeting Ms. Kiley reported on her work for the Tompkins Against Natural Gas (TANG) effort and will be looking at best practices, work with communities, and provide direct assistance as well as participate on the subcommittee on assessment and land valuation. The next Gas Drilling Task Force meeting will be held on December 20th. She noted Ms. Anderson at Cornell Cooperative Extension is planning a trip to Bradford County to view gas drilling first-hand.

Ms. Kiefer, District No. 10 Legislator, said it has been quite a long time since the Legislature spoke of a single-payer approach to healthcare being needed to make costs equitable. She said that at a conference in Philadelphia last month activists concluded single-payer health care can only be achieved by going state-by-state. Vermont is very close to taking this type of action and our local access Channel 13 will have programs that include a Vermont worker center staff and other activists being interviewed. Locally the Health Care for All committee will hold vigils with signs the second Wednesday of each month. She said the issue is not dead and she hopes it is seriously considered since it would help our economic situation.

Mr. Burbank, District No. 12 Legislator, reported last weekend was the Alternative Gift Fair and that purchases can still be made online at ithacagiftfair.org. The web site provides information on each of the organizations and how the donation would be used. Mr. Burbank attended the Phase III ribbon cutting for the Cayuga Waterfront Trail and he recommended walking the trail. There are bricks and cornerstones that may be purchased and be engraved as a form of support for the trail.

Ms. Mackesey, District No. 1 Legislator, announced there would be a panel discussion on the implications of hydrofracking on Wednesday, December 8th, at the Trumansburg High School. Individuals from Pennsylvania will be present to discuss their experiences.

Mrs. McBean-Clairborne, District No. 2 Legislator, said she attended the Alternative Gift Fair and hopes people will use the online option to purchase a gift. She expressed appreciation to law enforcement officers and the Downtown Ithaca Alliance for their bringing holiday spirit to Ithaca by having Santa rappel down a building. She said that donations could still be made to the United Way.

Mr. Proto, District No. 7 Legislator, announced the Brooktondale community and Danby Federated Church will be having their holiday fairs this weekend and the next. He thanked Mayors Peterson and Hartill for their efforts regarding tax caps and suggested that Mayor Hartill contact Lynn Leopold of the Water Resources Council for possible assistance with the stormwater concerns. He spoke of his participation with the State Task Force for Agriculture and announced they will be meeting in February to continue their work. Mr. Proto acknowledged today, December 7th, as the anniversary of the attack at Pearl Harbor and asked that everyone give thanks to and remember those who gave their lives.

Mr. Lane, District No. 14 Legislator, said the attack at Pearl Harbor led to the United States involvement in World War II and that his father was in the armed services during that period. He spoke of armed forces in Iraq, Afghanistan, and Korea and noted they are in harms way at all times. Although the length of time they have been in Afghanistan is almost twice as long as WWII and casualties are not as great, they are great to each individual family. He asked that everyone pause and think of the members of the armed services that protect us.

Mr. Robison, District No. 9 Legislator, reported having conversations over the past few days with several law officers regarding the new Computer-Aided Dispatch (CAD) and Mobile Data Terminal (MDT) systems that were installed on Monday. He has been very impressed with the project from the beginning and noted it is ahead of schedule. Mr. Robison said Mr. Shurtleff, Emergency Response Director, said there have been very few problems and that the officer training went well. He noted the system worked well when it was tested with the recent homicide just outside the city. The investment in the project is paying off and is important to those living in rural areas of the County to know communication will not be an obstacle.

Report from the Chair

Ms. Robertson reported on the meeting with Senator-Elect O'Mara last week and sharing concerns regarding the home rule mortgage recording tax and extension of sales tax. He was asked to support a request to act upon them at the beginning of the session rather than the end of it as it has historically happened. She said Mr. O'Mara has seen the New York State Association of Counties position on nine mandates; he appears sympathetic to the mandate issue, and said he would like to see changes in them at the same time any tax cap happens. Ms. Robertson said she is arranging a time to meet with Congressman-Elect Hanna and will notify Legislators when it is arranged. She announced the State Department of Health issued their report on the State takeover of Medicaid. She has comments from Ms. Carey, Social Services Commissioner, and Ms. Holmes, Office for the Aging Director, and will be reviewing the report shortly. Next Sunday at 7:00 p.m. in the Ithaca Town Hall there will be a meeting regarding drilling. Ms. Robertson expressed appreciation to the Emergency Response and Highway Division personnel for their work to relieve the flooding that occurred last week.

Report from the County Administrator

Mr. Mareane said the retreat with the Legislature to discuss the budget is being postponed until January. He has received some of the surveys regarding the budget process and is reviewing comments.

There will be a retreat in February of the Legislators and Department Heads and he is looking for volunteers for the agenda-planning group. The second round of the search for a Public Health Director is taking place with resumes due by December 30th and it is hoped to bring forward a candidate for consideration by March 15th. Mrs. McBean-Clairborne and Mr. Proto will continue to serve on the search committee.

Mr. Mareane said his office is exploring workplace flexibility, which covers options such as flex-time, job sharing, and working from home. A workgroup of department heads and deputy department heads that is co-chaired by Anita Fitzpatrick and Ed Marx will be taking on this project.

The Request for Proposals to determine how to improve the financial aspect of the Certified Home Health Agency has been sent out. It is anticipated to have responses back by mid-December with a recommendation coming forward in early January and a final report in mid-March.

Mr. Mareane said with respect to the spirit of the resolution regarding Martin Luther King, Jr. Street/State Street dual designation, a new sign has been installed at the Human Services Building with the dual designation. Letterhead has been changed for Social Services and Probation, and Youth Services will change once their present stock is used. In addition, web pages have been amended, and departments will continue to make the changes as needed. In response to Mr. Proto's question whether both addresses will be used on letterhead, Mr. Mareane said it would.

In response to Mr. Proto's request for an update about the early retirement option and the Health Insurance Consortium, Mr. Mareane said he believes there are 8 thus far that chose the early retirement option. The option is available to employees until March 2011. With regard to the Health Insurance Consortium, Mr. Mareane said it is progressing very well and that due to some non-traditional benefits offered in some municipalities, work is progressing to offer coverage that is equal to or better than what is presently offered. He believes everything will be in place for January 1st.

Ms. Robertson said the annual process of direct-report evaluations will be taking place in the near future and she would like to have a small committee formed for this process.

Report from the County Attorney

Mr. Wood did not have a report.

Report from the Finance Director

Mr. Squires reported the outcome of going to the bond market on November 30th was not as he had expected. Due to the steady downhill swing in October and November \$17 million was sold at 3.75 percent, not the 3.25 percent he had hoped for and there were only two bidders. The difference over the life of the bonds is \$600,000 and is approximately \$150,000 more than the County is currently paying. He commented that everyone who went to the bond market in November got "creamed". He also reported that \$2.4 million in Notes went for 0.53%. Mr. Squires said he had given Legislators updated foreclosure listings for their information and the final day to pay is January 11th. He reported New York State has informed him the County would need to take action if it wants to take advantage of sales tax exclusion for clothing in 2011; he does not recommend doing so at this time.

In response to Ms. Chock's question about the term of the bonds and prepayment penalties and fees, Mr. Squires said the longest term is 2032 and it can be redeemed in 2015. Historically 3.75 percent is in line with what the County has been paying since 2005, although he expects the rate to go up in the near term.

Mr. Stein said he is surprised at the decline in the market and asked why Mr. Squires proceeded with the sale. Mr. Squires said although he could have declined, there are \$20 million in notes due by December 17th. He said part of the problem is there have been very few sales followed by a flood of Build America bond issues. When those factors were combined with the upswing in the stock market, people are withdrawing money market and mutual funds, causing the decline. He said tax-exempt bonds are paying a higher rate than taxable United States Treasury bonds.

