

Office of the Onondaga County Legislature

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SPECIAL PUBLIC SAFETY COMMITTEE MEETING - April 7, 2009

CHAIRMAN RICHARD M. LESNIAK

MEMBERS PRESENT: Mr. Masterpole, Mr. DeMore, Mr. Buckel, Ms. Williams.

MEMBERS ABSENT: Mr. Holmquist, Mr. Warner

ALSO PRESENT: Legislator Kinne, Chairman Meyer, *see also attached list*

Chairman Lesniak called the meeting to order at 12:04 p.m.

1. Memorializing NYS Legislature to Enact Senate Bill No. S2861 and Assembly Bill No. A5013 entitled "An Act to Amend the County Law in Relation to Communication Service Surcharges Applied to Onon County and Providing for the Repeal of such Provisions upon Expiration Thereof" and Requesting and Concurring in the Preparation of a Home Rule Request"

Chairman Lesniak said that he received a request from Assemblyman Magnarelli's office to pass a home rule request for surcharge on landlines. The memorializing resolution that he sponsored previously is being replaced with this resolution. Mr. Balloni said that at a recent National Emergency Number Assoc. meeting he was advised that the average surcharge for cell phone/wireless is \$.76; the national average for landline surcharge is \$.95. The current cell phone surcharge in NYS is \$1.50/month--twice the national average. Landline surcharge is \$.35/mo.; to raise it to \$1.00 would raise it in the direction of the national average.

Chairman Lesniak said that as there are other avenues being explored for funds, the legislation states that it would not exceed \$.65. This will come to the legislature again for final approval when the State Legislature finally does an authorization. At that point, the County would be more in line to set the amount. It is for a 10-year period, but can be appealed, amended, or ended at any time during the 10-year period. Mr. Buckel asked if this can be followed up for a year, and then the fee could be ended. Chairman Lesniak said that it could. Mr. Buckel asked if there is a condition if there are alternative funds. Chairman Lesniak said that there isn't any condition in the legislation before the State Assembly and State Senate.

In answer to Mr. Masterpole, Mr. Balloni said that the County imposed a \$.30 surcharge, because it gets so little of the \$1.20 State surcharge. According to the *Post Standard* the County gets \$.06 of the \$1.20 shared with E-911. Mr. Masterpole asked if that is fair. Mr. Balloni said that the NYS 911 coordinators have taken the position that the State should give all of that money to 911 centers--it is a misuse of the funding to keep it all. It is unlikely in the current economic situation that the State would choose this year to share the money more fairly. Chair Lesniak said that with the statewide wireless going down, there is a potential that the County could get some money for a regional concept as proposed. Mr. Masterpole said that the likelihood of repealing or taking the surcharge away is slim. Chairman Lesniak said that if the County gets money from the wireless system under the regional concept, there is no reason why it couldn't be applied and the surcharge lowered. Mr. Masterpole wanted to know the last time that a fee was imposed and then knocked out later. He has an issue with the landline surcharge--would rather see the County go after the other cell phone charges.

Mr. DeMore asked if this legislation is different than what the Governor vetoed last year. Chairman Lesniak said that he didn't think so. Mrs. Smiley said that it is her understanding, from discussions with the Governor's office, that he will look upon it more favorably.

A motion was made by Mr. DeMore, seconded by Ms. Williams to approve this item. AYES: 2 (DeMore, Lesniak); NOES: 2 (Williams, Masterpole); ABSTENTIONS: 1 (Buckel). MOTION CARRIED.

2. Memorialize the Governor and the Legislature of the State of NY to Enact and Sign into Legislation an Act Amend State Law to Prohibit Composing, Sending, or Reading Text Messages While Operating a Motor Vehicle

(Sponsored by Mr. Warner)

Mr. Masterpole asked what the difference is between this and Mr. Kilmartin's local law. Mr. DeMore said that this is asking the State to amend legislation. Mr. Buckel said that there is pending State legislation; in the absence of the State acting on this, counties across the state have acted on it.

A motion by Mr. Buckel, seconded by Ms. Williams to approve this item. Passed unanimously; CARRIED.

Chair Lesniak said that both of the resolutions today will require a waiver for timeframe. The meeting was adjourned at 12:12 p.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk

**SOCIAL SERVICES COMMITTEE MINUTES - April 21, 2009
CHAIRMAN SAM LAGUZZA**

MEMBERS PRESENT: **Mr. DeMore, Mr. Stott, Mr. Buckel, **Mr. Holmquist, *Mr. Warner

MEMBERS ABSENT: Mr. Lesniak

ALSO PRESENT: see attached list

Chairman Laguzza called the meeting to order at 9:35 a.m. ***A motion was made by Mr. Warner, seconded by Mr. DeMore to waive the reading and approve the minutes of proceeding of the previous meeting. CARRIED.***

1. SOCIAL SERVICES: Steve Morgan, Deputy Commissioner

a. Authorize Establishment of a Petty Cash Fund for the Social Services Dept for the Purpose of Making and Providing Change, Amend Res. No. 256-2006, and Repeal Res Nos. 33-1967 and 47-1970

A motion by Mr. Stott, seconded by Mr. Warner to approve this item. Passed unanimously; CARRIED.

Chairman Laguzza took the agenda out of order.

3. Establishing a Committee to Develop a Ten-Year Plan to End Homelessness in Onon County (Sponsored by Mr. Buckel)

Mr. Buckel said that he has been actively involved for about 25 years, especially on the youth front, particularly in working with homeless adolescents. Across the nation, there is an effort led by the National Alliance to End Homelessness--encourages counties to spearhead efforts to come up with a strategic approach to address and deal with homelessness. He provided an example from King County, WA. He said that in our own community every available bed for adults is full; current statistics don't track adolescents. It may be more than what is reported for available adult beds; possibly a quiet epidemic that is difficult to get a handle on. The City has a process in place, The Task Force on Homelessness, which is not necessary doing strategic focus, which needs to be done. The County has participation on the Task Force. Mr. Discenza, Aging & Youth, chairs the task force; the primary function of the group is to complete annual plans and findings for proposals with HUD Homeless dollars. A strategic focus needs to be in place as to how to look at the comprehensive array of all of the government programs to address a strategic plan. He wants to work with Mr. Sutkowy--look at the entire array to do it better, more effectively and hopefully for less money with better results.

Chairman Laguzza asked what the County's representation is on the Task Force. Mr. Buckel said that Mr. Tony Discenza chairs it; their focus is essentially to go get federal funds and feed existing programs, but the point is to transform the way the issues are addressed, as opposed to just continuing to service. He respects the work of the existing group, but perhaps strengthen it or bring it into a larger group, possibly County sponsored, focusing on ending the issue. Chairman Laguzza asked if the goal is to address this before budget time; Mr. Buckel said he has to work with DSS.

Mr. DeMore said that he started working on this about a week ago - Community Development has a grant in place now with money to keep people in apartments. Mr. Buckel's resolution talks about chronic homelessness verses regular homelessness. Chronic homelessness is defined as single, disabled, and homeless for one year or at least 4 episodes in 3 years, as opposed to someone who is laid off and without a home for a couple of weeks. It needs to be defined as to which group the focus is on. There are plans in place; a continued care plan is in place. Sarah Merrick, DSS, works to coordinate the different groups. Ms. Merrick said that she participates on the Homelessness Task Force, as does Mental Health Dept, and Community Development, and Aging and Youth. There is an opportunity to use stimulus money through Community Development, to rapidly re-house the homeless, do better tracking, and address the housing vulnerable. In using the federal money and implementing changes that began in the last 6 months, a lot of what the 10-yr. plans have accomplished across the country could be done here. Mr. Buckel said that the typical government a response is "dealing" with an existing problem - wants to encourage a more strategic focus. Ms. Merrick said that the comprehensive approach looks at why people enter into homelessness; to effectively address homelessness, need to look at feeder pattern, shelter process, and work on strategies to get people housed quickly. Mr. Buckel said that regarding the issue of youth homelessness, it is a much larger situation than is measured; some services have restrictions on them. Mr. DeMore said that before a panel is formed, there should be discussions with everyone involved first.

2. AGING & YOUTH: Lisa Alford, Commissioner

a. Amending the 2009 County Budget to Accept Federal and State Funds Beyond the Estimated Dollars Appropriated in the 2009 County Budget for the Ombudsman Program (\$18,366)

This is for the County Ombudsman Program-utilizes volunteers in the community that serve as a conduit between residents and facility staff of long-term care facilities. The funds will allow increased recruitment and training as well as retention of these people.

Mr. Warner asked about the Ombudsman Program. Ms. Alford said that Aging and Youth has had the program for over 20 years, it is subcontracted with Catholic Charities. They are responsible for overseeing it. It serves as an outlet for residents, and family members of residents of long term care facilities that have complaints they try to get some resolution. It is mainly used for nursing homes and long-term care facilities.

A motion by Mr. Warner, seconded by Mr. DeMore to approve this item. Passed unanimously; CARRIED.

4 Medical Transport Discussion - David Sutkowy, Commissioner

- RFP Rate
- Vendors NYS Policy

Chairman Laguzza said that the RFP for medical transport answering service is almost due again, and wants to make sure that a serious look is given to the program, to make sure that the best possible service is provided to our constituents. Some things have changed since the last RFP was issued, i.e. technology.

Mr. Sutkowy said that for the most part, the Medicaid System is a state-administered system. The State determines rates, licensed providers, etc. Transportation is a covered service of Medicaid - transportation to and from medical appointments is a required service. While the State determines the providers, the rates, etc., the exception is in the transportation world - local districts have more of a role. Prior authorization is required. The current contract is with Medical Answering Service (MAS); the county has been purchasing a service for dispatching and prior authorization for 15 years. Mr. Sutkowy highlighted the following:

- High volume, about 200,000 trips are organized and dispatched locally
- Plan to establish and send out an RFP this year
- Want to make sure buying the service that best meets the needs of the community
- Easy to run if no complaints are wanted - just say "yes". MAS doesn't do that - they take role seriously as a prior authorization agent - try to match the individual with the appropriate level of care-it means asking questions, an expectation of the State
- Have asked the Maxwell School to perform an operational study - help construct and RFP that addresses the need to balance many different issues

Chairman Laguzza said that he has tried to do this on his own --- very difficult for one person to call on vendors, providers, brokers and a litany of components that make up the answering service. It has to be delegated. In delegating to the Maxwell School, it becomes less objective. If he were to do it on his own, he could be made prejudice by the way it is presented-we are all vulnerable-remove ourselves from it and delegate it to Maxwell.

Mr. Buckel asked what the regime of rules are that govern the program. Mr. Karmen said that it is Section 505-14 of NYCR 18. In answer to Mr. Buckel, Mr. Karmen said that the regulations are not lengthy or detailed, but they are very specific rules about

generally how the process is supposed to work - who is eligible and who isn't - have to be on Medicaid and have to be going to a medical appointment. It also requires that the least expensive mode of transportation is to be used. A determination has to be made as to what the most appropriate means of transportation is and also the least expensive. MAS works with the rider, the medical service, the drivers, to make certain they are doing that. It changes with the seasons or circumstances. Mr. Sutkoway said that the regulatory standard is that the mode of transportation is usual and customary. If a person takes a bus everywhere to conduct all of their business, then for the purpose of medical transportation, a bus would suffice. Mr. Buckel asked if each year an internal operational study is done to access the program. Mr. Sutkoway said that formal studies are not done. Mr. Laguzza said that rate studies have been done. Mr. Buckel asked if this was done by an RFP process in the first place. Mr. Sutkoway said that it was.

Mr. Warner asked how Onondaga County compares to other counties. Mr. Sutkoway said that the rates that transporters get, while they are set by the State, are based on local recommendation. For example--for an ambulant or wheelchair service, there is a base rate that all counties have. Each county has nuances; there might be a rate that Onondaga Co. pays in addition to the base rate for certain circumstances, which Madison County does not pay. Onondaga County's base rate for ambulant is \$28; the state median is \$33.12 per trip. However, Onondaga Co. pays slightly higher for mileage than some of the other counties.

Chairman Laguzza said that he looked at contiguous counties, i.e. for medical transport - the high rate is \$40 - Oneida; 2nd is \$35, 3rd is \$30. Onondaga Co. is at \$28, Madison Co. pays \$18. The range is \$18 - \$40 in contiguous counties. There are other variables - our per mile rate is the highest at \$2.50, so that puts us up competitively in the mix. With other variables, Onondaga Co. moves up even more. There are oddities - Oswego Co. is high with for stretcher transport. After digging, he found out there is only vendor with a stretcher in Oswego County.

Mr. DeMore asked if we have more trips based on our population per capita than other counties. Mr. Sutkoway said that he would have to look at it in more in depth. It seems that we have a higher percentage of rides in the taxi mode of transportation than the wheel chair mode. Superficially it suggests to him that the dispatcher is doing a decent job with the prior authorizations. Mr. Sutkoway said that there were 14 vendors that provided wheelchair service and 34 vendors who provided taxi service last year.

Mr. Stott said that he assumes that when people sign up for this, there is a bio on everyone explaining their ailments and challenges. Mr. Sutkoway said that a statement is provided from the doctor. Mr. Stott asked how often they are reviewed. Mr. Karmen said that a lot more of that is done since MAS has been the dispatcher.

Chair Laguzza said that a letter was put in the mailboxes of committee member from Anne Woodlen. Anytime there is a challenge or concern from a constituent, it is taken as being valid. Ms. Woodlen has expressed some very strong and derogatory comments about who is retained on the RFP. Chair Laguzza said that his objective is to make the RFP as user friendly as possible. Technology has improved dramatically in the last 3 years--wants to take a serious look at implementing some type of technology advances into the RFP process.

Mr. Buckel asked how MAS is compensated. Mr. Sutkoway said that MAS is in the operating budget. In answer to Mr. Buckel, Mr. Sutkoway indicated that it is a flat fee for a dispatching service and for prior authorization.

Chairman Laguzza said he discussed the following with vendors and users:

- Implement within the RFP to provide a "how to" book or flow chart on how to use the process
- Rate structure--rate adjustment done 4 years ago - found that the distribution of rides more/less level out
- Some vendors have vehicles with 200,000 - 300,000 miles; those vehicles go through a more stringent inspection with the State
- Vendors to maintain fleet--wants the State to maintain their inspection, wants rider to request them for pickup
- Some vehicles look like that have 200,000-300,000 miles on them; others look like showroom
- Most vendors do maintenance every 3000 - 3500 miles, some do it every 2 weeks
- 93% of the calls that go through the broker are preferred vendor calls; only 7% go into a rotation

Mr. Buckel said that in reading Ms. Woodlen's letter and speaking to her, there are two big pictures in place with the dispatching service - the delay in responding to patients and arbitrariness, maybe a restrictiveness of what is eligible and what is not. He asked if over the years if these types of complaints have been responded to - will it be part of the charge of Maxwell to assess past performance, rules, timeless. Mr. Sutkoway said that they haven't gotten complaint in the past. According to the State report that he saw, there is probably some duplication. There are about 10,000-12,000 riders, he can count the number of complaints on one hand. He is shooting in the dark regarding performance issues. Nonetheless, he agrees with Mr. Laguzza, that complaints should be taken seriously. The letter provided is being distilled down to research questions; Maxwell will be given a set of questions, both policy and operation, to address. Chair Laguzza said that it boils down to one major objective: to make sure whomever the broker is that they deliver the best possible services to our constituency. There are concerns that Ms. Woodlen brought to his attention; on the other side there is a person who calls him to tell him how wonderful the service is, and in between there are 10,000-15,000 people.

Mr. Karmen said that there have been very few complaints. It has improved dramatically from when DSS used to operate it -- feels it is a pretty good system. Transportation is unique in the Medicaid world, as it is county by county. The county is responsible for administering the program--unlike regular medical services which are uniformly administered by the State. It is difficult to compare our county to how it is in other counties. There is a State transportation group, part of Health Dept., who has said for over the past 2-3 years that the program in Onondaga County is exemplary. It is a replicable model, it is effective, efficient, has in place the procedures that ask the right kinds of questions. It is absolutely not perfect; the opportunity here is to make it better.

Mr. Buckel asked about the timing of the RFP. Mr. Sutkowy said that they want to finish the study first; will meet with Maxwell mid May. It takes a couple of months to get an RFP out. Mr. Buckel asked if it would be done before budget time; Chairman Laguzza said that he would think so.

Chairman Laguzza said that users and vendors have offered, unsolicited, that when the County ran the system it was pathetic. Only one vendor gave it a respectable grade. Then it went to another vendor and it was better; right now the median is about a 5.5. He has lower ratings and higher ratings.

* Mr. Warner left the meeting.

Ms. Woodlen addressed the committee and highlighted the following:

- Regarding Medicaid payments--50% paid by the State, 25% by Federal government; 25% by County.
- Currently Medicaid vendors are billing the State about \$8 million/yr; \$2 million comes back to the County.
- Data regarding the number of rides is available from the State.
- NYS Dept of Health is the oversight agency.
- Inspector General has a different take on what has been going on in Onondaga Co. than what was reported today
- People are being denied the necessary level of transportation.
- The people making decisions about who gets what level of services have no medical training.
- Hospital staff, medical staff, vendors, have refused to carry patients, when MAS has sent them out in a lower level of transportation, which is dangerous.
- In the last 3 years the average rate of pay for wheelchair transportation is \$34 across the state. The rates range for \$12.50 - to \$50; the State is addressing it.
- When the playing field is leveled, same rate of pay, it gives up incentive and all motivation for superior service.

** Mr. Holmquist and Mr. DeMore left the meeting.

Chairman Laguzza said that he talked to vendors who were encouraged because they have more work. He reiterated that the main objective is to make sure that when the RFP is put together that tells the broker what is expected - a better service to constituents. Mr. Buckel said that if Maxwell is involved, they should talk to Ms. Woodlen to make sure she is a voice and participant.

Mr. Stott said that he hopes there is a more scientific approach to this--makes sense to take a sampling of heaviest users, middle ground users, and one time users, take a percentage of them, and get logical questions lined up. Chairman Laguzza said that is what Maxwell will do. Mr. Stott said that the County should drive that -- if we are responsible for administering the program, we need to guide them on what answers we want. Chairman Laguzza said that he is going with Maxwell's credibility and expertise. It will be a cost effective data-gathering mission. He does not want to be put in a position where the county has any influence over the gathering of this data and the interpretation of it.

Mr. Karmen said that there are a lot of stakeholders: vendors want more money, taxpayers want less spent, users want more services - the County's main obligation is to the users.

Mr. Stott said that DSS, the Committee, and the Legislature have a right to understand and see how Maxwell will go about getting answers. Chair Laguzza said that he knows that he does not want to be a part of it, the Legislature should not have a subcommittee doing it--would rather have someone outside of government who will be totally objective doing it. Maxwell has incredible credibility in this community and he will not question their resolve and answers. Mr. Stott said that he would like to know what the criterion is as to how they get to their answers. Mr. Karmen said that valuable information will be received. Mr. Stott said that information has been received for 20 yrs., and the program is still broken. Mr. Karmen and Chair Laguzza disagreed with Mr. Stott.

The meeting was adjourned at 10:45 a.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk
Onondaga County Legislature

COUNTY FACILITIES COMMITTEE MINUTES
BERNARD KRAFT, CHAIRMAN, April 21, 2009

MEMBERS PRESENT: Mr. Kilmartin, Mr. Jordan, Mr. Kinne Mr. Laguzza, Mr. Masterpole

MEMBERS ABSENT: Mr. Lesniak

ALSO PRESENT: see attached list (Attachment 1)

Chairman Kraft called the meeting to order at 11:07 a.m. A motion was made by Mr. Kilmartin, seconded by Mr. Laguzza to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.

Chairman Kraft took the agenda out of order.

3. PARKS: Mr. Robert Geraci, Commissioner

Mr. Geraci noted that the New York State Recreation & Parks Society presented Onondaga County Parks with the following three awards:

- Program of the Year award for Beaver Lake (9-seater electric golf cart at Beaver Lakes for those who have accessibility problems)
- Exceptional Publication of the Year award for Beaver Lake - designed to get kids to read and exercise
- Young Professional of the Year award - Eric Sopchak, Senior Recreation Leader at Onondaga Lake Park

a. Authorizing The County Executive To Enter into an Agreement with the City of Syracuse For Improvements To the Water Supply System at the Rosamond Gifford Zoo at Burnet Park

A motion was made by Mr. Kinne, seconded by Mr. Jordan to approve this item.

Water is supplied by an old 40-inch water main that breaks continuously. The Zoo has to be shut down when it breaks because there is no water for restrooms or fire suppression. The plan is to put a valve system in so that when there is a break they can shut that section and use the other side, they would not have to shut the zoo down, also will put a new fire hydrant in. The City will pick up a little less than half the cost; County share is \$138,000 (City has been very cooperative). \$78,000 would come out of the County General Contingency Account and the balance out of Parks Preventative Maintenance Account. In answer to Mr. Kraft, Ms. Hann said they have scraped every penny that Parks has available in their budget to help pay for this. Mr. Geraci said the remainder of the money in Preventative Maintenance is needed for things he has to do such as fixing roads, roofs, etc.; their budget was also cut as part of the austerity budget.

In answer to Mr. Kilmartin, Ms. Hann said presently there is \$300,000 in the General Fund Contingency account.

Mr. Laguzza asked Mr. Geraci how much was left in the Preventative Maintenance budget. Ms. Hann said they have about \$70,000 left in Preventative Maintenance that is uncommitted at this time.

Mr. Jordan asked what projects were being deferred in order to free up this money. Mr. Geraci said work on the boardwalk at Beaver Lake and some ergonomic furniture.

A vote was taken on this item and passed unanimously; MOTION CARRIED.

1. TRANSPORTATION: Mr. Brian Donnelly, Commissioner

a. Authorizing the Reconstruction and Construction of Improvements to Various Bridges in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$1,350,000 and Authorizing the Issuance of \$1,350,000 Serial Bonds of said County to Pay the Cost Thereof (\$1,350,000).

b. Authorizing the Reconstruction and Construction of Improvements to Various Highways in and for the County of Onondaga, New York, at a Maximum Estimated Cost of \$12,213,000 and Authorizing the Issuance of \$12,213,000 Serial Bonds of said County to Pay the Cost Thereof (\$12,213,000).

Mr. Donnelly discussed the Department of Transportation 2009 Highway Plan (on file with Clerk). The primary difference compared to other years is the financing. There is a 50% austerity hold on their 2009 Operating budget; there is now \$1.5 million in cash that is available for them to use in the work plan. Offsetting that and the increases in asphalt, they have received authorization from the Budget Department to submit for the Legislature's approval a bond for \$13.5 million compared to last year that was just shy of \$10 million.

In answer to Mr. Kinne, Mr. Donnelly said asphalt is down in price from the historic highs of last year, but still higher than what they programmed for 2008. They programmed 2008 at \$190,000 per mile for paving, at this time it is at \$220,000 per mile. They took the average of all of last season to come up with their asphalt price for 2009 that is approximately \$250,000 per mile. The demand for liquid asphalt could cause that price to increase throughout the season, because of the many national stimulus projects.

Mr. Kinne asked about plans for Velasko Road. Mr. Donnelly said it is a Federal aid project that will go from the work done by New York State at Rt. 173 down to the city line - it is a repaving project, shoulder will be done and drainage will be addressed. Mr. Coley said the intersection of McDonald Rd. and Velasko Rd. will be upgraded and will provide turn lanes on Rt. 3. The City redid their piece of Velasko Rd. from Glenwood Rd. to Onondaga Rd., but then the City Water Department had to cut into it the following year. County project will be bid this year and repaving will start next year and will be completed by 2011.

Mr. Kraft noted that the DOT work plan calls for Cold Mix reconstruction of 15.0 miles and hot mix paving of 38.0 miles, there is nothing scheduled for maintenance reconstruction.

Mr. Jordan asked how they determine the list of priorities. Mr. Donnelly said they have a contract with a company that does the road rating for them; they do a quarter of the county each year. In the spring, people from DOT go out and physically drive the roads to make the determination of which ones they can do with the funding available; if a situation were to turn into more significant work, it gets out of the realm of repaving and into a reconstruction project. They also consider complaints from the public. DOT's stated goal has been 45 miles of Hot Mix and 19 miles of Cold Mix that means every County road would get treated once every ten to twelve years. In looking back, they have only hit the goal one year when funding was put almost exclusively into paving.

A motion was made by Mr. Masterpole, seconded by Mr. Kilmartin to approve item 1.a; passed unanimously; MOTION CARRIED.

Mr. Donnelly advised that the maintenance for stream cleaning or dredging is always funded in cash.

A motion was made by Mr. Kilmartin, seconded by Mr. Masterpole to approve item 1.b.

Mr. Jordan said he feels uncomfortable about voting in favor of borrowing additional money without knowing how much of the County bonding debt would be retired this year. Mr. Kochian said the County has a very rapid pay down schedule, will supply information. Mr. Kilmartin asked how competitive the interest rates are compared to other years. Mr. Kochian said recent borrowing was at a very low rate; the County is AA+.

A vote was taken: Ayes: 5 (Kilmartin, Kinne, Laguzza, Masterpole, Kraft); Noes: 0; Abstained: 1 (Jordan); MOTION CARRIED.

2. FACILITIES MANAGEMENT: Mr. Brian Lynch, Commissioner

Item b. was considered first.

b. Transfer of Funds From Maintenance, Utilities, Rents Account 413 to Capitalized Equipment Account 215 (\$359,653)

Requesting transfer of funds for a purchase of a mail sorter machine. They currently pay a contractor to sort the mail who charges them full rate, not realizing the discount if they sorted it themselves. It is estimated that the machine will pay itself back within two years, and over a five-year period, the County will save over \$500,000. In answer to Mr. Laguzza, Mr. Lynch said it is state-of-the-art machinery - UPS system.

A motion was made by Mr. Masterpole, seconded by Mr. Kilmartin to approve this item; passed unanimously; MOTION CARRIED.

a. Informational - AHL Arenas Comparative Study - Ed Kochian, Michelle Mignano

Mr. Kochian noted that Ms. Mignano did the report totally in house. Mr. Kochian referred to:

- Pg. 1 - AHL Arenas - Population Statistics. Syracuse is a smaller city, an older arena, need to continue to work to keep what we have, teams are going to larger cities like Chicago, Philadelphia, San Antonio.
- Pg. 2 - Population/ 08 per capita attendance - Syracuse - War Memorial - 0.85%
- Pg. 3 Age of Buildings - War Memorial is oldest in N. America other than Toronto-Ricoh.
- Pg. 4 - Hockey Capacity - all the new facilities are bigger than the War Memorial; if they could add some seats, that would be great.
- Pg. 5 - Minimum Hockey Capacity by 2008 Attendance Rate - War Memorial is in the upper limit in terms of facilities percentage of capacity - 87.8% attendance rate. Crunch has sales people going out all the time to club hockey, restaurants, etc. and they are approaching people about packages to go to Crunch games.
- Pg. 9 - Highlighted the cost of two facilities recently built - Bridgeport - Arena at Harbor Yard - \$57 million (built in 2001)- seating capacity of 8,500 for hockey, 10,000 for concerts and Hershey Bears - Giant Center - \$65 million (built in 2002) seating capacity of 10,500 for hockey and 12,500 for concerts. Many of the new facilities have naming rights offsetting the cost.
- Pg. 11 - Wilkes-Barre/Scranton - Wachovia Arena at Casey Plaza - cost of \$44 million (built in 1999), hockey capacity 8,500, concert 10,000. Upper concourse has no services, restrooms and concessions are all on first floor.
- Pg. 14 - Manchester Monarchs - Verizon Wireless Arena - cost of \$67 million (built in 2001), hockey capacity of 10,019, concert 11,770.
- Pg. 18 and 19 - Houston Aeros - Toyota Center - cost of \$202 million (built in 2003), naming rights of \$95 million, hockey capacity of 17,800; Iowa Chops - Wells Fargo Arena - cost of \$99 million (built in 2005), hockey capacity 7,475 - 15,500 (screen off for smaller crowds)

Mr. Kochian said all the new facilities have suites.

Mr. Kraft asked if there are plans, other than for the roof, seats, etc., to show what it would take to improve the War Memorial. Mr. Kochian said there were some older plans that were done conceptually; anything can be done engineering wise if they had the money, but it is not economical. Painting could be done and they could further investigate making the Assembly Hall on the third floor an executive perch - one big room where people could look out on the arena - sit at tables or seats to watch the game. They are currently sprucing up with painting, seating, locker room improvements and restroom improvements in the future. They will try to come up with a better plan on how they can keep this facility going and competitive. Mr. Kochian said it is a very interesting, exciting place to watch hockey - there are no bad seats for viewing. The Crunch is providing a value to the community - War Memorial is in use 40 nights a year for hockey, they are drawing people downtown.

Mr. Kraft asked about the scoreboards in other facilities - how were they paid for and what happens to the advertising revenues. Mr. Kochian said they would have that information for the committee meeting in May. Mr. Kraft requested to have the information sent to the members before the meeting.

Mr. Masterpole asked if the County is in negotiations for a new contract for hockey. Mr. Kilmartin said the contract ends in 2011 and there are options to extend. They are very interested in staying in Syracuse, but would like to see improvements to the facility; they are talking about extensions, improvements and a new scoreboard.

The meeting was adjourned at 11:58 a.m.

Respectfully submitted,

Johanna H. Robb, Deputy Clerk

**PUBLIC SAFETY COMMITTEE MINUTES - APRIL 27, 2009
CHAIRMAN RICHARD LESNIAK**

**MEMBERS PRESENT: Mr. Buckel, Mr. Holmquist, Mr. DeMore, Ms. Williams, *Mr. Warner, Mr. Masterpole
ALSO ATTENDING: *see attached list***

The meeting was called to order at: 9:02 a.m. ***A motion was made by Mr. Warner, seconded by Ms. Williams, to approve the proceedings and waive the reading of the minutes of the previous committee meeting. CARRIED.***

1. EMERGENCY COMMUNICATIONS: John Balloni, Commissioner,

a. **Authorizing the Acceptance of a Communications Tower and Related Property Located at the Oak Orchard Treatment Facility in the Town of Clay**

Mr. Balloni reported that the tower is located on the property owned by WEP, in the Town of Clay. It was built in 1977 by WCNY; it is 125'. WCNY has not used the tower in many years. The tower is in a prime location for the County--has potential for County Emergency Communications use in the future; could easily provide a microwave link to Oswego County. There is some potential for renting space on the tower. The tower consultants have looked at it; it is in good shape. It would become an asset, and could save the County a great amount of money in the future; might become a moneymaking proposition.

Chairman Lesniak asked if there is power and a back-up generator there. Mr. Sparks said that there is a communications shelter that WCNY used for their fixed network equipment; there is no backup generator there now. It would come in the future. Chairman Lesniak asked why WCNY didn't produce any rent from the property. Mr. Balloni said that they did not know, but they would have had to come to the County to do so, and WCNY was not paying the County lease money.

Mr. Buckel asked about the estimated maintenance costs. Mr. Balloni said that it will be minimal, as there is nothing virtually live on the tower; it is self-supporting. To construct something similar would cost hundreds of thousands of dollars. Mr. Buckel asked what the difference is between a live tower and non-working tower in terms of maintenance. Mr. Balloni said that all connections to the antennas need to be checked, when there is something live on it; which doesn't have to be done in this case.

A motion was made by Mr. Masterpole, seconded by Ms. Williams, to approve this item. Passed unanimously; CARRIED.

2. EMERGENCY MANAGEMENT: Joe Rinefield

a. Amending the 2009 County Budget to Accept State Homeland Security Funds for the Onondaga County Department of Emergency Management (\$32,700)

This is a new hazardous materials grant from the State; it will be used by City and County Hazmat Teams.

A motion by Mr. Warner, seconded by Mr. DeMore to approve this item. Passed unanimously; CARRIED.

b. Authorize an Intermunicipal Agreement with the NYS Emergency Management Office to Provide for the Integration of the NY-ALERT all Hazards Alert and Notification System into the Onondaga County Comprehensive Emergency Management Plan

This is for the State Wide New York Alert, maintained by the State. The County is trying to get access--can be used for communication with all cell phones and landlines. Right now the County does not have the cell phone capability with reverse 911.

A motion by Mr. Warner, seconded by Mr. Holmquist to approve this item. Passed unanimously; CARRIED.

c. Confirm Appointments to the Positions of Dep. Coordinator for Hazardous Materials and Dep. Coord. for Fire Investigator, and Authorize Reimbursement for Expenses Incurred in the Performance of these Duties

Mr. Rinefield stated that the City and County Hazmat teams were put together, consolidated for a county-wide response--standardized training, manpower, equipment needs--cut costs. Chairman Lesniak asked if their only payment is for expenses. Mr. Rinefield agreed and stated that most of that is grant covered.

A motion was made by Mr. Masterpole, seconded by Ms. Williams to approve this item. Passed unanimously; CARRIED.

d. Amend '09 Budget to Accept State Homeland Security Funds for the Onondaga County Dept. of Emergency Management and Authorize the Co. Exec. to Enter into Contracts to Implement this Res.