Resolutions to be Added to or Withdrawn from the Agenda

Ms. Robertson gave permission to the appropriate committee chairs to withdraw the following resolutions from the agenda:

- Urging County Departments and Employees to Transition to Use of Martin Luther King, Jr. Street When Referring to State Street and Martin Luther King, Jr. Street Locations (DOC ID: 2291)
- Resolution of the Tompkins County Legislature to (A) Approve the Issuance by the Tompkins County Industrial Development Agency of Its Recovery Zone Exempt Facility Bonds in the Aggregate Principal Amount Not to Exceed \$2,321,000, as the Elected Legislative Body of Tompkins County, New York, (B) Dedicate the Entire Recovery Zone Facility Bond Allocation to the Project in Connection with the Financing Thereof, and (C) Consent to the Dedication of All or a Portion of the Payments Under the Pilot Agreement to be Made Available to Pay Debt Service on the Bonds or Other Financial Instrument or Otherwise Available for Other Qualifying Project Costs, All as Described Below (DOC ID: 2338)

Resolution(s) Approved Under the Consent Agenda

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

Resolution 2010-183: Audit of Final Payment – F. Rizzo Construction, Inc. – CR 121, Warren Road Reconstruction (PIN 3753.73), Town and Village of Lansing (DOC ID: 2346)

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

WHEREAS, F. Rizzo Construction, Inc., General Contractor, of Auburn, New York, has completed their contract for the CR 121, Warren Road Reconstruction Project, (PIN 3753.73) to the satisfaction of Tompkins County and the New York State Department of Transportation, with all closeout documents submitted and satisfactory, all work done within budget, and with one change order for \$50,827.53, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the following final claim against the County of Tompkins, be and hereby is audited by the Legislature:

<u>Vendor</u>	<u>Payment Request</u>	<u>Account No.</u>	<u>Amount</u>
F. Rizzo Construction, Inc.	12 (Final)	HZ5103.59239.53.12	\$553,585.49

RESOLVED, further, That the Finance Director be and hereby is authorized and directed to pay said claim from Account No. HZ5103.59239.53.12.

SEQR ACTION: TYPE II-20

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Resolution 2010-184: Award of Bid - Inbound and Outbound Scale Replacement - Tompkins County Solid Waste Management Division (DOC ID: 2324)

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

WHEREAS, the Department of Finance-Division of Purchasing has duly advertised for bids for Inbound and Outbound Scale Replacement at the Tompkins County Recycling and Solid Waste Center, and

WHEREAS, the Finance Department advertised and received one bid for the Inbound and Outbound Scale Replacement at the Tompkins County Recycling and Solid Waste Center, and

WHEREAS, all bids were received, publicly opened and reviewed Monday, November 29, 2010, and

WHEREAS, Scale Service and Supply Co., Inc., of Rensselaer, NY, was found to be the lowest responsible bidder with a bid of \$259,010, within the range of the County estimate of \$264,000, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid for Inbound and Outbound Scale Replacement be awarded to Scale Service and Supply Co., Inc., of Rensselaer, NY, as the lowest responsible bidder with a bid of \$259,010,

RESOLVED, further, That funds are available in the Solid Waste Management Division Capital Fund 8101 Project 81.67 line 59239,

RESOLVED, further, That the County Administrator or his designee be authorized to execute this bid on behalf of the County a contract with Scale Service and Supply Co., Inc.

SEQR ACTION: TYPE II-20

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Resolution 2010-185: Authorizing the Filing of an Application to New York State for the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Contract, Under the Appropriate Laws of New York State (DOC ID: 2325)

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

WHEREAS, the State of New York provides financial aid for household hazardous waste programs that grant up to fifty percent of the cost, and

WHEREAS, Tompkins County has examined and duly considered the applicable laws of the State of New York and deems it to be in the public interest and benefit to file and application under these laws, and

WHEREAS, it is necessary that a contract by and between the State of New York and Tompkins County be executed for such aid, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the filing of an application in the form required by the State of New York in conformity with the assurances contained in said application for the period of April 1, 2010, to March 31, 2011, is hereby authorized,

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

RESOLVED, further, That Tompkins County agrees that it will fund the cost of said program and will be reimbursed by the State for the total cost,

RESOLVED, further, That five (5) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation (NYSDEC) together with a complete application,

RESOLVED, further, That this resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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Resolution 2010-186: Award of Bid - Bridge Painting (DOC ID: 2348)

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

WHEREAS, Resolution No. 27 of 2009 authorized an agreement with the State of New York whereby Federal sources will furnish 80% of the funding necessary for the Tompkins County Bridge Painting Project (the Project), (PIN 3754.20), and

WHEREAS, Resolution No. 151 adopted on September 1, 2009, authorized granting of design approval whereby completion of project final design was authorized, and

WHEREAS, the Department of Finance - Division of Purchasing has duly advertised for bids for the Project, and

WHEREAS, four (4) bids were received and publicly opened on November 30, 2010, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bid, including alternate #1, be awarded to AMSTAR of WESTERN NEW YORK, INC., of Cheektowaga, New York, lowest, responsible bidder, in the amount of Seven Hundred Forty Thousand and Zero Hundredths Dollars (\$740,000.00), pending approval by the New York State Department of Transportation,

RESOLVED, further, That the Highway Division be authorized to implement this bid and execute change orders with total values not to exceed ten percent (10%) of the aforementioned bid amount on behalf of the County, funds to be provided from the bridge operating budget /Bridge Contracts Account (D 5111.54411).

SEQR ACTION: TYPE II-2

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Resolution 2010-187: Adoption of Apportionment of Taxes for 2011 (DOC ID: 2300)

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

WHEREAS, the report of equalization rates and totals (footings) of assessment rolls has been prepared and approved by the Assessment Director, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the report of the Director of Assessment be accepted and adopted, and the valuation of real property and franchise be based on the 2010 final assessed values for the purposes of general tax levied against the several tax districts of the County and that the values determined therein be set forth as the basis for such general and highway tax levies for the year 2011,

RESOLVED, further, That the several amounts therein listed for State tax and County tax for general County purposes for 2011 be apportioned among, assessed against, levied upon, and collected from taxable property of the several towns and City liable therefore.

SEQR ACTION: TYPE II-20

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Resolution 2010-188: Returned School Taxes (DOC ID: 2301)

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

WHEREAS, Article 13 of the Real Property Tax Law authorizes school district tax collectors to

submit by November 15th a listing of unpaid taxes to the County Treasurer for enforcement, and

WHEREAS, the County guarantees the school districts payment of the unpaid taxes by April 1 of the year following the return, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2011 tax rolls the amounts of the uncollected school taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the collectors of the various districts, exclusive of the Ithaca City School District, to the County Finance Director, and that said returned school taxes be reassessed and relieved on town tax rolls as they are returned, and that said school taxes returned in 2010 be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

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Resolution 2010-189: Returned Village Taxes (DOC ID: 2302)

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

WHEREAS, Article 14 of the Real Property Tax Law authorizes village tax collectors to return to the County Treasurer a listing of unpaid taxes for enforcement, and

WHEREAS, the Villages of Cayuga Heights, Dryden, Freeville, Groton, Lansing, and Trumansburg are authorized to submit their unpaid taxes to the County for enforcement, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Director of Assessment of the County be and hereby is authorized and directed to add to the respective 2011 tax rolls the amounts of the uncollected village taxes that remain unpaid and that have not been heretofore relieved on town tax rolls and that have been returned by the village tax collectors of the various villages to the County Finance Director, and that said returned village taxes be reassessed and relieved on town tax rolls as they are returned, and that said returned village taxes be reassessed and relieved upon the lots and parcels so returned with 12.0 percent annual interest in addition thereto.

SEQR ACTION: TYPE II-20

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Resolution 2010-190: Date of Organizational Meeting (DOC ID: 2303)

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

WHEREAS, the Rules of the Legislature requires the organizational meeting be held on or before January 8 of each year, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That in accordance with Section 151 of County Law, the organizational meeting of the Tompkins County Legislature shall be held in the Legislative Chambers of the Tompkins County Courthouse, Ithaca, New York on Tuesday, January 4, 2011, at 5:30 o'clock in the evening thereof.