This is an annual Homeland Security SHSP grant, \$601,000 this year - will be used for critical infrastructure, National Incident Management System, interoperability, and CBRNE detection response and citizen preparedness. The grant is specific as to what it can be used for. It has been spread across the board to a number of agencies. The amount changes every year; it is a little bit less this year.

A motion by Mr. Warner, seconded by Ms. Williams to approve this item. Passed unanimously; CARRIED.

3. A Local Law Amending LL No. 2009, Entitled "A Local Law of the Co. of Onondaga, New York, Prohibiting the Use of Wireless Handsets to Compose, Read or Send Text Messages While Operating a Motor Vehicle" Adopted April 7, 2009 to Delete the Exclusion for Law Enforcement and Other Public Safety Responders - Sponsored by Mr. Masterpole

Mr. Masterpole said that this is an amendment to Mr. Kilmartin's text messaging legislation, which was discussed at session. The purpose is to remove the exclusion for law enforcement and other public safety responders. He feels that local laws should not

be adopted which will affect some of the people in the County; it should affect all or none.

Chairman Lesniak said it is his understanding that the computer on the dash--whether running license plates or getting a 911 response, is also included as part of this. Mr. Masterpole said that we have invested money in remote plate readers. Chairman Lesniak said that they are also getting the calls from 911 system on the computer. Mr. Buckel asked if it is a wireless handset by definition in the law; Chairman Lesniak said that it is. Chief Peverly explained that all of the computers in the cars are wireless. When the 911 center calls or texts notices to all law enforcement agencies by way of the terminal; the officers also acknowledge them by way of terminal. There are button functions, acceptance of call for service, and arrival codes that they use. He noted that he has not read the law, as he just became aware of it, but believes that there would be a need to go back to just radio communications and eliminate the wireless operation at 911 Center. Mr. Masterpole said that one could argue that the radio is a wireless handset as well. He supported Mr. Kilmartin's local law, as he agrees that it is not safe to be texting while driving. However, if it is not safe for the public to do it, then it is not safe for the law enforcement officers to be doing it either. Chief Peverly said that when the State Legislature enacted the cell phone law with the exemption for law enforcements, it stated specifically that it is for times when they are engaged in law enforcement purposes--not personal use. That would be the same thing that would be expected with the texting law in the performance of their business - that is how they are set up today with technology. Mr. Masterpole said that it doesn't say in the vehicle and traffic law that first responders can speed on the way to a call, but that it what it going to happen. Chief Peverly said that there are authorized emergency vehicle exceptions. He feels that there should be an exemption for texting, as there is under the Vehicle and Traffic Law. Mr. Masterpole said that the exemption is because of response to a call; Chief Peverly said it is for emergency vehicles responding to a call; it is specific to Vehicle and Traffic Law.

Mr. Warner said that law enforcement is exempt from a number of laws all in the interest of public safety.

Ms. Williams asked when in the course of the duties would law enforcement be texting and to whom. Chief Peverly said that their messages, calls for service, come to them by way of the computers in the cars. The officers acknowledge the calls by texting back, a one-button acknowledgement. Then they arrive on the scene and do a one-button acknowledgement. They have to read the text messages coming into them advising them of what the call for service is and where it is. Mr. Masterpole asked if at any time during a deputy's day will they be using their personal laptop to accept calls. Chief Peverly said "no".

Mr. Buckel asked how the overall exemption related to the performance of duties compares to the general exemption in state law for emergency management services regarding speeding. Chief Peverly said that it is in the performance of emergency operations; a deputy on routine patrol is not authorized to exceed the speed limit and go through stop signs. Mrs. Tarolli said that there is also a specific exemption for emergency operations in the cell phone law.

Mr. Warner asked if the uniform traffic ticket will be used for a local county law, or will a separate, long form need to be done. Chief Peverly said that he has had discussions with the Sheriff and the Chief of Police, and they do not know how it will be enforced yet. He feels that it will be a situation where records will be subpoenaed and verified; it will be very difficult to make an observation of the offense. Mr. Masterpole disagrees; and said that it is known when people are texting, it can be observed. Mr. Warner said that at this point, law enforcement agencies don't know how they will enforce it or write a ticket; it is a gray area.

Chairman Lesniak said that local laws don't require any vote; they can go on the agenda per the sponsor.

Mr. Warner said that he provided Chief Peverly with an article regarding some municipalities charging inmates, when the inmate has the capacity to pay for it. Chief Peverly will review it and report back in the future.

4. **SHERIFF**

a. Overtime - Quarterly Report - Chief William Peverly

Chief Peverly provided copies of the quarterly report (attachment #1).

Mr. Warner and Chairman Lesniak congratulated Chief Peverly on the overtime reduction initiatives.

Mr. Buckel asked what is authorizes leave for deputies. Chief Peverly said that it is sick leave, vacation time, personal leave; they accumulate benefits and at times the department ends up being a bit short. For example someday may schedule vacation time or a personal leave day, and on that day someone else may call in sick; it results in having to back fill. Mr. Buckel asked about compensatory time. Chief Peverly said it is taken in lieu of getting paid time and a half; they get straight time/comp time.

* Mr. Warner left the meeting.

Chairman Lesniak asked about the spike in PP#6 on the police side. Chief Peverly explained that CID encountered a serious of robberies and a serious of residential burglaries, which accounted for an increase in resources. Both occurrences resulted in arrests.

Chief Peveryly said that they are constantly monitoring overtime on an ongoing basis. Unlike in previous years, they are not experiencing the vacancies that they have had in the past. The Police Dept. is about 100% staffed and the Custody Dept. just lost 1 or 2 people through retirements. It is anticipated that 2 or 3 people will be retiring shortly in the Police Dept., which will create some vacancies. Those positions will not be filled until there is an academy. They also look to recruit lateral transfers from other agencies; it avoids the basic academy training time (about 24 weeks for police, 14 weeks for custody). It substantially reduces the field-training component.

Mr. Buckel asked if any change is seen in the qualifications for the academy or the laterals. Chief Peveryly said that the selection process is geared to deal with the different qualities and experience levels of the officers. One advantage of the lateral transfers is that quite often there are officers that have already received specialized training in areas where there is a need for expertise. Lateral transfers go through the same screening process as a basic recruit--background investigations, polygraph examinations, psychological testing, interviews, etc.

Chairman Lesniak asked if an agreement has been reached with OCSA with the overtime issue. Chief Peveryly said that negotiations continue on 2 or 3 issues. The schedule issue is difficult to work out, but they continue to work cooperatively with them.

Mr. Masterpole referred to a minor incident that occurred in the zoo parking lot, during his involvement in the Shamrock Run. He had asked a City police officer to respond to it. The City police officer said that they don't go to the zoo parking lot as it is County Property. Mr. Masterpole asked about the agreement; Chief Peveryly said that he would check on it. He said that the Sheriff's office does not routinely patrol in that area.

The meeting was adjourned at 9:40 a.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk

HEALTH COMMITTEE MINUTES

ROBERT D. WARNER, CHAIRMAN, April 23, 2009

MEMBERS PRESENT: Mrs. Rapp, Mr. Kilmartin
MEMBERS ABSENT: Mr. Laguzza, Mr. Lesniak, Mr. Buckel, Mrs. Winslow
ALSO PRESENT: see attached list (Attachment 1)

Chairman Warner called the meeting to order at 9:13 a.m.

A motion was made by Mrs. Rapp, seconded by Mr. Kilmartin to waive the reading of the minutes and approve the minutes of the proceedings of the previous committee meeting; MOTION CARRIED.

Chairman Warner took the agenda out of order.

2. Van Duyn: - Ms. Sprague, Commissioner

a. Status of Therapy Department - Informational

Ms. Sprague said they started looking at their needs regarding the therapy department in the fall of 2008, at which time they met with a vendor. At that time, they believed (and still do) that by using a vendor they could increase their reimbursement rates and it could also help them out in terms of bringing on staff to solve the issues they currently have of not attracting staff (have two vacancies). They issued an RFP in December of 2008; responses came back in by January 16, 2009. They reviewed the responses and brought the Republican and Democratic caucuses up to speed as to where they were with the process. Since then, they met with union reps on February 23, 2009. The union reps were suppose to get back to them with a schedule showing where the gaps were, and how they would try to provide for either 5.5 or 6 days a week therapy based on the current resident needs. They could then take that information and plot out whom they would have to bring in, how many, if they could use overtime, and would they need to use part time or per diem employees to fill those gaps. At this point, the union reps have asked for clarification multiple times, and have not gotten back to them. The union representatives have said they are waiting for information from the Albany union to present at the meeting and they are also doing a salary comparison study; they have recently offered the week of May 11th for a meeting. Mrs. Rapp asked if they sense this is something they don't want to do. Ms.

Sprague said "yes". Ms. Sprague said they have made it very clear to the vendors they have interviewed that they would have to offer employment to the Van Duyn employees.

Mr. Kilmartin asked Ms. Sprague to detail the savings they are projecting. They expect to save approximately \$1 million on salary and benefits on an annual basis in addition to bringing in revenues of approximately \$1.5 million, because of the intensity of the services and the number of employees they would have to work with their residents. Mr. Kilmartin asked if the vendors said they could increase the number of hours of treatment, which would increase the reimbursement - another \$1.5 million annually in revenue. Ms. Sprague replied "yes". Mr. Kilmartin asked if all of that goes to Van Duyn, and is that net of what would be paid to the outside vendors. Ms. Sprague said "yes". Ms. Sprague said the only thing not included would be maintenance therapy, if they continue to do it. Mr. Kilmartin asked if there would be a savings of \$1 million in staff compensation in addition to the \$1.5 million - gross savings of \$2.5 million. Ms. Sprague said "yes". Mr. Kilmartin noted that income and expenses is one issue, the other issue is staffing, because they are short of staff, cant find sufficient staff now. In his opinion one of the most critical issues is the increased number of hours available for treatment or residents; it is not only a dollar and cents issue, but there would be more available treatment, more readily available therapists that would increase the positive health of the residents. Mr. Kilmartin asked if this is how most private enterprises operate their facilities. Ms. Sprague said many of the independent facilities have gone to using these vendors.

Mr. Warner asked when the committee would have something to vote on. Ms. Sprague said they would meet with the union during the week of May 11th, after that they would be prepared to come back to the committee to tell them the outcome of that meeting.

Ms. Rapp asked if they would need the cooperation of the union or is this something they could decide is the right thing to do. Ms. Sprague said Mr. Troiano has been involved every step of the way, they would like the cooperation of the union, deferred to Ms. Tarolli. Ms. Tarolli said it is an area that she doesn't know; she would confer with Mr. Troiano and get back to the committee.

Mr. Kilmartin asked if the County Executive's office has any kind of schedule if there are not advanced discussions in the next thirty days. Ms. Rooney said they have committed to working with the therapy department, they are willing to give more time with this, and they are on schedule to talk with the unions in May.

b. Report on Nursing Tuition Reimbursement

Ms. Sprague said she and other staff members have met three times with a large group including Ann Rooney, Ms. Tarolli, Ms. Hann, Ms. Walter, Legislator Lesniak and a representative from OCC. They were able to draft protocol, a local law, a nursing tuition program agreement and a program application - all based upon the fact that they would offer this to any Onondaga County Resident; according to the Law Department, it had to be equitable across, could not just be offered to people who are currently in County jobs. She explored the other County departments that use nurses and it seemed that Van Duyn was the one that would benefit the most from this - they have the largest number of openings for RN's and the largest number of RN positions. OCC is currently full and has a waiting list for people who are interested in the nursing programs, as do the other schools in the area. Specific to Van Duyn, money would come from their 101 Account where they have vacancies; other departments don't have that money because their positions are full. Ms. Sprague said the County Executive is concerned that this might not be the right time to move forward with offering this, while they have a budget crunch going on; Van Duyn has put it on hold.

Mr. Kilmartin asked what the cost would be per year, per student to the County for this program. Ms. Sprague said she has numbers from OCC, but the person would be required to apply for financial aid. To do it full blown, to offer them everything that would be paid for out of pocket for a two year, all-inclusive program would be \$6,871. They would typically not pay for some of those fees, \$5,186 would be more in line with what another provider would pay for a two year nursing degree; however, they would first take off what the financial aid package is. In answer to Mr. Kilmartin, Ms. Sprague said the student would have to present a transcript showing that they got the required grade of a C; the student would pay for it up front and then, upon producing the document, they would get reimbursed. They would have to agree to stay employed by the department that hired them for three years after graduation. Partial reimbursement would be prorated, if they did not stay the full time.

Mr. Warner asked how many positions Van Duyn is short. Ms. Sprague said on February 13, 2009 they had 35 vacancies.

Mr. Kilmartin asked if a comparison has been done in terms of the cost for this program versus the overtime for service contracts that are being paid for those vacancies. Ms. Sprague said the Budget office is currently doing some comparatives based on their overtime agency usage. They haven't compared it yet to the cost of the nursing program and what the advantage would be, because it couldn't be done just at Van Duyn, it would have to be open to the other departments; it would also depend on where the opening was when the person finished school and where their placement would be.

Ms. Rooney said it was the consensus of the group that OCC's nursing classes are full at this point and it would be difficult, in light of the economy. Also, it was a concern that they would be giving these incentives to one group at Van Duyn and that they would not be available to everyone. Ms. Tarolli said in doing research with the Attorney General opinions, they would have to

open it up countywide; that, given with some of OCC's educational concerns, they had a unique perspective on it, who was interested in it, who would it be opened up to. The consensus was that OCC isn't working with any other hospitals to do this; OCC's program, from an educational standpoint, is working, the benefit to the County was uncertain, given the cost; the group decided to wait a little bit and see how things unfold.

Mr. Warner asked at what point do they reach a critical stage without filling the nursing positions. Ms. Sprague said they have been able to bring in nurses from contract agencies or to have their LPN's stay overtime. They are missing the higher level, RN's can do the observation and assessment piece that LPN's can't do; an LPN could do some things and then would have to go to another station to get a supervisor or an RN to check what was done.

Ms. Rapp asked if they have an internship with OCC. Ms. Sprague said they currently have 30 employees who are involved in some type of an educational program; many of them are in the OCC program. In the past, they have been able to get some grants so that the nurses can get additional education. Mrs. Rapp suggested offering a sign-on bonus that could be paid for out of their 101 Account. Ms. Sprague said it would be a nice attraction, but questioned whether one department could do that if other departments were not. Ms. Tarolli said they could look into it.

3. Homebound Program Update - Dr. Morrow

Dr. Morrow provided a fact sheet entitled Homebound Transportation - Prior to 2009 (*on file with Clerk*). Since the last meeting, there has been a lot of work on the part of the County Executive's office, Health and Social Services departments, and they have also met with the advocates. They are expecting this program to be restored by June 1, 2009 and housed in Social Services. The program will have the same medical eligibility criteria as before, a new financial eligibility criteria of 300% federal poverty level and four authorized transports per month with no restriction on either medical or social, with the exception that transportation will not be allowed for medical visits from nursing homes or long term care facilities; social visits will be allowed.

Mr. Warner asked if there is any conflict with the resolution passed on April 7th. Ms. Tarolli said it was a requesting resolution to restore the program, and it looks like that has been done, money is already in the budget. Mr. Kilmartin asked if there are net savings with the changes to the program. Dr. Morrow said "no"; it just tightens it up. Mr. Rapp asked how many people would be eliminated with the new financial eligibility criteria. Dr. Morrow said they don't know, because they never asked about income before; in talking with the advocates they believe this shouldn't harm anybody. Mr. Kilmartin said the new criteria might make it more available for those who need it most.

Ms. Rooney said they have a draft of the revised program, it will be provided to the committee.

1. HEALTH:

a. Change Title of Twenty-Four (24) Community Health Nurse Grade 03 @ \$41,459 - \$51,107 to Public Health Nurse Grade 03 @ \$41,459 - \$51,107 effective May 9, 2009

b. Change Title of Four (4) Community Health Nursing Supervisor Grade 05 @ \$46,985 - \$57,861 to Public Health Nursing Supervisor Grade 05 @ \$46,985 - \$57,861 effective May 9, 2009

Mr. Warner sent these items to Ways and Means (there was not a quorum). Regarding these, Dr. Morrow said there is no impact to the individuals, the programs or the Budget.

The meeting was adjourned at 9:45 a.m.