SEQR ACTION: TYPE II-20

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Resolution 2010-191: Fall 2010 Community Celebrations (DOC ID: 2310)

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

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

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

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

City of Ithaca	2011 Lunar New Year Celebration	\$500
City of Ithaca	2011 From Civil Rights to Global Human Rights- A Community Celebration of the Local Struggle for Human Rights	\$500
City of Ithaca	2011 Martin Luther Kings, Jr. Day of Celebration - A Day On, Not Off	\$1,250
Village of Trumansburg	2010 Tru-Ulysses Winter Festival	\$1,250
		\$3,500

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

SEQR ACTION: TYPE II-20

Resolution 2010-192: Award of Fall 2010 Tourism Marketing & Advertising Grants (DOC ID: 2327)

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

WHEREAS, Tompkins County has a grant program for Tourism Marketing and Advertising using funds drawn entirely from Room Occupancy Tax, and

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

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

Applicant	Event	Recommend
Cayuga Lake Wine Trail	"Say Cheese" along the Cayuga Lake Wine Trail	\$3,000
PRI/Museum of the Earth	The aMAIZEing Story of Corn	\$1,500
Finger Lakes Wine Center	Marketing brochure	\$5,000
Community Arts Partnership	Spring Writes: the 2011 Finger Lakes Literary Festival	\$3,000
Cayuga Lake Scenic Byway	Marketing Campaign and Website upgrades	\$2,500
		\$15,000

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

SEQR ACTION: TYPE II-20

Resolution 2010-193: Award of Fall 2010 Tourism Project Grants (DOC ID: 2330)

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

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

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

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

Applicant	Event	Recommend
Cayuga Lake Wine Trail	"Say Cheese" along the Cayuga Lake Wine Trail	\$2,500
PRI/Museum of the Earth	Darwin Days 2011- Baba Brinkman	\$2,300
The History Center	<i>Dear Friend Amelia: A Civil War Tale</i>	\$2,500
		\$7,300

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

SEQR ACTION: TYPE II-20

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Resolution 2010-194: Worker's Compensation Budget and Apportionment - Mutual Self-Insurance Plan (DOC ID: 2313)

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

WHEREAS, the Budget and Capital Committee estimates that the sum of \$2,000 will be required during the year 2011 for the payment of compensation in old and pending cases on behalf of the County and participating municipalities under the Mutual Self-Insurance Plan and for the expenses of administering same, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That there be raised from the County and participating municipalities in 2011 the total sum of \$2,000, the same to be apportioned to the County and the participating municipalities in the proportion that their equalized valuation bears to the aggregate valuation of the County and all participating municipal corporations, as follows:

<u>Municipality</u>	<u>Taxable Full Value</u>	<u>Apportionment</u>
Caroline	\$ 189,495,529	\$ 30.20
Danby	\$ 243,943,745	\$ 38.88
Dryden	\$ 725,842,404	\$ 115.67
Enfield	\$ 163,979,390	\$ 26.13
Groton	\$ 167,682,390	\$ 26.72
Ithaca (Town)	\$ 887,172,776	\$ 141.39
Lansing (Town)	\$ 703,259,693	\$ 112.08
Newfield	\$ 243,837,184	\$ 38.86
Ulysses	\$ 320,150,581	\$ 51.02
Ithaca (City)	\$ 1,491,784,071	\$ 237.74
Dryden (Village)	\$ 106,958,646	\$ 17.05
Freeville (Village)	\$ 24,317,961	\$ 3.88
Trumansburg (Village)	\$ 113,513,682	\$ 18.09
Lansing (Village)	\$ 432,014,949	\$ 68.85

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

Groton (Village)	\$	79,050,535	\$	12.60
Cayuga Heights (Village)	\$	381,853,287	\$	60.85
County of Tompkins	\$	6,274,855,691	\$	1,000.00
Total	\$	12,549,713,382	\$	2,000.00

SEQR ACTION: TYPE II-20

Resolution 2010-195: Town and City Budgets and Printing of Tax Rates (DOC ID: 2314)

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

WHEREAS, annually Tompkins County must keep a record of the adopted City and Town budgets and must, in accordance with the laws of New York State, levy and collect property taxes per those adopted budgets, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That, in accordance with the laws of the State of New York and with budgets adopted by the several town boards of the County of Tompkins now on file with the Clerk of the Legislature, there be levied upon and collected from the taxable property of the several towns of the County and the City of Ithaca the sums contained in those budgets,

RESOLVED, further, That said summaries of the budgets of the several towns of the County and the City of Ithaca be printed in the 2010 Proceedings of the Tompkins County Legislature,

RESOLVED, further, That after the tax rates are ascertained for the various towns and the City of Ithaca, the Clerk shall print such rates in the 2010 Proceedings of the Legislature following the budgets of the several towns and City.

SEQR ACTION: TYPE II-20

Resolution 2010-196: Authorization to Sign Drafts - County Administrator (DOC ID: 2315)

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

WHEREAS, it is necessary, annually, to authorize a Tompkins County official to sign all Tompkins County drafts, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That during 2011 the County Administrator be and hereby is authorized to sign all drafts of the County of Tompkins and to delegate this authority to the Department of Finance,

RESOLVED, further, That County Officials acting in their official capacity as custodians or other representatives of clients have authority to sign checks in furtherance of their fiduciary responsibilities.

SEQR ACTION: TYPE II-20

Resolution 2010-197: Authorization for Finance Director to Make Year-End Transfers, Appropriations, and Budget Adjustments as Required (DOC ID: 2317)

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

WHEREAS, it is necessary, annually, to balance Tompkins County's financial books, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That during 2011 the

County Finance Director be and hereby is authorized and directed to make year-end transfers, appropriations, and budget adjustments required to clear credit balances from the books at year's end,

RESOLVED, further, That any such additional entries made by the County Finance Director shall be reported back to the Tompkins County Legislature.

SEQR ACTION: TYPE II-20

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Resolution 2010-198: Approving Completed Tax Rolls and Directing the Executing and Delivery of Warrants (DOC ID: 2318)

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

WHEREAS, it is necessary annually to provide for property tax collection in Tompkins County to meet expenses and the cost of county governments in Tompkins County, and to direct that upon the tax rolls of the several towns and City, the several taxes will be extended, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the tax rolls be approved as completed and that there shall be extended and carried out upon the roll the amount to be levied against each parcel of real property shown thereon,

RESOLVED, further, That there be annexed to each of said rolls a tax warrant prepared by the Director of Assessment as provided for in Section 4.00(b) of the Tompkins County Charter, that such warrants shall be the respective amounts theretofore authorized to be levied upon each of said rolls, that the several warrants be signed by the Chair and the Clerk of the Legislature under seal of the Legislature and by the Director of Assessment, and that said rolls with said warrants annexed are to be forthwith delivered to the respective collectors of the nine towns and City districts of the County.

SEQR ACTION: TYPE II-20

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

Ms. Mackesey, Chair, reported the Committee met on December 1st and heard a report from Mr. Marx, Commissioner of Planning and Public Works, regarding the Greenhouse Gas portion of the Comprehensive Plan. He spoke of a potential heat/energy project being considered by Cayuga Medical Center and reported there has been no progress with the Enfield wind energy project. The Committee also had discussions of topics that are on the agenda, tourism grant awards, and continued the discussion regarding banning gas drilling on Tompkins County land.

Resolution 2010-199: Designation of Tourism Promotion Agency for State Fiscal Year 2010-2011 (DOC ID: 2329)

It was MOVED by Ms. Mackesey, seconded by Ms. Chock. Ms. Kiefer asked whether the State fiscal year of 2010-2011 within the resolution was correct. It was explained the resolution is a reflection of the State issuing the matching funds grant late in the cycle and that they had just been received in November. The State's fiscal year referenced in the resolution is from April 1, 2010 to March 31, 2011.

A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, the Strategic Tourism Planning Board has traditionally recommended the appropriate agency for designation of the New York State Tourism Promotion Agency (TPA) designation as part of its review function for tourism matters, and

WHEREAS, the Strategic Tourism Planning Board has reviewed the matter with appropriate agency representatives, and

WHEREAS, to leverage certain New York State funding, counties must designate a TPA, and

WHEREAS, the Strategic Tourism Planning Board feels qualified to make a recommendation of the best agency to have the TPA designation, now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality Committee, That the Ithaca/Tompkins County Convention and Visitor's Bureau (I/TCCVB) be designated as the TPA for State Fiscal Year 2010-2011,

RESOLVED, further, That the Director of the I/TCCVB report to the Planning, Development and Environmental Quality Committee if change occurs.

SEQR ACTION: TYPE II-20

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Resolution 2010-200: Authorization to Enter into a Multi-Year Lease Agreement for the Workforce Investment Board (DOC ID: 2341)

It was MOVED by Ms. Mackesey, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, the Lease Agreement covering the offices of the Tompkins County Workforce Investment Board located at 200 E. Buffalo Street, in the City of Ithaca, County of Tompkins, State of New York, shall expire on December 31, 2010, and

WHEREAS, a Sublease Agreement has been satisfactorily negotiated for space located at 401 E. State Street, Ithaca NY, for a five-year term, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator is hereby authorized to sign a sublease agreement with Landlord, Tompkins County Area Development, for the period of January 1, 2011, through December 31, 2015, with an option to renew for an additional five-year term.

SEQR ACTION: TYPE II-20

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Individual-Member Filed Resolution

Resolution 2010-201: Resolution of the Tompkins County Legislature to (A) Approve the Issuance by the Tompkins County Industrial Development Agency of Its Recovery Zone Exempt Facility Bonds in the Aggregate Principal Amount Not to Exceed \$2,321,000, as the Elected Legislative Body of Tompkins County, New York, (B) Dedicate the Entire Recovery Zone Facility Bond Allocation to the Project in Connection with the Financing Thereof, and (C) Consent to the Dedication of All or a Portion of the Payments Under the PILOT Agreement to be Made Available to Pay Debt Service on the Bonds or Other Financial Instrument or Otherwise Available for Other Qualifying Project Costs, All as Described Below (DOC ID: 2354)

It was MOVED by Mr. Dennis, seconded by Ms. Pryor. Mr. Dennis said he put the resolution on the agenda because of the same concerns expressed by Mr. Goetzmann and Village of Lansing Mayor Hartill. He said when the developer sought a zoning change to allow BJ's to be built at the Shops at Ithaca Mall, the Village of Lansing Planning Board said to change the zoning and move the project forward would require the addition of senior housing and the wetland. The impression that approval would provide a tax incentive to BJ's and the developer is incorrect; the PIF would be used to reduce the cost of the twelve-unit housing in order to make it affordable. Currently, the land provides \$30,000/year

in property taxes. Although there are discrepancies between parties of the value of the property, once construction is complete it is still more than what is currently generated.

Mr. Dennis said he has heard people state there is no public benefit, however, he said Mr. Squires estimates \$700,000 to \$800,000 in sales tax revenue. Mr. Dennis spoke of how people who want or need to buy the bulk products BJ's offers because it is less expensive. He said if \$140,000,000 of bulk purchases is leaving the County due to leakage, the County does not currently have an opportunity to change it. He believes the County needs to offer the opportunity of a store like BJ's and to have senior citizen housing in the Village of Lansing.

Mr. Dennis said forty-six percent of real property in Tompkins County is tax-exempt and that the only way the County raises income is to raise taxes and generate sales tax. He said he served on the Ithaca City Council in 1974 and that the reason the Rothschild project mentioned earlier did not receive any benefit was that the entire project had many bad starts and it was not able to proceed. At that time every effort was made to use whatever advantage was available to develop Ithaca as the central core. He said as a member of City Council he recalled passing a resolution to shut off water to the Town of Lansing as an attempt to stop the construction of the Pyramid Mall; the result of that action was that the Town of Lansing and Town of Ithaca built Bolton Point. He supports the resolution and believes it will bring needed sales tax to the County.

Ms. Pryor said she was interested in hearing from those expressing concern for the project and said she is looking from the broader County viewpoint. She heard that the Benderson project was built without any tax abatement and although that is true, it was not without using several million dollars of taxpayers' funds to improve the Route 13 infrastructure to handle the increased traffic. With regard to leakage, she recalled last spring the community held a yard sale on Route 34 and watching Saturday morning traffic heading north and subsequently coming back later in the day and that Route 13 has a similar traffic pattern. Ms. Pryor spoke of people saying that as bad as this budget year was, next year will be worse. She has heard both sides and that when there is an opportunity to generate sales tax when the economy is down and there is a synergy in the development, rather than do nothing, she will support the resolution.

Ms. Robertson called attention to the memo from Mr. Franklin, Interim Assessment Director, regarding the growth rate and said the spreadsheet in the resolution would need to be recalculated. If the resolution is passed, the Industrial Development Agency would be voting on it December 13th. Ms. Robertson said she had forwarded other documents to Legislators including reports with independent consultants.

Mr. Stein said he would not support the resolution. Although he prefers not to turn down sales tax revenue, he is uncertain the estimates are accurate. In addition, he is not pleased to have government interject itself between private sector businesses to assist one business over another. He said he has heard many times the PIF does not benefit BJ's and has concluded it benefits the senior citizen housing, which does not make sense to him. With regard to the argument of whether the sales tax portion would be new income or displaced income, Mr. Stein believes it is displaced. He does not believe it will displace income from Horseheads or Syracuse and will be from those who purchase the same type of product locally rather than going out of town. He said he had been told the consultant for the study was chosen by the IDA, which is not the case.

Mr. Goetzmann said the third-party feasibility study was prepared at the request of the IDA by a contractor in Chicago who has done work locally. Mr. Stamm said the Ithaca City School District Finance Committee met yesterday and that they thoroughly studied the documents and asked whether the housing and wetland portion could be built without assistance. He said the developer's financial statements and third-party report indicated they could not be built without the financial assistance and

BJ's cannot build without the housing and wetland due to the Village of Lansing's requirements. It was also shown that it is a benefit to local government and verified by tax calculations for sales and property taxes, with the sales tax confirmed by a third-party consultant. Mr. Stamm confirmed that BJ's would be paying market rate rent for the space. Ms. Robertson said the sales tax study was completed by a consultant hired by the developer. Mr. Stamm said it was, however, it had been reviewed and he has confidence in the report. Mr. Shinagawa said the subcommittee met with the developer to discuss which consultant would be doing the study and approved the one chosen by the developer.

Ms. Chock said it is not a question of should BJ's come to Tompkins County or should Arrowhead develop the land, rather, it is whether tax dollars should be spent to provide senior housing and wetlands. She appreciates all the effort put into the project but is not clear there is enough public benefit to justify approval of the resolution. She does not believe it would become a regional draw and she does not have anything against big box development. Ms. Chock said she completed her masters on public-private partnership and how to be a partner deserving of a return on investment. She said it is appropriate for municipalities to ask for public consideration and for the Village of Lansing to request the bird sanctuary and senior housing components with the project. She does not believe it is right for the developer to ask for concessions and have the County pay and does not think the PILOT makes sense.

Ms. Robertson clarified Mr. Franklin's memo is only about the amount of sales tax BJ's would pay. Mr. Stamm said it is complex and if the resolution is supported suggested it be contingent upon the County and Tompkins County Area Development clarifying and negotiating the appropriate number.

Ms. Mackesey said she opposes the resolution and said historically the IDA has focused on job creation, growth, building industry with good jobs, and providing a certain return to the community, County, etc. beyond sales tax. With regard to the Tompkins County Legislature, she does not believe it makes a difference whether a project were inside or outside the City of Ithaca. She said what makes this project different is the IDA has a history of not dealing with retail businesses. She noted the City of Ithaca has other requirements for retail development. Ms. Mackesey believes it is not enough public benefit to pay \$2 million for 12 housing units. If it were to benefit BJ's it would benefit one retail business at the expense of another.

Mr. Dennis stated he really wants the developer and Mike Stamm to answer some of these comments.

Mr. Stamm said the feasibility report clearly indicated the assumption is not that people will come to Tompkins County from outside regions, rather, it is capturing leakage of Tompkins County residents who travel to a similar retail store in other regions. With regard to the IDA's mission on retail, it recently approved incentives for two new grocery stores, one on the north side of the City of Ithaca and one in the Village of Lansing. In addition it does selectively deliver incentives to non high-tech non-manufacturing businesses.

Ms. Robertson said those projects were in areas that were "food deserts" and were highly desired by the local communities. When retail is abated in the density program they go through rigorous questioning and documentation on quality, number of jobs, benefits, environmental issues, etc. When the stores were approved it was questioned if it was within the criteria used and she noted BJ's did not fall into the same criteria.

Mr. Goetzmann spoke of the meetings with IDA regarding what products BJ's offers and he was asked to bring in a third-party consultant to determine sales. He also noted the PIF is not just associated to the housing cost but also the commercial piece of property that is being fit into a comprehensive plan to take commercial high traffic, low traffic, and residential and combining them by building the residential housing on commercial property.