Respectfully submitted,
Johanna H. Robb, Deputy Clerk

EDUCATION & LIBRARIES COMMITTEE MINUTES - APRIL 23, 2009
PATRICK M. KILMARTIN, CHAIRMAN

MEMBERS PRESENT: Mr. Corbett, Mr. Stott, Mr. Holmquist, Mr. DeMore, Mr. Kinne

MEMBERS ABSENT: Mrs. Winslow

ALSO PRESENT: see attached list (Attachment 1)

Chairman Kilmartin called the meeting to order at 10:34 a.m. A motion was made by Mr. Corbett, seconded by Mr. DeMore to waive the reading of the minutes and to approve the minutes of the proceedings of the previous committee meeting. MOTION CARRIED.

Chairman Kilmartin announced that the voting items would be taken first.

1. ONONDAGA COUNTY PUBLIC LIBRARY: Ms. Elizabeth Dailey, Executive Director

a. Amending the 2009 County Budget to Accept Library Services and Technology Act Funds for the STARBurst Accessibility Program (\$11,055)

A motion was made by Mr. Kinne, seconded by Mr. Stott to approve this item.

This program serves the whole county and is funded by New York State. Mr. Kilmartin noted that they went through the first phase of this program last year; they implemented a number of programs, updates and technology.

A vote was taken on this program and passed unanimously; MOTION CARRIED.

b. Amending the 2009 County Budget to Accept Onondaga County Public Library Foundation Funds for the Early Literacy Grant (\$5,000)

A motion was made by Mr. Stott, seconded by Mr. DeMore to approve this item.

Ms. Dailey said this grant was funded by Excellus to be used for an Early Literacy project with cooperation between the Library and the Onondaga County Health Department. The Health Department has a program that helps young moms and their babies up to two years old; Library staff will be working with the nurses and home care workers who work with these families. There will be cross training - nurses and home care workers will learn how to teach early literacy skills to young moms and the nurses will help the librarians regarding child development.

A vote was taken and passed unanimously; MOTION CARRIED.

2. SYRACUSE JAZZ FEST PRODUCTIONS, INC: - Mr. Frank Malfitano

a. Authorizing a Loan to the Syracuse Jazz Fest Productions, Inc. Pending Receipt of Anticipated State Funding (\$50,000)

Jazz Fest Productions, Inc. was just awarded a \$50,000 member item from Senator Valesky's office for this year's festival; in the past they have received about \$10,000 a year from the State. Mr. Malfitano explained that they pay the vendors, subcontractors, musicians and artists on the weekend of the festival; they will not receive the State money until December or January, and a bridge loan is needed until that time. It has been a difficult year for fundraising. Without this \$50,000, they would not only have to cut core programs, but potentially cancel the festival.

Mr. Kilmartin advised that the County Executive's office said there would be some kind of promissory note with the County and Jazz Fest Productions, Inc. for the loan. If, for some reason, those funds are not available from the State, funds from next year that are typically appropriated from the County would be debited or credited as the case may be. Mr. Malfitano said he could postdate a check to December or January for the County or suggested that the County could be paid directly from the State for the bridge loan. Mr. Kilmartin asked if the Syracuse Jazz Fest Productions, Inc. is the entity that the County typically appropriates funds to. Mr. Malfitano said "yes", that is the not-for-profit, the presenting organization of Jazz Fest for the last 27 years. Mr. Kilmartin asked if this would be appropriated from ROT funds. Mr. Morris replied "yes".

A motion was made by Mr. Corbett, seconded by Mr. DeMore to approve this item.

Mr. Kinne said he is in favor of this and wants to support the Jazz Fest, but asked how the money would get paid back if the money doesn't materialize and the Jazz Fest doesn't take place next year. Mr. Malfitano said his intent is to continue on with the Jazz Fest as long as the funding is there; it is a question of at what size; they would find a way to repay, but he does not want to personally incur the debt; he strongly encouraged the committee to get reassurance from Senator Valesky. Mr. DeMore said he is comfortable with the letter from Senator Valesky.

Mr. Stott said Senator Valesky's word is good. Not having Jazz Fest would have a significant negative impact on the community; it benefits the businesses and the community, and it might have a record attendance this year, because money is tight.

Mr. Kilmartin said it is not without risk. If the State funds don't go through and Jazz Fest goes on this year as planned, there is the potential of a \$50,000 shortfall whereby the incorporation can't pay back the County of Onondaga County for these funds. Mr. DeMore and Mr. Kinne said it is a small risk. Mr. Kilmartin noted that ROT funds are specifically contemplated for something like this.

Mr. Malfitano said Senator Valesky views this as economic stimulus. This is something that is generating revenue; it is an economic engine for the community, a marquee signature event that helps with recruiting candidates for different employers and for entertaining.

A vote was taken on this item and passed unanimously; MOTION CARRIED.

Mr. Malfitano expressed his appreciation of the support of Onondaga County and the Legislature. The festival will be at full strength - will have Price Chopper fireworks, Dinosaur Bar-B-Q has joined forces, they have filled in the empty slots on stage and have a full educational program. They were not able to get the third day funded, but will have a solid two days at the level it has been at in the past.

Ms. Dailey welcomed the committee members to the library. Ms. Milcarek introduced librarians from the Central Library who explained how the library has touched the lives of particular people.

- Mr. Mark Allnatt - in charge of the STAR Program. Mr. Allnatt said their outreach service offers assistance for people with disabilities who enjoy using the library services. They provide a full range of service to them with extra touches for those people who couldn't otherwise take advantage such as Braille embossers, Kurzweil Reading Machines, etc. Mr. Kilmartin asked which libraries they implemented the program in last year. Mr. Allnatt said DeWitt Community, Fayetteville Free, Marcellus Free and Onondaga Free; the second year will be Brewerton, Cicero and N. Syracuse, and he is already getting calls asking about when other libraries will adapt.
- Tim Riehlman - Information Resources. Mr. Riehlman said they have helped people fill out job, unemployment and immigration applications. Various agencies are sending people who don't have skills or Internet access to the library; it has become a big issue, very difficult.
- Lisa Bankert - Information Resources - helped a woman and her son, who was a senior in high school, compare architecture schools and determine which was best for him by using the library resources and her knowledge.

1. c Central Library Roof Status - Mr. Robert Manning

Mr. Manning provided a handout with a chronology of actions taken since November 14, 2008 regarding the library roof repairs (*on file with Clerk*).

- April 17, 2009 the Purchasing Department's Interior Repair bid package was reviewed
- Bid release in 1 week
- There will be a pre-bid walkthrough with question and answer period
- Bid opening in 4 weeks
- Contract awarded within 45 days after opening

The rough estimate is \$44,000 to repair all interior damage because of the roof leakage. There are still no new roof leaks; maintenance staff has started to take down interior leak diverters in the Local History Room.

Mr. Kilmartin asked what they could expect in the near future with the condominium association board and the cost of these interior improvements. Mr. Kochian said in the first instance, it is their position that it is a liability to the other owner who is responsible for the envelope; the County will get it repaired and attempt to recover the money from him by whatever means the law deems appropriate.

d. Strategic Plan Update - Mr. Bill Fisher

Mr. Fisher gave the update.

Step 1: Strategic Plan for Central Library

- Elizabeth Dailey and her staff are now driving the Central Library strategic planning process forward
- There will be a community focus group from all types of organizations throughout the county (about 25 people) who will meet three times in the next sixty days, first two will be facilitated by Margery Connor, third will be at the SU Warehouse
- First step will be defining the needs of the Central Library and its patrons
- Second part will be to identify the different types of service responses that a library could provide, and then attempt to prioritize them

Step 2: Strategic Plan for other OCPL Libraries

- Repeat the process above for each of the 8 City branches & 2 Community Center libraries, will be done in alphabetical order.
- Share the knowledge with the suburban libraries - how they might make this process repeatable across all of the libraries

Mr. Kilmartin asked if part of the strategic plan for the Central Library would be working with the town, village and member libraries in the exchange of materials etc. Ms. Dailey said "yes".

Ms. Carmer spoke in response to a previous question by Mr. Stott concerning the State Budget impact on the library for 2009:

- Last summer when putting together their 2009 budget they heard there would be a 8% reduction in state funding, and reduced their 2009 budget request by an equivalent of 8% of their state funding.
- Governor's proposed budget in November called for a reduction of 18%
- OCPL Board met tirelessly with local state delegation; when budget was enacted a few weeks ago, it was a reduction of 8% of the Governor's budget proposal.
- OCPL will be losing about \$9,600, if they had not built that 8% reduction into their budget, loss would have been \$188,000.

The meeting was adjourned at 11:14 a.m.

Respectfully submitted,
Johanna Robb, Deputy Clerk

ENVIRONMENTAL PROTECTION COMMITTEE MINUTES - APRIL 23, 2009
Chairman James A. Corbett

MEMBERS PRESENT: Mr. Kraft, *Mr. Rhinehart, Mr. Masterpole, Ms. Williams, Mr. Jordan

MEMBERS ABSENT: Ms. Winslow

ALSO PRESENT: Chairman Meyer, see also attached list

Chairman Corbett called the meeting to order at 11:33 a.m. A motion was made by Mr. Masterpole, seconded by Mr. Rhinehart to waive the reading and approve the minutes of proceedings of the previous committee. CARRIED.

1. Soil and Water Conservation District:
 - a. Overview - Jeff Carmichael, Executive Director

Mr. Carmichael distributed handouts, including newsletters, 2009 Annual Plan of Work, and 2008 Overview, and highlighted the following:

- Working with agriculture, planning and implementing conservation practices; implemented ag practices
- Funding Sources - City of Syr. 23%; Federal grants 27%; Onon Lake Partnership 5%, State grant through Dept of Ag & Markets 37%; County 2%; misc. 2%
- Agriculture important part of Onondaga County-a study done in April '09 Farm Future Magazine-looked at the best places fiscally in the U.S. to farm--Onondaga Co. rated 190 out of 3,005 counties; several counties in NYS were in the top 10%
- Agricultural Environment Mngmt Program - 230 farms participate
- 2008 Highlights - Co Vale Holsteins won the 2008 Conservation Farm of the Year Award
- Municipal Hydroseeding Program - did quite a bit with County Highway, State DOT, towns and villages - did 28 acres in 2008; anticipate doing as much or more this year
- Educational Programs including CNY & Regional Envirothon, a program for high school students that compete with a hands on exam in the field
- Survive almost totally on grant funding - constantly applying
- Cover crop demonstrations - landowners ask them to look at flooding or erosion issues - don't necessarily have funding to fix them, but can provide technical assistance and guidance to landowners
- Ag value assessments
- Seedling sale
- Investigate ag complaints and emergency assistance

2009 Update:

- Will do stormwater training for contractors in MS4 areas - 2 staff members certified to do training; working with Syracuse Builders Exchange
- Expand stormwater assistance to municipalities
- Work with municipalities regarding construction inspection assistance in the field, assist code enforcement officers
- Purchase conservation equipment to be rented out to farms, funded from the City of Syr.

2009 Annual Plan of Work

- A requirement for the NYS Dept. of Ag. & Markets; it outlines the programs and activities they are involved in--broken out by watersheds, water quality, education programs.

Chairman Corbett said it seems that Honeywell is outreaching more and more to work conjunction with Soil & Water Conservation Dist. and others. Mr. Carmichael said that that through OLP there was some funding a few years ago to do streambed stabilization on Honeywell property in the Tully Valley, in Onondaga Creek. Also, they did some other streambed projects in Onondaga Creek last year. There is some opportunity with Nine Mile Creek; it seems that Honeywell will be a good source-- happy to work with them if given the opportunity.

2. LAKE IMPROVEMENT: Sue Miller

Mr. Kraft pointed out that Mrs. Miller received a Saving the Planet Award from the Syracuse Commission on Women and the Mayor. Mrs. Miller said that Greening USA gave her an award for Community Advocacy on Environmental Issues. The committee congratulated Mrs. Miller on her accomplishments.

a. ACJ Update

Save the Rain Campaign

- Kicked off last month, St. Patrick's Day Parade - Go Green Theme - public education and outreach effort
- Passed out plant seeds from the parade float
- Have logo, website; will be seeing/hearing more about it

Construction:

- Clinton - pipe under railroad track - hoping to finish in June

Sewer Separation:

- Legislator Williams and Ms. Miller are meeting with citizens regarding restoration of the last project
- Next project is Calvin Street and South Ave.
- Putting bid documents together, hope to go out soon--once IMA and funding is in order

Stimulus Package

- Working on it (will be discussed later on the agenda)

Mrs. Miller pointed out that the house, which was on the float, was totally recycled - it used to be a pump station cover. It is on the lawn area at Metro if anyone wants to see it; hope to use it at other community events. The float showed different ways to use, reuse and catch rainwater - porous pavement, plants/trees, green roof on shed, and rain barrels.

3. WATER ENVIRONMENT PROTECTION: Marty Vass, Administrative Director

- Create Administrative Assistant, Grade 9, @ \$40,449 - \$44,741 Effective May 9, 2009**
- Abolish Administrative Aide, Grade 07, @ \$34,237 - \$37,839 Effective upon the Successful Completion of the Incumbent's Probationary Period**
- Create Accountant I, Grade 9, @ \$40,449 - \$44,741 Effective May 9, 2009**
- Abolish Right of Way Agent, Grade 12 @ \$49,481 - \$54,777 Effective May 9, 2009**
- Create Sanitary Engineer II, Grade 13, @ \$54,807 - \$60,695 Effective May 9, 2009**
- Abolish Process Control Director, Grade 35, @ \$66,372 - \$93,641 Effective May 9, 2009**

Mr. Voss stated Ms. Pastella came in as Commissioner in Dec. and administratively restructured the department. Mr. Voss distributed a 2009 Organization Chart (attachment #1). Today's resolution adds 3 titles and abolishes 3 titles, a net cost savings of approximately \$20,000. The positions being added are all Civil Service titles. Over time the engineering firms have been able to do most of the ROW work, and a lot can be done with technology. Ms. Pastella said that the ROW agent was brought into the department for the Lake Improvement Project for all of the easements that were required for that work at the time. Now that new easements are not required on a regular basis, those services can be covered elsewhere. Chairman Corbett asked if a lot of the easements can be done with GIS equipment. Ms. Pastella said that the job done by the right of way agent was more of research, not actually doing surveys.

Mr. Voss reviewed the organizational chart:

- Will dedicate Sanitary Engineer II title to be specifically on green technology for the lake project
- Personnel Aide has had inordinate amount of new responsibility added to her in the last 4 months; doing new things with Kronos, updated tracking of overtime to be able to report to the Legislature. A change to Administrative Assistant is long overdue; the level of task work is very high.
- Fiscal Officer--adds an Accountant I, the amount of accountability expected with lake projects increases every day. They are working through getting fiscal processes streamlined, the current staff is overwhelmed; it was recommended by the

Comptroller that the fiscal officer get help.

- All Civil Service tested positions

Mr. Masterpole made a motion to approve items. 3a - 3f.

Mr. Rhinehart asked about the position being created as the green engineer. Mr. Voss said that they don't want to add new Civil Service titles; the Sanitary Engineer II title exists and can do the job. It gives Mrs. Miller a dedicated engineer to focus on the projects and green initiative. In answer to Mr. Rhinehart, Mr. Voss said that WEP has 13 or 14 unfilled funded positions. The intent is to fill them if funded; they are funded in the budget, due to retirements or promotions they are vacant. In answer to Mr. Jordan, Mr. Voss said that regarding the funded, unfilled positions, there are a handful that are retired or promoted. They work closely with DMB to determine which ones can be filled. Mrs. Smiley said that it is not uncommon in a department as large as WEP to have people coming and going. Mr. Voss said that they average 2 or 3 changes every week; he tracks it closely.

Mr. Rhinehart asked how this will effect the budget request for next year. Mr. Petrela said that it is \$20,000 savings; salaries increase every year which will increase and additional savings of 3% in 2010. Mrs. Smiley said that they look at which positions are critical; all positions in County government are being scrutinized, which is why there is a number of vacancies right now--it is being determined if there is a real need to fill them. They are concerned about the cost as well.

Mr. Masterpole said that in doing quick math, there could be as much as a \$50,000 savings; Mr. Voss said that he agrees, \$20,000 is the worst-case scenario, the best case is more. Mr. Masterpole said that with the high end of the creations and the low end of the abolishments, the worst-case scenario could cost \$100. Mrs. Smiley said that people are hired in the "A" level and after they survive probation (usually after a year) they are eligible to move to a higher step. It is difficult to show; they are trying to give as close of a picture as possible.

Mr. Jordan asked if someone transfers to the same step when moved to new title; Mrs. Walter said it depends - have to look at each one individually. If it is a CSEA employee going from one grade in CSEA to another, they get a guaranteed \$300 increase, and get slotted into a step accordingly. Most of the time they go to Step "A" if it is a grade or two, as the spread is big enough. MC's have a guaranteed increase of 2% when moved to a new title. If it is a transfer in the same grade, there is no change.