Ms. Kiefer said she met with the developer's representatives this morning at the Developer's and Mayor's request and then later found out there were more documents that had not previously been distributed. She has tried to review some of the documents before this meeting but such review is less thorough than she would like. She shares Ms. Chock's interest in the question of how Mr. Franklin's analysis of property assessment would affect the document as well. She also does not know if the minutes of the public hearing were available for Legislative review and noted Ms. Filiberto, who ran the IDA public hearing, said there were more people than usual in attendance and asking questions. Ms. Kiefer said she had no problem with regard to use of the Federal stimulus money. However, the PIF money is necessary due to the Village of Lansing's being strict about their Comprehensive Plan and changing zoning to allow BJ's only if there is senior housing and wetland improvements, and money is fungible. She spoke of the IDA supporting the project although there were no discussions of policy or process decisions before offering this first PIF. She said the IDA has approved two actions on neighborhood grocery stores, but she does not view this project as the same. Ms. Kiefer would like to see low-traffic commercial property for the Village of Lansing, but due to the precedent setting that would be caused by an approval, she will not support the resolution at this time.

Mr. Lane said he cares about economic development in Tompkins County and having been a village mayor previously knows how hard villages work and struggle. His initial reaction to the project was negative and he viewed it as leverage by the Village of Lansing to obtain senior housing at the expense of all in the County, which it would be if approved. If not approved, the County would give up revenue and a bonding authority that would not be available by the end of the year. Mr. Lane disagrees that the City of Ithaca is only concerned about the process used and said he had received a packet from Benderson about the project. He doesn't think the City believes that if built in the City there would not be sales tax generated and he noted the City portion is not shared with towns and villages. He spoke of having Chaired the IDA shortly after the density policy was put into place and that it was the result of a sympathetic vote from the Legislature due to the City's economic growth not keeping up with outlying areas. The City had come to ask assistance and it was decided to change the policy to provide for commercial growth for a period. Since that vote, there has been an office/hotel complex, a high-scale apartment building, the Cayuga Green project, and others built. Things have changed and now the towns and villages who have not received assistance are asking for it. Mr. Lane said the sales tax is important to everyone who depends on it as a source of revenue and he believes the project should be supported.

Mr. Burbank said he represents the Town of Ithaca and that if he only thought of the Town he would agree the project should be outside of the City to gain the additional sales tax revenue. As a member of the IDA he has struggled for months to determine what the project was and what a PIF is. He believes there is a market for a buying club and we are given the opportunity to site one with several million dollars of tax diversion. He has heard of the sales tax gain, however, if not built at that location he does not think the opportunity is gone forever. Mr. Burbank said his concern is the criteria used. There is nothing in place for this type of project, but upon reviewing the many considerations normally given for a commercial project, only job creation fits. He will not support the resolution here or at the IDA. Mr. Stamm responded that the bond counsel working on the project has provided his opinion that it is not necessary to meet the retail restrictions since none of the incentives go to the retail store. Mr. Burbank stressed he would feel more comfortable if criteria were indicated and he believes approving the project sets a precedent.

Mrs. McBean-Clairborne said she is a person who travels outside the area to shop at a similar retail store as the one being proposed and knows many day care workers that do as well. She started out as being non-committal and still is not sure of her position, however, she recognizes that the two separate funding streams are necessary for the project to be able to move forward. Upon hearing Mr. Dennis, she will support the resolution and noted the County sets precedents all the time and that it should still look at developing criteria. Mrs. McBean-Clairborne spoke of the number of entry-level positions that would be

available and hopes that if passed, consideration would be given to prevailing wages, hiring local residents, and having a diverse workforce.

Mr. Shinagawa read the following statement:

“Thank you Chairwoman Robertson for letting me speak.

“I have been involved with this project for many months now as an Industrial Development Agency member and a member of the subcommittee with Larry Baum and Dan Cogan that negotiated with the developer to bring the agreement we have tonight. We also reviewed the choice of the consultant for a third party consultant.

“I started out opposed to this project. My recorded comments in the IDA meeting in September show how I felt at the time. Since then, I have spent dozens of hours learning about this project, I do support it now.

“First, we can argue endlessly and Monday morning quarterback after each report or new opinion. The fact is, this project is not a subsidy for a big box store. It is not. They will pay market rate rents. They will pay their property taxes. Their sales taxes will go to the coffers of the county and municipalities. The only difference is that a declining portion will be used to help finance senior housing and a restoration of wetlands - a specific request of Lansing that is part of their Comprehensive plan. The senior housing specifically creates a buffer zone between commercial development and residential neighborhoods - a great benefit for the people of Lansing. People say this PIF will open the floodgates - I'd be surprised if there's another PIF that could fulfill a town's comprehensive plan like this one - and even if there were, fulfilling a town's comprehensive plan is a good thing. PIFs are a tool used by many places, like Baltimore and Pittsburgh, to drive Property tax dollars to finance specifically what the community wants.

“Compared to the original proposal, I and the other members of the subcommittee spent many meetings, and more than a dozen hours, negotiating a PIF that declines over a 20-year period so that property taxes will phase out of supporting the senior housing and wetlands and go back into county and municipality funds. This is a key change that made my support for this project possible. It did not exist originally. With Jays change that the developer approved, this means that with the declining PIF will yield even more dollars in property taxes, not sales taxes, but property taxes.

“This project provides us with a striking amount of sales tax dollars. Even if we assume only 55% of BJ's sales are taxable - which I believe is a low number based on the BJ's stores I have been to with my parents - estimates show that we will gain \$420,000 for the county and \$327,000 for municipalities and villages. \$420,000 is \$40,000 more than 1% of the county's tax levy.

“With about \$380,000 this year we were able to restore youth services programs in municipalities, alternative to incarceration programs, and critical programs for foster children. With a tax cap looming on the horizon, how can we give up \$420,000 when we are already starving our critical social and human services?

“We cannot be like the leaders, both old and newly elected, that sit on their hands in Washington. They are crippled when making decisions because they want everything. They want to cut the deficit, preserve all popular programs and even keep taxes for the rich. But any American knows you can't have it both ways. But Congress blindly believes it can. We at the local level must be leaders when they are not. Being a leader means making complicated but educated choices. We can't keep our human services while rejecting needed sources of revenue. I understand this choice is not perfect. But tonight, let's support the resolution, this resolution that shows we are leaders. Lets 's show them we're better than politicians who choose to please everyone by doing nothing. Let's show our residents that we are strong enough to make

the choice that defends human services and fights against the relentless onslaught of property taxes. Let's support this resolution. Thank you.”

Mr. Proto said this is a big community with six villages and nine towns. Regardless of where the project goes, the City would still benefit from sales tax going to the County and result in lower property tax. He noted the reports referenced by Ms. Robertson and Ms. Kiefer were sent this afternoon and he was not aware of them until mentioned.

In response to Mr. Proto’s question regarding the necessity of all parties having to approve the project, Ms. Robertson said the IDA needs to support the project and the County needs to support issuance of the bonds. Mr. Stamm said yes, theoretically all should. Ms. Robertson noted the developer has said it can’t be done without all. The PIF relates to the jurisdictions whose taxes would be diverted to support the housing and wetlands. Mr. Proto said the Village of Lansing has approved the PIF and earlier comments indicated the school district was in favor and asked if it is known how the school board voted. Ms. Robertson said she believes they were waiting for the County to vote before taking action. Mr. Stamm said at the meeting last night four of the five present were supportive of the project.

Mr. Proto noted the City has put in tax funds through infrastructure to develop the southern portion of the City with streets, lights, etc. He understands for the project under consideration there is minimal need for that type of work since it uses the existing infrastructure at the mall. With regard to senior citizen housing he said the County has assisted financing in HUD-related projects and that Caroline has a senior citizen project as well as Dryden, Newfield, and Trumansburg, some funded through Community Development Block Grants (CDBG). Ms. Robertson said the projects require income requirements and limitations. Mr. Proto believes it is important to give the project a fair review. He said Tompkins County has a history of being a pacesetter and recalled the Cornell University Lakesource Cooling project. He did not support the project due to the criteria that required the creation of permanent jobs; once constructed there were no new jobs.

Ms. Robertson read the following statement:

“The rationale for a PIF requires that there be a “public benefit” that warrants the diversion of property taxes from the taxing jurisdictions. In this case the public benefit is 12 units of market-rate senior housing. I have spent my legislative career advocating for affordable housing in Tompkins County, so I think I understand a little about the public investments needed to make housing “affordable”. Under this PIF, the loss to the taxing jurisdictions is a net present value of \$1.8 million over 20 years. That is a “subsidy” of \$150,000 per unit, for apartments that aren’t even “affordable”. If we are to believe that the housing is the purpose of this project, that equation simply doesn’t make sense.

“Therefore we must acknowledge that the real reason for the taxing jurisdictions to agree to this project are the sales tax benefits we are promised. According to BJs’ most recent 10K, food accounted for approximately 65% of merchandise sales in 2009. Even discounting this number down to 45%, and assuming some diversion of sales from existing businesses in Tompkins County, the annual revenue to Tompkins County would be approximately \$420,000, according to David Squires. That would be a little more than 1% on our tax levy. Compared to the property taxes we would be giving up, I believe this is not a good deal.

“With my “IDA hat” on, the IDA has prided itself on “not doing retail,” and I don’t believe this project warrants our changing that policy. In the case of downtown density projects, which do include retail, those projects were evaluated stringently on many criteria, including the quality of jobs created, environmental standards, local hiring, having a diversity plan, and other community benefits. We have asked about BJs’ wages and benefits and the construction jobs involved, but have been told those aren’t relevant.

“The big box developments throughout the county have found a market here, and I believe BJ’s has good reasons to join the existing mix. The county would see approximately the same sales tax wherever the store goes, so my vote is not about choosing one municipality over the other. And this is not ideological for me; I would support the Recovery Zone bonds. Let me also say that the Village of Lansing is entitled to its desire to create the wetlands and housing; if I were at the Village I might do the same.

“However, I have to decide based on the county’s interests. I could only vote for this PIF if the public purpose were highly desirable and not achievable in any other way. Obviously housing is desirable but the market is quite capable of providing market-rate housing. Our own housing-needs analysis proved that. The sales tax revenues are of course desirable but I am not convinced that this PIF is necessary to bring the retailer to this community.

“In short, I do not want the taxpayers to have to “close the gap” for the private developer when the market is already providing or could provide the benefits without taxpayer sacrifice.

“I’ve been on the IDA for four years and this will be my first “no” vote. “

Ms. Chock said a factor not addressed if the project is approved are the points raised by the City, whether factual or not, the cost of a potential legal action for being arbitrary and capricious. She believes there has not been a good process to determine how retail fits. She believes it would be better to separate the ARRA and PIF portions.

It was MOVED by Ms. Chock, seconded by Mr. Burbank, to separate the portion of the project devoted to ARRA funding and bond allocation from the PIF portion.

Mr. Stamm said while they could technically be separated, approving the bonds without the PIF would not allow the project to move forward since the PIF pays the debt service on the bonds. Ms. Robertson said the result of the vote would require the developer to decide how to proceed.

Mr. Lane said he was in agreement with Mr. Stamm and said it would result in the project not moving forward.

Mr. Goetzmann said the separate pieces could be viewed as having the PIF being the cake and the ARRA bonds being the icing that wraps the cake and provides a different exemption, without the cake you have nothing to put the icing on.

Mr. Burbank supports the separation due to timing and that the PIF does not have a deadline. Mr. Goetzmann said without the PIF the bonds could not be sold. Ms. Robertson said the IDA will be voting on the project December 13th. The school district has not yet voted and it is unknown what the town’s vote is. She had been told it could be moved forward in its entirety if desired; the Legislature has the option of deciding whether to separate.

Ms. Chock believes if it is separate the bonds would be usable if the developer or the Village of Lansing decides to make it work. The Legislature’s decision is whether taxpayers as a whole should provide the funding.

Ms. Pryor believes the sense of the motion is primarily a parliamentary maneuver by individuals opposed to the PIF and that there is underlying thinking that if the PIF is not approved the project would not go away and the developer will find a way to proceed. She said a move to separate is disingenuous to vote on the separation with an air of innocence; if we vote to separate it will kill the project.

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

It was MOVED by Mr. Lane, seconded by Mr. Dennis, to call the question. A vote to call the question resulted as follows: Ayes – 12; Noes – 2 (Legislators Chock and Mackesey); Excused – 1 (Legislator Herrera). THE QUESTION WAS CALLED.

A voice vote on the motion to separate resulted as follows: Ayes – 5 (Legislators Burbank, Chock, Kiefer, Mackesey, and Robertson); Noes – 9 (Legislators Dennis, Lane, McBean-Clairborne, McKenna, Proto, Pryor, Robison, Shinagawa, and Stein). MOTION FAILED.

Mr. Robison said Groton is unique and that leakage occurs due to residents working in Ithaca and shopping in Cortland. He believes that if BJ's were to be built there are individuals who would shop there. It is difficult to see a difference between businesses coming in and tax dollars spent for infrastructure, improvements, abatements, PIF's, etc. He said it is a normal part of negotiations to do what can be done to entice a business into a community. The developer came wanting to build a store, however, the Village of Lansing wanted to get something more. Although he heard the cost of each housing unit is too high, he said there is senior housing elsewhere and he believes all have some form of public assistance. What he sees being beneficial is the sales tax revenue and jobs available. Mr. Robison said he is "on the fence" but leaning in favor of the project.

Ms. Mackesey said although there would be sales tax revenue coming in there would also be a loss of property tax. She re-emphasized that because of the way the project funding is arranged the retailer has not had to answer questions other retail businesses have had to. Ms. Mackesey said the sales tax revenue estimates are only best guess calculations and due to the cost to the County compared to a benefit she will not support the resolution.

Ms. Kiefer noted she was impressed with the way the developer worked with the Village of Lansing to improve the project and that what the Village would receive was very good. Although it is too easy to say anything that increases sales tax revenue should have support, particularly in the present economy, she does not want to regret the decision later.

Mr. McKenna said there are not too many companies wanting to come to Tompkins County. This is a major business wanting to be here that would bring in sales and property taxes and it would be foolish not to support it.

A roll call vote on the resolution resulted as follows: Ayes – 8 (Legislators Dennis, Lane, McBean-Clairborne, McKenna, Proto, Pryor, Robison, and Shinagawa); Noes – 6 (Legislators Burbank, Chock, Kiefer, Mackesey, Robertson, and Stein); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, pursuant to the American Recovery and Reinvestment Tax Act of 2009 ("ARRA"), Tompkins County, New York (the "County") received authority to issue up to \$2,321,000 of Recovery Zone Facility Bonds ("RZFBs"), a new type of tax-exempt facility bond created under ARRA (the "Allocation"), and

WHEREAS, pursuant to Resolution No. 176 adopted by the Tompkins County Legislature (the "Legislature") on October 20, 2009, the County designated (i) the County as a Recovery Zone (as defined under ARRA) pursuant to ARRA and (ii) the Tompkins County Industrial Development Agency (the "Agency") as the exclusive agent of the County for the purposes of issuing RZFBs and authorizing the Agency to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish the issuance of the RZFBs, and

WHEREAS, the Legislature has been advised by the Agency that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Arrowhead Ventures, LLC, for itself, its affiliates or on behalf of an entity to be formed (the "Company"), the Agency proposes to issue its Recovery Zone Exempt Facility Bonds (Arrowhead Ventures, LLC Project), Series 2010 (the "Bonds") in

the aggregate principal amount not to exceed \$2,321,000 in connection with the financing of a certain project (the "Project") consisting of (i) the acquisition of an approximately 11-acre parcel or parcels of land located in the Village of Lansing, New York (north of The Shops at Ithaca Mall), and any existing improvements thereon (the "Land"); (ii) the acquisition, construction, and equipping on the Land of a mixed-use residential facility comprising twelve (12) senior housing units, a bird habitat, and a BJ's wholesale club and related parking, infrastructure, and improvements (the "Improvements"); (iii) the acquisition and installation in and around the Improvements of certain equipment, machinery and other tangible personal property (the "Equipment", and together with the Land and the Improvements, the "Facility"); (iv) the funding of a debt-service reserve fund as security for the Bonds, if necessary ((i) through (iv) hereinafter referred to as "Project Costs"); and (v) 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 Agency, and

WHEREAS, the Agency 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, the Planning Board of the Village of Lansing issued a "negative declaration" on June 29, 2010, with respect to the Project in compliance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. §617 ("SEQRA"). The Project constitutes an "Unlisted Action" as said term is defined under SEQRA, and

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

WHEREAS, on November 29, 2010, 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) a memo detailing the project; (c) the notice of public hearing published by the Issuer in *The Ithaca Journal*, along with the affidavit of publication of such newspaper; and (d) the minutes of such public hearing held on November 29, 2010, and

WHEREAS, the Legislature has been advised that the Agency is contemplating a Payment-In-Lieu-Of-Tax ("PILOT") Increment Financing ("PIF") structure whereby pursuant to a certain PILOT Agreement, by and between the Agency and the Company (the "PILOT Agreement"), all or a portion of the payments thereunder, with the consent of the affected tax jurisdictions, would be made available to pay debt service on the Bonds or other financial instrument or otherwise available for other qualifying Project Costs as described in Exhibit A, 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, That:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Tompkins County Planning, Development and Environmental Quality Committee, the Legislature hereby gives its approval of the Project and 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. The Legislature hereby gives its approval to dedicate the entire Allocation to the Bonds in connection with the financing of the Project for the benefit of the Company.