Mr. Rhinehart seconded the motion. Passed unanimously; MOTION CARRIED.

g. Authorizing the Execution of an Order on Consent and the Settlement of an Enforcement Action brought by the New York State Department of Environmental Conservation on March 25, 2008 (\$35,000)

Mr. Mendez explained that this authorizes entering into a settlement of enforcement action brought by DEC arising out of alleged sanitary sewer overflow incidents occurring in 2006 and 2007. The 2006 incident was the product of a record setting storm that resulting in over 4" of rain to the area. The 2007 event was equally unusual, with a complete meltdown of more then 4' of snow in less than a 24 hr. period; additionally close to an inch of rain was received. DEC served the County with administrative proceedings. After a year of negotiations, the settlement proposal incorporated action that the County was already undertaking into a settlement package.

Mr. Rhinehart asked if there was a request higher than the \$35,000; Mr. Mendez said that there was. Mr. Rhinehart asked if there was a compromise because the County was already working to alleviate. Mr. Mendez said that it was a big factor; the County had already invested a significant amount of money in dealing with the problems there. He explained that of the \$35,000, there is a \$15,000 payment and \$20,000 is suspended pending completion. If all goes as planned, the County will only pay \$15,000.

Mr. Kraft said it is atrocious that one government pays another. He asked what happens if ht County doesn't pay. Mr. Mendez said that it would go to prolonged litigation, initial review after that, possibly all the way to the Supreme Court, as there are some unusual issues in this case. When all is said in done, the County would probably be out more money and expertise. Essentially they have tired to come to a settlement that when looked at in totality would be equal to or far less than the cost of litigation.

A motion was made by Chairman Corbett, seconded by Ms. Williams, to approve this item. AYES: 5 (Rhinehart, Masterpole, Williams, Jordan, Corbett); NOES: 0; ABSTENTIONS: 1 (Kraft). CARRIED.

h. Authorizing the Settlement and Execution of an Order on Consent with the New York State Department of Environmental Conservation Relative to Certain Reporting Requirements

Ms. Dougherty said this is also a consent order, asking for authorization to enter into a settlement. The instance is from the Clinton Street Conveyance project - there was dewatering operation going on, permitted under the Best Management Practice. However, last July there was excessive phosphorus found in the water, which is also permissible, but once found DEC requires that bi-weekly written reports be provided of mitigation practices. The consultant handling the project notified DEC of the mitigation plan, but did not provide written reports. The amount originally determined was \$45,000; it was negotiated down to \$2,500. The consultants have agreed to reimburse the County for the fine.

Mr. Rhinehart asked why the biweekly reports were not provided. Ms. Dougherty explained that it had to do with conducting four different projects at one time - all RTFs. The idea was that if there were going to be any excess discharge and mitigation practices taking place, the other projects would need to be notified, as they would have to accommodate any mitigation. The other projects never actually got off the ground, the necessity for the biweekly reporting of the four projects was never triggered in their position. DEC's position is that they still should have been notified in writing. It is a very technical reading of the BMP manual. In execution, they did what they were supposed to do, but didn't provide a written report; the consultant acknowledges that it was their failure.

A motion by Mr. Rhinehart, seconded by Mr. Jordan to approve this item. Passed unanimously; CARRIED.

i. Calling a Public Hearing in Connection with the Proposed Increased Cost of Sewer Separation Improvements for the Separation of CSO 051 for the Onondaga Co. Sanitary District of the Co. of Onon. Intended to Enable the County to Comply with Requirements Set Forth in the ACJ in Connection with the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL.

Chairman Corbett asked if the break in the City owned water line, which caused the break in the sewer line and discharge, will effect the County adversely. Mrs. Miller said that they were informed immediately. Ms. Pastella said that they were given written notification when the discharge was acknowledged. Chairman Corbett asked if both the City and County did everything that they could do to make sure DEC was apprised of what happened. Mrs. Pastella said "yes". It was explained that the operating permit requires that they report to the State any sanitary sewer overflow or dry weather combined sewer overflow violation. It has to be a verbal report; usually by phone call or email within 24 hours. Then upon correction within 24 hours a full written report is provided to the State.

Mrs. Miller said that this is a sewer separation project; they haven't asked for money on sewer separation since the beginning. There was \$17.6 million sitting in sewer separation; 13 projects are complete; 13 CSOs have been separated, and they have about \$2 million left for sewer separation, which is unencumbered. This is the final project, #051, unless more revisions are made as a result of the ACJ. It is in the Calvin St/South Ave area. It is estimated to cost \$17 million. This resolution calls for the public hearing; will be back next month to ask for \$5 million to be put into this project. Of the \$17.6 million that is allocated in the budget for sewer separation projects, about \$13 - \$14 million has been spent; and have received \$8.9 million from Corp of Engineers. They have \$1 million committed for this project, #051, and may have more, but don't know right now.

Mr. Kraft asked if there is reasonable value received and asked if this area is bigger. Mrs. Miller said that it is a bigger area--the length of the sewer on Calvin is a big one. The reason they left it last to do was to learn from the other ones, which they did. It was known that this would be a big one, and some of the cost increases reflected in plans for things such as trying to restore a requirement that the restoration be completed in the year in which they are disturbed. The amount could come in less, but they are putting in enough to do it based on all that has been learned from the other projects. Mr. Kraft asked if there is anything that gives opportunity to avoid the \$7 million. Mrs. Miller said "no". It is a more complex area; it was done in consideration of all that was learned, and feels it is the best way to do it. Mrs. Smiley said that they are hopeful, from what they have seen with other construction projects, that it comes in less expensive. They won't know until it goes out to bid. Mrs. Miller said that they have been very concerned that no area would be disturbed for more than 2 seasons, which does bring the cost up. Mrs. Miller reiterated that this is the last one under the current requirements under the ACJ.

A motion was mad by Mr. Masterpole, seconded by Mrs. Williams to approve this item.

Mr. Rhinehart said that there will be a bonding resolution for up to \$5 million for 25 years; will be paid for out of the sewer fund. Mrs. Miller said it would be first--it has to be all authorized because the reimbursement grant. Mr. Rhinehart said that he would like to see the money first and then say "yes". He asked if there has been any discussion regarding alternatives to this. Mrs. Miller said that they have all been looked at in terms of the being the best and most cost effective way to go; and it was determined that this is the best way to go.

Passed unanimously; MOTION CARRIED.

j. Calling a Public Hearing in Connection with the Proposed Increased Cost of the Harbor Brook Interceptor CSO Project Improvements for the Onon. Co. Sanitary Dist. of the Co. of Onon., Intended to Enable the County to Comply with Requirements Set Forth in the ACJ in Connection with the Settlement of Atlantic States Legal Foundation, Inc. ET AL V. County of Onondaga, ET AL.

Mrs. Miller said that \$20 million will come from Federal stimulus money for the Harbor Brook interceptor sewer and related projects. Replacing the interceptor sewer was part of the overall former Harbor Brook plan; it has been in there for funding under the Intended Use Plan (IUP). The stimulus money announced is money that the State is using for projects that were on the list (IUP). The replacement of the sewer is needed; it has deteriorated. There is both infiltration and exfiltration going on in the interceptor. There has been work with OEI and the ambient monitoring people on identifying bacteria in dry weather. It has been identified in Harbor Brook; there is evidence of bacteria-contamination coming from the interceptor sewer. There is also

some evidence in the culvert-the stream is emptying some of its flow into the interceptor sewer. The culvert is in disrepair. It is felt strongly that they can get the interceptor sewer replaced, they can evaluate and see what needs to be done for the culvert as well, which would all be eligible for the stimulus money. Fifty percent of the \$20 million is a flat out grant; \$10 million is a grant; it is done through loan forgiveness. The other \$10 million will be a low interest loan. It usually goes at half the market rate. Mr. Kraft asked if this will take the whole \$20 million; Mrs. Miller said that they are estimating \$17 million with some additional money in it for green. If there is additional green, they can get up to 20% of the total grant monies for green.

Regarding the public hearing, \$26 million is being asked for - \$20 million for the interceptor sewer, culvert and green associated with it; the additional \$6 million is to be used for Harbor Brook, for additional green. They are applying for stimulus monies, but need to have some local monies available to match. The Harbor Brook Floatable control facility has been damaged by storms. After the evaluation, they know that the facility will need to have improvements done; they could be completed with this money also. Also, the mitigation money mitigation money for Harbor Brook, as called for under the IMA, totals \$3.5 million.

Mr. Rhinehart asked if the State is taking the Federal money and passing it out in place of other monies that they used to give out. Mrs. Miller said that it is in addition to those monies. Mrs. Miller said that they met with DEC recently and have been assured that the \$10 million is still there and in place and approved in the adopted budget. The money has to be spent before it is reimbursed. Some of the grant money can be used for Harbor Brook, the 2007-2008 money has been requested for Harbor Brook; there is a b\$5 million in bills for Harbor Brook that they will seek reimbursement for. The allocation for Harbor Brook is \$5.5 million; over \$5 million has already been spent.

Mr. Rhinehart asked if any engineering has been done and paid for on this project. Mrs. Smiley said that there are bills because of work at Harbor Brook, those bills can be reimbursed through the \$10 million. About \$500,000 will be left for other types of Harbor Brook projects. Mr. Rhinehart asked when the money goes back to the taxpayers - he asked to be provided, prior to the public hearing, with a one page explanation of the cost of all of the bonding on an individual's sewer unit charge. He would like to know how much of this money will effect the sewer charges if approved.

Mr. Masterpole asked if we are any closer to a settlement agreement, an IMA with the City regarding the Sacket Track/Skunk City dollars. Mr. Mendez said that they are; they have been working with the city and have exchanged drafts. Mr. Masterpole asked when it will be on the agenda. Mrs. Miller said that they are hoping for May committees.

A motion was made by Mr. Masterpole, seconded by Mr. Rhinehart, to approve this item. Passed unanimously; CARRIED.

4. ONONDAGA COUNTY RESOURCE RECOVERY AGENCY: Tom Rhoads, Executive Director

a. Authorizing the Onondaga County Resource Recovery Agency to Acquire Two Parcels of Property

OCRRA is seeking the legislature's endorsement of a purchase of property by OCRRA. Because it is a piece of property that may be involved in solid waste use, the County Legislature must approve it. It is one parcel on 2 tax maps. The OCRRA Board is in favor of this acquisition with OCRRA money.

Mr. Rhoads provided background information (attachment # 2). He highlighted the following:

- Mr. Lawless and 5 of the current 19 legislators were involved in the process of sighting a landfill
- A very difficult, arduous process; took a long time to do
- County sighted a landfill known as Site 31, Town of Van Buren
- County entered into option agreements with property owners in the Town of Van Buren
- The options were conveyed to OCRRA in a contract, 1990
- OCRRA became the owner of options to buy 387 acres of property in Van Buren
- The County put deposit money down; OCRRA purchased 387 acres in 1996
- There was an additional parcel; Leroy Turner/Peck property - originally part of the County project
- Mr. Peck did not want to sell this property as they farmed this land since the Revolutionary War
- Mr. Peck was offered over \$1 million on at least 11 occasions for the purchase of his property; refused on every occasion
- The County Legislature asked OCRRA to find an alternative access; to not have to use eminent domain
- The adjoining Turner property which connects onto Brickyard Road, was placed for sale; it is now under option - 53 acres for \$100,000; \$10,000 down; the balance of \$90,000 to be paid at the execution of the option
- In order to that, OCRRA needs the Legislature's approval.
- The options are for the Legislature to consider using eminent domain someday to go through the Peck property or approve an amicable agreement with the Turner property, which was listed for sale with an agreement reached upon fair market value

Mr. Rhinehart asked if there is a road on the property proposed to be purchased; Mr. Rhoads said that there is not; no demolition would be needed on the parcel; it is vacant. Mr. Rhinehart said that if OCRRA buys the property, would a road be constructed immediately or a plan to build a road. Mr. Rhoads said that in 1999 all options were looked at, Konski Engineers provided all of their options. The feasibility studies are done. The plan is not to create an empire by building a landfill if there is a landfill

capacity disposal in upstate NY. It is very important to have this asset, as landfill space has come and gone. When the County sited the landfill, it was difficult to site.

Mr. Warner said that he receive a call from OCRRA a couple of months ago asking to meet with him privately. Mr. Warner rejected the idea saying that all meetings would be held at the legislature, where it would be recorded. Mr. Warner said that he came to the Legislature in 1991; the siting process was well underway at that time. Every legislator shuttered at the thought of having the landfill put in their district; it was a very nasty battle. Everything was tried to get it placed somewhere else. This is about taking a significant proportion of a town and turning it into a dump. He received a letter recently from someone who is building a house in the area and is strongly opposed to a landfill near his new home site. There has been a lot of development in the area in the last 20 years; it is only a few miles from a major development.

Mr. Warner asked when Covanta will take over the incinerator; Mr. Rhoads said in 2015. Mr. Warner asked if once Covanta takes over, OCRRA will have to approve if the ash goes there or not. Mr. Rhoads said that DEC would have to approve, but he is not sure what Covanta's disposition of the ash will be. OCRRA has done everything it possibly can to maintain the character of the community and to use private disposal capacity whenever possible, but still believes that this is an important asset for the community to have.

Mr. Warner said in 1991 he remembers hearing that "this is an emergency situation", "we need this landfill"; "we need it now". He said that was 18 years ago and we sill don't have landfill. He understands that to construct and operate that landfill in Van Buren would be \$3 million per year - more costly than to continue on at Seneca Meadows. Mr. Warner said that all of the lawsuits that the people of Van Buren initiated to stall it saved the people of the County millions of dollars, as eventually Seneca Meadows came along. Mr. Rhoads said that that the State of New York currently estimated that there are between 5-10 years of disposal capacity remaining in this state. Mr. Rhoads said that OCRRA is saying that this investment is needed in case there is not private disposal capacity available. Mr. Warner said that the number of years of usefulness at Seneca Meadows has been stated to be 50 years if their permit continues to be granted. Mr. Rhoads said that they own a lot of land and whether or not they would be continued to permit is not known.

Mr. Rhoads said that the fact that OCRRA has a landfill has given them very good advantage when they go out on the market place and do the competitive solicitations for landfill disposal capacity. They were paying \$80 -\$90/ton in the late 1980s and are now paying \$30/ton at Seneca Meadows. Prices can fluctuate quite a bit if the public sector doesn't have a place for OCRRA to go. Having the asset in the portfolio has given the community a tremendous opportunity to leverage the best prices with all of the private disposal facilities. Mr. Warner asked Mr. Rhoads to provide him with a cost comparison of what other counties pay, which do not have the leverage, at Seneca Meadows and what OCRRA pays. Mr. Rhoads said that he will try to get more information on it. Mr. Warner asked how many landfills there are in NYS, Mr. Rhoads did not know. Mr. Warner asked if the DEC suggests using larger landfills as opposed to opening up new ones. Mr. Rhoads said that DEC's position on that is mixed; most surrounding counties use smaller disposal facilities, but the disposal amount has shrunk a great deal and it is hard to sight a landfill in the future, so DEC is allowing mega landfills to expand. Mr. Warner asked how Seneca Meadows got started. Mr. Rhoads said that it started as a private landfill. He said that OCRRA and Onondaga County passed a law in 1989 that out of county waste could not be delivered to the Waste to Energy Plant or Site 31. Mr. Warner said that one law is only as good as the next one that comes along to replace it.

Mr. Warner said that his opinion is that the access road increases the chances of Site 31 becoming a regional landfill; it encompasses a significant portion of the Town of Van Buren. The purchase makes the site more attractive for regional landfills for real estate agents. There is potential for 50 more years at Seneca Meadows. This is \$100,000 in hard economic times; he asked where it would come from. Mr. Rhoads said it would come from OCRRA. Mr. Warner said that essentially the people paying their garbage bills. Mr. Rhoads said that the options signed in the early 1990's were about \$10,000 - \$12,000 per acre. The option that OCRRA is asking for approval is \$2,000 per acre. He feels that if this came before the legislature at sometime in the future, when over a barrel and eminent domain would be used, there would be a horrendous price. He feels it is important to consider acting today to mitigate what is likely the worse case scenario of much higher costs in the future. Mr. Warner asked if a county like Onondaga County can construct and operate a landfill of over 300 acres without taking in some outside garbage. Mr. Rhode said that the design of the landfill was to encompass some buffer space. Oswego County has over 300 acres; Madison County has over 400 acres. They operate and maintain a landfill footprint on a small, buffered site. The Turner proposal would help to provide access off of a county road, so that there would be far less traffic on a town road and buffer impacts of truck traffic on the Town of Van Buren. Mr. Warner asked how many miles of road frontage the Agency owns that is connected to the landfill. Mr. Rhoads said that most of the road frontage is town road; it would be an awkward position-- where the Town of Van Buren could ask them to create some very significant roadway upgrades or perhaps never meet their upgrade standards. OCRRA believes for that reason the best way to do it is to come off the county road, and they would not also be taking any of the truck traffic past the homeowners on the town road. If a town road was used that they upgraded, they would probably be taking a number of houses, disposition more people in adversarial way in order to widen the road to accept landfill traffic. It would be an eminent domain situation, taking people out of their homes.

Mr. Masterpole asked if there is any access now--any driveways. Mr. Rhoads said that there is not. Mr. Masterpole asked about the narrowing down of sites and how site 31 was selected. Mr. Lawless said that the County Legislature made the determination; it was down to 3 final sites. The land was purchased, the County entered into options; the options were purchased by OCRRA when they started up. In 1996 OCRRA took action to execute them. Mr. Masterpole does not like eminent domain, it is always more costly. The fact that it can be avoided in this situation for a property that has already been designated for that use, seems to make sense. He asked what happens if this isn't approved. Mr. Rhoads said that someday in the future OCRRA would have to come back to achieve access and eminent domain may need to be used. Mr. Masterpole said that if the Legislature chooses to block the access, there could be a \$4 million white elephant, used for nothing. Mr. Rhoads said that OCRRA's plan has been to hold this in the event that a solid waste disposal facility is needed there.

Mr. Kraft said that it is a million dollar asset, for which we paid \$4 million. Mr. Kraft said that the way to develop a landfill is to develop a cell. Mr. Rhoads agreed; they can vary in size--today about 3 acre cells are used. Mr. Kraft said that the land will build many cells. Mr. Rhoads said that there is adequate land to build a 50-acre footprint and buffer the operations from other nearby residents.

Ms. Williams asked if anyone else has inquired about purchasing the Turner property; Mr. Rhoads did not know. It was placed on the market in Nov/Dec of 2008. Ms. Williams asked if OCRRA is talking about expanding the landfill; Mr. Rhoads indicated that they are not; but believe that is prudent to purchase the access. Ms. Williams asked that if this was not agreed to, would the Peck property be taken over by OCRRA; Mr. Rhoads said that was the plan designed by Onondaga County and inferred to in the contracts of that time. Mr. Masterpole asked if the Turner property was appraised; Mr. Rhoads said that it has not been appraised yet. Mr. Masterpole asked what the asking price was when it went up for sale. Mr. Rhoads said it was \$88,000 and OCRRA had to pay a slight premium in order to create this option process to bring to the legislature.

Mr. Rhinehart said that there is going to be opposition to this, but it makes good business, long-term sense. Getting rid of trash and garage is a necessary evil. There is a chance to purchase this at a reasonable price; if it is not purchased now, someone else will purchase it and it will be another obstacle down the road for a future legislature.

A motion was made by Mr. Rhinehart to approve this item.

Mr. Kraft asked if the land that is not being used is being rented. Mr. Rhoads said that they lease the farms and homes for farm purposes. Taxes are not paid, but a host community fee is paid to the Town of Van Buren; taxes are paid for fire and water districts. It balances out to an about an even keel.

Mr. Jordan said that he is concerned that there are miles of other roads available; he doesn't know if the town can prohibit the trucks from being on their roads. He feels that if it isn't done now, it will cost more to do it in the future.

Mr. Warner said that there are 5 miles of road frontage that touch this property; doesn't think there is a need to buy this piece of property. He asked how much more does OCRRA intend to buy there. Mr. Rhoads said that it would make sense to buy the properties for a buffer, but don't have anything in mind. Mr. Warner said that \$4 million was spent, but it is probably worth millions more as it is NYSDEC permitted landfill; it is like gold. If this county was cash strapped, he fears that NYC would want a landfill and this Legislature would overturn anything that was done in the past.

Mr. Masterpole asked if the Peck property became available, would OCRRA want to purchase it. Mr. Rhoads said that it is not necessary.

Chairman Corbett seconded the motion. AYES: 3 (Corbett, Rhinehart, Jordan); NOES: 1 (Warner); ABSTENTIONS: 3 (Kraft, Masterpole, Williams). CARRIED.

*Mr. Rhinehart left the meeting.

b. Confirming Appointments to the Onondaga County Resource Recovery Agency.

There are 15 members of the board, there have been 3 resignations, and there are term limits.

A motion was made by Mr. Masterpole, seconded by Ms. Williams to approve this item. Passed unanimously; CARRIED.

5. OFFICE OF ENVIRONMENT:

a. **Adopting a Climate Smart Pledge to Demonstrate Leadership in Slowing the Harmful Affects of Climate Change** - David Coburn, Director, Office of Environment; Pat Mosley, Purchasing Director
Mr. Coburn explained that this is request from DEC to municipalities across the state to join with them in taking a leadership role in taking steps to curb greenhouse gas emissions. The hope was to make an announcement around Earth Day that the governments are working together in a unified pledge to address climate change concerns. The pledge focuses on transportation, land use, solid waste management, and energy. These categories were all supported in a resolution passed by

the legislature in August. It is consistent with County Executive's Opportunity Agenda Action Plan, supports the idea of developing a green economy, consistent with intent of the County's Environmental Sustainability Committee.

Ms. Moseley said that it became apparent that there were a lot of departments doing things regarding sustainability. The creation of the committee came about to network within our county. One goal is to help the County Executive meet her goals of the Opportunity Agenda Action Plan. The County Executive formed the Committee in late 2008, all departments have a designated representative; Ms. Mosley chairs the committee.

A copy of the monthly report was given to legislators (attachment #3).

A motion by Ms. Williams, seconded by Mr. Masterpole, to approve this item. Passed unanimously; CARRIED.

The meeting was adjourned at 1:40 p.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk
Onondaga County Legislature

**WAYS AND MEANS COMMITTEE MINUTES - April 28, 2009
CHAIRMAN JAMES RHINEHART**

**MEMBERS PRESENT: Mr. Corbett, Mr. Holmquist, Mr. Stanczyk, Mr. Kilmartin, Mr. Kinne, Mrs. Rapp, Mr. Warner,
* Mr. Kraft**

ALSO PRESENT: Chairman Meyer, Legislator Jordan, see also attached list

Chairman Rhinehart called the meeting to order at 9:33 a.m. ***A motion was made by Mr. Warner, seconded by Mr. Corbett, to waive the reading and approve the minutes of proceedings of the previous committee. CARRIED.***

1. OCPL:

a. **Amending the 2009 County Budget to accept Library Services and Technology Act Funds for the STARBurst Accessibility Program (\$11,055)**

Mr. Kilmartin said that this is part of a 2 yr. grant for technology upgrades to enhance services for people with disabilities at various libraries. Approximately four libraries were upgraded last year; 3 or 4 to be done this year.

A motion by Mr. Warner, seconded by Mr. Holmquist to approve this item. Passed unanimously; CARRIED.

* Mr. Kraft arrived at the meeting

b. **Amend '09 Budget to accept OCPL Foundation Funds for the Early Literacy Grant (\$5,000)**

Mr. Kilmartin stated that a corporation provided this grant; will be implemented by local social services reps, local nurses, in an effort to teach young mothers about the importance of young literacy; no cost to County.

A motion by Mr. Kilmartin, seconded by Mrs. Rapp, to approve this item. AYES: 7; NOES: 0; ABSENT: 1 (Kraft); Out of Room: 1 (Warner). MOTION CARRIED.

2. SOCIAL SERVICES: Steve Morgan, Deputy Commissioner

a. **Authorize Establishment of a Petty Cash fund for the Onondaga DSS for the Purpose of Making and Providing Change, Amend Res. No. 256-2006 and Repealing Res. No. 33-1967 and 47-1970**

A motion by Mrs. Rapp, seconded by Mr. Corbett to approve this item. AYES: 8; NOES: 0; OUT OF ROOM: 1 (Warner). MOTION CARRIED.

3. PARKS: Robert Geraci, Commissioner

a. **Authorizing the County Executive to enter into an agreement with the City of Syracuse for improvements to the water supply system at the Rosamond Gifford Zoo at Burnet Park**

Mr. Geraci explained that this is an agreement in regarding to fixing the water main at the Zoo. The Common Council unanimously passed this item yesterday.

A motion was made by Mr. Kinne, seconded by Mr. Kilmartin to approve this item.

Mr. Stanczyk asked about the cost associated with it. Mr. Geraci said that the total cost is \$239,000; \$138,000 paid by the County; \$100,000 from City. The water comes from the lake and then to the reservoir. Wherever the break is, it will shut the zoo

down because it is the primary customer. A valve system will be put in so that if the break is on one side of the water main, the valve can be turned to get the water from the other side. The worst case would be a break on both sides of the pipe, but it has never happened. A hydrant will be put in front of the zoo also. In answer to Mr. Stanczyk, Mr. Geraci said that the County pays the City about a \$100,000 for water per year. This is a 48" water main that goes through the zoo; it is not the County's pipe; it is the main water pipe that comes from Skaneateles to feed the 2 reservoirs. The only other customer is the Burnet Park Pool. Mr. Stanczyk asked about metering; Mr. Geraci said that there is a meter. Mr. Stanczyk asked why the County ends up participating in the cost to repair the pipe. Mr. Geraci said that it is to the County's advantage. Mr. Corbett said that it is a redundant system, the County is asking for a secondary way of feeding the zoo so that if there is a break it doesn't shut the zoo down. Mr. Geraci said that shutting down the water in case there is a leak, won't impact the City in any way, as they have a lot of water in their reservoir. The City is picking up about half of the tab to do the work; the City doesn't need the County to buy that water, it is a service to the County. The zoo was shut down twice last summer on an unexpected basis; this proposal will avoid that.

Passed unanimously; CARRIED.

4. SYRACUSE JAZZ FEST PRODUCTIONS:

a. **Authorizing a Loan to the Syracuse Jazz Fest Productions, Inc. Pending Receipt of Anticipated State Funding (\$50,000)**

Mr. Kilmartin said Frank Malfitano came to the Education and Libraries Committee and requested a loan from the County to the Syracuse Jazz Fest for \$50,000. The loan would be documented through the Law Dept. with a promissory note between the County and Jazz Fest. The County would loan the \$50,000 to allow them to conduct their two-day jazz fest as planned. The Jazz Fest pays all contractors and vendors on the weekend of Jazz Fest--no ability to delay it. A \$50,000 line item has been secured through Sen. Valesky to allow the program to proceed, but the State cannot release the \$50,000 until Dec. of 2009. A letter was presented to the Ed. & Lib. Committee from Sen. Valesky on his State Senate letterhead indicating that the \$50,000 is available for this, but just not at this time. Sen. Valesky made a commitment to deliver on it. There is limited risk for the county loaning this to the Jazz Fest. It will be incorporated into the note, that if the loan were not repaid, then those funds would be shorted and not provided to Jazz Fest next year.

Chairman Rhinehart asked if there is any history of the County giving a bridge loan or funding the money to a non-for-profit. Mr. Seitz said that it has been done with the IDA.

Mrs. Rapp asked if any interest will be paid; Mr. Seitz said "no". Mrs. Rapp noted that a loan was also given to Hancock Field Development.

A motion was made by Mr. Corbett, seconded Mr. Kilmartin, to approve this item. AYES: 8; NOES: 0; ABSTENTIONS: 1 (Rhinehart). MOTION CARRIED.

5. FACILITIES MANAGEMENT: Brian Lynch, Commissioner

a. **Transfer of funds from Acct. 413 Maintenance, Utilities & Rents in the amount of \$359,653 to Acct. 215 Capital Equip. for Purchase of a Variable Mail Sorting Machine for the Central Mailroom**

A motion was made by Mr. Stanczyk, seconded by Mr. Kinne to approve this item.

Chairman Rhinehart asked who would operate the machine to be purchased. Mr. Lynch said that the Central mail staff will. He explained that currently a service is paid to pick up the mail and sort it. The mailroom person and he reviewed the contract and he questioned why it can't be done in house so that the County could realize the savings. A business case was made to the Comptrollers Office, DMB, Administration and staff. This would pay the County back in a year and a half; save the County \$400,000 in the first five years, in addition to the \$400,000--an estimated \$750,000 savings total. They plan to renovate the Banner Room and basement of Civic Center to allow for the mailing machine. No additional personnel will be requested; it is a one-person operation; the maintenance will be done by in-house electricians who will be trained on site from the person selling the machines. The savings come from the fact that the County is paying full rate on a piece of postage sent out by anyone in the County. Because they would now go through the US Postal Service and have the magnetic bar that allows \$.369 for a piece of mail, on a flat a \$.40 savings per piece is estimated.

Mrs. Rapp said that it is a terrible deal for the County to not have any of the savings passed on. Prior to spending \$360,000, it should be vended out competitors--may be able to find far better accommodations. Mr. Lynch said that they have tried; they have bid this out 15 years in a row and only one vendor has been on this contract. Mrs. Rapp suggested that it possibly wasn't publicized enough. Mr. Lynch explained that it was publicized broadly and is on the Internet. He explained that there is big opportunity, not just for the County, but globally--could incorporate i.e. the City, School Dist, OCC, with a one-cent administrative fee added--there is opportunity for the future.

Mr. Kilmartin asked about the useful life and warrantee on the machine. Mr. Lynch explained that the useful life is around 15 years; the warrantee if for 5 years. They went to New Jersey to see the machine, it is a Variable Mail Sorter, National Presort Inc, Nashville, TN. It is the same machine that UPS and DHL use.

Mr. Corbett asked if the savings include the employee cost to run it. Mr. Lynch said that it includes the postage rate and the contractual payment that would not need to be made. There is no additional employee, so there is no additional cost. The person getting the mail ready now for the contractor to pick it up will be the person running the machine. Chairman Rhinehart asked about the person that would have to fix it. Mr. Lynch said that their costs are already in the department's budget now; and assumes they have the time to do it.

Chairman Rhinehart asked who supervised, released, and wrote the RFP when this was put out to bid in the past. Mr. Lynch said that he has only been here for one RFP and he didn't go out with it; Mr. Kraft said he would assume that Purchasing wrote and released it.

A vote was taken on the motion. AYES: 7 (Corbett, Kraft, Holmquist, Kilmartin, Warner, Kinne, Stanczyk); NOES: 1 (Rhinehart); ABSTENTIONS: 1 (Rapp). MOTION CARRIED.

6. CONVENTIONS AND VISITORS BUREAU: David Holder, President, CVB

a. **Transfer of funds from Acct. 650 Contingency Account in the amount of \$120,000 to Acct. 570 Conventions and Visitors Bureau to cover marketing initiatives (\$120,000)**

Mr. Holder said that \$175,000 was approved in the budget for the CVB Destination Marketing Program. Additionally, \$120,000 was set aside in a contingency line.

A motion by Mr. Stanczyk, seconded by Mrs. Rapp to approve this item. AYES: 7 (Corbett, Holmquist, Rapp, Kilmartin, Warner, Kinne, Stanczyk); NOES: 1 (Kraft); ABSTENTIONS: 1 (Rhinehart). CARRIED.

7. AGING AND YOUTH: Lisa Alford, Commissioner

a. **Amending the 2009 County Budget to accept Federal and State funds beyond the estimated dollars appropriated in the 2009 County Budget for the Ombudsman Program (\$18,366)**

A motion by Mr. Warner, seconded by Mr. Corbett to approve this item. Passed unanimously; CARRIED.

8. HEALTH: Linda Karmen, Deputy Commissioner

a. **Change title of Twenty four (24) Community Health Nurses Grade 3 @ \$41,459 - \$51,107 to Public Health Nurses Grade 3 @ \$41,459-\$51,107 Effective May 9, 2009**

Mrs. Karmen explained that this is title change subject to other NYS Sanitary Code; no budget impact.

A motion by Mr. Warner, seconded by Mr. Kinne to approve this item. Passed unanimously; CARRIED.

b. **Change Title of Four (4) Community Health Nursing Supervisors Grade 5 @ \$46,985 - \$57,861 to Public Health Nursing Supervisor Grade 5 @ \$46,985 - \$57,861 Effective May 9, 2009**

A motion by Mr. Warner, seconded by Mr. Kinne to approve this item. Passed unanimously; CARRIED.

9. COMMUNITY DEVELOPMENT: Linda DeFichy, Administrator

a. **Authorize Onondaga County Executive to file a Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

Mrs. DeFichy explained that this is a stimulus program initiated by the President and signed on Feb 17th. The normal allocation for emergency shelters is about \$90,000-this is near 10 times as much, \$897,454. Last year's plan needs to be amended to accept the money. A document is submitted to HUD telling them what will be done with the money in broad terms. They solicited the homeless agencies that they deal with - hire a case manager and pay for things such as security deposits, first months rent, utility costs, moving expenses, things designed to get people into a rental situation. They also received a proposal from DSS and they would like to use the opportunity to coordinate the shelter activities because often people are staying too long in shelters and if they can assist people in getting out and getting people into their own units then the bed would be freed up for someone who legitimately needs a bed.

Chairman Rhinehart asked if this is creating a new program and hiring someone with a grant. Ms. DeFichy said that this is still in the draft/thinking stage. They are hoping to work with the City of Syracuse, who recently received \$2.5 million. DSS does have temporary assistance and it would build on that capacity. Chairman Rhinehart asked if someone needs to be a citizen of the county to utilize this program. Ms. Merrick said that currently there are five shelters operated by Rescue Mission, Catholic Charities, and Salvation Army. They service single men, single women and families. Currently, the people that are homeless tend to go directly to those shelters; the shelters assess their needs and put them in the shelter. Residency is a real question, since shelter received federal dollars, it means that we need to serve people in our State. The new federal money will allow DSS to change the way we deal with homelessness - create a single point of access, rapidly get people to exit the shelter, pay for

rental assistance, move people into private housing. The idea is to use the already existing temporary assistance, about 60% of the money is going to be used to do exactly what TA does now - moving costs, rent, security deposits. They process thousands of people a year. The balance of the federal money would be used if they need to contract with agencies for supplemental work. The federal money is for 3 years.

Mrs. Rapp asked what happens at the end of 3 years; Ms. Merrick said that the idea is that they will change the system so much in the 3 year period that they will be able to see less homelessness and have a process in place that rapidly moves people out of shelters.

Ms. DeFichy said that some of the assistance is to help them establish their identify if needed and also get them on Social Security, if they are disabled so that they have enough money to pay for their rent.

Mr. Holmquist asked how many employees will be hired - county or contractual. Ms. DeFichy said that they haven't decided yet. The 60 day requirement to have a plan in place started in March--are in the middle of the comment period, it was required to be posted on the website. Mr. Holmquist asked if the people putting together the plan are aware that there isn't a desire to create permanent County jobs once the 3-year stimulus money is gone; Ms. DeFichy said that they do; this is intended to be temporary. In general the City gets about 3 times more than the City with all of their grants. She said that the employees may come from shelter agencies. Mr. Holmquist asked if there is 100% assurance that there are no hooks after the 3 years.

Mr. Kinne asked what stable housing is; Ms. DeFichy said that it is when they are in a situation where they can pay their rent. Can this be reevaluated after a year, or can it be tweaked as it goes along. Ms. DeFichy said that they would want to tweak it as it goes along. Mr. Kinne said it has potential to be a good program, but would like the committee to be provided with detail. Ms. DeFichy said that they will be back in Sept.--at that time they will have a plan in place to report on. Mr. Kinne said that it would be a shame to get all of this money and do the same thing over and over again and not make any changes.

Mr. Kilmartin asked if the \$900,000 will be sent in one lump sum; Ms. DeFichy said that it is all reimbursement as the funds are spent; the reimbursement is usually very quick, a couple of days. Mr. Kilmartin asked if there needs to be a point person to coordinate with the shelters, etc, could the person be contracted with for 1, 2, or 3 years and not be a County employee. Ms. Merrick said that there could be--they understand that there is no position to hire additional County staff--hope to outsource as much as possible. Mr. Kilmartin asked if they could work with the City to utilize one contact person; Ms. Merrick said that is what they hope to do.

Chairman Rhinehart asked if there was any consideration given to turning the operation over to the City and letting them run it. Ms. DeFichy said "no".

Mr. Stanczyk asked how much DSS spends now for shelters and does it all flow through DSS. Ms. Merrick said that they spend approximately \$2 million/year to the shelter people. DSS has over 200 employees in temporary assistance. In answer to Mr. Stanczyk, Ms. Merrick said that there are 370 beds in the 5 contracted shelters. The Federal Government is now going to give a lot of money, which is going through the housing agencies rather than DSS. He will be very interested to see the plan, see what cooperation there is from the City. Ms. Merrick said that the plan is based on best practices across the country; part of the federal money will be for care case managers so that they can work with individuals to break the cycle of recidivism. The idea is to work with them for 12 months, get them stable financially and mentally, get them a job, and break the cycle of recidivism.

Mr. Corbett said that this talking about two homeless groups--the homeless community, which has existed for years, and as a result of the economy, there is a whole secondary group that now has gone into shelters. They have been beds unavailable and whole families are being put up in hotels. The secondary group is more of the targeted group.

Mr. Kraft said that if there aren't case managers to move people along out of shelters then the shelters become full and the new person coming in is put up in hotel. Money can be saved if the cases can be moved along and make the shelters open and available.

Chairman Rhinehart asked if after 3 years, the federal Government walks away after the County has been involved in administering and people become dependant upon this service. What will happen to those people in 3 years, Ms. Merrick said that they will control the entry, less homeless people, will have worked with 100's of families and individuals to stabilize their income. She thinks that in 3 years, they will be looking to redirect HUD's Continuum of Care money -- \$7 million/year to fight homelessness - it will allow them to look at how to use that money differently.

Mrs. Rapp asked about case management. Ms. Merrick said that they have after care case managers and want to better coordinate; stimulus money may allow them to have 3 more people. Mrs. Rapp asked about using places that have built in support; Ms. Merrick said that they would be utilized

Mr. Stanczyk asked how much recidivism there is for homelessness in our community. Ms. Merrick said that part of this money will help with tracking, and in the future will be able to answer that question.

A motion was made by Mr. Corbett, seconded by Mrs. Rapp to approve this item. AYES: 8; NOES: 1 (Rhinehart); MOTION CARRIED.

10. TRANSPORTATION: Brian Donnelly, Commissioner

a. **Authorizing the Construction and Construction of Improvements to Various Bridges in and for the County of Onondaga, NY, at a Maximum estimated cost of \$1,350,000 and Authorizing the issuance of \$1,350,000 Serial Bonds of said County to pay the cost thereof (\$1,350,000)**

b. **Authorizing the reconstruction and construction of improvements to various highways in and for the County of Onondaga, NY, at a maximum estimated cost of \$12,213,000 and authorizing the issuance of \$12,213,000 serial bonds of said County to pay the cost thereof (\$12,213,000)**

Mr. Kraft said that that this item is part of the 2009 Highway Plan, 10a is the bridges portion for \$1.3 million; item 10b if for highways, \$12.2 million. Mr. Donnelly said that that the bonding resolutions correspond with the 2009 work plan. The largest different in the work plan for 2009 is the funding structure. There is a 50% austerity hold on cash capital, operating budget money for 2009. Between that and the anticipated increased cost of asphalt in 2009, the difference is coming in the bond issue of \$13.9 million, about \$3.5 million higher than what was bonded for last year. If things turn around and the austerity can be released, that money would be used to offset the bond issue and reduce it. CHIPS money is included.

A motion by Mr. Kraft, seconded by Mr. Stanczyk to approve items 10a and 10b.

Chairman Rhinehart asked if there is an agreement that if the \$1.3 million is released, it would be used against the bonding; Mr. Rowley said that there is.

Passed unanimously; MOTION CARRIED.

11. WATER ENVIRONMENT PROTECTION: Marty Voss

a. **Create Administrative Assistant, Gr. 9 @ \$40,449 - \$44,741 effective May 9, 2009**

b. **Abolish Administrative Aide, Gr. 7 @ \$34,237 - \$37,839 effective upon the successful completion of the incumbent's probationary period**

c. **Create Accountant I, Gr. 9 @ \$40,449 - \$44,741 effective May 9, 2009**

d. **Abolish Right of Way Agent, Gr. 12 @ \$49,481 - \$54,777 effective May 9, 2009**

e. **Create Sanitary Engineer II, Gr. 13 \$54,807 - \$60,695 effective May 9, 2009**

f. **Abolish Process Control Director, Gr. 35 @ \$66,372 - \$93,641 effective May 9, 2009**

This is an elimination of 3 titles and an addition of 3 titles, a net cost savings of \$20,000 in first year. In projecting for the following year, assuming they go to the "z" step, the savings would be about \$34,000.

Mr. Corbett asked about vacancies; Mr. Voss said that that two of the positions are being held vacant. The Administrative Aide is filled right now. Mr. Stanczyk said that the savings is from the 2 being held; the Admin. Aide is going up to Admin. Assistant. Mr. Voss said that they are abolishing a ROW agent, process control director, and administrative aide.

A motion was made by Mr. Corbett, seconded by Mr. Kilmartin to approve items 11 a - 11f. Passed unanimously; CARRIED.

g. **Authorizing the Execution of an Order on Consent and the Settlement of an Enforcement Action Brought by the NYS DEC on March 25, 2008**

Mr. Mendez said that this authorization resolved an enforcement action brought on as a result to two large storms in the Floradale Rd. area. It is a \$35,000 penalty, \$15,000 paid, \$20,000 suspended and there is a compliance schedule attached to it. Key items include implementing a plumbing modification program for those homeowners that choose to participate in the program, and broadly speaking some additional work to look at operational procedures and other tweaks that can be done to the system to improve the capacity to handle the storms.

Chairman Rhinehart asked if the town is involved with the County on any remediation. Mr. Mendez said that they are in a collateral way - The town is involved in some of the Viking Street efforts to rehabilitate that line in order to reduce and divert flow. Chairman Rhinehart asked if the DEC assessed the town with any fines. Mr. Mendez said that he believes that the did.

Mr. Stanczyk asked why the County is being fined. Mr. Mendez said that the DEC contends that there were overflows in the Floradale Road area. Mr. Mendez said that the County contends a number of things, including that on the days in question, the rainfall events exceeded design approved capacity.

Mr. Stanczyk asked if the County has agreed to all flow restrictors, etc. Mr. Mendez said that it has for the homes that want them--out of 20 or so eligibility, 5 have chosen to participate. Mr. Stanczyk said that there is an outstanding lawsuit regarding

the alleged happenings on Floradale Road and asked if there is progress on some type of settlement. Mr. Mendez said that he is not handling that issue. Mr. Stanczyk said that there have been some ongoing concerns about this, and it is important to treat people fairly, equitably, and honorably, where the County might have a hand in. He has not been satisfied that the County treated the residents of Floradale Road that way. He will vote against this item to signal his protest on the fact that the situation has not yet been resolved; it is a black eye to the legislature and to the County.

Mr. Kinne asked if the system does work; is there still a chance for the County to be sued. Mr. Mendez said that under the Clean Water Act, there is always that potential. The reality is that the law eventually contemplates zero discharges. Over many years it has been recognized that that standard isn't always easily achievable. Permanent provisions allowing bypasses have been used in certain circumstances. Mr. Kinne said that if there is 5 out of 20 houses participating how does that affect this settlement. Chairman Rhinehart asked why residents would not want to accept this. Mr. Mendez said that it is his understanding that it reflects some immunity about what the desired outcome should be. Mr. Kinne said that if this were a road owned by the County and the County knew there was problem, there would be no hesitation to fix it to prevent a problem, but when it comes to sewers the County takes a different outlook on it. He said that obviously the County had a hand in this problem. Mr. Mendez said that part of what is going on at Floradale are the types of connections--if done today they would be absolutely illegal--basically the injection of storm water into sanitary sewers. In the Floradale area there are houses that have those types of connections. Also, it is his understanding that there are severe ground water problems there. It is close the lake and Bloody Brook and the conditions may be prime for this kind of problem, especially if there are rain events that have been preceded by wet weather. There is discussion about how much is alleged sewer water and how much is just storm water.

Mr. Corbett said that it was built in an era where these hookups were allowed. As to the resolution trying to be obtained, the County has offered a first step resolution; and only 5 have decided to take it. To take the first step is not signing off on anything; there a number of things that have to take place over the course of the years.

A motion was made by Mr. Corbett, seconded by Mr. Holmquist to approve this item. AYES: 7; NOES: 2 (Kinne, Stanczyk). MOTION CARRIED.

h. Authorizing the Settlement and Execution of an Order on Consent with the NYS DEC Relative to Certain Reporting Requirements

Ms. Dougherty said that this has to do with the dewatering process that is going on with the Clinton Street upgrade. From the dewatering process there was a discharge into the creek of phosphorous. The discharge itself was not improper, however there is strict reporting requirement, which required that the County notify DEC in writing of the mitigation procedures. DEC was orally notified, but the consultant has acknowledged that there was no bi-weekly written reports. This has been negotiated; the County would be fined \$2,500, which the County would be reimbursed by the consultant.

Mr. Stanczyk asked if the consultant is responsible for writing the report or is the County. Ms. Dougherty said that the Best Management Practices requires that the County write the report or notify them bi-weekly. However the consultants (CDM) were actually monitoring and handling the program. It is their responsibility to take on that duty.

A motion was made by Mr. Corbett, seconded by Chairman Rhinehart to approve this item. Passed unanimously; CARRIED.

12. OCRRA: Tom Rhoads, Executive Director

a. Authorize Onondaga County Resource Recovery Agency to Acquire Two Parcels of Property

Mr. Rhoads said that the OCRRA Board of Directors has voted to enter into an option agreement to purchase an access way to the landfill, Site 31. There are two options to get into the landfill proper. The site that was selected by the County was through the Leroy Peck property, who is unwilling to sell his property, even when offered over \$1 million. The Turner property became available on the open market. OCRRA entered into an option agreement, which would avoid eminent domain. There is a County/OCRRA contract that suggests that in having to get to the landfill that eminent domain would have to be used. Mr. Rhoads said that they are not resisting the landfill; they are trying to resolve an access way in the most expedient, cost effective manner possible. This is not County money, but the County does have to approve it. It is 53 acres for \$100,000.

In answer to Chairman Rhinehart, Mr. Rhoads said that the option cost OCRRA \$10,000. If OCRRA proceeds with a purchase, the \$10,000 will be applied towards the \$100,000 purchase price. Chairman Rhinehart asked if it is lost money if legislature doesn't approve; Mr. Rhoads said that it is.

Mr. Warner said that this was a very bitter battle; 400-acre potential landfill was sited. The issue then was that OCRRA "needed the landfill", "needed right now", "it is an emergency", "had to have it." That was 18 years ago, and the reason it is not there is because the people of the Town of Van Buren litigated which put the issue off long enough that in the mean time Seneca Meadows came along. Seneca Meadows saves the residents of this county millions of dollars per year. Mr. Warner said that about 3 years ago, he obtained figures from OCRRA that it would cost \$3 - \$4 million per year more to construct and operate site 31 than to continue on at Seneca Meadows, which is good for another 50 years. Mr. Rhoads said that the fact that OCRRA has a permanent landfill and has not used it has served the community good benefit--when they go out for competitive solicitations for

landfill disposal it is a trump card. Mr. Warner asked at the Environmental Protection Committee to be supplied with proof of that; Mr. Rhoads did not have it with him. Mr. Rhoads said that he was also asked to be provided with information from other counties. Most other counties use a transfer and disposal cost. They can't procure information about a private landfill in two days.

Mr. Warner said that at the committee meeting Mr. Rhoads stated that there would be no other access to this landfill site because the town could block the road and Canton Street was a town road, and it could be posted for 4-5 tons, keeping the garbage trucks off. Mr. Warner said that the County owns Canton Street, not the town. There is access off of Canton Street. Mr. Rhoads said that OCRRA has looked at going up North Brickyard, but Canton Street would take all of traffic from the landfill through the hamlet of Warners. Going up Canton would require the road being widened, the taking of additional property by eminent domain, and would also run truck traffic past a number of citizens of the Town of Van Buren. It was not a preferred alternative. Going through Peck was the way the County wanted to go. When OCRRA came to the County to use eminent domain against Mr. Peck, the County asked them to look at every other viable alternative. OCRRA believes that Turner is far better; it would mitigate all of the SEQR and environmental impacts of the traffic through the hamlet of Warners.

Mr. Warner said that years ago Seneca Meadows was just a small landfill; then it got a little bigger, and then it became a massive, northeastern and Canadian landfill. There are only 27 NYSDEC permitted landfill sites. That makes landfills extremely valuable. Site 31 is located only 2 miles from exit 39 of the Thruway; it has an exit right off of Rt. 690. He knows that there is a local law stating that there would be no importation of garbage from outside Onondaga County; but one law is only as good as the next one that comes along to replace it. The pressure will be put on for importation, especially if the county falls on hard financial times and it needs a big boost. He said that this is not needed and encouraged the committee to vote no.