Section 3. The Legislature hereby consents to the dedication of all or a portion of the payments under the PILOT Agreement to be made available to pay debt service on the Bonds or other financing instrument, or otherwise available for other qualifying Project Costs as described in Exhibit A attached hereto.

Section 4. This Resolution shall be deemed to be made for the benefit of Issuer and the holders of the Project indebtedness.

Section 5. This Resolution shall take effect immediately.

EXHIBIT A

The property tax assessment would be determined based on what approximates the real property taxes in the first year after the Project is complete. The assessment amount would grow at a fixed schedule of 2.3% per year (which is the average tax rate growth in the County over the past 20 years). Under the PILOT Agreement (A) in year one through five (i) one hundred percent (100%) of the excess of the current taxes on the retail portion of the Project and (ii) fifty percent (50%) of the excess of the current taxes on the residential portion of the Project would be available to pay debt service on the Bonds or otherwise available for other qualifying Project Costs and (B) in year six and each year thereafter, the amount available to pay debt service on the Bonds or otherwise available for other qualifying Project Costs would decrease by five percent (5%) each year, with the difference being paid to the affected taxing jurisdictions. Following is an example of the PIF Structure (the final numbers would depend on what the assessment amount is in the first year after the project is completed):

	<u>Total</u>	<u>Retail</u>	<u>Residential</u>				
Year 1 PILOT	\$ 207,000	175,000	32,000				
Base Taxes	\$ 30,227	26,070	4,157				
	176,773	148,930	27,843				
Growth Rate	2.3%		13,922	: 50%			

Year	Eligible PIF Retail	Eligible PIF Residential	Eligible PIF Total	% Used for PIF	PIF	Taxing Jurisdictions	Increase Over Base Taxes
1	148,930	13,922	162,852	100%	162,852	44,148	46%
2	152,955	14,290	167,245	100%	167,245	44,516	47%
3	157,073	14,666	171,739	100%	171,739	44,893	49%
4	161,285	15,051	176,336	100%	176,336	45,278	50%
5	165,594	15,445	181,039	100%	181,039	45,672	51%
6	170,003	15,848	185,851	95%	176,558	55,367	83%
7	174,512	16,261	190,773	90%	171,695	65,564	117%
8	179,126	16,682	195,808	85%	166,437	76,280	152%
9	183,845	17,114	200,959	80%	160,767	87,532	190%
10	188,673	17,555	206,228	75%	154,671	99,339	229%
11	193,612	18,007	211,619	70%	148,133	111,719	270%
12	198,665	18,469	217,134	65%	141,137	124,692	313%
13	203,834	18,941	222,775	60%	133,665	138,278	357%
14	209,122	19,425	228,546	55%	125,700	152,497	405%
15	214,531	19,919	234,450	50%	117,225	167,371	454%
16	220,065	20,425	240,490	45%	108,221	182,921	505%
17	225,726	20,943	246,669	40%	98,668	199,171	559%
18	231,517	21,472	252,990	35%	88,546	216,142	615%
19	237,442	22,014	259,456	30%	77,837	233,860	674%
20	243,502	22,568	266,071	25%	66,518	252,348	735%
			Sum:		2,794,989	2,387,589	
			NPV (6%):		1,718,323	1,127,340	

* * * * *

Recess

Chair Robertson declared a recess at 9:09 p.m. The meeting reconvened at 9:15 p.m.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee met on November 23rd and referenced the two resolutions on the agenda, with one being withdrawn at this time. She said the resolution was withdrawn to obtain additional information. The Committee also discussed preliminary results from the workplace survey and will continue to put together the report. The next meeting is December 22nd. Ms. Robertson was delighted to learn the signs had already been changed. Mrs. McBean-Clairborne said the departments have been making the changes and noted they came to ask for this step.

Report from the Health and Human Services Committee

Mr. Proto, Chair, said the Committee will meet on December 8th.

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, said the Committee met December 3rd and approved the resolutions from the Solid Waste Division dealing with the Recycling and Solid Waste Centers reconstructions and operations, which will be presented to the Legislature December 21st. The Committee discussed a revised resolution dealing with gas drilling on County property that had been referred and approved by the Planning, Development, and Environmental Quality Committee. The Committee also passed the revised resolution with the understanding that Mr. Lane would submit a shorter version. She had considered adding the resolution to the agenda this evening and apologized to anyone who heard a WHCU news report that it would be discussed. The resolution will appear on the next Legislature meeting. Ms. Kiefer said there is no other Committee meetings scheduled before the end of the year, but if needed by the first Friday in January the Committee will meet.

Report from the Capital Plan Review Committee

Mrs. Robertson, Chair, reported the Committee will meet December 9th and will have updates on space studies for the Human Services and Mental Health buildings as well as the Courthouse space study. There will be a draft of the scope of work for the Center of Government project.

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

Mr. Lane, Chair, reported the Committee met November 18th. He spoke of Mr. Mareane's report on the need to develop Corporate Compliance, which deals with Medicaid reporting and the processes to seek out fraud and abuse in the program. This will require a good deal of work within departments. The Committee discussed resolutions regarding possible local laws for permitting heavy traffic uses for temporary projects that was passed by the Facilities and Infrastructure Committee and was brought to Government Operations as a companion committee. The item was postponed until the next meeting to determine if there should be exceptions such as agriculture in the document. There were presentations on the successful Smart Work programs from the County Office for the Aging and Personnel Department. They were enthusiastic and pleased with Hawthorne Group, the consultants assisting with the project. The County Administrator will be recommending additional departments to also participate in Smart Work. The Committee will have two meetings, December 16 and 17, to cover the Committee's work. There will be a meeting of the minutes subcommittee prior to the December 16th meeting. Mr. Lane asked Ms. Pryor to report on the Broadband Committee.

Ms. Pryor, Chair of the Broadband Committee, reported the Committee is working to make recommendations to improve broadband access in the County. The first meeting was November 30th with very knowledgeable, committed, and experienced members with a great deal of high-level expertise. A first step for the Committee is to provide a presentation to provide education on the topic to all members. The Charge to the Committee was reviewed and each member provided input to possible solutions to access problems. It is becoming clear there will be working groups to focus on various topics related to broadband services. The Committee will meet on the fourth Friday of the month with the next meeting at 5:30 p.m. in January due to the holiday.

Ms. Kiefer asked that Ms. Pryor inform her when the presentation will take place.

Mr. Proto said he had some commercial truck drivers asking about the proposed local law and asked for clarification. Mr. Lane said it is not aimed at ongoing businesses or farms; it is for high-volume heavy usage of roads that do not normally carry that type of load and the damage that could occur from the operation. It would provide permitting, setting specific routes, posting roads, and obtaining a bond from the appropriate individual to be responsible for the cost of repair at the end of the project. Mr. Proto asked if it would have the same difficulties as the garbage truck issue and create a restraint of trade. Mr. Lane said he does not believe so due to the County's ability to control its roads. Mr. Wood said the local law only deals with temporary projects. With respect to the legal issue it would not be a restraint of trade; the only legal issue is what County's and other municipalities have the right to do.

Resolution 2010-202: Budget Adjustment - County Clerk (DOC ID: 2353)

It was MOVED by Mr. Lane, seconded by Ms. Kiefer. Mr. Proto asked for clarification of the monies spent and asked how the scanning of records by Challenge Industries has been paid in the past, noting some funding was provided by the State Archives. Mr. Lane said if not used the funds would have been placed into the General Fund. In order to digitize the County's records the total cost is \$500,000. The State grants have assisted the project. The County Clerk would like to target the funds to enable more digitization of records. Mr. Mareane said in the past the work has been funded through grants and rollover funds. This continues the work, which is into a high-level of production to scan all documents now in storage. Ms. Kiefer said the funds are due to a vacant position and recalled during budget a policy statement indicating funds from vacant positions would go into the General Fund. Rather than doing that and then the department requesting an appropriation, it is recommending this one-step action.