Mr. Kinne asked if the Peck property would be considered to purchase of it became for sale. Mr. Rhoads said that the Peck property would not be essential if this property were approved for the access way. There have been discussions between the Town of VanBuren and OCRRA about what would be appropriate for buffer. Should someday the land be used for the purpose of a landfill, the Peck property would not be essential. In answer to Mr. Kinne, Mr. Rhoads said that the ownership of the landfill is 387 acres; the Turner property is 53.8 acres; there is approximately a 50-acre cell area proposed for the landfill (actual use). Seneca Meadows has over 4,000 acres; about 600 acres are celled. There is no doubt that Seneca Meadows is there, but it is the same Seneca Meadows that cost this community \$80 - \$90/ton for disposal of solid waste and is under the whim of the regulatory agencies that they could be shut down. He is sure that the State wouldn't go there lightly. Mr. Rhoads said that the relationship with Covanta is changing and questions why they would put themselves strictly at the whim of private sector enterprises. They will need a place for their trash, and hopefully it won't go to Site 31. Mr. Kinne asked if the OCRRA Board vote was unanimous to approve the access; Mr. Rhoads said that one board member voted against it.

In answer to Mrs. Rapp, Mr. Rhoads said that property is being leased now for farming purposes; they would like to explore biocrops; looking for alternatives.

Mr. Stanczyk asked what the host agreement is with Van Buren. Mr. Rhoads said that it includes some PILOT of about \$50,000 plus fire and water district taxes. Mr. Stanczyk asked if there is provision in the event the site is ever used for a dump. Mr. Rhoads said that there is not a current provision; there is an interim host community agreement right now. Mr. Stanczyk said that the State told the County that it had to site something; it was a very difficult situation. Now there is a site, there is now a very inexpensive opportunity to get access to the site. He does understand Mr. Warner's points, but as a community representative, he wants to do what is best and most prudent with the assets that we have.

Mr. Kilmartin asked about the length of the existing permit; any end on the term of it. Mr. Rhoads said that they are permitted for 10 years; the current 10-year period expires in 2016 and specified 50 acres. To change the permitting is a significant, typically lengthy process. Mr. Kilmartin asked if there is a projection of longevity for the 50 acres; Mr. Rhoads said that for ash purposes it was well over 20 years. There has been some discussion about raw garbage vs. ash that gets complicated. The design for this landfill was primarily for ash and some bypass materials. In answer to Mr. Kilmartin, Mr. Rhoads said that the County's annual cost of transport and disposal at Seneca Meadows is about \$4 - \$5 million per year.

A motion was made by Chairman Rhinehart, seconded by Mr. Holmquist to approve this item.

Mr. Warner-asked who has control of the waste once the incinerator is turned over to Covanta. Mr. Rhoads said that will be in 2015 and then Convanta would be responsible for ash disposal. Mr. Warner asked where will Covanta go with it. Mr. Rhoads said that they would have to enter into agreements with appropriate parties, whoever would meet their needs. Mr. Warner said that once Covanta takes over, we are no longer responsible for the disposal of the ash. Mr. Rhoads said that OCRRA is interested in other non-landfill solid waste purposes, such as food waste composting.

Mr. Warner asked of the 3 acres cells, how much is planned. Mr. Rhoads said that OCRRA' site is awkward, the original site had 2 cells; the typical site is 3 acres. Mr. Warner said that when one fills up, another one is built. He said that there is also a clay pit next door and there are some very interested sellers that would love to see the clay pit used, which would increase the size to another 100 acres or so.

Vote was taken on the motion: AYES: 6 (Rhinehart, Corbett, Holmquist, Kilmartin, Kinne, Stanczyk); NOES: 1 (Warner); ABSTENTIONS: 2 (Rapp, Kraft). MOTION CARRIED.

13. EMERGENCY COMMUNICATIONS: John Balloni, Commissioner

a. Authorizing the acceptance of a communications tower and related property located at the Oak Orchard Treatment facility in the Town of Clay

The tower is located on County property in the Town of Clay; it is in good shape. The consultant has looked at it; it is a good asset for Emergency Communications; expect usage of it in the future for their own applications and rental potential.

A motion by Mr. Warner, seconded by Mrs. Rapp to approve this item. Passed unanimously; CARRIED.

14. EMERGENCY MANAGEMENT: Peter Alberti, Commissioner

a. Amend '09 Budget to Accept State Homeland Security Funds for the Onondaga County Dept. of Emergency Management and Authorizing the County Executive to Enter into contracts (\$32,700)

This accepts Homeland Security Funds from NYS Regional Hazardous Material Grant to enhance regional response in cooperation with partners of City of Syracuse, Oswego County, and Madison County. Will purchase detection equipment and provide training and exercise programs for responder.

A motion by Mr. Warner, seconded by Mr. Kinne to approve this item. Passed unanimously; CARRIED.

b. Amend '09 Budget to Accept State Homeland Security funds for the Onondaga County Dept. of Emergency Management and authorizing the County Executive to enter into contracts (\$601,500)

This is the 2008 State Homeland Security Grant program, which runs for 3 years. It will be utilized in areas of critical infrastructure assessment-harden and protection, preparedness planning and risk assessment, interoperable communications; strengthen detection and response capabilities-chemical, biological and radiological, nuclear and explosives. The focus for this grant period is on radiological response training.

Mrs. Rapp asked where the radiological training is done. Mr. Alberti said locally, some would be done at local firehouses, City of Syracuse Training Center - depends on the nature of the training.

Chairman Rhinehart asked how much will be used toward interoperable radios; Mr. Alberti said approximately \$150,000, but there are guidelines with in the program.

A motion by Mr. Corbett, seconded by Mr. Kilmartin to approve this item. Passed unanimously; CARRIED.

15. WAYS AND MEANS MISCELLANEOUS:

a. Memorializing the Governor and the Legislature of the State of NY to implement improvements to the NYS Medicaid Prog. to enhance the Prevention of Medicaid Fraud (Sponsored by Mr. Meyer)

Chairman Meyer said that Medicaid is a very valuable resource to a number of people in the community; it is a major expense to the taxpayers. The Legislature has worked hard to make sure that quality coverage is being provided in an efficient manner. The NYS Comptroller did a recent audit and found that 20,000 people in the State were on Medicaid, receiving benefits in NYS as well as in another state. The Comptrollers report indicates that we can't afford to spend millions of dollars on people that don't live here and provided a number of recommendations. In conversation with DSS, Chairman Meyer said that he discovered that NYS provides a lot of data but unfortunately not all of the data that is needed to address this. Chairman Meyer said that the County has an obligation to work on this. He asked that that this resolution not be voted on today, as the DSS Commissioner would like to have an opportunity to have another review it.

Mr. Holmquist thanked the Chairman for bringing this issue forward and **asked to be a co-sponsor.**

b. Amending the Health Benefit Contribution Rates for Retirees to Institute a Sliding Scale, and Amending Resolution Nos. 335-1992, 110-1993, 133-1993, and 156-1998 to Provide that Sliding Scale

Mr. Holmquist said that on the macro side, the County is now looking at a \$38 million projected budget deficit gap. This resolution is the first of many initiatives; it is very well thought out. It is critical that this be looked at closely. There are obviously dozens of variations that could occur; this proposal is very fair. He has had 2 opportunities to test it in the public forum, and the early tests passed strongly. The deal currently is very good for employees; and the deal for retirees at the moment is far outside the normal parameters of what our constituents would enjoy. It doesn't exist in many places; this discussion is long overdue; it has no impact on eligibility; it simply addresses contribution levels. In fairness to the long- serving employee who has been here 25 plus years, there should be a differential between employees who work for the county 5 years vs. 25 years. Once our constituents find out that you can work for Onondaga County for 5 years and possibly get health benefits for 30 years at the expense of the taxpayers, of 85%, it won't go over too well. This proposal is in line with what the rest of the

world is doing. He feels this is an opportunity; this is the first of many decisions that will have to be made in the coming months regarding the \$38 million projected budget gap; it is the legislature's responsibility.

Mr. Rowley said that this is a cost savings initiative; there are two pieces to it; one is budgetary. It has a fiscal impact in 2009 of about \$280,000; in 2010 the impact is \$1.1 million. In the long term there is savings in health care out of pocket costs; actuaries have calculated that over the course of 10 years there would be savings of approximately \$19 million. They have tried to strike a balance of cost savings and being fair--have erred on the side of being fair.

Chairman Rhinehart said that at committee there was a question as to whether the County had a legal position to do this. Mr. Herkala said that the County has a practice, which has been demonstrated over the years, with a number of resolutions. None of the changes imposed by the resolution, in terms of the contribution, take effect until the expiration of the current collective bargaining agreements with the represented members of the County or until if the agreement expires and a new one supplants it. It is in keeping with the requirements of NYS Law. Mrs. Walter said that the agreements expire in 2011.

Mr. Stanczyk asked how many employees this affects. Mrs. Walter said that 3500 are represented, but it is not known how many will retire. Anyone who is eligible and chooses to retire while under a collective bargaining agreement for the period of the collective bargaining agreement, they will get the current benefit of the 15% contribution. Once the bargaining agreement expires, they will revert to whatever their sliding scale percentage would have been on the day they retired. It is a protection for a short period of time; the effect is delayed until 2011 for those in a collective bargaining unit.

Mr. Kraft said that every time this is brought up, we have a tendency to start reaching for different ideas. If we start searching for all of the alternative, there will be the same result that there has been in the past, which was nothing. This is a very difficult issue to deal with. However, this is the most organized proposal that he has seen. He feels it is unfair to the person who has 25 years of service to get the same benefit as someone with 6 years of service. If someone works for the County for 5 years, it can be followed with a lifetime of benefits. It is not fair to have 2 people sitting side-by-side, doing the same job, one person has put in 25 years and gets the same benefit of the person who puts in 5. This plan recognized employees' service and recognizes cost to the County. Mr. Kraft pointed out that employee and retiree health benefits cost the County \$55 million/year.

Chairman Rhinehart said that this would take effective Oct. 1st, except those in bargaining unit agreements currently in effect--he thought that meant OCSA and Captains because bargaining unit agreements don't have provisions for what the employee participation level is. He thought that the legislature had the power and decided what the participation level was outside of the contracts. Mrs. Walter said that the people in OCSA and Captain unions have specific language in their contracts regarding contribution and they are exempt from this resolution. Everyone else, if they have a current bargaining unit in effect or with DSBA where they don't have an agreement in effect, but the provisions have to continue by law, in those cases they are following what was done in past practice--the legislature has made changes to the contribution or provisions of the plan. When that has been done, it has allowed a grace period for those contracts that are currently in effect, those changes will occur, but not until the contracts expires. Chairman Rhinehart asked if the past practice has included the MCs. Mrs. Walter said that they don't have contracts, so it would take effect for them on Oct. 1st.

Mr. Rowley said that employees are given a 90-day window; there is incentive to leave prior to the enactment of this plan.

Mr. Stanczyk said he is hearing that it is not fair for someone who has many years of service to get the same benefit as someone with few years of service. This solution to making it equitable is to punish everyone who doesn't have 25 years of service. He feels a resolution should be established that says that the Legislature believes that health care costs are very expensive, and that like businesses we have to take a look at reducing our portion of the health care cost and are looking at the existing system as we think there are inequities. He has a problem as a number of people have signed up to be County employees because of these provisions. There are people that 55 years old who might have been contemplating retirement and are now put in an awkward position where they will be forced to make a decision if this is enacted. If changes are enacted, they ought to have enough of a grace period and opportunity in the system to react to it properly. He has a number of amendments that are absolute inequities that are more thought out. Also, he at the last meeting he asked for the permutations that were looked--all types of income projections to this that anticipated that there would be immediate savings. He is now hearing that most everyone is grandfathered in until 2011 except the M/Cs. There is a system that needs to get more efficient, less costly, and need to bring more equity to the whole system, but now because of this target date, it also tries to retire a lot of people. It is forcing people into this situation; the whole proposal becomes double pronged. He feels that midstream, this is changing the rules. If we are changing the rules mid stream, the onus is on us to make sure every scenario is thought out as to how individuals are affected and that they are protected with time and opportunity as much as possible. It has to be done in a graduated system to make sure that all of the negative consequences are mitigated. I

Mr. Kinne said that he agrees with the goal; the problem is how it got here in the first place. He doesn't like changing the rules in the middle of the game. He would like to see something different. He understands why it should change, but it is troubling that this is here under these circumstances.

Mr. Kraft asked if the alternative is lay offs. Mr. Warner said that the alternative is to implement it for new hires.

Chairman Rhinehart said that no matter what decision is made here, it will affect somebody. He agrees that this is change. The laws are going to change, because that is what the Legislature does--makes the laws the way that it is felt would serve the most people the best.

Mr. Kilmartin said that the benefits package in the past has been very generous. He feels that the Legislature has to be realistic, that because it has been one way in the past doesn't mean that the County can continue it that way, especially given the financial restraints that the County is under. There will be some very complex, painful issues to be reviewed over the next 6 months. He said that the legislature has to analyze and come to a balance that is equitable for all of the taxpayers and County employees. The number of taxpayers far outweighs the number of employees. The County has to take steps now to make sure it does not get in the same positions as Chrysler and GM. He thinks that the concept of merit based, rewarding someone for long-term commitment to the County, is fair and equitable. The legislature has to face the reality that some policies need to be modified and government modernized much more closely to that of the private sector or the County will be faced with the reality of the auto industry.

Mr. Corbett said that he looked on the 16th, today is the 28th, he is concerned that if this comes to a vote on the 5th it is far too quick to vote on something that has such long-term affects on the employees of the County. He has had a number of conversations with current employees, and they agree that 5 years is not fair. The Health Care Coalition has been involved in a number of these issues, and asked if they have been contacted. In the rush to come to an equitable understanding for everyone, that the whole issue hasn't been looked at in totality. He is not sure if he can support it in the manner it is in now.

Mr. Holmquist said that the County has been hit with a fiscal tsunami. The 2 groups that he spoke to discussed cuts, layoffs, reduction, change in the places they work at. He is confident that our employees and constituents expect us to do something.

Mr. Stanczyk asked where the \$38 million budget gap came. Mr. Rowley said that the 2010 budget has a projected hole of \$38 million as of today.

Mr. Holmquist said that this is small step towards the \$38 million; in the coming months there will be much larger decisions. To be proactive is the Legislature's job. As decisions are deferred, the \$38 million will get higher, and the situation will get worse. He feels this plan is well thought out; all key components are addressed, and he feels employees understand that something has to be done; there is no alternative.

Mr. Warner said that for years this has been tried and tried and it never went anywhere. He feels that the way to handle it is to put the exact scale in place with all new hires. He will have a resolution to that effect at the May session.

Chairman Rhinehart asked about past practice; Mr. Herkala said that past practice does carry legal weight; it does impact how things are dealt with going forward.

Mrs. Rapp asked for the **numbers under the new hire scenario proposed by Mr. Warner**. Mr. Rowley said that he didn't; it would take away the incentive and there wouldn't be a budgetary impact. The actuary would have to recalculate. **Mr. Warner asked to be provided with those numbers.**

Mr. Kilmartin asked for clarification of the 1st RESOLVED clause. Mrs. Walter said that it is not changing eligibility; it is years of service with the County.

Mr. Kraft said that the budget concerns for 2009 are being taken care of by the austerity plan, federal aid for Medicaid \$35 million over 2 years. The second year of \$38 million gap, he is sure that ways will be found to bring 2010 in line. He questions what will happen in 2011 when there is no \$35 million from the feds; and there has been bonding for highways and other improvements. He feels the real crisis is yet to come.

Mr. Stanczyk asked about the federal stimulus money; Mr. Rowley said \$20 million this year; \$15 million next year. Mr. Stanczyk said that would be a \$50 million shortfall; he asked to be provided with a written explanation of it.

16. LAW DEPARTMENT:

a. Pending Litigation

A motion was made by Mr. Corbett, seconded by Mr. Kilmartin to exit regular session and enter into executive session to discuss the pending lawsuit of Ernest Burton V. County of Onondaga. Passed unanimously; MOTION CARRIED.

A motion was made by Mr. Corbett, seconded by Chairman Rhinehart to leave executive session and enter regular session, noting that no action was taken during executive session. AYES: 7; NOES: 0; ABSENT: 2 (Stanczyk, Kilmartin)

The meeting was adjourned at 12:10 p.m.

Respectfully submitted,
DEBORAH L. MATURO, Clerk
Onondaga County Legislature