A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

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 Government Operation Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

County Clerk

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
1460.51000	Mail & Rec. Clerk	\$19,100	1410.54442	Professional Services

Explanation: Currently, we have 6 individuals from Challenge scanning at the Records Center (Old Library) with additional assistance from employees at our office. In July, the position of Records Officer became vacant, and we have chosen to not fill that position. Instead, we are paying Challenge per image scanned. Our intent is to scan as many boxes as possible before some determination is made about the building's future.

SEQR ACTION: TYPE II-20

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

Mr. Dennis, Chair, reported the Committee will meet on December 13th.

Resolution 2010-203: In Support of Federal Bills S.2781/H.R. 4544, Commonly Known as “Rosa’s Law”/ Elizabeth A. Connelly Act and Asking that All References to Mental Retardation be Amended to Developmental Disabilities and Urging All Federal, State, and Local Governments to Amend References to “Mentally Retarded” and “Mental Retardation” to “People who Are Developmentally Disabled” and “People with a Developmental Disability” (DOC ID: 2221)

It was MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present. RESOLUTION ADOPTED.

WHEREAS, people with developmental disabilities work hard to live as independently as possible, and

WHEREAS, the clinical language has changed and those working in the field are aware of a shift in meaning and usage; the outmoded terminology is now often used as a way to discriminate against people with developmental disabilities, and

WHEREAS, the “people-first” language is widely used, acceptable and appropriate terminology when referring to people who are developmentally disabled and people with a developmental disability, and

WHEREAS, New York State has also recognized the shift in terminology and has adopted the use of “people-first language” and amended their agency title to the New York State Office for People with Developmental Disabilities, and

WHEREAS, on November 17, 2009, S. 2781, commonly known as “Rosa’s Law” was introduced at the 111th Congress, and

WHEREAS, on January 27, 2010, H.R. 4544, commonly known as the Elizabeth A. Connelly Act, a related bill, was introduced at the 111th Congress, and

WHEREAS, these bills amend the use of the terms “mentally retarded” and “mental retardation” to “developmentally disabled” and “developmental disability” within Laws relating to education, employment, and other social services, and

WHEREAS, these amendments provide recognition of the need to amend how people with developmental disabilities are perceived, now therefore be it

RESOLVED on recommendation of the Budget and Capital Committee, the Tompkins County Workforce Diversity and Inclusion Committee and the Mental Retardation/Developmental Disabilities Subcommittee of the Tompkins County Community Mental Health Board, That the Tompkins County Legislature hereby supports Federal Bills S.2781 and H.R.4544,

RESOLVED, further, That the Tompkins County Workforce Diversity and Inclusion Committee, the Mental Retardation/Developmental Disabilities Subcommittee of the Tompkins County Mental Health Board, and the Tompkins County Legislature hereby urges the Federal, State, and Local Governments, to amend the terms “mental retardation” and “mentally retarded” to “developmentally disabled” and “developmental disability”, in all Federal, State, and Local Laws as well as in any titles and documents,

RESOLVED, further, That the Tompkins County Legislature hereby amends its titles and documents so that “mental retardation” and “mentally retarded” are hereby respectively changed to “people who are developmentally disabled” and “people with a developmental disability”,

RESOLVED, further, That the Clerk of the Legislature is hereby directed to send certified copies of this resolution to President Obama, and the appropriate Federal representatives, Governor David Paterson, Governor-Elect Cuomo, and the appropriate State representatives, New York State Office for People with Developmental Disabilities, and New York State Association of Counties.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-204: Delegating to the Finance Director of the County of Tompkins, New York, the Power To authorize the Issuance of and to Sell \$10,000,000 Revenue Anticipation Notes of Said County in Anticipation of Receipt of State Aid During the Fiscal Year of Said County Commencing January 1, 2011 (DOC ID: 2312)

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

WHEREAS, it is prudent to allow for the possible issuance of revenue anticipation notes should there be a cash flow problem resulting from delays in State Aid during 2011, now therefore be it

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

Section 1. The power to authorize the issuance and to sell \$10,000,000 revenue anticipation notes of the County of Tompkins, New York, including renewals thereof, in anticipation of the receipt of State Aid due said County during the fiscal year of said County commencing January 1, 2011, is hereby delegated to the Finance Director, the chief fiscal officer of such County. Such notes shall be of such terms, for and contents, and shall be sold in such manner as may be determined by the Finance Director, consistent with the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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Resolution 2010-205: Request for Authorization to Extend the Additional One Percent Sales Tax Rate in Tompkins County (DOC ID: 2319)

It was MOVED by Mr. Dennis, seconded by Ms. Pryor. A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 1 (Legislator Proto); Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

WHEREAS, this Legislature in 1991, 1992, 1994, 1996, 1998, 2001, 2003, 2005, 2007, and 2009 requested and received authorization from the State of New York to enact an additional one percent local sales tax in Tompkins County in addition to the three percent authorization that all New York State Counties possess by law, and

WHEREAS, the current authorization received in 2009 expires November 30, 2011, and

WHEREAS, this Legislature has been requested by the offices of Assemblyperson Lifton and Senator Seward to forward any request for an extension of this authority when legislation can be timely prepared and submitted at the beginning of a session of the State legislature, and

WHEREAS, the expiration of the additional one percent local sales tax would necessitate, (1) \$10,050,000 in reductions in County expenditures, creating a major impact on the availability of services, or a 25 percent increase in County property tax rates, or some combination thereof, as well as (2) substantial spending reductions or tax increases for the City, towns, and villages of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That this Legislature requests that Assemblyperson Lifton, Senator Seward, Senator Nozzolio, Senator Winner, and Senator-Elect O'Mara sponsor and support legislation extending the authority of the Tompkins County Legislature to extend the additional one percent local sales tax in Tompkins County beyond November 30, 2011, based on the same terms and conditions included in previous legislation, to provide local property-tax relief.

SEQR ACTION: TYPE II-20

* * * * *

Resolution 2010-206: Authorizing Payments for Community College Operating Budget (DOC ID: 2321)

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

WHEREAS, this Legislature has heretofore and by resolution approved the 2010-2011 operating budget for the Tompkins Cortland Community College and appropriated the necessary funds to pay the Tompkins County proportionate share of the operating budget of said college, and

WHEREAS, to accommodate Tompkins Cortland Community College's fiscal year and cash-flow needs, it is important that Tompkins County's share be paid during the first half of the calendar year, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the County Administrator be and hereby is authorized and directed, pursuant to the provisions of the Education Law of the State of New York and within the authorization provided by this Legislature, to pay Tompkins Cortland Community College an amount up to but not to exceed the Tompkins County budgeted share of the operating costs of said college for the fiscal year 2010-2011 on the following dates in the following amounts:

January 1, 2011	\$ 670,149
March 1, 2011	\$ 670,149
May 1, 2011	\$ 670,149
July 1, 2011	\$ 670,149
Total:	\$ 2,680,596

SEQR ACTION: TYPE II-20

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Report from the Public Safety Committee

Mr. Shinagawa, Chair, reported the Committee met prior to the Legislature meeting and passed the CJA/ATI amended bylaws resolution and a resolution reducing a Probation Department position to 35 hours from 40 that will appear on the next Legislature agenda. The Committee heard a report from Mr. Mareane on the State Indigent Legal Defense Board.

Mr. Robison said there was a meeting last week regarding Day Reporting. Judges Rowley and Rossiter spoke of the reductions of the Day Reporting program as a result of the budget deliberations. He said there are a lot of County personnel and others that are determined to make the programs work with a twenty-five percent reduction.

Mr. Proto, as Chairman of the Tompkins Consolidated Area Transit Board, thanked Mr. Shurtleff, Emergency Response Director, for his assistance with the changes in bus routes due to the flooding.

Approval of Minutes of October 19, November 3, and 8, 2010

It was MOVED by Mr. Proto, seconded by Mr. Stein, to approve the minutes of October 19, November 3, and 8, 2010.

It was MOVED by Ms. Kiefer, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to amend the minutes of October 19, 2010. MOTION CARRIED.

It was MOVED by Ms. Kiefer, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to amend the minutes of November 3, 2010. MOTION CARRIED.

Minutes
Tompkins County Legislature
Tuesday, December 7, 2010

A voice vote on the motion to accept the minutes of October 19 (as amended), November 3 (as amended), and 8, 2010, resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera).
MINUTES AS AMENDED APPROVED.

Adjournment

On motion, the meeting adjourned at 9:52 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk.